

## RESOLUTION NO. 18-40

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### **A RESOLUTION TO ALLOW PRIVATE UTILITY SERVICE LINES AS REVOCABLE LONG-TERM RIGHT-OF-WAY OBSTRUCTIONS AT TAX LOTS 3S-1E-01AA-02200, -03600, AND -03700, OREGON CITY, CLACKAMAS COUNTY, OREGON**

**WHEREAS**, the multifamily development approved under City Land Use case file numbers SP 17-145 and US 17-09, known as “Canemah Cottages” (“PROPERTY”), adjoins two parcels which are divided by a section of unimproved right-of-way (see “Exhibit A - Site Plan”); and

**WHEREAS**, Public Works requires multifamily housing to be served by one private utility service line for each utility type (water, sanitary sewer, and storm sewer); and

**WHEREAS**, two of the five buildings that are part of the development are opposite a section of unimproved right-of-way (alley) from the public utility mains in Miller Street; and

**WHEREAS**, the developer proposes running the two individual private building utility service lines (“LINES”) to Miller Street through the unimproved right-of-way; and

**WHEREAS**, Public Works requires the private utility services in the right-of-way to be constructed to Public Works Design Standards; and

**WHEREAS**, Public Works determined no adverse impacts to the right-of-way result; and

**WHEREAS**, a maintenance and release covenant has been executed for the LINES (see “Exhibit B - Covenant for Maintenance, Release and Indemnity”); 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 passage of this resolution, Oregon City Public Works will issue a "Revocable Long-Term Right-of-Way Obstruction Permit," RWOBS-18-00019, which includes a covenant for maintenance of the WALL.

### **NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:**

**Section 1.** Authorize the City Engineer to issue a Revocable Long-Term Right-of-Way Obstruction permit, RWOBS-18-00028 for the design, construction, and maintenance of the LINES by the PROPERTY owner.

**Section 2.** This resolution shall take effect immediately upon its adoption by the City Commission.

Approved and adopted at a regular meeting of the City Commission held on the 7th day of November 2018.

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DAN HOLLADAY, Mayor

Attested to this 7<sup>th</sup> day of November 2018:

Approved as to legal sufficiency:

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Kattie Riggs, City Recorder

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City Attorney