



CITY OF West Linn

Memorandum

Date: October 12, 2009

To: Chris Jordan, City Manager

From: Peter Spir, Associate Planner

Subject: Request to schedule a date of public hearing to vacate a portion of the Leonard Street right-of-way (ROW) between Exeter Street and Grant Street per Oregon Revised Statutes (ORS) 271.

PURPOSE:

The applicant proposes to vacate an undeveloped portion of the Leonard Street ROW between Grant Street and Exeter Street. There is a steep slope at the east end of the ROW making it impassible to cars and also excessively steep for a pedestrian route. Per ORS 271, the City Council must decide if the proposal merits a full hearing. Typically this is done as a consent agenda item.

BACKGROUND

Leonard Street ROW was established as part of the Weslynn Plat of 1889. The steep grades in this ROW combined with the various alternate routes afforded by the grid pattern of streets meant that Leonard Street was never developed. Over the years, abutting property owners' gardens, fences and accessory structures encroached upon the ROW.

The City of West Linn has a sanitary sewer line extending through this ROW. There are no properties that rely upon this ROW for access.

DISCUSSION

The principal applicant, Helen Pevzner, owns a house on at 4410 Grant

Street which abuts the ROW proposed to be vacated. Vacating the ROW will give her legal use of a grassed area for a garden. Part of her fence already extends into the ROW. She also needs space for a water treatment bioswale. The other applicants are participating as a way to legally expand their properties into areas that they have already cultivated as gardens or for other uses.

As previously noted, the city has a sanitary sewer line in the ROW. The City would retain all necessary easements for utilities. The grades are too steep especially at the east end of the ROW to accommodate a public street. There is no need for a pedestrian corridor given the fact that alternate pedestrian routes are close by.

ORS 271 requires that 100% of property owners whose lots abut the Leonard Street ROW must support the ROW vacation. The applicant has the approvals and signatures of 100% of the abutting property owners.

The vacation also must be supported by two-thirds or 66.6% of the "affected area" as defined in ORS 271.080(2). (see map on attachment 3, page 5) The affected area comprises 288,615 square feet. Owners of 219,329 square feet, (or 75.9%) support the vacation.

