

**Agenda Bill 2022-02-14-04**

Date Prepared: February 2, 2022

For Meeting Date: February 14, 2022

To: Jules Walters, Mayor  
Members, West Linn City Council

From: Chris Myers, Associate Planner *CJM*

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

Subject: Public Hearing on a Right-of-Way vacation petition of undeveloped 4<sup>th</sup> Avenue right-of-way between 9<sup>th</sup> and 10<sup>th</sup> Streets.

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**Purpose**

To consider a request from Icon Construction & Development, LLC to vacate approximately 16,000 square feet of unimproved 4<sup>th</sup> Avenue right-of-way between 9<sup>th</sup> and 10<sup>th</sup> Streets.

**Question(s) for Council:**

1. Does the Council wish to accept the petition for right-of-way (ROW) vacation and hold a hearing?
2. Should the unimproved 4<sup>th</sup> Avenue ROW be vacated?

**Public Hearing Required:**

Yes

**Background & Discussion:**

The applicant, Icon Construction, LLC, proposes to vacate approximately 16,000 square feet of unimproved ROW of 4<sup>th</sup> Avenue between 9<sup>th</sup> and 10<sup>th</sup> streets. The proposed vacation is adjacent to tax lots 100 and 101 of Assessor's Map 31E02AC, and tax lots 6100 and 6300 of Assessor's Map 31E02AB. A legal description and map of the proposed vacation area is found in Ordinance 1734 (see Attachment 1). The purpose of the vacation is to ensure that 4<sup>th</sup> Avenue is not developed into a street, but rather remains undeveloped.

The CDC defers to state statute for the approval criteria for vacation of ROW. The vacation process is a two-step quasi-judicial process. Council, as the governing body, is asked to consider both steps on the same hearing date. In the first step, Council accepts the petition in order to hold a hearing on whether the ROW should be vacated as long as the petition is complete. This vacation petition included the required documentation showing that 100% of abutting property owners and 68.02% in area of the real property affected (66.6% required) consent to the vacation.

In the second step, the Council makes a decision on the vacation request by addressing the statutory criteria in ORS 271.120: "whether the consent of the owners of the requisite area has been obtained, whether notice has been duly given and whether the public interest will be prejudiced by the vacation."

The decision is approved by ordinance. As stated above, the petition included the requisite number of signatures. 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 as required by ORS 271.110.

The City Engineer supports the ROW vacation. A 20-foot wide public utility easement shall be placed over the vacated ROW per the City's private utility franchise agreements. Staff also recommends dedicating a 20-foot wide public access easement in conjunction with the PUE in order to comply with maximum block lengths or alternative pedestrian/bicycle access regulations found in the West Linn Community Development Code Chapter 48.

The City Engineer supports the ROW vacation. The West Linn Transportation System Plan does not identify this right-of-way as needed for future street connections. City staff received no comments or objections to the proposal as of February 1, 2022.

**Budget Impact:**

Negligible, the addition of land into the tax rolls will not create an additional buildable lot.

**Sustainability Impact:**

None

**Council Goal/Priority:**

Not related to council goals

**Council Options:**

1. Adopt Ordinance 1734 as presented in Attachment 1;
2. Adopt Ordinance 1734 with changes;
3. Do not adopt Ordinance 1734.

**Staff Recommendation:**

Adopt Ordinance 1734 as presented.

**Potential Motion:**

1. Move to adopt Ordinance 1734 and vacate a section of 4<sup>th</sup> Avenue as described in Exhibits A and B of the ordinance
2. Move to adopt Ordinance 1734 with the following changes (list changes)
3. Move to not adopt Ordinance 1734 (list reasons)

**Attachments:**

1. Ordinance 1734 and Exhibits
2. MISC-21-16 Staff Report

**ORDINANCE NO. 1734**

**AN ORDINANCE VACATING A PORTION OF  
4<sup>TH</sup> AVENUE RIGHT-OF-WAY ADJACENT BETWEEN 9<sup>TH</sup> AND 10<sup>TH</sup> STREETS WITHIN  
THE CITY OF WEST LINN, OREGON.**

**WHEREAS**, Icon Development, LLC submitted a petition to vacate a portion of 4<sup>th</sup> Avenue right-of-way between 9<sup>th</sup> and 10<sup>th</sup> Streets on December 6, 2021; and,

**WHEREAS**, the City fixed a time pursuant to Oregon Revised Statute (ORS) 271.130 on February 14, 2022, 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 January 26, 2022 and February 2, 2022.

**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 February 14, 2022; and,

**WHEREAS**, the City Council found that the petition was complete because 100 percent of adjacent 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 and public access 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 4<sup>th</sup> Avenue right-of-way located between 9<sup>th</sup> and 10<sup>th</sup> Streets is vacated and is located in the City of West Linn, Clackamas County, Oregon, adjacent to tax lots 6100 and 6300 of Assessor's Map 31E02AB and tax lots 0101 and 0100 of Assessor's Map 31E02AC. More specifically described and attached in Exhibit A (legal description) and Exhibit B (map), which are incorporated by these references.

**SECTION 2. Establish Public Utility and Trail Easement.** 20-feet of the vacated right-of-way from 9<sup>th</sup> Street to 10<sup>th</sup> Street, centered on the new shared property lines created by this vacation, are subject to dedication of a public utility easement and public access easement.

**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 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 14th day of February, 2022, and duly PASSED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2022.

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JULES WALTERS, MAYOR

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KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

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CITY ATTORNEY





**CENTERLINE CONCEPTS**  
LAND SURVEYING, INC.

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

**Exhibit "A"**  
**Legal Description**

A tract of land being all of the right of way of 4<sup>th</sup> Avenue (a 40.00 foot wide right of way), lying between the west right of way line of 9<sup>th</sup> Street (a 40.00 foot wide right of way), and the east right of way line of 10<sup>th</sup> Street (a 40.00 foot wide right of way), located in the northeast one-quarter of Section 2, Township 3 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 northeast corner of Parcel 1, Partition Plat No. 1999-133, Clackamas County Plat Records, also being the northeast corner of Block 21, "Willamette & Tualatin Tracts", Plat No 198, Clackamas County Plat Records, being 20.00 feet west of the centerline of said 9<sup>th</sup> Street, when measured at right angles; thence, along the north line of said Partition Plat No. 1999-133 and said Block 21, South 67°40'51" West, 417.19 feet to the northwest corner of said Block 21, being on the east right of way line of said 10<sup>th</sup> Street, being 20.00 feet from the centerline thereof, when measured at right angles; thence, along the northerly extension of the west line of said Block 21, North 22°25'00" West, 40.00 feet to the southwest corner of Block 63, "Willamette Tracts", Plat No. 147, Clackamas County Plat Records; thence, along the south line thereof, being 40.00 feet northerly of and parallel with the north line of said Block 21, North 67°40'51" East, 417.19 feet to the southeast corner of said Block 63, being on the west right of way line of said 9<sup>th</sup> Street; thence, along the southerly extension of the east line of said Block 63, South 22°25'00" East, 40.00 feet to the **POINT OF BEGINNING**.

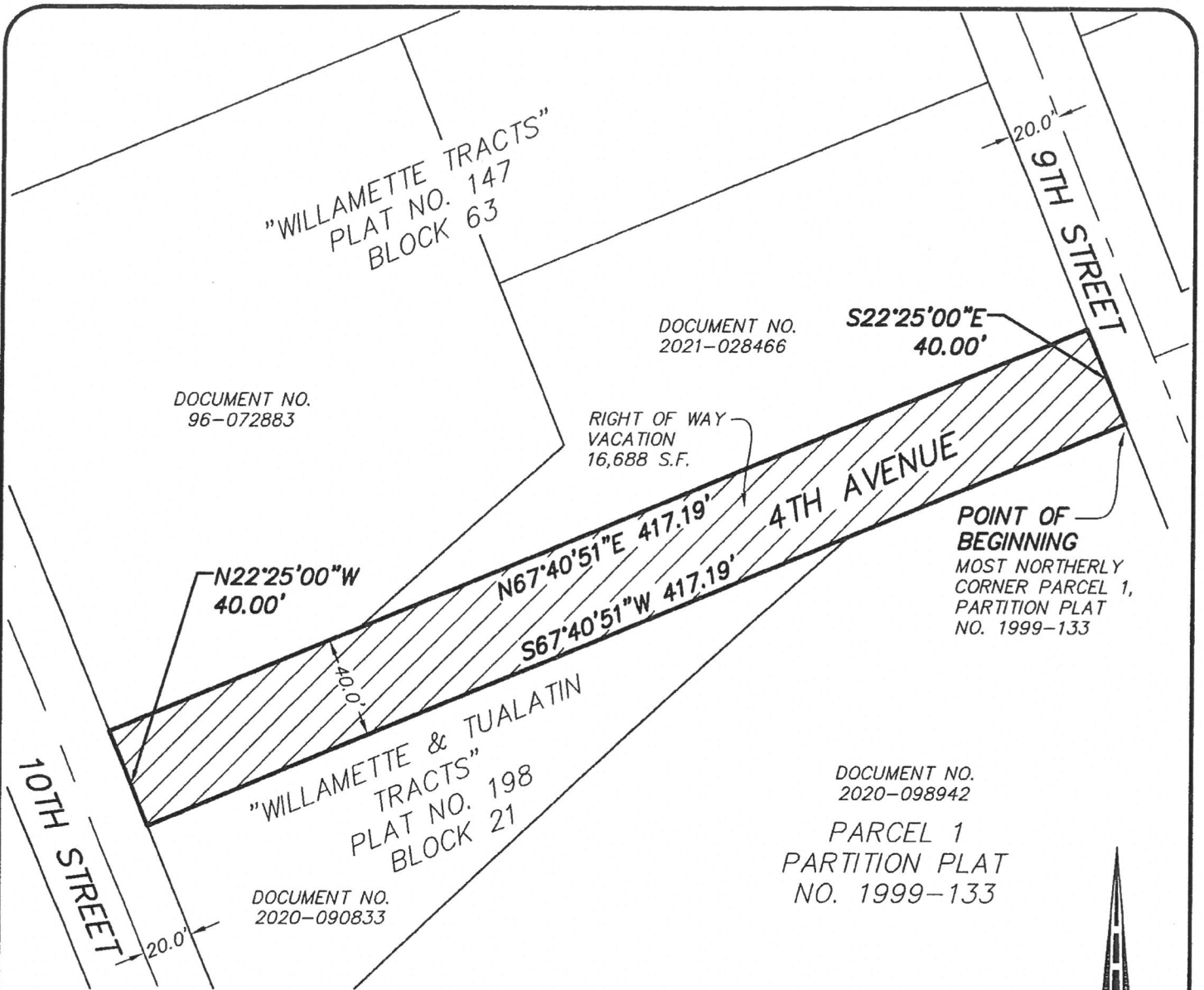
Contains 16,688 square feet, more or less.

