

**COUNCIL ORDINANCE No. 2237**

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, VACATING THE PUBLIC STREET RIGHT-OF-WAY WITHIN A SEGMENT OF SE 23<sup>RD</sup> AVENUE.**

WHEREAS the North Clackamas School District (NCSD) submitted land use application CSU-2017-007 seeking approval to reconstruct the main building of Milwaukie High School; and

WHEREAS the Planning Commission approved CSU-2017-007 subject to condition of approval 4.f., which required NCSD to “[p]rovide for right-of-way vacation of that portion or 23<sup>rd</sup> Ave, south of Adams St. Easements will be maintained for utilities”; and

WHEREAS a public utility easement has been executed that provides for the continued protection, maintenance, and replacement of the existing public water and sanitary main lines located within the segment of SE 23<sup>rd</sup> Avenue to be vacated; and

WHEREAS the city is authorized under ORS 271.130 to initiate vacation proceedings on its own motion and to hold a hearing upon proper notice to accomplish the same; and

WHEREAS with the public utility easement in place, the city-initiated vacation proceedings for the segment of SE 23<sup>rd</sup> Avenue described and depicted in Exhibits A and B; and

WHEREAS proper notice was given, and a hearing was held on December 5, 2023.

**Now, Therefore, the City of Milwaukie does ordain as follows:**

Section 1. That portion of the SE 23<sup>rd</sup> Avenue right-of-way described and depicted in Exhibits A and B is vacated.

Section 2. The city engineer is authorized to take any action necessary to effect the vacation so ordered.

Read the first time on 12/5/23 and moved to second reading by 5:0 vote of the City Council.

Read the second time and adopted by the City Council on 12/5/23 .

Signed by the Council President on 12/5/23

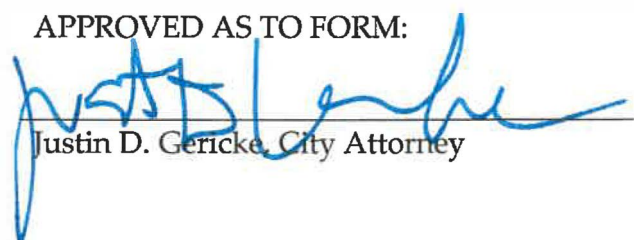
*Desi Nicodemus*

Desi Nicodemus, Council President

ATTEST:

  
\_\_\_\_\_  
Scott S. Stauffer, City Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Justin D. Gericke, City Attorney



AKS ENGINEERING & FORESTRY, LLC  
12965 SW Herman Road, Suite 100, Tualatin, OR 97062  
P: (503) 563-6151 | www.aks-eng.com

AKS Job #5859

OFFICES IN: BEND, OR - KEIZER, OR - TUALATIN, OR - VANCOUVER, WA

## EXHIBIT A

### Right-of-Way Vacation Description

A portion of right-of-way located in the Northwest One-Quarter of Section 36, Township 1 South, Range 1 East, Willamette Meridian, City of Milwaukie, Clackamas County, Oregon, and being more particularly described as follows:

Beginning at the northeasterly corner of Lot 2, Block 6 of the plat "Young's Addition", Plat No. 460, Clackamas County Plat Records, also being on the westerly right-of-way line of SE 23rd Avenue (20.00 feet from centerline); thence along said westerly right-of-way line, North  $10^{\circ}05'37''$  West 178.91 feet to the southeasterly corner of Document Number 2003-167202, Clackamas County Deed Records; thence along the easterly extension of the southerly line of said deed, North  $80^{\circ}37'09''$  East 40.00 feet to the easterly right-of-way line of SE 23rd Avenue (20.00 feet from centerline); thence along said easterly right-of-way line, South  $10^{\circ}05'37''$  East 180.16 feet to the northwesterly corner of Lot 8, Block 5 of said plat; thence along the northerly line of said plat, South  $82^{\circ}24'31''$  West 40.04 feet to the Point of Beginning.

The above described tract of land contains 7,183 square feet, more or less.

Bearings for this description are based on State Plane Grid bearing, Oregon State Plane, North Zone 3601, NAD83(2011) Epoch: 2010.0000. Distances shown are International Foot ground values.

