

## RESOLUTION NO. 19-18

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### **A RESOLUTION TO ALLOW RETAINING WALLS, WALKWAYS, AND STAIRS AS REVOCABLE RIGHT-OF-WAY OBSTRUCTIONS WITHIN THE RIGHT-OF-WAY AT 413 4<sup>TH</sup> AVENUE (TAX LOT 2-1E-36DD-07300), OREGON CITY, CLACKAMAS COUNTY, OREGON**

**WHEREAS**, a new residence is proposed for construction at 413 4<sup>th</sup> Avenue; and

**WHEREAS**, the topography and geologic hazard conditions of the site require the utilization of retaining walls to provide a walkway and driveway which connects the garage and the entrance of the new residence to existing right-of-way for vehicular and pedestrian access; and

**WHEREAS**, the retaining walls, walkways, and stairs were designed per City standards; and

**WHEREAS**, Oregon City Public Works staff has determined that the retaining walls, walkways, and stairs would not constrain the current public use of 4<sup>th</sup> Avenue; 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", RWOBS-19-00015, for the retaining walls, walkways and stairs; and

**WHEREAS**, following the resolution passage, Oregon City Public Works will record, with Clackamas County, a Declaration of Covenant of Maintenance, Release, and Indemnity for the retaining walls, walkways, and stairs provided by the property owner.

### **NOW, THEREFORE, OREGON CITY RESOLVES**

**Section 1.** To authorize the City Engineer to issue a Revocable Right-of-Way Obstruction permit, RWOBS-19-00015, for the retaining walls, walkways, and stairs to the property owner of 413 4<sup>th</sup> Avenue.

**Section 2.** Approval of Resolution No. 19-18, which will take effect immediately upon its adoption.

Approved and adopted at a regular meeting of the City Commission held on the 19<sup>th</sup> day of June 2019.

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DAN HOLLADAY, Mayor

Attested to this 19<sup>th</sup> day of June 2019:

Approved as to legal sufficiency:

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Kattie Riggs, City Recorder

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City Attorney