

ORDINANCE NO. _____

AN ORDINANCE VACATING A PORTION OF HAMMERLE STREET RIGHT OF WAY WITHIN THE CITY OF WEST LINN, OREGON.

WHEREAS, the West Linn City Council, on April 14, 2008, accepted a street vacation application from the City of West Linn, pursuant to Oregon Revised Statutes 271.080, to vacate the Hammerle Street right of way between Elliot and Failing streets in West Linn; and,

WHEREAS, the City published notice of the proposed street vacation in the West Linn Tidings on April 17 and 24, 2008, City staff posted a copy of the notice with all required information at two conspicuous places near each end of the proposed vacation area; and,

WHEREAS, the City Council held a public hearing on the proposed vacation on April 28, 2008; and,

WHEREAS, the City as applicant is not required to obtain consent from all abutting property owners or the consent of more than 2/3 of the affected area as defined by Oregon Revised Statutes, per ORS 271; and,

WHEREAS, the public interest will not be prejudiced by the vacation because the portion of Hammerle Street to be vacated is too narrow to meet City standards, contains part of the TVF&R fire station building, would intersect with Elliot Street in a dangerous way if ever built, and is surrounded by connecting streets, and City maintenance of the storm drainage line under the current ROW can be maintained by the establishment of an easement; and,

WHEREAS, the Council adopted Ordinance No. 1566 on April 28, 2008, vacating this portion of Hammerle Street; and

WHEREAS, the adopted ordinance incorrectly conditioned vacation of the street upon recordation of a storm drainage utility easement, which is impossible since the City cannot grant an easement to itself prior to vacating the street; and

WHEREAS, the correct form of the ordinance should have vacated the street except for retaining an easement for the storm drainage utility line; and

WHEREAS, the corrected ordinance language does not substantively change the nature of the proposed street vacation, and requires no further findings.

NOW, THEREFORE, THE CITY OF WEST LINN ORDAINS AS FOLLOWS:

Section 1. The portion of a public street in the City of West Linn, Clackamas County, Oregon, described on Exhibit "A" and mapped on Exhibit "B" is hereby declared to be vacated, for the length of the vacated right of way, except for retaining the public utility easement described in Exhibit "C" and mapped in Exhibit "D".

PASSED AND APPROVED THIS _____ DAY OF SEPTEMBER 2008.

NORMAN B. KING, MAYOR

ATTEST:

Witness

APPROVED AS TO FORM:

City Attorney

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