

Agenda Bill 2025-MM-DD-YY

Date Prepared: January 30, 2025

For Meeting Date: January 10, 2025

To: Rory Bialostosky, Mayor
West Linn City Council

Through: John Williams, City Manager *JRW*

From: Darren Wyss, Planning Manager *DSW*

Subject: Public hearing on petition to vacate portions of the 5th Street and 4th Avenue rights-of-way

Purpose:

To consider a petition by Forward Vision Development LLC/e3 Design Concepts LLC/SDG-2 LLC to vacate 16,199 square feet of 5th Street right-of-way, 11,960 square feet of 4th Avenue right-of-way (west), and 22,416 square feet of 4th Avenue right-of-way (east).

Question(s) for Council:

Should the Council approve the petition and adopt Ordinance 1757?

Public Hearing Required:

Yes

Background & Discussion:

The applicant has petitioned to vacate unimproved right-of-way (ROW) that includes 16,199 square feet of 5th Street right-of-way adjacent to tax lots 200 and 800 of Assessor Map 31E02AA, 11,960 square feet of 4th Avenue right-of-way adjacent to tax lot 800 of Assessor Map 31E02AA, and 22,416 square feet of 4th Avenue right-of-way adjacent to tax lot 200 of Assessor Map 31E02AA and tax lot 100 of Assessor Map 31E01BB (see Exhibit CC-1). The rights-of-way are within protected wetlands and associated habitat conservation areas, and mapped flood hazard zones that would preclude development of streets or installation of utilities in the future.

ROW vacations are reviewed and decided by City Council, acting as the City's "Governing Body", under the authority granted in Oregon Revised Statute Chapter 271.

The City has accepted the petition and set the public hearing date (ORS 271.090). At the fixed time, the City Council will hear the petition and any objections filed and 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.

The petition requires signatures from 100 percent of abutting property owners and two-thirds of property owners in the "affected area". The petition included the required signatures of 100 percent of

abutting property owners, 71.7 percent of property owners in the 5th Street “affected area”, 69.6 percent of property owners in the 4th Avenue (west) “affected area”, and 72.5 percent of property owners in the 4th Avenue (east) “affected area” (see Attachment 2, Exhibits CC-2 and CC-3). Notice of the public hearing was posted for two consecutive weeks in the paper and posted at the proposed vacation locations (see Attachment 2, Exhibit CC-5), and there are no adopted City plans that require the ROW for transportation or utility connections.

City staff received no objections to the petition as of January 30, 2025.

Budget Impact:

Negligible as there will be approximately 50,575 square feet less right-of-way for the City to maintain (predominately covered by wetlands).

Sustainability Impact:

None

Council Options:

1. Adopt Ordinance 1757 as presented in Attachment 1; or
2. Adopt Ordinance 1757 with changes; or
3. Do not adopt Ordinance 1757.

Staff Recommendation:

Adopt Ordinance 1757 as presented.

Potential Motion:

1. Move to adopt Ordinance 1757 and vacate portions of 5th Street and 4th Avenue as described in Exhibits A, B, and C of the ordinance.
2. Move to adopt Ordinance 1757 with the following changes (list changes).
3. Move to not adopt Ordinance 1757 (list reasons)

Attachments:

1. Ordinance 1757
2. VAC-24-01 Staff Report

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

ORDINANCE 1757

**AN ORDINANCE RELATING TO VACATING A PORTION OF THE
5TH STREET AND 4TH AVENUE RIGHTS-OF-WAY WITHIN
THE CITY OF WEST LINN, OREGON**

WHEREAS, Forward Vision Development LLC, e3 Design Concepts LLC, and SDG-2 LLC submitted a petition to vacate a portion of the 5TH Street and 4th Avenue rights-of-way on October 24, 2024; and,

WHEREAS, the City fixed a time pursuant to Oregon Revised Statute (ORS) 271.130 on February 10, 2025, for a public hearing on the proposed vacation; and,

WHEREAS, the City published notice of the proposed rights-of-way vacation in the West Linn Tidings on January 22, 2025 and January 29, 2025; and,

WHEREAS, City staff posted a copy of the notice on January 23, 2025, with all required information, at three 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 10, 2025; and,

WHEREAS, the City Council found that the petition was complete because 100 percent of abutting property owners support the vacation and over two-thirds of the real property within the ORS defined affected area support the vacation; and,

WHEREAS, the City Council found that the proposal complied with all requirements of ORS 271 as 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 rights-of-way are primarily contained within a protected wetland and do not serve any purposes for transportation connections or utility placement.

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

SECTION 1. Vacation. The portion of 5th Street right-of-way is vacated that is located in the City of West Linn, Clackamas County, Oregon, adjacent to tax lots 200 and 800 of Assessor Map 31E02AA, 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 4th Avenue right-of-way is vacated that is located in the City of West Linn, Clackamas County, Oregon, adjacent to tax lot 800 of Assessor Map 31E02AA, as more particularly described and attached in Exhibit B (legal description and map), which is incorporated by this reference.

SECTION 3. Vacation. The portion of 4th Avenue right-of-way is vacated that is located in the City of West Linn, Clackamas County, Oregon, adjacent to tax lots 200 of Assessor Map 31E02AA and tax lot 100 of Assessor Map 31E01BB, as more particularly described and attached in Exhibit C (legal description and map), which is incorporated by this reference.

SECTION 4. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 5. Effective Date. This ordinance shall take effect on the 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 February, 2025, and duly PASSED and ADOPTED this ____ day of _____, 2025.

RORY BIALOSTOSKY, MAYOR

ATTEST:

KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY

City of West Linn
Ordinance 1757 – Exhibit A

EXHIBIT A
RIGHT-OF-WAY VACATION OF 5TH STREET

A 40 FOOT WIDE STRIP OF LAND, BEING A PORTION 5TH STREET, LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 02, TOWNSHIP 03 SOUTH, RANGE 01 EAST OF THE WILLAMETTE MERIDIAN, CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF TRACT 9 OF WILLAMETTE AND TUALATIN TRACTS, BEING A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF 5TH STREET, (BEING 20.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTERLINE THEREOF) AND A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF 5TH AVENUE (BEING 30.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTERLINE THEREOF);

THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE SOUTH 20°41'34" EAST 405.00 FEET TO A POINT ON THE EXTENSION OF THE NORTHERLY RIGHT-OF-WAY LINE OF 4TH AVENUE (BEING 20.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTERLINE THEREOF);

THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY LINE, ALONG THE EXTENSION OF THE NORTHERLY RIGHT-OF-WAY LINE OF 4TH AVENUE, NORTH 69°14'12" EAST 40.00 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF 5TH STREET, (BEING 20.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTERLINE THEREOF);

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE NORTH 20°41'34" WEST 404.94 FEET TO A POINT 30.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTERLINE OF 5TH AVENUE;

THENCE SOUTH 69°19'34" WEST 40.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 16,199± SQUARE FEET, OR 0.37± ACRES.

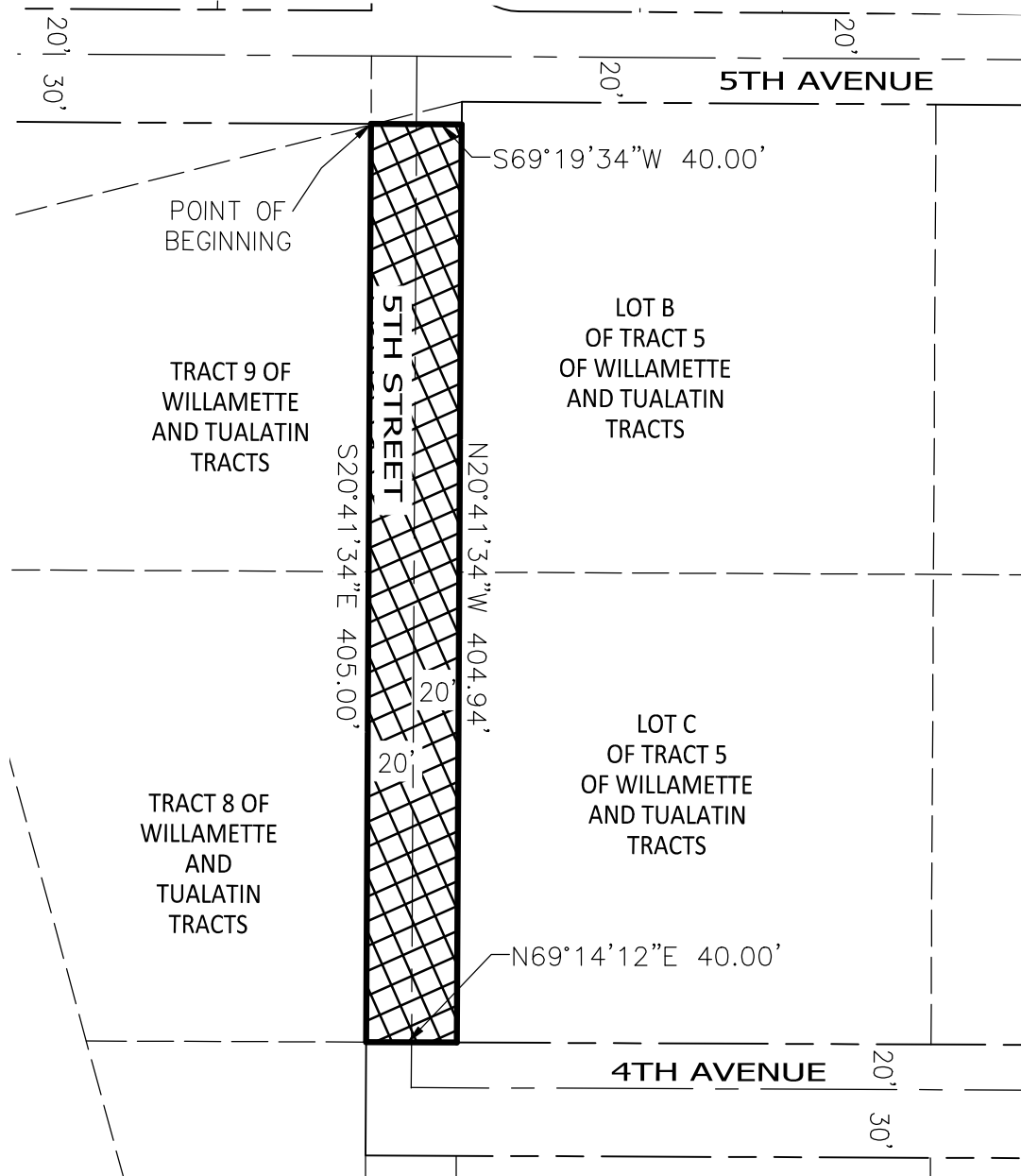
REGISTERED
PROFESSIONAL
LAND SURVEYOR

DRAFT

OREGON
NOVEMBER 29, 2011
BENJAMIN R. DUBIN
84344LS

RENEWS 12/31/25

EXHIBIT B
SKETCH TO ACCOMPANY LEGAL DESCRIPTION



LEGEND:



AREA OF VACATION
 16,199 SQUARE FEET OR
 0.37 ACRES MORE OR LESS



1 INCH = 80 FEET

Date: 11/26/2024
 Proj No: 23-191-33

4905 SW SCHOLLS FERRY RD.
 PORTLAND, OR 97225
 (503) 345-0328

www.sflands.com
 info@sflands.com

City of West Linn
Ordinance 1757 – Exhibit B

EXHIBIT A
RIGHT-OF-WAY VACATION OF 4TH AVENUE

A 40 FOOT WIDE STRIP OF LAND, BEING A PORTION 4TH STREET, LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 02, TOWNSHIP 03 SOUTH, RANGE 01 EAST OF THE WILLAMETTE MERIDIAN, CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT B OF TRACT 14 OF WILLAMETTE AND TUALATIN TRACTS BEING A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF 4TH AVENUE, (BEING 20.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTERLINE THEREOF) AND ALSO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF 7TH STREET (BEING 30.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTERLINE THEREOF);
THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF 4TH AVENUE NORTH 69°14'12" EAST 299.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF 4TH AVENUE;
THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE NORTH 20°41'29" WEST 40.00 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID 4TH AVENUE (BEING 20.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THEN CENTERLINE THEREOF);
THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE SOUTH 69°14'12" WEST 299.00 FEET TO A POINT;
THENCE SOUTH 20°41'29" WEST 40.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 11,960± SQUARE FEET, OR 0.27± ACRES.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

