

After Recording Please Return To:
City of West Linn – Administration
22500 Salamo Rd.
West Linn, OR 97068
Attn: City Recorder, Kathy Mollusky

ORDINANCE NO. 1734

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

WHEREAS, Icon Development, LLC submitted a petition to vacate a portion of 4th Avenue right-of-way between 9th and 10th 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 4th Avenue right-of-way located between 9th and 10th 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 9th Street to 10th 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 30th day after its passage.

The foregoing ordinance was first read by title only in accordance with Chapter VIII, Section 33(c) of the City Charter on the 14th day of February, 2022, and duly PASSED and ADOPTED this 14th day of February, 2022.



JULES WALTERS, MAYOR



KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:



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 4th Avenue (a 40.00 foot wide right of way), lying between the west right of way line of 9th Street (a 40.00 foot wide right of way), and the east right of way line of 10th 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 9th 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 10th 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 9th 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**.

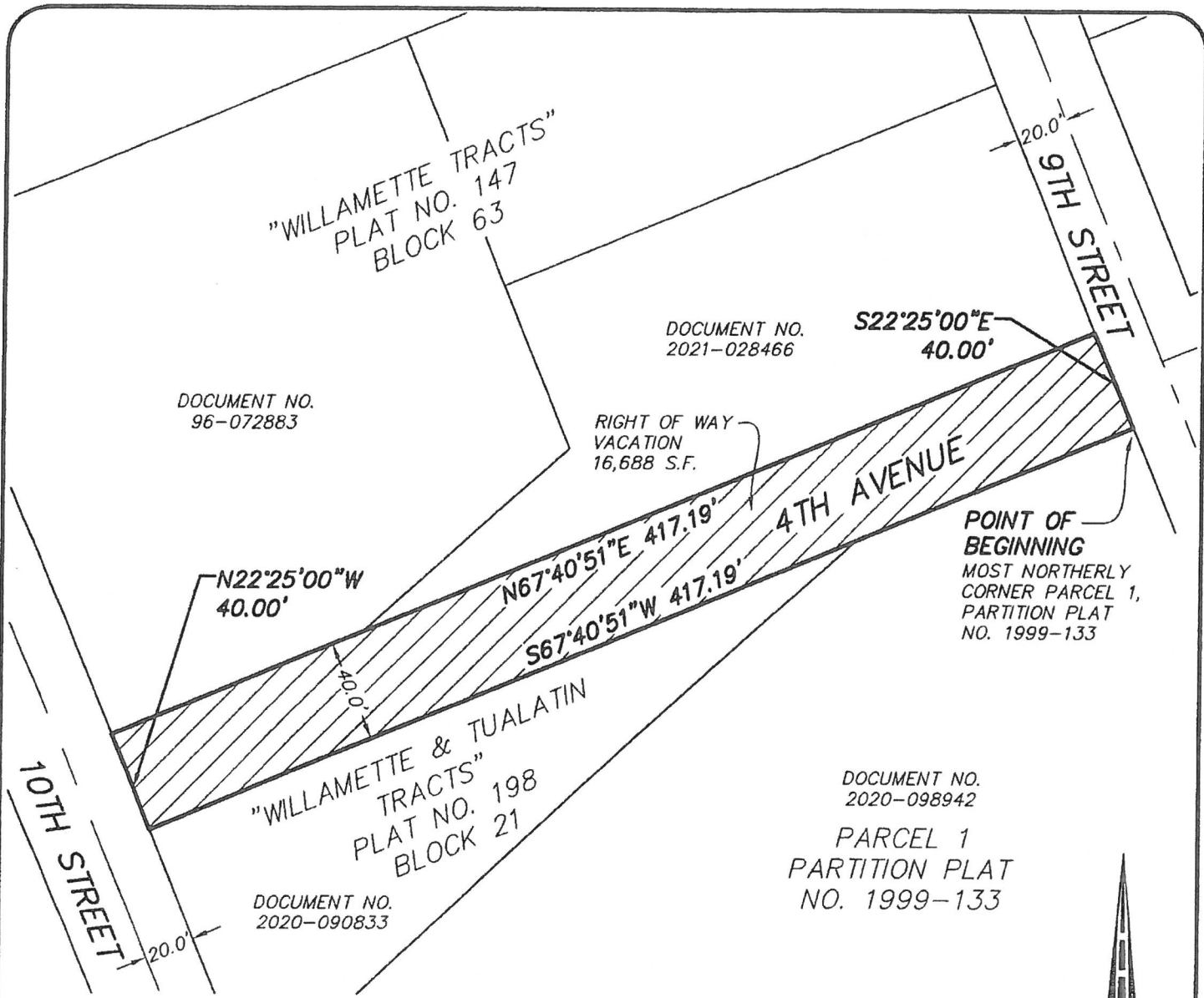
Contains 16,688 square feet, more or less.

04 NOV 21

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 13, 2004
TOBY G. BOLDEN
60377LS

RENEWS: 31 DEC 21

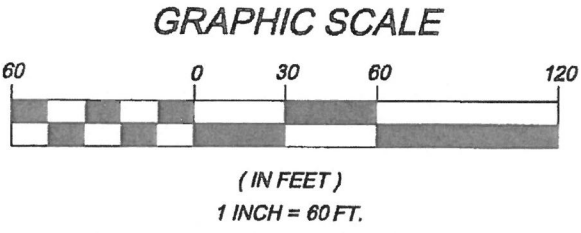


SIGNED ON: 04 NOV 21

**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
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