



**AGENDA BILL 2013-09-09-**

**Subject:** Request to vacate a strip of Gloria Drive Right-of-Way (ROW) along the south side of 4997 Summit St.

**For Council:** September 9, 2013

**Land Use Case Number:** MISC-13-06

**Public Hearing**

**Required:**

**Optional:**

**City Manager's Initials:** \_\_\_\_\_

**Attachments:**

1. Memorandum to City Manager
2. Ordinance 1615

**Initiated by:** JT Smith Companies

**Budget Impact:**

If vacated, the subject ROW will become taxable land.

**Sustainability Considerations:** None

**Policy Question(s) for Council Consideration:** Does the City have any use for the subject undeveloped strip of ROW along Gloria Drive that is in excess of the ROW width along the rest of street and beyond what is needed to meet City street standards?

**Summary:**

- The petitioner proposes to vacate an undeveloped strip of ROW beside Gloria Drive that is approximately 15 x 209 feet, totaling approximately 3,132 square feet. This would make the ROW along this section of Gloria Drive 50 feet in width, consistent with the remainder of the street.
- Per ORS 271.120, the City Council must hear the petition, determine whether consent of the affected owners has been obtained, whether notice was duly given, and whether it is in the public interest to vacate the subject ROW.
- The petitioner has the consent of the abutting property owners and 66.6% of affected properties (two-thirds is required) and the required notice was provided.
- No street, sidewalk, planter strip development, or City utilities exist or are planned in the subject ROW strip. The City would retain a 10-foot public utility easement for the underground power line and transformer pad that are located within the area to be vacated.

**Staff Recommendation:** Staff recommends that City Council approve the request to vacate the approximately 3,132 square feet of ROW.

## Memorandum

Date: August 27, 2013

To: Chris Jordan, City Manager

From: Sara Javoronok, Associate Planner

Subject: Gloria Drive Street Vacation for 4997 Summit Drive

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### Background

The applicant, JT Smith Companies, proposes to vacate approximately 3,132 square feet of undeveloped Gloria Drive right-of-way (ROW) adjacent to 4997 Summit Street, near the intersection of Gloria Drive and Summit Street.



The applicant plans to develop a four lot subdivision on the adjacent property. The requested vacation will enable the development of four lots instead of three. It also would straighten the northern ROW boundary for Gloria Drive. (See Exhibit A, Proposed Street Vacation Area.) Vacations are regulated by ORS 271 and require consent of the adjacent property owners and a public hearing.

On Monday, August 19, 2013, the City Council approved the request for the hearing on this application.

### Discussion

Portions of the subject ROW were dedicated at two points, first a strip approximately 15 feet in width that comprises most of the ROW, was dedicated to the City in 1961. An additional 68 square foot area that forms a curve at the intersection of Summit Street and Gloria Drive was granted to the City in 1978, which coincides with the dedication of the Woodwinds subdivision located to the east. The ROW proposed to be vacated is in excess of the 50-foot ROW width along most of Gloria Drive and it is consistent with the City's requirements for local streets. The City does not currently have

or plan to install utilities in this area. However, there is an existing underground power line and a transformer pad within the ROW and a 10-foot public utility easement along the length of the ROW would be retained. (Exhibit B Rosemont II Site Survey.)

ORS 271.080 requires the consent of abutting property owners and of not less than two-thirds of the affected property owners. The affected area extends north and south to the next parallel street or 200 feet and, to the east and west, 400 feet. This is a total of 584,781 square feet. See Exhibit C, South Gloria Drive Vacation Petition, the revised consent map submitted by the applicant. The applicant has the consent of the abutting property owners and 66.6% percent or 389,251 square feet of the property owners in the area.

Per ORS 271.120, the Council is to consider whether consent has been obtained, notice given, and if it is in the public interest to vacate the ROW. Staff finds that the property owner has obtained the required consent and notice was given as required through both publication and signs posted. The proposed vacation of ROW will not be to the detriment of the public given that the remaining roadway width is consistent with the City's requirements for local street and that there are no utilities located or planned to be located in the area proposed to be vacated.

**Options**

1. City Council finds that the proposal has merit and vacates the requested ROW.
2. City Council finds the proposal has no merit and does not vacate the requested ROW.

**Recommendation**

Planning and Engineering staff support the proposed vacation.

**Attachments:**

- Exhibit A: Proposed Street Vacation Area
- Exhibit B: Rosemont II Site Survey
- Exhibit C: South Gloria Drive Vacation Petition
- Exhibit D: Applicant's Submittal
- Exhibit E: Notice package

TAX LOT 600  
MAP 2-1E-25DB

TAX LOT 101  
MAP 2-1E-25DB

TAX LOT 115  
MAP 2-1E-25DB

TAX LOT 500  
MAP 2-1E-25DB

TAX LOT 116  
MAP 2-1E-25DB

FOUND 5/8" IRON ROD WITH A RED PLASTIC  
CAP STAMPED "CENTERLINE CONCEPTS INC."  
AT THE NORTHWEST CORNER OF MCDOWELL  
TRACT PER BOOK 605, PAGE 650

S00°29'48"E 173.99'

LENGTH=21.22'  
RADIUS=35.00'  
DELTA=34°43'52"

LENGTH=33.69'  
RADIUS=35.00'  
DELTA=55°09'00"  
CHORD=S62°48'10"E 32.40'

10' P.U.E. (TO BE  
RESERVED UPON  
STREET VACATION)

S00°29'48"E  
15.00'

S89°37'20"W 202.56'

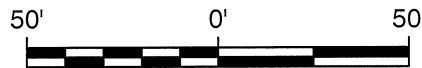
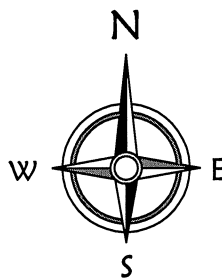
N89°37'20"E 173.87'

GLORIA DRIVE

15'  
50'

ROSEMONT ROAD

SUMMIT AVENUE



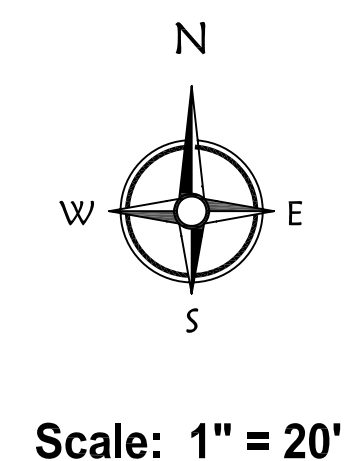
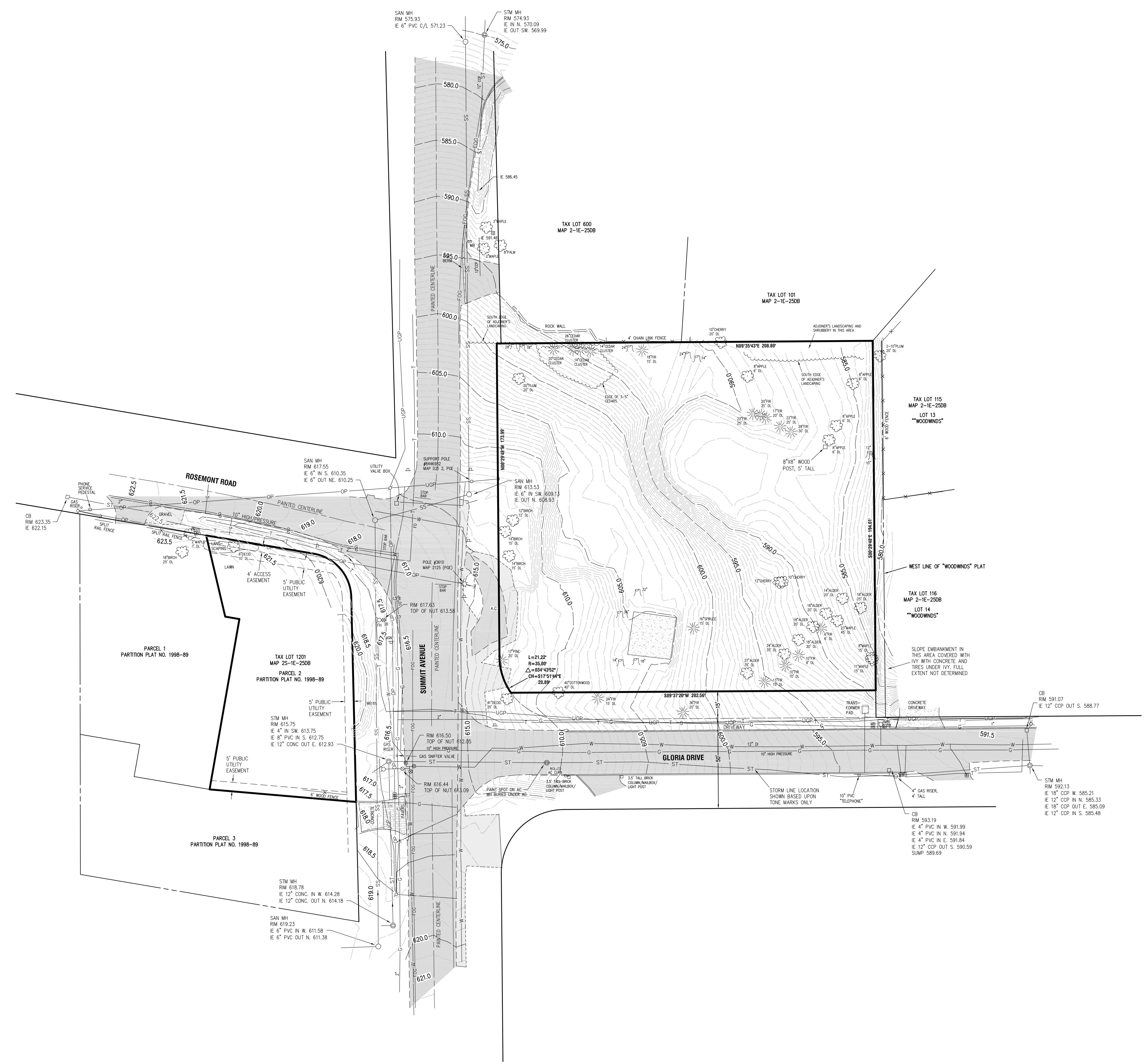
Scale: 1" = 50'

