

**RESOLUTION NO. 18-23**

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**A RESOLUTION TO ALLOW A RETAINING WALL AS A REVOCABLE RIGHT-OF-WAY OBSTRUCTION WITHIN THE RIGHT OF WAY AT 625 4<sup>TH</sup> STREET (TAX LOT 3-1E-01AA-01501), OREGON CITY, CLACKAMAS COUNTY, OREGON**

**WHEREAS**, a new residence is being built at 625 4<sup>th</sup> Street; and

**WHEREAS**, the topography of the site creates the need for retaining walls to enter the garage and entrance of the new residence; and

**WHEREAS**, the geologic hazard onsite prevents the property from being buildable without locating the house closer to the right of way which creates the need for the retaining walls; and

**WHEREAS**, the retaining wall is designed per City standards; and

**WHEREAS**, Oregon City Public Works staff has determined that the retaining wall would not constrain the current public use of 4<sup>th</sup> Street; and

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

**WHEREAS**, following the resolution passage, Oregon City Public Works will issue a "Revocable Right-of-Way Obstruction Permit", RW OBS-18-00011, for the existing porch and walkway and maintenance of the porch and walkway by the owner; and

**NOW, THEREFORE, OREGON CITY RESOLVES:**

**Section 1.** To authorize the City Engineer to issue a Revocable Right-of-Way Obstruction permit, RW OBS-18-00011, at 625 4<sup>th</sup> Street for retaining wall encroachments and maintenance of the retaining wall by the owner.

**Section 2.** Approval of Resolution No. 18-23, which will take effect immediately upon its adoption.

Approved and adopted at a regular meeting of the City Commission held on the 15<sup>th</sup> day of August, 2018.

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DAN HOLLADAY, Mayor

Attested to this 15<sup>th</sup> day of August 2018:

Approved as to legal sufficiency:

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Kattie Riggs, City Recorder

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City Attorney