



CITY OF
West Linn
PLANNING AND DEVELOPMENT

**STAFF REPORT
FOR THE CITY COUNCIL**

FILE NUMBER: MISC-19-09

HEARING DATE: March 9, 2020

REQUEST: Vacation of undeveloped right-of-way (ROW) between Bland Circle and Killarney Drive.

**STAFF REPORT
PREPARED BY:** Jennifer Arnold, Associate Planner

Community Development Director's Initials JRW
Development Review Engineer's Initials AP

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GENERAL INFORMATION

APPLICANT: Brian & Julianne Inger Babcock

SITE LOCATION: The ROW to be vacated is between Bland Circle Killarney Drive. (See Exhibit B and C)

DESCRIPTION: Proposed street vacation of undeveloped ROW.

SITE SIZE: 4,358 square feet.

ZONING: R-10 (Single family residential detached, 10,000 square foot minimum lot size)

PLAN DESIGNATION: Low Density Residential

APPROVAL CRITERIA: Oregon Revised Statute (ORS) 271.120. Hearing conducted per the procedures of Community Development Code (CDC) Chapter 99.

PUBLIC NOTICE: Notice was completed per CDC 99.080 and ORS 271.110

EXECUTIVE SUMMARY

Street Right-of-Way (ROW) vacations are reviewed and decided by City Council by the authority of ORS 271 and acting as the City's "Governing Body" (ORS 271.005 (1)). Street ROW vacations are a two-step quasi-judicial process with both steps being considered on the same hearing date.

Step 1 petition acceptance phase, requires "... the consent of the owners of all abutting property and of not less than two-thirds in the area of the real property affected." (ORS 271.080(2)). The Step 2 hearing process requires three criteria: 1) a finding that the number requirements are met (100% and 66.6%), 2) notice was proper, and 3) vacation is in the public interest. (ORS 271.120).

The petition included the requisite number of signatures. Notice of the public hearing was posted for two consecutive weeks in the paper and posted at both ends of the proposed vacation as required by ORS 271.110.

There is no objection by City Staff to the ROW vacation. The Transportation System Plan does not identify this right-of-way as necessary for future improvements.

The applicants, Brian and Inger Babcock, propose to vacate the undeveloped portion of ROW as shown in Exhibits A1 and B. The purpose of the vacation is to allow the applicant to complete the final plat process for a previously approved partition on the property adjacent to the ROW at 22995 Bland Circle, without having to construct street improvements in the ROW, as required by CDC Chapter 96. The applicant will be required to improve the frontage along Killarny Drive and Bland Circle within the ROW.

RECOMMENDATION:

Staff recommends that the Council approve the ROW vacation request.

PUBLIC COMMENTS:

No comments have been received as of the publication of this Staff Report.

ADDENDUM APPROVAL CRITERIA AND FINDINGS

Approval Criteria 1: The proposed vacation must have the support of all abutting property owners and two-thirds of the real property within the “affected area” per ORS 271.080(2).

Staff Finding 1: The proposed street ROW vacation has the consent of 100 percent of the abutting property owners as required by ORS 271.080(2).

The “affected area” was measured out by staff and is shown in Exhibit C. The “affected area” comprises approximately 883,255 square feet. The square footage of properties supporting the vacation totals 766,498 square feet which represents 86.78 percent. This amount exceeds the minimum two-thirds or 66.6 percent. All property owner signatures were notarized and validated. The criteria is met.

Approval Criteria 2: The notice must be completed per ORS 271.110 and CDC 99.080 (E).

Staff Finding 2: Notice has been satisfied. Notice was published in the West Linn Tidings newspaper once each week for the two consecutive weeks prior to the hearing (publish dates: February 27, 2020 and March 5, 2020). Staff posted a “*Notice of Street Vacation*” at each end of the ROWs 14 days prior to the hearing date. The criteria is met.

Approval Criteria 3: The “public interest” shall not be prejudiced by the vacation.

Staff Finding 3: Staff has no objection to the right of way vacation. The Transportation System Plan does not identify the ROW as necessary for future improvements. A public water line is located in the subject right of way. City Franchise Agreements require the City to reserve vacated ROWs as public utility easements. The proposed ordinance, attached as Exhibit A, provides for creation of a public utility easement in accordance with franchise agreement requirements.

Staff has no indication that the vacation of the ROW will compromise future development on adjacent properties since all properties will retain frontage on Bland Circle.

The criteria is met.

EXHIBIT A: ORDINANCE NO. 1709
(Commences next page)

ORDINANCE NO. 1709

**AN ORDINANCE VACATING A PORTION OF
RIGHT-OF-WAY ADJACENT TO 22995 BLAND CIRCLE WITHIN
THE CITY OF WEST LINN, OREGON.**

WHEREAS, Brian & Julianne Inger Babcock submitted a petition to vacate a portion of right-of-way between Bland Circle Killarney Drive (adjacent to 22995 Bland Circle) on November 11, 2019; and,

WHEREAS, the City fixed a time pursuant to Oregon Revised Statute (ORS) 271.130 on March 9, 2020, for a public hearing on the proposed vacation; and,

WHEREAS, the City published notice of the proposed right-of-way vacation in the West Linn Tidings on February 27, 2020 and March 5, 2020, and

WHEREAS, 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 March 9, 2020; 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 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 right-of-ways do not serve any purposes with the exception of a public utility easement to be established on these right-of-ways.

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

SECTION 1. Vacation. The portion of right-of-way located between Bland Circle Killarney Drive is vacated and is located in the City of West Linn, Clackamas County, Oregon, adjacent to tax lots 1400 (22995 Bland Circle) and 11600 (City Owned Tract "K") of Assessor's Maps 21E 35BA and 21E 26C, as more particularly described and attached in Exhibit A1 (legal description) and Exhibit B (map), which are incorporated by these references.

SECTION 2. Establish Public Utility and Trail Easement. All of the vacated right-of-ways described in Exhibits A1 and B, are subject to dedication of a public utility easement for their entirety.

SECTION 3. 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 4. 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 ____ day of _____, 2020, and duly PASSED and ADOPTED this ____ day of _____, 2020.