### EXHIBIT "A" PROPOSED STREET VACATION AREA

7194 Exh.dwg

engineering surveying planning  
**COMPASS ENGINEERING**  
4107 SE International Way, Suite 705 503.653.9093  
Milwaukie, Oregon 97222 www.compass-engineering.com

LOCATED IN THE SE 1/4 SECTION 25,  
T.2S., R.1E., W.M., CITY OF WEST LINN,  
CLACKAMAS COUNTY, OREGON



**Legend:**

- WATER VALVE
- WATER METER
- FIRE HYDRANT
- LIGHT POLE
- TRAFFIC SIGN
- ASPHALT
- CONCRETE
- GRAVEL
- GAS LINE
- PROPERTY LINE
- SANITARY SEWER LINE
- STORM SEWER LINE
- UNDERGROUND POWER LINE
- EDGE OF GRAVEL
- UNDERGROUND PHONE LINE
- WATER LINE
- EDGE OF PAVEMENT
- UNDERGROUND CABLE TV
- OVERHEAD POWER LINE
- FIBER OPTIC LINE

**Notes:**

1. UTILITY INFORMATION SHOWN ON THIS MAP IS BASED UPON OBSERVED FEATURES, RECORD DATA AND TONE MARKS PROVIDED BY PUBLIC UTILITY LOCATION SERVICES. NO WARRANTIES ARE MADE REGARDING THE ACCURACY OR COMPLETENESS OF THE UTILITY INFORMATION SHOWN. INTERESTED PARTIES ARE HEREBY ADVISED THAT UTILITY LOCATIONS SHOULD BE VERIFIED PRIOR TO DESIGN OR CONSTRUCTION OF ANY CRITICAL ITEMS.
2. BASIS OF ELEVATIONS: NAVD '88.
3. VERTICAL DATUM: NAVD '88 UTILIZING GPS POSITIONING TIED TO THE ORGN WITH REAL TIME CORRECTORS REFERENCED TO NAD '83 (2011).
4. TOPOGRAPHIC FEATURES SHOWN ON THIS MAP WERE LOCATED USING STANDARD PRECISION TOPOGRAPHIC MAPPING PROCEDURES. THIRD PARTY USERS OF DATA FROM THIS MAP PROVIDED VIA AUTOCAD DRAWING FILES OR DATA EXCHANGE FILES SHOULD NOT RELY ON ANY AUTOCAD GENERATED INFORMATION WHICH IS BEYOND THE LIMITS OF PRECISION OF THIS MAP. THIRD PARTIES USING DATA FROM THIS MAP IN AN AUTOCAD FORMAT SHOULD VERIFY ANY ELEMENTS REQUIRING PRECISE LOCATIONS PRIOR TO COMMENCEMENT OF ANY CRITICAL DESIGN OR CONSTRUCTION. CONTACT COMPASS ENGINEERING FOR FURTHER INFORMATION. FURTHERMORE, COMPASS ENGINEERING WILL NOT BE RESPONSIBLE NOR HELD LIABLE FOR ANY DESIGN OR CONSTRUCTION RELATED PROBLEMS THAT ARISE OUT OF THIRD PARTY USAGE OF THIS MAP (IN AUTOCAD OR OTHER FORMAT) FOR ANY PURPOSE OTHER THAN SPECIFICALLY STATED HEREIN. THIS STATEMENT IS AN OFFICIAL PART OF THIS MAP.

**ROSEMONT II SITE SURVEY FOR FRONTAGE IMPROVEMENTS**

TAX LOT 1201, IN THE NW 1/4 OF THE SE 1/4 SECTION 25, T.2S., R.1E., W.M. CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON

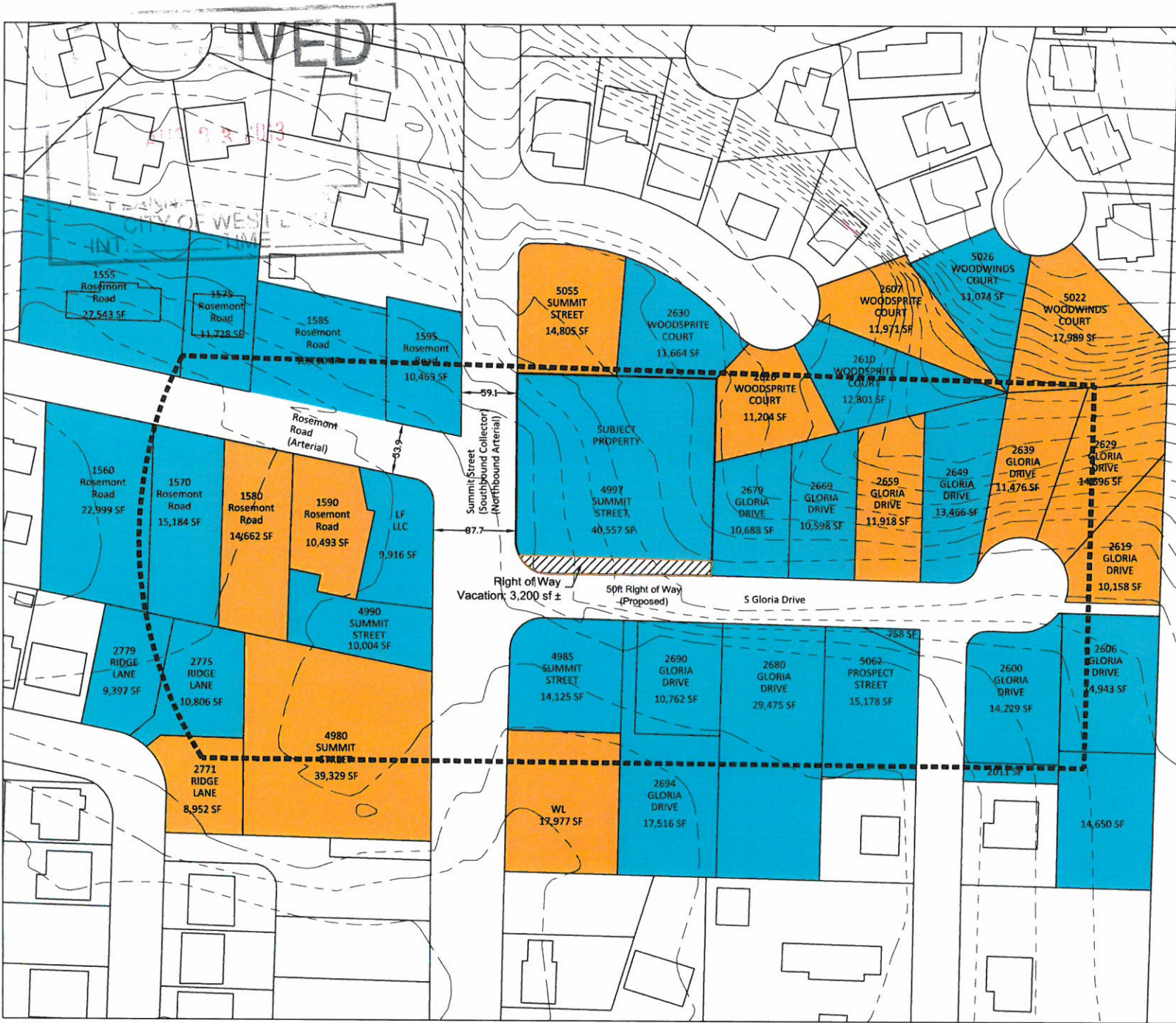
DATE	NO.	REVISION	DRAWN	DESIGN	CHECK	DD
			MMM			
			SCALE	DATE		
			1" = 20'	APRIL, 2013		
			PLAN	7194 Topo.dwg		

engineering surveying planning

**COMPASS ENGINEERING**  
4107 SE International Way, Suite 705  
Milwaukie, Oregon 97222

503.653.9093  
www.compass-engineering.com

**JT SMITH COMPANIES**  
5285 MEADOWS ROAD, SUITE 171  
LAKE OSWEGO, OREGON 97035



SITE STATISTICS	
Site:	4997 Summit Road
Taxlot:	2s1e25DB 00500
Size:	0.93 Acres
Jurisdiction:	City of West Linn
Consenting Properties:	24
Non-Consenting Properties:	13
Area of Consent:	389,251 SF
Area of Non-Consent:	195,530 SF
Percent Required to Vacate:	66%
Percent of Consenting Area:	66.6%

**SITE NOTE**

Site map has been prepared using data from multiple sources including Aerial Photos, Portland Metro's GIS Data, and taxmap information. This map has been prepared for illustrative purposes only. All boundary and dimensional information should be verified by a professional land surveyor.

