

ORDINANCE NO. 788

AN ORDINANCE VACATING A 12' WIDE PUBLIC ACCESS EASEMENT IN LOT 2 OF PARTITION PLAT NO. 2002-79

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

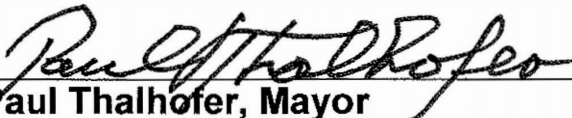
1. The Troutdale City Council entered into a development agreement with D.A. Grey, Ltd. for approval of a nine-lot single-family detached home subdivision on a parcel that is encumbered by a 12-foot wide public access easement across the southern boundary of the parcel. The easement dedication was required as a condition of an earlier development of the property and a subsequent partition plat that created the parcel being subdivided.
2. The public access easement was required in order to provide a trail connection between 257th Ave and the Sedona Park subdivision as well as with publicly owned property to the west that is planned for a ridgeline trail. This trail connection is identified in the City's adopted Parks Master Plan and also reflected in the pedestrian and bicycle elements of the adopted Transportation System Plan.
3. The approved nine-lot subdivision, known as Tyson's Place, includes construction of a public street with sidewalks that will accommodate the public access intended by the current access easement to the south, making that easement duplicative and unnecessary.
4. Eliminating the easement affords the opportunity to incorporate the area of the easement as a useable part of the subdivision lotting, which in turn will allow the proposed lots and housing units to be moved farther away from the steep slope areas along the northern boundary of the site.
5. Vacation of the public access easement will not cause a conflict with the Comprehensive Land Use Plan because the new public street and sidewalks that will be constructed as part of this subdivision will provide a suitable substitute to the access easement and will continue to satisfy pedestrian and bicycle connections reflected in the City's adopted Parks Master Plan and Transportation System Plan.
6. The public interest will not be prejudiced by the vacation because it will ultimately reduce the amount of encroachment into the sensitive slope area of this property, which will benefit the public interest.
7. The Troutdale Planning Commission held a public hearing on April 18, 2007 concerning this road right-of-way vacation and has recommended that the Council approve the vacation.

8. Notice of the public hearing by the City Council has been provided in accordance with applicable law.
9. This ordinance was distributed to the Troutdale City Council and made available for inspection more than twenty-four hours prior to its adoption. The Council is very familiar with the substance of this ordinance.
10. The substance of this ordinance has been discussed at three previous public meetings, including the February 13 and 27, 2007 City Council meetings on the Tyson Place development agreement for the single-family subdivision, and the April 18, 2007 Planning Commission meeting. The public was notified and has been given many opportunities to comment on the ordinance. In particular all of the property owners within Sedona Park subdivision were notified of these meetings and given the opportunity to comment.
11. The owner of the underlying property that is the subject of this vacation is in agreement with the vacation and none of the residents of Sedona Park subdivision have objected to the vacation.
12. The City has limited resources and wants to use its resources efficiently. Given the extensive public process that has already occurred, the non-controversial nature of the subject of this ordinance and the need to conserve limited resources, this ordinance is being adopted at one meeting in accordance with Section 30B of the Troutdale Charter.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TROUTDALE:

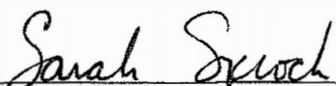
Section 1. The 12' wide public access easement that runs along the southern boundary of Parcel 2 of Partition Plat No. 2002-79, shown in Attachment A, is hereby vacated.

