



## Agenda Bill 2021-10-11-02

Date Prepared: September 28, 2021

For Meeting Date: October 11, 2021

To: Jules Walters, Mayor  
West Linn City Council

From: Darren Wyss, Community Development Department *DSW*

Through: John R. Williams, Community Development Director *JRW*  
Jerry Gabrielatos, City Manager JG

Subject: Public Hearing on City-Initiated Right-of-Way Vacation/Rededication of Skyline Drive adjacent to West Linn High School

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### Purpose

To consider a proposal from the City of West Linn to vacate 49,997 square feet of Skyline Drive right-of-way adjacent to West Linn High School and rededicate 41,952 square feet of Skyline Drive right-of-way to align the street in center of the right-of-way and remove portions of the right-of-way from areas containing existing or approved private improvements.

### Question(s) for Council:

Should Council approve the proposal and adopt Ordinance 1730?

### Public Hearing Required:

Yes

### Background & Discussion:

The City of West Linn has initiated a right-of-way vacation and rededication for the portion of Skyline Drive adjacent to the West Linn High School property. The purpose of the proposed vacation and rededication of the right-of-way is to align Skyline Drive in the center of the right-of-way. The proposal will also remove portions of the right-of-way from areas containing existing or approved private improvements. The proposal will "clean-up" historic surveys for better management of assets for both the City and the West Linn-Wilsonville School District.

ROW vacations and rededications are reviewed and decided by City Council, acting as the City's "Governing Body", under the authority granted in Oregon Revised Statute (ORS) Chapter 271. The proposal and decision are governed by ORS 271.130, while noticing requirements are governed by ORS 271.110.

Notice of the public hearing was posted for two consecutive weeks in the West Linn Tidings and posted at both ends of the proposed vacation. The proposal will have no impacts to the transportation system or surrounding properties. An eight-foot easement will be dedicated along both sides of the realigned right-of-way to ensure access to existing utilities and the future installation of any needed utilities.

City staff received no comments or objections to the proposal as of September 28, 2021.

**Budget Impact:**

Negligible as there will be approximately 8,000 square feet less right-of-way for the City to maintain.

**Sustainability Impact:**

None

**Council Goal/Priority:**

Not related to a Council Goal other than 4.1.b which mentions strengthening relationships with the school district.

**Council Options:**

1. Adopt Ordinance 1730 as presented in Attachment 1;
2. Adopt Ordinance 1730 with changes;
3. Do not adopt Ordinance 1730.

**Staff Recommendation:**

Adopt Ordinance 1730 as presented

**Potential Motion:**

1. Move to adopt Ordinance 1730 and vacate and rededicate a portion of Skyline Drive as described in Exhibits A and B of the ordinance
2. Move to adopt Ordinance 1730 with the following changes (list changes)
3. Move to not adopt Ordinance 1730 (list reasons)

**Attachments:**

1. Ordinance 1730
2. MIS-21-08 Staff Report to City Council

**ORDINANCE NO. 1730**

**AN ORDINANCE VACATING AND REDEDICATING A PORTION OF THE  
SKYLINE DRIVE RIGHT-OF-WAY TO CENTER THE EXISTING STREET IN THE RIGHT-OF-WAY  
WITHIN THE CITY OF WEST LINN, OREGON**

**WHEREAS**, the City of West Linn submitted an application, pursuant to Oregon Revised Statute (ORS) 271.130, to vacate and rededicate a portion of the Skyline Drive right-of-way, adjacent to the West Linn High School property, on July 23, 2021; and,

**WHEREAS**, the City fixed a time pursuant to Oregon Revised Statute (ORS) 271.130 on October 11, 2021, for a public hearing on the proposed vacation and rededication; and,

**WHEREAS**, the City published notice of the proposed right-of-way vacation and rededication in the West Linn Tidings on September 22, 2021 and September 29, 2021; and,

**WHEREAS**, City staff posted a copy of the notice on September 27, 2021, with all required information, at two conspicuous places near each end of the proposed vacation and rededication area; and,

**WHEREAS**, the City Council held a public hearing on the proposed vacation on October 11, 2021; and,

**WHEREAS**, the City Council found that the proposal complied with all requirements of ORS 271, the notice was complete, no objections were submitted, and the public interest will not be prejudiced by the vacation and rededication.

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

**SECTION 1. Vacation.** The portion of Skyline Drive right-of-way is vacated that is located in the City of West Linn, Clackamas County, Oregon, adjacent to tax lot 800 of Assessor Map 22E30, as more particularly described and attached in Exhibit A (legal description and map), which is incorporated by this reference.

**SECTION 2. Rededication.** The portion of Skyline Drive right-of-way is rededicated that is located in the City of West Linn, Clackamas County, Oregon, adjacent to tax lot 800 of Assessor Map 22E30, 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.** The rededicated right-of-way is subject to dedication of an adjacent eight-foot public utility easement, as depicted in Exhibit B for the entirety.

**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. Effective Date.** This ordinance shall take effect on the 30<sup>th</sup> 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 11th day of October, 2021, and duly PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
JULES WALTERS, MAYOR

ATTEST:

\_\_\_\_\_  
KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY



LEGAL DESCRIPTION  
 PROPOSED VACATION OF A PORTION OF SKYLINE DRIVE,  
 WEST LINN, OR

EXHIBIT "A", PAGE 1 OF 2

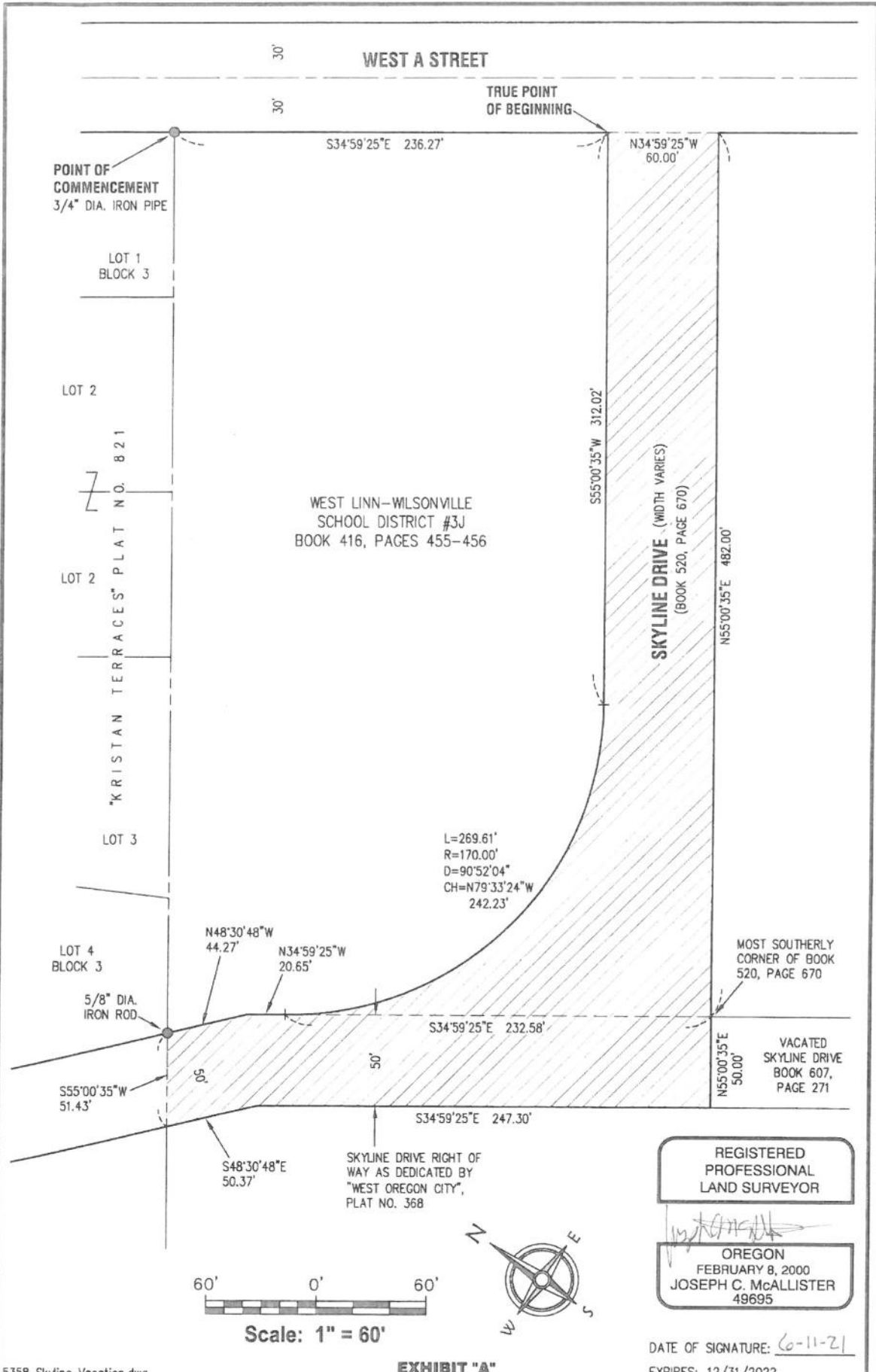
A PORTION OF SKYLINE DRIVE, (WIDTH VARIES), BEING LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 30, TOWNSHIP 2 SOUTH, RANGE 2 EAST, W.M., CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON, BEING ALL THAT PORTION OF SKYLINE DRIVE AS DESCRIBED IN DEED BOOK 520, PAGE 670, CLACKAMAS COUNTY DEED RECORDS AND A PORTION OF SKYLINE DRIVE AS DEDICATED BY "WEST OREGON CITY", PLAT NO. 368, CLACKAMAS COUNTY PLAT RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING A 3/4" DIAMETER IRON PIPE, FOUND AT THE MOST NORTHERLY CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO THE WEST LINN-WILSONVILLE SCHOOL DISTRICT #3J, RECORDED IN BOOK 416, PAGES 455-456, CLACKAMAS COUNTY DEED RECORDS, SAID POINT ALSO BEING THE MOST EASTERLY CORNER OF LOT 1, BLOCK 3, "KRISTAN TERRACES", PLAT NO. 821, BEING ON THE SOUTHWESTERLY RIGHT OF WAY LINE OF WEST "A" STREET (30.00 FEET FROM CENTERLINE); THENCE ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE, S 34°59'25"E., 236.27 FEET TO THE NORTHWESTERLY RIGHT OF WAY LINE OF SKYLINE DRIVE (60.00 FEET WIDE) AS RECORDED IN AFORESAID DEED BOOK 520, PAGE 670, AND THE TRUE POINT OF BEGINNING; THENCE ALONG THE NORTHWESTERLY RIGHT OF WAY LINE OF SAID SKYLINE DRIVE (60.00 FEET WIDE), S 55°00'35"W., 312.02 FEET; THENCE CONTINUING ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE, 269.61 FEET ALONG THE ARC OF A 170.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 90°52'04", (THE CHORD OF WHICH BEARS N 79°33'24"W., 242.23 FEET) TO THE EASTERLY RIGHT OF WAY LINE OF SKYLINE DRIVE (50.00 FEET WIDE) AS DEDICATED BY AFORESAID "WEST OREGON CITY", PLAT NO. 368; THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE, N 34°59'25"W., 20.65 FEET; THENCE CONTINUING ALONG SAID EASTERLY RIGHT OF WAY LINE, N 48°30'48"W., 44.27 FEET TO A 5/8" DIAMETER IRON ROD FOUND AT THE MOST SOUTHERLY CORNER OF LOT 4, BLOCK 3 OF AFORESAID "KRISTAN TERRACES"; THENCE ALONG THE SOUTHWESTERLY EXTENSION OF THE SOUTHEASTERLY LINE OF SAID "KRISTAN TERRACES", SAID EXTENSION BEING THE NORTHWESTERLY LINE OF AFORESAID SCHOOL TRACT, S 55°00'35"W., 51.43 FEET TO THE WESTERLY RIGHT OF WAY LINE OF SAID SKYLINE DRIVE (50.00 FEET WIDE); THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE, S 48°30'48"E., 50.37 FEET; THENCE CONTINUING ALONG SAID WESTERLY RIGHT OF WAY LINE, S 34°59'25"E., 247.30 FEET TO THE SOUTHWESTERLY EXTENSION OF THE SOUTHEASTERLY RIGHT OF WAY LINE OF SKYLINE DRIVE AS DESCRIBED IN AFORESAID BOOK 520, PAGE 670; THENCE ALONG SAID EXTENSION, N 00°00'E., 50.00 FEET TO THE MOST SOUTHERLY CORNER OF SAID BOOK 520, PAGE 670; THENCE ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE, N 55°00'35"E., 482.00 FEET TO THE AFORESAID SOUTHWESTERLY RIGHT OF WAY LINE OF WEST "A" STREET (30.00 FEET FROM CENTERLINE); THENCE ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE, N 34°59'25"W., 60.00 FEET TO THE POINT-OF-BEGINNING, CONTAINING 49,997 SQUARE FEET, MORE OR LESS.



DATE OF SIGNATURE c/nlu  
 EXPIRES: 12/31/2022





5358 Skyline Vacation.dwg

EXHIBIT "A"

<p><b>COMPASS</b> Land Surveyors 4107 SE International Way, Suite 705 Milwaukie, Oregon 97222 503-653-9093</p>	<p>VACATION OF A PORTION OF SKYLINE DRIVE IN THE SW 1/4 SECTION 30, T.2S., R.2E., W.M. CITY OF WEST LINN, CLACKAMAS COUNTY, OR</p>	<p>2 2</p>
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LEGAL DESCRIPTION  
 PROPOSED SKYLINE DRIVE,  
 WEST LINN, OR

EXHIBIT "A", PAGE 1 OF 2,

A 58.00 FOOT WIDE STRIP OF LAND, BEING LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 30, TOWNSHIP 2 SOUTH, RANGE 2 EAST, W.M., CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON, THE CENTERLINE OF WHICH BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING A 3/4" DIAMETER IRON PIPE, FOUND AT THE NORTHERLY CORNER THAT TRACT OF LAND DESCRIBED IN DEED TO THE WEST LINN-WILSONVILLE SCHOOL DISTRICT #3J, RECORDED IN BOOK 416, PAGES 455-456, CLACKAMAS COUNTY DEED RECORDS, SAID POINT ALSO BEING THE EASTERLY CORNER OF LOT 1, BLOCK 3, "KRISTAN TERRACES", PLAT NO. 821, BEING ON THE SOUTHWESTERLY RIGHT OF WAY LINE OF WEST "A" STREET (30.00 FEET FROM CENTERLINE); THENCE ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE, S.34059'25"E., 266.27 FEET TO THE TRUE POINT OF BEGINNING; THENCE ALONG THE CENTERLINE OF A 58.00 FOOT WIDE STRIP, S.55°00'35"W., 401.49 FEET; THENCE 137.70 FEET ALONG THE ARC OF A 95.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 83°03'04", (THE CHORD OF WHICH BEARS N.83°27'53"W., 125.96 FEET); THENCE N.41°56'21"W., 184.12 FEET TO THE TERMINUS OF SAID CENTERLINE, BEING A POINT ON THE SOUTHWESTERLY EXTENSION OF THE SOUTHEASTERLY LINE OF AFORE SAID "KRISTAN TERRACES", S.55°00'35"W., 25.71 FEET FROM THE 5/8" IRON ROD FOUND AT THE SOUTHERLY CORNER OF LOT 4, BLOCK 3, OF AFORE SAID PLAT "KRISTAN TERRACES", SAID EXTENSION ALSO BEING THE NORTHWESTERLY LINE OF AFORE SAID SCHOOL TRACT; THE RIGHT AND LEFT SIDES OF SAID 58.00 FOOT WIDE STRIP, ARE 29.00 FEET RIGHT AND LEFT OF AND PARALLEL WITH SAID CENTERLINE; SAID STRIP CONTAINING 41,952 SQUARE FEET, MORE OR LESS.