RUSSELL B. AXELROD, MAYOR

KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY

Exhibit A1



19376 Molalla Avenue, Ste. 120, Oregon City, OR 97045
P. 503-650-0188 F. 503-650-0189

Exhibit "A" Right of Way Vacation Legal Description

A portion of that tract of land dedicated for right of way purposes in Deed Recorded in Book 228, Page 431, Clackamas County Deed Records, being the south 25.00 feet of Lot 7, "Bland Acres", Plat No. 304, Clackamas County Plat Records. Located in the Northwest one-quarter of Section 35, Township 2 South, Range 1 East, of the Willamette Meridian, City of West Linn, County of Clackamas, State of Oregon, being more particularly described as follows:

BEGINNING at the southeast corner of said Lot 7, being on the west right of way line of Bland Circle (a 30.00' wide right of way), 15.00 feet west of the center line thereof, measured at right angles, also being on the easterly extension of the north line of Tract "K", "Ridge View Estates Phase 2", Plat No. 3449, Clackamas County Plat Records; thence, along said easterly extension and the north line thereof, South 83°09'30" West, 157.14 feet, to the east right of way line of Alpine Drive (a 56.00 foot wide right of way), 28.00 feet east of the center line thereof, measured at right angles; thence, along the arc of a non-tangent 78.00 foot radius curve to the left (radial line which bears North 43°17'24" East), through a central angle of 34°11'21", an arc length of 46.54 feet (chord of which bears North 63°48'17" West, 45.86 feet), to the south line of that tract of land as described by Deed Document No. 2017-036366, Clackamas County Deed Records; thence, along said south line, being 25.00 feet north of and parallel with the north line of said Tract "K", North 83°09'30" East, 199.96 feet, to the west right of way line of said Bland Circle; thence, along said west right of way line, South 30°06'18" West, 25.38 feet, to the **POINT OF BEGINNING**.

Contains 4,358 square feet.

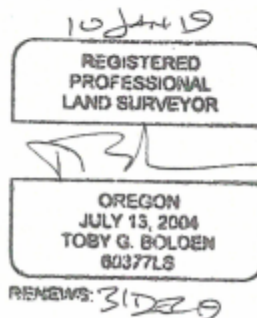
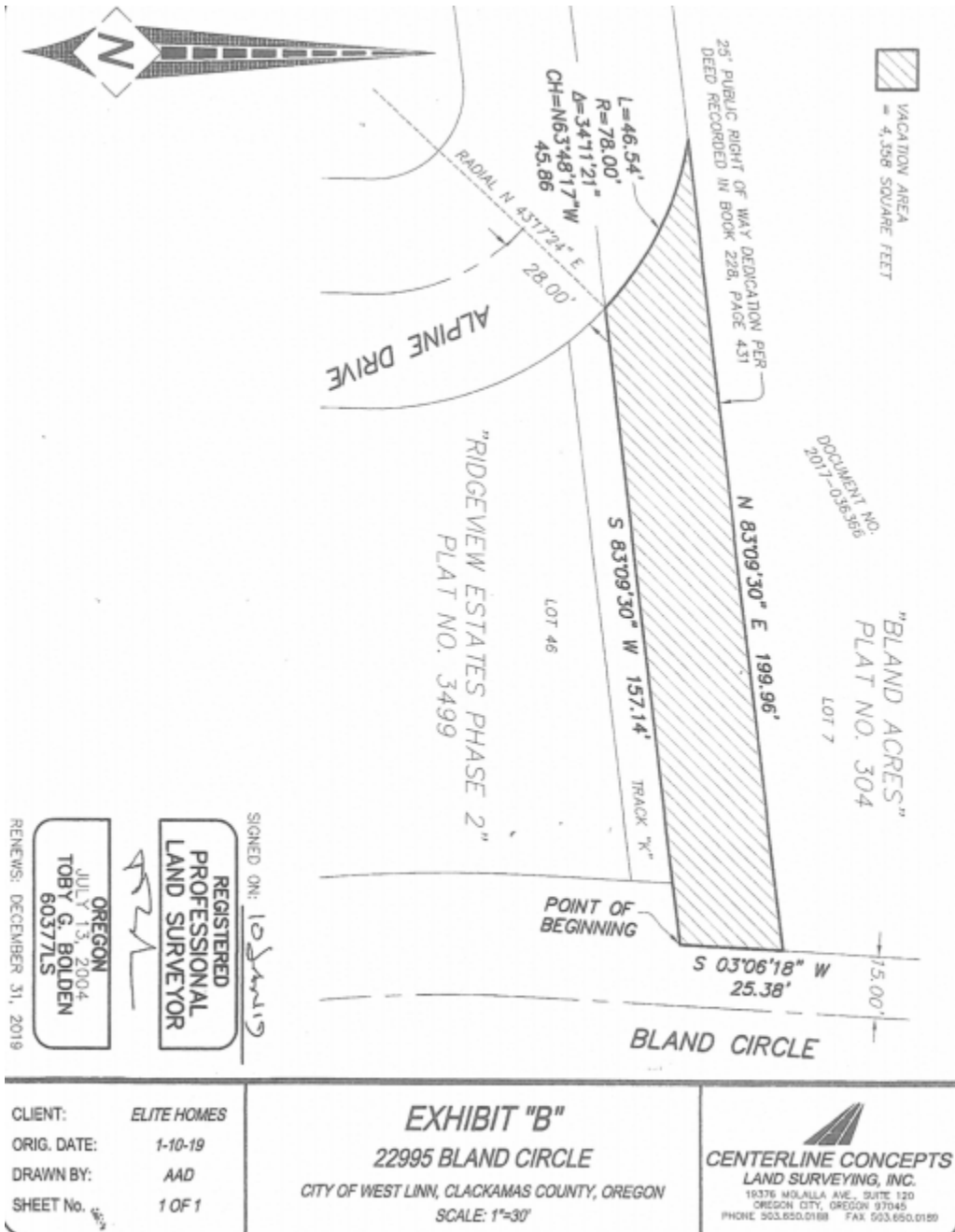


Exhibit B



CLIENT: ELITE HOMES
 ORIG. DATE: 1-10-19
 DRAWN BY: AAD
 SHEET No. 1 OF 1

EXHIBIT "B"
 22995 BLAND CIRCLE
 CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON
 SCALE: 1"=30'

CENTERLINE CONCEPTS
 LAND SURVEYING, INC.
 19376 HOLALLA AVE., SUITE 120
 OREGON CITY, OREGON 97045
 PHONE 503.650.0188 FAX 503.650.0189

Exhibit C: Map of “Affected Area” including properties in support of the vacation
(Source: West Linn Planning Staff)

