August 21, 2018



Peter Spir Associate Planner City of West Linn 22500 Salamo Road West Linn, OR 97068

# RE: Second Incompleteness Response – MIP-18-01/WAP-18-01/WRG-18-01 (2-lot Minor Partition)

Dear Mr. Spir,

This letter responds to those outstanding completeness items as provided in your April 4, 2018 letter to Pat O'Brien (Applicant) and as discussed in follow-up meetings and emails since. With these submittal documents we request that the application be deemed complete pursuant to ORS 227.178(2). Per your August 15 email, the following completeness items are outstanding:

- 1. Demonstrate that a good faith effort to vacate the Evah Lane right-of-way has been made;
- 2. Demonstrate that Parcel 2 is buildable; and,
- 3. Apply to vacate/revise the existing 60-ft wide public utility easement on Parcel 2.

**Item No. 1: Evah Lane Right-of-way Vacation.** City staff have determined that a good faith effort to obtain consent for the vacation of a portion of the Evah Lane public right-of-way must be attempted prior to City's determination that this partition application is complete. A list of abutting and affected property owners (as those terms are used in the pertinent ORS) and signatures collected to-date, are included in Attachment A. As confirmed in an August 15, 2018 email from Peter Spir, the Applicant made a good faith effort to obtain the needed consent to vacate this portion of Evah Lane (see signatures collected in Attachment A), however, was unable to obtain consent from all abutting and affected property owners.

**Item No. 2: Confirm that Parcel 2 is Buildable.** A Geologic Hazard Evaluation is included in Attachment B. This report confirms that properly engineered structures designed in accordance with current building code will be capable or protecting life safety. Based on these findings the City may find that Parcel 2 is buildable.

**Item No. 3: Easement Vacation Application.** An application to vacate the existing public utility easement on the subject site is included in Attachment C.

As described above, per our ongoing communications with City staff, we understand the above-listed items to be the only remaining information necessary to deem our application complete and therefore, we will provide no further material in this regard. We look forward to working with the City in the implementation of this partition. Please do not hesitate to call or email with questions.

Sincerely, AKS ENGINEERING & FORESTRY, LLC

Zach Pelz, AICP Land Use Planner 12965 SW Herman Road, Suite 100 Tualatin, OR 97062 (503) 563-6151 | pelzz@aks-eng.com

Attachments: Attachment A – ROW Vacation Documents Attachment B – Geologic Hazard Evaluation Attachment C – Easement Vacation Application



Attachment A: Right-of-way Vacation Documentation

From:	Spir, Peter
To:	Zach Pelz; Jon Morse; "pat@obllc.com"
Cc:	Boyd, John
Subject:	Reminder: 180 days for Evah Lane MIP18-01 lapses August 21, 2018
Date:	Wednesday, August 15, 2018 7:27:35 AM

EXTERNAL EMAIL: This email originated from outside of AKS Engineering & Forestry. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Zach

The 180-day deadline is very near (August 21, 2018) and the application is still incomplete.

We have Pat O'Brien's August 9, 2018 email to the homeowners abutting Evah Lane ROW so the need for a "good faith" attempt towards a street vacation is satisfied.

The application still must include a geotechnical study to demonstrate the buildability of lot 2.

There was also the need to vacate the utility easement extending south of the Evah Lane ROW.

(A public sanitary sewer line exists in the existing easement and a 20 foot wide easement on center must be provided.) The following items must be submitted at the time of the application for the easement vacation:

- 1. A completed development review application form;
- 2. A letter requesting and justifying the easement vacation;
- 3. Three copies of the area map and any supplemental drawings or information on 11x17" paper.
- 4. A legal description and map of the easement area proposed to be vacated, prepared by a licensed engineer or surveyor.
- 5. \$1,500 easement vacation fee (plus subsequent recording fee).
- 6. An electronic copy (e.g. disk, thumb drive, etc.) of submittal items 1-4.

It may be appropriate to withdraw the application prior to August 21, 2018 and subsequently resubmit it.

If you have questions or believe that you have already satisfied some or all of the outstanding incompleteness issues please let me know.

Best regards Peter

From: Spir, Peter
Sent: Thursday, July 19, 2018 8:27 AM
To: 'Zach Pelz' <pelzz@aks-eng.com>
Subject: reminder: 180 days for Evah Lane MIP--18-01 lapses August 21

Zach This is just a reminder that the 180 days for Evah Lane (MIP-18-01) lapses August 21, 2018. Best regards Peter

#### Peter Spir

Associate Planner Planning

22500 Salamo Rd. West Linn, Oregon 97068 pspir@westlinnoregon.gov westlinnoregon.gov 503-742-6062

Click to Connect!

Please consider the impact on the environment before printing a paper copy of this email. This e-mail is subject to the State Retention Schedule and may be made available to the public

From:	PRO"BRIEN
To:	Zach Pelz
Subject:	Evah Lane vacation
Date:	Monday, August 13, 2018 10:22:08 AM
Attachments:	SKM_C454e18081310250.pdf

EXTERNAL EMAIL: This email originated from outside of AKS Engineering & Forestry. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Zach, I started the effort to gain adjoining neighbor approval for the Evah Lane Vacation several months ago. Jesse Gambetti is the new owner of 1236 14th St. Jesse signed the approval form. Scott and Barbara Lucas are not in favor of the vacation but are willing to discuss further. I visited the Patricia Erb residence, the Michael and Ann Goetze Residence and the Darren and Kristen Tour Residence and was unable to get anyone to answer the door except at the Tours. The Tours are out of town.

I contacted PGE and heard back from Laura Binham. She mentioned that they wanted an easement up the driveway of the 1236 14th St. Residence. I told her that 1236 is out of our control and offered whatever easements they need on the Evah Lane vacation or our other property that we do control. I have not heard back.

Are my efforts considered a good faith effort? Do I need to keep trying with the neigobors?

Begin forwarded message:

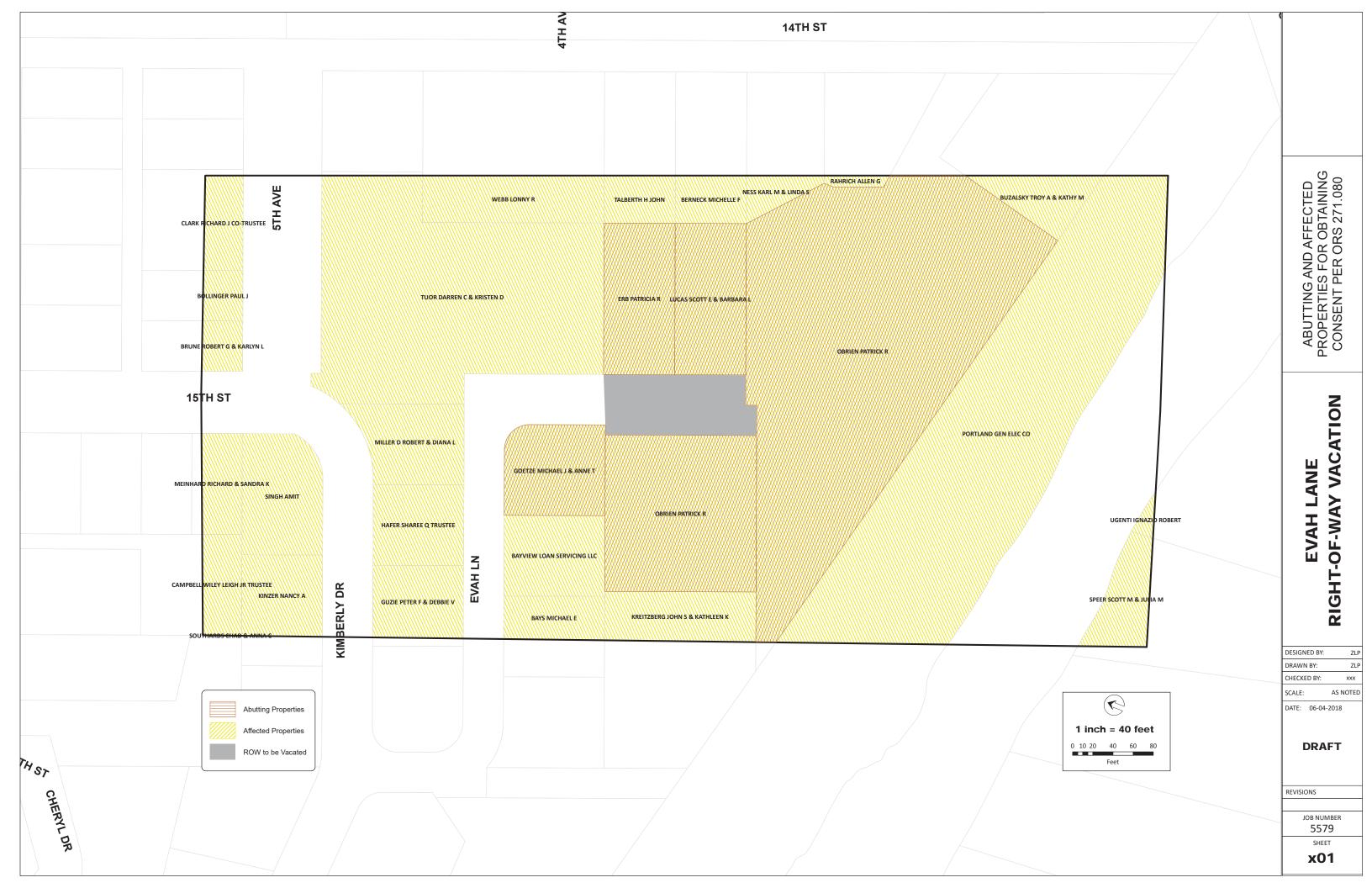
From: scanner@obllc.com Subject: Message from KM\_C454e Date: August 13, 2018 at 11:25:52 AM PDT To: pat@obllc.com Reply-To: scanner@obllc.com

