

## ORDINANCE NO. 19-1003

---

### **AN ORDINANCE OF THE CITY OF OREGON CITY UPDATING THE PROPERTY DESCRIPTION OF THE MOUNTAIN VIEW CEMETERY PREVIOUSLY DESIGNATED AS A PARK UNDER OREGON CITY CHARTER CHAPTER X**

**WHEREAS**, originally dedicated as the “Mt. View Park Cemetery” through the adoption of Ordinance 714 presented to the City Commission for its second reading on January 6, 1915, and renamed “Mountain View Cemetery” through the adoption of Ordinance 1093 presented to the City Commission for its second reading on March 3, 1926; and

**WHEREAS**, Ordinance 86-1006 designated the Mountain View Cemetery as a City Park which gave it charter park protection under Oregon City Charter Chapter X; and

**WHEREAS**, Ordinance 86-1006 became effective on June 4, 1986, and identified the Mountain View Cemetery as all contiguous real property owned by the City of Oregon City abutting upon and lying southerly of Duane Street; and

**WHEREAS**, Ordinance 86-1006 included the original or primary cemetery tax lot of 3-2E-05A -01000, which is comprised of all or portions of deeds recorded at Clackamas County in 1863 as Book D, Page 475; in 1897 as Book 65, Page 174; in 1909 as Book 108, Page 21; and in 1929 as Book 196, Page 456; and

**WHEREAS**, Ordinance 86-1006 also included eight additional tax lots, identified as 3-2E-05A -00800&00900&01100 recorded as 1974-023274, 1974-023273, and 1972-000452, respectively; 3-2E-05BA-02800&02900&03000 recorded as Book 565, Page 395, Book 507, Page 462, and Book 519, Page 252, respectively; and 3-2E-05BD-00100&02500 recorded as Book 489, Page 21 and 1972-031711, respectively; and

**WHEREAS**, after the adoption of Ordinance 86-1006, one parcel (3-2E-05BA-02700) bounded on three sides by the Mountain View Cemetery and adjacent to the Cemetery office was acquired for \$509,940 by the Parks and Recreation Department using Parks System Development Charges; and

**WHEREAS**, the City Commission Report identified that the parcel was needed to expand the Park Operations Facility located at the Mountain View Cemetery; and

**WHEREAS**, said deed was recorded on October 16, 2017, as 2017-070664; and

**WHEREAS**, the 1999 Parks Master Plan identified the Mountain View Cemetery as a 54-acre partially developed “Special Use Area”; and

**WHEREAS**, updating the description of the Mountain View Cemetery to include this additional tax lot protects all the parcels contained in the cemetery complex as a park under Chapter X of the City Charter and ensures protection of the cemetery by preventing the transfer, sale, vacation or major changes to the Mountain View Cemetery without a legal vote of the people; and

**WHEREAS**, the status of Oregon City's parks as charter parks has been discussed by the Parks & Recreation Advisory Committee (PRAC) and at a regular meeting held on October 15, 2018, PRAC recommended that staff prepare an ordinance for adoption by the City Commission updating the charter park description of the Mountain View Cemetery.

**NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:**

**Section 1.** The Mountain View Cemetery, updated to be identified as 3-2E-05A - 00800&00900&01000&01100, 3-2E-05BA-02700&02800&02900&03000, and 3-2E-05BD-00100&02500 with the boundaries as shown on the map attached to this Ordinance as Exhibit A, is hereby designated as a park in accordance with the Charter of Oregon City, Chapter X, Section 43, creating a permanent park for the enjoyment of the citizens of Oregon City.

Read for the first time at a regular meeting of the City Commission held on the 20th day of February 2019, and the City Commission finally enacted the foregoing Ordinance this 6th day of March 2019.

---

DAN HOLLADAY, Mayor

Attested to this 6th day of March 2019:

Approved as to legal sufficiency:

---

Kattie Riggs, City Recorder

---

City Attorney

Attachment:  
Exhibit A –Map of Park