04 NOV 21

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 13, 2004  
TOBY G. BOLDEN  
60377LS

RENEWS: 31 DEC 21

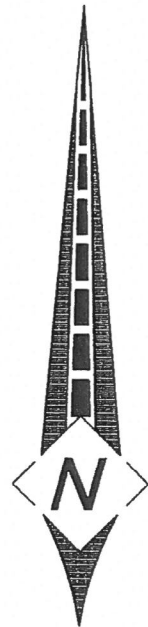
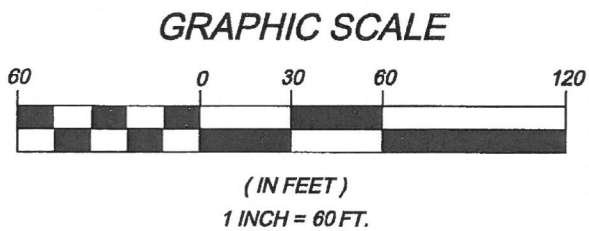


SIGNED ON: 04 NOV 21

**REGISTERED  
PROFESSIONAL  
LAND SURVEYOR**

**OREGON**  
JULY 13, 2004  
**TOBY G. BOLDEN**  
60377LS

RENEWS: DECEMBER 31, 2021



**CLIENT:** ICON  
**ORIG. DATE:** 11/2/2021  
**DRAWN BY:** MPW  
**SHEET No.** 1 OF 1

**EXHIBIT "B"**  
**RIGHT OF WAY VACATION**  
CITY OF WEST LINN, CLACKAMAS COUNTY, OR  
Scale: 1"=60'

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



CITY OF  
**West Linn**

**STAFF REPORT  
FOR THE CITY COUNCIL**

**FILE NUMBER:** MIS-21-16

**HEARING DATE:** February 14, 2022

**REQUEST:** Vacation of undeveloped right-of-way (ROW) of 4<sup>th</sup> Avenue between 9<sup>th</sup> and 10<sup>th</sup> streets.

**STAFF REPORT  
PREPARED BY:** Chris Myers, Associate Planner

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Planning Manager DSW

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## GENERAL INFORMATION

- APPLICANT:** Icon Construction, LLC.  
1969 Willamette Falls Drive  
West Linn, OR 97068
- SITE LOCATION:** Unimproved right-of-way of 4<sup>th</sup> Avenue between 9<sup>th</sup> and 10<sup>th</sup> streets adjacent to tax lots 100 and 101 of Assessor's Map 31E02AC, and tax lots 6100 and 6300 of Assessor's Map 31E02AB.
- DESCRIPTION:** Proposed street vacation.
- SITE SIZE:** Approximately 16,000 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

The applicant, Icon Construction, LLC, has petitioned to vacate approximately 16,000 square feet of unimproved ROW of 4<sup>th</sup> Avenue between 9<sup>th</sup> and 10<sup>th</sup> streets. The purpose of the proposed vacation is to ensure that 4<sup>th</sup> Avenue is not developed into a street but rather remains undeveloped.

ROW vacations 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 quasi-judicial decision is completed in a two-step process, with both steps being considered on the same hearing date.

Step 1 is the petition acceptance phase, which 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)). Step 2 is the public hearing process, which requires three criteria to be satisfied: 1) a finding that the number requirements are met (100% and 66.7%), 2) notice was proper, and 3) vacation is in the public interest (ORS 271.120).

The petition included the required signatures of consent (see Exhibits CC-2 and CC-3), notice of the public hearing was posted for two consecutive weeks in the paper and posted at both ends of the proposed vacation (see Exhibit CC-5), and there are no adopted City plans that require the ROW for transportation connections. The City's utility franchise agreements require the applicant to record a public utility easement (PUE) over the vacated ROW to ensure access to existing utilities and the future installation of any needed utilities.

The West Linn Community Development Code Chapter 48: Access, Egress, and Circulation states establishes maximum block lengths with an exception to provide a pedestrian/bicycle connection. The 9<sup>th</sup> Avenue block length will exceed this maximum so it is recommended to dedicate 20-feet of the vacated 4<sup>th</sup> Avenue right-of-way from 9<sup>th</sup> Street to 10<sup>th</sup> Street, centered on the new shared property lines created by this vacation, as a Public Access Easement (PAE) in conjunction with the PUE.

## RECOMMENDATION

Staff recommends that the Council approve the ROW vacation request with a 20-foot wide dedicated public utility and public access easement.

## 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 applicant submitted notarized signatures of consent for 1250 9<sup>th</sup> Street (Taxlots 100), 1275 10<sup>th</sup> Street (Taxlot 101), and 1351 10<sup>th</sup> Street (Taxlot 6100).

The “affected area” was measured in compliance with ORS 271.080(2) and is shown in Exhibit CC-2. The total amount of real property inside the “affected area” is 440,861 square feet (this number excludes all right-of-way inside the “affected area”). The applicant submitted notarized signatures of consent for owners of 299,882 square feet of real property inside the “affected area”, which represents 68.02 percent support. This exceeds the minimum consent of two-thirds in area of real property affected. The criteria is met.

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

**Staff Finding 2:** Public notice was published in the West Linn Tidings newspaper once each week for the two consecutive weeks prior to the hearing (publish dates: January 26, 2022 and February 2, 2022). Staff posted a “*Notice of Street Vacation*” at each end of the unimproved ROW proposed for vacation on January 31, 2022. 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.

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

**Staff Finding 3:** Staff has no objection to the proposed right of way vacation. The Transportation System Plan does not identify the ROW as necessary for future improvements. 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 20-foot wide public utility easement centered on the new shared property line in accordance with franchise agreement requirements.

The West Linn Community Development Code Chapter 48: Access, Egress, and Circulation states “*In order to promote efficient vehicle and pedestrian circulation maximum block lengths shall not exceed 800 feet in length. Exceptions may be granted to the above standard when blocks are divided by one or more pathways... or pedestrian and bicycle trails.*” The 9<sup>th</sup> Street block length from 5<sup>th</sup> Avenue to Volpp Street is approximately 1,533 feet. With a pedestrian/bicycle path or trail the block length between 4<sup>th</sup> Avenue to 5<sup>th</sup> Avenue would be

reduced to approximately 420 feet and alleviate out of direction travel. For this reason, it is recommended to dedicate 20-feet of the vacated 4<sup>th</sup> Avenue right-of-way from 9<sup>th</sup> Street to 10<sup>th</sup> Street, centered on the new shared property lines created by this vacation, as a Public Access Easement (PAE) in conjunction with the PUE.

The proposed ROW vacation will not compromise future use or development on adjacent or nearby properties as all of them have access to a public right-of-way. The criteria is met.

**EXHIBIT CC-1: LOCATION MAP**





**Proposed ROW Vacation**



**Legend**

 Unofficial Tax Lots

0 0.05 0.09 Miles



1: 3,600



**Notes**

This map was automatically generated using Geocortex Essentials.