DRAFT

OREGON
NOVEMBER 29, 2011
BENJAMIN R. DUBIN
84344LS

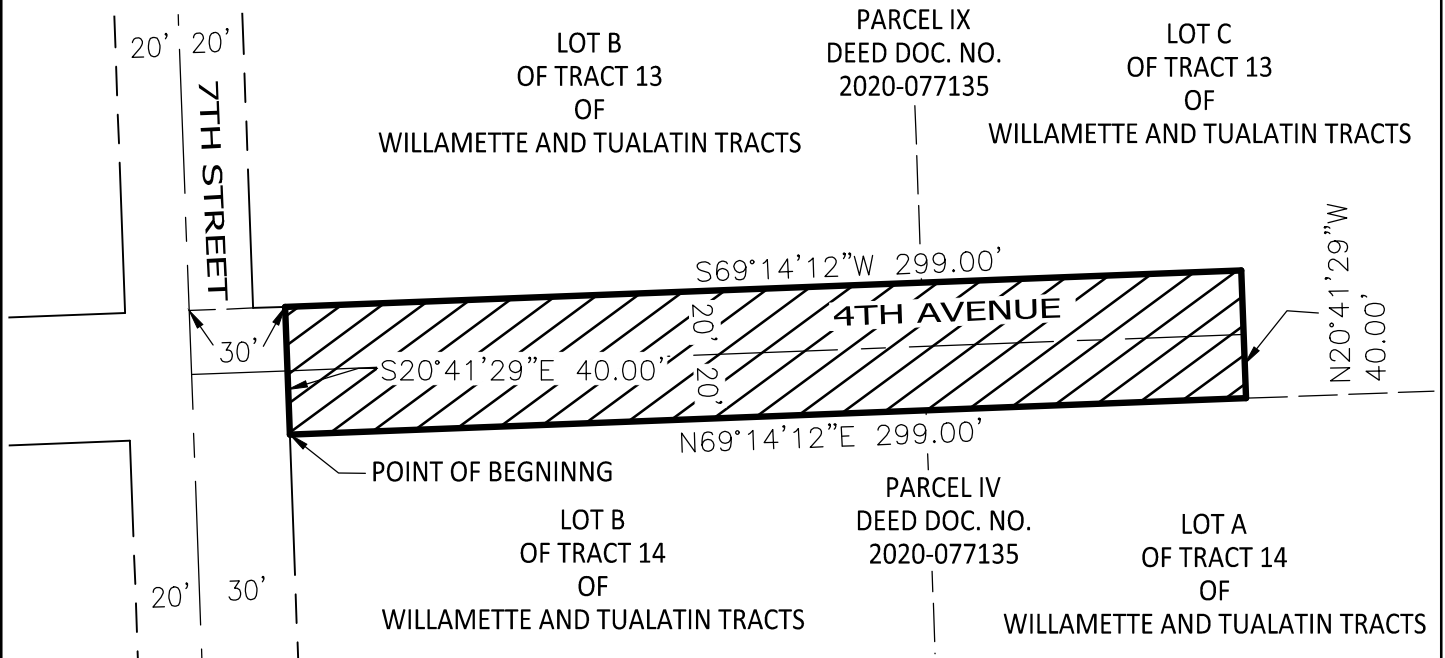
RENEWS 12/31/25

EXHIBIT B
SKETCH TO ACCOMPANY LEGAL DESCRIPTION

LEGEND:



AREA OF VACATION
 11,960 SQUARE FEET OR
 0.27 ACRES MORE OR LESS



1 INCH = 60 FEET



Date: 11/26/2024
 Proj No: 23-191-33

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 PORTLAND, OR 97225
 (503) 345-0328

www.sflands.com
 info@sflands.com

City of West Linn
Ordinance 1757 – Exhibit C

EXHIBIT A
RIGHT-OF-WAY VACATION OF 4TH AVENUE

A 50 FOOT WIDE STRIP OF LAND, BEING A PORTION 4TH STREET, LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 02, TOWNSHIP 03 SOUTH, RANGE 01 EAST OF THE WILLAMETTE MERIDIAN, CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT A OF TRACT 6 OF WILLAMETTE AND TUALATIN TRACTS, BEING A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF 4TH STREET (BEING 30.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTERLINE THEREOF) AND A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF 4TH AVENUE (BEING 30.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTERLINE THEREOF);
THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF 4TH AVENUE SOUTH 69°14'12" WEST 448.31 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF 4TH AVENUE;
THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE NORTH 20°41'34" WEST 50.00 FEET TO A POINT ON THE EXTENSION OF THE NORTHERLY RIGHT-OF-WAY LINE OF 4TH AVENUE (BEING 20.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTERLINE THEREOF);
THENCE ALONG SAID EXTENSION OF AND THE NORTHERLY RIGHT-OF-WAY LINE OF 4TH AVENUE NORTH 69°14'12" EAST 448.30 FEET TO A POINT;
THENCE SOUTH 20°41'45" EAST 50.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 22,416± SQUARE FEET, OR 0.51± ACRES.

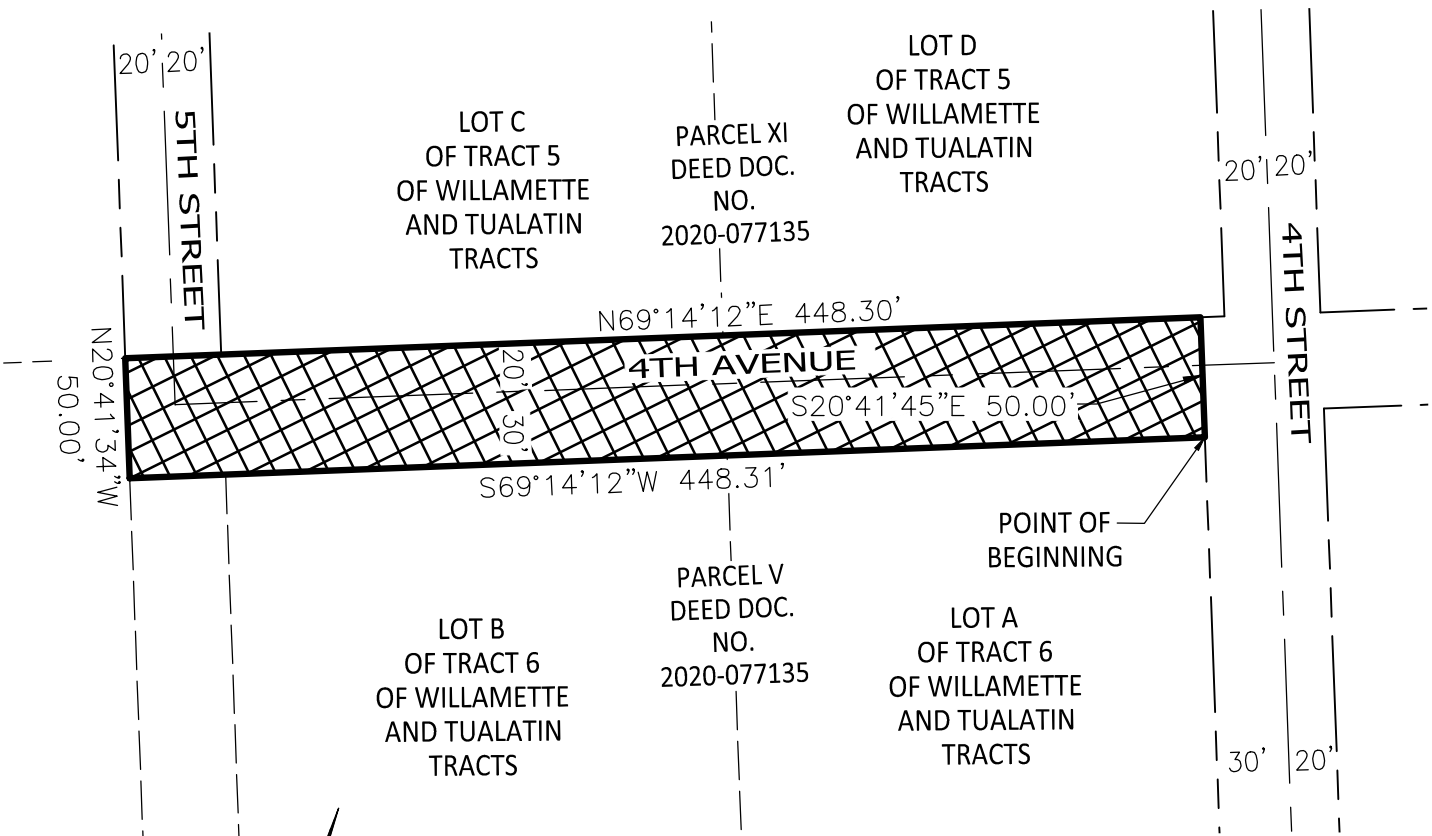


EXHIBIT B
SKETCH TO ACCOMPANY LEGAL DESCRIPTION

LEGEND:



AREA OF VACATION
 22,416 SQUARE FEET OR
 0.51 ACRES MORE OR LESS



1 INCH = 80 FEET



Date: 11/26/2024
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CITY OF West Linn

STAFF REPORT FOR THE CITY COUNCIL

FILE NUMBER: VAC-24-01

HEARING DATE: February 10, 2025

REQUEST: Petition to vacate portions of the 5th Street and 4th Avenue rights-of-way

STAFF REPORT PREPARED BY: Darren Wyss, Planning Manager

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GENERAL INFORMATION

**APPLICANT/
OWNERS:**

Forward Vision Development LLC/e3 Design Concepts LLC/SDG-2 LLC
3242 Wild Rose Loop
West Linn, OR 91068

SITE LOCATION:

1. 16,199 square feet of 5th Street right-of-way adjacent to tax lots 200 and 800 of Assessor Map 31E02AA
2. 11,960 square feet of 4th Avenue right-of-way adjacent to tax lot 800 of Assessor Map 31E02AA
3. 22,416 square feet of 4th Avenue right-of-way adjacent to tax lot 200 of Assessor Map 31E02AA and tax lot 100 of Assessor Map 31E01BB

DESCRIPTION:

Proposed vacation of unimproved rights-of-way under provisions of ORS 271.

SITE SIZE:

50,575 square feet in total will be vacated.

ZONING:

R-10, Residential
General Industrial

PLAN

DESIGNATION:

Medium Density Residential
Industrial

APPROVAL

CRITERIA:

Oregon Revised Statute (ORS) 271.

PUBLIC NOTICE:

Notice was completed per ORS 271.110

EXECUTIVE SUMMARY

The applicants have petitioned to vacate unimproved right-of-way (ROW) that includes 16,199 square feet of 5th Street right-of-way adjacent to tax lots 200 and 800 of Assessor Map 31E02AA, 11,960 square feet of 4th Avenue right-of-way adjacent to tax lot 800 of Assessor Map 31E02AA, and 22,416 square feet of 4th Avenue right-of-way adjacent to tax lot 200 of Assessor Map 31E02AA and tax lot 100 of Assessor Map 31E01BB (see Exhibit CC-1). The rights-of-way are within protected wetlands and associated habitat conservation areas, and mapped flood hazard zones that would preclude development of streets or installation of utilities in the future.

