

RESOLUTION NO. 16-20

A RESOLUTION CALLING FOR AN ELECTION TO APPROVE THE CHANGE IN STATUS AND CONSTRUCTION OF IMPROVEMENTS FOR A PORTION OF THE WESLEY LYNN PARK UNDER SECTION 41 OF THE OREGON CITY CHARTER, AND ADOPTING A BALLOT TITLE

WHEREAS, Wesley Lynn Park is a City park located on the south side of the City that was created through the purchase of property for use as a park; and

WHEREAS, Wesley Lynn Park is subject to the protection of Chapter X of the Oregon City Charter, including a prohibition on the change in status of a park or the construction of improvements on park land without a vote of the people; and

WHEREAS, the owner of property adjacent to undeveloped northwestern portion of Wesley Lynn Park, who also has an easement for the use of a portion of Wesley Lynn Park for road purposes; and

WHEREAS, the owner of the property adjacent to the undeveloped northwestern portion of Wesley Lynn Park would like to develop a subdivision and use the easement area to construct a public road to serve the development and install an underground stormwater drain across a portion of Wesley Lynn Park at no cost to the City; and

WHEREAS, the public road would likely provide future access to Wesley Lynn Park and the stormwater facility may also be used by the Park in the future, but the City is not currently in a position to construct that access or otherwise improve the Park; and

WHEREAS, the City Commission has determined that it would be in the public interest to change the status of a portion of Wesley Lynn Park to allow a portion of Wesley Lynn Park to be used for road and utility purposes; and

WHEREAS, the City Commission considered this matter on January 12, 2016, and referred the question to the electors of Oregon City on May 17, 2016; and

WHEREAS, the election results of the May 17, 2016 vote was within six votes of passing and, therefore, the City worked with the developer to clarify the summary of the ballot; and

WHEREAS, the City Commission considered this matter for a second time on July 12, 2016, and, after reviewing the information presented, reached consensus to continue with further City process and subject to this referral; and

WHEREAS, Section 41 of the City Charter of Oregon City requires voter approval of the sale, lease, transfer, or change in status of park land.

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

Section 1. A regular City election is called in and for the City of Oregon City, to be held Tuesday, November 8, 2016. The Clackamas County Clerk shall conduct the election.

Section 2. At that election a measure shall be submitted to the voters of Oregon City to allow the change in status of a portion of Wesley Lynn Park to allow for the construction of a public road and to allow the granting of an easement for stormwater facilities to serve a subdivision on adjacent property and for potential future use by the Park.

Section 3. The City Commission adopts the following ballot title to describe the measure to be placed before the voters at the November 8, 2016 regular City election. The City Manager is directed to file the following ballot title, along with the explanatory statement prepared by either the City Manager or City Attorney, with the City Recorder:

Measure No. _____:

CAPTION: Changes status of Wesley Lynn Park; allows easement, public road.

QUESTION: Shall the status of a portion of Wesley Lynn Park change to allow construction of a public road and utilities?

SUMMARY: The City Charter requires voter approval for the change in status of a city park to allow for a public street dedication and stormwater easement (other than for recreation) that will serve the city park and an adjacent small single family development. A property owner who owns the property adjacent to the northwest of an undeveloped portion of Wesley Lynn Park wishes to construct a public street within an existing roadway easement and install utilities at no cost to the City using a portion of the park. The existing roadway easement, which benefits the adjacent property owner, was created for roadway purposes before the park was established. The public street would serve both a small single family subdivision and would also serve as park access. In addition, the property owner would be granted a fifteen foot wide easement to allow the installation of an underground stormwater drainage facility to convey storm water from the proposed public street and the adjacent property.

Approved and adopted at a regular meeting of the City Commission held on the 20th day of July 2016.

DAN HOLLADAY, Mayor

Attested to this 20th day of July 2016:

Approved as to legal sufficiency:

Kattie Riggs, City Recorder

City Attorney