**EXHIBIT CC-2: MAP OF AFFECTED AREA AND PROPERTY CONSENT**





DESIGNED: RRS			
DRAWN: RRS			
SCALE: 1" = 80'			
DATE: Nov 25, 2010			
TITLE: 4th Avenue	DATE: 1/11	VERSION:	

Richard E. Givens, Planning Consultant  
 18699 Sunrise Dr.  
 Oregon City, OR 97145  
 Ph: (503) 478-0267

APPLICANT: Inco Construction & Development, LLC  
 1985 Williams Falls Dr., Suite 200  
 West Linn, OR 97146  
 Ph: (503) 657-0408

**4th Avenue Right-of-way Vacation  
 Affected Area Map**

**EXHIBIT CC-3: APPLICANT SUBMITTAL**

**DEVELOPMENT REVIEW APPLICATION**

<b>For Office Use Only</b>		
STAFF CONTACT <b>Chris Myers</b>	PROJECT NO(S). <b>MISC-21-16</b>	PRE-APPLICATION NO.
NON-REFUNDABLE FEE(S) <b>\$6,000</b>	REFUNDABLE DEPOSIT(S)	TOTAL <b>\$6,000</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> 1310 9th St.	<b>Assessor's Map No.:</b> 3-1E-2AB
	<b>Tax Lot(s):</b> 6300
	<b>Total Land Area:</b> 23,617 S.F.

**Brief Description of Proposal:**

Vacate 4th Avenue street right-of-way from 9th Street to 10th Street.

<b>Applicant Name:</b> <small>(please print)</small> Icon Construction & Development, LLC	Phone: (503) 657-0406
Address: 1969 Willamette Falls Dr., Suite 260	Email: darren@iconconstruction.net
City State Zip: West Linn, OR 97068	

<b>Owner Name</b> (required): <small>(please print)</small> Same as applicant.	Phone:
Address:	Email:
City State Zip:	

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

- 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 \_\_\_\_\_ Date 12/6/21 Owner's signature (required) \_\_\_\_\_ Date 12-6-21





November 22, 2021  
City Council  
City of West Linn  
22500 Salamo Road  
West Linn, OR 97068

**Rick Givens**  
**Planning Consultant**  
18680 Sunblaze Dr.  
Oregon City, Oregon 97045

RE: 4th Avenue Right-of-Way Vacation Request

To the City Council:

Icon Construction and Development, LLC, (the Applicant), represents itself and the surrounding property owners in favor of this proposed vacation application. At the request of these neighbors, Icon Construction is submitting to you, this Right-of-Way vacation request of 4<sup>th</sup> Ave, between 9<sup>th</sup> Street and 10<sup>th</sup> Street. The section of right-of-way proposed to be vacated is roughly 40 feet wide by 40 feet long, totaling 16,000 square feet.

Icon Construction and Development recently purchased the property located at 1310 9<sup>th</sup> Street in West Linn with intentions to partition this parcel into two 10,000+ square foot lots. Consistent with Community Development Code standards and at the direction of City staff, the partition application proposed making frontage improvements on the portion of the existing 4<sup>th</sup> Avenue right-of-way that abuts the partition property. Upon receiving notification of the partition application and conditions of approval requiring the improvement of a portion of 4<sup>th</sup> Avenue, surrounding neighbors objected to the construction of street improvements within the existing right-of-way. Further, it became apparent upon further investigation by the applicant and City engineering staff, that terrain considerations made the proposed improvement of the street through to 10<sup>th</sup> Street impracticable. In consideration of these factors, and with support of City staff, the applicant is submitting this vacation proposal for consideration by City Council. We request that the application be approved and that the right-of-way be vacated.

Sincerely yours,

Rick Givens

Attachments:

- A. Map of affected land area
- B. Applicable ORS standards and responses
- C. Petition with written consent by all required property owners

## Proposed 4<sup>th</sup> Avenue Right-of-way Vacation

### Compliance with State Statutes

ORS Chapter 271.080 through .170 establish the procedures and criteria for the vacation of streets within incorporated cities. The proposed right-of-way vacation described in the attached petition and associated materials complies with these provisions as follows:

#### **ORS 271.080 – Street Vacation In Incorporated Cities**

- (1) Whenever any person interested in any real property in an incorporated city in this state desires to vacate all or part of any street, avenue, boulevard, alley, plat, public square or other public place, such person may file a petition therefor setting forth a description of the ground proposed to be vacated, the purpose for which the ground is proposed to be used and the reason for such vacation.*

Finding: The applicant is Icon Construction & Development, LLC which owns and proposes to develop property located at 1310 9<sup>th</sup> Street in West Linn, Oregon. The description of the ground proposed to be vacated is detailed in Attachment A of the right-of-way vacation petition letter. The purpose for the proposed street vacation is to eliminate unneeded street right-of-way which cannot reasonably be developed for public street purposes due to terrain limitations.

- (2) There shall be appended to such petition, as a part thereof and as a basis for granting the same, 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 thereby shall be deemed to be the land lying on either side of the street or portion thereof proposed to be vacated and extending laterally to the next street that serves as a parallel street, but in any case not to exceed 200 feet, and the land for a like lateral distance on either side of the street for 400 feet along its course beyond each terminus of the part proposed to be vacated. Where a street is proposed to be vacated to its termini, the land embraced in an extension of the street for a distance of 400 feet beyond each terminus shall also be counted. In the vacation of any plat or part thereof the consent of the owner or owners of two-thirds in area of the property embraced within such plat or part thereof proposed to be vacated shall be sufficient, except where such vacation embraces street area, when, as to such street area the above requirements shall also apply. The consent of the owners of the required amount of property shall be in writing.*

Finding: The required petition is attached to this application. The Affected Area Map included with this application shows properties within the affected area, adjoining properties, and petition signers. The total area of the affected area is 14.96 acres. The petition has been signed by the owners of properties totaling 11.30 acres in area, 75.5 percent of the total affected area. This criterion is met.

**ORS 271.090 Filing of Petition** - *The petition shall be presented to the city recorder or other recording officer of the city. If found by the recorder to be sufficient, the recorder shall file it and inform at least one of the petitioners when the petition will come before the city governing body. A failure to give such*

*information shall not be in any respect a lack of jurisdiction for the governing body to proceed on the petition.*

Finding: This petition is presented to the City Recorder of the City of West Linn for review by the City Council, and contains all of the information required for a sufficient petition.

**ORS 271.100 Action by city governing body** - *The city governing body may deny the petition after notice to the petitioners of such proposed action, but if there appears to be no reason why the petition should not be allowed in whole or in part, the governing body shall fix a time for a formal hearing upon the petition.*

Finding: The applicant and petitioners request that the City Council accept this application for a street vacation and set a time for a public hearing on the vacation of the subject portion of 9<sup>th</sup> Street.

**ORS 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.*
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.*
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.*

Finding: The City of West Linn's procedures for the vacation of street rights-of-way are consistent with these requirements and can reasonably be expected to be met prior to the public hearing.

**ORS 271.120 Hearing** - *At the time fixed by the governing body for hearing the petition and any objections filed thereto or at any postponement or continuance of such matter, the governing body shall hear the petition and objections and shall determine whether the consent of the owners of the requisite area has been obtained, whether notice has been duly given and whether the public interest will be prejudiced by the vacation of such plat or street or parts thereof. If such matters are determined in favor*



*of the petition the governing body shall by ordinance make such determination a matter of record and vacate such plat or street; otherwise it shall deny the petition. The governing body may, upon hearing, grant the petition in part and deny it in part, and make such reservations, or either, as appear to be for the public interest.*

Finding: In order for a vacation to occur, the West Linn City Council will determine whether the consent of the owners of the requisite area has been obtained, whether notice has been duly given, and whether the public interest will be prejudiced by the vacation of the public right-of-way. The petition and other materials submitted by the applicant provides evidence that the signatures indicating consent from the adjoining owners and for the required 2/3rds majority of area represented within the affected land area. Notice will be duly provided by the City's staff per the requirements described above. Regarding the usefulness of the area in question, the applicant, the City's planning staff, and the City's engineering department are all in agreement that the land in question is currently not used for public street purposes and that, due to topographic constraints, cannot reasonably be constructed with street improvements for such purposes.

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

Finding: Not applicable. This application is being submitted by the applicant and petition signers pursuant to the provisions of ORS 271.080 (1) and (2).