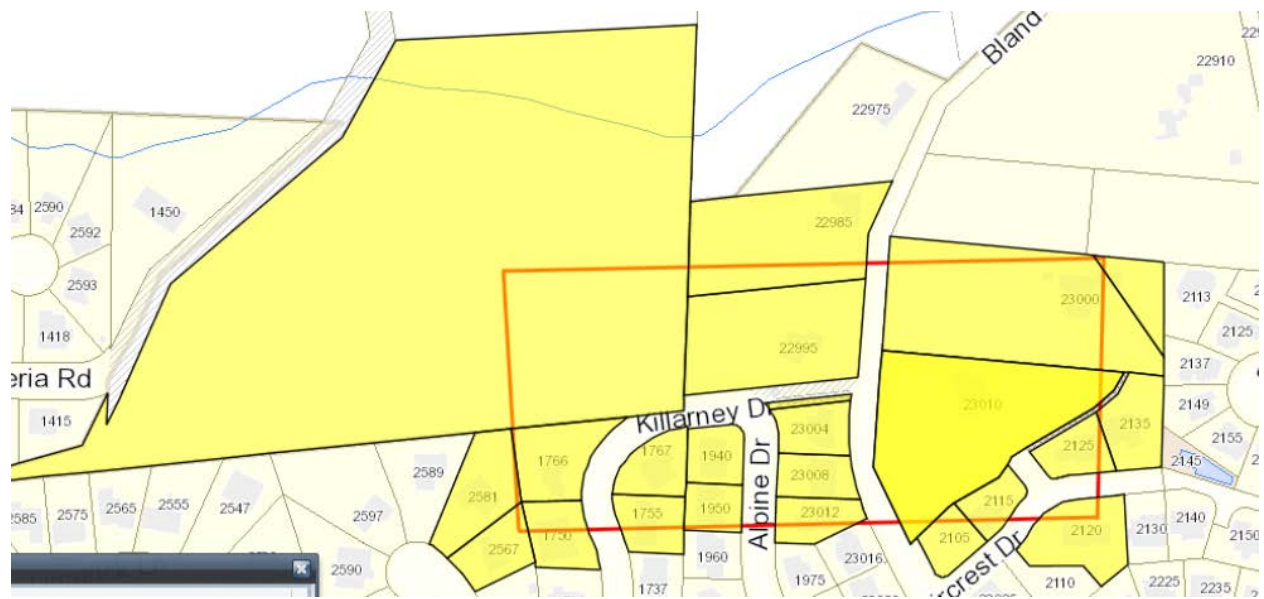


EXHIBIT D: Right-of-Way Vacation Location Map

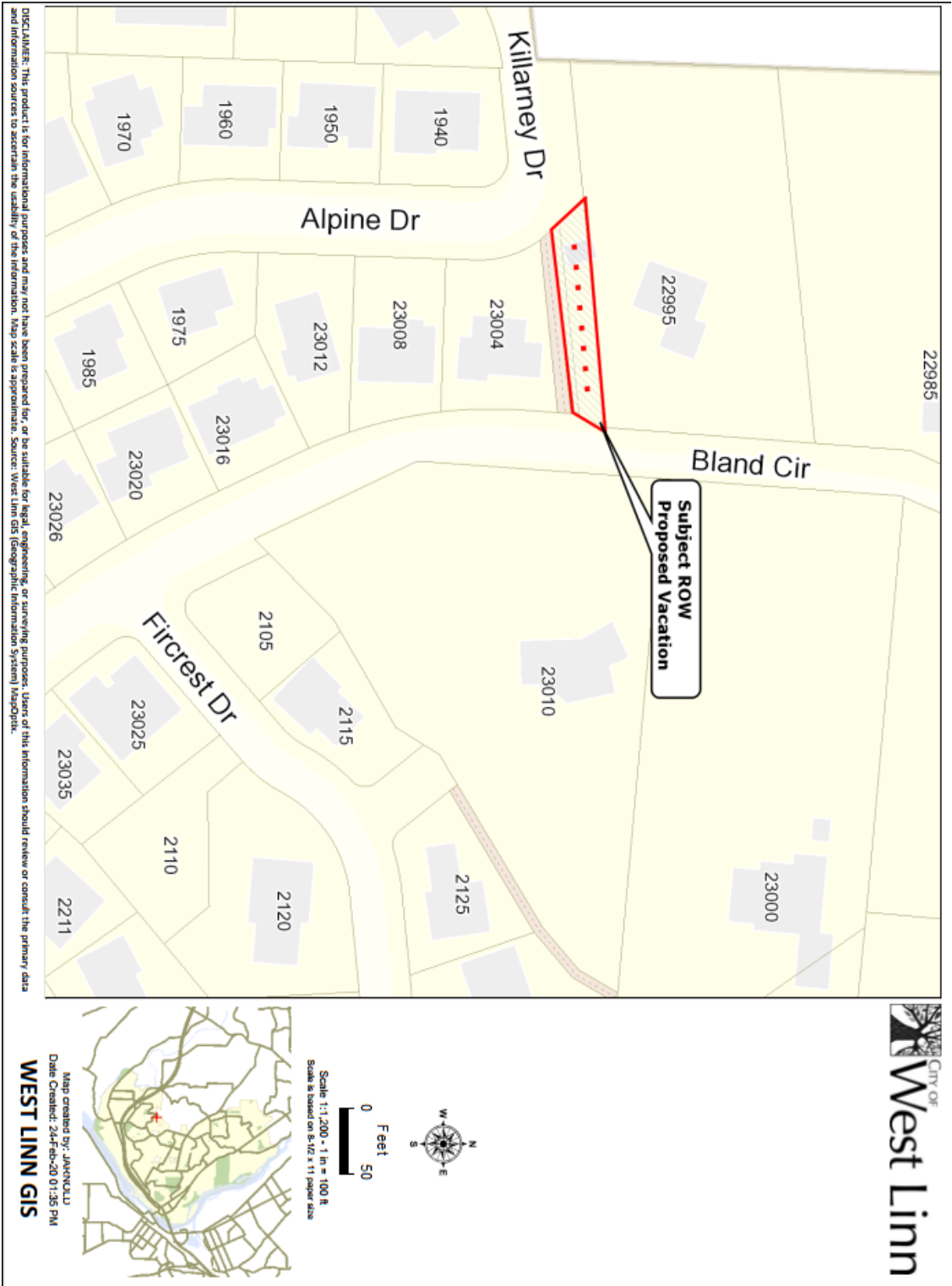


Exhibit E: AFFIDAVIT OF NOTICE

AFFIDAVIT OF NOTICE

We, the undersigned do hereby certify that, in the interest of the party (parties) initiating a proposed land use, the following took place on the dates indicated below:

GENERAL

File No. MISC - 19-09 Applicant's Name Inger Babcock
Development Name 2295 Bland Circle
Scheduled Meeting/Decision Date 3/9/20

NOTICE: Notices were sent at least 20 days prior to the scheduled hearing, meeting, or decision date per Section 99.080 of the Community Development Code. (check below)

TYPE A

- A. The applicant (date) 2/18/20 (signed) JS
- B. Affected property owners (date) _____ (signed) _____
- C. School District/Board (date) _____ (signed) _____
- D. Other affected gov't. agencies (date) _____ (signed) _____
- E. Affected neighborhood assns. (date) 2/18/20 (signed) JS
- F. All parties to an appeal or review (date) _____ (signed) _____

At least 10 days prior to the scheduled hearing or meeting, notice was published/posted:

Tidings (published date) 2/27 & 3/5/20 (signed) JS
City's website (posted date) 2/18/20 (signed) JS

SIGN

At least 10 days prior to the scheduled hearing, meeting or decision date, a sign was posted on the property per Section 99.080 of the Community Development Code.

(date) 2/24/20 (signed) Jenifer Cold

~~**NOTICE:** Notices were sent at least 14 days prior to the scheduled hearing, meeting, or decision date per Section 99.080 of the Community Development Code. (check below)~~

~~**TYPE B**~~

- ~~A. The applicant (date) _____ (signed) _____~~
- ~~B. Affected property owners (date) _____ (signed) _____~~
- ~~C. School District/Board (date) _____ (signed) _____~~
- ~~D. Other affected gov't. agencies (date) _____ (signed) _____~~
- ~~E. Affected neighborhood assns. (date) [scribble] (signed) _____~~

Notice was posted on the City's website at least 10 days prior to the scheduled hearing or meeting.