Patrick R. O'Brien O'Brien Constructors, LLC 208 NW 21st Ave. Suite 201 Portland, Oregon 97209

Cell: 971.219.5423 E-mail: <u>pat@obllc.com</u>

Evah Lane Right-of-way Vacation Property Owner Consent - Address and Area List ORS 271.080

Tax Lot	RNO	Owner Name	Owner Address	Owner City	Owner State	Owner ZIP	Site Address	Site City	Site ZIP	Jurisdiction	Area in Notice Boundary (sf)	
Consent from all of these property owners is required												
31E02BC04200	750805	ERB PATRICIA R	1295 EVAH LN	WEST LINN	OR	97068-4598	1295 EVAH LN	WEST LINN	97068-4598	WEST LINN	10,578.00	•
31E02BC02817	1552037	GOETZE MICHAEL J & ANNE T	1378 EVAH LN	WEST LINN	OR	97068-4572	1378 EVAH LN	WEST LINN	97068-4572	WEST LINN	8,864.40	
31E02BC04101	5026481	LUCAS SCOTT E & BARBARA L	1267 EVAH LN	WEST LINN	OR	97068	NO SITUS	ADDRESS	97068	WEST LINN	10,578.60	
31E02BC03800	750752	OBRIEN PATRICK R	208 NW 21ST AVE STE 201	PORTLAND	OR	97209	NO SITUS	ADDRESS	97068	WEST LINN	23,249.90	
31E02BC04001	750789	OBRIEN PATRICK R	208 NW 21ST AVE STE 201	PORTLAND	OR	97209	1236 14TH ST	WEST LINN	97068-4529	WEST LINN	79,053.50	132,324.40
		Cons	ent from owners with "Area	a in Notice Bound	dary" totaling at	least 96,830	sf is required					
31E02 00500	747543	PORTLAND GEN ELEC CO	121 SW SALMON ST	PORTLAND	OR	97204-2908	NO SITUS	ADDRESS	97068	WEST LINN	65,722.90	116 624 40
31E02BC04300	750814	TUOR DARREN C & KRISTEN D	1649 5TH AVE	WEST LINN	OR	97068-4528	1649 5TH AVE	WEST LINN	97068-4528	WEST LINN	50,901.50	116,624.40
31E02BC02822	1552082	SINGH AMIT	25790 KIMBERLY DR	WEST LINN	OR	97068-4570	25790 KIMBERLY DR	WEST LINN	97068-4570	WEST LINN	9,242.82	
31E02BC04500	750832	WEBB LONNY R	1344 14TH ST	WEST LINN	OR	97068-4531	1344 14TH ST	WEST LINN	97068-4531	WEST LINN	8,414.33	
			4425 PONCE DE LEON									
31E02BC02816	1552028	BAYVIEW LOAN SERVICING LLC	BLVD 5TH FL	CORAL GABLES	FL	33146	5 1352 EVAH LN	WEST LINN	97068-4572	WEST LINN	7,999.41	
31E02BC02821	1552073	MILLER D ROBERT & DIANA L	21650 SW RIBERA LN	WEST LINN	OR	97068-9113	25795 KIMBERLY DR	WEST LINN	97068	WEST LINN	7,971.03	
31E02BC03801	750761	KREITZBERG JOHN S & KATHLEEN K	1390 EVAN LN	WEST LINN	OR	97068	1390 EVAH LN	WEST LINN	97068-4572	WEST LINN	7,359.12	
31E02BC02820	1552064	HAFER SHAREE Q TRUSTEE	25775 KIMBERLY DR	WEST LINN	OR	97068-4571	25775 KIMBERLY DR	WEST LINN	97068-4571	WEST LINN	7,186.74	
31E02BC02819	1552055	GUZIE PETER F & DEBBIE V	25755 KIMBERLY DR	WEST LINN	OR	97068-4571	25755 KIMBERLY DR	WEST LINN	97068-4571	WEST LINN	6,456.16	
31E02BC02823	1552091	KINZER NANCY A	25760 KIMBERLY DR	WEST LINN	OR	97068-4570	25760 KIMBERLY DR	WEST LINN	97068-4570	WEST LINN	6,453.65	
31E02BC04000	750770	BUZALSKY TROY A & KATHY M	1228 14TH ST	WEST LINN	OR	97068-4529	1228 14TH ST	WEST LINN	97068-4529	WEST LINN	4,420.52	94,786.17
31E02BC02815	1552019	BAYS MICHAEL E	1338 EVAH LN	WEST LINN	OR	97068-4572	1338 EVAH LN	WEST LINN	97068-4572	WEST LINN	4,300.38	54,700.17
31E02BC03500	750734	MEINHARD RICHARD & SANDRA K	3957 E BURNSIDE	PORTLAND	OR	97214	1420 15TH ST	WEST LINN	97068-4533	WEST LINN	3,998.40	
31E02BC03100	750690	CAMPBELL WILEY LEIGH JR TRUSTEE	1559 6TH AVE	WEST LINN	OR	97068-4534	1559 6TH AVE	WEST LINN	97068-4534	WEST LINN	3,893.92	
31E02BC01300	750510	CLARK RICHARD J CO-TRUSTEE	1674 5TH AVE	WEST LINN	OR	97068-4505	1674 5TH AVE	WEST LINN	97068-4505	WEST LINN	3,608.51	
31E02BC04100	750798	BERNECK MICHELLE F	1256 14TH ST	WEST LINN	OR	97068-4529	1256 14TH ST	WEST LINN	97068-4529	WEST LINN	3,351.35	
31E02BC04600	750841	TALBERTH H JOHN	1294 14TH ST	WEST LINN	OR	97068-4529	1294 14TH ST	WEST LINN	97068-4529	WEST LINN	3,331.49	
31E02BC04701	1381132	NESS KARL M & LINDA S	1248 14TH ST	WEST LINN	OR	97068-4529	1248 14TH ST	WEST LINN	97068-4529	WEST LINN	2,128.14	
31E02BC01100	750486	BRUNE ROBERT G & KARLYN L	1620 5TH AVE	WEST LINN	OR	97068-4505	1620 5TH AVE	WEST LINN	97068-4505	WEST LINN	2,010.70	
31E02BC01103	1588259	BOLLINGER PAUL J	1630 5TH AVE	WEST LINN	OR	97068-4505	1630 5TH AVE	WEST LINN	97068-4505	WEST LINN	1,973.33	
31E02BC04700	750850	RAHRICH ALLEN G	1242 14TH ST	WEST LINN	OR	97068-4529	1242 14TH ST	WEST LINN	97068-4529	WEST LINN	686.17	
										Total Area	343,734.97	
									Tw	o-thirds Area	229,154.35	
							Т	wo-thirds Ar	ea minus requ	uired consent	96,829.95	



To whom it may concern,

Re: Proposed vacation of a	portion of the southern	terminus of Evah Lane	. West Linn, OR 97068