**ORS 271.140 Title to vacated areas -** *The title to the street or other public area vacated shall attach to the lands bordering on such area in equal portions; except that where the area has been originally dedicated by different persons and the fee title to such area has not been otherwise disposed of, original boundary lines shall be adhered to and the street area which lies on each side of such boundary line shall attach to the abutting property on such side. If a public square is vacated the title thereto shall vest in the city.*

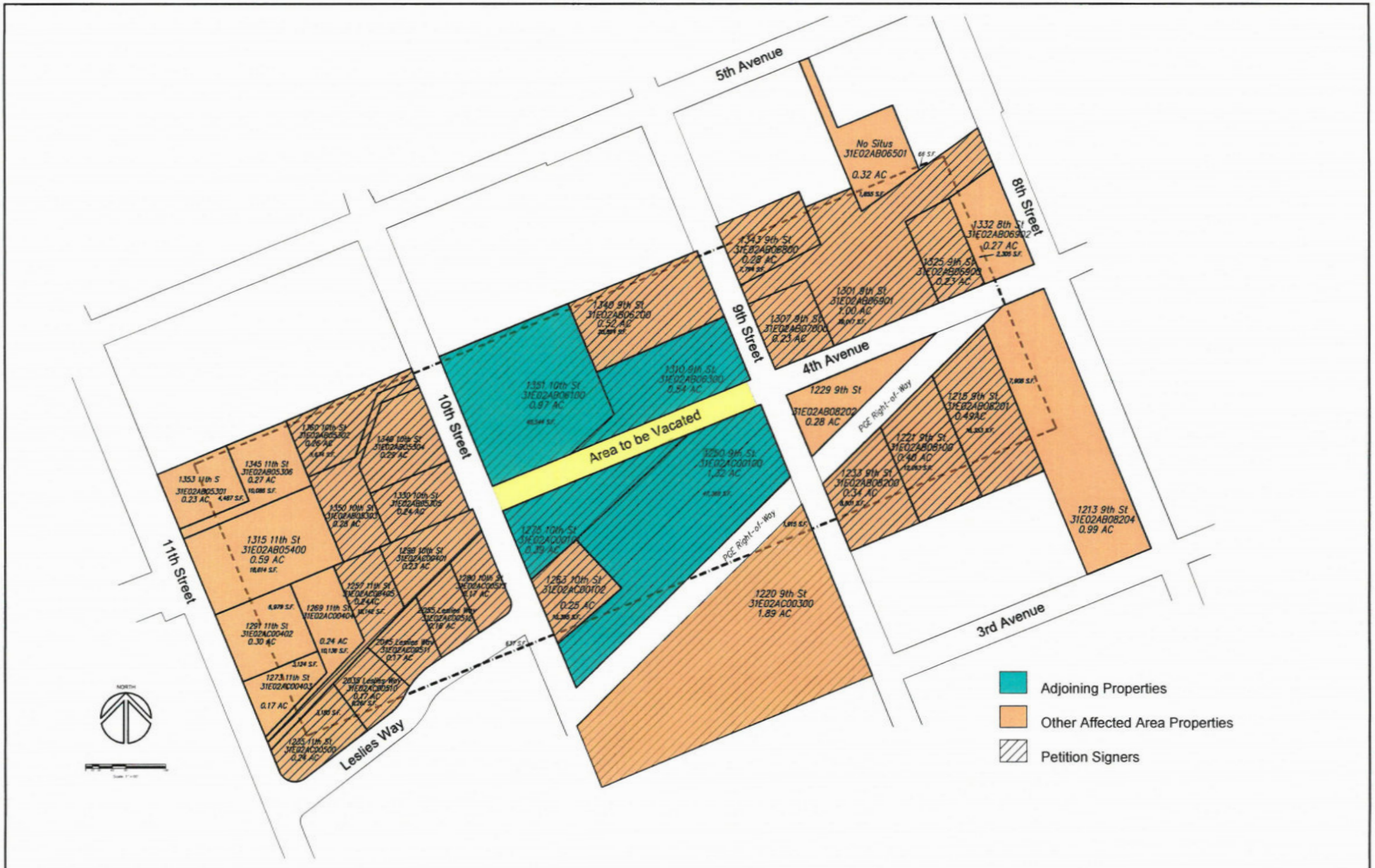
Finding: The title to the right-of-way area to be vacated will be attached to the adjoining properties, consistent with these provisions.

**ORS 271.150 Vacation records to be filed – costs -** *A certified copy of the ordinance vacating any street or plat area and any map, plat or other record in regard thereto which may be required or provided for by law, shall be filed for record with the county clerk. The petitioner for such vacation shall bear the recording cost and the cost of preparing and filing the certified copy of the ordinance and map. A certified copy of any such ordinance shall be filed with the county assessor and county surveyor.*

Finding: The applicant agrees to bear all recording and file preparation costs.

**ORS 271.170 Nature and operation of statutes -** *The provisions of ORS 271.080 (Vacation in incorporated cities) to 271.160 (Vacations for purposes of rededication) are alternative to the provisions of the charter of any incorporated city and nothing contained in those statutes shall in anywise affect or impair the charter or other provisions of such cities for the preservation of public access to and from transportation terminals and navigable waters.*

Finding: The City of West Linn does not maintain right-of-way vacation provisions in its chapter or code of ordinances separate from ORS 271.080 to 271.160.



- Adjoining Properties
- Other Affected Area Properties
- Petition Signers

DESIGNED	REG		
DRAWN	REG		
SCALE	1" = 60'		
DATE	Nov 23, 2021	DATE	REV
FILE	21-026-100	DATE	REVISION

Richard E. Givens, Planning Consultant  
 18680 Sunblaze Dr  
 Oregon City, OR 97045  
 PH: (503) 479-0097

APPLICANT: Icon Construction & Development, LLC  
 1909 Willamette Falls Dr., Suite 200  
 West Linn, OR 97068  
 PH: (503) 657-0406

### 4th Avenue Right-of-way Vacation Affected Area Map



ParcelId	TaxAcctNum	OwnerNameLabelFormat	SiteAddr	SiteCity	SiteState	SiteZIP	Acres	LotSqFt	Affected Area	LegalDsc
00748294	31E02AB05301	Ross & Candace Scott	1353 11th St	West Linn	OR	97068	0.2309	10,058	4,487	Partition Plat 2002-011 PARCEL 1 Y 185,430
00748301	31E02AB05400	Edward Hastings	1315 11th St	West Linn	OR	97068	0.5928	25,822	18,614	147 WILLAMETTE TRACTS TR 1-64 PT LT D BLK 64 & PT VAC ST Y 185,430
00748392	31E02AB06100	Phyllis Koessler	1351 10th St	West Linn	OR	97068	0.9715	42,319	40,544	147 WILLAMETTE TRACTS TR 1-64 TL136 LT D BLK63 Y 185,430
00748409	31E02AB06200	Alfred & Melissa Bianchi	1340 9th St	West Linn	OR	97068	0.5179	22,560	20,864	147 WILLAMETTE TRACTS 1-64 PT LT C BLK 63 Y 185,430
00748418	31E02AB06300	Icon Construction & Development LLC	1310 9th St	West Linn	OR	97068	0.5103	22,229	23,522	147 WILLAMETTE TRACTS TR 1-64 PT LTS C&D BLK63 Y 185,430
00748427	31E02AB06400	Theodore Kooy	2289 5th Ave	West Linn	OR	97068	0.5	21,780	66	147 WILLAMETTE TRACTS TR 1-64 PT LTS B&C BLK 62 Y 185,430
00748472	31E02AB06800	David Osborne	1343 9th St	West Linn	OR	97068	0.2789	12,149	7,794	147 WILLAMETTE TRACTS TR 1-64 PT LTS A&D BLK 62 Y 185,430
00748481	31E02AB06900	Andrew Teitelman & Chandra Basham	1325 9th St	West Linn	OR	97068	0.2296	10,001	10,001	Partition Plat 2001-005 PT PARCEL 1 Y 185,430
00748490	31E02AB07000	Gronvold Family Trust	1307 9th St	West Linn	OR	97068	0.2309	10,058	10,058	Subdivision WILLAMETTE TRACTS 1-64 BLK 62 PT LT D 147 & Partition Plat 2001-005 PT PARCEL 2 Y 185,430
00748579	31E02AB08100	Brian & Anna Wheeler	1221 9th St	West Linn	OR	97068	0.4008	17,459	12,263	198 WILLAMETTE&TUALATIN TR PT LTS C&DBLK 18 Y 185,430
00748588	31E02AB08200	Sarah & Deric Brown	1233 9th St	West Linn	OR	97068	0.3386	14,749	8,801	Subdivision WILLAMETTE&TUALATIN TRACTS BLK 18 PT LTS C&D 198 Y 185,430
00748597	31E02AC00100	Martin Heinemann	1250 9th St	West Linn	OR	97068	1.2988	56,576	47,368	1999-133 PARTITION PLAT PARCEL 1 Y 185,430
00748604	31E02AC00101	Shilo & Michelle Joslin	1275 10th St	West Linn	OR	97068	0.3904	17,006	17,006	198 WILLAMETTE&TUALATIN TR PT LTS A&B BLK 21 Y 185,430
00748613	31E02AC00300	Andrew Persse	1220 9th St	West Linn	OR	97068	1.8937	82,490	1,915	198 WILLAMETTE&TUALATIN TR LTS C&D BLK 21 & PT VAC RD Y 185,430
00748631	31E02AC00500	Janice Russell	1235 11th St	West Linn	OR	97068	0.2407	10,485	3,180	3213 SPARKS EST PH 1 LT 1 Y 185,430
01498098	31E02AC00401	Travis Cook & Samantha Faile	1290 10th St	West Linn	OR	97068	0.2297	10,006	10,006	198 WILLAMETTE&TUALATIN TR PT LT A BLK 22 & PT VAC ST Y 185,430
01545484	31E02AB05302	Joel & Jennifer Lafollette	1360 10th St	West Linn	OR	97068	0.2575	11,217	9,634	3012 S&K PLACE LT 1 Y 185,430
01545493	31E02AB05303	Travis & Amy Rutter	1350 10th St	West Linn	OR	97068	0.2824	12,301	12,301	3012 S&K PLACE LT 3 Y 185,430
01545509	31E02AB05304	Catherine Johnson	1340 10th St	West Linn	OR	97068	0.2913	12,689	12,689	3012 S&K PLACE LT 2 Y 185,430
01545518	31E02AB05305	Brian Bitke	1330 10th St	West Linn	OR	97068	0.2363	10,293	10,293	3012 S&K PLACE LT 4 Y 185,430
01729972	31E02AC00510	Patrick & Lara Hall	2035 Leslies Way	West Linn	OR	97068	0.1746	7,606	6,261	3266 SPARKS EST PH 2 LT 2 Y 185,430
01729981	31E02AC00511	Amy Darrow	2045 Leslies Way	West Linn	OR	97068	0.1722	7,501	7,501	3266 SPARKS EST PH 2 LT 3 Y 185,430
01729990	31E02AC00512	Thomas & Kim Crawford	2055 Leslies Way	West Linn	OR	97068	0.1636	7,126	7,126	3266 SPARKS EST PH 2 LT 4 Y 185,430
01730005	31E02AC00513	Derek & Siboney Hines	1280 10th St	West Linn	OR	97068	0.1704	7,423	7,423	3266 SPARKS EST PH 2 LT 5 Y 185,430
01730014	31E02AC00514	Matthew & Alison Kay		West Linn	OR	97068	0.0381	1,660	637	3266 SPARKS EST PH 2 TR A Y 185,430
01830825	31E02AB06901	Francesco Zorich	1301 9th St	West Linn	OR	97068	1.0047	43,765	39,017	Partition Plat 2001-005 PT PARCELS 1 & 2 & Subdivision WILLAMETTE TRACTS 1-64 BLK 62 PT LT D 147 Y 185,430
05000889	31E02AC00102	Joseph & Stacey Krish	1263 10th St	West Linn	OR	97068	0.2464	10,733	10,385	1999-133 PARTITION PLAT PARCEL 2 Y 185,430
05003206	31E02AB06902	Craig Mason	1332 8th St	West Linn	OR	97068	0.2732	11,901	2,305	Partition Plat 2001-005 PARCEL 3 Y 185,430
05003482	31E02AB08201	Gregory Kantor	1215 9th St	West Linn	OR	97068	0.4945	21,540	16,353	Partition Plat 2001-120 PARCEL 1 Y 185,430
05003483	31E02AB08202	City Of West Linn	1229 9th St	West Linn	OR	97068	0.2805	12,219	12,219	Subdivision WILLAMETTE&TUALATIN TRACTS BLK 18 LT B 198 Y 185,430
05003755	31E02AC00402	Shannen Knight	1291 11th St	West Linn	OR	97068	0.3025	13,177	6,979	Subdivision RUFIOUS PLACE LT 1 3664 Y 185,430
05003756	31E02AC00403	Joshua Coxwell	1273 11th St	West Linn	OR	97068	0.1731	7,540	3,124	Subdivision RUFIOUS PLACE LT 2 3664 Y 185,430
05003757	31E02AC00404	Gregory Bullard	1269 11th St	West Linn	OR	97068	0.2428	10,576	10,136	Subdivision RUFIOUS PLACE LT 3 3664 Y 185,430
05003758	31E02AC00405	Ryan & Emily McKenna	1257 11th St	West Linn	OR	97068	0.2417	10,528	10,142	Subdivision RUFIOUS PLACE LT 4 3664 Y 185,430
05004860	31E02AB08204	Wallace Walker	1213 9th St	West Linn	OR	97068	0.9932	43,264	7,906	Partition Plat 2001-120 PARCEL 2 Y 185,430
05004919	31E02AB05306	David Rudawitz & Linda Milburn	1345 11th St	West Linn	OR	97068	0.2684	11,692	10,086	Partition Plat 2002-011 PARCEL 2 Y 185,430
05017486	31E02AB06501	Jeffrey & Laura Gilbert	2253 5th Ave	West Linn	OR	97068	0.3166	13,791	1,855	Partition Plat 2007-048 PARCEL 2 Y 185,430

