



Legislation Text

File #: 18-138, **Version:** 1

Public Right-of-Way Vacation - Tract "C" of Land's End Subdivision

RECOMMENDED ACTION (Motion):

Authorize the Mayor and the City Recorder to execute Resolution No. 18-08, calling for the vacation of a public right-of-way tract, Tax Lot 3-2E-08DA-06000 (no situs address).

BACKGROUND:

On February 14th, 2018, under Planning File No. CP-17-04, the City of Oregon City issued a Type II Master Plan Amendment and Property Line Adjustment Staff Report and Decision for the proposed consolidation of Lot 1, Tract "C", and Tract "D" of the Land's End subdivision into one lot. The applicant owns the aforementioned two lots flanking Tract "C". The Staff Report dictates that the right-of-way vacation process be followed - whereby half of the vacated right-of-way is added to that half's adjacent property, and the other half to its adjacent property - prior to the lot line adjustment (abandonment) process. Staff concluded that the application for General Development Plan amendment and Lot Line Abandonment met the requirements as described in the Oregon City Municipal Code so long as City Commission approves the vacation of Tract "C".

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 cannot use the right-of-way for its originally-intended purpose - access to Lazy Creek Lane - because the tract is closer than 150 feet from re-aligned, adjacent Molalla Avenue; the vacation is in the public's best interest; and the vacation has no impact on adjacent properties as acknowledged by their signature. All of these conditions have been met.

Resolution No. 18-08 vacates public right-of-way Tract "C." Concurrently, Oregon City Public Works requires that a 10-foot-wide Public Utility Easement contiguous with those along the frontages of aforementioned Lot 1 and Tract "D" be dedicated within Tract "C" (even as it is being vacated) so as to be maintained in the resultant lot(s). Lastly, this vacation does not release City interest in the 20-foot-wide public sanitary sewer easement along the north end of Tract "C"; the easement will remain for the benefit of the City of Oregon City concurrently with Tract "C" vacation.

BUDGET IMPACT:

Amount: N/A

FY(s): N/A

Funding Source: N/A