

Agenda Bill 2023-07-10-07

Date Prepared: June 27, 2023

For Meeting Date: July 10, 2023

To: Rory Bialostosky, Council President
West Linn City Council

Through: Elissa Preston, Deputy City Manager *EP*

From: Darren Wyss, Planning Manager *DSW*

Subject: Public Hearing on City-initiated right-of-way vacation of a portion of Dollar Street and Brandon Place

Purpose:

To consider a proposal by the City of West Linn to vacate 19,205 square feet of Dollar Street right-of-way and 82 square feet of Brandon Place right-of-way and establish a public utility and private access easement.

Question(s) for Council:

Should the Council approve the proposal and adopt Ordinance 1746?

Public Hearing Required:

Yes

Background & Discussion:

The City of West Linn has initiated a right-of-way vacation (VAC-23-01) for the unimproved portion of Dollar Street adjacent to tax lots 21E34CA03900 (65 Dollar Street), 21E34CA04000 (Portland General Electric) and 21E34C00600 (West Linn-Wilsonville School District). The right-of-way does not provide an opportunity to complete a street connection as it is blocked from connecting by the Tualatin River and the existing Willamette Falls Drive bridge provides access across the river approximately 150 feet to the south.

The City Engineer supports the right-of-way vacation. A 20-foot wide public utility easement (PUE) and private access easement (PAE), centered in the middle of the vacated Dollar street right-of-way will be recorded. The PUE will provide adequate access for any future utility needs or maintenance and the PAE will provide legal access to the Portland General Electric property from Brandon Place. The Dollar Street right-of-way currently provides access to a pedestrian/bicycle trail that connects to Fields Bridge Park by traveling under the Willamette Falls Drive Bridge. Access to the existing trail under the bridge will shift approximately 50 feet to the south via a new pedestrian/bicycle connection from the Brandon Place extension being constructed as part of the new middle-school development.

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 proposal and decision are governed by ORS 271.130, while noticing requirements are governed by ORS 271.110.

City staff received no comments or objections to the proposal as of June 27, 2023.

Budget Impact:

Negligible as there will be approximately 19,287 square feet less right-of-way for the City to maintain and the addition of land into the tax rolls will not create an additional buildable lot.

Sustainability Impact:

None

Council Options:

1. Adopt Ordinance 1746 as presented in Attachment 1; or
2. Adopt Ordinance 1746 with changes; or
3. Do not adopt Ordinance 1746.

Staff Recommendation:

Adopt Ordinance 1746 as presented.

Potential Motion:

1. Move to adopt Ordinance 1746 and vacate a portion of Dollar Street and Brandon Place as described in Exhibits A and B of the ordinance
2. Move to adopt Ordinance 1742 with the following changes (list changes)
3. Move to not adopt Ordinance 1742 (list reasons)

Attachments:

1. Ordinance 1746
2. VAC-23-01 Staff Report

ORDINANCE NO. 1746

AN ORDINANCE VACATING A PORTION OF THE DOLLAR STREET AND BRANDON PLACE 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 a portion of the Dollar Street right-of-way, adjacent to tax lots 21E34CA03900, 21E34CA04000, and 21E34C00600, and a portion of the Brandon Place right-of-way, adjacent to tax lot 21E34CA03900 on June 12, 2023; and,

WHEREAS, the City fixed a time pursuant to Oregon Revised Statute (ORS) 271.130 on July 10, 2023, 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 June 21, 2023 and June 28, 2023; and,

WHEREAS, City staff posted a copy of the notice, with all required information, at two conspicuous places near each end of the proposed vacation area on June 23, 2023; and,

WHEREAS, the City Council held a public hearing on the proposed vacation on July 10, 2023; 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.

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

SECTION 1. Vacation. The portion of Dollar Street right-of-way is vacated that is located in the City of West Linn, Clackamas County, Oregon, adjacent to tax lots 21E34CA03900, 21E34CA04000, and 21E34C00600, as more particularly described and attached in Exhibit A (legal description and map), which is incorporated by this reference.

SECTION 2. Vacation. The portion of Brandon Place right-of-way is vacated that is located in the City of West Linn, Clackamas County, Oregon, adjacent to tax lot 21E34CA03900, as more particularly described and attached in Exhibit B (legal description and map), which is incorporated by this reference.

SECTION 3. Establish Public Utility and Private Access Easement. The middle 20-feet of the vacated Dollar Street right-of-way shall be subject to dedication of a public utility easement and a private access easement for the benefit of tax lot 21E34CA04000.

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. 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 10th day of July, 2023, and duly PASSED and ADOPTED this ____ day of _____, 2023.

RORY BIALOSTOSKY, MAYOR

ATTEST:

KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY



LEGAL DESCRIPTION
 PROPOSED VACATION OF A PORTION OF DOLLAR STREET,
 WEST LINN, OR 97068

EXHIBIT "A"