TOTAL AFFECTED AREA:	440,861
2/3 AREA NEEDED:	293,907
NOTARIZED:	299,882



**CENTERLINE CONCEPTS**  
LAND SURVEYING, INC.

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

**Exhibit "A"**  
**Legal Description**

A tract of land being all of the right of way of 4<sup>th</sup> Avenue (a 40.00 foot wide right of way), lying between the west right of way line of 9<sup>th</sup> Street (a 40.00 foot wide right of way), and the east right of way line of 10<sup>th</sup> Street (a 40.00 foot wide right of way), located in the northeast one-quarter of Section 2, Township 3 South, Range 1 East of the Willamette Meridian, City of West Linn, County of Clackamas, State of Oregon, being more particularly described as follows:

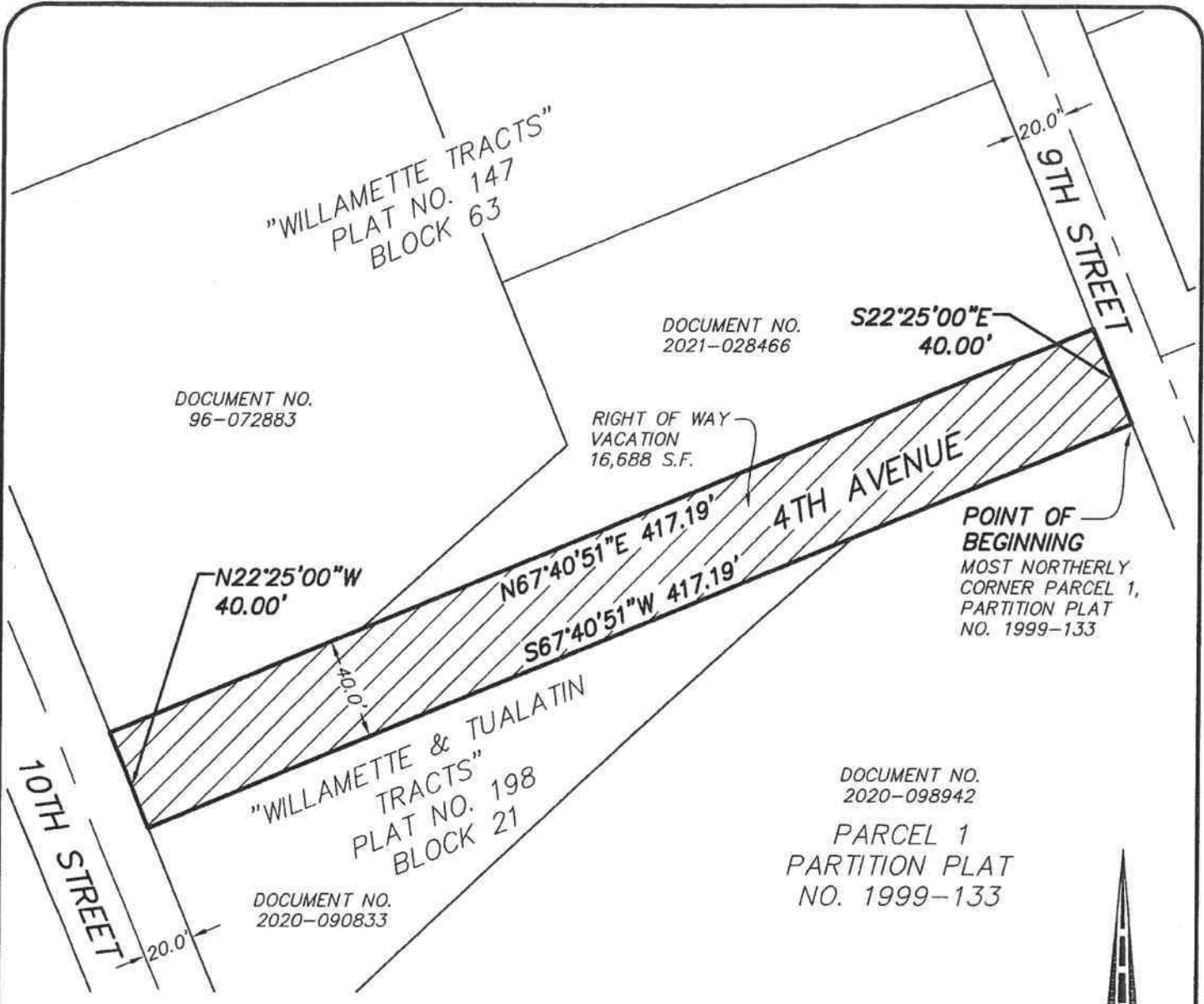
**BEGINNING** at the northeast corner of Parcel 1, Partition Plat No. 1999-133, Clackamas County Plat Records, also being the northeast corner of Block 21, "Willamette & Tualatin Tracts", Plat No 198, Clackamas County Plat Records, being 20.00 feet west of the centerline of said 9<sup>th</sup> Street, when measured at right angles; thence, along the north line of said Partition Plat No. 1999-133 and said Block 21, South 67°40'51" West, 417.19 feet to the northwest corner of said Block 21, being on the east right of way line of said 10<sup>th</sup> Street, being 20.00 feet from the centerline thereof, when measured at right angles; thence, along the northerly extension of the west line of said Block 21, North 22°25'00" West, 40.00 feet to the southwest corner of Block 63, "Willamette Tracts", Plat No. 147, Clackamas County Plat Records; thence, along the south line thereof, being 40.00 feet northerly of and parallel with the north line of said Block 21, North 67°40'51" East, 417.19 feet to the southeast corner of said Block 63, being on the west right of way line of said 9<sup>th</sup> Street; thence, along the southerly extension of the east line of said Block 63, South 22°25'00" East, 40.00 feet to the **POINT OF BEGINNING**.