We the undersigned support the proposed street facation as shown in the attached illustration: 1.1 Patricia Erb 1295 Evah Lane Michael and Ann Goetze 1378 Evah Lane Scott and Barbara Lucas 1267 Evah Lane Patrick O'Brien 1236 14th Street (Clackamas County Assessor's Map 3-1E-02BC Tax Lots 3800 and 4001) Stephanic thillip 5

Owner Name: Owner Address: Supphanie 9	esse Gubeth (print) Phillips	(sigjáture) OFFICIAL STAMP STEPHANIE PHILLIPS NOTARY PUBLIC - OREGON COMMISSION NO. 957888 MY COMMISSION EXPIRES JANUARY 10, 2021
Owner Name:		
Owner Humer	(print)	(signature)
Owner Address:		
<b>Owner Name:</b> Owner Address:	(print)	(signature)
Owner Name:		
	(print)	(signature)
Owner Address: Owner Name:		(circo churco)
Owner Address:	(print)	(signature)

Attachment B: Geologic Hazard Evaluation



August 20, 2018

O'Brien Constructors, LLC 208 NW 21<sup>st</sup> Avenue, Suite 201 Portland, OR 97209

Attention: Patrick R. O'Brien

Report of Geologic Hazard Evaluation Evah Lane Subdivision 1236 14<sup>th</sup> Street West Linn, Oregon GeoDesign Project: OBrienCo-2-01

#### INTRODUCTION

This report documents our geologic hazard evaluation for the proposed two-parcel Evah Lane subdivision located at 1236 14<sup>th</sup> Street in West Linn, Oregon. This report focuses on Parcel 2 as shown in the plans prepared by AKS Engineering & Forestry, LLC (AKS). Figure 1 shows the site relative to existing physical features. Figure 2 shows the property with the proposed subdivision. Some of the published information used to evaluate the site is presented in the Attachment.

We have assumed that future development of Parcel 2 will be a single-family residence of conventional wood-frame construction. Th grading plan prepared by AKS shows that grading will be minimal.

#### PURPOSE AND SCOPE

The purpose of our services was to identify and evaluate potential geologic hazards that could affect the property. Specifically, we completed the following tasks:

- Reviewed available geologic and topographic maps and the City of West Linn's Natural Hazard Mitigation Plan.
- Conducted a field reconnaissance and assessment of the property and existing site conditions.
- Attempted four hand-augered borings at the locations show on Figure 2.
- Prepared this report that summarizes our findings and conclusions.

#### SITE CONDITIONS

#### **GEOLOGIC CONDITIONS**

The site is located in the uplands forming the boundary between the Portland Basin to the north and east, the Tualatin Basin to the west, and the Central Willamette Valley to the south. The site is located on a south-facing slope at elevations ranging between 70 and 135 feet above mean sea level (MSL), as shown on Figure 2.

The site is located near the north bank of the Tualatin River near its confluence with the Willamette River. The site is underlain by the Willamette Silt Formation, which is lacustrine fine sandy silt and clay (Schlicker and Finlayson, 1979). Based on a review of water well logs on file with the Oregon Water Resources Department, the thickness of this unit is between 40 and more than 100 feet thick in the site vicinity. The Willamette Silt Formation is underlain by bedrock consisting of basalt flows of the Miocene Age Columbia River Basalt Group (Schlicker and Finlayson, 1979).

We also used HazVu (<u>http://www.oregongeology.org/hazvu/</u>), the Statewide Geohazards Viewer made available by the Oregon Department of Geology and Mineral Industries. Based on research, we conclude the following:

- Active faults are not mapped beneath the site.
- Ground shaking is expected to be relatively strong for a Cascadia Subduction Zone earthquake and a local crustal event.
- Liquefaction is possible under design levels of ground shaking.
- The relative landslide hazard is low to moderate.
- Mapped landslides are not reported at the site in the mapped landslide inventory.

We attempted four hand-augered borings at the approximate locations shown on Figure 2. Two of the borings reached depths of 3 and 4 feet. Silty soil was observed in the borings to the depths drilled. Boulders were scattered across the ground surface at some locations in the site vicinity. It is possible that auger refusal was a result of buried boulders.

#### SURFACE CONDITIONS

We visited the site on August 17, 2018 to observe the site conditions. The site is surrounded by residential development that consists of individual homes. The Tualatin River is located to the south of the property. The topography of the site generally slopes down to the south and the Tualatin River, with site elevations ranging between approximately 70 and 135 feet above MSL.

Parcel 2 is generally undeveloped and paved on the north end with asphalt concrete. Evidence of surface cracking or surface expressions of historical landslides were not observed on or adjacent to the subject property. We did not observe springs or surface seepage on the sloped portions of the property during the site reconnaissance. We did not observe evidence of soil erosion caused by flowing water on the ground surface.



#### CONCLUSIONS AND RECOMMENDATIONS

Based on our site reconnaissance and geologic research, it is our opinion that the subject property is stable. We did not observe evidence of significant slope instability at the property. We recommend the following measures to maintain or improve the stability of the property:

- Properly engineered structures designed in accordance with the current building code will be capable of protecting life safety.
- All bare soil as a result of future construction should be planted with appropriate ground cover to protect the slope from erosion.
- Landscape irrigation and stormwater should not be concentrated on slopes. Future roof drains and gutters should be properly cleaned and maintained to prevent them from overflowing onto the sloped portions of the property.
- Fills or cuts greater than 3 feet should not be conducted on the sloped portions of the property unless evaluated by a geotechnical engineer or engineering geologist.
- Construction should be conducted under the guidance of a qualified geotechnical engineer or geotechnical engineering geologist.

\* \* \*

We appreciate the opportunity to be of continued service to you on this project. Please call if you have questions concerning the information provided.

Sincerely,

GeoDesign, Inc.

Brett A. Shipton, P.E., G.E. Principal Engineer



cc: Zach Pelz, AKS Engineering & Forestry, LLC (via email only)

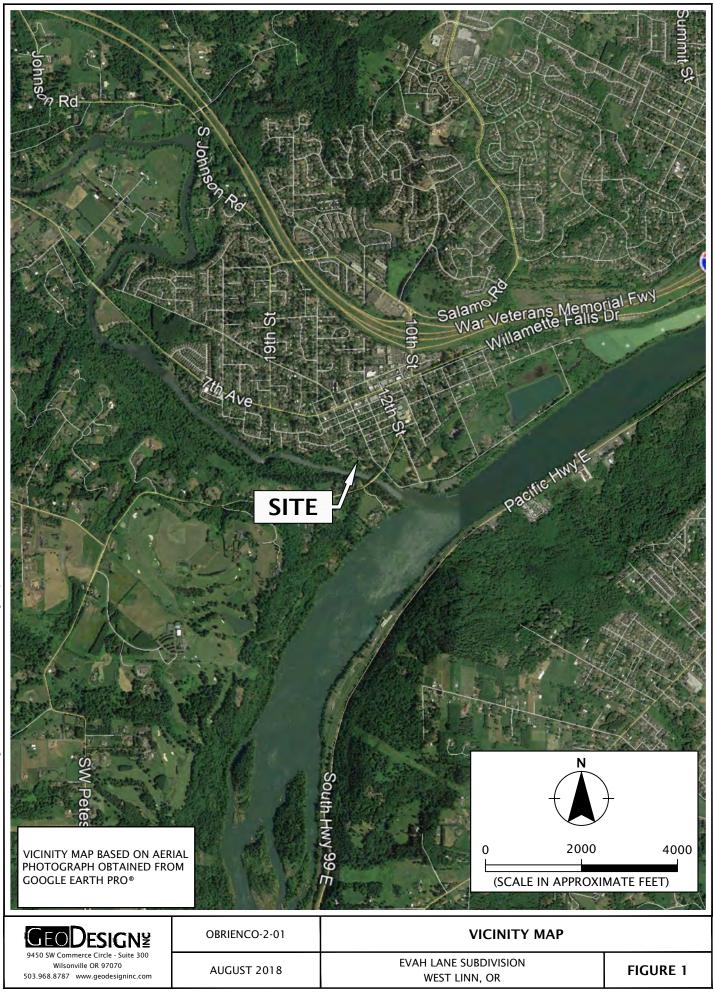
BAS:kt Attachments One copy submitted (via email only) Document ID: OBrienCo-2-01-082018-geolr.docx © 2018 GeoDesign, Inc. All rights reserved.