ROW vacations are reviewed and decided by City Council, acting as the City's "*Governing Body*", under the authority granted in Oregon Revised Statute Chapter 271.

The City has accepted the petition and set the public hearing date (ORS 271.090). At the fixed time, the City Council will hear the petition and any objections filed and 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.

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 the proposed vacation locations (see Exhibit CC-5), and there are no adopted City plans that require the ROW for transportation or utility connections.

RECOMMENDATION

Staff recommends the City Council approve the petition to vacate the rights-of-way.

OBJECTIONS:

No objections have been filed as of the publication of this Staff Report.

ADDENDUM APPROVAL CRITERIA AND FINDINGS

ORS 271.080 Vacation in incorporated cities; petition; consent of property owners.

(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.

Staff Finding 1: A petition was filed by Forward Vision Development LLC/e3 Design Concepts LLC/SDG-2 LLC to vacate a portion of the 5th Street and 4th Avenue rights-of-way. A legal description and map of the proposed vacations, as well as the purpose and reason, were included with the petition (see Exhibit CC-3). The criteria are met.

(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.

Staff Finding 2: The proposed ROW vacation has the consent of 100 percent of the abutting property owners as required in writing. The applicant submitted notarized signatures of consent for tax lots 200 and 800 of Assessor Map 31E02AA (5th Street ROW), tax lot 800 of Assessor Map 31E02AA (4th Avenue West ROW), and tax lot 200 of Assessor Map 31E02AA and tax lot 100 of Assessor Map 31E01BB (4th Avenue East ROW). All abutting properties are owned by the petitioner Forward Vision Development LLC/e3 Design Concepts LLC/SDG-2 LLC. The criteria are met.

Staff Finding 3: 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” for the 5th Street vacation is 9.95 acres (this number excludes all right-of-way inside the “affected area”) and the applicant submitted notarized signatures of consent for owners of 7.13 acres of real property inside the “affected area”, which represents 71.7 percent support.

The total amount of real property inside the “affected area” for the 4th Avenue (west) vacation is 9.25 acres (this number excludes all right-of-way inside the “affected area”) and the applicant submitted notarized signatures of consent for owners of 6.44 acres of real property inside the “affected area”, which represents 69.6 percent support.

The total amount of real property inside the “affected area” for the 4th Avenue (east) vacation is 10.62 acres (this number excludes all right-of-way inside the “affected area”) and the applicant submitted notarized signatures of consent for owners of 7.70 acres of real property inside the “affected area”, which represents 72.5 percent support.

This exceeds the required minimum consent of two-thirds in area of real property affected. The petition does not include the vacation of a plat or part thereof. The criteria are met.

ORS 271.090 Filing of petition; notice.

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.

Staff Finding 4: The petition has been presented to the city recorder, found to be sufficient, and filed. The petitioners have been notified of the hearing date on February 10, 2025. The criteria are met.

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.

Staff Finding 5: The City Council (governing body) has fixed a time of 6:00pm on February 10, 2025, for a formal hearing. 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 6: Public notice was published in the West Linn Tidings newspaper once each week for two consecutive weeks prior to the hearing (publish dates: January 22, 2025 and

January 29, 2025). The notice included the ground covered by the vacation proposal, the date it was filed by the petitioner Forward Vision Development LLC/e3 Design Concepts LLC/SDG-2 LLC , and the date and time of the hearing where the petition and any objections will be heard and considered. 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 7: The first day of publication of the notice was January 22, 2025. Staff posted a "Notice of Street Vacation" at the accessible end of the unimproved ROWs in the proposal on January 23, 2025. Both the sign posting (18 days) and first day of publication in the newspaper (19 days) were at least 14 days prior to the hearing date of February 10, 2025. 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.

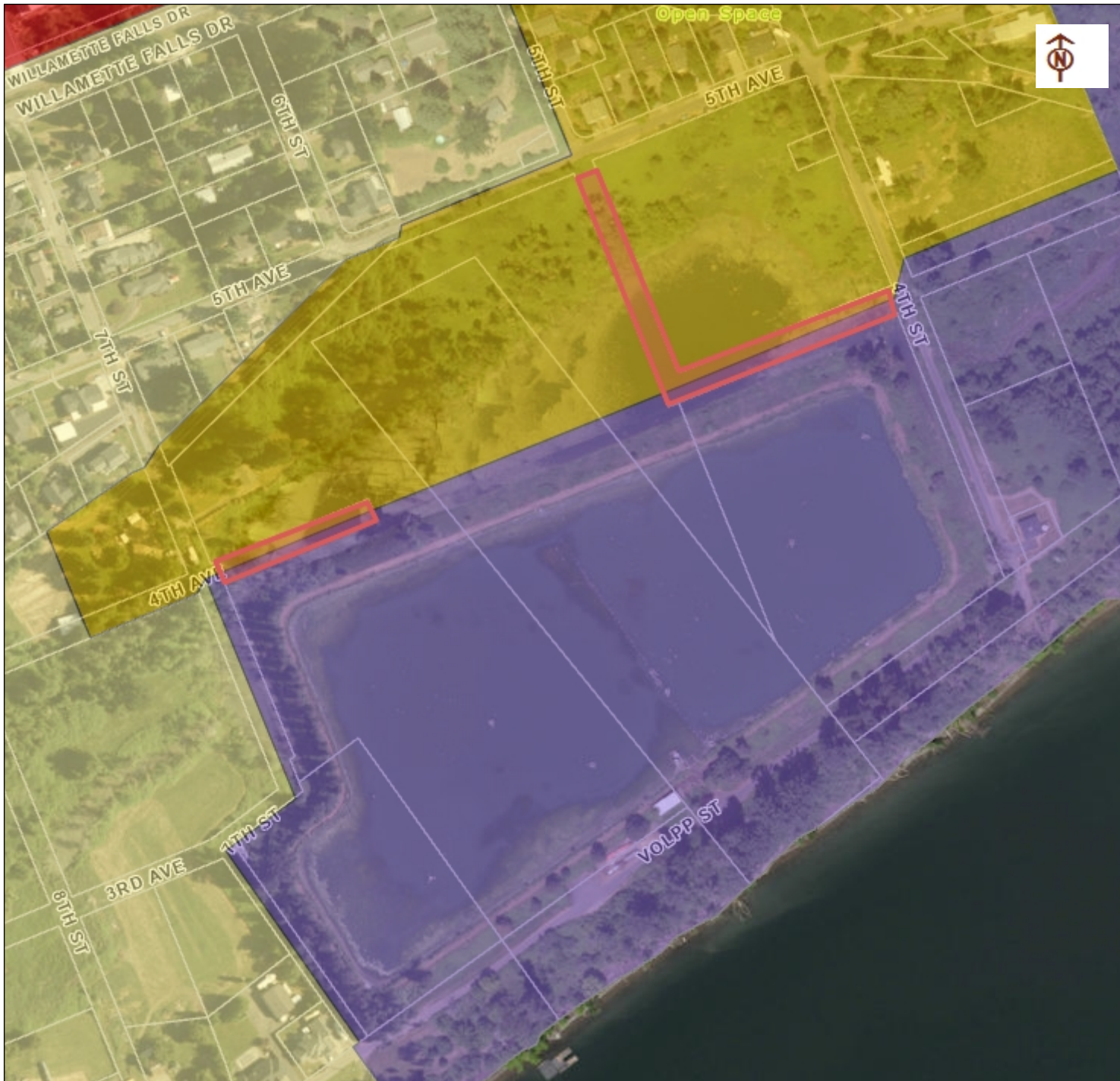
Staff Finding 8: The petitioners paid the Council adopted right-of-way vacation fee. The criteria are met.

ORS 271.120 Hearing; determination.

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.

Staff Finding 9: The City Council (governing body) has fixed a time of 6:00pm on February 10, 2025, to hear the petition and any objections. If City Council determines in favor of the petition shall make the determination by ordinance (see draft Ordinance 1757).

EXHIBIT CC-1: LOCATION MAPS



Legend

Comprehensive Plan

- Low Density
- Medium Density
- Medium-High Density
- Mixed Use
- Commercial
- Industrial

dissolved 0-5K

Points of Interest

- Fire Station
- City Hall
- Police Station
- Public School

Named Parks and OS

0 0.06 0.11 Miles



1: 4,514



Notes

This map was automatically generated using Geocortex Essentials.



Legend

Zoning

- Single and Multi Family R-2.1
- Single and Multi Family R-3
- Single-Family R-4.5
- Single-Family R-5
- Single-Family R-7
- Single-Family R-10
- Single-Family R-15
- Single-Family R-20
- Single-Family R-40
- Mixed Use
- Neighborhood Commercial
- General Commercial
- Office Business Center
- Campus Industrial
- General Industrial

dissolved 0-5K

Points of Interest

- Fire Station
- City Hall
- Police Station
- Public School

Named Parks and OS

0 0.06 0.11 Miles



1: 4,514









Notes

This map was automatically generated using Geocortex Essentials.



Legend

- dissolved 0-5K
- Points of Interest
 -  Fire Station
 -  City Hall
 -  Police Station
 -  Public School
- Named Parks and OS
-  Wetland Inventory 2005
-  Wetland Inventory 2005

0 0.06 0.11 Miles



1: 4,514



Notes





This map was automatically generated using Geocortex Essentials.



Legend





dissolved 0-5K

Points of Interest

-  Fire Station
-  City Hall
-  Police Station
-  Public School

Named Parks and OS

Habitat Conservation Areas

-  High
-  Moderate
-  Low
-  Not Designated as HCA

0 0.06 0.11 Miles



1: 4,514












Notes

This map was automatically generated using Geocortex Essentials.



Legend

- dissolved 0-5K
- Points of Interest
 -  Fire Station
 -  City Hall
 -  Police Station
 -  Public School
- Named Parks and OS
 -  Approximate 1996 Flood Lin
 -  FEMA Cross-Section Elevat
- FEMA Flood Hazard Zones
 -  Floodway
 -  Special Flood Hazard Area 100-
 -  Other Flood Area 500-year