A PORTION OF DOLLAR STREET (60.00 FEET WIDE, COUNTY ROAD NO. 171, JURISDICTIONAL TRANSFER TO CITY OF WEST LINN, RECORDED IN BOOK 288, PAGES 656-659, CLACKAMAS COUNTY RECORDS), BEING LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 34, TOWNSHIP 2 SOUTH, RANGE 1 EAST, W.M., CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON, BEING, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 5/8" DIAMETER IRON ROD WITH AN ORANGE PLASTIC CAP STAMPED "CONSULTING ENGINEERING SERVICES", FOUND AT THE SOUTHEASTERLY CORNER OF LOT 16, "RIVER HEIGHTS 4", PLAT NO. 3018, BEING ON THE NORTHERLY RIGHT OF WAY LINE OF AFORESAID DOLLAR STREET (30.00 FEET FROM CENTERLINE); THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE AND THE NORTHWESTERLY EXTENSION THEREOF, N.70°32'02"W., 175.02 FEET TO A FOUND 5/8" DIAMETER IRON ROD WITH AN ORANGE PLASTIC CAP STAMPED "CONSULTING ENGINEERING SERVICES" AND THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTH RIGHT OF WAY LINE, BEING THE SOUTHERLY LINE OF THAT TRACT OF LAND DESCRIBED IN DEED DOCUMENT NO. 2020-030925, CLACKAMAS COUNTY RECORDS, N.70°32'02"W., 309.51 FEET TO THE WESTERLY CORNER OF SAID DOCUMENT NO. 2020-030925; THENCE, ALONG A PORTION OF THE EASTERLY LINE THAT TRACT OF LAND DESCRIBED IN DEED BOOK 209, PAGE 029, CLACKAMAS COUNTY RECORDS, S.05°53'00"W., 61.73 FEET TO A 5/8" DIAMETER IRON ROD WITH A 1-1/2" DIAMETER ALUMINUM CAP STAMPED "OTAK", FOUND AT THE MOST NORTHERLY WEST CORNER OF THAT TRACT OF LAND DESCRIBED IN DOCUMENT NO. 94-12633, CLACKAMAS COUNTY RECORDS, BEING ON THE SOUTHERLY RIGHT OF WAY LINE OF AFORESAID DOLLAR STREET; THENCE ALONG SAID SOUTHERLY RIGHT OF WAY LINE, S.70°32'02"E., 310.95 FEET; THENCE N.23°04'15"E., 60.12 FEET; THENCE N.70°32'02"W., 19.72 FEET TO THE POINT-OF-BEGINNING, CONTAINING 19,205 SQUARE FEET, MORE OR LESS.

THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS "RIVER HEIGHTS 4" PLAT NO. 3018, CLACKAMAS COUNTY PLAT RECORDS.



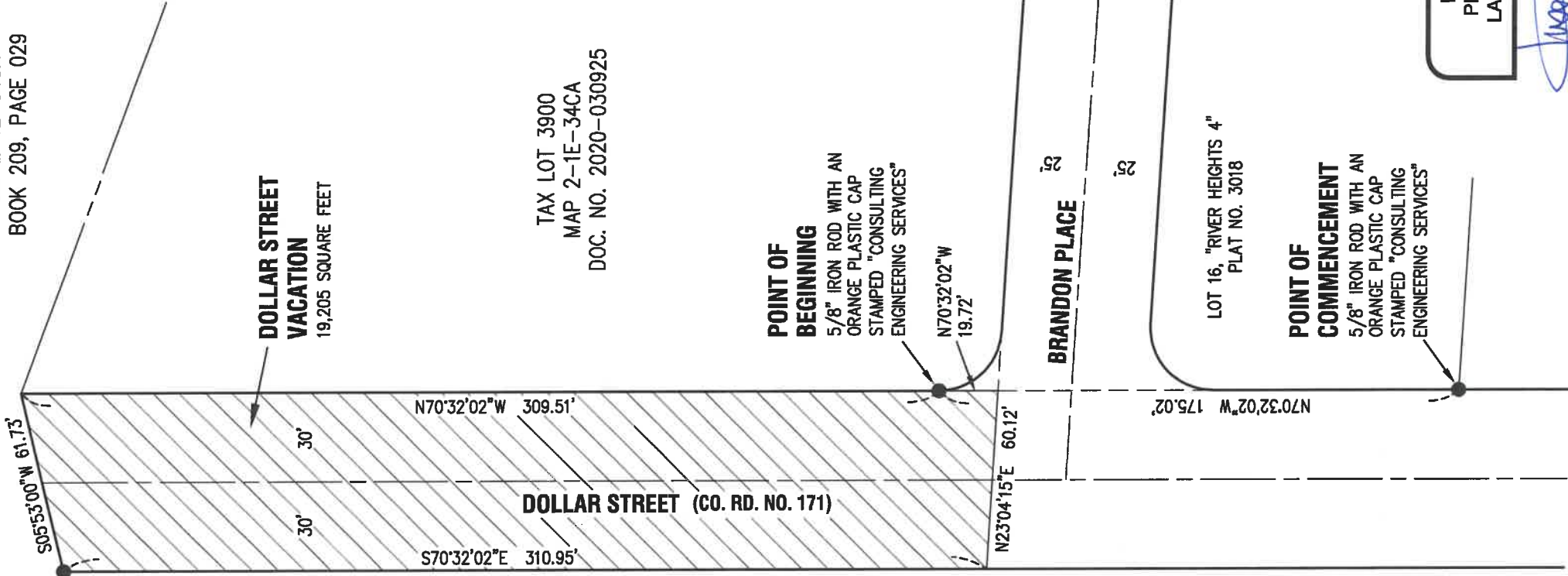
DATE OF SIGNATURE: 1/30/23
 EXPIRES: 12/31/2024



TAX LOT 4000
MAP 2-1E-34CA
BOOK 209, PAGE 029

TAX LOT 600
MAP 2-1E-34C
DOC. NO. 94-12633

TAX LOT 3900
MAP 2-1E-34CA
DOC. NO. 2020-030925



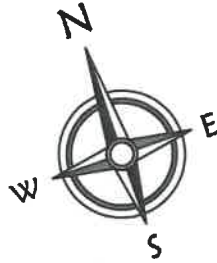
5/8" IRON ROD WITH AN ALUMINUM CAP STAMPED "OTAK"

DOLLAR STREET VACATION
19,205 SQUARE FEET

POINT OF BEGINNING
5/8" IRON ROD WITH AN ORANGE PLASTIC CAP STAMPED "CONSULTING ENGINEERING SERVICES"

POINT OF COMMENCEMENT
5/8" IRON ROD WITH AN ORANGE PLASTIC CAP STAMPED "CONSULTING ENGINEERING SERVICES"

LOT 16, "RIVER HEIGHTS 4"
PLAT NO. 3018



Scale: 1" = 50'

