



## Legislation Details (With Text)

<b>File #:</b>	18-618	<b>Version:</b>	1	<b>Name:</b>	2nd Reading of Ordinance No. 19-1001
<b>Type:</b>	Resolution	<b>Status:</b>		<b>Status:</b>	Agenda Ready
<b>File created:</b>	12/21/2018	<b>In control:</b>		<b>In control:</b>	City Commission
<b>On agenda:</b>	1/2/2019	<b>Final action:</b>		<b>Final action:</b>	1/2/2019
<b>Title:</b>	Second Reading of Ordinance No. 19-1001, Vacating a Section of Public Right-of-Way Adjacent to 16433 Front Avenue				
<b>Sponsors:</b>	John Lewis				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Staff Report, 2. Ordinance No. 19-1001				

Date	Ver.	Action By	Action	Result
1/2/2019	1	City Commission	approve on second reading and final adoption	Pass

Second Reading of Ordinance No. 19-1001, Vacating a Section of Public Right-of-Way Adjacent to 16433 Front Avenue

### RECOMMENDED ACTION (Motion):

City Commission approve second reading of Ordinance No. 19-1001 for the vacation of a section of right-of-way between tax lots 2-2E-29AD-00600 and 2-2E-29AD-00700

### BACKGROUND:

In April 2018, the property owner at tax lot 2-2E-29AD-00600, addressed as 16433 Front Avenue, applied for vacation of the subject section of right-of-way that is adjacent to their property. Public Works staff determined that the section of right-of-way was too close to the local street to its south ('C' Street), and too close to the local street to its north (Rock Street), per the City of Oregon City's 2013 Transportation System Plan (2013 TSP). Staff determined that all other sections of right-of-way in the area have been vacated, including the extension of the subject section. Staff determined that correct, future development of City streets in this area - following the 2013 TSP - will be private development-driven. Staff determined that the proposed vacation does not conflict with the intended use of the right-of-way as a local street, or other potential uses.

The consulting Professional Land Surveyor determined that the entire section of right-of-way originated from the subdivision that the tax lot addressed as 16433 Front Ave was platted in. Therefore, it has been determined that the right-of-way section, after vacation, would return in entirety to the tax lot addressed as 16433 Front Ave. The right-of-way section will not be split between opposite, abutting properties in this case.

In general, a vacation shall be granted only in the event that all of the following conditions exist:

1. There is no present or future public need for the street, alley, or easement.

2. The vacation is in the best public interest.
3. There would be no impacts to adjacent properties.
4. Consent of adjacent property owners when appropriate.

In this case, the City no longer needs the right-of-way; the vacation is in the public's best interest; the vacation has no impact on adjacent properties; and the adjacent properties are not required to consent to the vacation. All of these conditions have been met.

On December 5th, 2018, Resolution No. 18-29 was adopted and executed for the initiation of the vacation of the above described public alley. On December 19th, 2018, the first reading of Ordinance No. 19-1001 was heard and approved.