**NEIGHBORHOOD AREAS**

- CONSENT GIVEN
- CONSENT NOT GIVEN



1" = 150' @ 8.5"x11"

South Gloria Drive Vacation Petition

A JT Smith Development

May 2013

## DEVELOPMENT REVIEW APPLICATION

For Office Use Only		
STAFF CONTACT <i>TOM SOPPE</i>	PROJECT No(s). <i>MI-13-06</i>	
NON-REFUNDABLE FEE(S) <i>6000-</i>	REFUNDABLE DEPOSIT(S) <i>0</i>	TOTAL <i>6000-</i>

**Type of Review (Please check all that apply):**

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Annexation (ANX)<br><input type="checkbox"/> Appeal and Review (AP) *<br><input type="checkbox"/> Conditional Use (CUP)<br><input type="checkbox"/> Design Review (DR)<br><input type="checkbox"/> Easement Vacation<br><input type="checkbox"/> Extraterritorial Ext. of Utilities<br><input type="checkbox"/> Final Plat or Plan (FP)<br><input type="checkbox"/> Flood Management Area<br><input type="checkbox"/> Hillside Protection & Erosion Control | <input type="checkbox"/> Historic Review<br><input type="checkbox"/> Legislative Plan or Change<br><input type="checkbox"/> Lot Line Adjustment (LLA) */**<br><input type="checkbox"/> Minor Partition (MIP) (Preliminary Plat or Plan)<br><input type="checkbox"/> Non-Conforming Lots, Uses & Structures<br><input type="checkbox"/> Planned Unit Development (PUD)<br><input type="checkbox"/> Pre-Application Conference (PA) */**<br><input checked="" type="checkbox"/> Street Vacation | <input type="checkbox"/> Subdivision (SUB)<br><input type="checkbox"/> Temporary Uses *<br><input type="checkbox"/> Time Extension *<br><input type="checkbox"/> Variance (VAR)<br><input type="checkbox"/> Water Resource Area Protection/Single Lot (WAP)<br><input type="checkbox"/> Water Resource Area Protection/Wetland (WAP)<br><input type="checkbox"/> Willamette & Tualatin River Greenway (WRG)<br><input type="checkbox"/> Zone Change |
|--|---|---|

Home Occupation, Pre-Application, Sidewalk Use, Sign Review Permit, and Temporary Sign Permit applications require different or additional application forms, available on the City website or at City Hall.

<b>Site Location/Address:</b> 4997 SUMMIT STREET, WEST LINN	Assessor's Map No.: 21E25DB
	Tax Lot(s): 00500
	Total Land Area: 1 Acre +/-

**Brief Description of Proposal:** APPLICANT PROPOSES TO VACATE A PORTION OF S. GLORIA

<b>Applicant Name:</b> JT SMITH COMPANIES <small>(please print)</small> <b>Address:</b> 5285 MEADOWS ROAD, SUITE 171 <b>City State Zip:</b> LAKE OSWEGO, OR 97035	<b>Phone:</b> 503-209-7555 <b>Email:</b> jwyland@jtsmithco.com
<b>Owner Name (required):</b> LF 10, LLC <small>(please print)</small> <b>Address:</b> 5285 MEADOWS ROAD, SUITE 171 <b>City State Zip:</b> LAKE OSWEGO, OR 97035	<b>Phone:</b> <b>Email:</b>
<b>Consultant Name:</b> ANDREW TULL, 3J CONSULTING, INC. <small>(please print)</small> <b>Address:</b> 10445 SW CANYON ROAD, SUITE 245 <b>City State Zip:</b> BEAVERTON, OR 97005	<b>Phone:</b> 503-545-1907 <b>Email:</b> andrew.tull@3j-consulting.com

1. All application fees are non-refundable (excluding deposit). Any overruns to deposit will result in additional billing.
2. The owner/applicant or their representative should be present at all public hearings.
3. A denial or approval may be reversed on appeal. No permit will be in effect until the appeal period has expired.
4. Three (3) complete hard-copy sets (single sided) of application materials must be submitted with this application.  
 One (1) complete set of digital application materials must also be submitted on CD in PDF format.  
 If large sets of plans are required in application please submit only two sets.

\* No CD required / \*\* Only one hard-copy set needed

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	7/2/13 _____ Date	 _____ Owner's signature (required)	7/2/13 _____ Date
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July 2, 2013

City Council  
City of West Linn  
22500 Salamo Road  
West Linn, OR 97068

### **S. Gloria Drive Right-of-Way Vacation Request**

To the City Council:

3J Consulting, Inc. acts on behalf of JT Smith Companies in petitioning to vacate a portion of S. Gloria Drive, a public street. The right-of-way vacation request is for approximately 3,200 square feet located on the northern side of S. Gloria Drive extending east from Summit Street for a distance of 208.8 feet (see Attachment A).

The area of right-of-way requested for vacation was initially dedicated to the City of West Linn at two separate times. In 1961, Neil O. and Helen McDowall and Milton E. and Jeanne Level dedicated a 15-foot-wide strip along the entire 208.8 foot length of the property (approximately 3,132 square feet). In 1978, the same property owners dedicated an approximately 68 square foot curve at the intersection of S. Gloria Drive and Summit Street.

It is unclear why the right-of-way dedications occurred in 1961 and 1978. The 1978 dedication coincides with the development of the Woodwinds Subdivision, a plat to the east, and may have been considered to be necessary based on roadway standards at the time. However, since that time, the City of West Linn has developed standardized roadway design and construction regulations which only call for a 50-foot local street right-of-way width. Approval of the requested vacation would result in the creation of a 50-foot right-of-way section along S. Gloria Drive, matching the existing right-of-way along the rest of S. Gloria Drive.

The reason for the vacation request is to develop a 4-lot subdivision in the R-10 zoning district of the City of West Linn, requiring a minimum of 10,000 square foot lots. In addition, approval of the right-of-way vacation would straighten the northern right-of-way boundary of S. Gloria Drive, a local street.

The applicable standards for review and approval of a right-of-way vacation in any incorporated city are found in Chapter 271 of the Oregon Revised Statutes- *Use and Disposition of Public Lands Generally; Easements*. Specifically, the sections pertaining to right-of-way vacation are found in Sections 271.080 through 271.230. Responses to each of these ORS sections are included with this request as Attachment B.

A specific requirement for right-of-way vacation petition is consent of all abutting property owners and two-thirds of the area of affected property (as defined in ORS 271.080). As shown within the Attached Exhibit A, more than 2/3rds of the area of land affected by the proposed vacation has responded in the affirmative to the proposed petition. The Applicant has documented that 69% of the property area within the affected area is in favor of the petition. All required property owner consent has been obtained, in writing, by the applicant, and is included with this request as Attachment C.

The applicant respectfully submits this request for right-of-way vacation of a portion of S. Gloria Drive. The applicant requests a hearing be scheduled before the West Linn City Council once proper notice has been given, per the standards of ORS 271.

If any additional information is needed, please do not hesitate to contact me. Thank you for your consideration of this request.



Most Sincerely,

Andrew Tull  
*Principal Planner*

Attachments:

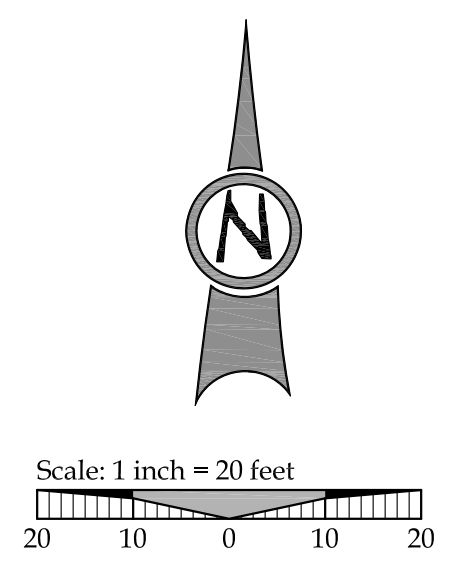
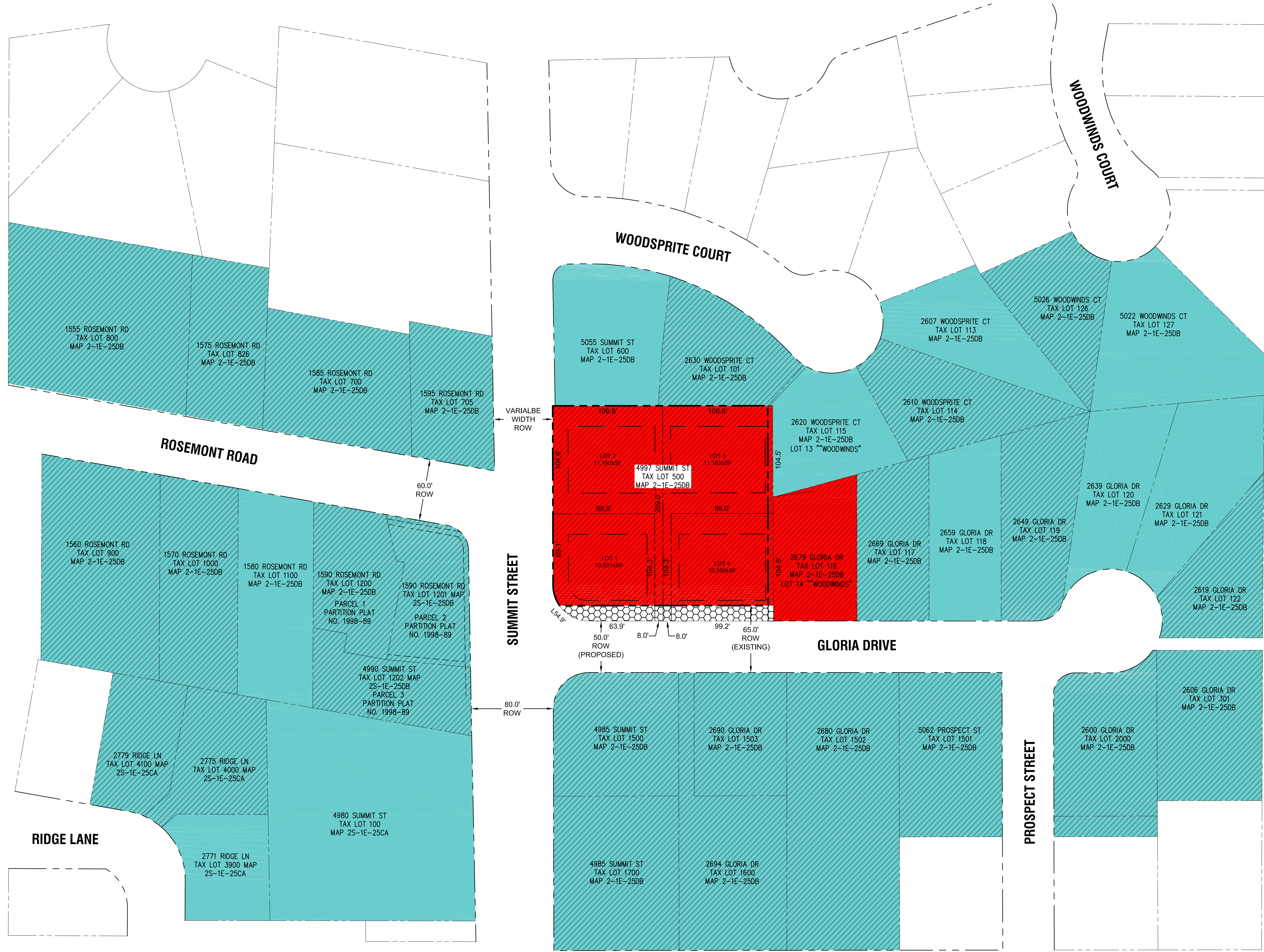
- A. Exhibit of affected land area
- B. Applicable ORS standards and responses
- C. Written consent by all required property owners