REGISTERED PROFESSIONAL LAND SURVEYOR

Joseph C. McAllister

OREGON
FEBRUARY 8, 2000
JOSEPH C. McALLISTER
49695

DATE OF SIGNATURE: 1/30/23
EXPIRES: 12/31/2024

EXHIBIT "B"

8313 Exh.dwg

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

VACATION OF A PORTION OF DOLLAR STREET
IN THE SW 1/4 OF SECTION 34, T.2S., R.1E., W.M.
CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON

LEGAL DESCRIPTION
PROPOSED VACATION OF A PORTION OF BRANDON PLACE,
WEST LINN, OR 97068

EXHIBIT "A"

A PORTION OF BRANDON PLACE, (50.00 FEET WIDE), BEING LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 34, TOWNSHIP 2 SOUTH, RANGE 1 EAST, W.M., CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON, BEING, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING A 5/8" DIAMETER IRON ROD WITH AN ORANGE PLASTIC CAP STAMPED "CONSULTING ENGINEERING SERVICES", FOUND AT THE SOUTHEASTERLY CORNER OF LOT 16, "RIVER HEIGHTS 4", PLAT NO. 3018, BEING ON THE NORTHERLY RIGHT OF WAY LINE OF DOLLAR STREET (60.00 FEET WIDE, COUNTY ROAD NO. 171, JURISDICTIONAL TRANSFER TO CITY OF WEST LINN, RECORDED IN BOOK 288, PAGES 656-659, CLACKAMAS COUNTY RECORDS); THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE, AND ITS NORTHWESTERLY EXTENSION THEREOF, N.70°32'02"W., 175.02 FEET TO A FOUND 5/8" DIAMETER IRON ROD WITH AN ORANGE PLASTIC CAP STAMPED "CONSULTING ENGINEERING SERVICES" AND THE TRUE POINT OF BEGINNING; THENCE ALONG THE NORTHWESTERLY RIGHT OF WAY LINE OF AFORESAID BRANDON PLACE, 31.67 FEET ALONG THE ARC OF A NON-TANGENT 21.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 86°23'43", THE CHORD OF WHICH BEARS N.66°16'07"E., 28.75 FEET; THENCE S.23°04'15"W., 19.72 FEET; THENCE N.70°32'02"W., 19.72 FEET TO THE POINT-OF-BEGINNING, CONTAINING 82 SQUARE FEET, MORE OR LESS.

THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS "RIVER HEIGHTS 4" PLAT NO. 3018, CLACKAMAS COUNTY PLAT RECORDS.



DATE OF SIGNATURE: 1/30/23

EXPIRES: 12/31/2024



POINT OF BEGINNING

5/8" IRON ROD WITH AN ORANGE PLASTIC CAP STAMPED "CONSULTING ENGINEERING SERVICES"

TAX LOT 3900
MAP 2-1E-34CA
DOC. NO. 2020-030925

BRANDON PLACE VACATION

82 SQUARE FEET

N70°32'02"W
19.72'

L=31.67'
R=21.00'
D=86°23'43"
CH=N66°16'07"E
28.75'

S23°04'15"W
19.72'

BRANDON PLACE

TAX LOT 600
MAP 2-1E-34C
DOC. NO.
94-12633

DOLLAR STREET (CO. RD. NO. 171)

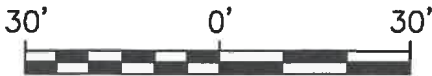
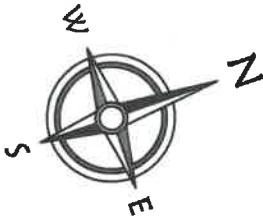
LOT 16, "RIVER HEIGHTS 4"
PLAT NO. 3018

POINT OF COMMENCEMENT

5/8" IRON ROD WITH AN ORANGE PLASTIC CAP STAMPED "CONSULTING ENGINEERING SERVICES"

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
FEBRUARY 8, 2000
JOSEPH C. McALLISTER
49695



Scale: 1" = 30'

DATE OF SIGNATURE: 1/30/23
EXPIRES: 12/31/2024

EXHIBIT "B"

8313 Exh2.dwg

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

**VACATION OF A PORTION OF BRANDON PLACE
IN THE SW 1/4 OF SECTION 34, T.2S., R.1E., W.M.
CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON**



CITY OF West Linn

STAFF REPORT FOR THE CITY COUNCIL

FILE NUMBER: VAC-23-01

HEARING DATE: July 10, 2023

REQUEST: City initiated request to vacate a portion of the Dollar Street and Brandon Place right-of-way

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

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GENERAL INFORMATION

- APPLICANT:** City of West Linn
22500 Salamo Road
West Linn, OR 91068
- SITE LOCATION:** 19,205 square feet of unimproved Dollar Street right-of-way adjacent to tax lots 21E34CA03900 (65 Dollar Street), 21E34CA04000 (Portland General Electric) and 21E34C00600 (West Linn-Wilsonville School District) and 82 square feet of the Brandon Place right-of-way, adjacent to tax lot 21E34CA03900.
- DESCRIPTION:** Proposed vacation of a portion of Dollar Street and Brandon Place right-of-way and establishment of a public utility easement and private access easement for the benefit of tax lot 21E34CA04000.
- SITE SIZE:** 19,287 square feet will be vacated.
- ZONING:** R-10 (Residential)
- 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 for the portion of unimproved Dollar Street right-of-way adjacent to tax lots 21E34CA03900, 21E34CA04000, and 21E34C00600, and a portion of the Brandon Place right-of-way, adjacent to tax lot 21E34CA03900. The proposed action will vacate 19,287 sq. ft. of the right-of-way. The right-of-way provides no opportunity to complete a street connection as it is blocked from connecting by the Tualatin River and existing property boundaries (see Exhibit CC-1). The existing Willamette Falls Drive bridge provides access across the river approximately 150 feet to the south.