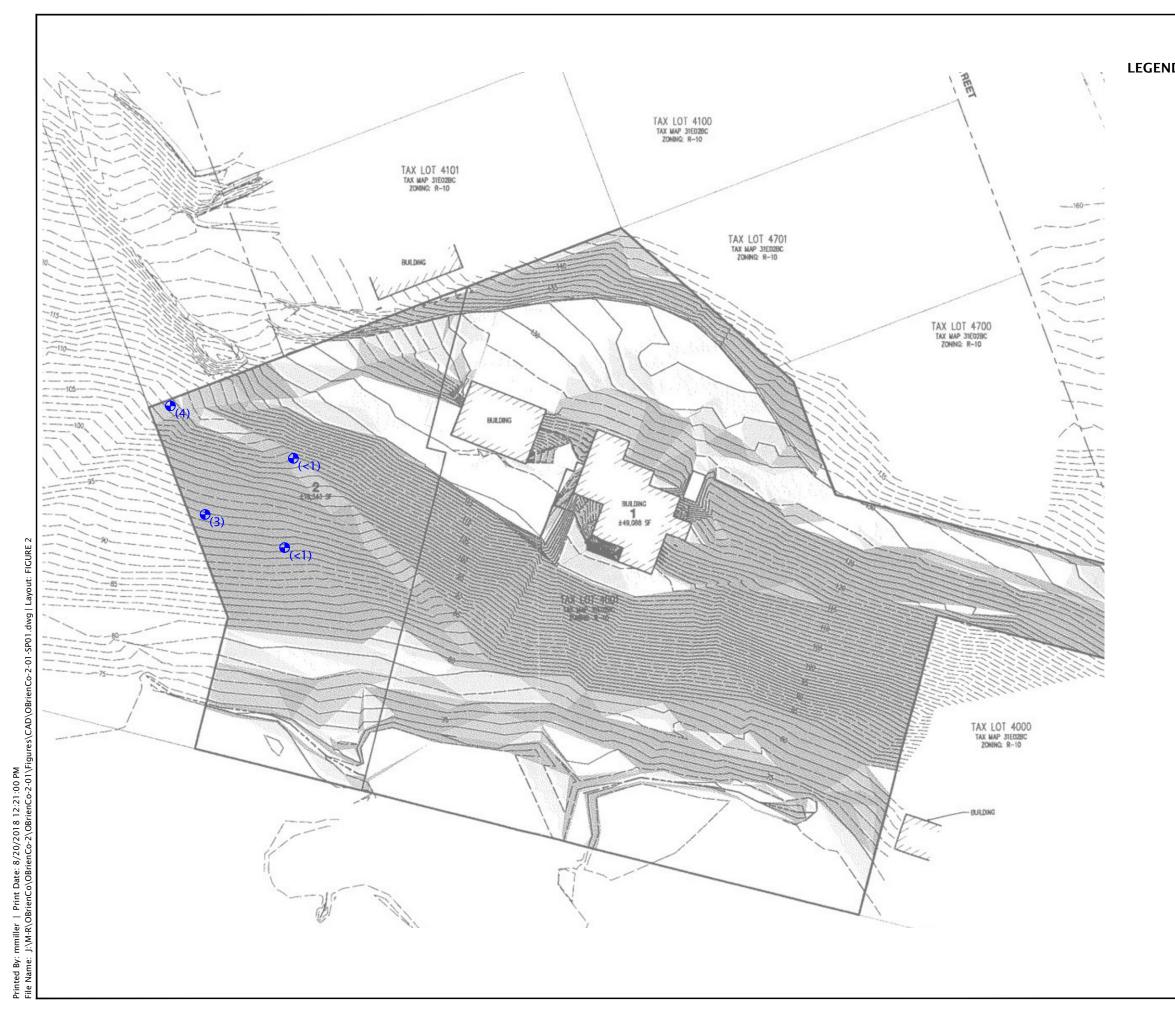
#### REFERENCES

Schlicker, Herbert G. and Finlayson, Christopher T., 1979, Geology and Geologic Hazards of Northwestern Clackamas County, Oregon, Oregon Department of Geology and Mineral Industries Bulletin 99.

FIGURES



Printed By: aday | Print Date: 8/17/2018 3:59:05 PM File Name: J:\M-R\OBrienCo\obrienco-2\obrienco-2\obrienco-2\ofrigures\CAD\OBrienCo-2-01-VM01.dwg|Layout: FIGURE 1

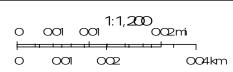


D:	HAND-AUGERED BORING LOCATION AND DEPTH TO REFUSAL (FEET)		FIGURE 2
		SITE PLAN	EVAH LANE SUBDIVISION WEST LINN, OR
		OBRIENCO-2-01	AUGUST 2018
	0 40 80 (SCALE IN FEET) E PLAN BASED ON IMAGE OBTAINED FROM FRICK R. O'BRIEN	<b>GEO</b> DESIGN≚	9450 SW Commerce Circle - Suite 300 Wilsonville OR 97070 503.968.8787 www.geodesigninc.com

ATTACHMENT

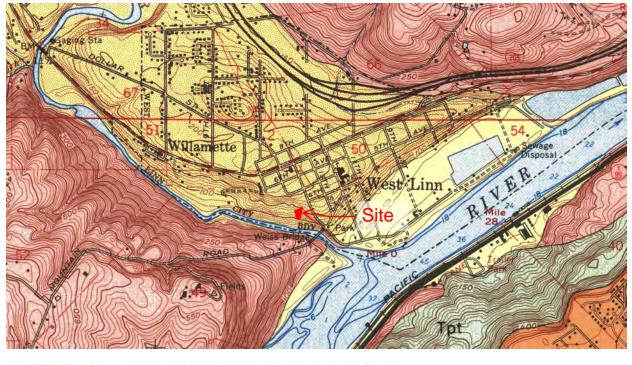
# Aerial Photograph





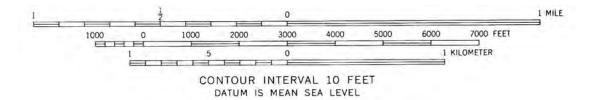
Source: Esti, DigitalGlobe; GeoEye; Earthstar Geographics; CNES/Airbus DS, USDA, USGS, AeroGRID, IGN and the GIS User Community

# GEOLOGIC MAP OF THE CANBY AND OREGON CITY QUADRANGLES, OREGON

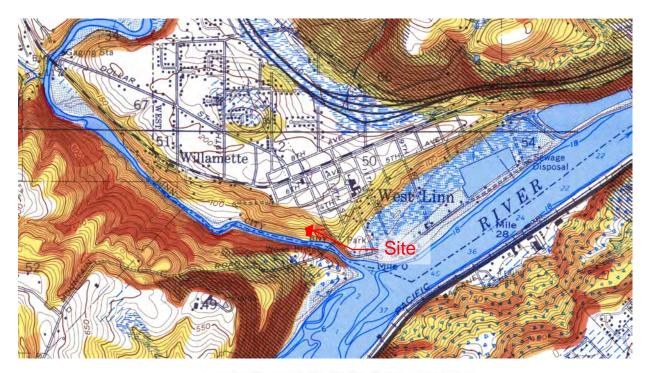


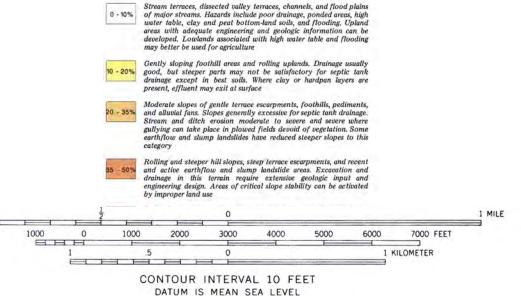


Qws: (Willamette Silt Formation): Lacustrine fine sandy silt and clay deposited up to 350 ft elevation. Beds range from a few inches to several feet thick; total thickness about 100 ft (outside of area); equivalent to Qlc (lacustrine silt) of Trimble (1963). Occurs along the valleys of the Tualatin and other tributaries of the Willamette River