Date: _____ (signed) _____

STAFF REPORT mailed to applicant, City Council/Planning Commission and any other applicable parties 10 days prior to the scheduled hearing.

(date) 2/24/20 (signed) Jenifer Cold

FINAL DECISION notice mailed to applicant, all other parties with standing, and, if zone change, the County surveyor's office.

(date) _____ (signed) _____

ROBERT JESTER
BHT NEIGHBORHOOD
3475 RIVERKNOLL WAY
WEST LINN OR 97068

Rick Givens
18680 Sunblaze Dr
West Linn, OR 97068

Inger Babcock
22995 Bland Circle
West Linn, OR 97068

BOB MCCARTHY
BOLTON NEIGHBORHOOD
1535 BURNS ST
WEST LINN, OR 97068

LAUREN BEENEY
HIDDEN SPRINGS NEIGHBORHOOD
6482 PALOMINO WAY
WEST LINN OR 97068

KARIE OAKES
MARYLHURST NEIGHBORHOOD
1125 MARYLHURST DR
WEST LINN OR 97068

MICHAEL RAY
PARKER CREST NEIGHBORHOOD
3055 ROXBURY DRIVE
WEST LINN OR 97068

DENNIS POLLMANN
ROBINWOOD NEIGHBORHOOD
3879 KENTHORPE WAY
WEST LINN OR 97068

ABBY FARBER
ROSEMONT SUMMIT NEIGHBORHOOD
5560 SUMMIT ST
WEST LINN OR 97068

ED SCHWARZ
SAVANNA OAKS NEIGHBORHOOD
2206 TANNER DR
WEST LINN OR 97068

RYAN KLING
SKYLINE RIDGE NEIGHBORHOOD
1609 ARRAN CT.
WEST LINN OR 97068

LEGION ANDERS
SUNSET NEIGHBORHOOD
4708 RIVERVIEW AVE
WEST LINN OR 97068

KATHIE HALICKI
2307 FALCON DR.
WEST LINN OR 97068

ELIZABETH ROCCHIA
WILLAMETTE NEIGHBORHOOD
957 WILLAMETTE FALLS DR
WEST LINN, OR 97068

WEST LINN CHAMBER OF COMMERCE
1980 WILLAMETTE FALLS DR, PMB 173
WEST LINN OR 97068-4670

MAILED
2-18-20

**WEST LINN CITY COUNCIL
PUBLIC HEARING NOTICE
FILE NO. MISC-19-09**

The West Linn City Council is scheduled to hold a public hearing on **Monday, March 9, 2020, starting at 6:30 p.m.** in the Council Chambers of City Hall, 22500 Salamo Road, West Linn, to consider a request by Brian & Julianne Inger Babcock to vacate 4,358 square feet of right-of-way directly adjacent to tax lots 1400 (22995 Bland Circle) and 11600 (City Owned Tract "K") of Assessor's Maps 21E 35BA and 21E 26C. The application was filed on November 11, 2019.

The hearing is a two-step process. The first step is validating the petition: determining whether the requisite consent signatures were obtained and the proper notice posted and published. The second step is to determine whether the public interest is, or is not, prejudiced by approving the vacation of the right of way.

The City Council hearing shall be conducted per CDC Chapter 99 and the decision shall be based upon the approval criteria found in Oregon Revised Statute 271.120. At the hearing, all written or oral comments must relate specifically to the applicable approval criteria.

The complete application in the above noted file is available for inspection at no cost at City Hall or via the web site at <https://westlinnoregon.gov/planning/22995-bland-circle-street-vacation-killarney-drive>, or copies can be obtained for a minimal charge per page. At least ten days prior to the hearing, a copy of the staff report will be available for inspection at no cost, or copies can be obtained for a minimal charge per page. For further information, please contact Jennifer Arnold, Associate Planner, at City Hall, 22500 Salamo Road, West Linn, OR 97068, jarnold@westlinnoregon.gov, or 503-742-6057.

Anyone wishing to present written testimony on this proposed action may do so in writing prior to, or at the public hearing. The City Council may continue the public hearing to another meeting to obtain additional information, leave the record open for additional evidence, arguments, or testimony, or close the public hearing and take action on the application as provided by state law. Failure to raise an issue in person or by letter at some point prior to the close of the hearing, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes an appeal based on that issue.

Exhibit F: COMPLETENESS LETTER



CITY OF
West Linn

December 18, 2019

Brian & Inger Babcock
22995 Bland Circle
West Linn, OR 97068

SUBJECT: MIS-19-09 application for Right-of-Way Vacation on Bland Circle

Dear Inger:

You submitted this application on. The Planning and Engineering Departments find that this application is **incomplete**. The following items must be addressed:

You submitted this application on November 11, 2019. The Planning Department found that the application was incomplete on December 10, 2019. You submitted additional information on December 13, 2019. You now have the support of over 80 percent of the affected area which exceeds the minimum 66.6 percent per ORS 271. The Planning Department finds that this application is **complete**. This is a legislative action and therefore the 120 day rule does not apply. You will be notified of the date when the City Council will meet to consider your application.

Please contact me at 503-742-6057, or by email at jarnold@westlinnoregon.gov if you have any questions or comments.

Sincerely,

Jennifer Arnold
Associate Planner

Exhibit G: APPLICANT'S SUBMITTAL



DEVELOPMENT REVIEW APPLICATION

For Office Use Only		
STAFF CONTACT <i>Jennifer Arnold</i>	PROJECT NO(S). <i>MISC-19-09</i>	
NON-REFUNDABLE FEE(S) <i>—</i>	REFUNDABLE DEPOSIT(S) <i>6,000</i>	TOTAL <i>6,000</i>

Type of Review (Please check all that apply):

- | | | |
|--|---|--|
| <input type="checkbox"/> Annexation (ANX) | <input type="checkbox"/> Historic Review | <input type="checkbox"/> Subdivision (SUB) |
| <input type="checkbox"/> Appeal and Review (AP) * | <input type="checkbox"/> Legislative Plan or Change | <input type="checkbox"/> Temporary Uses * |
| <input type="checkbox"/> Conditional Use (CUP) | <input type="checkbox"/> Lot Line Adjustment (LLA) */** | <input type="checkbox"/> Time Extension * |
| <input type="checkbox"/> Design Review (DR) | <input type="checkbox"/> Minor Partition (MIP) (Preliminary Plat or Plan) | <input type="checkbox"/> Variance (VAR) |
| <input type="checkbox"/> Easement Vacation | <input type="checkbox"/> Non-Conforming Lots, Uses & Structures | <input type="checkbox"/> Water Resource Area Protection/Single Lot (WAP) |
| <input type="checkbox"/> Extraterritorial Ext. of Utilities | <input type="checkbox"/> Planned Unit Development (PUD) | <input type="checkbox"/> Water Resource Area Protection/Wetland (WAP) |
| <input type="checkbox"/> Final Plat or Plan (FP) | <input type="checkbox"/> Pre-Application Conference (PA) */** | <input type="checkbox"/> Willamette & Tualatin River Greenway (WRG) |
| <input type="checkbox"/> Flood Management Area | <input checked="" type="checkbox"/> Street Vacation | <input type="checkbox"/> Zone Change |
| <input type="checkbox"/> Hillside Protection & Erosion Control | | |

Home Occupation, Pre-Application, Sidewalk Use, Sign Review Permit, and Temporary Sign Permit applications require different or additional application forms, available on the City website or at City Hall.

