



City of Oregon City

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Staff Report

File Number: PUB 17-016

Agenda Date: 9/20/2017

Status: Agenda Ready

To: City Commission

Agenda #: 7a.

From: Public Works Director John Lewis

File Type: Public Works Item

SUBJECT:

Accept or Reject the Street Vacation Application Proposing to Vacate a Portion of Division Street Public Right-of-Way Located Along 752 Division Street

RECOMMENDED ACTION (Motion):

Staff recommends the City Commission reject the street vacation application proposing to vacate a portion of Division Street Public Right-of-Way located along 752 Division Street.

BACKGROUND:

The City received an application seeking the vacation of a portion of Division Street public right-of-way from Mihaela Serac, owner of the property located at 752 Division Street, by and through her attorneys at Vial Fotheringham LLP. The portion of right-of-way is approximately 30 feet wide and 100 feet long spanning the length of her property at 752 Division Street, also known as Taxlot 100, Tax map 22E32CA.

Public Works Engineering reviewed the application and found this proposed right-of-way vacation has a negative effect on public and private infrastructure and is not in the best public interest. Therefore Public Works Engineering does not support any further consideration of this application and recommends rejecting the application based on reasons further listed below.

Public Works Engineering informed the applicant that both the City Engineer and Public Works Director are not supportive of vacating this segment of Division Street public right-of-way. Even with Public Works management staff being non-supportive of this application, the applicant would still like to proceed with an official determination of whether the application is rejected. The City Commission, as the governing body, has the authority to reject the application that petitions for the vacation of public right-of-way or not.

Public Works recommends the City Commission reject the Street Vacation Application because of the following reasons.

1. There is a present need for this portion of Division Street public right-of-way:
 - The proposed street vacation area includes the supporting slope embankment for the Division Street roadway.
 - There are public underground utilities and other private utility infrastructure located within the existing paved roadway section that are also supported by this slope embankment.
2. There are also future public needs for this portion of Division Street public right-of-way:
 - Public Works will be preparing a "Division Street Corridor Plan" within the next 5 years to plan for street improvements that may include sidewalk(s) along this section of Division

St, therefore the existing public right-of-way needs to accommodate these future improvements.

3. The vacation is not in the best public interest.

- If a vacation were granted, then the slope embankment for the roadway would be located on private property with the City having no property rights to maintain, operate, replace, and/or improve the road's slope embankment.
- If the slope failed, then public and private infrastructure could be in danger, therefore this portion of the slope embankment needs to remain within the public right-of-way.
- There are public underground utilities and private utility infrastructure located within the existing paved roadway section that are supported by this slope embankment area. This infrastructure includes South Fork Water Board 24-inch prestressed concrete water transmission main, City 6-inch cast iron water main, City 8-inch pvc sanitary sewer main and manhole structure, City 10-inch stormwater main and manhole structure, PGE power pole and aerial lines.
 - For reference, the site location and utility map show the approximate locations of the public utilities.

If the City Commission rejects the application, then the application for the vacation is officially denied. If the City Commission does not reject the application, then the application fee shall be paid by the applicant and Public Works Engineering will initiate the process for the vacation. Public Works recommends the City Commission reject the Street Vacation Application.