

RESOLUTION NO. 18-26

A RESOLUTION TO ALLOW A DECK AS A REVOCABLE RIGHT- OF-WAY OBSTRUCTION AT 320 TUMWATER DR (TAX LOT 2-2E-31CA-04800), OREGON CITY, CLACKAMAS COUNTY, OREGON

WHEREAS, an approximately 10-foot by 20-foot attached deck ("DECK") has been rebuilt on the southern side of the house at 320 Tumwater Dr ("PROPERTY") wholly within the adjacent right-of-way (see 'Exhibit A - Site Maps'); and

WHEREAS, the property owner seeks a City Building Division permit for the deck, which first requires that a Public Works long-term obstruction permit for permanent obstruction in the right-of-way be obtained; and

WHEREAS, the subject right-of-way ("ROW") section adjacent to the PROPERTY is sloped upwards towards S High St at a grade steeper than 25%, making development of the ROW into a local street impractical per Oregon City Municipal Code section 12.04.175.A; and

WHEREAS, Public Works has determined that the proposed DECK will not interfere with any other uses of the ROW; and

WHEREAS, the Oregon City Municipal Code 12.04.120 requires that permanent obstructions in a public right-of-way be approved by the City Commission by passage of a resolution; and

WHEREAS, following passage of this resolution, Oregon City Public Works will issue a "Revocable Long-Term Right-of-Way Obstruction Permit", RWOBS-18-00012 (see 'Exhibit B – Pending Permit'), which includes a covenant for maintenance of the DECK (see 'Exhibit C – Maintenance Covenant').

NOW, THEREFORE, OREGON CITY RESOLVES:

Section 1. Authorize the City Engineer to issue a Revocable Long-Term Right-of-Way Obstruction permit, RW OBS-18-00012, at 320 Tumwater Dr for the DECK in the ROW adjacent to the PROPERTY.

Section 2. Approval of Resolution No. 18-26, which will take effect immediately upon its adoption.

Approved and adopted at a regular meeting of the City Commission held on the 5th day of September, 2018.

Attested to this 5th day of September, 2018:

Approved as to legal sufficiency:

Kattie Riggs, City Recorder

City Attorney