

**RESOLUTION NO. 16-13**

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**A RESOLUTION AUTHORIZING ISSUANCE OF A PERMANENT BUT REVOCABLE OBSTRUCTION PERMIT FOR EXISTING AND REPLACEMENT FENCING WITHIN THE MCKINLEY AVENUE AND PROMONTORY AVENUE RIGHTS-OF-WAY (ROW) PROPOSED BY THE OWNERS OF 801 BRIGHTON AVENUE, OREGON CITY, OREGON**

**WHEREAS**, rear and side yard fencing at 801 Brighton Avenue (also known as Tax Lot 8000 of Tax Map 2-2E-31DB) has existed for an extended length of time in the unimproved Promontory Avenue and unimproved McKinley Avenue ROW; and

**WHEREAS**, Wesley and Virginia Harper, the owners of the above mentioned 801 Brighton Avenue, hereinafter called OWNERS, installed but were recently required to remove a newly constructed concrete block fence at the rear yard per notice by the City of Oregon City, hereinafter called CITY; and

**WHEREAS**, said notice was issued because the concrete block fence was constructed without CITY authorization or permits; and

**WHEREAS**, the OWNERS desire to obtain CITY authorization to install a CITY approved fence along the rear yard in unimproved Promontory Avenue at 801 Brighton Avenue as shown in Exhibit A; and

**WHEREAS**, concerning permanent obstructions, Municipal Code 12.04.120 states "It is unlawful for any person to place, put or maintain any obstruction, other than a temporary obstruction, . . . , in any public street or alley in the city, without obtaining approval for a right-of-way permit from the commission by passage of a resolution"; and

**WHEREAS**, a "Permanent Obstruction Right-of-Way Permit" is needed (as approved by the City Commission) for placement, maintenance and replacement of the existing and proposed fencing for 801 Brighton Avenue, hereinafter called FENCING; and

**WHEREAS**, a "Permanent Obstruction Right-of-Way Permit" would allow the owner to obstruct the ROW but in no way does this record obligate the CITY to repair or compensate the property owner for property repairs in the event that the City needs use of the right-of-way.

**NOW, THEREFORE, BE IT RESOLVED** by the City Commission of the City of Oregon City, Oregon, to approve Resolution No. 16-13 authorizing the issuance of a revocable "Obstruction in the Right-of-Way" permit for the placement, maintenance and replacement of City approved FENCING in the ROW described above.

Approved and adopted at a regular meeting of the City Commission held on the 17<sup>th</sup> day of August 2016.

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DAN HOLLADAY, Mayor

Attested to this 17th day of August 2016:

Approved as to legal sufficiency:

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Kattie, City Recorder

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City Attorney