Site Location/Address: <i>22995 Bland Circle West Linn, OR 97068</i>	Assessor's Map No.: <i>21E26C 01400</i>
<i>"Bland Acres" Plat No. 304 Lot 7</i>	Tax Lot(s): <i>1</i>
	Total Land Area: <i>45,437 sqft</i>

Brief Description of Proposal: *Vacate 25' Public Street right of way dedication per Deed recorded in Book 228, Page 431*

Applicant Name: <i>Julianne I. Babcock</i> <small>(please print)</small>	Phone: <i>541-525-1811</i>
Address: <i>22995 Bland Circle</i>	Email: <i>tothefullest@gmail.com</i>
City State Zip: <i>West Linn, OR 97068</i>	

Owner Name (required): <i>Brian and Inger Babcock</i> <small>(please print)</small>	Phone: <i>541-525-1811</i>
Address: <i>22995 Bland Circle</i>	Email: <i>tothefullest@gmail.com</i>
City State Zip: <i>West Linn, OR 97068</i>	

Consultant Name: <i>Rick Givens</i> <small>(please print)</small>	Phone: <i>503-351-8204</i>
Address: <i>18680 Sunblaze Dr</i>	Email: <i>rickgivens@gmail.com</i>
City State Zip: <i>Oregon City OR 97045</i>	

- All application fees are non-refundable (excluding deposit). Any overruns to deposit will result in additional billing.
- The owner/applicant or their representative should be present at all public hearings.
- A denial or approval may be reversed on appeal. No permit will be in effect until the appeal period has expired.
- Three (3) 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. If large sets of plans are required in application please submit only two sets.

* No CD required / ** Only one hard-copy set needed

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. Acceptance of this application does not infer a complete submittal. All amendments to the Community Development Code and to other regulations adopted after the application is approved shall be enforced where applicable. Approved applications and subsequent development is not vested under the provisions in place at the time of the initial application.

<i>Julianne I Babcock</i> Applicant's signature	<i>6/6/19</i> Date	<i>Julianne I Babcock</i> Owner's signature (required)	<i>6/6/19</i> Date
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CENTERLINE CONCEPTS
LAND SURVEYING, INC.

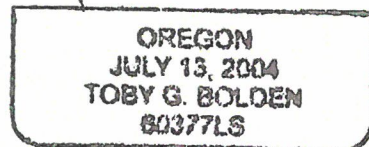
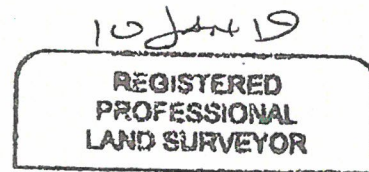
19376 Molalla Avenue, Ste. 120, Oregon City, OR 97045
P. 503-650-0188 F. 503-650-0189

Exhibit "A"
Right of Way Vacation
Legal Description

A portion of that tract of land dedicated for right of way purposes in Deed Recorded in Book 228, Page 431, Clackamas County Deed Records, being the south 25.00 feet of Lot 7, "Bland Acres", Plat No. 304, Clackamas County Plat Records. Located in the Northwest one-quarter of Section 35, Township 2 South, Range 1 East, of the Willamette Meridian, City of West Linn, County of Clackamas, State of Oregon, being more particularly described as follows:

BEGINNING at the southeast corner of said Lot 7, being on the west right of way line of Bland Circle (a 30.00' wide right of way), 15.00 feet west of the center line thereof, measured at right angles, also being on the easterly extension of the north line of Tract "K", "Ridge View Estates Phase 2", Plat No. 3449, Clackamas County Plat Records; thence, along said easterly extension and the north line thereof, South 83°09'30" West, 157.14 feet, to the east right of way line of Alpine Drive (a 56.00 foot wide right of way), 28.00 feet east of the center line thereof, measured at right angles; thence, along the arc of a non-tangent 78.00 foot radius curve to the left (radial line which bears North 43°17'24" East), through a central angle of 34°11'21", an arc length of 46.54 feet (chord of which bears North 63°48'17" West, 45.86 feet), to the south line of that tract of land as described by Deed Document No. 2017-036366, Clackamas County Deed Records; thence, along said south line, being 25.00 feet north of and parallel with the north line of said Tract "K", North 83°09'30" East, 199.96 feet, to the west right of way line of said Bland Circle; thence, along said west right of way line, South 30°06'18" West, 25.38 feet, to the **POINT OF BEGINNING**.

Contains 4,358 square feet.



RENEWS: 31 DEC 09



VACATION AREA
= 4,358 SQUARE FEET

DOCUMENT NO.
2017-036366

"BLAND ACRES"
PLAT NO. 304

LOT 7

25' PUBLIC RIGHT OF WAY DEDICATION PER
DEED RECORDED IN BOOK 228, PAGE 431

N 83°09'30" E 199.96'

S 83°09'30" W 157.14'

TRACK "K"

L=46.54'
R=78.00'
A=34°11'21"
CH=N63°48'17"W
45.86

RADIAL N 43°17'24" E
28.00'

ALPINE DRIVE

"RIDGEVIEW ESTATES PHASE 2"
PLAT NO. 3499

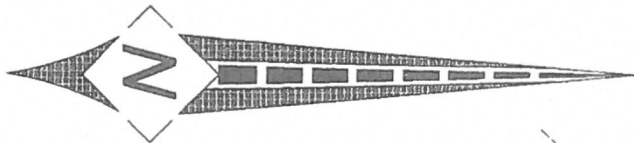
LOT 46

POINT OF
BEGINNING

S 03°06'18" W
25.38'

15.00'

