

RESOLUTION NO. 19-06

A RESOLUTION ALLOWING RETAINING WALLS AS A REVOCABLE RIGHT- OF-WAY OBSTRUCTION AT 1102 14TH AVE (TAX LOT 2-2E-32BB-02801), OREGON CITY, CLACKAMAS COUNTY, OREGON

WHEREAS, the right-of-way along the 14th Street frontage of 1102 14th Ave ("PROPERTY") (see 'Exhibit A - Site Maps') is currently sloped upwards, away from 14th St, at a 2:1 (H:V) grade or steeper starting at approximately 4 feet from edge-of-pavement; and

WHEREAS, the slope reduces the ability to maintain the right-of-way adjacent to the PROPERTY; and

WHEREAS, the stability of the slope, which is located adjacent to the home on the PROPERTY, would benefit from slope retaining walls; and

WHEREAS, the property owner has applied for a permit for construction of slope retaining walls ("WALLS") within the right-of-way to resolve aforesaid conditions; and

WHEREAS, Oregon City Public Works staff has determined that the WALLS, as designed, would not constrain the public use of the 14th Street right-of-way (see 'Exhibit B – Approved Design'); 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", RW OBS-18-00016 (see 'Exhibit C – Pending Permit'), which includes a covenant for maintenance of the WALLS (see 'Exhibit D – Maintenance Covenant').

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

Section 1. The City Commission authorizes the City Engineer to issue a Revocable Long-Term Right-of-Way Obstruction permit, RW OBS-18-00016, at 1102 14th St for design, construction, and maintenance of the WALLS 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 6th day of February 2019.

DAN HOLLADAY, Mayor

Attested to this 6th day of February 2019:

Approved as to legal sufficiency:

Kattie Riggs, City Recorder

City Attorney