0 0.06 0.11 Miles



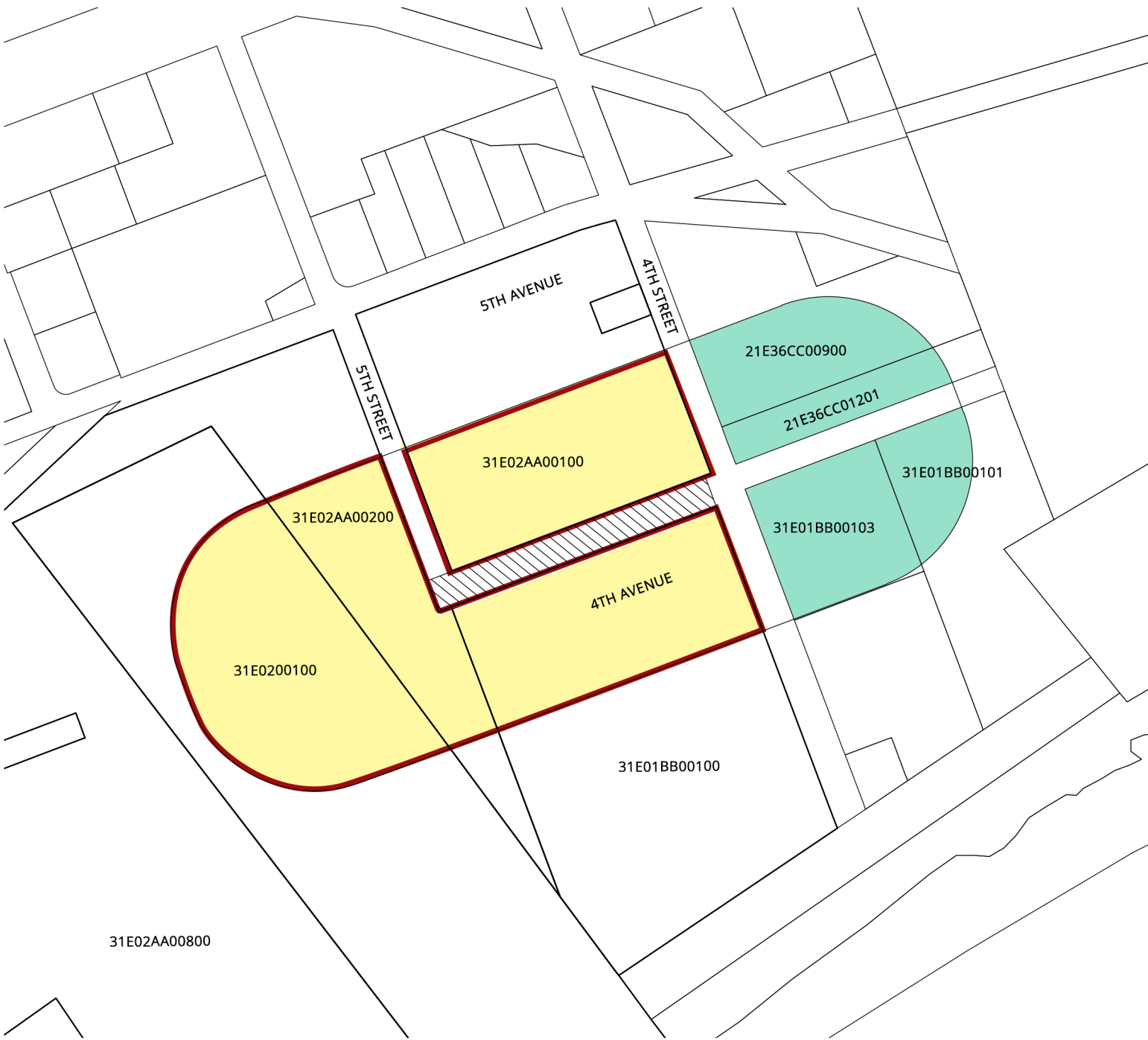
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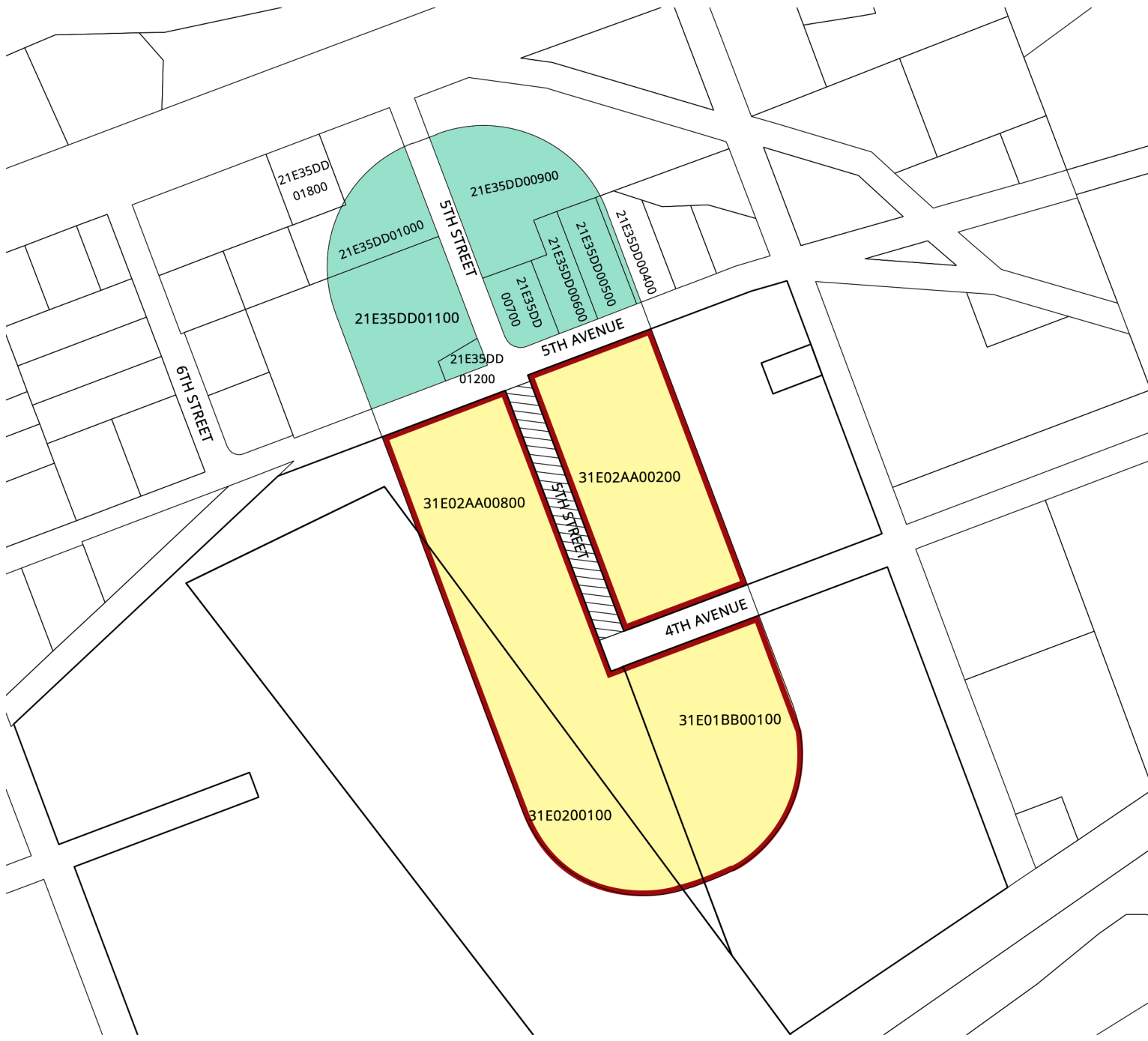
EXHIBIT CC-2: PROPERTY OWNER CONSENT MAPS



LEGEND:

- AFFECTED AREA PROPERTIES
- PETITIONER OWNED PROPERTY
CONSENTING TO VACATION

3J CONSULTING
 CIVIL ENGINEERING . WATER RESOURCES . LAND USE PLANNING



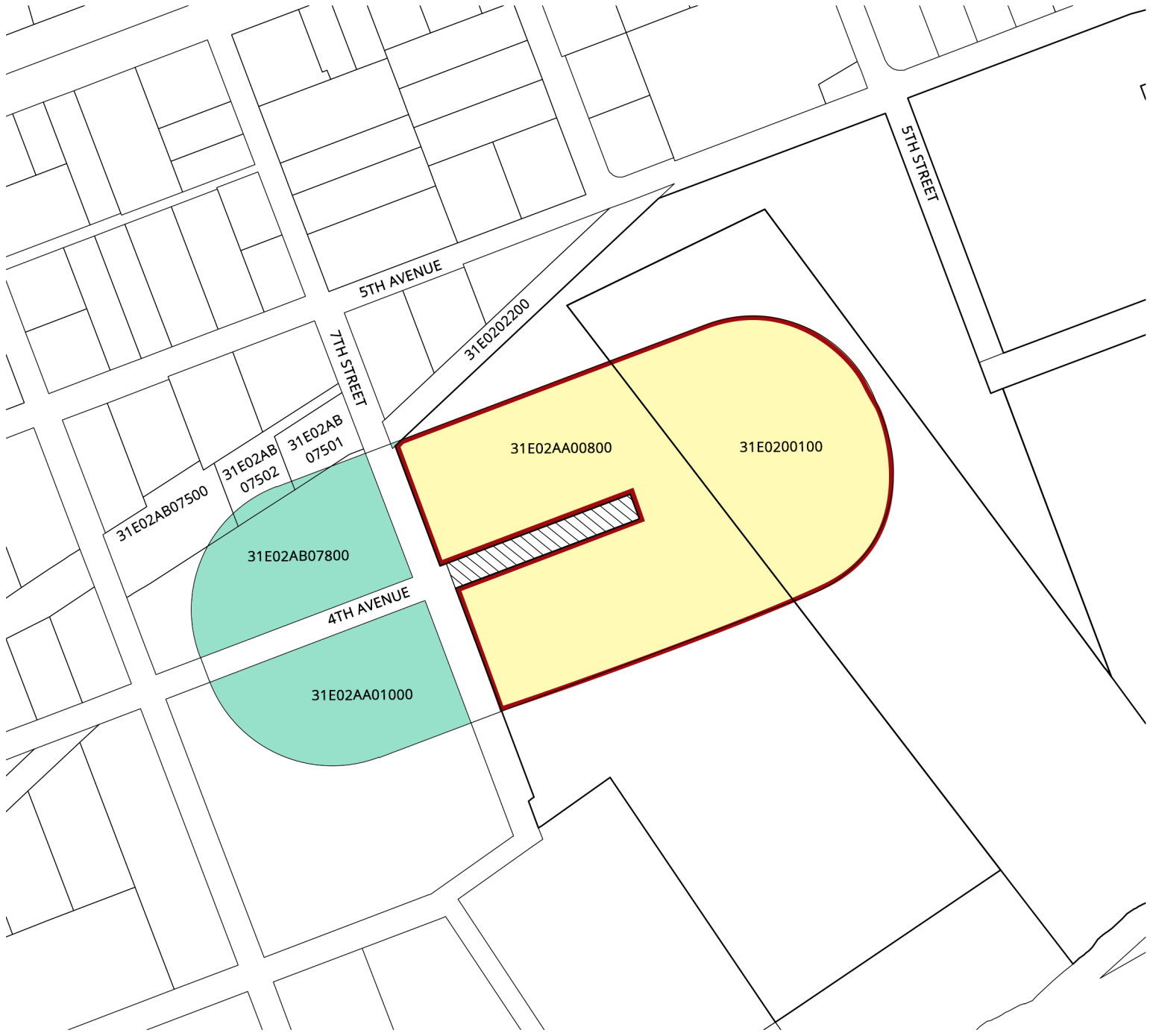
LEGEND:

- AFFECTED AREA PROPERTIES
- PETITIONER OWNED PROPERTY
CONSENTING TO VACATION

WEST LINN - 5TH STREET RIGHT-OF-WAY VACATION

3J CONSULTING
 CIVIL ENGINEERING . WATER RESOURCES . LAND USE PLANNING

NOVEMBER 2024



LEGEND:

- AFFECTED AREA PROPERTIES
- PETITIONER OWNED PROPERTY
CONSENTING TO VACATION

3J CONSULTING
 CIVIL ENGINEERING . WATER RESOURCES . LAND USE PLANNING

WEST LINN - 4TH AVENUE RIGHT-OF-WAY VACATION (WEST)

NOVEMBER 2024

EXHIBIT CC-3: APPLICANT SUBMITTAL

DEVELOPMENT REVIEW APPLICATION

For Office Use Only		
STAFF CONTACT Darrenn Wyss	PROJECT NO(s). VAC-24-01	PRE-APPLICATION NO. n/a
NON-REFUNDABLE FEE(S) \$6,000	REFUNDABLE DEPOSIT(S)	TOTAL \$6,000

Type of Review (Please check all that apply):