BLAND CIRCLE



SIGNED ON: 10 Jan 19

REGISTERED
PROFESSIONAL
LAND SURVEYOR



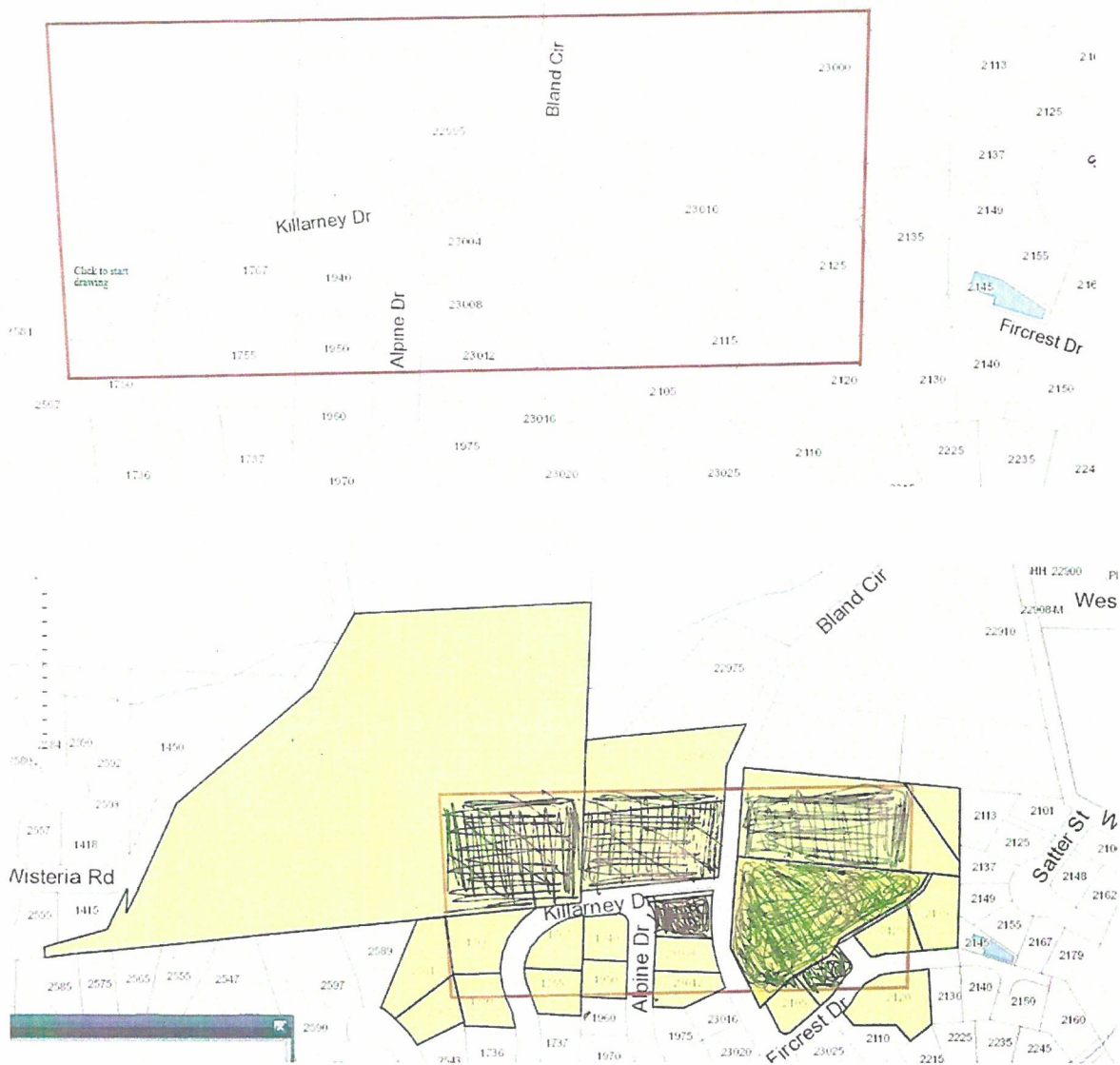
OREGON
JULY 13, 2004
TOBY G. BOLDEN
603777LS

RENEWS: DECEMBER 31, 2019

CLIENT: ELITE HOMES
ORIG. DATE: 1-10-19
DRAWN BY: AAD
SHEET No. 1 OF 1

EXHIBIT "B"
22995 BLAND CIRCLE
CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON
SCALE: 1"=30'


CENTERLINE CONCEPTS
LAND SURVEYING, INC.
19376 MOLALLA AVE., SUITE 120
OREGON CITY, OREGON 97045
PHONE 503.650.0188 FAX 503.650.0189



21.11 acres total area (919,551.60 square feet)

ORS 271.080 (<https://www.oregonlaws.org/ors/271.080>) requires the following: “...the consent of the owners of all abutting property and of not less than two-thirds in area of the real property affected thereby.” The real property affected area is outlined in red and all properties touching that boundary or inside the boundary count towards your petition area. You need 66.6% of the area to support your petition to vacate the right-of-way and 100% of directly abutting property owners. Those property owners are you and the City of West Linn.

KILARNEY DRIVE RIGHT OF WAY VACATION

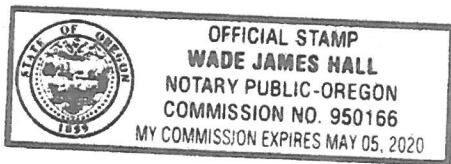
The applicants, Brian Babcock and Julianne Inger Babcock, propose to vacate a portion of the Kilarney Right of Way (ROW) between Kilarney Drive and Bland Circle, per City of West Linn request. Due to the steepness of the slope, the City of West Linn does not plan to use this street ROW. The applicant proposes to provide the City of West Linn with a public utility easement in the area of the proposed street vacation for the purpose of maintaining existing utilities and installing future utilities. The City owns a public stairway for foot traffic adjacent to this Street ROW between Bland Circle and Kilarney Drive.

ROBERT L. BAUER, Owner 23000 BLAND CIRCLE
West Linn, OR 97068, do hereby support the proposed street vacation of Kilarney
between Kilarney Drive and Bland Circle as shown is attached Exhibit A and B.

[Signature]
Property Owner's Signature

6/06/19
Date

State of OREGON) On this 6 day of June 2019, personally appeared before
) appeared before me ROBERT L. BAUER who
County of Clackamas) stated that s(he) is the 23000 BLAND CIR of
WEST LINN, OR 97068, a home, and that the
instrument signed in behalf of the said corporation by
authority of its board of directors and acknowledged said
instrument to be its voluntary act and deed. Before me:



[Signature]

Notary Public for Oregon

My Commission Expires: MAY 05, 2020

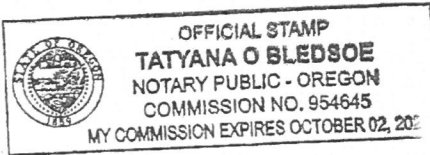
KILARNEY DRIVE RIGHT OF WAY VACATION

The applicants, Brian Babcock and Julianne Inger Babcock, propose to vacate a portion of the Kilarney Right of Way (ROW) between Kilarney Drive and Bland Circle, per City of West Linn request. Due to the steepness of the slope, the City of West Linn does not plan to use this street ROW. The applicant proposes to provide the City of West Linn with a public utility easement in the area of the proposed street vacation for the purpose of maintaining existing utilities and installing future utilities. The City owns a public stairway for foot traffic adjacent to this Street ROW between Bland Circle and Kilarney Drive.