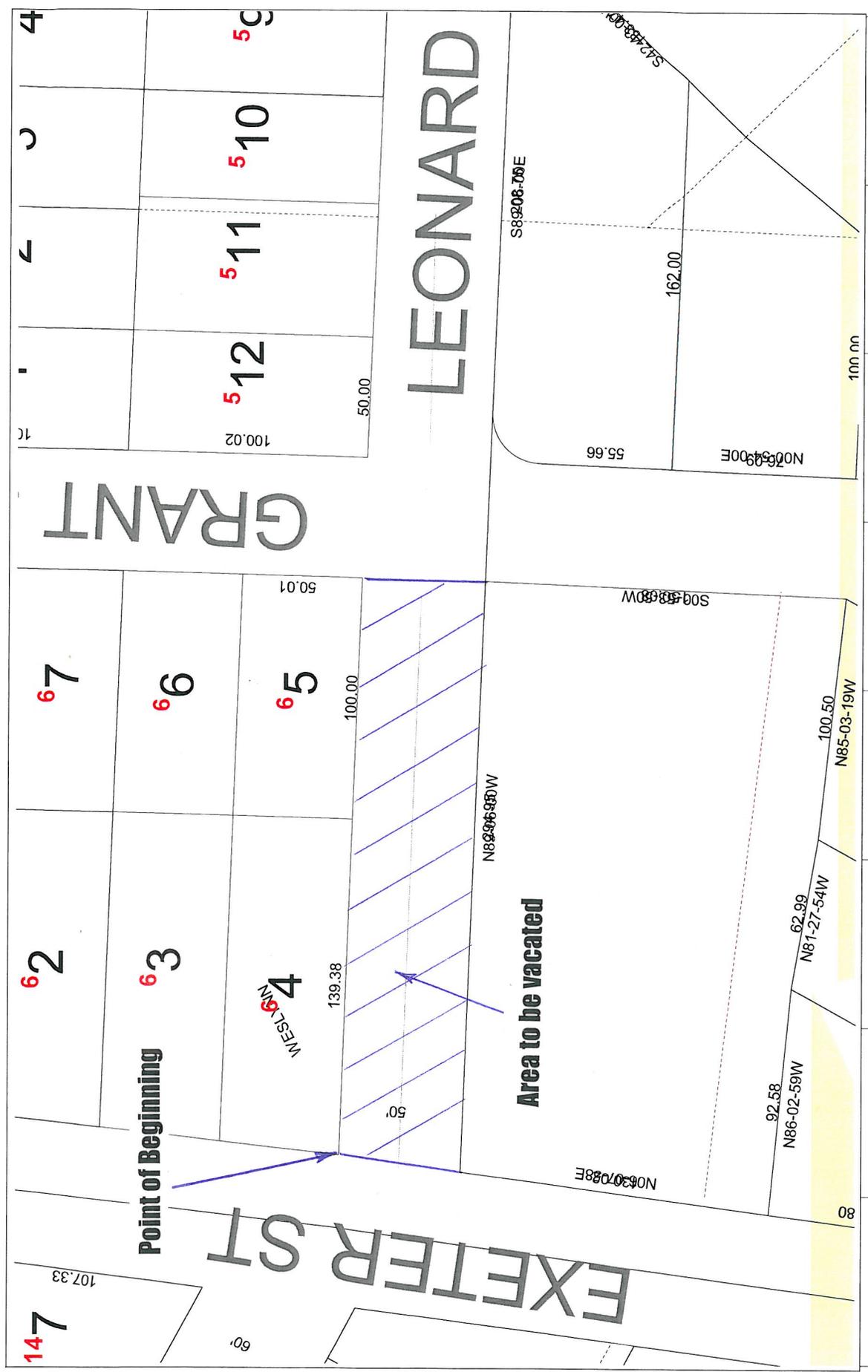
OPTIONS

- City Council finds that the proposal has merit and a tentative hearing date of November 23, 2009 would be set.
- City Council finds the proposal has no merit and does not set date of public hearing; the street vacation request dies.

RECOMMENDATION

The City Engineering and Planning departments support the vacation. If City Council finds that the vacation proposal has merit, staff recommends setting a date for a public hearing.

The City Council meeting date of November 23, 2009 will allow enough time for the two public notices as required by ORS 271.



Scale: 070 Feet

City of West Linn GIS (Geographic Information System), SnapMap Date: 8/17/2009

MAP DISCLAIMER:
 This product is for informational purposes and may not have been prepared for, or be suitable for, legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

Area to be Vacated

The undeveloped Leonard Street right-of-way area to be vacated (MIS-09-10) commences at the point of beginning at the southwest corner of lot 4 of block 6 of the Weslynn plat.

From point of beginning easterly 239.38 feet to the southeast corner of lot 5 of block 6 of Weslynn plat thence southerly (S00-53-50W) 50 feet thence westerly (N89-06-00W) 294.9 feet thence northerly (N06-07-58E) 50 feet to point of beginning.



West Linn

DEVELOPMENT REVIEW APPLICATION

MI-09-10

TYPE OF REVIEW (Please check all boxes that apply):

- | | | | |
|--------------------------|--|-------------------------------------|---|
| <input type="checkbox"/> | Annexation | <input type="checkbox"/> | Non-Conforming Lots, Uses & Structures |
| <input type="checkbox"/> | Appeal and Review * | <input type="checkbox"/> | One-Year Extension * |
| <input type="checkbox"/> | Conditional Use | <input type="checkbox"/> | Planned Unit Development |
| <input type="checkbox"/> | Design Review | <input type="checkbox"/> | Pre-Application Meeting * |
| <input type="checkbox"/> | Easement Vacation | <input type="checkbox"/> | Quasi-Judicial Plan or Zone Change <i>Helen's</i> |
| <input type="checkbox"/> | Extraterritorial Ext. of Utilities | <input checked="" type="checkbox"/> | Street Vacation |
| <input type="checkbox"/> | Final Plat or Plan | <input type="checkbox"/> | Subdivision |
| <input type="checkbox"/> | Flood Plain Construction | <input type="checkbox"/> | Temporary Uses * |
| <input type="checkbox"/> | Hillside Protection and Erosion Control | <input type="checkbox"/> | Tualatin River Greenway |
| <input type="checkbox"/> | Historic District Review | <input type="checkbox"/> | Variance |
| <input type="checkbox"/> | Legislative Plan or Change | <input type="checkbox"/> | Water Resource Area Protection/Wetland |
| <input type="checkbox"/> | Lot Line Adjustment * / ** | <input type="checkbox"/> | Willamette River Greenway |
| <input type="checkbox"/> | Minor Partition (Preliminary Plat or Plan) | <input type="checkbox"/> | Other/Misc |

Helen's cell 422-8788

Home Occupation / Pre-Application / Sidewalk Use Application * / Permanent Sign Review * / Temporary Sign Application require individual application forms available in the forms and application section of the City Website or at City Hall.

