

## RESOLUTION NO. 20-01

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### **A RESOLUTION TO ALLOW A RETAINING WALL AS REVOCABLE RIGHT-OF-WAY OBSTRUCTION WITHIN THE RIGHT-OF-WAY AT 710 3rd AVENUE (TAX LOT 3-1E-01AA-00501), OREGON CITY, CLACKAMAS COUNTY, OREGON**

**WHEREAS**, a new residence is proposed for construction at 710 3rd Avenue ("PROPERTY"); and

**WHEREAS**, the PROPERTY owner, due to the topography and geologic hazard conditions of the site, seeks the utilization of a retaining wall ("WALL") to provide a 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 WALL shall be designed per City standards; and

**WHEREAS**, Oregon City Public Works staff has determined that the WALL would not constrain the current public use of 3rd 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-19-00038, for the WALL; 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 WALL provided by the property owner.

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

**Section 1.** Authorizes the City Engineer to issue a Revocable Right-of-Way Obstruction permit, RWOBS-19-00038, for the WALL in the right-of-way adjacent to the PROPERTY.

**Section 2.** Approval of Resolution No. 20-01, which will take effect immediately upon its adoption.

Approved and adopted at a regular meeting of the City Commission held on the 15<sup>th</sup> day of January 2020.

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DAN HOLLADAY, Mayor

Attested to this 15<sup>th</sup> day of January 2020:

Approved as to legal sufficiency:

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Kattie Riggs, City Recorder

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City Attorney