Brian Ellsworth Babcock
 I, Julianne Inger Babcock Owner 22995 Bland Circle, OR 97068
 West Linn, OR 97068, do hereby support the proposed street vacation of Kilarney between Kilarney Drive and Bland Circle as shown is attached Exhibit A and B.

x Brian Ellsworth Babcock 5/25/19
 x Julianne Inger Babcock 5/25/2019
 Property Owner's Signature Date

State of OREGON) On this 25th ^{BB} May 2019 ^{BB} day of ~~August~~, 2017, personally appeared before
) appeared before me Tatyana Bledsoe who
 County of Clackamas stated that s(he) is the Brian Ellsworth Babcock of
22995 Bland Circle, a home, and that the
 instrument signed in behalf of the said corporation by
 authority of its board of directors and acknowledged said
 instrument to be its voluntary act and deed. Before me:



Tatyana Bledsoe
 Notary Public for Oregon
 My Commission Expires: 10/02/2020

KILARNEY DRIVE RIGHT OF WAY VACATION

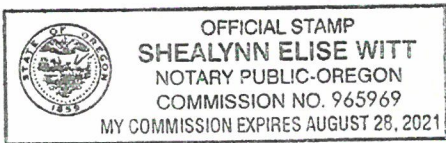
The applicants, Brian Babcock and Julianne Inger Babcock, propose to vacate a portion of the Kilarney Right of Way (ROW) between Kilarney Drive and Bland Circle, per City of West Linn request. Due to the steepness of the slope, the City of West Linn does not plan to use this street ROW. The applicant proposes to provide the City of West Linn with a public utility easement in the area of the proposed street vacation for the purpose of maintaining existing utilities and installing future utilities. The City owns a public stairway for foot traffic adjacent to this Street ROW between Bland Circle and Kilarney Drive.

I, Ronald E. Babcock, Owner 22985 Bland Circle
West Linn, OR 97068, do hereby support the proposed street vacation of Kilarney
between Kilarney Drive and Bland Circle as shown is attached Exhibit A and B.

Ronald E. Babcock
Property Owner's Signature

March 29, 2019
Date

State of OREGON) On this 29th day of March 2019, personally appeared before
) appeared before me Ronald Babcock who
County of Lane) stated that s(he) is the Owner of
22985 Bland Circle, a home, and that the
instrument signed in behalf of the said corporation by
authority of its board of directors and acknowledged said
instrument to be its voluntary act and deed. Before me:



Shealynn Witt
Notary Public for Oregon

My Commission Expires: August 28, 2021

KILARNEY DRIVE RIGHT OF WAY VACATION

The applicants, Brian Babcock and Julianne Inger Babcock, propose to vacate a portion of the Kilarney Right of Way (ROW) between Kilarney Drive and Bland Circle, per City of West Linn request. Due to the steepness of the slope, the City of West Linn does not plan to use this street ROW. The applicant proposes to provide the City of West Linn with a public utility easement in the area of the proposed street vacation for the purpose of maintaining existing utilities and installing future utilities. The City owns a public stairway for foot traffic adjacent to this Street ROW between Bland Circle and Kilarney Drive.

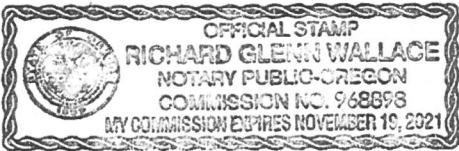
MARK STEVENS, MEMBER MANAGER

I ROSEMONT SEVEN LLC, Owner LOTS 400, 401, 600, 700, 900, 901, ROSEMONT ACRES, West Linn, OR 97068, do hereby support the proposed street vacation of Kilarney between Kilarney Drive and Bland Circle as shown is attached Exhibit A and B.

[Signature]
Property Owner's Signature

3/7/19
Date

State of OREGON) On this 7th day of March, 2019, personally appeared before
) appeared before me Mark Stevens who
County of Clackamas) stated that s(he) is the Owner of
the West Linn property described above and that the
instrument signed in behalf of the said corporation by
authority of its board of directors and acknowledged said
instrument to be its voluntary act and deed. Before me:



[Signature]
Notary Public for Oregon

My Commission Expires: 11/19/2021

KILARNEY DRIVE RIGHT OF WAY VACATION

The applicants, Brian Babcock and Julianne Inger Babcock, propose to vacate a portion of the Kilarney Right of Way (ROW) between Kilarney Drive and Bland Circle, per City of West Linn request. Due to the steepness of the slope, the City of West Linn does not plan to use this street ROW. The applicant proposes to provide the City of West Linn with a public utility easement in the area of the proposed street vacation for the purpose of maintaining existing utilities and installing future utilities. The City owns a public stairway for foot traffic adjacent to this Street ROW between Bland Circle and Kilarney Drive.

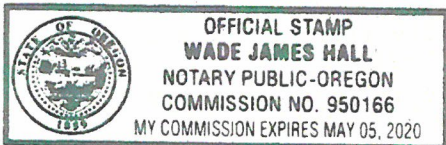
I, Andrew McMurray, Owner 23004 S. Bland Cir. West Linn
West Linn, OR 97068, do hereby support the proposed street vacation of Kilarney
between Kilarney Drive and Bland Circle as shown is attached Exhibit A and B.

[Handwritten Signature]
Property Owner's Signature

5-4-19
Date

State of OREGON) On this 3 day of ~~August, 2017~~ ^{May 2019}, personally appeared before
e) appeared before me Andrew McMurray who
County of Clackamas) stated that s(he) is the 23004 S. Bland Cir of
West Linn, OR 97068, a home, and that the

instrument signed in behalf of the said corporation by
authority of its board of directors and acknowledged said
instrument to be its voluntary act and deed. Before me:



[Handwritten Signature]
Notary Public for Oregon

My Commission Expires: 5/05/2020

KILARNEY DRIVE RIGHT OF WAY VACATION

The applicants, Brian Babcock and Julianne Inger Babcock, propose to vacate a portion of the Kilarney Right of Way (ROW) between Kilarney Drive and Bland Circle, per City of West Linn request. Due to the steepness of the slope, the City of West Linn does not plan to use this street ROW. The applicant proposes to provide the City of West Linn with a public utility easement in the area of the proposed street vacation for the purpose of maintaining existing utilities and installing future utilities. The City owns a public stairway for foot traffic adjacent to this Street ROW between Bland Circle and Kilarney Drive.