Contains 16,688 square feet, more or less.

04 NOV 21  
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 13, 2004  
TOBY G. BOLDEN  
60377LS

RENEWS: 31 DEC 21

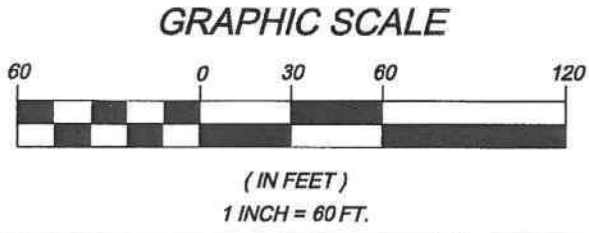


SIGNED ON: 04 NOV 21

**REGISTERED  
PROFESSIONAL  
LAND SURVEYOR**

OREGON  
JULY 13, 2004  
**TOBY G. BOLDEN**  
60377LS

RENEWS: DECEMBER 31, 2021



**CLIENT:** ICON  
**ORIG. DATE:** 11/2/2021  
**DRAWN BY:** MPW  
**SHEET No.** 1 OF 1

**EXHIBIT "B"**  
**RIGHT OF WAY VACATION**  
CITY OF WEST LINN, CLACKAMAS COUNTY, OR  
Scale: 1"=60'

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





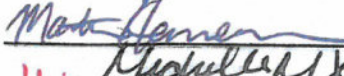

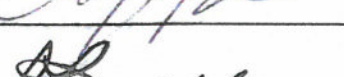
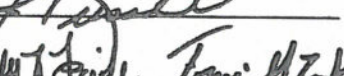


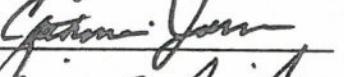
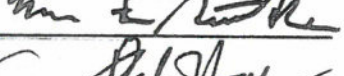

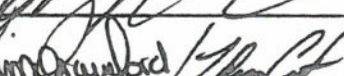
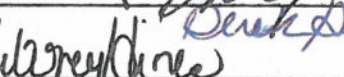


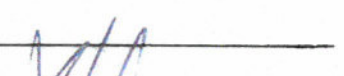





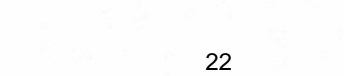
**CONSENT TO VACATE FORM**

The City of West Linn, recently voiced plans to improve a section of 4<sup>th</sup> Ave (currently unimproved Right of Way) that connects 9<sup>th</sup> Street and 10<sup>th</sup> Street. This section of ROW is roughly 40' wide x 400' long. After much opposition from the surrounding neighbors, and determining this street connection is impractical to improve (topography challenges and set back slope constraints to neighboring houses), the City's planning and engineering departments have determined vacating this section of Right of Way to the adjoining property owners is most appropriate. As part of this process, it must be shown that the neighboring property owners are in favor of this vacation. In this case, a total of 36 property owners have been considered to be "affected", in accordance with the State's notification guidelines.

A signature on the line below indicates that you have been contacted about the proposed Right of Way Vacation of 4th Ave, between 9<sup>th</sup> street and 10<sup>th</sup> street, and that you have no objections to the City's vacation of this unneeded Right of Way. By signing this document, you also acknowledge that you are aware that the adjoining property owners to this section of 4<sup>th</sup> Ave, will be acquiring their abutting ½ of this ROW via dedication, once this vacation has been granted by the City of West Linn. This directly impacts the following properties:

- 1351 10<sup>th</sup> Street : TL# 31E02AB06100
- 1310 9<sup>th</sup> Street : TL# 31E02AB06300
- 1275 10<sup>th</sup> Street : TL# 31E02AC00101
- 1250 9<sup>th</sup> Street : TL# 31E02AC00100

Printed Owner Name	Owner Signature	Address	Tax Lot
Ross & Candace Scott	_____	1353 11 <sup>th</sup> St.	31E02AB05301
Edward Hastings	_____	1315 11 <sup>th</sup> St.	31E02AB05400
Phyllis Koessler	<i>Phyllis Koessler</i>	1351 10 <sup>th</sup> St.	31E02AB06100
Alfred & Melissa Bianchi	<i>[Signature]</i>	1340 9 <sup>th</sup> St.	31E02AB06200
Icon Construction & Dev.	<i>[Signature]</i>	1310 9 <sup>th</sup> St.	31E02AB06300
Theodore Kooy	_____	2289 5 <sup>th</sup> Ave.	31E02AB06400
David Osborne	<i>[Signature]</i>	1343 9 <sup>th</sup> St.	31E02AB06800
A. Teitelman & C. Basham	<i>[Signature]</i>	1325 9 <sup>th</sup> St.	31E02AB06900
Gronvold Family Trust	<i>Gronvold Family Trust Mark Gronvold Carol Gronvold</i>	1307 9 <sup>th</sup> St.	31E02AB07000

Brian & Anna Wheeler		1221 9 <sup>th</sup> St.	31E02AB08100
Sarah & Deric Brown		1233 9 <sup>th</sup> St.	31E02AB08200
Martin Heinemann		1250 9 <sup>th</sup> St.	31E02AC00100
Shilo & Michelle Joslin		1275 10 <sup>th</sup> St.	31E02AC00101
Andrew Persse		1220 9 <sup>th</sup> St.	31E02AC00300
Janice Russell		1235 11 <sup>th</sup> St.	31E02AC00500
T. Cook & S. Faile		1290 10 <sup>th</sup> St.	31E02AC00401
Joel & Jennifer Lafollette		1360 10 <sup>th</sup> St.	31E02AB05302
Travis & Amy Rutter		1350 10 <sup>th</sup> St.	31E02AB05303
Catherine Johnson		1340 10 <sup>th</sup> St.	31E02AB05304
Brian Bittke		1330 10 <sup>th</sup> St.	31E02AB05305
Patrick & Lara Hall		2035 Leslies Way	31E02AC00510
Amy Darrow		2045 Leslies Way	31E02AC00511
Thomas & Kim Crawford		2055 Leslies Way	31E02AC00512
Derek & Siboney Hines		1280 10 <sup>th</sup> St.	31E02AC00513
Francesco Zorich		1301 9 <sup>th</sup> St.	31E02AB06901
Joseph & Stacey Krish		1263 10 <sup>th</sup> St.	31E02AC00102
Craig Mason		1332 8 <sup>th</sup> St.	31E02AB06902
Gregory Kantor		1215 9 <sup>th</sup> St.	31E02AB08201
City of West Linn		1229 9 <sup>th</sup> St.	31E02AB08202
Shannen Knight		1291 11 <sup>th</sup> St.	31E02AC00402
Joshua Coxwell		1273 11 <sup>th</sup> St.	31E02AC00403



Gregory Bullard	_____	1269 11 <sup>th</sup> St.	31E02AC00404
Ryan and Emily McKenna	<i>Gregory Bullard</i>	1257 11 <sup>th</sup> St.	(503) 544-2935 31E02AC00405
Wallace Walker	_____	1213 9 <sup>th</sup> St.	31E02AB08204
D. Rudawitz & L. Milburn	_____	1345 11 <sup>th</sup> St.	31E02AB05306
Jeffrey & Laura Gilbert	_____	2253 5 <sup>th</sup> Ave.	31E02AB06501

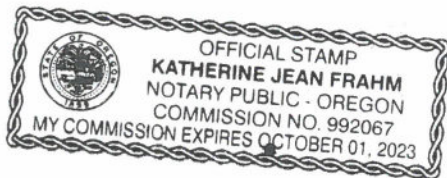
Brian E. Bittke

Brian Bittke

STATE OF OREGON            )  
  ) SS  
COUNTY OF CLACKAMAS    )

This instrument was acknowledged before me December 3 2021  
By Brian Bittke

Katherine Jean Frahm  
Notary Public for Oregon  
My commission expires: October 1, 2023

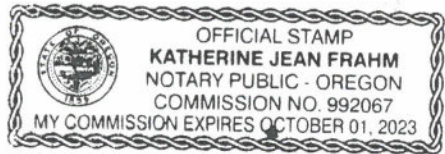


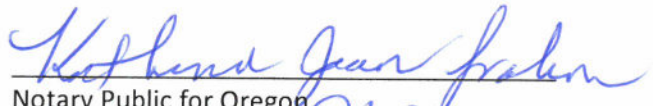
  
\_\_\_\_\_

Brian Wheeler

STATE OF OREGON            )  
  ) SS  
COUNTY OF CLACKAMAS    )