INCLUDING A 8.00 FOOT WIDE PUBLIC UTILITY EASEMENT PARALLELING THE RIGHT AND LEFT SIDES OF SAID 58.00 FOOT WIDE STRIP, THE OUTER RIGHT AND LEFT SIDES THEREOF BEING 37.00 FEET RIGHT AND LEFT OF AND PARALLEL WITH THE AFORE SAID DESCRIBED CENTERLINE.



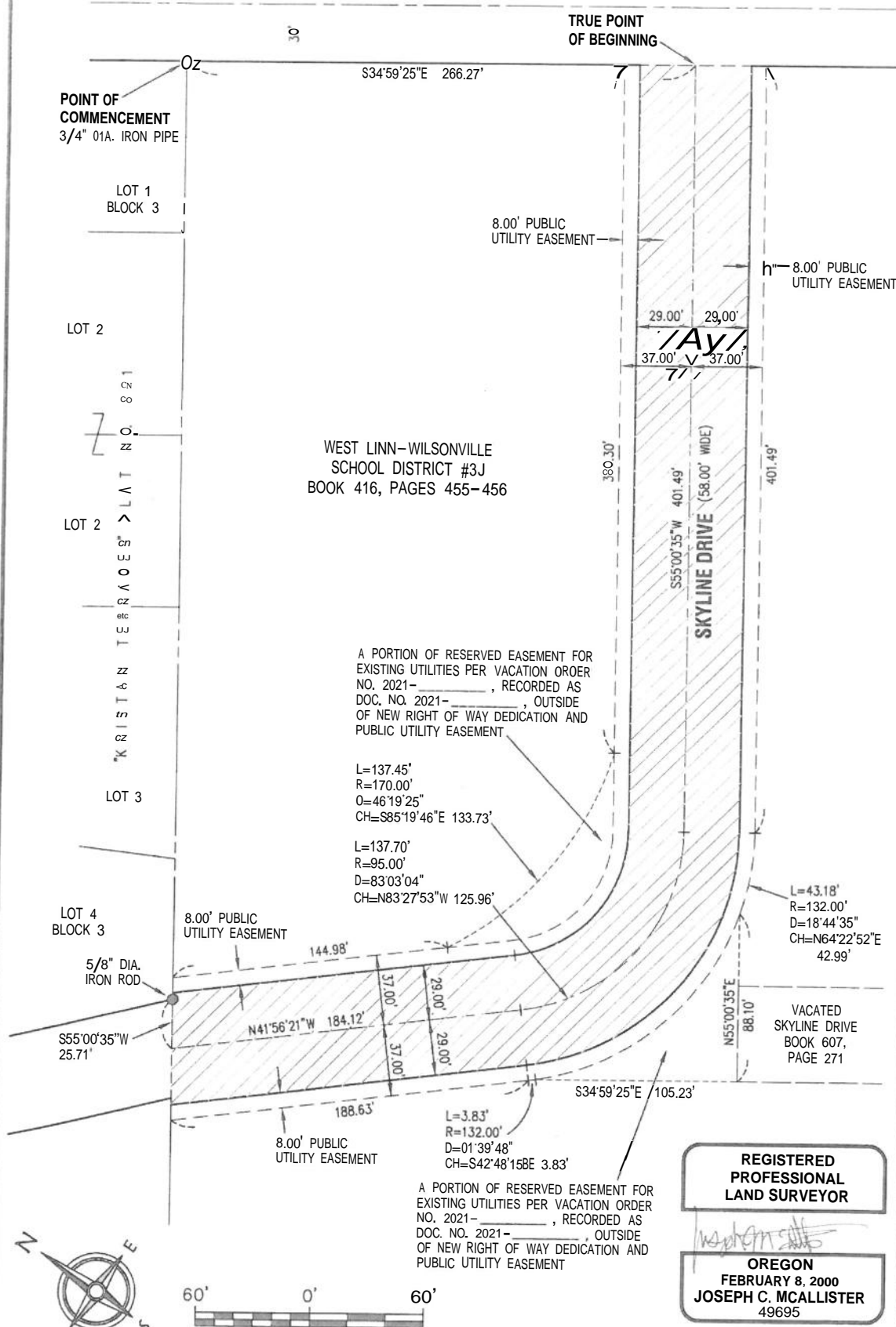
DATE OF SIGNATURE: 6(nki

EXPIRES: 12/31/2022



4107 SE International Way, Suite 705, Milwaukie, Oregon 97222  
 Phone 503.653.9093 Fax 503.653.9095 Email: joem@compass-landsurveyors.com

WEST A STREET



POINT OF COMMENCEMENT  
3/4" 01A. IRON PIPE

TRUE POINT OF BEGINNING

LOT 1  
BLOCK 3

LOT 2

LOT 2

K R I S T I A N T E R R A C O S S ' S > L A T N O. 8 2 1

LOT 3

LOT 4  
BLOCK 3

WEST LINN-WILSONVILLE  
SCHOOL DISTRICT #3J  
BOOK 416, PAGES 455-456

A PORTION OF RESERVED EASEMENT FOR EXISTING UTILITIES PER VACATION ORDER NO. 2021-\_\_\_\_\_, RECORDED AS DOC. NO. 2021-\_\_\_\_\_, OUTSIDE OF NEW RIGHT OF WAY DEDICATION AND PUBLIC UTILITY EASEMENT

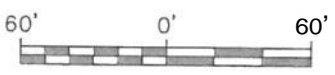
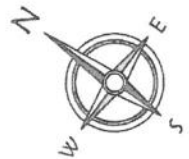
L=137.45'  
R=170.00'  
O=46°19'25"  
CH=S85°19'46"E 133.73'

L=137.70'  
R=95.00'  
D=83°03'04"  
CH=N83°27'53"W 125.96'

L=43.18'  
R=132.00'  
D=18°44'35"  
CH=N64°22'52"E 42.99'

L=3.83'  
R=132.00'  
D=01°39'48"  
CH=S42°48'15"E 3.83'

A PORTION OF RESERVED EASEMENT FOR EXISTING UTILITIES PER VACATION ORDER NO. 2021-\_\_\_\_\_, RECORDED AS DOC. NO. 2021-\_\_\_\_\_, OUTSIDE OF NEW RIGHT OF WAY DEDICATION AND PUBLIC UTILITY EASEMENT



Scale: 1" = 60'

**REGISTERED PROFESSIONAL LAND SURVEYOR**

*Joseph C. McAllister*

**OREGON**  
FEBRUARY 8, 2000  
**JOSEPH C. MCALLISTER**  
49695

DATE OF SIGNATURE: 6-11-21  
EXPIRES: 12/31/2022

5358 Skyline Dedication.dwg

EXHIBIT "A"