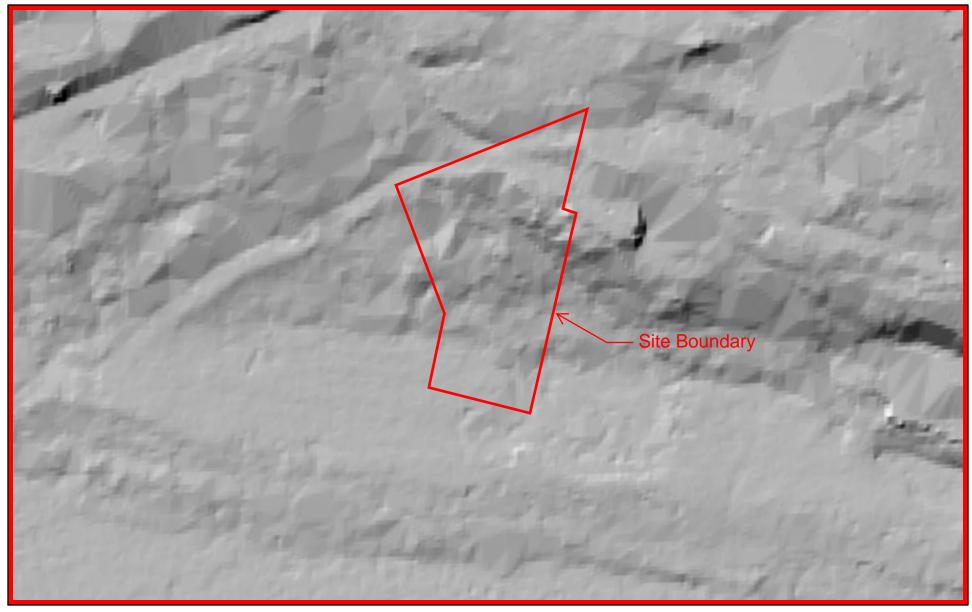


## GEOLOGIC HAZARDS MAP OF THE CANBY AND OREGON CITY QUADRANGLES, OREGON

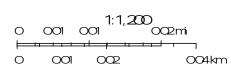




# Bare Earth LIDAR

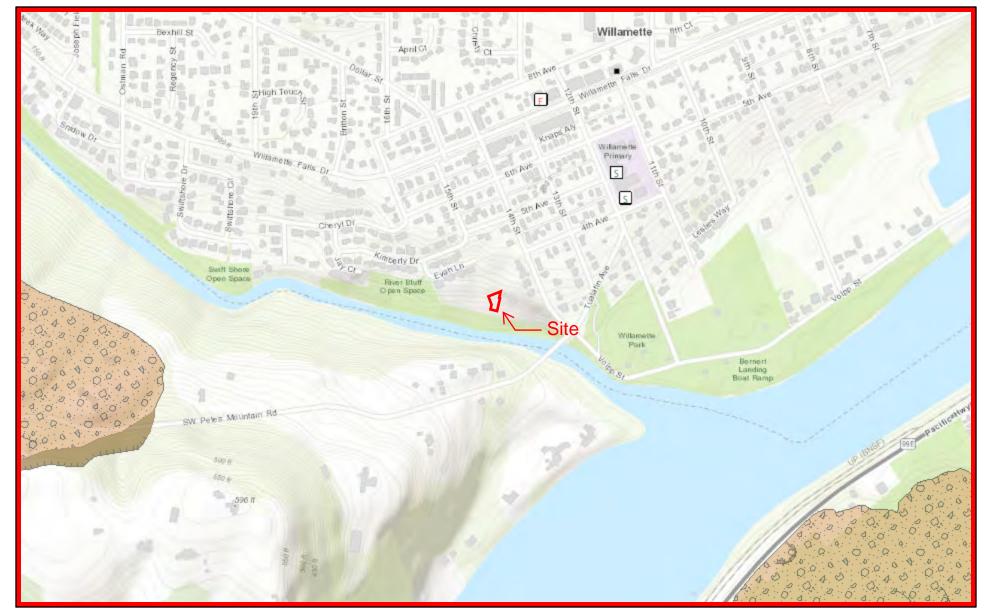


August 17, 2018 Bare Earth Lidar Hillshade



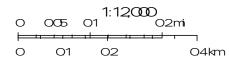
Source: Esti, DigitalGlobe; GeoEye; Earthstar Geographics; CNES/Airbus DS, USDA, USGS, AeroGRID, IGN and the GIS User Community

# Nearby Mapped Landslides



### August 17, 2018

 Image: State OwnedLeasedFacility
 Image: CommunityCollege
 Image: State OwnedLeasedFacility
 Image: S



Sources Esti, HERE, Garmin, Internap, increment P.Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBace, IGN, Kachster NL, Orchance Survey, Esti

Attachment C: Easement Vacation Application

#### August 21, 2018



Peter Spir Associate Planner City of West Linn 22500 Salamo Road West Linn, OR 97068

# RE: Petition to Vacate a Portion of the 60-ft Wide Utility Easement on a Future Parcel 2 at 1236 14<sup>th</sup> Street

To whom it may concern,

There is an existing utility easement located along the west line of Clackamas County Assessor's Map 3-1-02BC Tax Lot 4001 (see the attached exhibit) that precludes the siting of a future residence in this area. This 60-foot wide utility easement is the result of a previous public street right-of-way being vacated and is non-standard. We are requesting that the easement be reduced to 20-feet in width, consistent with the City's standard utility easement. Such an easement would make it possible to site a new home in this area.

A City of West Linn sanitary sewer line is currently located in the easement. The proposed easement would be centered on this sanitary sewer line. There are no other utilities present in the easement. Additionally, we have contacted affected and potential utility providers who have confirmed (see attached) they do not oppose the vacation of the easement.

We respectfully request that the City approve the vacation of the existing utility easement, as described in the attached exhibit. Per the City's easement vacation procedure, the following additional documents are included with this submittal:

- City of West Linn Development Review Application Form
- Fee for a public right-of-way vacation
- A map and legal description, prepared by a licensed surveyor, of the proposed easement vacation area
- Paper copies of the application and supporting documents
- An electronic copy of the application and supporting documents

Thank you for your consideration in this matter. Please do not hesitate to contact me with any questions regarding this vacation request.

Sincerely, AKS ENGINEERING & FORESTRY, LLC

Zach Pelz, AICP Land Use Planner 12965 SW Herman Road, Suite 100 Tualatin, OR 97062 (503) 563-6151 | pelzz@aks-eng.com