Copy to:

John Wyland, JT Smith Companies  
Mike Robinson, Perkins Coie



TAX LOT 500 LOCATED IN THE NW 1/4 & SE 1/4 OF SECTION 25, T.2S., R.1E., W.M. CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON



- LEGEND**
- BOUNDARY LINE
  - - - EXISTING RIGHT-OF-WAY
  - - - EXISTING LOT LINE
  - - - PROPOSED LOT LINE
  - - - PROPOSED SETBACK LINE

**SITE STATISTICS**

Site:	4997 Summit Road
Taxlot:	2s1e25db 00500
Size:	0.93 Acres
Jurisdiction:	City of West Linn
Adjoining Properties:	2
Affected Properties:	38

**SITE NOTE**

Site map has been prepared using data from multiple sources including Aerial Photos, Portland Metro's GIS Data, and taxmap information. This map has been prepared for illustrative purposes only. All boundary and dimensional information should be verified by a professional land surveyor.

- NEIGHBORHOOD AREAS**
- Neighboring Properties
  - Notification Area Properties
  - Consenting Properties
  - Right-Of-Way Vacation



PRELIMINARY	07/02/13
REVISION SUMMARY	BY DATE

**TENTATIVE SUBDIVISION PLAT**  
**ROSEMONT II**  
**SUBDIVISION**  
WEST LINN, OR  
J.T. SMITH COMPANIES

**3J CONSULTING, INC.**  
CIVIL ENGINEERING  
WATER RESOURCES  
LAND USE PLANNING  
10445 SW CANYON ROAD SUITE 245 BEAVERTON, OR 97005  
PHONE & FAX: (503) 946-8365

3J JOB ID #	13123
LAND USE #	
TAX LOT #	2S1E25DB 500
DESIGNED BY	CLF
CHECKED BY	BKF

SHEET TITLE  
**SUBDIVISION PLAT**  
SHEET NUMBER  
**C2.0**

*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.*

Finding: The applicant is JT Smith Companies. The property is owned by LF10, LLC.. The description of the ground proposed to be vacated is discussed above and detailed in Attachment A of the right-of-way vacation petition letter. The purpose for which the right-of-way is proposed to be used and the reason for the vacation is to develop a 4-lot subdivision in the R-10 zoning district of the City of West Linn, requiring a minimum of 10,000 square foot lots, and to straighten the northern right-of-way boundary of S. Gloria Drive, a local public street.

*(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. [Amended by 1999 c.866 §2]*

Finding: The total area affected by the proposed vacation is equal to 519,171 square feet. Property owners representing 362,535 square feet of the affected have signed in favor of the petition. Thus the required 2/3rds required consent threshold has been exceeded by 16,421 square feet.

The consent of the owners of all abutting property and the owners of greater than two-thirds in area of the real property affected thereby is included, in writing, as Attachment C of the right-of-way vacation petition letter.

*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.*

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

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

Finding: The applicant respectfully requests a hearing before the City Council of West Linn on this right-of-way vacation petition.

*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. [Amended by 1991 c.629 §1; 2005 c.22 §196]*

Finding: The City can meet these requirements prior to a public hearing.

*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.*

Finding: In order for a vacation to occur, the governing body shall determined whether the consent of the owners of the requisite area has been obtained, whether notice has been duly given, and whether the public interest will be prejudiced by the vacation of the public right-of-way. In this case, the applicant has provided signatures indicating consent from the adjoining owners and for the required 2/3rds majority of area represented within the affected land area. Notice has been duly provided by the City's staff in response to the applicant's petition.

Regarding the usefulness of the area in question, the applicant, the City's planning staff, and the City's engineering department are all in agreement that the land in question is currently not necessary or useful in completing the local street section which would normally be required along South Gloria. In 1961, Neil O. and Helen McDowall and Milton E. and Jeanne Level dedicated a 15-foot-wide strip along the entire 208.8 foot length of the property (approximately 3,132 square feet). In 1978, the same property owners dedicated an approximately 68 square foot curve at the intersection of S. Gloria Drive and Summit Street.

It is unclear why the right-of-way dedications occurred in 1961 and 1978. The 1978 dedication coincides with the development of the Woodwinds Subdivision, a plat to the east, and may have been considered to be necessary based on roadway standards at the time. However, since that time, the City of West Linn has developed standardized roadway design and construction regulations which only call for a 50-foot local street right-of-way width. Approval of the requested vacation would result in a the creation of a 50-foot right-of-way section along S. Gloria Drive, matching the existing right-of-way along the rest of S. Gloria Drive.

The public interest will not be precluded by the proposed vacation and lawful access shall be provided to all abutting properties. As stated within the second to last sentence of 271.120, 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.

*271.140 Title to vacated areas. The title to the street or other public area vacated shall attach to the lands bordering on such area in equal portions; except that where the area has been originally dedicated by different persons and the fee title to such area has not been otherwise disposed of, original boundary lines shall be adhered to and the street area which lies on each side of such boundary line shall attach to the abutting property on such side. If a public square is vacated the title thereto shall vest in the city. [Amended by 1981 c.153 §58]*

Finding: The applicant represents the owner of the lands bordering the area to be vacated. The title to the vacated street will attach to the applicant's property.

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

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


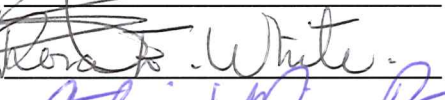
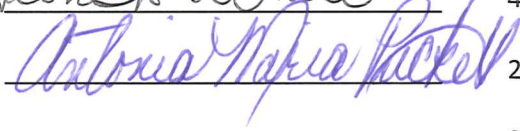

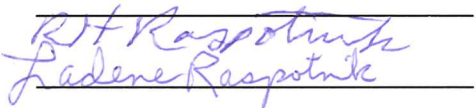

*271.170 Nature and operation of statutes. The provisions of ORS 271.080 to 271.160 are alternative to the provisions of the charter of any incorporated city and nothing contained in those statutes shall in anywise affect or impair the charter or other provisions of such cities for the preservation of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

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

### CONSENT TO VACATE FORM

JT Smith Companies has recently purchased a 1 Acre property known as 4997 Summit Street. Along the property's southern boundary, the previous owner of the property dedicated a portion of the property to the City of West Linn as Right-of-Way. The dedication was much more than the City needed to allow for the construction of a full street section. In order to request the surplus portion of the Right-of-Way back from the City, the owner is required to prepare a petition to vacate the surplus Right-Of-Way. As part of this process, the owner must show that neighboring property owners are in favor of the vacation. In this case, a total of 39 property owners have been considered to be "affected", in accordance with the State's notification guidelines.

A signature on the line below indicates that you have been contacted about the proposed Right-Of-Way Vacation along South Gloria Drive and that you have no objections to the City's release of this surplus property. By signing this document, you also acknowledge that you are aware that approximately 3,200 square feet of the City's existing right-of-way will be reverted back to the property from which it was originally dedicated, in this case, tax lot 2s1e25db 00500.