**O&MPASS** Land Surveyors  
4107 SE International Way, Suite 705  
MilwauScSe, Oregon 97222 503-653-9093

**SKYLINE DRIVE DEDICATION**  
IN SW 1/4 SECTION 30, T.2S., R.2E., W.3.  
CITY OF WEST LINN, CLACKAMAS COUNTY, OR

2  
2





CITY OF  
**West Linn**

**STAFF REPORT  
FOR THE CITY COUNCIL**

**FILE NUMBER:** MIS-21-08

**HEARING DATE:** October 11, 2021

**REQUEST:** City initiated request to vacate and rededicate the public right-of-way along Skyline Drive adjacent to the West Linn High School property

**STAFF REPORT PREPARED BY:** Darren Wyss, Planning Manager

Community Development Director *JRW*

**TABLE OF CONTENTS**

**STAFF ANALYSIS AND RECOMMENDATION**

GENERAL INFORMATION ..... 2

EXECUTIVE SUMMARY ..... 3

RECOMMENDATION..... 3

PUBLIC COMMENTS... .....3

**ADDENDUM**

APPROVAL CRITERIA AND FINDINGS ..... 4

**EXHIBITS**

CC-1 LOCATION MAP.....6

CC-2 APPLICANT SUBMITTAL .....8

CC-3 COMPLETENESS LETTER .....16

CC-4 AFFIDAVIT OF NOTICE .....18

## GENERAL INFORMATION

- APPLICANT:** City of West Linn  
22500 Salamo Road  
West Linn, OR 91068
- SITE LOCATION:** 49,997 square feet of improved Skyline Drive right-of-way adjacent to taxlot 800 of Assessor's Map 22E30.
- DESCRIPTION:** Proposed vacation and rededication to align Skyline Drive in center of right-of-way.
- SITE SIZE:** 49,997 square feet will be vacated and 41,952 square feet will be rededicated.
- 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. 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

The City of West Linn has initiated a right-of-way vacation and rededication for the portion of Skyline Drive adjacent to the West Linn High School property (see Exhibit CC-1). The purpose of the proposed vacation and rededication of the right-of-way is to align Skyline Drive in the center of the right-of-way. The proposal will also remove portions of the right-of-way from areas containing existing or approved private improvements. The proposal will “clean-up” historic surveys for better management of assets for both the City and the West Linn-Wilsonville School District.

ROW vacations and rededications are reviewed and decided by City Council, acting as the City’s “*Governing Body*”, under the authority granted in Oregon Revised Statute (ORS) Chapter 271. The proposal and decision are governed by ORS 271.130, while noticing requirements are governed by ORS 271.110.

Notice of the public hearing was posted for two consecutive weeks in the West Linn Tidings and posted at both ends of the proposed vacation (see Exhibit CC-4). The proposal will have no impacts to the transportation system or surrounding properties. An eight-foot easement will be dedicated along both sides of the realigned right-of-way to ensure access to existing utilities and the future installation of any needed utilities.

## RECOMMENDATION

Staff recommends the City Council approves the right-of-way vacation/rededication proposal.

## PUBLIC COMMENTS:

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

## ADDENDUM APPROVAL CRITERIA AND FINDINGS

*ORS 271.130 Vacation on city governing body's own motion.*

*(1) The city governing body may initiate vacation proceedings authorized by ORS 271.080 and make such vacation without a petition or consent of property owners.*

**Staff Finding 1: The City of West Linn Public Works Department initiated vacation proceedings for a street right-of-way as authorized by ORS.271.080. Neither a petition nor consent of affected property owners is required. The criteria are met.**

*Notice shall be given as provided by ORS 271.110, but such vacation shall not be made before the date set for hearing, nor if the owners of a majority of the area affected, computed on the basis provided in ORS 271.080, object in writing thereto, nor shall any street area be vacated without the consent of the owners of the abutting property if the vacation will substantially affect the market value of such property, unless the city governing body provides for paying damages. Provision for paying such damages may be made by a local assessment, or in such other manner as the city charter may provide.*

**Staff Finding 2: The notice provisions of ORS 271.110 have been met (see Staff Findings 5 to 7). The notice set the date for the public hearing as October 11, 2021. No decision on the proposal was made before the noticed public hearing. The City has not received a written objection to the proposal by a majority of property owners in the affected area. The abutting property owner, the West-Linn Wilsonville School District, is a partner in this proposal and has not claimed a substantial effect to the market value of the abutting property. The criteria are met.**

*(2) Two or more streets, alleys, avenues and boulevards, or parts thereof, may be joined in one proceeding, provided they intersect or are adjacent and parallel to each other.*

**Staff Finding 3: Only one street, a portion of Skyline Drive adjacent to the West Linn High School property, is part of the proposal. The criteria are met.**

*(3) No ordinance for the vacation of all or part of a plat shall be passed by the governing body until the city recording officer has filed in the office of the city recording officer or indorsed on the petition for such vacation a certificate showing that all city liens and all taxes have been paid on the lands covered by the plat or portion thereof to be vacated.*

*(4) Any property owner affected by the order of vacation or the order awarding damages or benefits in such vacation proceedings may appeal to the circuit court of the county where such city is situated in the manner provided by the city charter. If the charter does not provide for such appeal, the appeal shall be taken within the time and in substantially the manner provided for taking an appeal from justice court in civil cases.*

**Staff Finding 4: The proposal does not include the vacation of all or part of a plat. The City of West Linn understands the right to an appeal and the process to file. The criteria are met.**

*271.110 Notice of hearing.*

*(1) The city recorder or other recording officer of the city shall give notice of the petition and hearing by publishing a notice in the city official newspaper once each week for two consecutive weeks prior to the hearing. If no newspaper is published in such city, written notice of the petition and hearing shall be posted in three of the most public places in the city. The notices shall describe the ground covered by the petition, give the date it was filed, the name of at least one of the petitioners and the date when the petition, and any objection or remonstrance, which may be made in writing and filed with the recording officer of the city prior to the time of hearing, will be heard and considered.*

**Staff Finding 5: Public notice was published in the West Linn Tidings newspaper once each week for two consecutive weeks prior to the hearing (publish dates: September 22, 2021 and September 29, 2021). The notice included the ground covered by the vacation/rededication proposal, the date it was filed by the City of West Linn, the process to submit written or oral comment, and the date and time of the hearing. The criteria are met. 017 and December 28, 2017). Staff posted a “Notice of Street Vacation” at each end of the unimproved ROWs proposed for vacation on December 21, 2017. Both the sign posting and first day of publication in the newspaper were at least 14 days prior to the hearing date. The criteria is met.**

*(2) Within five days after the first day of publication of the notice, the city recording officer shall cause to be posted at or near each end of the proposed vacation a copy of the notice, which shall be headed, “Notice of Street Vacation,” “Notice of Plat Vacation” or “Notice of Plat and Street Vacation,” as the case may be. The notice shall be posted in at least two conspicuous places in the proposed vacation area. The posting and first day of publication of such notice shall be at least 14 days before the hearing.*