A 20-foot-wide public utility easement (PUE) and private access easement (PAE), centered in the middle of the vacated Dollar Street right-of-way will be recorded. The PUE will provide adequate access for any future utility needs or maintenance and the PAE will provide legal access to the Portland General Electric property from Brandon Place. The Dollar Street right-of-way currently provides access to a pedestrian/bicycle trail that connects to Fields Bridge Park by traveling under the Willamette Falls Drive Bridge. Access to the existing trail under the bridge will shift approximately 50 feet to the south via a new pedestrian/bicycle connection from the Brandon Place extension being constructed as part of the new middle-school development.

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 adopted West Linn Transportation System Plan or surrounding properties.

RECOMMENDATION

Staff recommends the City Council approve the right-of-way vacation 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 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 July 10, 2023. 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 vacation will not substantially affect the market value of abutting properties as all adjacent tax lots will have continued direct access an improved street.

(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: The proposal is to vacate a portion of Dollar Street and Brandon Place rights-of-way. Dollar Street and Brandon Place intersect. 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: June 21, 2023 and June 28, 2023). The notice included the ground covered by the vacation 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.

(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 June 21, 2023. Staff posted a "Notice of Street Vacation" at each end of the unimproved ROW in the proposal on June 23, 2023. 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 MAPS

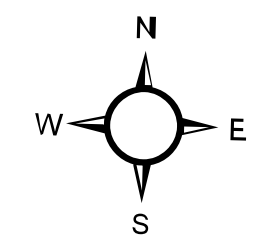
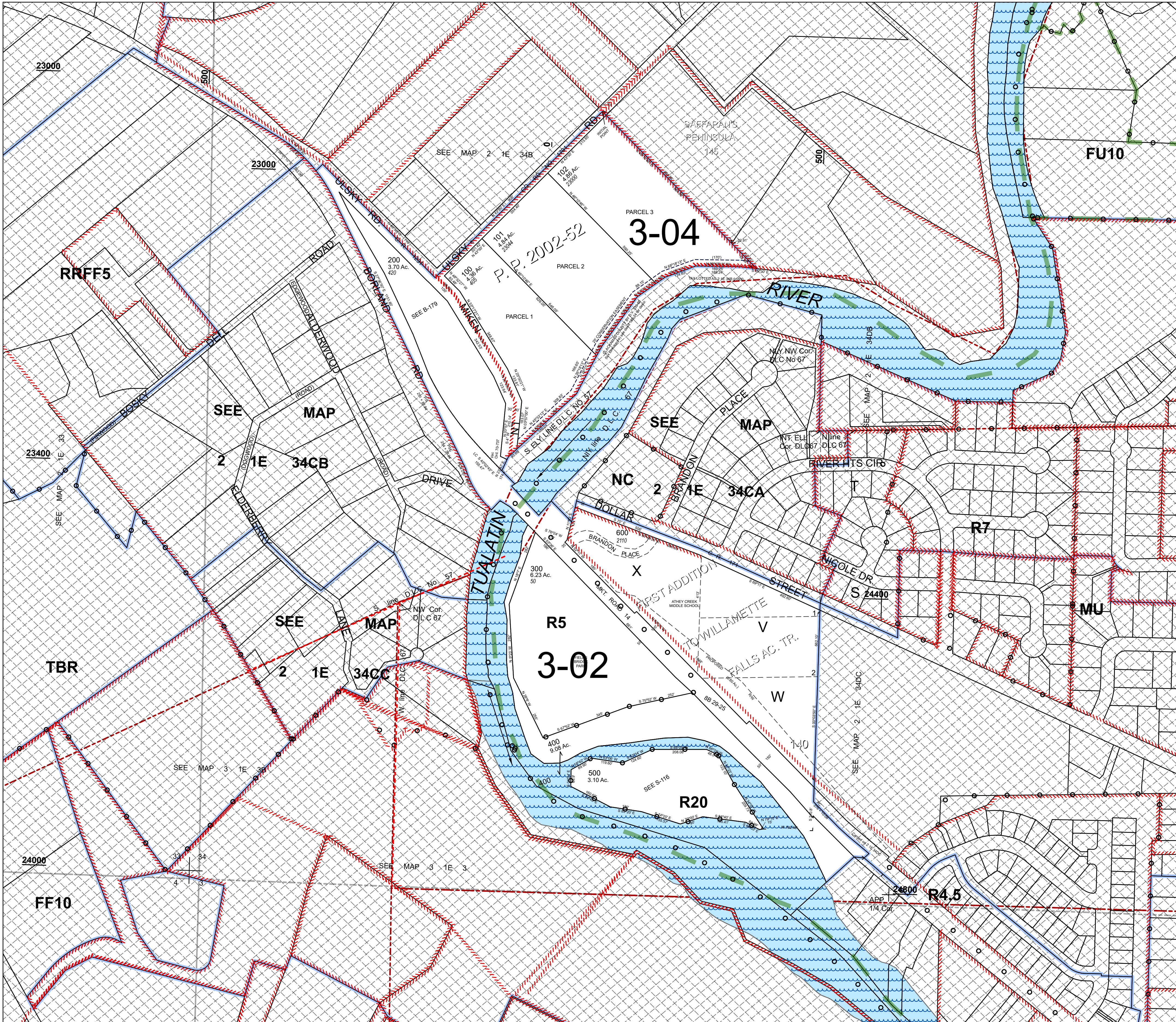
S.W. 1/4 SEC. 34 T. 2S. R. 1E. W. M.
CLACKAMAS COUNTY

1" = 200'