PRINTED OWNER NAME	OWNER SIGNATURE	ADDRESS	TAX LOT
Vincent and Lorraine Piscitello		4997 Summit St	21E25DB00500
<del>Federal National Mortgage Association</del>	<del>Steve White</del>	2679 Gloria Dr	21E25DB00116
Rosa E. White Binh Nguyen		4980 Summit St.	21E25CA00100 ✓
Antonia Maria Puckett		2630 Woodsprite Ct.	21E25DB00101 ✓
Gyung Jae Lee		2607 Woodsprite Ct.	21E25DB00113
Richard & Ladene Raspotnik		2610 Woodsprite Ct.	21E25DB00114 ✓
Brian & Kathryn Hemphill		2620 Woodsprite Ct.	21E25DB00115
Randy Pugsley		2669 Gloria Dr	21E25DB00117 ✓
Linda Pugsley			

*Repeat*

Karen & Charles McGeehan

*Charles M. McGeehan*

4985 Summit St

21E25DB01500 ✓

Michael Kalamaris

*Michael Kalamaris*

5062 Prospect St

21E25DB01501 ✓

~~James & Jean Preble~~

~~James & Jean Preble~~

2680 Gloria Dr

21E25DB01502

Jeffrey & Rebecca Wilson

*Jeffrey & Rebecca Wilson*

2694 Gloria Dr

21E25DB01600 ✓

City of West Linn

\_\_\_\_\_

No Site Address

21E25DB01700

David Levine

*Nancy Levine*  
*David Levine*

1595 Rosemont Rd

21E25DB00705 ✓

Jim & Kyong Wiard

*Jim & Kyong Wiard*

2690 Gloria Dr

21E25DB01503 ✓

LF LLC

*Jeff D. Smith*

1590 Rosemont Rd

21E25DB01201 ✓

Dean Reed Cocker

*Dean Reed Cocker*

4990 Summit St

21E25DB01202 ✓

Brian Odell

\_\_\_\_\_

2771 Ridge Lane

21E25CA03900

Dennis & Jennifer Tan

*Dennis & Jennifer Tan*

2775 Ridge Lane

21E25CA04000 ✓

Timothy James & Kimberly Lippert

*Timothy James & Kimberly Lippert*

2779 Ridge Lane

21E25CA04100 ✓

*Angelina Vivie Grima*

*2619 Gloria Dr.*

*21E25DB00122 ✓*

*Jim M. Preble*

*Jim M. Preble*

*2680 Gloria St*

*21E25DB01502 ✓*

*Jean Preble*

\_\_\_\_\_

*2680 Gloria St*

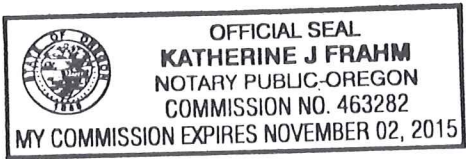


Mary Jo Bottjer-Steele		2659 Gloria Dr	21E25DB00118
Richard & Susan Buchanan		2649 Gloria Dr	21E25DB00119 ✓
Susan Newton		2639 Gloria Dr	21E25DB00120
Harry JR & Janet Dalgaard		2629 Gloria Dr	21E25DB00121
Victoria Baldwin		2619 Gloria Dr	21E25DB00122
Jacob & Anne-Marie Wilson		5026 Woodwinds Ct	21E25DB00126 ✓
R Dale Co-E Clark		5022 Woodwinds Ct	21E25DB00127
Brian & Lynn Leschorn		2606 Gloria Dr	21E25DB00301 ✓
<del>Michael Kalamars</del> Repeat		No Site Address	21E25DB00400
Margaret Young		5055 Summit St	21E25DB00600
Barbara Gustafson		1585 Rosemont Rd	21E25DB00700 ✓
Dale & Natalie Johnson		1555 Rosemont Rd	21E25DB00800 ✓
Frederick G A & Janet Sickert		1575 Rosemont Rd	21E25DB00826 ✓
Glacier Ice LLC		1560 Rosemont Rd	21E25DB00900 ✓
Winnifred Trste Simonsen		1570 Rosemont Rd	21E25DB01000 ✓
Thomas Dean Larson		1580 Rosemont Rd	21E25DB01100
Paul Himmelright		1590 Rosemont Rd	21E25DB01200
Joseph N Fustolo Sar a C. Fustolo		2600 Gloria St 2600 Gloria St	21E25DB2000 ✓



STATE of Oregon )  
 )ss.  
COUNTY of Clackamas )

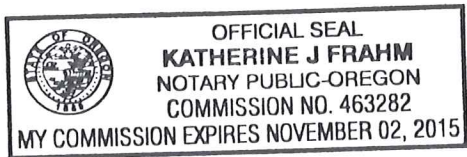
This instrument was acknowledged before me on this 4th day of June, 2013  
by Dean Reed Cockett.



Katherine Jean Frahm  
Notary Public for Oregon  
My commission expires: November 02, 2015

STATE of Oregon )  
 )ss.  
COUNTY of Clackamas )

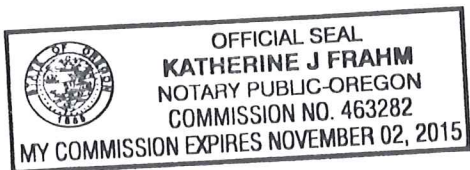
This instrument was acknowledged before me on this 4th day of June, 2013  
by Charles McCracken.



Katherine Jean Frahm  
Notary Public for Oregon  
My commission expires: November 02, 2015

STATE of Oregon )  
 )ss.  
COUNTY of Clackamas )

This instrument was acknowledged before me on this 4th day of June, 2013  
by Sterea L. White.



Katherine Jean Frahm  
Notary Public for Oregon  
My commission expires: November 02, 2015

STATE of Oregon )  
 )ss.  
COUNTY of Clackamas )

This instrument was acknowledged before me on this 4<sup>th</sup> day of June, 2013  
by Rose F. White.



Katherine Jean Frahm  
Notary Public for Oregon  
My commission expires: November 02, 2015

STATE of Oregon )  
 )ss.  
COUNTY of Clackamas )

This instrument was acknowledged before me on this 4<sup>th</sup> day of June, 2013  
by Randy J. Pugsley.



Katherine Jean Frahm  
Notary Public for Oregon  
My commission expires: November 02, 2015

STATE of Oregon )  
 )ss.  
COUNTY of Clackamas )

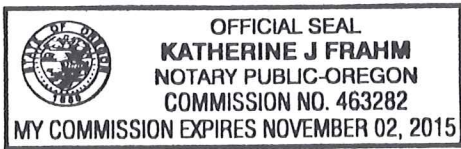
This instrument was acknowledged before me on this 4<sup>th</sup> day of June, 2013  
by Jim M. Preble.



Katherine Jean Frahm  
Notary Public for Oregon  
My commission expires: November 02, 2015

STATE of Oregon )  
 )ss.  
COUNTY of Clackamas )

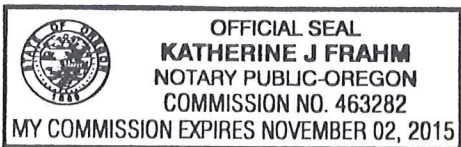
This instrument was acknowledged before me on this 4<sup>th</sup> day of June, 2013  
by Joseph N. Fustolo.



Katherine J Frahm  
Notary Public for Oregon  
My commission expires: November 02, 2015

STATE of Oregon )  
 )ss.  
COUNTY of Clackamas )

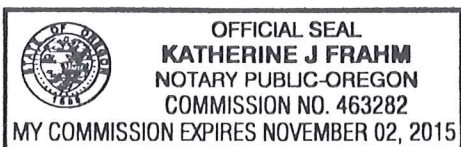
This instrument was acknowledged before me on this 4<sup>th</sup> day of June, 2013  
by Sara C. Fustolo.



Katherine J Frahm  
Notary Public for Oregon  
My commission expires: November 02, 2015

STATE of Oregon )  
 )ss.  
COUNTY of Clackamas )

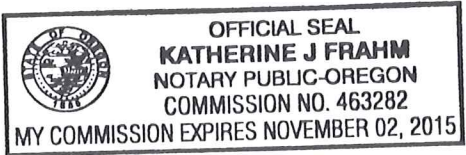
This instrument was acknowledged before me on this 4<sup>th</sup> day of June, 2013  
by Barbara Gustafson.



Katherine J Frahm  
Notary Public for Oregon  
My commission expires: November 02, 2015

STATE of Oregon )  
 )ss.  
COUNTY of Clackamas )

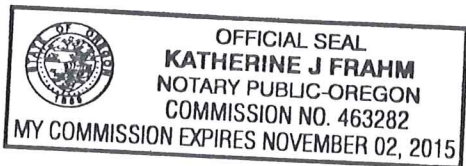
This instrument was acknowledged before me on this 4<sup>th</sup> day of June, 2013  
by Cristina Johnson as member Glacier Ice LLC



Katherine J Frahm  
Notary Public for Oregon  
My commission expires: November 02, 2015

STATE of Oregon )  
 )ss.  
COUNTY of Clackamas )

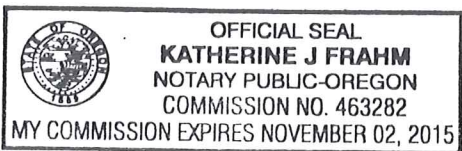
This instrument was acknowledged before me on this 4<sup>th</sup> day of June, 2013  
by Winnifred Simonson as Trustee



Katherine J Frahm  
Notary Public for Oregon  
My commission expires: November 02, 2015

STATE of Oregon )  
 )ss.  
COUNTY of Clackamas )

This instrument was acknowledged before me on this 4<sup>th</sup> day of June, 2013  
by Frederick GA Sickert



Katherine J Frahm  
Notary Public for Oregon  
My commission expires: November 02, 2015

STATE of Oregon )  
 )ss.  
COUNTY of Clackamas )

This instrument was acknowledged before me on this 11<sup>th</sup> day of June, 2013  
by Anne Marie Wilson.



Katherine J Frahm  
Notary Public for Oregon  
My commission expires: November 02, 2015

STATE of Oregon )  
 )ss.  
COUNTY of Clackamas )

This instrument was acknowledged before me on this 11<sup>th</sup> day of June, 2013  
by Jacob Wilson.