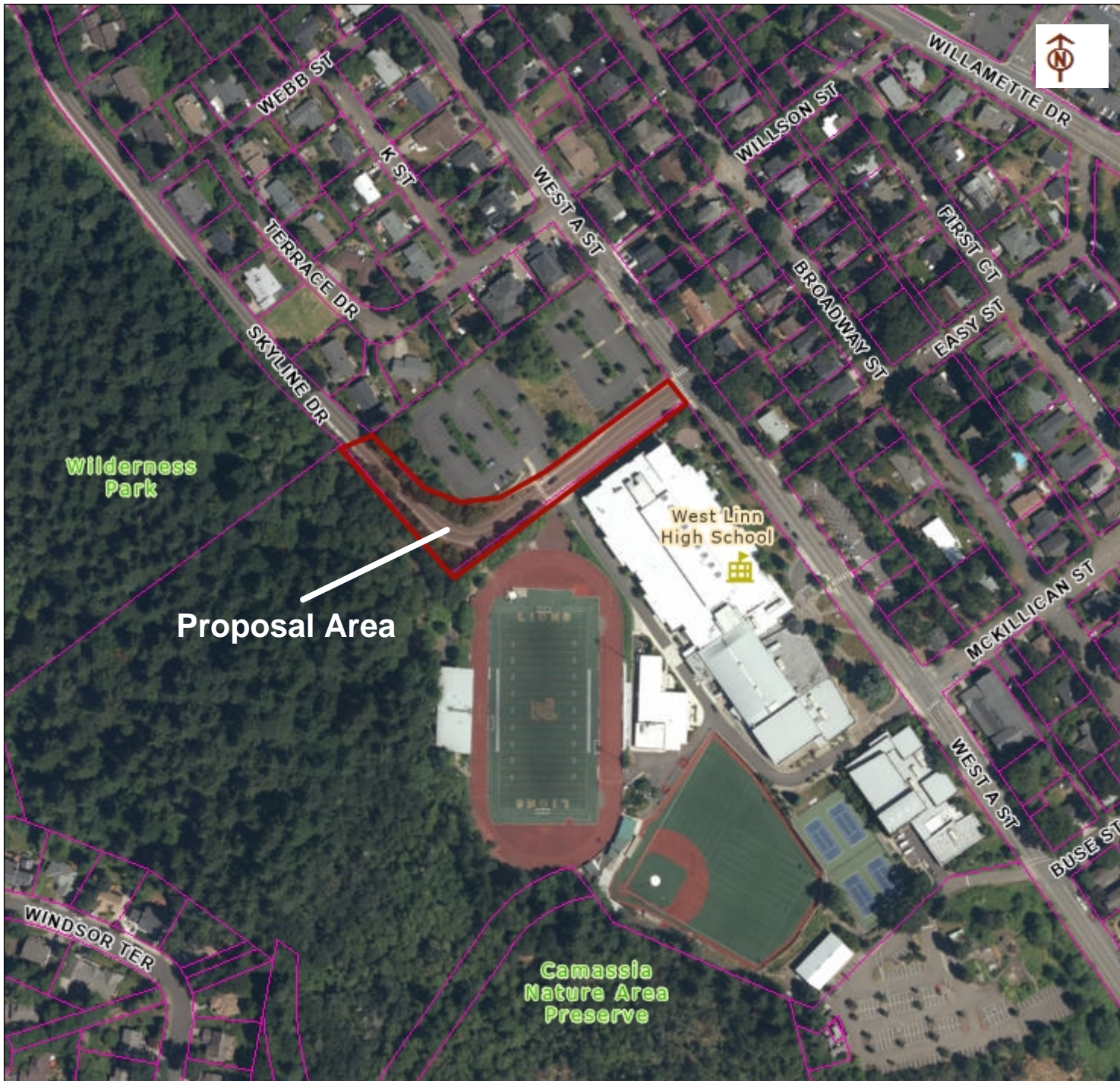
**Staff Finding 6: The first day of publication of the notice was September 22, 2021. Staff posted a “Notice of Street Vacation and Rededication” at each end of the section of Skyline Drive in the proposal on September 27, 2021. Both the sign posting and first day of publication in the newspaper were at least 14 days prior to the hearing date. The criteria are met.**

*(3) The city recording officer shall, before publishing such notice, obtain from the petitioners a sum sufficient to cover the cost of publication, posting and other anticipated expenses. The city recording officer shall hold the sum so obtained until the actual cost has been ascertained, when the amount of the cost shall be paid into the city treasury and any surplus refunded to the depositor.*

**Staff Finding 7: The proposal is City-initiated and all notices were funded by the City. The criteria are met.**

## EXHIBIT CC-1: LOCATION MAP





**Legend**

 Unofficial Tax Lots

0 0.06 0.11 Miles



1: 4,514



**Notes**

This map was automatically generated using Geocortex Essentials.  
Staff Report

## EXHIBIT CC-2: APPLICANT SUBMITTAL



**DEVELOPMENT REVIEW APPLICATION**

For Office Use Only

STAFF CONTACT <i>WYSS</i>	PROJECT NO(s). <i>Misc -21-08</i>	PRE-APPLICATION NO. <i>n/a</i>
NON-REFUNDABLE FEE(s) <b>\$0</b>	REFUNDABLE DEPOSIT(s)	TOTAL <b>\$0</b>

**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.

<b>Site Location/Address:</b> <b>SKYLINE DRIVE</b>	Assessor's Map No.: <b>22E30</b>
	Tax Lot(s): <b>N/A</b>
	Total Land Area: <b>N/A</b>

**Brief Description of Proposal:** **CITY INITIATED RIGHT-OF-WAY VACATION OF SKYLINE DRIVE, DEDICATION OF PUE ON VACATED RIGHT-OF-WAY AND DEDICATION OF NEW SKYLINE DRIVE RIGHT-OF-WAY ADJACENT TO 5464 WEST A STREET**

<b>Applicant Name:</b> <b>AMY PEPPER</b> <small>(please print)</small>	Phone: <b>503-722-3437</b>
Address: <b>22500 SALAMO ROAD</b>	Email: <b>apepper@westlinnoregon.gov</b>
City State Zip: <b>WEST LINN, OR 97068</b>	

<b>Owner Name</b> (required): <b>CITY OF WEST LINN</b> <small>(please print)</small>	Phone:
Address: <b>22500 SALAMO ROAD</b>	Email:
City State Zip: <b>WEST LINN, OR 97068</b>	

<b>Consultant Name:</b> <b>N/A</b> <small>(please print)</small>	Phone:
Address:	Email:
City State Zip:	

- 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 decision may be reversed on appeal. The permit approval will not be effective until the appeal period has expired.
- The City accepts electronic (.pdf) land use applications and project submissions from applicants. Applicants should submit this form and supporting documents through the [Submit a Land Use Application](https://westlinnoregon.gov/planning/submit-land-use-application) web page:  
<https://westlinnoregon.gov/planning/submit-land-use-application>

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.

Applicant's signature  **RECEIVED** 7/19/2021 **JUL 23, 2021** Owner's signature (required)  Date **7.23.21**

**ATTACHMENT A:**

PROPOSED RIGHT-OF-WAY VACATION, PUBLIC UTILITY EASEMENT DEDICATION

LEGAL DESCRIPTION  
PROPOSED VACATION OF A PORTION OF SKYLINE DRIVE,  
WEST LINN, OR

EXHIBIT "A", PAGE 1 OF 2

A PORTION OF SKYLINE DRIVE, (WIDTH VARIES), BEING LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 30, TOWNSHIP 2 SOUTH, RANGE 2 EAST, W.M., CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON, BEING ALL THAT PORTION OF SKYLINE DRIVE AS DESCRIBED IN DEED BOOK 520, PAGE 670, CLACKAMAS COUNTY DEED RECORDS AND A PORTION OF SKYLINE DRIVE AS DEDICATED BY "WEST OREGON CITY", PLAT NO. 368, CLACKAMAS COUNTY PLAT RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