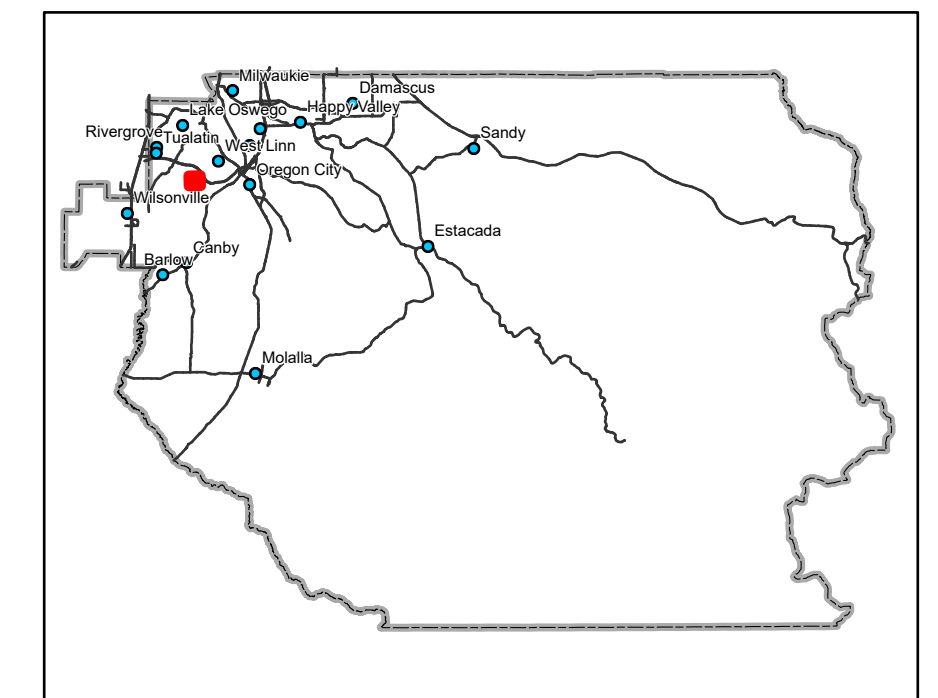
D. L. C.
HENRY SAFFARANS NO. 57
JOSEPH FIELDS NO. 67

Cancelled

- 601
- 901
- 902
- 903
- 904
- 800
- 802
- 900

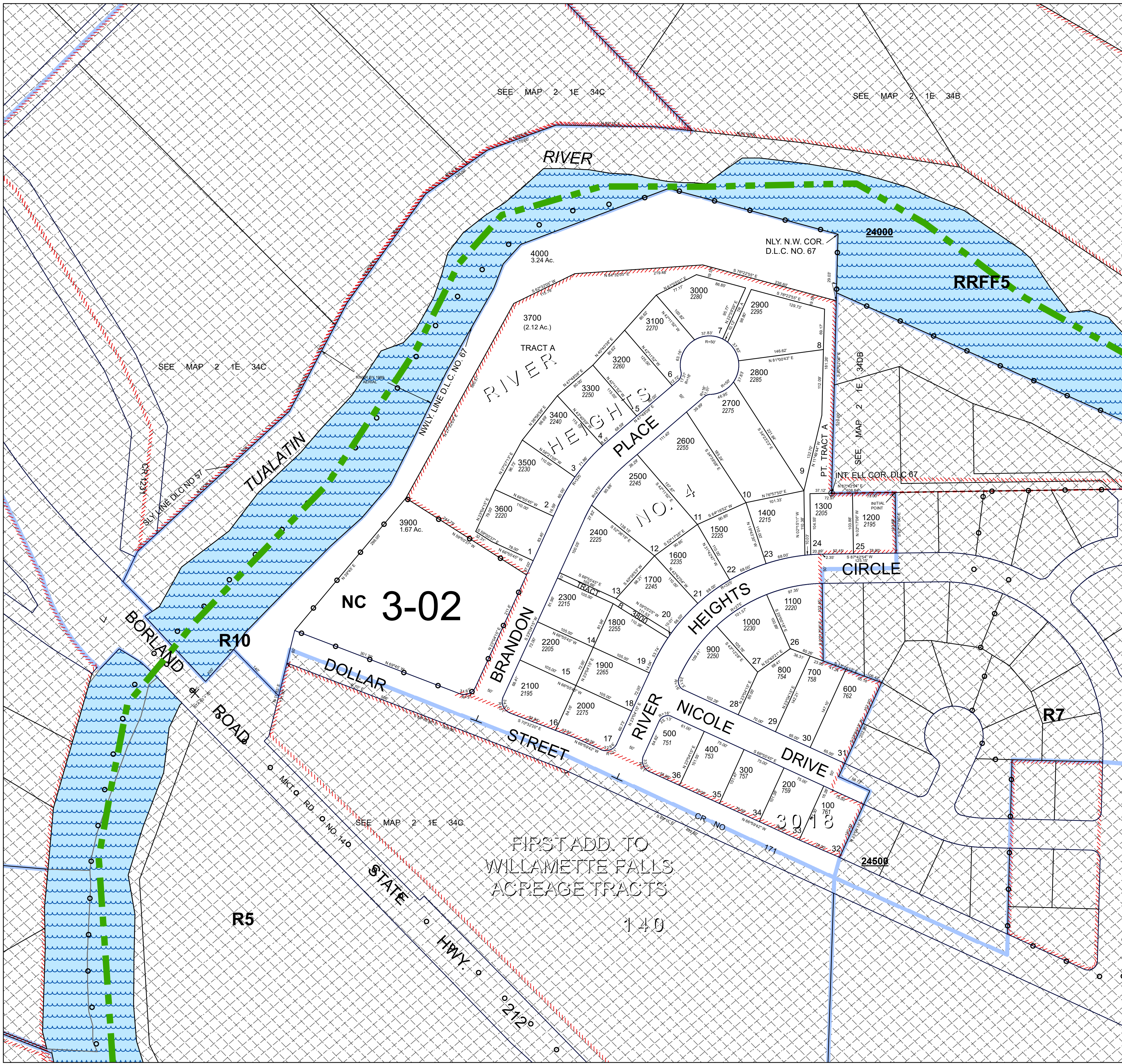


- Parcel Boundary
- Private Road ROW
- Historical Boundary
- Railroad Centerline
- Tax Code Lines
- Water Lines
- Land Use Zoning
- Plats
- Water
- Corner
- Section Corner
- 1/16th Line
- Govt Lot Line
- DLC Line
- Meander Line
- PLSS Section Line
- Historic Corridor 40'
- Historic Corridor 20'