This instrument was acknowledged before me December 1, 2021  
By Brian Wheeler



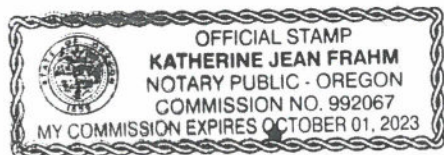
  
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Notary Public for Oregon  
My commission expires: October 1, 2023

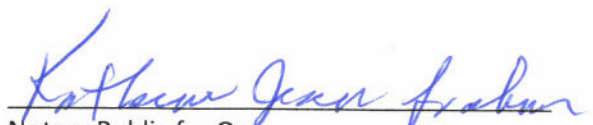
  
\_\_\_\_\_

Anna Wheeler

STATE OF OREGON            )  
  ) SS  
COUNTY OF CLACKAMAS    )

This instrument was acknowledged before me December 1 2021  
By Anna Wheeler



  
\_\_\_\_\_  
Notary Public for Oregon  
My commission expires: October 1, 2023

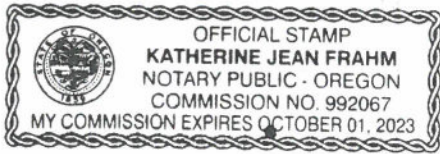
Catherine Johnson

Catherine Johnson

STATE OF OREGON        )  
  ) SS  
COUNTY OF CLACKAMAS )

This instrument was acknowledged before me December 1 2021  
By Catherine Johnson

Katherine Jean Frahm  
Notary Public for Oregon  
My commission expires: October 1, 2023

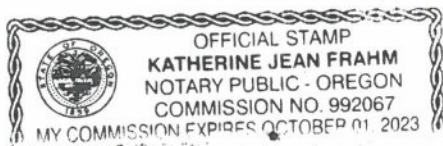


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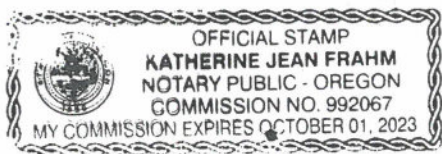
Mark Gronvold

STATE OF OREGON       )  
  ) SS  
COUNTY OF CLACKAMAS )

This instrument was acknowledged before me MS 2021 December 1, 2021  
By Mark Gronvold



Katherine Jean Frahm  
Notary Public for Oregon  
My commission expires: October 1, 2023

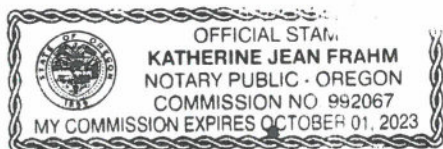


Carol Gronvold

Carol Gronvold

STATE OF OREGON       )  
  ) SS  
COUNTY OF CLACKAMAS )

This instrument was acknowledged before me 12-1 2021  
By Carol Gronvold



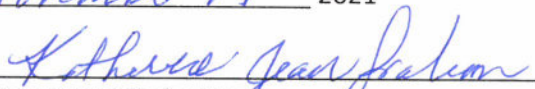
Katherine Jean Frahm  
Notary Public for Oregon  
My commission expires: October 1, 2023

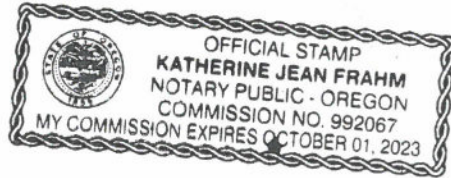
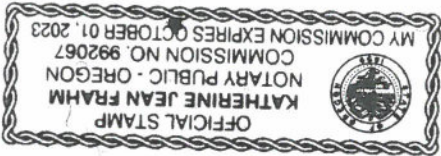
  
\_\_\_\_\_

Travis Rutter

STATE OF OREGON        )  
                                  ) SS  
COUNTY OF CLACKAMAS )

This instrument was acknowledged before me November 17 2021  
By Travis Rutter

  
\_\_\_\_\_  
Notary Public for Oregon  
My commission expires: October 1, 2023




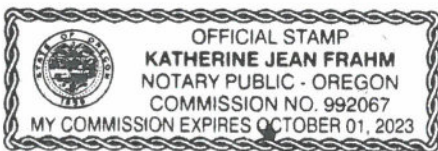
  
\_\_\_\_\_

Amy Rutter

STATE OF OREGON        )  
                                  ) SS  
COUNTY OF CLACKAMAS )

This instrument was acknowledged before me November 17 2021  
By Amy Rutter

  
\_\_\_\_\_  
Notary Public for Oregon  
My commission expires: October 1, 2023



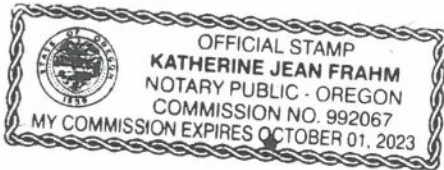
Martin Heinemann

Martin Heinemann

STATE OF OREGON            )  
  ) SS  
COUNTY OF CLACKAMAS    )

This instrument was acknowledged before me November 22 2021  
By Martin Heinemann.

Katherine Jean Frahm  
Notary Public for Oregon  
My commission expires: October 1, 2023





Sarah Brown

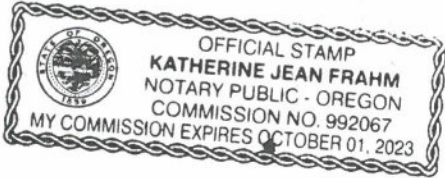
Sarah Brown

STATE OF OREGON       )  
  ) SS  
COUNTY OF CLACKAMAS )

This instrument was acknowledged before me November 22 2021  
By Sarah Brown

Katherine Jean Frahm  
Notary Public for Oregon

My commission expires: October 1, 2023



Francesco Zorich

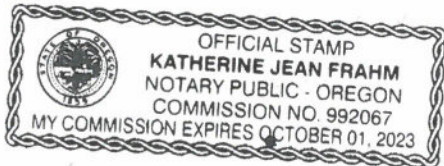
Francesco Zorich

STATE OF OREGON       )  
  ) SS  
COUNTY OF CLACKAMAS )

This instrument was acknowledged before me November 29 2021  
By Francesco Zorich

Katherine Jean Frahm  
Notary Public for Oregon

My commission expires: October 1, 2023

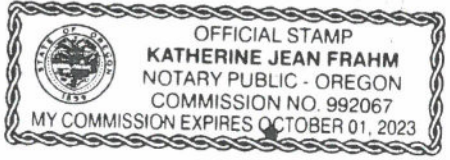




Deric Brown  
Deric Brown

STATE OF OREGON        )  
                                  )ss  
COUNTY OF CLACKAMAS )

This instrument was acknowledged before me on November 22 2021  
By Deric Brown



Katherine Jean Frahm  
Notary  
My commission expires: October 1, 2023

\_\_\_\_\_

STATE OF OREGON        )  
                                  )ss  
COUNTY OF CLACKAMAS )

This instrument was acknowledged before me on \_\_\_\_\_ 2021  
By \_\_\_\_\_

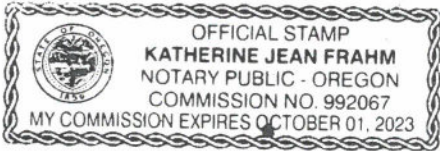
\_\_\_\_\_  
Notary  
My commission expires: \_\_\_\_\_

Shilo Joslin  
Shilo Joslin

STATE OF OREGON )  
 ) SS  
COUNTY OF CLACKAMAS )

This instrument was acknowledged before me November 22 2021  
By Shilo Joslin.

Katherine Jean Frahm  
Notary Public for Oregon  
My commission expires: October 1, 2023

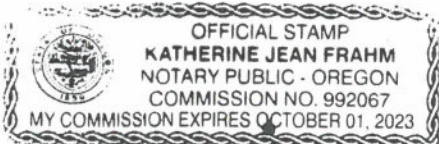


Michelle M Joslin  
Michelle Joslin

STATE OF OREGON )  
 ) SS  
COUNTY OF CLACKAMAS )

This instrument was acknowledged before me November 22 2021  
By Michelle Joslin

Katherine Jean Frahm  
Notary Public for Oregon  
My commission expires: October 1, 2023



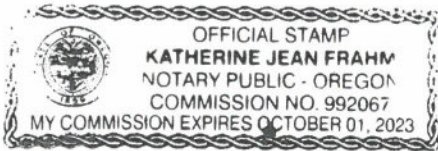
Travis Cook

Travis Cook

STATE OF OREGON       )  
  ) SS  
COUNTY OF CLACKAMAS )

This instrument was acknowledged before me November 22 2021  
By Travis Cook

Katherine Jean Frahm  
Notary Public for Oregon  
My commission expires: October 1, 2023



Samantha Faile

Samantha Faile

STATE OF OREGON       )  
  ) SS  
COUNTY OF CLACKAMAS )

This instrument was acknowledged before me November 22 2021  
By Samantha Faile

Katherine Jean Frahm  
Notary Public for Oregon  
My commission expires: October 1, 2023

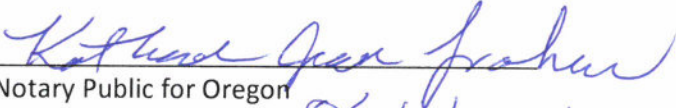


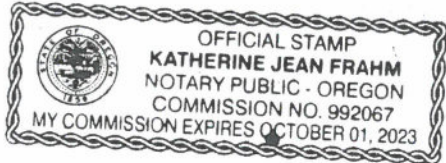
  
\_\_\_\_\_

Gregory Kantor

STATE OF OREGON            )  
  ) SS  
COUNTY OF CLACKAMAS    )

This instrument was acknowledged before me November 23 2021  
By Gregory Kantor

  
\_\_\_\_\_  
Notary Public for Oregon  
My commission expires: October 1, 2023.