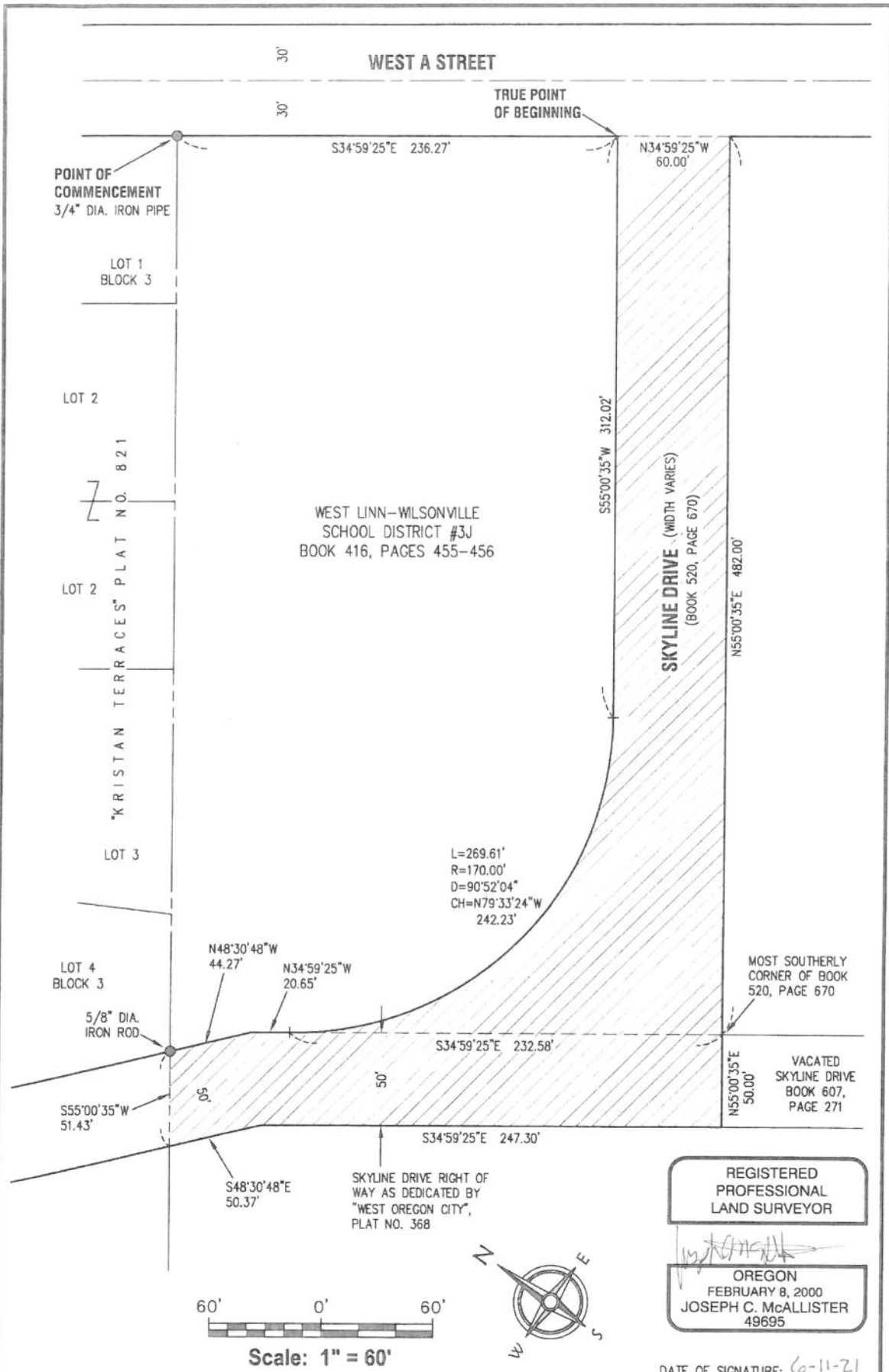
COMMENCING A 3/4" DIAMETER IRON PIPE, FOUND AT THE MOST NORTHERLY CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO THE WEST LINN-WILSONVILLE SCHOOL DISTRICT #3J, RECORDED IN BOOK 416, PAGES 455-456, CLACKAMAS COUNTY DEED RECORDS, SAID POINT ALSO BEING THE MOST EASTERLY CORNER OF LOT 1, BLOCK 3, "KRISTAN TERRACES", PLAT NO. 821, BEING ON THE SOUTHWESTERLY RIGHT OF WAY LINE OF WEST "A" STREET (30.00 FEET FROM CENTERLINE); THENCE ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE, S 34°59'25"E., 236.27 FEET TO THE NORTHWESTERLY RIGHT OF WAY LINE OF SKYLINE DRIVE (60.00 FEET WIDE) AS RECORDED IN AFORESAID DEED BOOK 520, PAGE 670, AND THE TRUE POINT OF BEGINNING; THENCE ALONG THE NORTHWESTERLY RIGHT OF WAY LINE OF SAID SKYLINE DRIVE (60.00 FEET WIDE), S 55°00'35"W., 312.02 FEET; THENCE CONTINUING ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE, 269.61 FEET ALONG THE ARC OF A 170.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 90°52'04", (THE CHORD OF WHICH BEARS N 79°33'24"W., 242.23 FEET) TO THE EASTERLY RIGHT OF WAY LINE OF SKYLINE DRIVE (50.00 FEET WIDE) AS DEDICATED BY AFORESAID "WEST OREGON CITY", PLAT NO. 368; THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE, N 34°59'25"W., 20.65 FEET; THENCE CONTINUING ALONG SAID EASTERLY RIGHT OF WAY LINE, N 48°30'48"W., 44.27 FEET TO A 5/8" DIAMETER IRON ROD FOUND AT THE MOST SOUTHERLY CORNER OF LOT 4, BLOCK 3 OF AFORESAID "KRISTAN TERRACES"; THENCE ALONG THE SOUTHWESTERLY EXTENSION OF THE SOUTHEASTERLY LINE OF SAID "KRISTAN TERRACES", SAID EXTENSION BEING THE NORTHWESTERLY LINE OF AFORESAID SCHOOL TRACT, S 55°00'35"W., 51.43 FEET TO THE WESTERLY RIGHT OF WAY LINE OF SAID SKYLINE DRIVE (50.00 FEET WIDE); THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE, S 48°30'48"E., 50.37 FEET; THENCE CONTINUING ALONG SAID WESTERLY RIGHT OF WAY LINE, S 34°59'25"E., 247.30 FEET TO THE SOUTHWESTERLY EXTENSION OF THE SOUTHEASTERLY RIGHT OF WAY LINE OF SKYLINE DRIVE AS DESCRIBED IN AFORESAID BOOK 520, PAGE 670; THENCE ALONG SAID EXTENSION, N 00°00'E., 50.00 FEET TO THE MOST SOUTHERLY CORNER OF SAID BOOK 520, PAGE 670; THENCE ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE, N 55°00'35"E., 482.00 FEET TO THE AFORESAID SOUTHWESTERLY RIGHT OF WAY LINE OF WEST "A" STREET (30.00 FEET FROM CENTERLINE); THENCE ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE, N 34°59'25"W., 60.00 FEET TO THE POINT-OF-BEGINNING, CONTAINING 49,997 SQUARE FEET, MORE OR LESS.