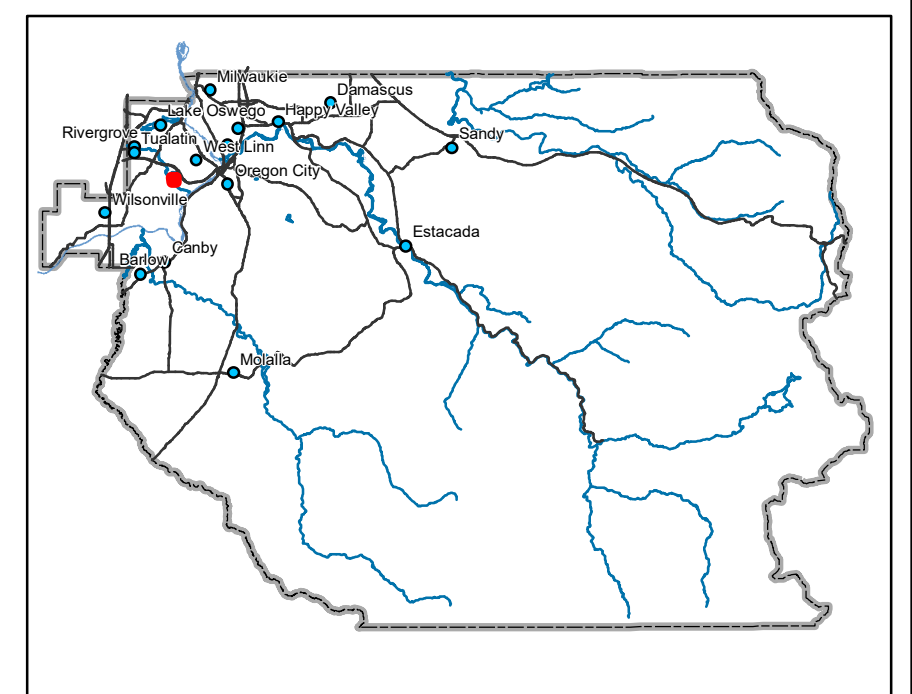


THIS MAP IS FOR ASSESSMENT
PURPOSES ONLY

Cancelled Taxlots



- Parcel Boundary
- - - Private Road ROW
- - - Historical Boundary
- + + + Railroad Centerline
- TaxCodeLines
- Map Index
- ▬ WaterLines
- Land Use Zoning
- ▨ Plats
- ▬ Water
- Corner
- Section Corner
- 1/16th Line
- Govt Lot Line
- DLC Line
- Meander Line
- PLSS Section Line
- ⊗ Historic Corridor 40'
- ⊗ Historic Corridor 20'



THIS MAP IS FOR ASSESSMENT
PURPOSES ONLY

EXHIBIT CC-2: APPLICANT SUBMITTAL



Planning & Development • 22500 Salamo Rd #1000 • West Linn, Oregon 97068
Telephone 503.656-3535 • westlinnoregon.gov

DEVELOPMENT REVIEW APPLICATION

For Office Use Only				
STAFF CONTACT	Wyss	PROJECT NO(S)	VAC-23-01	PRE-APPLICATION NO.
				n/a
NON-REFUNDABLE FEE(S)	\$0	REFUNDABLE DEPOSIT(S)	TOTAL	\$0

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"/> Code Interpretation | <input type="checkbox"/> Lot Line Adjustment (LLA) | <input type="checkbox"/> Time Extension |
| <input type="checkbox"/> Conditional Use (CUP) | <input type="checkbox"/> Minor Partition (MIP) (Preliminary Plat or Plan) | <input type="checkbox"/> Variance (VAR) |
| <input type="checkbox"/> Design Review (DR) | <input type="checkbox"/> Modification of Approval | <input type="checkbox"/> Water Resource Area Protection/Single Lot (WAP) |
| <input type="checkbox"/> Tree Easement Vacation | <input type="checkbox"/> Non-Conforming Lots, Uses & Structures | <input type="checkbox"/> Water Resource Area Protection/Wetland (WAP) |
| <input type="checkbox"/> Final Plat or Plan (FP) | <input type="checkbox"/> Planned Unit Development (PUD) | <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 |

Pre-Application, Home Occupation, Sidewalk Use, Addressing, and Sign applications require different forms, available on the City website.

Site Location/Address: Right of Way adjacent to 65 Dollar Street	Assessor's Map No.: n/a
	Tax Lot(s): n/a
	Total Land Area: 19,205 sq-ft

Brief Description of Proposal:
Dollar Street right of way vacation for the entire width west of Brandon Place to the end

Applicant Name: Erich Lais (please print) Phone: 503-722-3434
 Address: 22500 Salamo Road Email: elais@westlinnoregon.gov
 City State Zip: West Linn, OR, 97045

Owner Name (required): City of West Linn (please print) Phone: 503-722-5500
 Address: 22500 Salamo Road Email:
 City State Zip: West Linn, OR, 97045

Consultant Name: Compass Land Surveyors (please print) Phone: 503-653-9093
 Address: 4107 SE International Way, Suite 705 Email: joem@compass-landsurveyors.com
 City State Zip: Milwaukie, OR, 97222

- 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.
- 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	2/13/23 Date	 Owner's signature (required)	6/12/23 Date
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**LEGAL DESCRIPTION
PROPOSED VACATION OF A PORTION OF BRANDON PLACE,
WEST LINN, OR 97068**

EXHIBIT "A"