*Derek Hines*

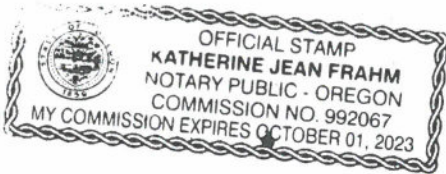
Derek Hines

STATE OF OREGON        )  
  ) SS  
COUNTY OF CLACKAMAS )

This instrument was acknowledged before me November 23, 2021  
By Derek Hines

*Katherine Jean Frahm*  
Notary Public for Oregon

My commission expires: October 1, 2023



*Siboney Hines*

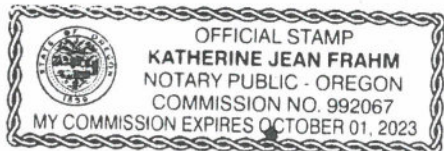
Siboney Hines

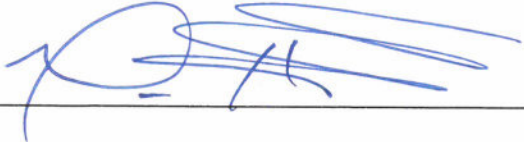
STATE OF OREGON        )  
  ) SS  
COUNTY OF CLACKAMAS )

This instrument was acknowledged before me November 23, 2021  
By Siboney Hines.

*Katherine Jean Frahm*  
Notary Public for Oregon

My commission expires: October 1, 2023



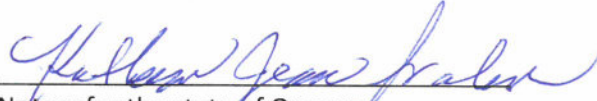
  
\_\_\_\_\_

Icon Construction and Development LLC

STATE OF OREGON        )  
                                  ) SS  
COUNTY OF CLACKAMAS )

This instrument was acknowledged before me on November 23<sup>rd</sup>, 2021  
By Mark Handris, Member of Icon Construction and Development LLC.



  
\_\_\_\_\_  
Notary for the state of Oregon  
My commission expires: October 1, 2023

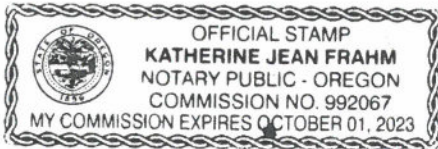
Phyllis Koessler

Phyllis Koessler

STATE OF OREGON            )  
  ) SS  
COUNTY OF CLACKAMAS    )

This instrument was acknowledged before me November 23 2021  
By Phyllis Koessler

Katherine Jean Frahm  
Notary Public for Oregon  
My commission expires October 1, 2023.





Joseph Krish

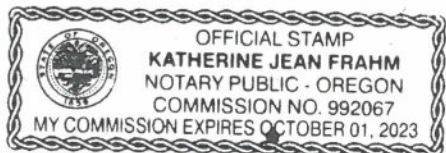
Joseph Krish

STATE OF OREGON       )  
  ) SS  
COUNTY OF CLACKAMAS )

This instrument was acknowledged before me November 22 2021  
By Joseph Krish

Katherine Jean Frahm  
Notary Public for Oregon

My commission expires: October 1, 2023.



Stacey Krish

Stacey Krish

STATE OF OREGON       )  
  ) SS  
COUNTY OF CLACKAMAS )

This instrument was acknowledged before me November 23 2021  
By Stacey Krish.

Katherine Jean Frahm  
Notary Public for Oregon

My commission expires: October 1, 2023.

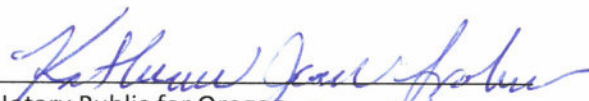


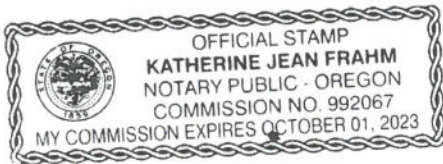



  
\_\_\_\_\_  
Joel LaFollette, LA FOLLETTE

STATE OF OREGON            )  
  ) SS  
COUNTY OF CLACKAMAS    )

This instrument was acknowledged before me December 3 2021  
By Joel LaFollette, LA FOLLETTE


  
\_\_\_\_\_  
Notary Public for Oregon  
My commission expires: October 1, 2023

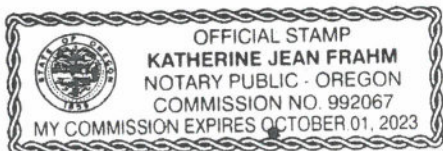


  
\_\_\_\_\_  
Jennifer LaFollette, LA FOLLETTE

STATE OF OREGON            )  
  ) SS  
COUNTY OF CLACKAMAS    )

This instrument was acknowledged before me December 3 2021  
By Jennifer LaFollette, LA FOLLETTE

  
\_\_\_\_\_  
Notary Public for Oregon  
My commission expires: October 1, 2023



**EXHIBIT CC-4: COMPLETENESS LETTER**



## CITY OF West Linn

January 3, 2022

Darren Gusdorf  
Icon Construction & Development, LLC  
1969 Willamette Falls Drive, Suite 260  
West Linn, OR 97068

SUBJECT: MISC-21-16 Application for a street vacation of 4<sup>th</sup> Avenue right-of-way from 9<sup>th</sup> street to 10<sup>th</sup> street.

Mr. Gusdorf,

You submitted this application on December 6, 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 February 14, 2022.

Please contact me at 503-742-6062, or by email at [cmyers@westlinnoregon.gov](mailto:cmyers@westlinnoregon.gov) if you have any questions or comments.

Sincerely,

*Chris Myers*

Chris Myers  
Associate Planner

**EXHIBIT CC-5: AFFIDAVIT OF NOTICE**



**AFFIDAVIT OF NOTICE**

We, the undersigned, 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-21-16**

Applicant's

Name:

**ICON**

**CONSTRUCTION**

Project Name: Vacate 4<sup>th</sup> Avenue right-of-way from 9<sup>th</sup> to 10<sup>th</sup>

Scheduled Decision Date: **City Council Decision No Earlier than 2/14/22**

**TIDINGS**

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

1/26/22 & 2/2/22	<i>Lynn Schroder</i>
------------------	----------------------

**SIGN**

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 per ORS 271.

110.

1/31/22	<i>Chris Myers</i>
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**WEST LINN CITY COUNCIL  
PUBLIC HEARING NOTICE  
FILE NO. MISC-21-16**

The West Linn City Council will hold a virtual public hearing on **Monday, February 14, 2022, at 6:00 pm** to consider MISC-21-16, a request by Icon Construction, LLC to vacate 4<sup>th</sup> Avenue right-of-way from 9<sup>th</sup> to 10<sup>th</sup> street adjacent to tax lots 6100 and 6300 of Assessor's Map 31E02AB and tax lots 0101 and 0100 of Assessor's Map 31E02AC. The application was filed on December 6, 2021.

The hearing is a two-step process. The first step is validating the petition by determining whether the requisite consent signatures were obtained. The second step is determining whether the proper notice was posted and published, whether requisite consent was obtained and whether the public interest is 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. All written or oral comments must relate specifically to the applicable approval criteria.

The complete application is available for inspection at no cost at City Hall or via the web site at <https://westlinnoregon.gov/planning/1310-9th-st-street-vacation-4th-avenue> or copies can be obtained for a minimal charge per page. At least ten days prior to the hearing, 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 Chris Myers, Associate Planner, at City Hall, 22500 Salamo Road, West Linn, OR 97068, [cmyers@westlinnoregon.gov](mailto:cmyers@westlinnoregon.gov), or 503-742-6062.

Anyone wishing to present written testimony for consideration on this matter may submit materials before 12:00pm on February 14, 2022 to [cmyers@westlinnoregon.gov](mailto:cmyers@westlinnoregon.gov) or mail to City Hall. The City cannot accept emailed testimony after 12:00pm on February 14, 2022.

To speak during the meeting, please complete the form located at: <https://westlinnoregon.gov/citycouncil/meeting-request-speak-signup> by 12:00 pm the day of the meeting to be input into our system. Instructions on how to access the virtual meeting will then be provided to you by email prior to the meeting.

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 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 based on that issue.

If you require special assistance under the Americans with Disabilities Act, please call City Hall 48 hours before the meeting date, 503-657-0331.

Publish: West Linn Tidings 1/26/22 and 2/2/22