- | | | |
|--|--|---|
| <input type="checkbox"/> Annexation (ANX)
<input type="checkbox"/> Appeal (AP)
<input type="checkbox"/> CDC Amendment (CDC)
<input type="checkbox"/> Code Interpretation (MISC)
<input type="checkbox"/> Conditional Use (CUP)
<input type="checkbox"/> Design Review (DR)
<input type="checkbox"/> Tree Easement Vacation (MISC)
<input type="checkbox"/> Expediated Land Division (ELD)
<input type="checkbox"/> Extension of Approval (EXT) | <input type="checkbox"/> Final Plat (FP) Related File# _____
<input type="checkbox"/> Flood Management Area (FMA)
<input type="checkbox"/> Historic Review (HDR)
<input type="checkbox"/> Lot Line Adjustment (LLA)
<input type="checkbox"/> Minor Partition (MIP)
<input type="checkbox"/> Modification of Approval (MOD)
<input type="checkbox"/> Non-Conforming Lots, Uses & Structures
<input type="checkbox"/> Planned Unit Development (PUD)
<input checked="" type="checkbox"/> Street Vacation | <input type="checkbox"/> Subdivision (SUB)
<input type="checkbox"/> Temporary Uses (MISC)
<input type="checkbox"/> Time Extension (EXT)
<input type="checkbox"/> Right of Way Vacation (VAC)
<input type="checkbox"/> Variance (VAR)
<input type="checkbox"/> Water Resource Area Protection/Single Lot (WAP)
<input type="checkbox"/> Water Resource Area Protection/Wetland (WAP)
<input type="checkbox"/> Willamette & Tualatin River Greenway (WRG)
<input type="checkbox"/> Zone Change (ZC) |
|--|--|---|

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

Site Location/Address: 1317 7th Street, West Linn, 97068	Assessor's Map No.: Multiple - See Narrative Tax Lot(s): Multiple - See Narrative Total Land Area: 34.34 acres
--	--

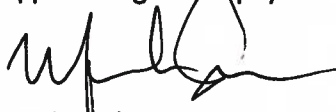
Brief Description of Proposal:

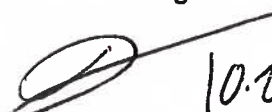
The Applicant and property owner of 1317 7th Street is proposing the vacation of the unimproved portions of 4th Avenue, 5th Avenue, and 5th Street directly adjacent to the subject property.

Applicant Name*:	Forward Vision Development LLC & e3 Design Concepts, LLC & SDG-2, LLC	Phone: Contact Consultant
Address:	3242 Wild Rose Loop	Email:
City State Zip:	West Linn, OR 97068	
Owner Name (required):	Forward Vision Development LLC & e3 Design Concepts, LLC & SDG-2, LLC	Phone: Contact Consultant
Address:	3242 Wild Rose Loop	Email:
City State Zip:	West Linn, OR 97068	
Consultant Name:	3J Consulting, Inc. C/O Mercedes Serra	Phone: (503) 946-9365 x211
Address:	9600 SW Nimbus Avenue, Suite 100	Email: mercedes.serra@3j-consulting.c
City State Zip:	Beaverton, OR 97008	

1. Application fees are non-refundable (excluding deposit). Applications with deposits will be billed monthly for time and materials above the initial deposit. ***The applicant is financially responsible for all permit costs.**
2. The owner/applicant or their representative should attend all public hearings related to the propose land use.
3. A decision may be reversed on appeal. The decision will become effective once the appeal period has expired.
4. Submit this form, application narrative, and all supporting documents as a single PDF through the Submit a Land Use Application web page: <https://westlinnoregon.gov/planning/submit-land-use-application>

The undersigned property owner authorizes the application and grants city staff the **right of entry** onto the property to review the application. Applications with deposits will be billed monthly for time and materials incurred above the initial deposit. The applicant agrees to pay additional billable charges.


 Applicant's signature


 Date **10.22.24**

 Owner's signature (required)

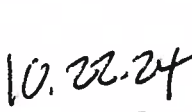

 Date **10.22.24**

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- Appendix A – Land Use Application Form
- Appendix B – Right-of-Way Vacation Legal Descriptions
- Appendix C – Consent of Owners Information

GENERAL INFORMATION

Property Owner and Applicant: **Forward Vision Development LLC**
3242 Wild Rose Loop
West Linn, OR 97068
Contact: Robert Schultz
Phone: (971) 732-0347
Email: duke.pdx@gmail.com

Planning Consultant: **3J Consulting, Inc.**
9600 SW Nimbus Avenue, Suite 100
Beaverton, OR 97008
Contact: Mercedes Serra
Phone: (503) 946-9365 x211
Email: mercedes.serra@3j-consulting.com

SITE INFORMATION

Site Location: 1317 7th Street
Legal Description: Clackamas County Assessor's Map 31E02AA tax lots 100, 200 and 800 and Assessor's Map 31E02 tax lot 100. (Area consolidated as "Parcel 1" under MIP-23-07)
Gross Site Area: 11.88 acres (including to be vacated right-of-way)
Zoning Designation: Single-Family Residential (R10)
Comp Plan Designation: Residential, Medium Density
Existing Use: One single-family home, wetland, and former industrial site.
Surrounding Zoning: The properties to the west and north are zoned a mix of R-5, R-7 and R-10 residential. The properties to the east are zoned Gl.

INTRODUCTION

APPLICANT'S REQUEST

Forward Vision Development LLC (“the Applicant” or “the Petitioner”) seeks approval of Right-of-Way Vacation application for four unimproved rights-of-way sections within the City of West Linn. This narrative describes the proposed development and demonstrates compliance with the relevant approval standards of Oregon Revised Statutes (ORS) 271.

Right-of-Way Vacations are evaluated under the Type IV legislative decision process. The City Council will render the Type IV decision after a public hearing on the application is held.

PROPOSAL

The Applicant and property owner of 1317 7th Street is proposing the vacation of the unimproved portions of 4th Avenue and 5th Street directly adjacent to the subject property. The right-of-way sections of 4th Avenue and 5th Street have mapped wetland and associated habitat areas that would preclude the development of these streets in the future. The proposed vacations are located on Outlot A and Outlot B as approved by a recent Minor Partition (MIP-23-07).

APPLICABLE CRITERIA

The following sections of Oregon Revised Statutes have been extracted as they have been deemed to be applicable to the proposal. Following each **bold** applicable criteria or design standard, the Applicant has provided a series of draft findings. The intent of providing code and detailed responses and findings is to document, with absolute certainty, that the proposed development has satisfied the approval criteria for a Right-of-Way Vacation application.

Oregon Revised Statues

271 - Use and Disposition of Public Lands Generally

271.080 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 requesting to vacate three unimproved streets surrounding the main subject property that can be described as Tax lot 31E02AA00800 or 1317 7th Street. The four proposed vacations are detailed in the table below. The subject site directly adjacent to the right-of-way that is proposed for vacation has a mapped wetland and associated habitat area that would preclude the development of a public street network within this area.

	4th Avenue (West)	4th Avenue (East)	5th Street
Area	12,057 sq.ft.	22,457 sq.ft.	16,398 sq.ft.
Length	299 - 304 feet	448.3 feet	409.9 feet
Width	40 feet	50 feet	40 feet

This standard is met.

- 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: Each of the three proposed vacations include the required owner or owners of two-thirds consent from the affected owners.

The total area affected by the proposed 4th Avenue West vacation is 9.25 acres. The consent area is 6.44 acres, exceeding the 2/3 requirement of 6.15 acres.

The total area affected by the proposed 4th Avenue East vacation is 10.62 acres. The consent area is 7.70 acres, exceeding the 2/3 requirement of 7.08 acres.

The total area affected by the proposed 5th Street vacation is 9.95 acres. The consent area is 7.13 acres, exceeding the 2/3 requirement of 9.95 acres.

In all cases, the Applicant and property owner have property rights for greater than two-thirds of the affected area. Consent for the verification has been given by the Applicant and property owner, which is demonstrated in the ROW Vacation Petition submitted with this application as Appendix C. This standard is met.

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 rights-of-way vacation petition has been presented to the City of West Linn Planning department. The Applicant understands and acknowledges that the City will inform the

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 can meet these notice requirements prior to a public hearing.

SUMMARY AND CONCLUSION

Based upon the materials submitted herein, the Applicant respectfully requests approval from the City of West Linn Planning Department for this Right-of-way Vacation application.

INITIAL RESOLUTIONS

I, Morgan Noble, of Northwest Registered Agent, being the Organizer of SDG-2, LLC, a Delaware Limited Liability Company, hereby resolve to relinquish signing authority to the Members named below and adopt the following resolutions:

1. **Resolved**, the named Members of the Limited Liability Company are hereby named as Members and own an interest in the Limited Liability Company:

Robert Schultz

2. **Resolved**, that SDG-2, LLC was organized on 06/18/2018 in the State of Delaware with assigned filing number 6936101.
3. **Resolved**, that the copy of the Articles of Organization of the above named Limited Liability Company is complete.
4. **Resolved**, that the general provisions of an operating agreement be adopted and included as official records of the Limited Liability Company. If members chooses to adopt a more detailed operating agreement, then such agreement will take precedence over general provisions in the original operating agreement.
5. **Resolved**, that member has formed a limited liability company, and is entitled to the full extent of their limitation of liability pursuant to state law. Furthermore, members' failure to maintain formalities of a limited liability company does not preclude them from liability protection under state law.

Morgan Noble
Morgan Noble on behalf of
Northwest Registered Agent, Organizer

06/18/2018

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Morgan Noble
Morgan Noble on behalf of
Northwest Registered Agent, Organizer