TOTAL FEES/DEPOSIT 2500 * No CD required/ ** Only one copy needed

Susanna Scarino 4415 Exeter West Linn, OR 97068 503-656-9283

OWNER'S APPLICANT	ADDRESS	CITY	ZIP	PHONE (res. & bus.)
<i>Helen Pevzner</i>	<i>4410 Grant street</i>	<i>West Linn</i>	<i>OR 97068</i>	<i>503-722-4688</i>

APPLICANT'S	ADDRESS	CITY	ZIP	PHONE (res. & bus.)
<i>Larry Dewby</i>	<i>4351 Exeter West Linn</i>	<i>OR</i>	<i>503-504-2070</i>	

CONSULTANT	ADDRESS	PHONE
<i>Applicant</i>	<i>4410 + 4415 Grant</i>	<i>504-2079</i>

Assessor's Map No.: _____ Tax Lot(s): _____ Total Land Area: _____

- All application fees are non-refundable (excluding deposit).
- The owner/applicant or their representative should be present at all public hearings.
- A denial or grant may be reversed on appeal. No permit will be in effect until the appeal period has expired.

4. **Four (4) complete hard-copy sets (single sided) of application materials must be submitted with this application. One (1) complete set of digital application materials must also be submitted on CD in PDF format.**

The undersigned property owner(s) hereby authorizes the filing of this application, and authorizes on site review by authorized staff. I hereby agree to comply with all code requirements applicable to my application.

SIGNATURE OF PROPERTY OWNER(S) *H. Pevzner Sus Scarino* Date *8/09/09 8/10/09*

SIGNATURE OF APPLICANT(S) *Larry Dewby* Date *8/10/09*

BY SIGNING THIS APPLICATION, THE CITY IS AUTHORIZED REASONABLE ACCESS TO THE PROPERTY. ACCEPTANCE OF THIS APPLICATION DOES NOT INFER A COMPLETE SUBMITTAL. COMPLETENESS WILL BE DETERMINED WITHIN 30 DAYS OF SUBMITTAL.