6/9/2021

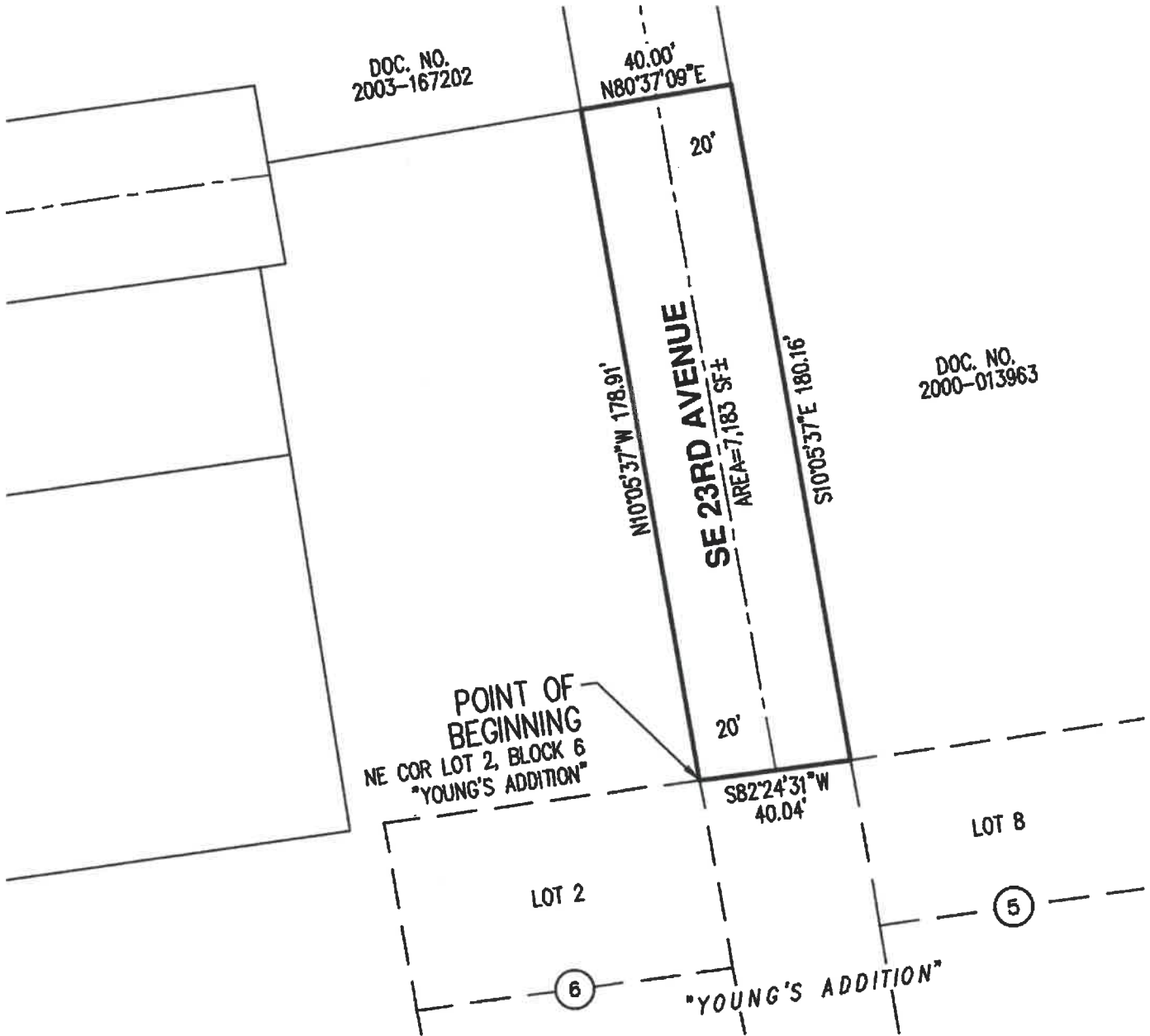
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JANUARY 9, 2007  
NICK WHITE  
70652LS

RENEWS: 6/30/22

# EXHIBIT B

A PORTION OF RIGHT-OF-WAY LOCATED IN THE NORTHWEST 1/4 OF SECTION 36,  
TOWNSHIP 1 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN,  
CITY OF MILWAUKIE, CLACKAMAS COUNTY, OREGON



6/9/2021

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Nick White*

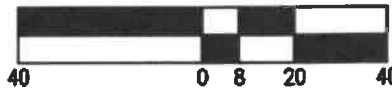
OREGON  
JANUARY 9, 2007  
NICK WHITE  
70652LS

RENEWS: 6/30/22

## PREPARED FOR

NORTH CLACKAMAS SCHOOL DISTRICT  
4444 SE LAKE ROAD  
MILWAUKIE, OR 97222

SCALE: 1" = 40 FEET



## RIGHT-OF-WAY VACATION MAP

AKS ENGINEERING & FORESTRY, LLC  
12965 SW HERMAN RD, STE 100  
TUALATIN, OR 97062  
503.563.6151 WWW.AKS-ENG.COM



EXHIBIT  
B

DRWN: WCB  
CHKD: NSW  
AKS JOB:  
5859