

ORDINANCE NO. 1670

**AN ORDINANCE VACATING A PORTION OF THE
CANEMAH STREET AND FALLS VIEW AVENUE RIGHTS-OF-WAY WITHIN
THE CITY OF WEST LINN, OREGON.**

WHEREAS, Don Rasmusson and Laurel Jamtgaard submitted a petition to vacate a portion of the Canemah Street and Falls View Avenue rights-of-way on November 2, 2017; and,

WHEREAS, the City fixed a time pursuant to Oregon Revised Statute (ORS) 271.130 on January 8, 2018, for a public hearing on the proposed vacation; and,

WHEREAS, the City published notice of the proposed rights-of-way vacation in the West Linn Tidings on December 21, 2017, and December 28, 2017; and,

WHEREAS, City staff posted a copy of the notice on December 21, 2017, with all required information, at four conspicuous places near each end of the proposed vacation area; and,

WHEREAS, the City Council held a public hearing on the proposed vacation on January 8, 2018; and,

WHEREAS, the City Council found that the petition was complete because 100 percent of abutting property owners support the vacation and over two-thirds of the real property within the ORS defined affected area support the vacation; and,

WHEREAS, the City Council found that the applicant obtained the requisite signatures of consent, the notice was complete, and the public interest will not be prejudiced by the vacation because the rights-of-way do not serve any purposes with the exception of a public utility easement to be established on these rights-of-way.

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

SECTION 1. Vacation. The portion of Canemah Street right-of-way is vacated that is located in the City of West Linn, Clackamas County, Oregon, adjacent to tax lots 8300, 9000, and 9100 of Assessor's Map 21E 36AA, as more particularly described and attached in Exhibit A (legal description and map), which is incorporated by this reference.


SECTION 2. Vacation. The portion of Falls View Avenue right-of-way is vacated that is located in the City of West Linn, Clackamas County, Oregon, adjacent to tax lots 8300 and 8900 of Assessor's Map 21E 36AA, as more particularly described and attached in Exhibit B (legal description and map), which is incorporated by this reference.

SECTION 3. Establish Public Utility Easement. All of the vacated right-of-way described in Exhibits A and B are subject to dedication of a public utility easement for their entirety. The vacated right-of-way described in Exhibit A is subject to an additional and separate 15-foot public utility easement centered over the City's existing sanitary sewer line.


SECTION 4. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 5. Vacation Effective Date. This ordinance shall take effect on the 30th day after its passage.

The foregoing ordinance was first read by title only in accordance with Chapter VIII, Section 33(c) of the City Charter on the 8th day of January, 2018, and duly PASSED and ADOPTED this 8th day of January, 2018.



RUSSELL B. AXELROD, MAYOR



KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:



CITY ATTORNEY

TUALATIN • VANCOUVER • KEIZER • BEND



WWW.AKS-ENG.COM

12965 SW HERMAN RD., SUITE 100 • TUALATIN, OR 97062

P: (503) 563-6151 F: (503) 563-6152

Canemah Street, Right-of-Way Vacation– Legal Description

A tract of land situated in the Northeast one-quarter of Section 36, Township 2 South, Range 1 East, of the Willamette Meridian, City of West Linn, Clackamas County, Oregon, and being more particularly described as follows:

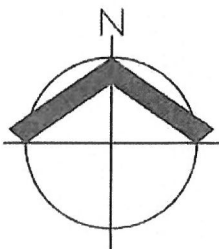
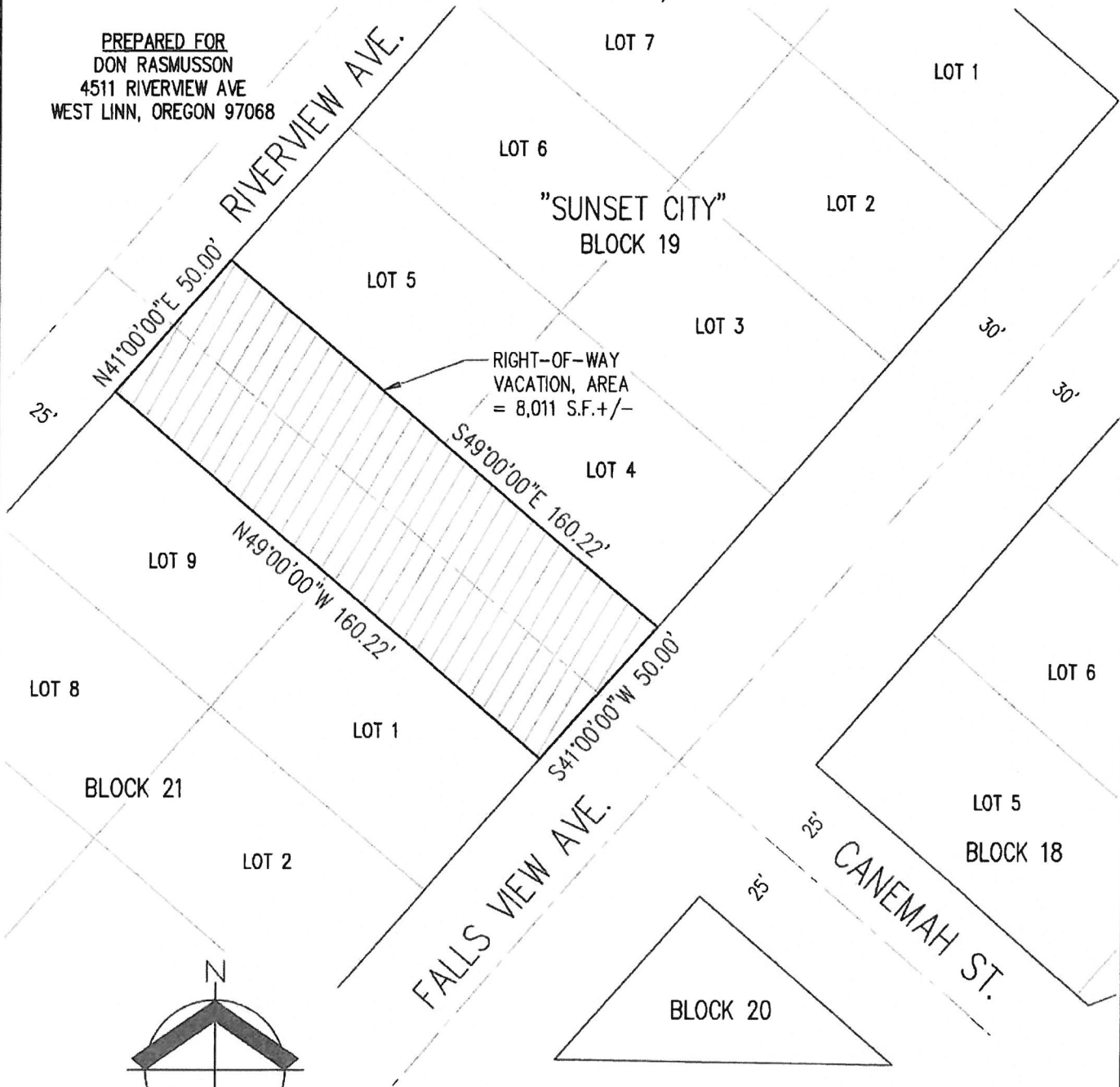
Commencing at the most Westerly corner of Lot 5, Block 19 of the Plat of "SUNSET CITY", as recorded in the Clackamas County Plat Records, said corner also being on the Southeasterly Right-of-Way line of Riverview Avenue, 25.00 feet Southeasterly of the centerline when measured at right angles. Thence along the Southwesterly line of said Block 19, South 49°00'00" East, 160.22 feet to the most Southerly corner of Lot 4, said Block, also being on the Northwesterly Right-of-Way line of Falls View Avenue, 30.00 feet Northwesterly of the centerline when measured at right angles. Thence leaving said Southerly corner of said Lot 4, South 41°00'00" West, 50.00 feet to the most Easterly corner of Lot 1, Block 21, said plat; Thence along the Northeasterly line of Block 21, North 49°00'00" West, 160.22 feet to the most Northerly corner of Lot 9, said Block, also being on the Southeasterly Right-of-Way line of Riverview Avenue; Thence leaving said Northerly corner and running along the Southeasterly Right-of-Way North line of Riverview Avenue, North 41°00'00" East, 50.00 feet to the Point of Beginning

The above described tract of land contains 8,011 square feet, more or less.

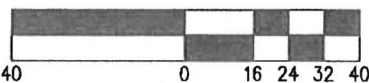


A TRACT OF LAND SITUATED IN THE NE 1/4 OF SEC. 36,
TOWNSHIP 2 SOUTH, RANGE 1 EAST, W.M., CITY OF WEST LINN,
CLACKAMAS COUNTY, OREGON

PREPARED FOR
DON RASMUSSEN
4511 RIVERVIEW AVE
WEST LINN, OREGON 97068



SCALE: 1" = 40 FEET



DATE: 10/16/2017

PUBLIC RIGHT-OF-WAY VACATION		EXHIBIT B
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 P: 503.563.6151 F: 503.563.6152 aks-eng.com		DRWN: SMG CHKD: NW AKS JOB:

Falls View Avenue, Right-of-Way Vacation– Legal Description

A tract of land situated in the Northeast one-quarter of Section 36, Township 2 South, Range 1 East, of the Willamette Meridian, City of West Linn, Clackamas County, Oregon, and being more particularly described as follows:

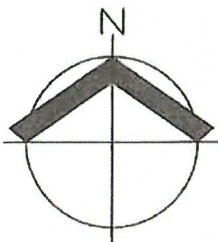
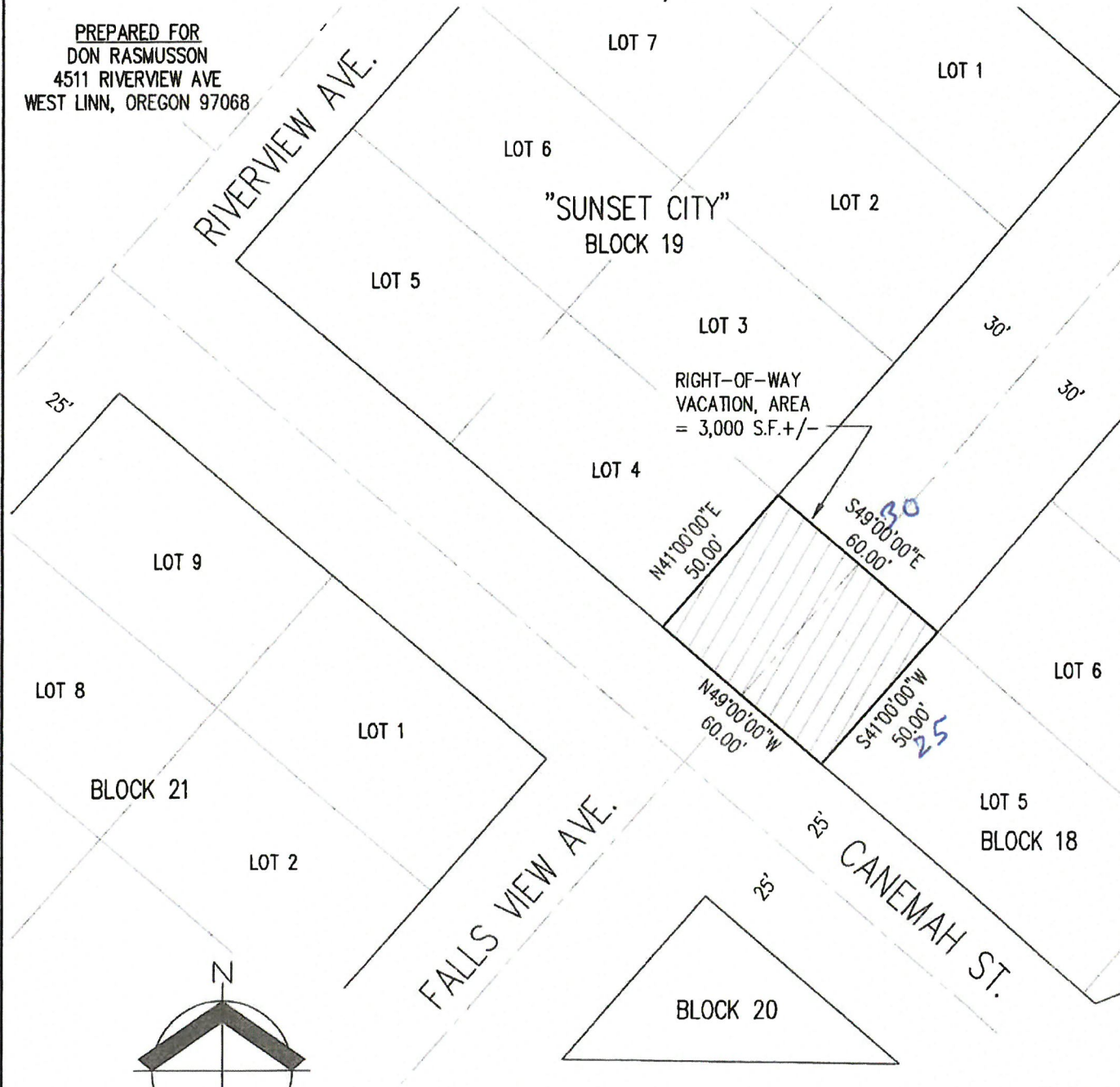
Beginning at the most Southerly corner of Lot 4, Block 19 of the Plat of "SUNSET CITY", as recorded in the Clackamas County Plat Records, said corner also being on the Northwesterly Right-of-Way line of Falls View Avenue, 30.00 feet Northwesterly of the centerline when measured at right angles. Thence along the Southerly line of said Block 19, North 41°00'00" East, 50.00 feet to the Southeast corner of said Lot, being 30.00 feet Northeasterly of the centerline of Falls View Avenue when measured at right angles. Thence leaving said Southeast corner, South 49°00'00" East, 60.00 feet to the Southerly Right-of-Way line of Falls View Avenue and the Northeast corner of Lot 5, Block 18, said plat; Thence running along said Right-of-Way line, South 41°00'00" West, 50.00 feet to the most Westerly corner of Lot 5 of said Block; Thence leaving said Westerly corner, North 49°00'00" West, 60.00 feet to the Point of Beginning

The above described tract of land contains 3,000 square feet, more or less.

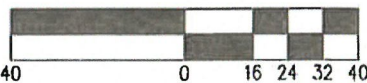


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