## DEVELOPACEIT DEVICATION

	For Office Use O	n l y
STAFF CONTACT	PROJECT NO(S).	
NON-REFUNDABLE FEE(S)	REFUNDABLE DEPOSIT(S)	Τοται
<b>be of Review</b> (Please check a	ll that apply):	······································
Annexation (ANX)	Historic Review	Subdivision (SUB)
Appeal and Review (AP) *	Legislative Plan or Change	Temporary Uses *
Conditional Use (CUP)	Lot Line Adjustment (LLA) */**	Time Extension *
Design Review (DR)	Minor Partition (MIP) (Preliminary F	
Easement Vacation	Non-Conforming Lots, Uses & Stru	
Extraterritorial Ext. of Utilities	Planned Unit Development (PUD) Pre-Application Conference (PA) *	/** Water Resource Area Protection/Wetland (\ /** Willamette & Tualatin River Greenway (W
Flood Management Area	Street Vacation	
Hillside Protection & Erosion Con		
Home Occupation, Pre-Appli different or additional applic	ication, Sidewalk Use, Sign Review Permit, cation forms, available on the City website	and Temporary Sign Permit applications require or at City Hall.
te Location/Address:		Assessor's Map No.: 3-1-02BC
236 14 <sup>TH</sup> STREET, WEST	LINN, OR 97068	Tax Lot(s): 4001
		Total Land Area: ± 1.5 ac
icé Description of Duenecol	VACATE EVICTING CO ET DEC	SERVATION OF UTILITIES IN VACATED
pplicant Name: PAT O'BRI	EN ST	SUITE Phone:
oplicant Name: PAT O'BRI (please print) Idress: PO-BOX-40	EN 208 NW 21 STAVE	GUITE Phone:
oplicant Name: PAT O'BRI (please print) ddress: <u>PO-BOX-40</u> ty State Zip: <del>WHSONVI</del>	EN 208 NW 21 AVE HE, OF THE PORTLAND	GUITE Phone: 701 Email: please contact Application 9720 consultant
bplicant Name: PAT O'BRI (please print) Idress: <u>PO-BQX-44</u> ty State Zip: <u>WHESONWI</u> wner Name (required): JESSE please print)	HE, OF THE PORTLAND	FUITE Phone: 201 Email: please contact Application 9720 Consultant Phone:
biegse brinc)	EN 202 NW 21 <sup>ST</sup> AVE HE OFFIC PORTLAND GAMBETTI 14 <sup>th</sup> STREET	SUITE Phone: 201 Email: please contact Application 9720 Consultant Phone: Email: please contact Application
Idress: 1236		
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Indexe1236Indexes:1236Insultant Name: ZACH PEL2Insultant Name: Zac	14 <sup>TH</sup> STREET C LINN, OR 97068 Z, AICP HERMAN RD., SUITE 100 J, OR 97062 Indable (excluding deposit). Any overruns presentative should be present at all public ersed on appeal. No permit will be in effe ets (single sided) of application materials application materials must also be submit ed in application please submit only two	Email: please contact Applicat consultant Phone: 503-563-6151 Email: pelzz@aks-eng.com s to deposit will result in additional billing. ic hearings. ect until the appeal period has expired. s must be submitted with this application. tted on CD in PDF format.
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ddress:       1236         ty State Zip:       WEST         onsultant Name: ZACH PELZ         onsultant Name: ZACH PELZ         oplease print)         ddress:       12965 SW         ty State Zip:       TUALATIN         .All application fees are non-refu         . The owner/applicant or their rep         .A denial or approval may be reve         .Three (3) complete hard-copy se         One (1) complete set of digital a         If large sets of plans are require         to CD required / ** Only one h         he undersigned property owner(s) her         omply with all code requirements app         othe Community Development Code a	14 <sup>TH</sup> STREET CLINN, OR 97068 C, AICP HERMAN RD., SUITE 100 J, OR 97062 Indable (excluding deposit). Any overruns presentative should be present at all public ersed on appeal. No permit will be in effect ets (single sided) of application materials application materials must also be submit et in application please submit only two trand-copy set needed reby authorizes the filing of this application, an licable to my application. Acceptance of this ap and to other regulations adopted after the appli- development is not vested under the provision MacMacMac	Email: please contact Applicat consultant Phone: 503-563-6151 Email: pelzz@aks-eng.com s to deposit will result in additional billing. ic hearings. ect until the appeal period has expired. s must be submitted with this application. tted on CD in PDF format. sets. d authorizes on site review by authorized staff. I hereby agree pplication does not infer a complete submittal. All amendmer lication is approved shall be enforced where applicable.



AKS ENGINEERING & FORESTRY, LLC 12965 SW Herman Road, Suite 100, Tualatin, OR 97062 P: (503) 563-6151 F: (503) 563-6152

AKS Job #5579

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - KEIZER, OR - BEND, OR

## **EXHIBIT** A

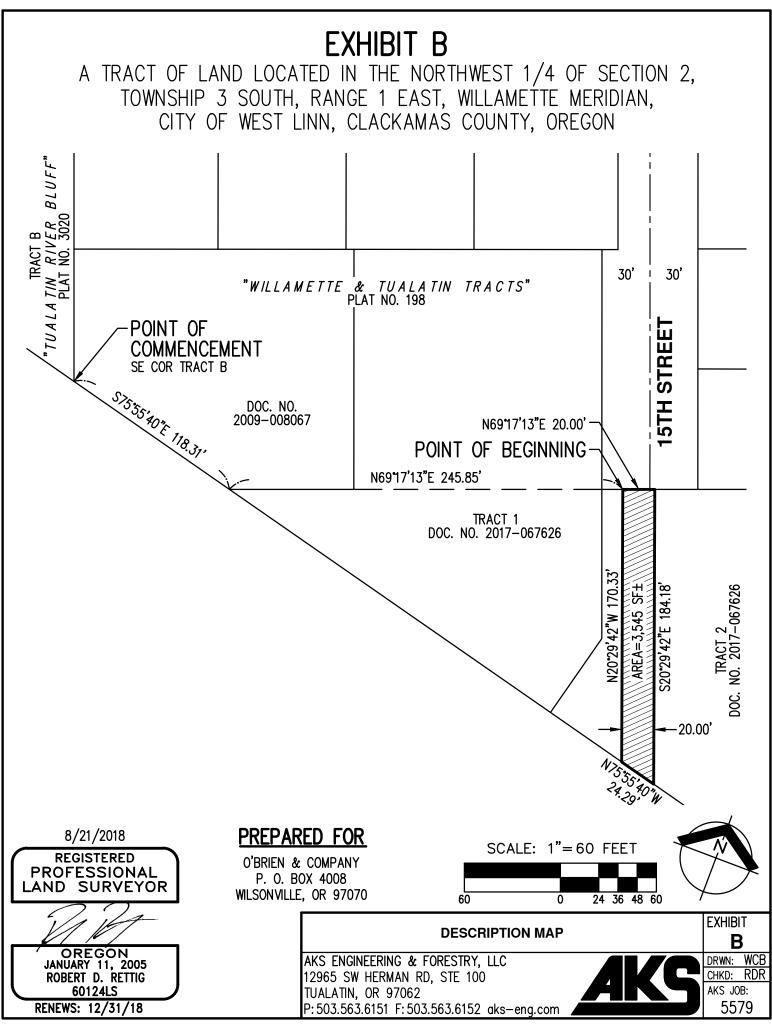
Description

A tract of land located in the Northwest One-Quarter of Section 2, Township 3 South, Range 1 East, Willamette Meridian, City of West Linn, Clackamas County, Oregon, and being more particularly described as follows:

Commencing at the southeasterly corner of Tract B of the plat "Tualatin River Bluff", Plat No. 3020, Clackamas County Plat Records, also being on the southerly line of the plat "Willamette & Tualatin Tracts", Plat No. 198, Clackamas County Plat Records; thence along said southerly line, South 75°55'40" East 118.31 feet to the most southerly corner of Document Number 2009-008067, Clackamas County Deed Records; thence along the southeasterly line of said deed and the northeasterly extension thereof, North 69°17'13" East 245.85 feet to the Point of Beginning; thence along the northwesterly line of Tract 2 of Document Number 2017-067626, Clackamas County Deed Records, North 69°17'13" East 20.00 feet; thence leaving said northwesterly line, South 20°29'42" East 184.18 feet to the southerly line of said plat; thence along said southerly line, North 75°55'40" West 24.29 feet; thence leaving said southerly line, North 20°29'42" West 170.33 feet to the Point of Beginning.

The above described tract of land contains 3,545 square feet, more or less.





CenturyLink is not opposed to the utility plan that is outlined in the Evah Lane Partition stamped 8/7/2017. Thank You, Ken

From: Greg Harris [mailto:harrisg@aks-eng.com] Sent: Tuesday, August 29, 2017 6:30 PM To: Sciulli, Kenneth Subject: RE: West Linn Easement

Kenneth,

Sorry for the delay in getting back to you. I am assuming you are referring to the three parcels to the west. If this is the case, those parcels are part of the current project we are working on our client with. He owns both the westerly (tax lot 3800) and the easterly (tax lot 4001) properties. Regarding the west property; at this time we see no issues with accessing utility for this site.

For the property to the west, the current plan is for sanitary to be accessed from the south, stormwater to be managed onsite, and all other utilities (water, cable, gas, etc.) accessed from the existing Evah Lane right-of-way. As part of this project, there will also be an 8' public utility easement that will parallel the 20' ingress and access easement to the north.

I also talked with The City of West Linn's Planning Department last week and they informed me that the reason it is 60' wide was because it was part of the 15<sup>th</sup> Street right-of-way. They also informed me that the city vacated this segment of right-of-way in 1992 and they have no plans on utilizing it in the future.

Ultimately reducing the easement from 60' to 20', will result in an easement width that matches the easement to the south (Doc No 76-045766). The reduction would also minimize the impact it currently has on our clients property to the west allowing him to explore dividing this property at a future time.

### Greg Harris AKS ENGINEERING & FORESTRY, LLC

P: 503.563.6151 Ext. 296 | F: 503.563.6152 | www.aks-eng.com | HarrisG@aks-eng.com

From: Sciulli, Kenneth [mailto:Kenneth.Sciulli@CenturyLink.com]
Sent: Tuesday, August 29, 2017 8:06 AM
To: Greg Harris <<u>harrisg@aks-eng.com</u>>
Subject: RE: West Linn Easement

It looks like a a few more homes are going to be built. Is everything going to be able to be placed within the 20'?

