

Canby Planning Commission
Special Meeting
November 13, 1986

MEMBERS PRESENT: Chairman Kahut, Commissioners Davis, Seale,
and Nicholson

MEMBERS ABSENT: Commissioners McKibbin, Clift and Schrader

OTHERS PRESENT: City Administrator Bud Atwood, Public Works
Director Wayne Klem, Secretary Virginia
Shirley, Dick Morse, Elsie Cutsforth and
Frank Cutsforth

The Minutes of the October 13, 1986, were approved as presented.

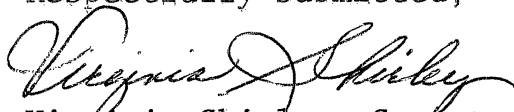
Item #1: Request for reconsideration of conditions placed on a
minor land partition requested at the October 13, 1986, meeting.
The parcel in question is directly south of Canby Builders Supply
with Southern Pacific having ownership. The applicant is Canby
Builders Supply. Mr. Atwood explained that the special meeting
was called at the request of Mr. Morse. Mr. Morse explained
there is a clause in his and Mrs. Cutsforth's deeds on the thirty
(30) foot strip adjacent to their property. The railroad has in-
cluded a clause which precludes them from relinquishing the prop-
erty in any manner or it reverts back to the railroad. For this
reason, Mr. Morse did not want to endanger his right to the thirty
(30) foot strip on the south side of his property.

Discussion followed regarding the railroad's position on the
deed restriction. It did not appear to landlock any other prop-
erty than the railroads. Mrs. Cutsforth or Mr. Morse could buy
the additional property along the railroad tracks and have front-
age on N. E. Second Avenue. The railroad has a private road along
the tracks that they could use for ingress and egress. The ques-
tion arose as to whether it was legal or leave the remainder of
the property on a private easement or not. Mr. Atwood said he
would discuss it with the City Attorney and find out if there was
any problem.

*Commissioner Davis moved to remove the restriction of condition
No. 1, and that all other conditions stand. Removal of this
condition is conditional on the approval of the City Attorney.
The original findings of fact and the additional information
received by the Commission concerning the deed restriction on
the private roadway are the reasons for this action. The motion
was seconded by Commissioner Seale and passed unanimously.

There being no further business, the meeting was adjourned at
8:50 p.m. This meeting has been recorded on tape.

Respectfully submitted,


Virginia Shirley, Secretary
Canby Planning Commission