

RESOLUTION NO. 18-35

A RESOLUTION TO ALLOW A RETAINING WALL AS A REVOCABLE LONG-TERM RIGHT-OF-WAY OBSTRUCTION AT 716 4TH AVENUE, OREGON CITY, CLACKAMAS COUNTY, OREGON

WHEREAS, the on-street parking along the 4th-Ave frontage of 716 4th Ave ("PROPERTY") (see 'Exhibit A - Site Map') is limited by topography and slopes adjacent to the pavement; and

WHEREAS, the pavement width of approximately 22 feet along the 4th Ave frontage of the PROPERTY is reduced in effective width when cars are parked along the street – with its limited on-street parking – creating a potential access problem for fire apparatus; and

WHEREAS, the owner of the PROPERTY has proposed construction of a two-foot tall and 54-foot long engineered rockery retaining wall approximately 6 feet from the edge of pavement along the PROPERTY frontage on 4th Ave ("WALL") (see 'Exhibit B – Engineered Wall Plan'); and

WHEREAS, Public Works finds that the use of the on-street parking created by the wall will not limit sight distance to or from intersecting Blanchard Street; and

WHEREAS, Oregon City Public Works staff has determined that the proposed WALL will not adversely impact the right-of-way; and

WHEREAS, a Maintenance and Release Covenant has been executed for the WALL (see 'Exhibit C – Maintenance and Release Covenant'); 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 (see 'Exhibit C – Maintenance Covenant').

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-18-00019, at 716 4th Avenue for design, construction, and maintenance of the WALL 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.

DAN HOLLADAY, Mayor

Attested to this 7th day of November 2018:

Approved as to legal sufficiency:

Kattie Riggs, City Recorder

City Attorney