06/18/2018

EXHIBIT A
RIGHT-OF-WAY VACATION OF 5TH STREET

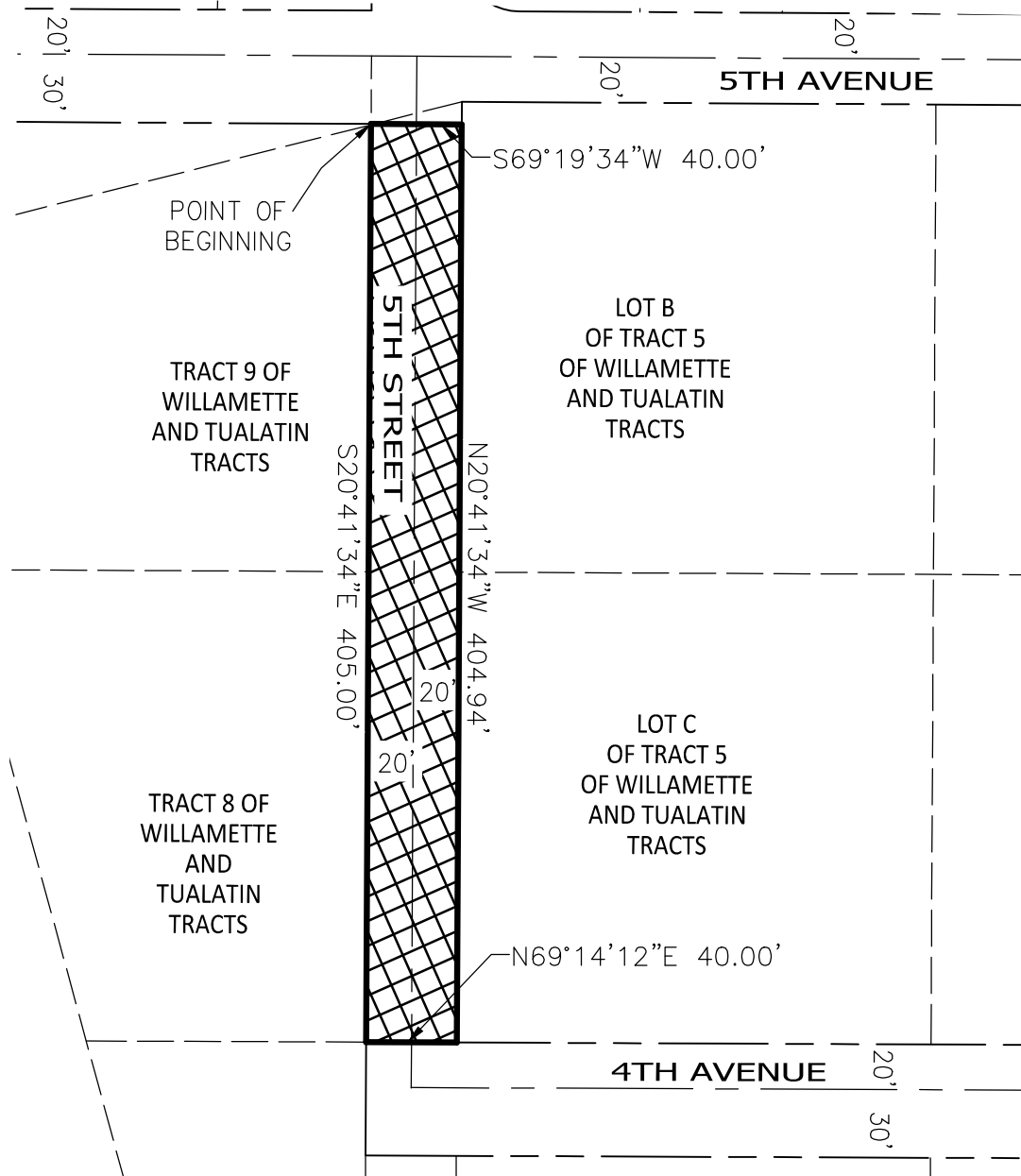
A 40 FOOT WIDE STRIP OF LAND, BEING A PORTION 5TH STREET, LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 02, TOWNSHIP 03 SOUTH, RANGE 01 EAST OF THE WILLAMETTE MERIDIAN, CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF TRACT 9 OF WILLAMETTE AND TUALATIN TRACTS, BEING A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF 5TH STREET, (BEING 20.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTERLINE THEREOF) AND A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF 5TH AVENUE (BEING 30.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTERLINE THEREOF);
THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE SOUTH 20°41'34" EAST 405.00 FEET TO A POINT ON THE EXTENSION OF THE NORTHERLY RIGHT-OF-WAY LINE OF 4TH AVENUE (BEING 20.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTERLINE THEREOF);
THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY LINE, ALONG THE EXTENSION OF THE NORTHERLY RIGHT-OF-WAY LINE OF 4TH AVENUE, NORTH 69°14'12" EAST 40.00 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF 5TH STREET, (BEING 20.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTERLINE THEREOF);
THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE NORTH 20°41'34" WEST 404.94 FEET TO A POINT 30.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTERLINE OF 5TH AVENUE;
THENCE SOUTH 69°19'34" WEST 40.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 16,199± SQUARE FEET, OR 0.37± ACRES.



EXHIBIT B
SKETCH TO ACCOMPANY LEGAL DESCRIPTION



LEGEND:



AREA OF VACATION
 16,199 SQUARE FEET OR
 0.37 ACRES MORE OR LESS



1 INCH = 80 FEET

Date: 11/26/2024
 Proj No: 23-191-33

4905 SW SCHOLLS FERRY RD.
 PORTLAND, OR 97225
 (503) 345-0328

www.sflands.com
 info@sflands.com

EXHIBIT A
RIGHT-OF-WAY VACATION OF 4TH AVENUE

A 40 FOOT WIDE STRIP OF LAND, BEING A PORTION 4TH STREET, LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 02, TOWNSHIP 03 SOUTH, RANGE 01 EAST OF THE WILLAMETTE MERIDIAN, CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT B OF TRACT 14 OF WILLAMETTE AND TUALATIN TRACTS BEING A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF 4TH AVENUE, (BEING 20.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTERLINE THEREOF) AND ALSO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF 7TH STREET (BEING 30.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTERLINE THEREOF);
THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF 4TH AVENUE NORTH 69°14'12" EAST 299.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF 4TH AVENUE;
THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE NORTH 20°41'29" WEST 40.00 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID 4TH AVENUE (BEING 20.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THEN CENTERLINE THEREOF);
THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE SOUTH 69°14'12" WEST 299.00 FEET TO A POINT;
THENCE SOUTH 20°41'29" WEST 40.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 11,960± SQUARE FEET, OR 0.27± ACRES.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

DRAFT

OREGON
NOVEMBER 29, 2011
BENJAMIN R. DUBIN
84344LS

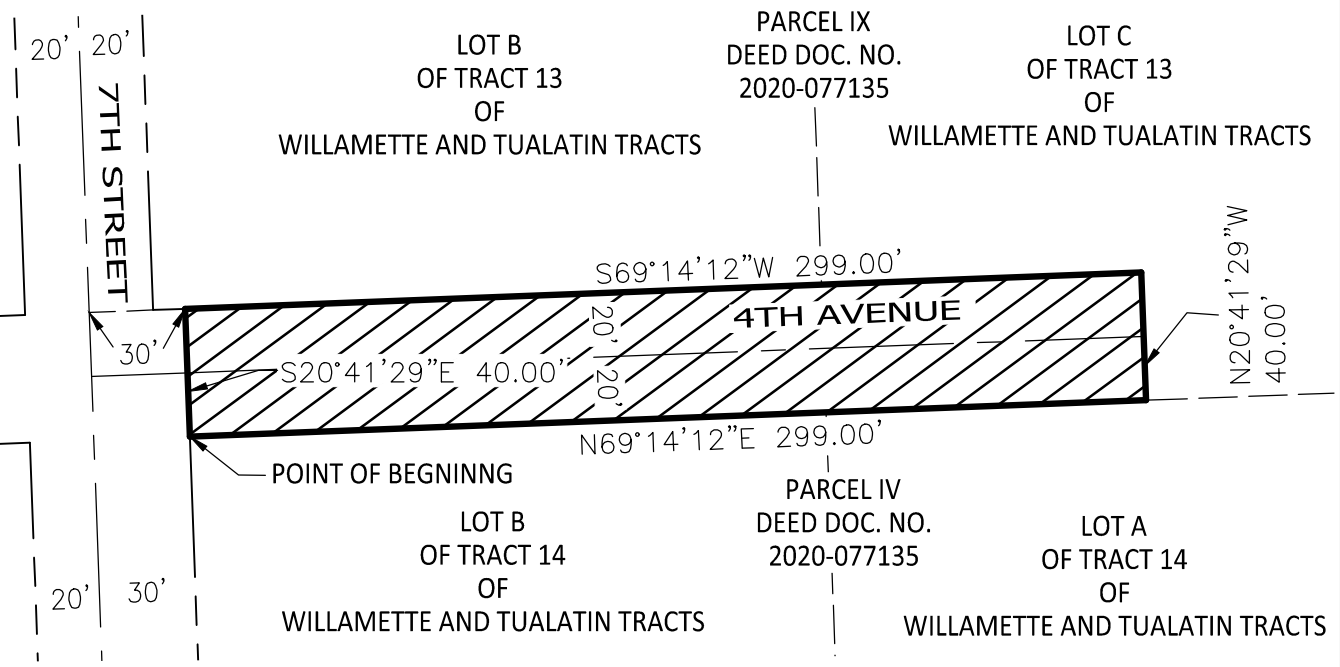
RENEWS 12/31/25

EXHIBIT B
SKETCH TO ACCOMPANY LEGAL DESCRIPTION

LEGEND:



AREA OF VACATION
 11,960 SQUARE FEET OR
 0.27 ACRES MORE OR LESS



1 INCH = 60 FEET



Date: 11/26/2024 4905 SW SCHOLLS FERRY RD.
 PORTLAND, OR 97225
 Proj No: 23-191-33 (503) 345-0328 www.sflands.com
info@sflands.com

EXHIBIT A
RIGHT-OF-WAY VACATION OF 4TH AVENUE

A 50 FOOT WIDE STRIP OF LAND, BEING A PORTION 4TH STREET, LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 02, TOWNSHIP 03 SOUTH, RANGE 01 EAST OF THE WILLAMETTE MERIDIAN, CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT A OF TRACT 6 OF WILLAMETTE AND TUALATIN TRACTS, BEING A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF 4TH STREET (BEING 30.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTERLINE THEREOF) AND A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF 4TH AVENUE (BEING 30.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTERLINE THEREOF);

THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF 4TH AVENUE SOUTH 69°14'12" WEST 448.31 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF 4TH AVENUE;

THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE NORTH 20°41'34" WEST 50.00 FEET TO A POINT ON THE EXTENSION OF THE NORTHERLY RIGHT-OF-WAY LINE OF 4TH AVENUE (BEING 20.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTERLINE THEREOF);

THENCE ALONG SAID EXTENSION OF AND THE NORTHERLY RIGHT-OF-WAY LINE OF 4TH AVENUE NORTH 69°14'12" EAST 448.30 FEET TO A POINT;

THENCE SOUTH 20°41'45" EAST 50.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 22,416± SQUARE FEET, OR 0.51± ACRES.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

DRAFT

OREGON
NOVEMBER 29, 2011
BENJAMIN R. DUBIN
84344LS

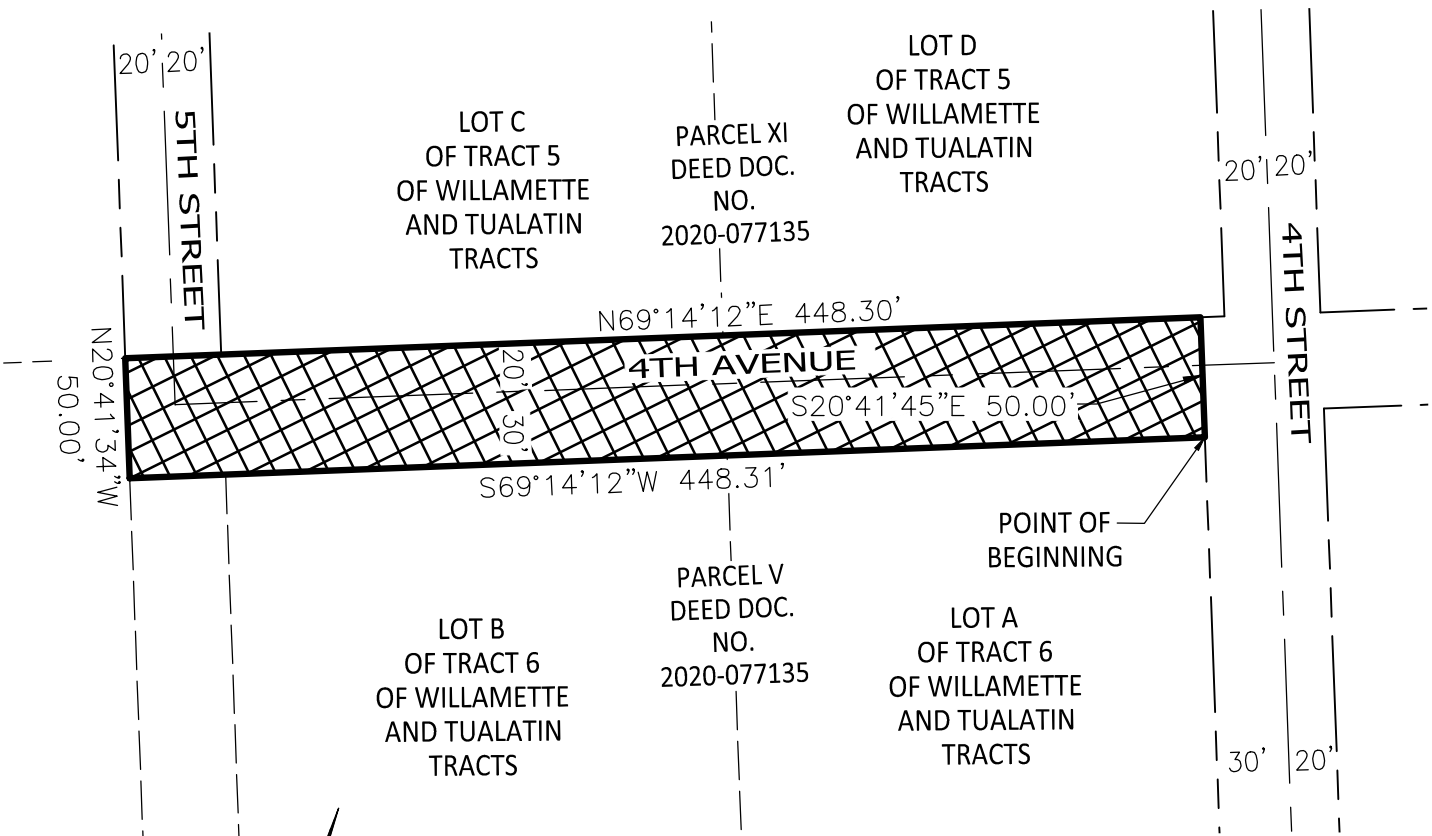
RENEWS 12/31/25

EXHIBIT B
SKETCH TO ACCOMPANY LEGAL DESCRIPTION

LEGEND:



AREA OF VACATION
 22,416 SQUARE FEET OR
 0.51 ACRES MORE OR LESS



1 INCH = 80 FEET



Date: 11/26/2024
 Proj No: 23-191-33

4905 SW SCHOLLS FERRY RD.
 PORTLAND, OR 97225
 (503) 345-0328

www.sflands.com
 info@sflands.com

4th Avenue West Vacation

Property Owner	Site Address	Area (Sq. Ft.)	Area (Acres)	Tax Map	Tax Lot	Signed	Signed Area (acres)
SDG-2 LLC (Robert Schultz)	1317 7th St	169,753	3.90	31E02AA	800	Yes	3.90
SDG-2 LLC (Robert Schultz)	No Site Address	110,644	2.54	31E02	100	Yes	2.54
Portland General Electric	No Site Address	67.4	0.002	31E02	2200	No	
Deborah and Christian Kennedy	1360 7 th St	435.2	0.01	31E02AB	7501	No	
Joe and Karen Gault	1380 7th St	2,086	0.05	31E02AB	7502	No	
Jeffrey Devall	1355 8th St	633	0.015	31E02AB	7500	No	
Michael Steven and Linda Murr	1312 7th St	57,733	1.33	31E02AB	7800	No	
Kenneth Bietschek	No Site Address	60,776	1.40	31E02AA	1000	No	
Total Area		402,128	9.247				6.44

2/3 requirement area: 268,085 square feet or **6.15 acres**

4th Avenue East Vacation

Property Owner	Site Address	Area (Sq. Ft.)	Area (Acres)	Tax Map	Tax Lot	Signed	Signed Area (acres)
Water Environment Services	2715 5th Ave	40,513	0.93	21E36CC	900	No	
SDG-2 LLC (Robert Schultz)	1317 7th St	58,392	1.34	31E02AA	800	Yes	1.32
SDG-2 LLC (Robert Schultz)	No Site Address	108,425	2.49	31E02	100	Yes	2.49
SDG-2 LLC (Robert Schultz)	No Site Address	85,665	1.97	31E01BB	100	Yes	1.97
SDG-2 LLC (Robert Schultz)	No Site Address	83,663	1.92	31E02AA	200	Yes	1.92
Water Environment Services	No Site Address	20,812	0.48	21E36CC	1201	No	
Water Environment Services	No Site Address	43,904	1.01	31E01BB	103	No	
Keith Van Apeldoorn	No Site Address	21,074	0.48	31E01BB	101	No	
Total Area		462,448	10.62				7.70

2/3 requirement area: 308,299 or **7.08 acres**

5th Street Vacation

Property Owner	Site Address	Area (Sq. Ft.)	Area (Acres)	Tax Map	Tax Lot	Signed	Signed Area (acres)
SDG-2 LLC (Robert Schultz)	No Site Address	68,512	1.57	31E01BB	100	Yes	1.57
SDG-2 LLC (Robert Schultz)	No Site Address	82,958	1.90	31E02AA	200	Yes	1.90
Steven Wong	No Site Address	2,613	0.06	21E35DD	1200	No	
Steven Wong	1555 6th St	36,554	0.84	21E35DD	1100	No	
Manuel Contreras Jr.	1557 6th St	18,792	0.43	21E35DD	1000	No	
Manuel Contreras Jr.	2545 Willamette Falls Dr	16.69	0.0004	21E35DD	1800	No	
Joseph and Sierra Abel	1551 5th St	34,128	0.78	21E35DD	900	No	
Steve Hesler	2608 5th Ave	9,147	0.21	21E35DD	700	No	
Christopher and Lori Williams	2622 5th Ave	9,583	0.22	21E35DD	600	No	
Jennifer Demoro	2638 5th Ave	10,890	0.25	21E35DD	500	No	
Travis and Heather Harris	2652 5 th Ave	1,399	0.03	21E35DD	400	No	
SDG-2 LLC (Robert Schultz)	No Site Address	52,086	1.20	31E02	100	Yes	1.20
SDG-2 LLC (Robert Schultz)	1317 7th St	107,328	2.46	31E02AA	800	Yes	2.46
Total Area		434,007	9.95				7.13






2/3 requirement area: 289,338 square feet or **6.64 acres**


CONSENT TO VACATE PETITION

4th Avenue West Vacation



Printed Owner's Name	Owner's Signature	Address	Tax Map	Tax Lot
SDG-2 LLC		1317 7th St	31E02AA	800
SDG-2 LLC		No Site Address	31E02	100
Portland General Electric		No Site Address	31E02	2200
Deborah and Christian Kennedy		1360 7th St	31E02AB	7501
Joe and Karen Gault		1380 7th St	31E02AB	7502
Jeffrey Devall		1355 8th St	31E02AB	7500
Michael Steven and Linda Murr		1312 7th St	31E02AB	7800
Kenneth Bietschek		No Site Address	31E02AA	1000

4th Avenue East Vacation

Printed Owner's Name	Owner's Signature	Address	Tax Map	Tax Lot
Water Environment Services		2715 5th Ave	21E36CC	900
SDG-2 LLC		1317 7th St	31E02AA	800
SDG-2 LLC		No Site Address	31E02	100
SDG-2 LLC		No Site Address	31E01BB	100
SDG-2 LLC		No Site Address	31E02AA	200
SDG-2 LLC		No Site Address	31E02AA	100
Water Environment Services		No Site Address	21E36CC	1201
Water Environment Services		No Site Address	31E01BB	103
Keith Van Apeldoorn		No Site Address	31E01BB	101

Printed Owner's Name	Owner's Signature	Address	Tax Map	Tax Lot
SDG-2 LLC		No Site Address	31E02	100
SDG-2 LLC		1317 7th St	31E02AA	800

5th Street Vacation

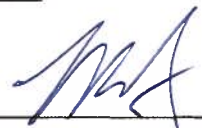
Printed Owner's Name	Owner's Signature	Address	Tax Map	Tax Lot
SDG-2 LLC		No Site Address	31E01BB	100
SDG-2 LLC		No Site Address	31E02AA	200
Steven Wong		No Site Address	21E35DD	1200
Steven Wong		1555 6th St	21E35DD	1100
Manuel Contreras Jr.		1557 6th St	21E35DD	1000
Manuel Contreras Jr.		2545 Willamette Falls Dr	21E35DD	1800
Joseph and Sierra Abel		1551 5th St	21E35DD	900
Steve Hesler		2608 5th Ave	21E35DD	700
Christopher and Lori Williams		2622 5th Ave	21E35DD	600
Jennifer Demoro		2638 5th Ave	21E35DD	500
Travis and Heather Harris		2652 5 th Ave	21E35DD	400

State of Oregon)
)ss.

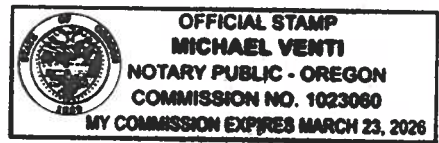
County of ~~Washington~~)
 Clackamas

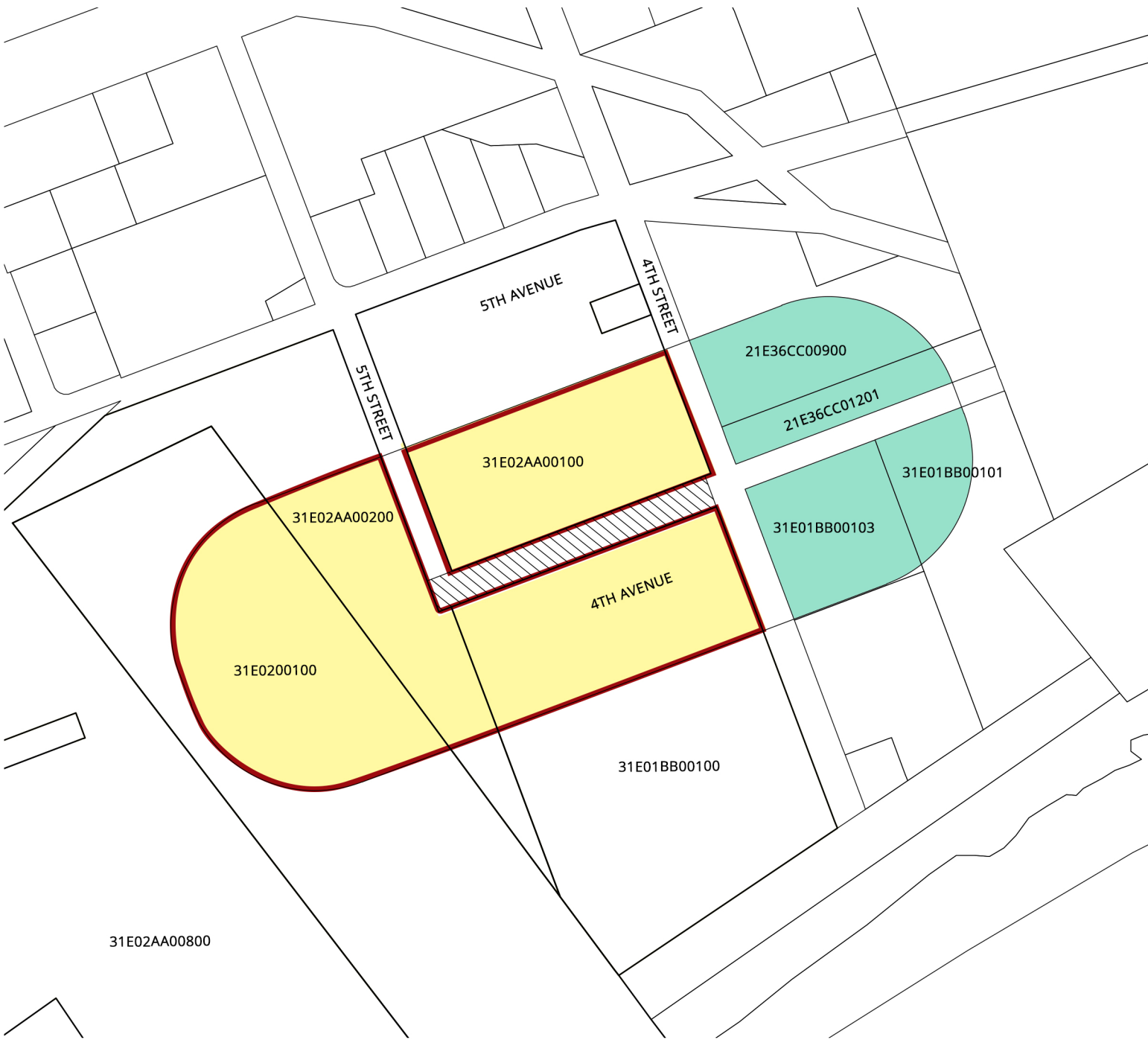
This instrument was acknowledged before me on this 22ND day of October, 202~~1~~⁴

