

**ORDINANCE NO. 1752**

**AN ORDINANCE VACATING A PORTION OF THE UPPER MIDHILL DRIVE 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 Upper Midhill Drive right-of-way, adjacent to tax lot 21E14CA00200 on January 2, 2024; and,

**WHEREAS**, the City fixed a time pursuant to Oregon Revised Statute (ORS) 271.130 on February 12, 2024, 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 24, 2024 and January 31, 2024; 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 January 25, 2024; and,

**WHEREAS**, the City Council held a public hearing on the proposed vacation on February 12, 2024; 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.** A portion of Upper Midhill Drive right-of-way is vacated that is located in the City of West Linn, Clackamas County, Oregon, adjacent to tax lot 21E14CA00200, as more particularly described and attached in Exhibit A (legal description and map), which is incorporated by this reference.

**SECTION 2. Establish Public Utility and Public Access Easement.** The entirety of the vacated Upper Midhill Drive right-of-way shall be subject to dedication of a public utility easement and a 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. Effective Date.** This ordinance shall take effect on the 30<sup>th</sup> day after its passage.

The foregoing ordinance was first read in accordance with Chapter VIII, Section 33(c) of the City Charter on the 12th day of February, 2024, and duly PASSED and ADOPTED this 12<sup>th</sup> day of February, 2024.



RORY BIALOSTOSKY, MAYOR

ATTEST:

  
KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

  
CITY ATTORNEY



**EXHIBIT A (PAGE 1 OF 2)**

STREET VACATION

PORTION OF UPPER MIDHILL DRIVE (ARBOR DRIVE), PLAT OF "ROBINWOOD"

JOB NO. 0523-001

NOVEMBER 13, 2023

A PORTION OF UPPER MIDHILL DRIVE (ARBOR DRIVE, 50.0 FEET WIDE), PLAT OF "ROBINWOOD", CLACKAMAS COUNTY PLAT RECORDS, SITUATED IN THE S.W. 1/4 OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 7, BLOCK 3, "COLLEGE HILL ESTATES", CLACKAMAS COUNTY PLAT RECORDS, BEING ON THE WESTERLY RIGHT OF WAY LINE OF SAID UPPER MIDHILL DRIVE (50.0 FEET WIDE); THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE, NORTH 28°18'51" WEST, 144.94 FEET TO THE **POINT OF BEGINNING**;

THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE, NORTH 28°18'51" WEST, 11.48 FEET TO THE MOST SOUTHERLY CORNER OF A STREET VACATION OF UPPER MIDHILL DRIVE RECORDED IN DOCUMENT NO. 99-114676, CLACKAMAS COUNTY DEED RECORDS; THENCE LEAVING SAID WESTERLY RIGHT OF WAY LINE, ALONG THE SOUTHEASTERLY LINE OF SAID STREET VACATION, 32.09 FEET ON THE ARC OF A NONTANGENT 126.00-FOOT RADIUS CURVE CONCAVE TO THE EAST THROUGH A CENTRAL ANGLE OF 14°35'27" (THE CHORD BEARS NORTH 13°47'24" WEST, 32.00 FEET); THENCE CONTINUING ALONG THE SOUTHEASTERLY LINE OF SAID STREET VACATION, NORTH 06°29'40" WEST, 112.93 FEET TO THE EASTERLY RIGHT OF WAY LINE OF SAID UPPER MIDHILL DRIVE; THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE, SOUTH 28°18'51" EAST, 132.01 FEET; THENCE LEAVING SAID EASTERLY RIGHT OF WAY LINE, 55.29 FEET ON THE ARC OF A NONTANGENT 48.00-FOOT RADIUS CURVE (THE RADIUS POINT BEARS SOUTH 12°18'50" EAST) THROUGH A CENTRAL ANGLE OF 65°59'55" (THE CHORD BEARS SOUTH 44°41'12" WEST, 52.28 FEET) TO THE **POINT OF BEGINNING**, CONTAINS 3564 SQUARE FEET, MORE OR LESS.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR



OREGON  
JANUARY 15, 1987  
JON T. FEIGION  
2252

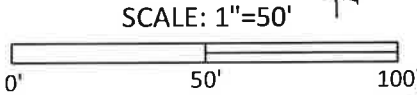
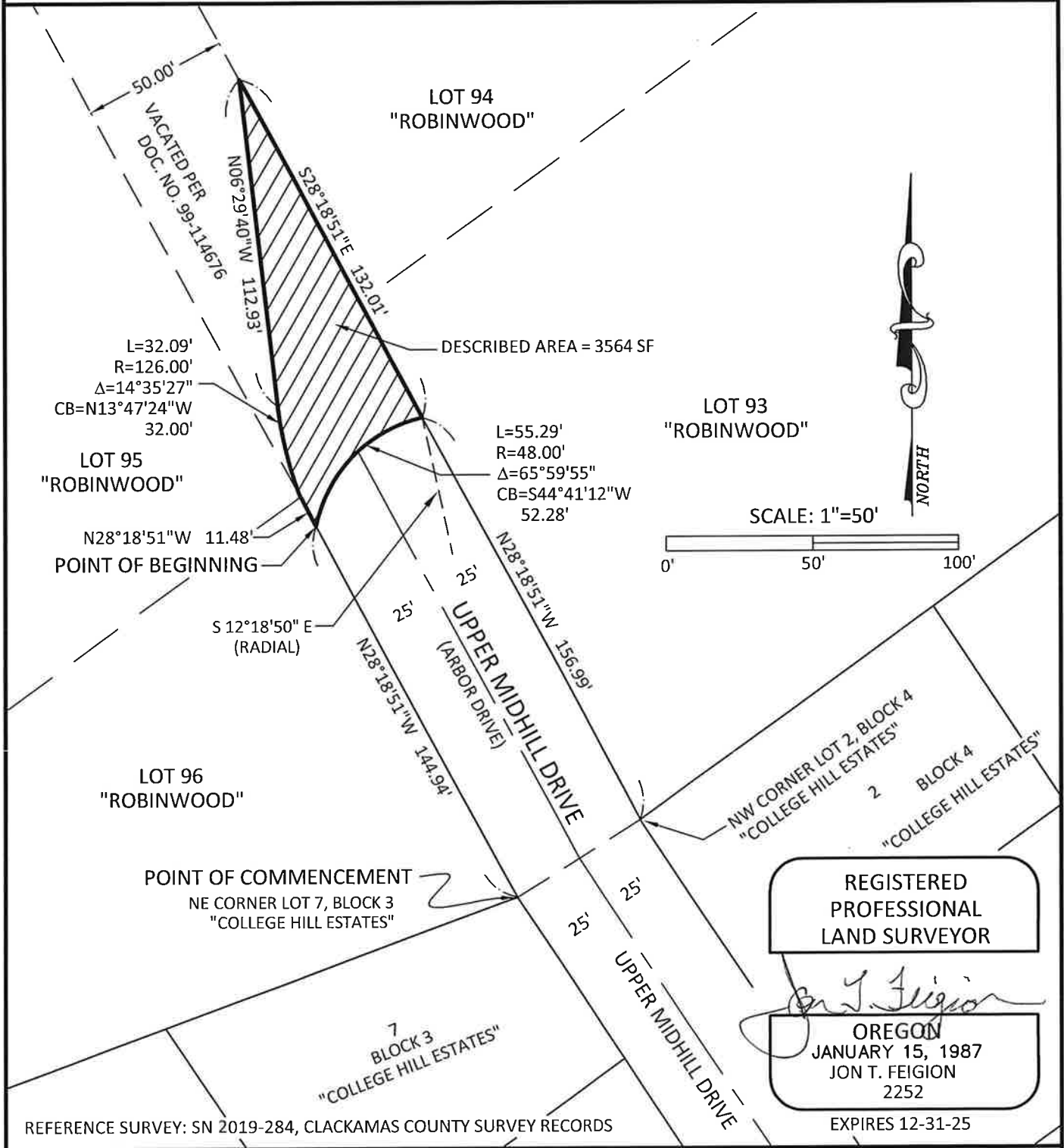
EXPIRES 12-31-25

REFERENCE SURVEY: SN 2019-284, CLACKAMAS COUNTY SURVEY RECORDS

**EXHIBIT A (PAGE 2 OF 2)**

**FOR A STREET VACATION**

**A PORTION OF UPPER MIDHILL DRIVE (ARBOR DRIVE), PLAT OF "ROBINWOOD"  
LOCATED IN THE SW 1/4 OF SEC. 14, T.2S, R.1E., W.M.,  
CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON**



**REGISTERED  
PROFESSIONAL  
LAND SURVEYOR**

*Jon T. Feigion*  
**OREGON  
JANUARY 15, 1987  
JON T. FEIGION  
2252**

EXPIRES 12-31-25

REFERENCE SURVEY: SN 2019-284, CLACKAMAS COUNTY SURVEY RECORDS

JOB NO.: 0523-001
DATE: 11-13-23
SCALE: 1" = 50'
DRAWN BY: JTF

**STREET VACATION**  
A PORTION OF UPPER MIDHILL DRIVE (ARBOR DRIVE)  
LOCATED IN THE SW 1/4 OF SEC. 14, T.2S, R.1E., W.M.,  
CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON

**EMERIO**  
ENGINEERING • SURVEYING • DESIGN

6445 SW FALLBROOK PLACE, SUITE 100  
BEAVERTON, OREGON 97008  
TEL: (503) 746-8812  
FAX: (503) 639-9592  
www.emeriodesign.com  
EMERIO JOB: 0523-001