**YEAS: 7
NAYS: 0
ABSTAINED: 0**



Paul Thalhofer, Mayor
May 9, 2007

Date



Sarah Skroch, Office Support Specialist
Adopted: May 8, 2007

DETAIL OF 12-FOOT EASEMENT FROM PARTITION PLAT NO. 2002-79

PARTITION PLAT NO. 2002-79

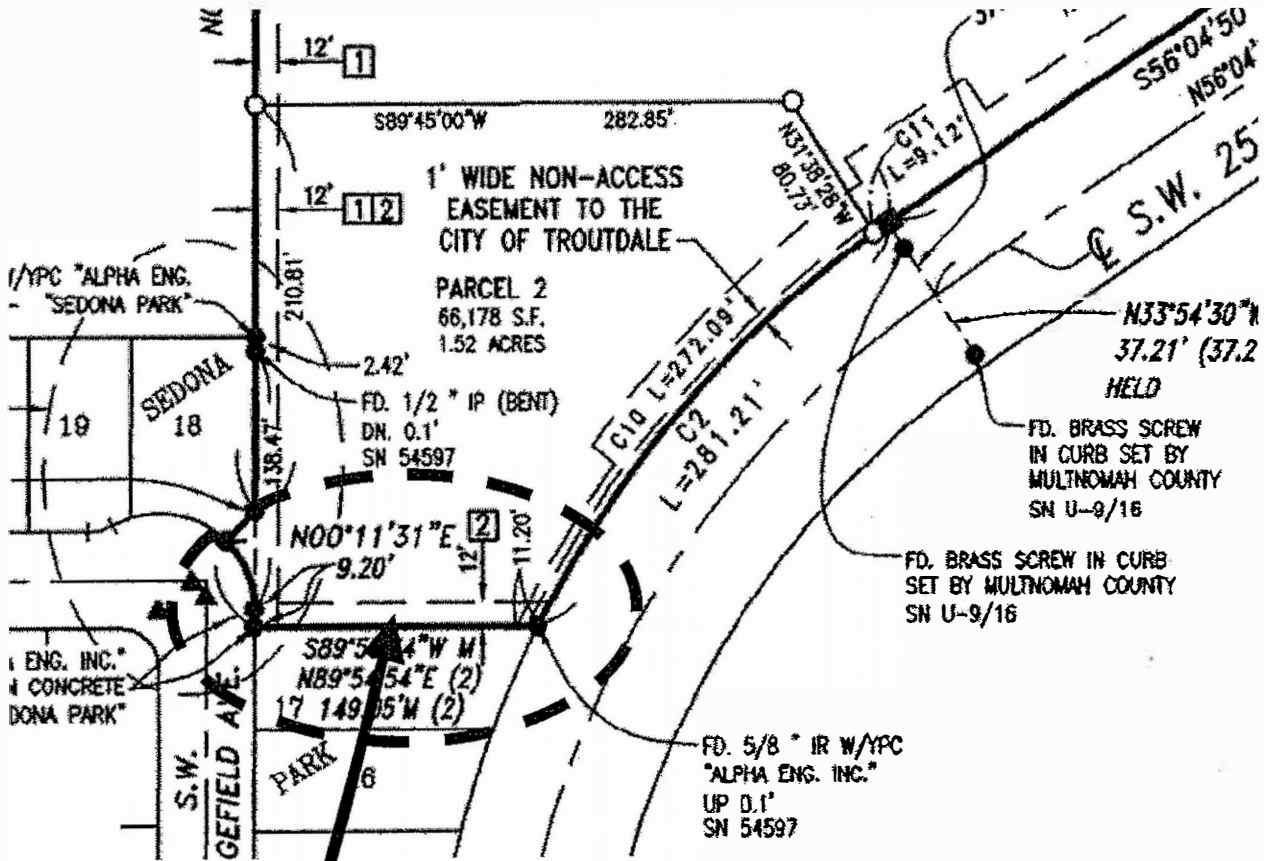
BEING IN THE S.E. 1/4 OF SECTION 26, TOWNSHIP 1 NORTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN, CITY OF TROUTDALE, COUNTY OF MULTNOMAH, STATE OF OREGON.

CITY OF TROUTDALE FILE NO. 02-028

SURVEYED MARCH 15, 2002

JOB NO. 99-036

P:\99-036\99036MP.DWG



NEW EASEMENT NOTES

- [1] EASEMENT FOR THE BENEFIT OF THE CITY OF TROUTDALE TO ACCESS WATER LINES, MAIN WATER MASTER METER, STORM AND SANITARY SEWER MANHOLES. SEE SHEET 2 FOR BEARINGS AND DISTANCES.
- [2] ACCESS EASEMENT FOR THE BENEFIT OF THE PUBLIC AND THE CITY OF TROUTDALE PER CITY FILE NO. 00-061. SEE SHEET 2 FOR BEARINGS AND DISTANCES.



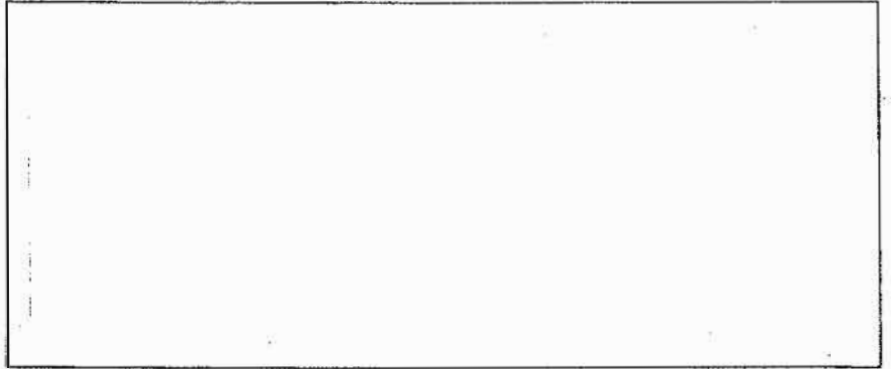
MULTNOMAH COUNTY OREGON

RECEIVED

8/7/07

CITY OF TROUTDALE
DEVELOPMENT

Division of Assessment & Taxation
501 SE Hawthorne #158
Portland OR 97214
Recording Section (503) 988-3034



Ret:

City of Troutdale
104 SE Kibling Ave
Troutdale, OR 97060

THIS PAGE IS A PART OF THE OFFICIAL DOCUMENT
PLEASE DO NOT REMOVE

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CITY OF TROUTDALE

"Gateway to the Columbia River Gorge"

After Recording Return to:
Debbie Stickney, City Recorder
City of Troutdale
104 SE Kibling Ave.
Troutdale, OR 97060

EXECUTIVE DEPARTMENT

Fax: (503) 665-7265

Administration

City Administrator
City Recorder

Human Resources

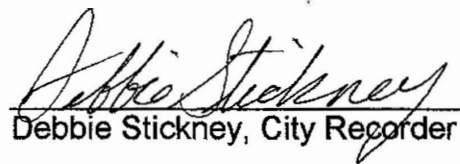
Community Service

CERTIFICATION OF PUBLIC RECORD OF THE CITY OF TROUTDALE, OREGON

I, DEBBIE STICKNEY, hereby certify that I am the duly appointed, qualified, and acting City Recorder of the City of Troutdale, Oregon, and

I Further Certify that the attached photo copy of Ordinance No. 788 is a correct, true and exact copy of an official public record of the City of Troutdale, Oregon, that was adopted by the City Council on May 8, 2007 and that the record copy thereof is in my official care, custody and control in my capacity as set forth below my signature.

Witness my Hand, and Seal of the City of Troutdale, Oregon, this 21st day of May, 2007.


Debbie Stickney, City Recorder

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www.troutdale.info

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