By Robert Schultz



Notary Public for Oregon
My Commission expires: 3-23-26





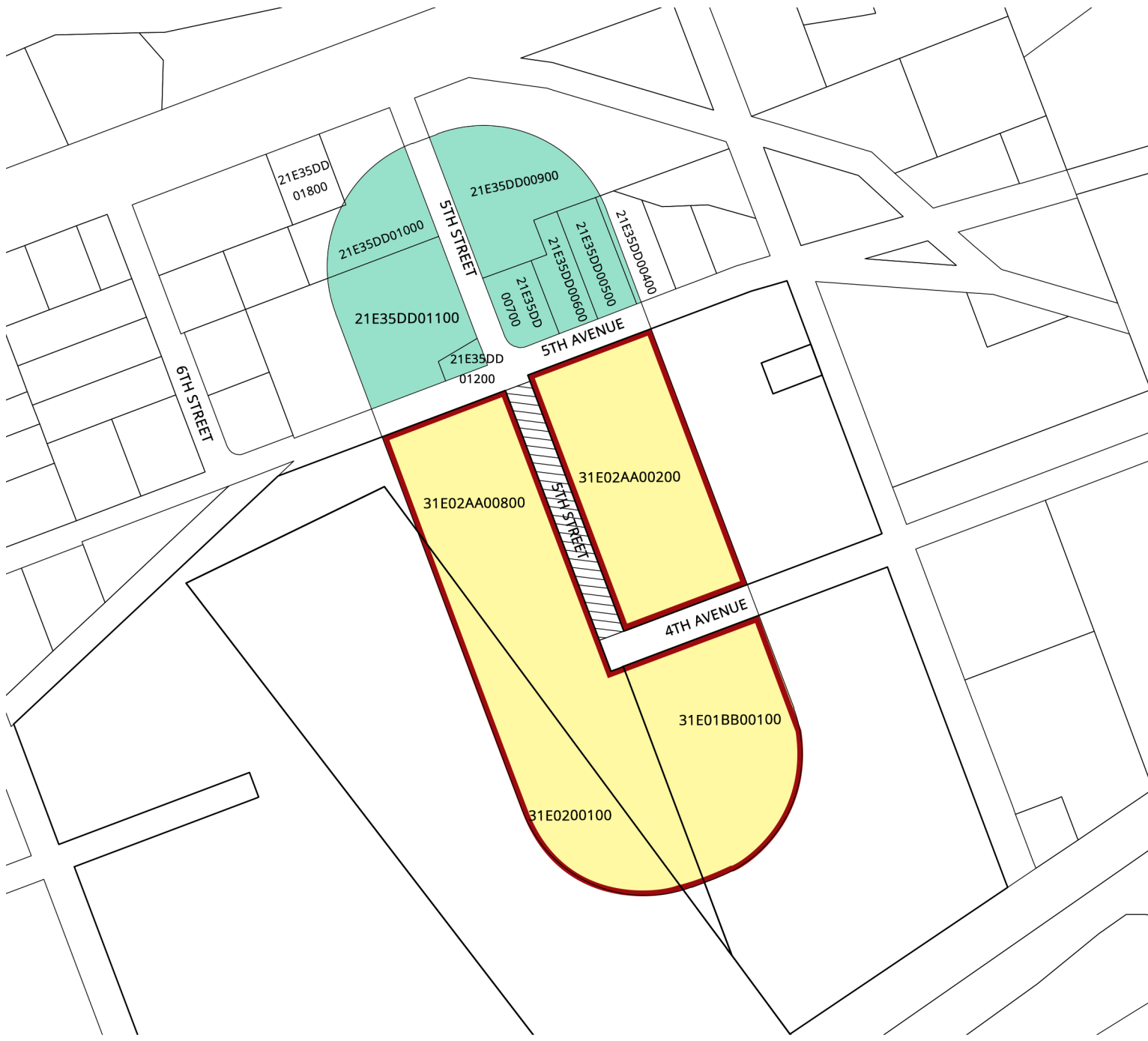
LEGEND:

- AFFECTED AREA PROPERTIES
- PETITIONER OWNED PROPERTY
CONSENTING TO VACATION

3J CONSULTING
 CIVIL ENGINEERING . WATER RESOURCES . LAND USE PLANNING

WEST LINN - 4TH AVENUE RIGHT-OF-WAY VACATION

NOVEMBER 2024



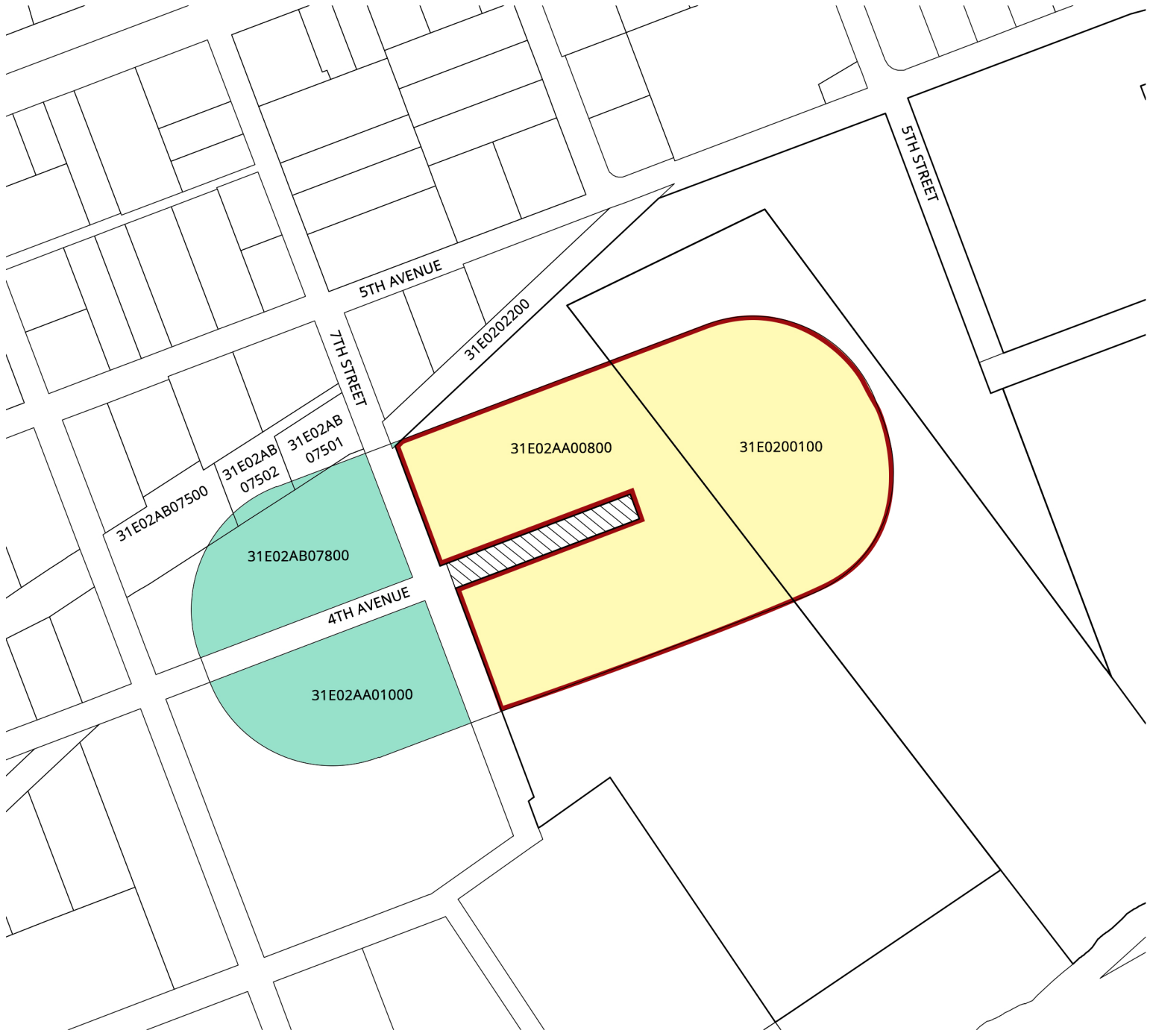
LEGEND:

- AFFECTED AREA PROPERTIES
- PETITIONER OWNED PROPERTY
CONSENTING TO VACATION

WEST LINN - 5TH STREET RIGHT-OF-WAY VACATION

3J CONSULTING
 CIVIL ENGINEERING . WATER RESOURCES . LAND USE PLANNING

NOVEMBER 2024



LEGEND:

- AFFECTED AREA PROPERTIES
- PETITIONER OWNED PROPERTY
CONSENTING TO VACATION

3J CONSULTING
 CIVIL ENGINEERING . WATER RESOURCES . LAND USE PLANNING

EXHIBIT CC-4: COMPLETENESS LETTER



CITY OF
West Linn

December 16, 2024

Forward Vision Development LLC/e3 Design Concepts LLC/SDG-2 LLC
3242 Wild Rose Loop
West Linn, OR. 97068

SUBJECT: VAC-24-01: Proposed vacation of portions of the 4th Ave. and 5th Street rights-of-way

Greetings:

The City accepted this application for review on October 24, 2024. The Planning and Engineering Departments found the application incomplete on November 21, 2024. Additional materials were submitted on November 26, 2024. The Planning Department has reviewed the materials and calculated you have signature support of all abutting property owners and signature support of not less than 66.67% of property owners in the affected area as defined in Oregon Revised Statute 271.080. The Planning Department finds that this application is now **complete**. The city has 120 days to exhaust all local review; that period ends March 26, 2025.

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 public hearing date before the West Linn City Council is tentatively scheduled for February 10, 2025.

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-5: AFFIDAVIT AND NOTICE PACKET



**AFFIDAVIT OF NOTICE
STREET VACATION**

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-25-01**
Applicant's Name: **Forward Vision Development LLC & e3 Design Concepts**
ADDRESS: **Right-of-Way Vacation of three unimproved rights-of-way sections of 4th Avenue and 5th Street**
City Council Hearing: **2/10/25**

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.

<i>1/22/2025</i>	<i>Lynn Schroder</i>
<i>1/29/2025</i>	<i>Lynn Schroder</i>

WEBSITE

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

<i>1/22/2025</i>	<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, two signs were posted at each end of the proposed vacation per ORS 271.110.

<i>1/23/2025</i>	Chris Myers
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STAFF REPORT was posted on the website at least 10 days before the scheduled hearing.

<i>1/30/2025</i>	<i>Darren S. Wyss</i>
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FINAL DECISION notice mailed to applicant, parties with standing, and the County surveyor's office.

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**WEST LINN CITY COUNCIL
PUBLIC HEARING NOTICE
FILE NO. VAC-24-01**

The West Linn City Council will hold a hybrid public hearing on **Monday, February 10, 2025, at 6:00 p.m.** in the Council Chambers of City Hall, 22500 Salamo Road, West Linn, to consider a petition and any objections to vacate 16,199 square feet of 5th Street right-of-way adjacent to tax lots 200 and 800 of Assessor Map 31E02AA, and 11,960 square feet of 4th Avenue right-of-way adjacent to tax lot 800 of Assessor Map 31E02AA, and 22,416 square feet of 4th Avenue right-of-way adjacent to tax lot 200 of Assessor Map 31E02AA and tax lot 100 of Assessor Map 31E01BB. The petition was filed by Forward Vision Development LLC, e3 Design Concepts LLC, and SDG-2 LLC on October 24, 2024.

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/projects>. The application, all documents or evidence relied upon by the applicant, and applicable criteria are available 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 February 10, 2025 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-24-01

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