DATE OF SIGNATURE c/nlu  
EXPIRES: 12/31/2022



4107 SE International Way, Suite 705, Milwaukie, Oregon 97222  
Phone: 503.653.9093 Fax: 503.653.9095 Email: joem@compass-landsurveyors.com



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Joseph C. McAllister*  
OREGON  
FEBRUARY 8, 2000  
JOSEPH C. McALLISTER  
49695

DATE OF SIGNATURE: 6-11-21  
EXPIRES: 12/31/2022

5358 Skyline Vacation.dwg

EXHIBIT "A"

**COMPASS** Land Surveyors  
4107 SE International Way, Suite 705  
Milwaukie, Oregon 97222 503-653-9093

VACATION OF A PORTION OF SKYLINE DRIVE  
IN THE SW 1/4 SECTION 30, T.2S., R.2E., W.M.  
CITY OF WEST LINN, CLACKAMAS COUNTY, OR

2  
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**ATTACHMENT B:**  
PROPOSED RIGHT-OF-WAY DEDICATION

LEGAL DESCRIPTION  
PROPOSED SKYLINE DRIVE,  
WEST LINN, OR

EXHIBIT "A", PAGE 1 OF 2,

A 58.00 FOOT WIDE STRIP OF LAND, BEING LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 30, TOWNSHIP 2 SOUTH, RANGE 2 EAST, W.M., CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON, THE CENTERLINE OF WHICH BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING A 3/4" DIAMETER IRON PIPE, FOUND AT THE NORTHERLY CORNER THAT TRACT OF LAND DESCRIBED IN DEED TO THE WEST LINN-WILSONVILLE SCHOOL DISTRICT #3J, RECORDED IN BOOK 416, PAGES 455-456, CLACKAMAS COUNTY DEED RECORDS, SAID POINT ALSO BEING THE EASTERLY CORNER OF LOT 1, BLOCK 3, "KRISTAN TERRACES", PLAT NO. 821, BEING ON THE SOUTHWESTERLY RIGHT OF WAY LINE OF WEST "A" STREET (30.00 FEET FROM CENTERLINE); THENCE ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE, S.34059'25"E., 266.27 FEET TO THE TRUE POINT OF BEGINNING; THENCE ALONG THE CENTERLINE OF A 58.00 FOOT WIDE STRIP, S.55°00'35"W., 401.49 FEET; THENCE 137.70 FEET ALONG THE ARC OF A 95.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 83°03'04", (THE CHORD OF WHICH BEARS N.83°27'53"W., 125.96 FEET); THENCE N.41°56'21"W., 184.12 FEET TO THE TERMINUS OF SAID CENTERLINE, BEING A POINT ON THE SOUTHWESTERLY EXTENSION OF THE SOUTHEASTERLY LINE OF AFORE SAID "KRISTAN TERRACES", S.55°00'35"W., 25.71 FEET FROM THE 5/8" IRON ROD FOUND AT THE SOUTHERLY CORNER OF LOT 4, BLOCK 3, OF AFORE SAID PLAT "KRISTAN TERRACES", SAID EXTENSION ALSO BEING THE NORTHWESTERLY LINE OF AFORE SAID SCHOOL TRACT; THE RIGHT AND LEFT SIDES OF SAID 58.00 FOOT WIDE STRIP, ARE 29.00 FEET RIGHT AND LEFT OF AND PARALLEL WITH SAID CENTERLINE; SAID STRIP CONTAINING 41,952 SQUARE FEET, MORE OR LESS.

INCLUDING A 8.00 FOOT WIDE PUBLIC UTILITY EASEMENT PARALLELING THE RIGHT AND LEFT SIDES OF SAID 58.00 FOOT WIDE STRIP, THE OUTER RIGHT AND LEFT SIDES THEREOF BEING 37.00 FEET RIGHT AND LEFT OF AND PARALLEL WITH THE AFORE SAID DESCRIBED CENTERLINE.



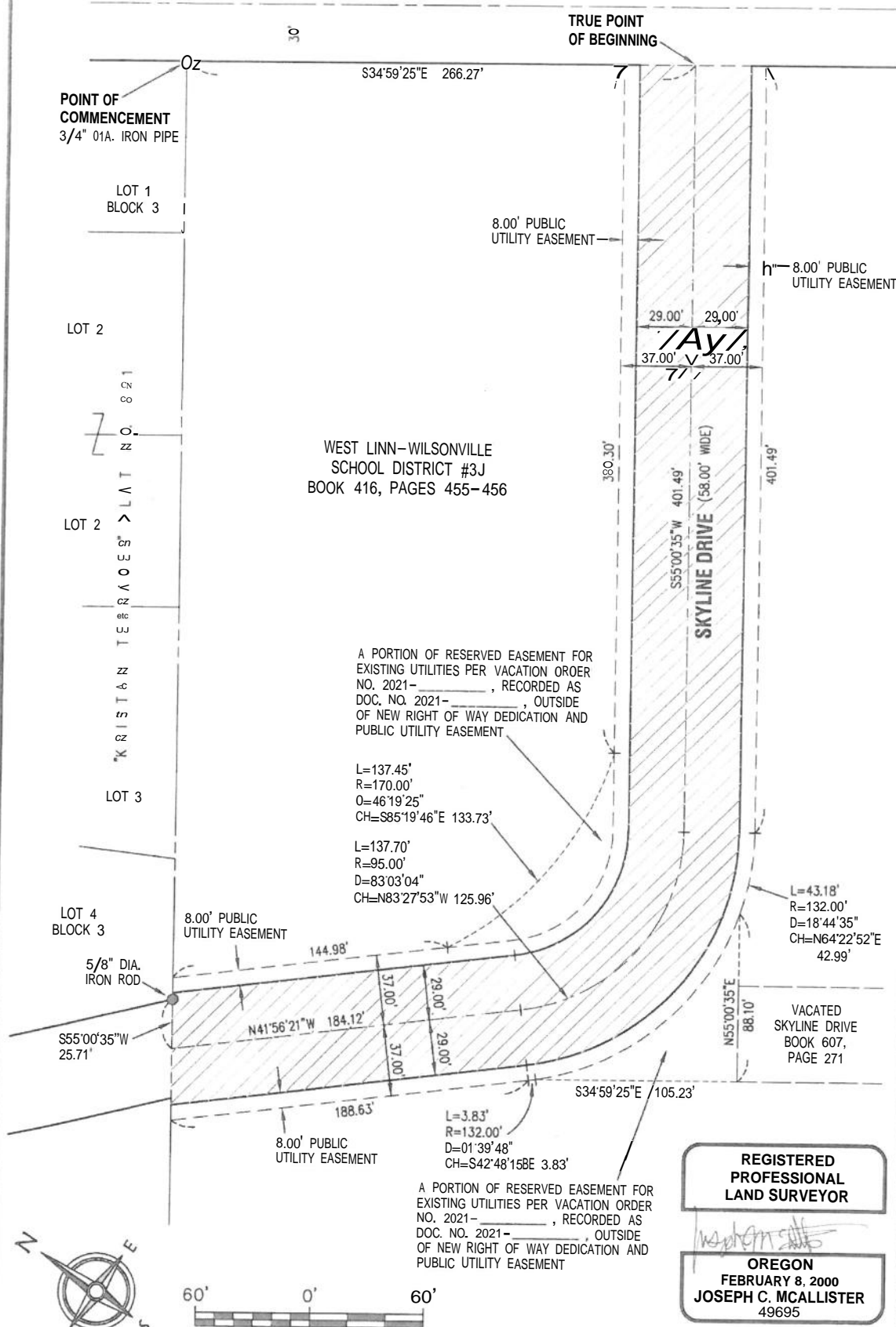
DATE OF SIGNATURE: 6/1/2022

EXPIRES: 12/31/2022



4107 SE International Way, Suite 705, Milwaukie, Oregon 97222  
Phone 503.653.9093 Fax 503.653.9095 Email: joem@compass-landsurveyors.com