A PORTION OF BRANDON PLACE, (50.00 FEET WIDE), BEING LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 34, TOWNSHIP 2 SOUTH, RANGE 1 EAST, W.M., CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON, BEING, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING A 5/8" DIAMETER IRON ROD WITH AN ORANGE PLASTIC CAP STAMPED "CONSULTING ENGINEERING SERVICES", FOUND AT THE SOUTHEASTERLY CORNER OF LOT 16, "RIVER HEIGHTS 4", PLAT NO. 3018, BEING ON THE NORTHERLY RIGHT OF WAY LINE OF DOLLAR STREET (60.00 FEET WIDE, COUNTY ROAD NO. 171, JURISDICTIONAL TRANSFER TO CITY OF WEST LINN, RECORDED IN BOOK 288, PAGES 656-659, CLACKAMAS COUNTY RECORDS); THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE, AND ITS NORTHWESTERLY EXTENSION THEREOF, N.70°32'02"W., 175.02 FEET TO A FOUND 5/8" DIAMETER IRON ROD WITH AN ORANGE PLASTIC CAP STAMPED "CONSULTING ENGINEERING SERVICES" AND THE TRUE POINT OF BEGINNING; THENCE ALONG THE NORTHWESTERLY RIGHT OF WAY LINE OF AFORESAID BRANDON PLACE, 31.67 FEET ALONG THE ARC OF A NON-TANGENT 21.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 86°23'43", THE CHORD OF WHICH BEARS N.66°16'07"E., 28.75 FEET; THENCE S.23°04'15"W., 19.72 FEET; THENCE N.70°32'02"W., 19.72 FEET TO THE POINT-OF-BEGINNING, CONTAINING 82 SQUARE FEET, MORE OR LESS.

THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS "RIVER HEIGHTS 4" PLAT NO. 3018, CLACKAMAS COUNTY PLAT RECORDS.



DATE OF SIGNATURE: 1/30/23

EXPIRES: 12/31/2024



POINT OF BEGINNING

5/8" IRON ROD WITH AN ORANGE PLASTIC CAP STAMPED "CONSULTING ENGINEERING SERVICES"

TAX LOT 3900
MAP 2-1E-34CA
DOC. NO. 2020-030925

BRANDON PLACE VACATION

82 SQUARE FEET

N70°32'02"W
19.72'

L=31.67'
R=21.00'
D=86°23'43"
CH=N66°16'07"E
28.75'

S23°04'15"W
19.72'

BRANDON PLACE

TAX LOT 600
MAP 2-1E-34C
DOC. NO.
94-12633

DOLLAR STREET (CO. RD. NO. 171)

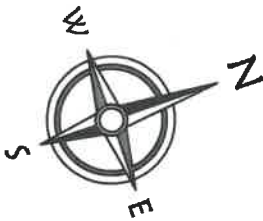
LOT 16, "RIVER HEIGHTS 4"
PLAT NO. 3018

POINT OF COMMENCEMENT

5/8" IRON ROD WITH AN ORANGE PLASTIC CAP STAMPED "CONSULTING ENGINEERING SERVICES"

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
FEBRUARY 8, 2000
JOSEPH C. McALLISTER
49695



Scale: 1" = 30'

DATE OF SIGNATURE: 1/30/23
EXPIRES: 12/31/2024

EXHIBIT "B"

8313 Exh2.dwg



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

**VACATION OF A PORTION OF BRANDON PLACE
IN THE SW 1/4 OF SECTION 34, T.2S., R.1E., W.M.
CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON**



LEGAL DESCRIPTION
PROPOSED VACATION OF A PORTION OF DOLLAR STREET,
WEST LINN, OR 97068

EXHIBIT "A"

A PORTION OF DOLLAR STREET (60.00 FEET WIDE, COUNTY ROAD NO. 171, JURISDICTIONAL TRANSFER TO CITY OF WEST LINN, RECORDED IN BOOK 288, PAGES 656-659, CLACKAMAS COUNTY RECORDS), BEING LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 34, TOWNSHIP 2 SOUTH, RANGE 1 EAST, W.M., CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON, BEING, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 5/8" DIAMETER IRON ROD WITH AN ORANGE PLASTIC CAP STAMPED "CONSULTING ENGINEERING SERVICES", FOUND AT THE SOUTHEASTERLY CORNER OF LOT 16, "RIVER HEIGHTS 4", PLAT NO. 3018, BEING ON THE NORTHERLY RIGHT OF WAY LINE OF AFORESAID DOLLAR STREET (30.00 FEET FROM CENTERLINE); THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE AND THE NORTHWESTERLY EXTENSION THEREOF, N.70°32'02"W., 175.02 FEET TO A FOUND 5/8" DIAMETER IRON ROD WITH AN ORANGE PLASTIC CAP STAMPED "CONSULTING ENGINEERING SERVICES" AND THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTH RIGHT OF WAY LINE, BEING THE SOUTHERLY LINE OF THAT TRACT OF LAND DESCRIBED IN DEED DOCUMENT NO. 2020-030925, CLACKAMAS COUNTY RECORDS, N.70°32'02"W., 309.51 FEET TO THE WESTERLY CORNER OF SAID DOCUMENT NO. 2020-030925; THENCE, ALONG A PORTION OF THE EASTERLY LINE THAT TRACT OF LAND DESCRIBED IN DEED BOOK 209, PAGE 029, CLACKAMAS COUNTY RECORDS, S.05°53'00"W., 61.73 FEET TO A 5/8" DIAMETER IRON ROD WITH A 1-1/2" DIAMETER ALUMINUM CAP STAMPED "OTAK", FOUND AT THE MOST NORTHERLY WEST CORNER OF THAT TRACT OF LAND DESCRIBED IN DOCUMENT NO. 94-12633, CLACKAMAS COUNTY RECORDS, BEING ON THE SOUTHERLY RIGHT OF WAY LINE OF AFORESAID DOLLAR STREET; THENCE ALONG SAID SOUTHERLY RIGHT OF WAY LINE, S.70°32'02"E., 310.95 FEET; THENCE N.23°04'15"E., 60.12 FEET; THENCE N.70°32'02"W., 19.72 FEET TO THE POINT-OF-BEGINNING, CONTAINING 19,205 SQUARE FEET, MORE OR LESS.

THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS "RIVER HEIGHTS 4" PLAT NO. 3018, CLACKAMAS COUNTY PLAT RECORDS.



DATE OF SIGNATURE: 1/30/23
EXPIRES: 12/31/2024



TAX LOT 4000
MAP 2-1E-34CA
BOOK 209, PAGE 029

5/8" IRON ROD WITH
AN ALUMINUM CAP
STAMPED "OTAK"

**DOLLAR STREET
VACATION**
19,205 SQUARE FEET

TAX LOT 600
MAP 2-1E-34C
DOC. NO. 94-12633

TAX LOT 3900
MAP 2-1E-34CA
DOC. NO. 2020-030925

S05°53'00"W 61.73'

30'

30'

S70°32'02"E 310.95'

N70°32'02"W 309.51'

**DOLLAR STREET
(CO. RD. NO. 171)**

**POINT OF
BEGINNING**

5/8" IRON ROD WITH AN
ORANGE PLASTIC CAP
STAMPED "CONSULTING
ENGINEERING SERVICES"

N70°32'02"W
19.72'

N23°04'15"E 60.12'

BRANDON PLACE

25'

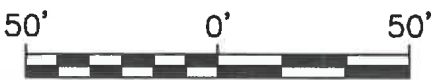
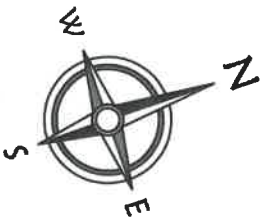
25'

LOT 16, "RIVER HEIGHTS 4"
PLAT NO. 3018

**POINT OF
COMMENCEMENT**

5/8" IRON ROD WITH AN
ORANGE PLASTIC CAP
STAMPED "CONSULTING
ENGINEERING SERVICES"

N70°32'02"W 175.02'



Scale: 1" = 50'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
FEBRUARY 8, 2000
JOSEPH C. McALLISTER
49695

DATE OF SIGNATURE: 1/30/23

EXPIRES: 12/31/2024

8313 Exh.dwg

EXHIBIT "B"

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

**VACATION OF A PORTION OF DOLLAR STREET
IN THE SW 1/4 OF SECTION 34, T.2S., R.1E., W.M.
CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON**

EXHIBIT CC-3: COMPLETENESS LETTER



CITY OF
West Linn

June 14, 2023

Erich Lais
City of West Linn
22500 Salamo Road
West Linn, OR 97068

SUBJECT: VAC-23-01 Application for Dollar Street right-of-way vacation

Mr. Lais,

You submitted this application on June 12, 2023. 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 July 10, 2023.

Please contact me at 503-742-6064, or by email at dwyss@westlinnoregon.gov if you have any questions or comments.

Sincerely,

Darren Wyss
Planning Manager

EXHIBIT CC-4: AFFIDAVIT AND NOTICE PACKET



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.: **VAC-23-01**

Applicant's Name: **City of West Linn**

Development Name: **Dollar Street right-of-way vacation**

Scheduled Decision Date: **City Council Decision No Earlier than 07/10/23**

TIDINGS

Per ORS 271.110, notice was posted in the West Linn Tidings once each week for two consecutive weeks prior to the hearing. The first day of publication of such notice was at least 14 days before the hearing.

6/21/23	<i>Lynn Schroder</i>
6/28/23	<i>Lynn Schroder</i>

WEBSITE

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

6/14/23	<i>Lynn Schroder</i>
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SIGN

Within 5 days after the first day of publication, and at least 14 days before the hearing, a sign was posted at the entrance of the proposed vacation per ORS 271.110.

6/23/23	Darren Wyss
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STAFF REPORT was posted on the website and provided to City Councilors at least 10 days before the scheduled public hearing.

6/29/23	Darren Wyss
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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. VAC-23-01**

The West Linn City Council will hold a hybrid public hearing on **Monday, July 10, 2023, 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 a portion of the Dollar Street right-of-way adjacent to 65 Dollar Street (section flanked by tax lots 21E34CA03900 and 2S1E34C00600). The application was filed on June 12, 2023.

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 application is posted on the City website <https://westlinnoregon.gov/planning/dollar-street-right-way-vacation-dollar-street-west-brandon-place>. The application, all documents or evidence relied upon by the applicant, and applicable criteria are available or for inspection at no cost at City Hall. Copies may be obtained at a reasonable cost. At least ten days prior to the hearing, a copy of the staff report will be available.

Anyone wishing to present written testimony for consideration should submit all materials before 12:00 pm on July 10, 2023 to dwyss@westlinnoregon.gov or mail to City Hall.

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 4:00 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.

For further information, please contact Darren Wyss, Planning Manager, at City Hall, 22500 Salamo Road, West Linn, OR 97068, dwyss@westlinnoregon.gov, or 503-742-6064.

NOTICE OF PROPOSED STREET VACATION

WEST LINN CITY COUNCIL PUBLIC HEARING NOTICE FILE NO. VAC-23-01

The West Linn City Council will hold a hybrid public hearing on **Monday, July 10, 2023, 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 a portion of the Dollar Street right-of-way adjacent to 65 Dollar Street (section flanked by tax lots 21E34CA03900 and 2S1E34C00600). The application was filed on June 12, 2023.

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 application is posted on the City website <https://westlinnoregon.gov/planning/dollar-street-right-way-vacation-dollar-street-west-brandon-place>. The application, all documents or evidence relied upon by the applicant, and applicable criteria are available or for inspection at no cost at City Hall. Copies may be obtained at a reasonable cost. At least ten days prior to the hearing, a copy of the staff report will be available.

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