

**ORDINANCE NO. 1592**

**AN ORDINANCE VACATING A PORTION OF LEONARD STREET RIGHT-OF-WAY WITHIN THE CITY OF WEST LINN, OREGON**

**WHEREAS**, the West Linn City Council, on October 26, 2009, accepted a street vacation application from applicants Helen Pevzner, Larry Dewey and Susan Scarino, pursuant to Oregon Revised Statutes 271.080, to vacate the Leonard Street right-of-way between Exeter and Grant streets in West Linn; and,

**WHEREAS**, the City published notice of the proposed street vacation in the West Linn Tidings on November 12 and 19, 2009, 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 November 23, 2009; and,

**WHEREAS**, the applicants obtained the consent of 100 percent of abutting property owners and the consent of the property owners of over two-thirds 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 Leonard Street to be vacated is too steep for vehicular traffic; and,

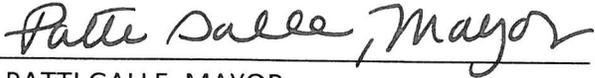
**WHEREAS**, it is appropriate for the City of West Linn to reserve a 20-foot wide easement for the sanitary sewer line that traverses this ROW from Exeter to Grant Street and to similarly reserve a public access easement to allow future access and use of this easement by foot traffic and bicycles.

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

**Section 1.** The portion of Leonard Street in the City of West Linn, Clackamas County, Oregon, between Exeter and Grant Streets and further described on Exhibit "A" and mapped on Exhibit "B" is hereby declared to be vacated, except for retaining a 20-foot wide public utility easement to be centered on the sanitary sewer line between Exeter and Grant Streets and a 20-foot wide public access easement to be centered on the centerline or middle of the ROW.

**Section 2.** The applicant shall be responsible for providing a surveyed map of the vacated ROW including the easements. This map shall be prepared by a surveyor licensed in the State of Oregon. The surveyor shall also prepare a written description of the vacated ROW and easements. The map and description shall, after review and approval by the City Planning Director, serve as the final recorded documents in lieu of Exhibits "A" and "B" in Section 1.

PASSED AND APPROVED THIS 23<sup>rd</sup> DAY OF NOVEMBER, 2009.

  
PATTI GALLE, MAYOR

ATTEST:

  
TINA LYNCH, CITY RECORDER

APPROVED AS TO FORM:

  
City Attorney