

ORDINANCE NO. 18-1027

AN ORDINANCE OF THE CITY OF OREGON CITY DESIGNATING THE OLD CANEMAH PARK AS A PARK UNDER OREGON CITY CHARTER CHAPTER X

WHEREAS, legend has it that Old Canemah Park, identified as Tax Lot 2703 of 2-2E-31CC, was the first public park in Clackamas County established in 1882 by two Oregon City saloon keepers, Morris Broderick and John Giebisch; and

WHEREAS, as early as 1902, the Park was owned by the Oregon Water Power & Railway Company who leased the Park to the City of Oregon City in the early 1920s for use as an auto park; and

WHEREAS, Hawley Pulp & Paper Company donated money to the City resulting in the auto park being called the Hawley Auto Park until all mention of the auto park disappeared after 1926; and

WHEREAS, the Oregon Water Power & Railway Company eventually merged with other entities and an eventual subsidiary, Portland General Electric (PGE), became the owner of the Park circa 1924; and

WHEREAS, on April 12, 1984, Clackamas County and the City of Oregon City entered into an intergovernmental agreement with a plan for Clackamas County to acquire the Park using federal grant funds and the City to subsequently purchase the property from the County for one dollar; and

WHEREAS, Clackamas County acquired the property that includes Old Canemah Park from PGE for \$48,000 with the deed being recorded at Clackamas County as 1985-021432; and

WHEREAS, on January 28, 1986, Old Canemah Park was deeded to the City of Oregon City by Clackamas County, said deed being recorded at Clackamas County as 1986-003463; and

WHEREAS, PGE maintains a 30' wide utility easement through the middle of the property which shall exist until such time as PGE or its successors fail to use the easement for a continuous period of five years; and

WHEREAS, a Clackamas County owned road, 5th Avenue, bisects Tax Lot 2703 of 2-2E-31CC in the southeast corner of Tax Lot 2703; and

WHEREAS, 5th Avenue and a sliver of Tax Lot 2703 southeast of 5th Avenue have always served as roadway or road right-of-way, has never served as a park, and shall be excluded from the charter park overlay; and

WHEREAS, the 1999 Parks Master Plan identified Old Canemah Park as a partially developed park and excluded 5th Avenue and the sliver of land southeast of 5th Avenue in its description and map; and

WHEREAS, designating Old Canemah Park as a park under Chapter X of the City Charter would ensure protection of the park by preventing the transfer, sale, vacation or major changes to Old Canemah Park without a legal vote of the people; and

WHEREAS, the status of Oregon City's parks as charter parks has been discussed by the Parks & Recreation Advisory Committee (PRAC) and at a regular meeting held on September 27, 2018, PRAC recommended that staff prepare an ordinance for adoption by the City Commission recognizing Old Canemah Park as a charter park.

NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:

Section 1. Old Canemah Park, identified as 2-2E-31CC-02703, with the boundaries as shown on the map attached to this Ordinance as Exhibit A, is hereby designated as a park in accordance with the Charter of Oregon City, Chapter X, Section 43, creating a permanent park for the enjoyment of the citizens of Oregon City.

Read for the first time at a regular meeting of the City Commission held on the 5th day of December, 2018, and the City Commission finally enacted the foregoing Ordinance this 19th day of December, 2018.

DAN HOLLADAY, Mayor

Attested to this 19th day of December, 2018:

Approved as to legal sufficiency:

Kattie Riggs, City Recorder

City Attorney

Attachment:
Exhibit A –Map of Park