WEST A STREET



POINT OF COMMENCEMENT  
3/4" 01A. IRON PIPE

TRUE POINT OF BEGINNING

LOT 1  
BLOCK 3

LOT 2

LOT 2

K R I S T I A N T E R R A C O S S > L A T N O. 8 2 1

LOT 3

LOT 4  
BLOCK 3

WEST LINN-WILSONVILLE  
SCHOOL DISTRICT #3J  
BOOK 416, PAGES 455-456

A PORTION OF RESERVED EASEMENT FOR EXISTING UTILITIES PER VACATION ORDER NO. 2021-\_\_\_\_\_, RECORDED AS DOC. NO. 2021-\_\_\_\_\_, OUTSIDE OF NEW RIGHT OF WAY DEDICATION AND PUBLIC UTILITY EASEMENT

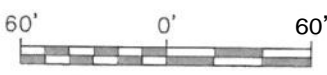
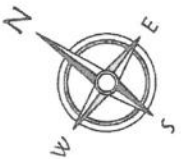
L=137.45'  
R=170.00'  
O=46°19'25"  
CH=S85°19'46"E 133.73'

L=137.70'  
R=95.00'  
D=83°03'04"  
CH=N83°27'53"W 125.96'

L=43.18'  
R=132.00'  
D=18°44'35"  
CH=N64°22'52"E 42.99'

L=3.83'  
R=132.00'  
D=01°39'48"  
CH=S42°48'15BE 3.83'

A PORTION OF RESERVED EASEMENT FOR EXISTING UTILITIES PER VACATION ORDER NO. 2021-\_\_\_\_\_, RECORDED AS DOC. NO. 2021-\_\_\_\_\_, OUTSIDE OF NEW RIGHT OF WAY DEDICATION AND PUBLIC UTILITY EASEMENT



Scale: 1" = 60'

**REGISTERED PROFESSIONAL LAND SURVEYOR**

*Joseph C. McAllister*

**OREGON**  
FEBRUARY 8, 2000  
**JOSEPH C. MCALLISTER**  
49695

DATE OF SIGNATURE: 6-11-21  
EXPIRES: 12/31/2022

5358 Skyline Dedication.dwg

EXHIBIT "A"

**O&MPASS** Land Surveyors  
4107 SE International Way, Suite 705  
MilwauScSe, Oregon 97222 503-653-9093

**SKYLINE DRIVE DEDICATION**  
IN SW 1/4 SECTION 30, T.2S., R.2E., W.3.  
CITY OF WEST LINN, CLACKAMAS COUNTY, OR

2  
2

**EXHIBIT CC-3: COMPLETENESS LETTER**





# CITY OF West Linn

August 3, 2021

Amy Pepper  
City of West Linn  
22500 Salamo Road  
West Linn, OR 97068

SUBJECT: MISC-21-08 Application for Skyline Drive right-of-way vacation and rededication adjacent to the West Linn High School properties

Ms. Pepper:

You submitted this application on July 23, 2021. The Planning Department has reviewed the materials and found you have satisfied submittal requirements found in Oregon Revised Statute 271.130. The Planning Department finds that this application is **complete**. This is a legislative action and therefore the 120-day rule does not apply.

Please be aware that a determination of a complete application does not guarantee a recommendation of approval from staff for your proposal as submitted – it signals that staff believes you have provided the necessary information for the West Linn City Council to render a decision on your proposal.

Public notice will be prepared per Oregon Revised Statute 271.110. The tentative public hearing date before the West Linn City Council is scheduled for October 11, 2021.

Please contact me at 503-742-6064, or by email at [dwyss@westlinnoregon.gov](mailto:dwyss@westlinnoregon.gov) if you have any questions or comments.

Sincerely,

Darren Wyss  
Planning Manager

**EXHIBIT CC-4: 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:

**PROJECT**

File No.: **MISC-21-08** Applicant's Name: **City of West Linn**  
 Development Name: **Street Vacation of Skyline DR, Dedication of PUE on Vacated ROW, and Dedication of New Skyline DR**  
 Scheduled Decision Date: **City Council Decision No Earlier than 10/11/21**

**TIDINGS**

Notice was posted in the West Linn Tidings once each week for two consecutive weeks prior to the hearing per ORS 271.110.

9/22/21	<i>Lynn Schroder</i>
9/29/21	<i>Lynn Schroder</i>

**WEBSITE**

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

9/28/2021	<i>Dave S Wagon</i>
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**SIGN**

Within 5 days after the first day of publication signs were as posted at each end of the proposed vacation per ORS 271.110.

9/27/2021	<i>Dave S Wagon</i>
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**STAFF REPORT** was posted on the website and provided to City Councilors at least 10 days prior to the scheduled date of the public hearing.

9/30/2021	<i>Dave S Wagon</i>
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**FINAL DECISION** notice mailed to applicant, parties with standing, and the County surveyor's office.

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**WEST LINN CITY COUNCIL  
PUBLIC HEARING NOTICE  
FILE NO. MISC-21-08**

The West Linn City Council will hold a hybrid public hearing on **Monday, October 11, 2021 at 6:00 p.m.** in the Council Chambers of City Hall, 22500 Salamo Road, West Linn, to consider a City initiated request to vacate and rededicate the public right-of-way along Skyline Drive adjacent to the West Linn High School Property (tax lot 800 of Assessor's Map 22E30. The application was filed on July 23, 2021.

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. All written or oral comments must relate specifically to the applicable approval criteria.

All relevant materials in the above noted file are available on the City website <https://westlinnoregon.gov/planning/skyline-drive-street-vacation> or for inspection at no cost at City Hall. Alternately, 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 further information, please contact Darren Wyss, Planning Manager, at City Hall, 22500 Salamo Road, West Linn, OR 97068, [dwyss@westlinnoregon.gov](mailto:dwyss@westlinnoregon.gov), or 503-742-6064.

**Anyone wishing to present written testimony for consideration on this matter may submit their concerns before 12:00 pm on October 11, 2021 to [dwyss@westlinnoregon.gov](mailto:dwyss@westlinnoregon.gov) or mail to City Hall. The City cannot accept *emailed* testimony after 12:00 pm on October 11, 2021. The City Council will also accept written testimony in person at the public hearing.**

The City Council meeting will be conducted in a hybrid format with some Councilors, staff, presenters, and members of the public attending remotely via Webex and others attending in-person at City Hall. Those who wish to participate remotely should complete the speaker form <https://westlinnoregon.gov/citycouncil/meeting-request-speak-signup> **before 12:00 pm on the meeting day** to receive an invitation to join the meeting. Virtual participants can log in through a computer, mobile device, or call-in.

The City Council will receive a staff presentation and invite both virtual and in-person oral testimony from the public. Previously submitted written testimony is included as part of the record. The City Council may continue the public hearing to another meeting to obtain additional information, leave the record open, or close the public hearing and take action on the review as provided by state law. Failure to raise an issue during the hearing or in writing before 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 to the Land Use Board of Appeals based on that issue.

Publish: West Linn Tidings, September 22 and September 29, 2021

# NOTICE OF PROPOSED STREET VACATION AND REDEDICATION

## WEST LINN CITY COUNCIL PUBLIC HEARING NOTICE FILE NO. MISC-21-08

The West Linn City Council will hold a hybrid public hearing on **Monday, October 11, 2021, at 6:00 p.m.** in the Council Chambers of City Hall, 22500 Salamo Road, West Linn, to consider a City initiated request to vacate and rededicate the public right-of-way along Skyline Drive adjacent to the West Linn High School Property (tax lot 800 of Assessor's Map 22E30. The application was filed on July 23, 2021.

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