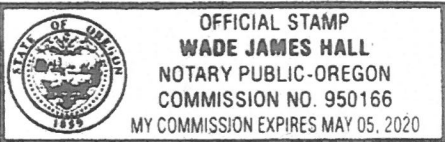
I Ana McMURRAY, Owner 23004 S-Bland Circle West Linn.
West Linn, OR 97068, do hereby support the proposed street vacation of Kilarney
between Kilarney Drive and Bland Circle as shown is attached Exhibit A and B. 97068

Ana McMurray
Property Owner's Signature

5-4-19
Date

State of OREGON) On this 5 day of ^{May 2019}~~August, 2017~~, personally appeared before
) appeared before me Ana McMurray who
County of Clackamas stated that s(he) is the 23004 S. Bland of

West Linn, OR 97068 a home, and that the
instrument signed in behalf of the said corporation by
authority of its board of directors and acknowledged said
instrument to be its voluntary act and deed. Before me:



[Signature]

Notary Public for Oregon

My Commission Expires: May 05, 2020

KILARNEY DRIVE RIGHT OF WAY VACATION

The applicants, Brian Babcock and Julianne Inger Babcock, propose to vacate a portion of the Kilarney Right of Way (ROW) between Kilarney Drive and Bland Circle, per City of West Linn request. Due to the steepness of the slope, the City of West Linn does not plan to use this street ROW. The applicant proposes to provide the City of West Linn with a public utility easement in the area of the proposed street vacation for the purpose of maintaining existing utilities and installing future utilities. The City owns a public stairway for foot traffic adjacent to this Street ROW between Bland Circle and Kilarney Drive.

Kristina Musalo
I, Robert Musalo, Owner of E 2105 Fircrest
2115 Fircrest
West Linn, OR 97068, do hereby support the proposed street vacation of Kilarney between Kilarney Drive and Bland Circle as shown is attached Exhibit A and B.

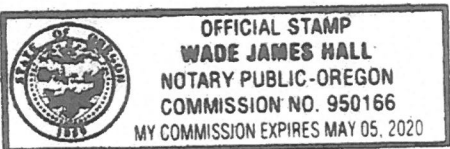
Redacted Signatures

Property Owner's Signature

5/4 /19
5/4/19
Date

State of OREGON) On this 4 day of May 2019, personally appeared before
) Kristina Musalo
) appeared before me Robert Musalo who
County of Clackamas stated that s(he) is the owners of
2105 Fircrest; 2115 Fircrest
West Linn, OR 97068, a home, and that the

instrument signed in behalf of the said corporation by
authority of its board of directors and acknowledged said
instrument to be its voluntary act and deed. Before me:



[Signature]

Notary Public for Oregon

My Commission Expires: May 05, 2020



http://westlinnoregon.gov/building

Transaction Receipt

POS - 40216

Receipt Number: 22777

Receipt Date: 11/13/19

West Linn

22500 Salamo Rd
West Linn, OR 97068
503-742-6055
building@westlinnoregon.gov

Fees Paid						
Transaction date	Units	Description	Account code	Fee amount	Paid amount	
11/13/19	1.00 Ea	Street Vacations	DR	\$6,000.00	\$6,000.00	

Payment Method: Check number: 1103 Payer: Brian Babcock Payment Amount: \$6,000.00
 Transaction Comment: MISC-19-09

Payor: Brian Babcock
 22995 Bland Circle
 West Linn, OR 97068
 541-525-1811

Site: 22995 Bland Circle
 West Linn, OR 97068

Cashier: Jennifer Arnold

Receipt Total: \$6,000.00

PAID
 NOV 14 2019
 BY: *[Signature]*

Killarney Drive Right of Way Vacation

The Applicants, Brian and Julianne Inger Babcock, propose to vacate a portion of the public right of way ("ROW") between Killarney Drive and Bland Circle, per City of West Linn request. Due to steepness of the slope, the City of West Linn does not plan to use this ROW for street purposes. The Applicants propose to provide the City of West Linn with a public utility and pedestrian access easement in the area of the proposed street vacation for the purpose of maintaining existing utilities, installing future utilities, and providing future pedestrian connectivity. The City owns a public tract ("Tract K," Ridge View Estates Phase 2) with a stairway for foot traffic adjacent to this public ROW between Bland Circle and Killarney Drive.

City of West Linn, Owner of "Tract K," Ridge View Estates Phase 2, West Linn, OR 97068, does hereby support the proposed public ROW vacation of the area between Killarney Drive and Bland Circle as shown in the attached Exhibits A and B.

Eileen Stein

Owner's Signature

7-24-19

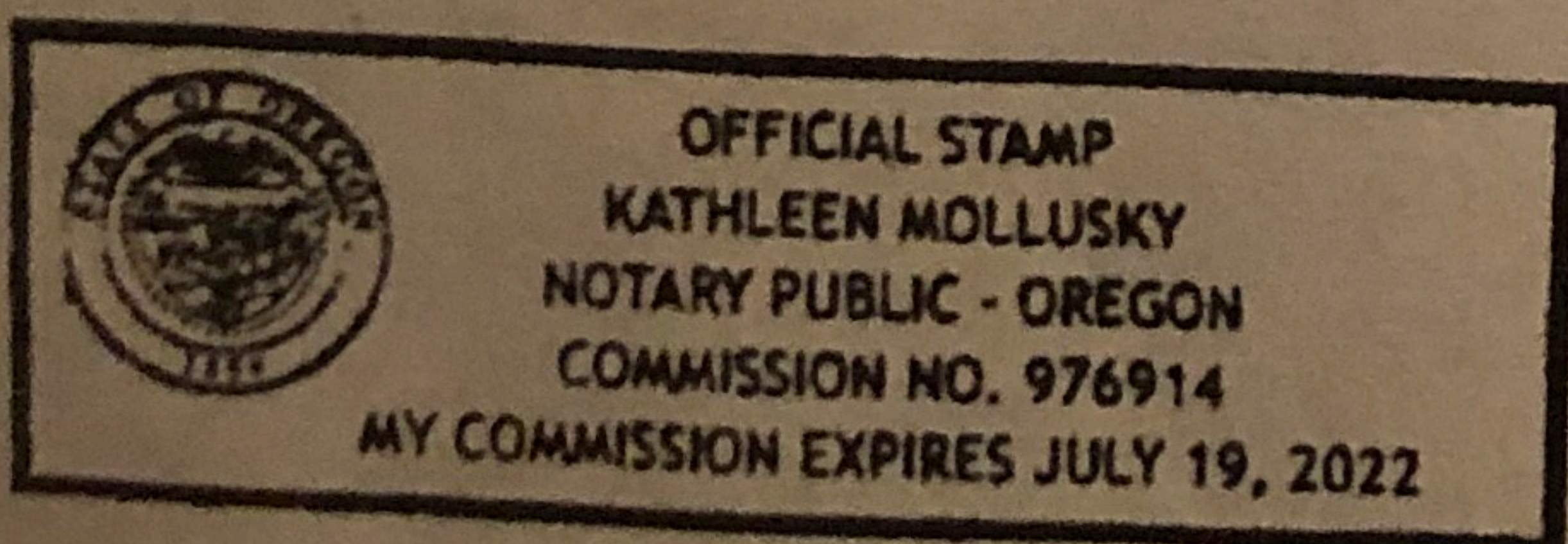
Date

STATE OF OREGON)

)ss.

COUNTY OF CLACKAMAS)

This instrument was acknowledged before me on July 24, 2019, by Eileen Stein, City Manager for the City of West Linn, a municipal corporation, on behalf of the City.



Kathleen Mollusky

Notary Public for Oregon

My commission expires: 7-19-22