Katherine J Frahm  
Notary Public for Oregon  
My commission expires: November 02, 2015

STATE of Oregon )  
 )ss.  
COUNTY of Clackamas )

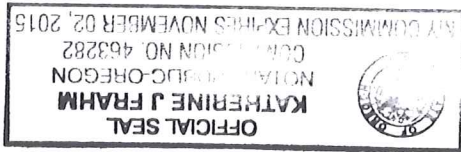
This instrument was acknowledged before me on this 11<sup>th</sup> day of June, 2013  
by Kimberly Lipert.



Katherine J Frahm  
Notary Public for Oregon  
My commission expires: November 02, 2015

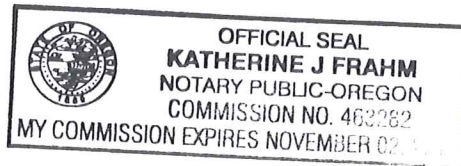
STATE of Oregon )  
 )ss.  
COUNTY of Clackamas )

This instrument was acknowledged before me on this 1<sup>st</sup> day of June, 2013  
by Timothy James Lippert.



Katherine Jean Frahm  
Notary Public for Oregon  
My commission expires: November 02, 2015

STATE of Oregon )  
 )ss.  
COUNTY of Clackamas )



463282  
November 02, 2015

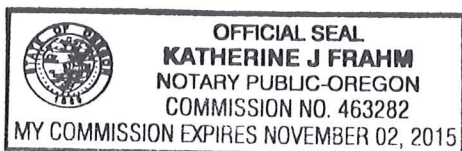
This instrument was acknowledged before me on this 1<sup>st</sup> day of June, 2013  
by Antonia Marie Puckett.



Katherine Jean Frahm  
Notary Public for Oregon  
My commission expires: November 02, 2015

STATE of Oregon )  
 )ss.  
COUNTY of Clackamas )

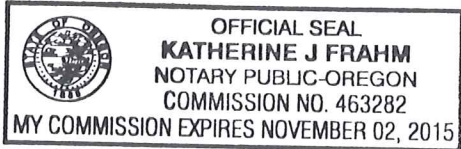
This instrument was acknowledged before me on this 1<sup>st</sup> day of June, 2013  
by Dale Johnson.



Katherine Jean Frahm  
Notary Public for Oregon  
My commission expires: November 02, 2015

STATE of Oregon )  
 )ss.  
COUNTY of Clackamas )

This instrument was acknowledged before me on this 11<sup>th</sup> day of June, 2013  
by Natalie Johnson.



Katherine J Frahm  
Notary Public for Oregon  
My commission expires: November 02, 2015

STATE of Oregon )  
 )ss.  
COUNTY of Clackamas )

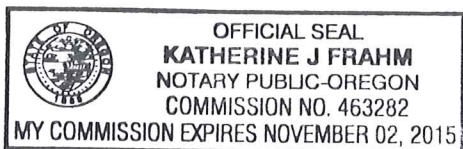
This instrument was acknowledged before me on this 11<sup>th</sup> day of June, 2013  
by Ko Kyongson.



Katherine J Frahm  
Notary Public for Oregon  
My commission expires: November 02, 2015

STATE of Oregon )  
 )ss.  
COUNTY of Clackamas )

This instrument was acknowledged before me on this 11<sup>th</sup> day of June, 2013  
by Lyna Lechoin.



Katherine J Frahm  
Notary Public for Oregon  
My commission expires: November 02, 2015

STATE of Oregon )  
 )ss.  
COUNTY of Clackamas )

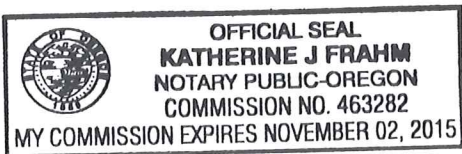
This instrument was acknowledged before me on this 18<sup>th</sup> day of June, 2013  
by Nancy Lerine.



Katherine Jean Frahm  
Notary Public for Oregon  
My commission expires: November 02, 2015

STATE of Oregon )  
 )ss.  
COUNTY of Clackamas )

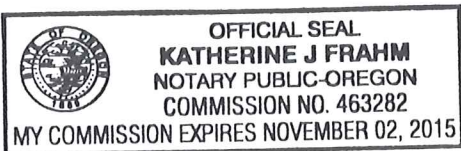
This instrument was acknowledged before me on this 18<sup>th</sup> day of June, 2013  
by Linda Pugsley.



Katherine Jean Frahm  
Notary Public for Oregon  
My commission expires: November 02, 2015

STATE of Oregon )  
 )ss.  
COUNTY of Clackamas )

This instrument was acknowledged before me on this 18<sup>th</sup> day of June, 2013  
by Susan Buchanan.

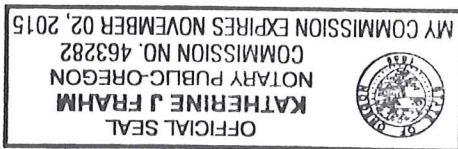


Katherine Jean Frahm  
Notary Public for Oregon  
My commission expires: November 02, 2015



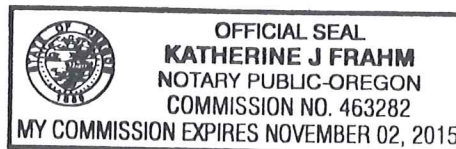
STATE of Oregon )  
 )ss.  
COUNTY of Clackamas )

This instrument was acknowledged before me on this 18<sup>th</sup> day of June, 2013  
by Ladene Kaspotnik.

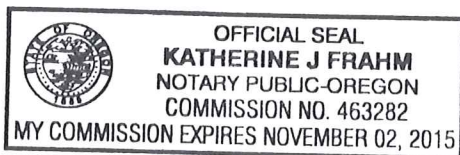


Katherine J Frahm  
Notary Public for Oregon  
My commission expires: November 02, 2015

STATE of Oregon )  
 )ss.  
COUNTY of Clackamas )



This instrument was acknowledged before me on this 18<sup>th</sup> day of June, 2013  
by Richard Kaspotnik.



Katherine J Frahm  
Notary Public for Oregon  
My commission expires: November 02, 2015

STATE of Oregon )  
 )ss.  
COUNTY of Clackamas )

This instrument was acknowledged before me on this 18<sup>th</sup> day of June, 2013  
by David Levine.



Katherine J Frahm  
Notary Public for Oregon  
My commission expires: November 02, 2015

STATE of Oregon )  
 )ss.  
COUNTY of Clackamas )

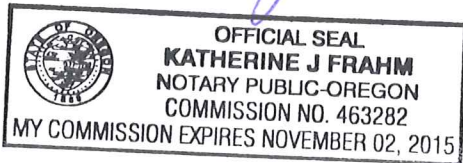
This instrument was acknowledged before me on this 11<sup>th</sup> day of June, 2013  
by Brian Leschorn.



Katherine Jean Frahm  
Notary Public for Oregon  
My commission expires: November 02, 2015

STATE of Oregon )  
 )ss.  
COUNTY of Clackamas )

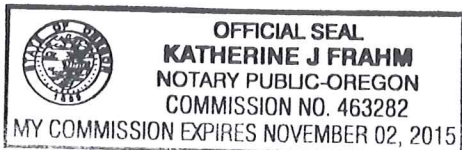
This instrument was acknowledged before me on this 11<sup>th</sup> day of June, 2013  
by Jeffrey Wilson.



Katherine Jean Frahm  
Notary Public for Oregon  
My commission expires: November 02, 2015

STATE of Oregon )  
 )ss.  
COUNTY of Clackamas )

This instrument was acknowledged before me on this 11<sup>th</sup> day of June, 2013  
by Rebecca Wilson.



Katherine Jean Frahm  
Notary Public for Oregon  
My commission expires: November 02, 2015

STATE of Oregon )  
 )ss.  
COUNTY of Clackamas )

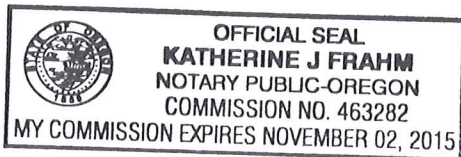
This instrument was acknowledged before me on this 18<sup>th</sup> day of June, 2013  
by Richard Buchanan



Katherine Jean Frahm  
Notary Public for Oregon  
My commission expires: November 02, 2015

STATE of Oregon )  
 )ss.  
COUNTY of Clackamas )

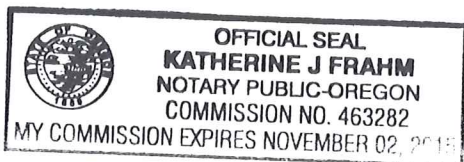
This instrument was acknowledged before me on this 18<sup>th</sup> day of June, 2013  
by Michael Kalamaris



Katherine Jean Frahm  
Notary Public for Oregon  
My commission expires: November 02, 2015

STATE of Oregon )  
 )ss.  
COUNTY of Clackamas )

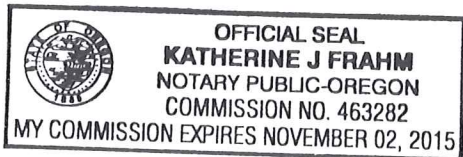
This instrument was acknowledged before me on this 21<sup>st</sup> day of June, 2013  
by Jennifer Tan



Katherine Jean Frahm  
Notary Public for Oregon  
My commission expires: November 02, 2015

STATE of Oregon )  
 )ss.  
COUNTY of Clackamas )

This instrument was acknowledged before me on this 18<sup>th</sup> day of June, 2013  
by John Wyland as member LF LLC.



Katherine J Frahm  
Notary Public for Oregon  
My commission expires: November 02, 2015

STATE of Oregon )  
 )ss.  
COUNTY of Clackamas )

This instrument was acknowledged before me on this 18<sup>th</sup> day of June, 2013  
by Jeff Smith as member LF LLC.