Ken

From: Greg Harris [mailto:harrisg@aks-eng.com] Sent: Tuesday, August 29, 2017 7:46 AM To: Sciulli, Kenneth Subject: RE: West Linn Easement

Kenneth,

I just wanted to follow up with you regarding the email I sent you last week about the easement in West Linn. Have you had a chance to see if the reduction in width will impact any of your services for the area?

Thank you again,

## Greg Harris AKS ENGINEERING & FORESTRY, LLC

P: 503.563.6151 Ext. 296 | F: 503.563.6152 | www.aks-eng.com | HarrisG@aks-eng.com

From: Greg Harris
Sent: Tuesday, August 22, 2017 8:32 AM
To: 'kenneth.sciulli@centurylink.com' <<u>kenneth.sciulli@centurylink.com</u>>
Cc: Jon Morse <<u>ionm@aks-eng.com</u>>
Subject: West Linn Easement

Kenneth,

Here is what we were proposing in regards to the old and new easement for the site in West Linn. The nearest address would be 1236 14<sup>th</sup> Street, West Linn OR 97068.

#### **Greg Harris**



#### **AKS ENGINEERING & FORESTRY, LLC**

12965 SW Herman Road, Suite 100 | Tualatin, OR 97062 P: 503.563.6151 Ext. 296 | F: 503.563.6152 | <u>www.aks-eng.com</u> | <u>HarrisG@aks-eng.com</u> Offices in: Tualatin, OR | Salem-Keizer, OR | Vancouver, WA

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#### Forestry.

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This communication is the property of CenturyLink and may contain confidential or privileged information. Unauthorized use of this communication is strictly prohibited and may be unlawful. If you have received this communication in error, please immediately notify the sender by reply e-mail and destroy all copies of the communication and any attachments.

 From:
 Porter, Margaret E

 To:
 Greg Harris

 Cc:
 Jon Morse; Mesplay, Van E

 Subject:
 RE: West Linn Easement // Comcast WL84 WL92

 Date:
 Wednesday, August 23, 2017 2:44:07 PM

 Attachments:
 image001.png 20170821 5579 ESMT Exhibit.pdf wl92.png wl84.png

Hi Greg,

Comcast does not appear to have facilities in the immediate area of the proposed easement to be vacated. I have attached a couple drawing depicting where our system ends. Hope it helps!

#### Margaret Porter

Comcast Construction/NESC 11308 SW 68<sup>th</sup> Pkwy. Tigard, OR 97223 503-596-3809 desk 971-801-5709 cell

From: Greg Harris [mailto:harrisg@aks-eng.com]
Sent: Tuesday, August 22, 2017 8:27 AM
To: Porter, Margaret E 
Margaret\_Porter@cable.comcast.com>
Cc: Jon Morse 
jonm@aks-eng.com>
Subject: West Linn Easement

Margaret,

Here is what we were proposing in regards to the old and new easement for the site in West Linn. The nearest address would be 1236 14<sup>th</sup> Street, West Linn OR 97068.

I also have calls place to West Linn's Planning and Engineering department to determine what all they are looking for to make this happen.

#### **Greg Harris**



#### **AKS ENGINEERING & FORESTRY, LLC**

12965 SW Herman Road, Suite 100 | Tualatin, OR 97062 P: 503.563.6151 Ext. 296 | F: 503.563.6152 | <u>www.aks-eng.com</u> | <u>HarrisG@aks-eng.com</u> Offices in: Tualatin, OR | Salem-Keizer, OR | Vancouver, WA NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply e-mail and immediately delete the message and any attachments without copying or disclosing the contents. AKS Engineering and Forestry shall not be liable for any changes made to the electronic data transferred. Distribution of electronic data to others is prohibited without the express written consent of AKS Engineering and Forestry.

From:	Baxter, Stephanie
To:	Greg Harris
Cc:	Jon Morse; Zach Pelz
Subject:	RE: [External]RE: West Linn Easement Info
Date:	Wednesday, September 06, 2017 10:53:12 AM

That sounds great. I can help you with signature on your document if necessary and we should be able to get that completed quickly. Stephanie

From: Greg Harris [harrisg@aks-eng.com]
Sent: Wednesday, September 06, 2017 10:47 AM
To: Baxter, Stephanie
Cc: Jon Morse; Zach Pelz
Subject: RE: [External]RE: West Linn Easement Info

Stephanie,

Thank you for getting back to me.

Once we get approval from the remaining outstanding utility provider we will begin discussions with the City of West Linn regarding the process to reduce the width.

I am assuming they will have some kind of document/form they will need signed once that begins. If this is the case we will let you know.

Thank you again,

#### Greg Harris AKS ENGINEERING & FORESTRY, LLC

P: 503.563.6151 Ext. 296 | F: 503.563.6152 | www.aks-eng.com | HarrisG@aks-eng.com

From: Baxter, Stephanie [mailto:Stephanie.Baxter@nwnatural.com]
Sent: Wednesday, September 06, 2017 10:43 AM
To: Greg Harris <harrisg@aks-eng.com>
Cc: Jon Morse <jonm@aks-eng.com>
Subject: RE: [External]RE: West Linn Easement Info

Good morning Greg-

I apologize for the delay in getting back to you. I heard back from our Engineer and there is only 1 piece of property showing as a possible customer in this area that we don't have served and we could make use of the 20" easement proposed if we needed to serve them so he don't see any issues. Please let me know if you need anything else from us. Thank you for your patience, Stephanie

**From:** Greg Harris [harrisg@aks-eng.com] **Sent:** Tuesday, August 22, 2017 10:22 AM **To:** Baxter, Stephanie

#### Cc: Jon Morse Subject: [External]RE: West Linn Easement Info

Thank you for getting back to me Stephanie,

Attached is a plan of what we were proposing as well as the existing utilities that were marked from the locate.

What we have going on is a section of roadway that was vacated by The City of West Linn years ago, however there appears to be a 60' easement remaining.

What we are proposing is reducing the existing easement that followed the old ROW from 60' to 20'. The proposed easement would be centered on the existing sanitary line (10' on both sides as shown in the attachment).

### Greg Harris AKS ENGINEERING & FORESTRY, LLC

P: 503.563.6151 Ext. 296 | F: 503.563.6152 | www.aks-eng.com | HarrisG@aks-eng.com

From: Baxter, Stephanie [mailto:Stephanie.Baxter@nwnatural.com]
Sent: Tuesday, August 22, 2017 10:06 AM
To: Greg Harris <<u>harrisg@aks-eng.com</u>>
Subject: West Linn Easement Info

Good morning Greg-

I was told you are looking into an issue near 1236 14<sup>th</sup> St, West Linn, OR. If you have some plans you can forward me, I am happy to look into your request with our engineer and see what we are able to do in this area.

Thank you, Stephanie

Stephanie R. Baxter NW Natural – Senior Risk & Land Agent 503.721.2470 | <u>nwnatural.com</u> Hi Greg,

I got the final review comments back today.

We propose releasing the western side of the easement (which abuts the new flag lot development), in exchange for a new PGE easement through the property on tax lot 4001 (see attached, very tentative proposed route in green). This new easement is needed to improve reliability (by gaining a second, redundant feed to the customer's existing home, the 3 flag lots, the proposed future lot, and the 7 homes above their proposed flag lots).

We would be open to considering the release of the eastern side of the easement in future, assuming the customer decides to move forward with development of the parcel as proposed.

Thank you,

#### Laura Binam • Permit Agent, Real Property Services • 503-464-8265 • 503-419-8247

From: Greg Harris [mailto:harrisg@aks-eng.com] Sent: Wednesday, September 13, 2017 9:48 AM To: Laura Binam Subject: RE: Evah Lane

# \*\*\*Please take care when opening links, attachments or responding to this email as it originated outside of PGE.\*\*\*

Laura,

Just to clarify, the site can only really support one additional lot due to natural resource wetland and steep slope setbacks. I have attached a rough outline of what the current plan for the site as well as future plan would consist of with the reduction of the easement. Would looping the system really be necessary?