PLANNING AND BUILDING; 22500 SALAMO RD #1000; WEST LINN, OR 97068; PHONE: 656-4211 FAX: 656-4106

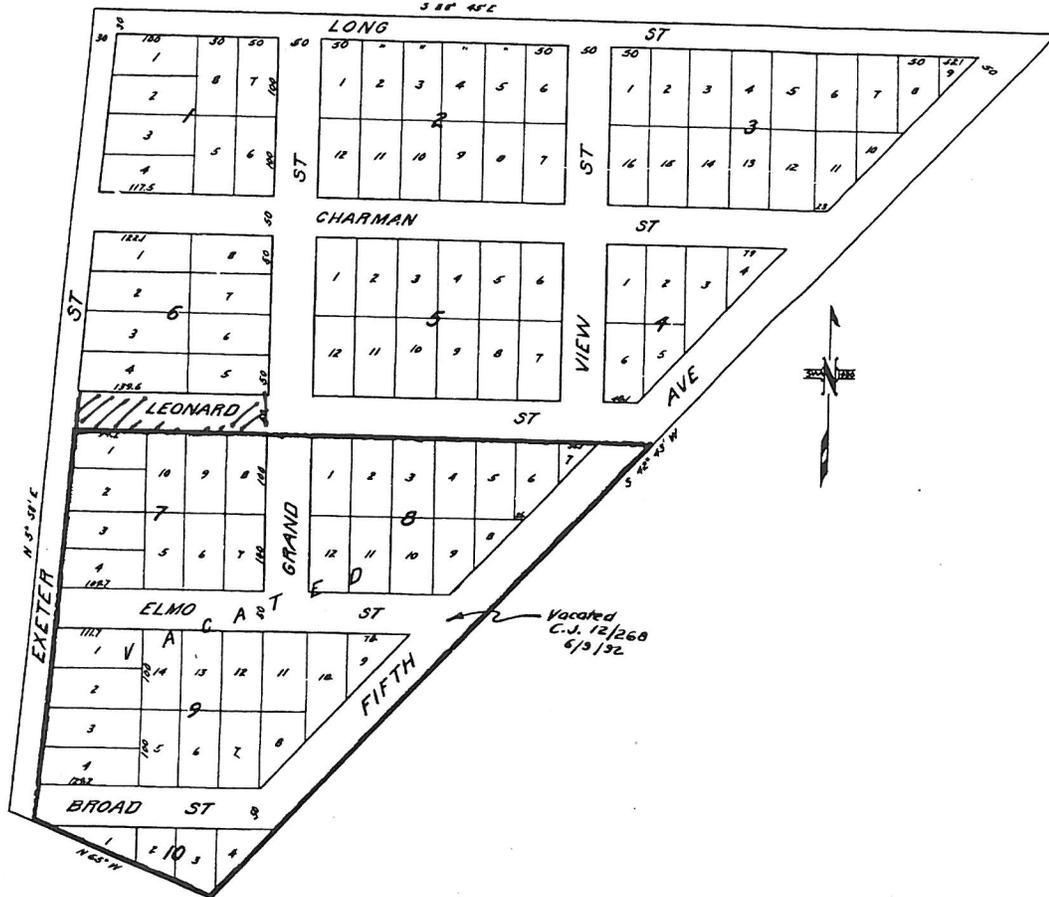


EDST END OF ROW
W/ STEEP SLOPE

ORIGINAL PLAT MAP

ATTACHMENT 6

WESLYNN



KNOW ALL MEN BY THESE PRESENTS--

THAT I, T. LEONARD CHARMAN HAVE LAID OUT THE TOWNSITE OF WESLYNN ON THE FOLLOWING DESCRIBED TRACT OF LAND SITUATE IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON, TO WIT--BEGINNING AT THE SOUTH-WEST CORNER OF THE DONATION LAND CLAIM OF DANIEL BURBS IN T. 2 S., R. 1 E. OF THE WILLAMETTE MERIDIAN, THENCE SOUTH 88 DEGREES AND 45 MINUTES EAST 1170 FEET TO THE NORTH-WEST CORNER OF THE DONATION LAND CLAIM OF ROBERT MOORE, THENCE SOUTH 42 DEGREES AND 45 MINUTES WEST 1501.1 FEET TRACING THE WESTERN BOUNDARY OF THE WEST SIDE ADDITION TO OREGON CITY, THENCE NORTH 65 DEGREES WEST 273.5 FEET, THENCE NORTH 5 DEGREES AND 50 MINUTES EAST TO THE PLACE OF BEGINNING.

LOTS AND BLOCKS AND STREETS ARE AS SHOWN ON THE ATTACHED PLAT. STREETS ARE OF THE WIDTH INDICATED AND ARE HEREBY DEDICATED TO THE USE OF THE PUBLIC FOR PUBLIC HIGHWAYS FOREVER, SAVE AND EXCEPT THE WATER FLOWING IN, OVER OR ACROSS ANY STREET IS HEREBY RESERVED BY THE SAID CHARMAN FOR HIS OWN USE AND BENEFIT.

IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND AND SEAL ON THIS THE 16TH DAY OF SEPTEMBER A. D. 1889.

IN PRESENCE OF US
 P. O. MCCOMB
 M. C. STEVENS

T. LEONARD CHARMAN SEAL

STATE OF OREGON)
 COUNTY OF CLACKAMAS) SS

THIS CERTIFIES THAT ON THIS 16TH DAY OF SEPTEMBER 1889, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED THE WITHIN NAMED T. LEONARD CHARMAN, WHO IS KNOWN TO ME TO BE THE IDENTICAL PERSON DESCRIBED IN AND WHO EXECUTED THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN MENTIONED.

M. P. SEAL

F. O. MCCOMB
 NOTARY PUBLIC IN AND FOR OREGON

THAT PART OF THIS MAP ENCLOSED BY RED LINES WAS VACATED BY ORDER OF COURT JUNE 9TH 1892. SEE COMMISSIONERS JOURNAL NO. 12 ON PAGE 260.

STATE OF OREGON)
 COUNTY OF CLACKAMAS) SS

I, E. C. HACKETT, RECORDER OF SAID COUNTY, CERTIFY THE WITHIN AND FOREGOING TO BE A TRUE AND CORRECT COPY OF THE MAP NOW ON FILE IN MY OFFICE AND IN MY CARE AND CUSTODY. JUNE 24, 1930.
 E. C. HACKETT
 COUNTY RECORDER



Scale: 106 Feet

AREA TO BE VACATED

City of West Linn GIS (Geographic Information System), SnapMap Date: 10/8/2009

MAP DISCLAIMER:
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