Katherine J Frahm  
Notary Public for Oregon  
My commission expires: November 02, 2015

STATE of Oregon )  
 )ss.  
COUNTY of Clackamas )

This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2013  
by \_\_\_\_\_.

\_\_\_\_\_  
Notary Public for Oregon  
My commission expires: \_\_\_\_\_

# 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:

## GENERAL

File No. MISC-13-06 Applicant's Name J.T. Smith Companies  
Development Name \_\_\_\_\_  
Scheduled (Meeting) Decision Date 9-9-13

**NOTICE:** Notices were sent at least 20 days prior to the scheduled hearing, meeting, or decision date per Section 99.080 of the Community Development Code. (check below)

## TYPE A \_\_\_\_\_

- A. The applicant (date) \_\_\_\_\_ (signed) \_\_\_\_\_
- B. Affected property owners (date) \_\_\_\_\_ (signed) \_\_\_\_\_
- C. School District/Board (date) \_\_\_\_\_ (signed) \_\_\_\_\_
- D. Other affected gov't. agencies (date) \_\_\_\_\_ (signed) \_\_\_\_\_
- E. Affected neighborhood assns. (date) \_\_\_\_\_ (signed) \_\_\_\_\_
- F. All parties to an appeal or review (date) \_\_\_\_\_ (signed) \_\_\_\_\_

At least 10 days prior to the scheduled hearing or meeting, notice was published/posted:

Tidings (published date) 8/22/13, 8-29-13, 9-5-13 (signed) S. Shroyer  
City's website (posted date) 8/20/13 (signed) S. Shroyer

## SIGN

At least 10 days prior to the scheduled hearing, meeting or decision date, a sign was posted on the property per Section 99.080 of the Community Development Code.

(date) 8/23/13 (signed) Tara Jaworski

**NOTICE:** Notices were sent at least 14 days prior to the scheduled hearing, meeting, or decision date per Section 99.080 of the Community Development Code. (check below)

## TYPE-B State Statute

- A. The applicant (date) 8/21/13 (signed) S. Shroyer
- B. Affected property owners (date) \_\_\_\_\_ (signed) \_\_\_\_\_
- C. School District/Board (date) \_\_\_\_\_ (signed) \_\_\_\_\_
- D. Other affected gov't. agencies (date) \_\_\_\_\_ (signed) \_\_\_\_\_
- E. Affected neighborhood assns. (date) 8/21/13 (signed) S. Shroyer  
(Sunset, Parker Crest, Rosemont)

Notice was posted on the City's website at least 10 days prior to the scheduled hearing or meeting.

Date: \_\_\_\_\_ (signed) \_\_\_\_\_

**STAFF REPORT** mailed to applicant, City Council/Planning Commission and any other applicable parties 10 days prior to the scheduled hearing.

(date) \_\_\_\_\_ (signed) \_\_\_\_\_

**FINAL DECISION** notice mailed to applicant, all other parties with standing, and, if zone change, the County surveyor's office.

(date) \_\_\_\_\_ (signed) \_\_\_\_\_

# PUBLIC NOTICE CHECKLIST

**FILE NO.:** MISC - 13-06 **SITE ADDRESS:** 4997 Summit

**PROJECT MANAGER:** Sara Javoronok **DATE:** 8/6

**MAILING DEADLINE DATE** - ~~14~~-day or 20-day (circle one): N/A (mail 8/21)

**PUBLISH IN LOCAL PAPER** (4 days prior): Yes  No  8/22 AND

**MEETING DATE:** Council - 9/9 8/29 AND 9/5

**SEND TO (check where applicable):**

**Applicant Name:** JT Smith **Applicant Address:** 5285 Meadows Rd. Ste. 171  
Lake O 97035

*If Applicant Representative or Owner to receive please list in others below:*

- School District/Board \_\_\_\_\_
- Metro \_\_\_\_\_
- Tri-Met \_\_\_\_\_
- Clackamas County \_\_\_\_\_
- ODOT (if on State Hwy. or over 40 dwelling units) \_\_\_\_\_
- Neighborhood Assn(s) \_\_\_\_\_

- Division of State Lands \_\_\_\_\_
- US Army Corps of Engineers \_\_\_\_\_
- Stafford-Tualatin CPO \_\_\_\_\_
- City of Lake Oswego \_\_\_\_\_
- Dept. of Fish & Wildlife \_\_\_\_\_
- Other(s): \_\_\_\_\_

(please specify) Sunset, Parker Crest, Rosemont

Other(s): LF 10, LLC  
5285 Meadows Rd. Ste. 171  
Lake O. 97035

Other(s): Andrew Tull, 3T Consulting, Inc  
10445 SW Canyon Rd. Ste. 245  
Beaverton, OR 97005

Other(s): Michael Robinson  
Perkins Coie  
1120 Couch St. 10th Fl.  
Portland 97209-4128

Other(s): \_\_\_\_\_

Other(s): \_\_\_\_\_

Other(s): \_\_\_\_\_

**NOTICE OF STREET VACATION  
CITY OF WEST LINN  
CITY COUNCIL  
PUBLIC HEARING NOTICE  
FILE NO. MISC-13-06**

The West Linn City Council is scheduled to hold a public hearing on Monday, September 9, 2013, **starting at 6:30 p.m.** in the Council Chambers of City Hall, 22500 Salamo Road, West Linn, to consider a request by JT Smith Companies to vacate an approximately 3,132 sq. ft. section of right-of-way along Gloria Drive adjacent to 4997 Summit Street. The request was filed by the petitioner, JT Smith Companies, on July 2, 2013.

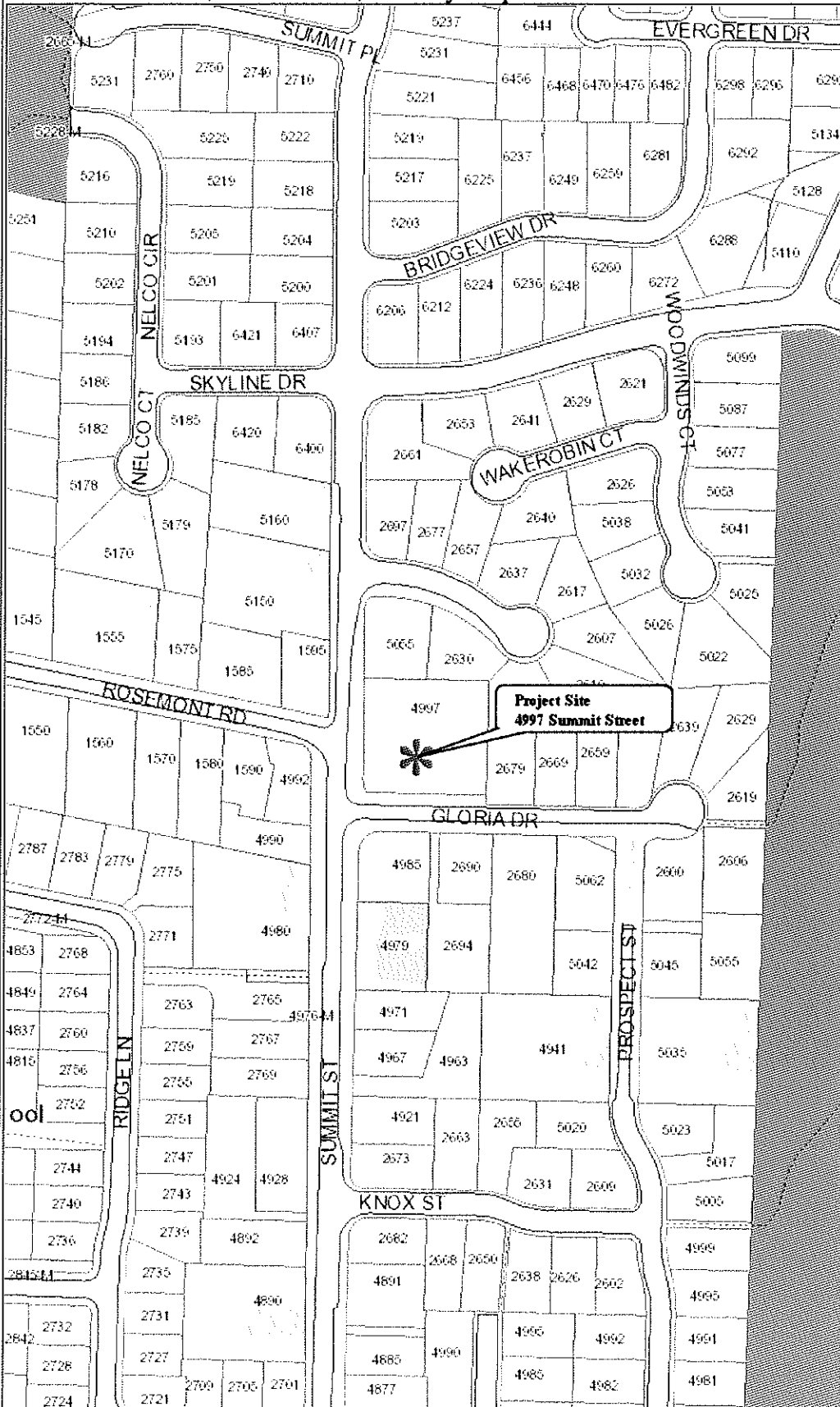
The decision by the City Council shall consider the requirements of ORS 271.120. Approval or disapproval of the vacation by the City Council will be based upon these requirements and these requirements only. At the hearing, it is important that comments relate specifically to the applicable requirements.