### Greg Harris AKS ENGINEERING & FORESTRY, LLC

P: 503.563.6151 Ext. 296 | F: 503.563.6152 | www.aks-eng.com | HarrisG@aks-eng.com

From: Laura Binam [mailto:Laura.Binam@pgn.com]
Sent: Tuesday, September 12, 2017 9:13 AM
To: Greg Harris <<u>harrisg@aks-eng.com</u>>
Cc: Jon Morse <<u>jonm@aks-eng.com</u>>

#### Subject: RE: Evah Lane

Hi Greg,

Our distribution folks would be okay giving up the easement, provided you or the customer can-

- 1. Provide a plan showing how existing sewer, new electric, new gas, and new water will legally co-locate within the length of the reduced 20' PUE
- 2. Provide a new PGE easement plan across their property (roughly E/W tying into service off 14<sup>th</sup> St.) which allows us to create a ring feed to support the new and proposed development.

Thank you,

Laura Binam • Permit Agent, Real Property Services • 503-464-8265 • 503-419-8247

From: Greg Harris [mailto:harrisg@aks-eng.com] Sent: Monday, September 11, 2017 1:59 PM To: Laura Binam Cc: Jon Morse Subject: RE: Evah Lane

\*\*\*Please take care when opening links, attachments or responding to this email as it originated outside of PGE.\*\*\*

Good afternoon Laura,

I just wanted to see if Distribution has completed their review regarding the easement.

## Greg Harris AKS ENGINEERING & FORESTRY, LLC

P: 503.563.6151 Ext. 296 | F: 503.563.6152 | www.aks-eng.com | HarrisG@aks-eng.com

From: Laura Binam [mailto:Laura.Binam@pgn.com]
Sent: Friday, September 01, 2017 12:23 PM
To: Greg Harris <<u>harrisg@aks-eng.com</u>>
Cc: Jon Morse <<u>jonm@aks-eng.com</u>>
Subject: RE: Evah Lane

Hi Greg,

Distribution is still reviewing. Sorry many eyes have to verify things like this before we can say yes or no.

Thank you,

Laura Binam | Permit Agent, Property Services | Portland General Electric Company 121 SW Salmon St, 3WTC0406 | Portland, Oregon 97204

From: Greg Harris [mailto:harrisg@aks-eng.com] Sent: Friday, September 01, 2017 11:37 AM To: Laura Binam Cc: Jon Morse Subject: RE: Evah Lane

# \*\*\*Please take care when opening links, attachments or responding to this email as it originated outside of PGE.\*\*\*

Good afternoon Laura,

I just wanted to follow up with you regarding the easement prior to the long weekend.

## Greg Harris

#### AKS ENGINEERING & FORESTRY, LLC

P: 503.563.6151 Ext. 296 | F: 503.563.6152 | www.aks-eng.com | HarrisG@aks-eng.com

From: Laura Binam [mailto:Laura.Binam@pgn.com]
Sent: Tuesday, August 29, 2017 2:51 PM
To: Greg Harris <<u>harrisg@aks-eng.com</u>>
Subject: RE: Evah Lane

Thank you.

Laura Binam | Permit Agent, Property Services | Portland General Electric Company
 121 SW Salmon St, 3WTC0406 | Portland, Oregon 97204
 503-464-8265 \square : Laura.Binam@pgn.com

From: Greg Harris [mailto:harrisg@aks-eng.com] Sent: Tuesday, August 29, 2017 2:49 PM To: Laura Binam Subject: RE: Evah Lane

\*\*\*Please take care when opening links, attachments or responding to this email as it originated outside of PGE.\*\*\*

Laura,

My responses are below. I hope this helps clarify things.

Do you have the document that the easement is referring to 90-55725? When I try and pull it from our system it comes up with a Completion Notice for 19787 S. Ferguson Terrace, Oregon City (see attached). I think maybe that was incorrectly written on your Exhibit? I believe the correct number is 92-81488 as per County Map, see attached. Can you verify for me?

I had our survey guys look into the easement document as they put together the existing

condition sheets/research these for us and they tell me it was a typo and the one you provided is correct.

Also, the group is asking a couple of questions regarding this easement release.

Looks like there is a subdivision planned Lots 1, 2 and 3 but the easement doesn't affect the lots, what would be the reason that you would want the easement narrowed down?

Regarding the easement reduction, the same people that own the property to the west of the easement also own the property to the east. It is our understanding that once they finish developing the property to the west, they would like to develop their eastern half. It is our understanding that the original 60' easement was part of the 15<sup>th</sup> street right-of-way and has since been vacated by the city of West Linn (in 1992 I believe). In my conversations with the city planners, they don't have plans for this space either. Ultimately reducing the easement from 60' to 20', will result in an easement width matching the easement to the south (Doc No 76-045766). The reduction would also minimize the impact to our clients western property and allowing him to explore dividing this property in the future.

Thank you,

#### Greg Harris AKS ENGINEERING & FORESTRY, LLC

P: 503.563.6151 Ext. 296 | F: 503.563.6152 | www.aks-eng.com | HarrisG@aks-eng.com

From: Laura Binam [mailto:Laura.Binam@pgn.com]
Sent: Tuesday, August 29, 2017 1:58 PM
To: Greg Harris <<u>harrisg@aks-eng.com</u>>
Subject: RE: Evah Lane

Greg,

Do you have the document that the easement is referring to 90-55725? When I try and pull it from our system it comes up with a Completion Notice for 19787 S. Ferguson Terrace, Oregon City (see attached). I think maybe that was incorrectly written on your Exhibit? I believe the correct number is 92-81488 as per County Map, see attached. Can you verify for me?

Also, the group is asking a couple of questions regarding this easement release.

Looks like there is a subdivision planned Lots 1, 2 and 3 but the easement doesn't affect the lots, what would be the reason that you would want the easement narrowed down?

Thank you,

Laura Binam | Permit Agent, Property Services | Portland General Electric Company

### 121 SW Salmon St, 3WTC0406| Portland, Oregon 97204 ☎: 503-464-8265 ⊠: <u>Laura.Binam@pgn.com</u>

From: Greg Harris [mailto:harrisg@aks-eng.com] Sent: Tuesday, August 29, 2017 9:15 AM To: Laura Binam Subject: RE: Evah Lane

# \*\*\*Please take care when opening links, attachments or responding to this email as it originated outside of PGE.\*\*\*

Laura,

That is our understanding as well. In talking with the City Planner he said they haven't had to do something like this for a number of years. The planner did say once the other utility providers were on board to let him know and he can dig further into what needs to happen.

With that said, have you had an opportunity to run this past some of your engineers?

Thank you again,

## Greg Harris AKS ENGINEERING & FORESTRY, LLC

P: 503.563.6151 Ext. 296 | F: 503.563.6152 | www.aks-eng.com | HarrisG@aks-eng.com

From: Laura Binam [mailto:Laura.Binam@pgn.com]
Sent: Tuesday, August 22, 2017 10:42 AM
To: Greg Harris <<u>harrisg@aks-eng.com</u>>
Cc: Jon Morse <<u>jonm@aks-eng.com</u>>
Subject: RE: Evah Lane

#### Greg,

What I need to do is run this by some of our engineers to verify it is okay. I will let you know. I am guessing since it is through the City of West Linn they will need to do the quitclaim document and we will need to sign something for them that we are okay with it, since it's not actually our PGE easement.

Thank you,

Laura Binam | Permit Agent, Property Services | Portland General Electric Company 121 SW Salmon St, 3WTC0406 | Portland, Oregon 97204
503-464-8265 \scilon: Laura.Binam@pgn.com

From: Greg Harris [mailto:harrisg@aks-eng.com] Sent: Tuesday, August 22, 2017 10:25 AM To: Laura Binam Cc: Jon Morse Subject: RE: Evah Lane

# \*\*\*Please take care when opening links, attachments or responding to this email as it originated outside of PGE.\*\*\*

Thank you for getting back to me Laura,

Attached is a plan of what we were proposing as well as the existing utilities that were marked from the locate.

But, what we have going on is a section of roadway that was vacated by The City of West Linn years ago, however there appears to be a 60' easement remaining.

What we are proposing is reducing the existing easement that followed the old ROW from 60' to 20'. The proposed easement would be centered on the existing sanitary line (10' on both sides as shown).

### Greg Harris AKS ENGINEERING & FORESTRY, LLC P: 503.563.6151 Ext. 296 | F: 503.563.6152 | www.aks-eng.com | HarrisG@aks-eng.com

From: Laura Binam [mailto:Laura.Binam@pgn.com]
Sent: Tuesday, August 22, 2017 10:15 AM
To: Greg Harris <<u>harrisg@aks-eng.com</u>>
Subject: Evah Lane

Hi Greg, I received your request. Do you have a survey of the utilities that are in the easement? Thank you,