The complete application in the above noted file is available for inspection at no cost at City Hall or via the web site at <http://westlinnoregon.gov/planning/4997-summit-street-request-street-vacation-gloria-drive>, or copies can be obtained for a minimal charge per page. At least ten days prior to the hearing, a copy of the staff report will be available for inspection at no cost, or copies can be obtained for a minimal charge per page. For further information, please contact Sara Javoronok, Associate Planner, at City Hall, 22500 Salamo Road, West Linn, OR 97068, [sjavoronok@westlinnoregon.gov](mailto:sjavoronok@westlinnoregon.gov), or 503-722-5512.

Anyone wishing to present written testimony on this proposed action may do so in writing prior to, or at the public hearing. All written testimony, objections, or other documents submitted to the City Manager's office by 5:00 p.m. on September 3 will be presented to the City Council for consideration. All other written materials must be presented in person at the hearing. Oral testimony may be presented at the public hearing. At the public hearing, the City Council will receive a staff presentation, and invite both oral and written testimony. The City Council may continue the public hearing to another meeting to obtain additional information, leave the record open for additional evidence, arguments, or testimony, or close the public hearing and take action on the application as provided by state law. Failure to raise an issue in person or by letter at some point prior to the close of the hearing, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes an appeal based on that issue.

SHAUNA SHROYER  
Planning Administrative Assistant

# 4997 Summit St, MISC-13-06, Vicinity Map



Legend

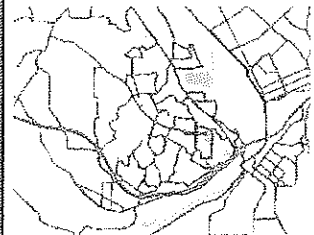
Parks

City Property Inventory

Buildings and Structures



Scale 1:2,400 - 1 in = 200 ft  
Scale is based on 8-1/2 x 11 paper size



Map created by: sshroyer  
Date Created: 24-Jul-13 09:08 AM

**WEST LINN GIS**

DISCLAIMER: This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information. Source: West Linn GIS (Geographic Information System) MapOptrix.



**NOTICE OF STREET VACATION  
CITY OF WEST LINN  
CITY COUNCIL  
PUBLIC HEARING NOTICE  
FILE NO. MISC-13-06**

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SHAUNA SHROYER  
Planning Administrative Assistant

Publish: West Linn Tidings, August 22, August 29 and September 5, 2013

J T SMITH COMPANIES  
5285 MEADOWS RD., STE 171  
LAKE OSWEGO, OR 97035

LF 10, LLC  
J T SMITH  
5285 MEADOWS RD., STE 171  
LAKE OSWEGO, OR 97035

ANDREW TULL  
3J CONSULTING, INC  
10445 SW CANYON RD, STE 245  
BEAVERTON, OR 97005

MICHAEL ROBINSON  
PERKINS COIE LLC  
1120 NW COUCH ST, 10TH FLOOR  
PORTLAND, OR 97209-4128

BILL RELYEA  
PARKER CREST NA PRESIDENT  
3016 SABO LN  
WEST LINN OR 97068

TROY BOWERS  
SUNSET NA PRESIDENT  
2790 LANCASTER ST  
WEST LINN OR 97068

DOREEN VOKES  
SUNSET NA SEC/TREAS  
4972 PROSPECT ST  
WEST LINN OR 97068

DEAN SUHR  
ROSEMONT SUMMIT NA  
21345 MILES DR  
WEST LINN, OR 97068

**LEGAL DESCRIPTION OF PROPOSED STREET VACATION AREA OF GLORIA DRIVE**

A TRACT OF LAND SITUATED IN THE SOUTHEAST 1/4 OF SECTION 25, TOWNSHIP 2 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THAT TRACT OF LAND CONVEYED TO THE CITY OF WEST LINN BY DEED RECORDED IN BOOK 603, PAGE 736, CLACKAMAS COUNTY DEED RECORDS; THENCE ALONG THE SOUTH LINE OF SAID CITY OF WEST LINN TRACT SOUTH  $89^{\circ}37'20''$  WEST 173.87 FEET TO THE EAST LINE OF THAT SECOND TRACT OF LAND CONVEYED TO THE CITY OF WEST LINN BY DEED RECORDED AS DOCUMENT NUMBER 78-7275, CLACKAMAS COUNTY DEED RECORDS; THENCE ALONG THE EAST LINE OF SAID SECOND TRACT 33.69 FEET ALONG THE ARC OF A 35.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHEAST THROUGH A CENTRAL ANGLE OF  $55^{\circ}09'00''$  (LONG CHORD BEARS NORTH  $62^{\circ}48'10''$  WEST 32.40 FEET) TO THE NORTH LINE OF THE FIRST DESCRIBED TRACT OF LAND CONVEYED TO THE CITY OF WEST LINN BY DEED RECORDED IN BOOK 603, PAGE 736, CLACKAMAS COUNTY DEED RECORDS; THENCE ALONG SAID NORTH LINE NORTH  $89^{\circ}37'20''$  EAST 202.56 FEET TO THE NORTHEAST CORNER OF SAID FIRST DESCRIBED TRACT; THENCE ALONG THE EAST LINE OF SAID FIRST DESCRIBED TRACT SOUTH  $00^{\circ}29'48''$  EAST 15.00 FEET TO THE POINT OF BEGINNING.

BEARINGS IN THIS DESCRIPTION ARE BASED UPON THE SOUTH LINE OF ROSEMONT ROAD, AS ESTABLISHED BY AND SHOWN ON PARTITION PLAT NO. 1998-89, HAVING A BEARING OF NORTH  $80^{\circ}22'33''$  WEST. THIS STATEMENT IS AN OFFICIAL PART OF THIS DESCRIPTION.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 14, 1978  
DON DEVLAEINCK  
1634

DATE OF SIGNATURE: 8/27/13

EXPIRES 12/31/2013

TAX LOT 600  
MAP 2-1E-25DB

TAX LOT 101  
MAP 2-1E-25DB

TAX LOT 115  
MAP 2-1E-25DB

TAX LOT 500  
MAP 2-1E-25DB

TAX LOT 116  
MAP 2-1E-25DB

FOUND 5/8" IRON ROD WITH A RED PLASTIC  
CAP STAMPED "CENTERLINE CONCEPTS INC."  
AT THE NORTHWEST CORNER OF MCDOWELL  
TRACT PER BOOK 605, PAGE 650

S00°29'48"E 173.99'

LENGTH=21.22'  
RADIUS=35.00'  
DELTA=34°43'52"

LENGTH=33.69'  
RADIUS=35.00'  
DELTA=55°09'00"  
CHORD=S62°48'10"E 32.40'

10' P.U.E. (TO BE  
RESERVED UPON  
STREET VACATION)

S00°29'48"E  
15.00'

S89°37'20"W 202.56'

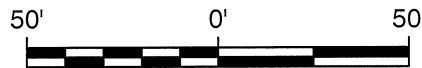
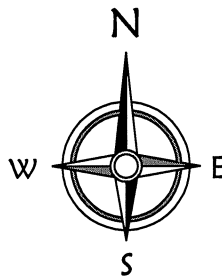
N89°37'20"E 173.87'

GLORIA DRIVE

15'  
50'

ROSEMONT ROAD

SUMMIT AVENUE



Scale: 1" = 50'

### EXHIBIT "B" PROPOSED STREET VACATION AREA

7194 Exh.dwg

engineering surveying planning  
**COMPASS ENGINEERING**  
4107 SE International Way, Suite 705 503.653.9093  
Milwaukie, Oregon 97222 www.compass-engineering.com

LOCATED IN THE SE 1/4 SECTION 25,  
T.2S., R.1E., W.M., CITY OF WEST LINN,  
CLACKAMAS COUNTY, OREGON

**ORDINANCE NO. 1615**

**AN ORDINANCE RELATING TO THE VACATION OF A PORTION OF THE  
GLORIA DRIVE RIGHT-OF-WAY WITHIN THE CITY OF WEST LINN, OREGON,  
AND RETAINING A PUBLIC UTILITY EASEMENT.**

**WHEREAS**, JT Smith Companies submitted a petition to vacate a portion of the Gloria Drive right-of-way on July 2, 2013; and

**WHEREAS**, the City published notice of the proposed street vacation in the West Linn Tidings on August 22, 29, and September 3, 2013, and City staff posted a copy of the notice with all required information at two conspicuous places near each end of the proposed vacation area; and,

**WHEREAS**, the City Council held a public hearing on the proposed vacation on September 9, 2013; and,

**WHEREAS**, the applicants obtained the consent of 100 percent of abutting property owners and the consent of two-thirds of the property owners of the affected area as required by ORS 271.080; and,

**WHEREAS**, the public interest will not be prejudiced by the vacation because the portion of Gloria Drive being vacated is not developed, and the City does not plan to develop it; and,

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

**SECTION 1. Vacation.** The portion of Gloria Drive in the City of West Linn, Clackamas County, Oregon, adjacent to 4997 Summit Street, as more particularly described in Exhibit A (property description) and Exhibit B (map), is vacated.

**SECTION 2. Public Utility Easement.** A public utility easement, shown in Exhibit B and incorporated by this reference, shall be retained over the property for utility access.

**SECTION 3. Vacation Effective Date.** This ordinance shall take effect on the 30<sup>th</sup> day after its passage. The vacation shall be effective when a certified copy of this Ordinance is recorded with the Clackamas County Clerk, county assessor and county surveyor pursuant to ORS 271.150.

**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.

PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

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JOHN KOVASH, MAYOR

The foregoing ordinance was first read by title only in accordance with Chapter VIII, Section 2(C) of the City Charter on the \_\_\_\_\_ day of \_\_\_\_\_, 2013, and duly PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

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KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

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CITY ATTORNEY