

RESOLUTION NO. 94-32

A RESOLUTION LEGALIZING THE LOCATION OF DUANE AVENUE PURSUANT TO ORS 223.939 TO 223.950.

OREGON CITY MAKES THE FOLLOWING FINDINGS:

WHEREAS, the City previously approved the Newell Crest and Newell Ridge Residential Developments - both of which abut Duane Avenue; and

WHEREAS, at least four different surveys of the area exist, and those surveys conflict with regard to the precise location of the centerline of Duane Avenue, but agree as to the location of the northern edge of right-of-way of Duane Avenue, and the fact that Duane Avenue has a 50 foot right-of-way; and

WHEREAS, the owners of the Newell Crest are not able to subdivide, provide access to, or market individual lots in the Newell Crest development so long as the precise location of Duane Avenue remains in question; and

WHEREAS, ORS 223.939 to 223.950 provides a process whereby the location of a public road can be legally established in cases where the location cannot otherwise accurately be determined because of a defective survey; and

WHEREAS; the owner and developer of the Newell Crest development has had the section of Duane Avenue in question surveyed and has provided a legal description of Duane Avenue, with a 50 foot right-of-way, based on the known northerly edge of the right-of-way, and

WHEREAS, the City Engineer has considered the information and documentation provided by the owner of Newell Crest and has issued a report recommending to the City Commission the legalization of Duane Avenue as reflected in the survey and legal property descriptions attached as Exhibits "A" and "B" respectively, and

WHEREAS, notice of this proposal and proceeding was mailed to each owner of property abutting the affected portion of Duane Avenue in accordance with the applicable notice provisions of OCMC §17.50.100 and 17.50.110, and

WHEREAS, a public hearing before the City Commission was held on July 6, 1994, and all comments received orally and in writing pertaining to this matter have been included in the record and have been duly considered.

NOW, THEREFORE BE IT RESOLVED by the City Commission of Oregon City, Oregon that, having considered the matters presented to it pursuant to ORS 223.935 to 223.950, the legalization of the portion of Duane Avenue between Newell Crest and Newell Ridge is in the public interest; and


BE IT FURTHER RESOLVED, that the owner of Newell Crest shall prepare and cause to be filed with the Clackamas County Surveyor in accordance with ORS 209.250, a final survey and description of the affected portion of Duane Avenue that conforms to Exhibit "A" and "B", and


BE IT FURTHER RESOLVED, that upon completion of this legalization procedure, any records, descriptions, surveys or other documents that conflict with Exhibits "A" or "B", with regard to the location of Duane Avenue, are hereby declared to be void and that Duane Avenue shall exist as depicted in Exhibits "A" and "B", and

BE IT FURTHER RESOLVED, that upon completion of the legalization procedure, Duane Avenue shall exist as shown in the documents filed with the Clackamas County Surveyor pursuant to this Resolution.


Adopted, signed and approved this 6th day of July, 1994.

  
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Mayor

  
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Commissioner

  
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Commissioner

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Commissioner

  
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Commissioner

Comprising the City Commission  
of Oregon City, Oregon



NEWELL CREST  
CENTERLINE DESCRIPTION FOR DUANE AVENUE  
FOR CITY LEGALIZATION  
FOR LLOYD FARLEY

#3080  
3/18/94 MAR

EXHIBIT "A"

A strip of land, 50 feet wide, located in the N.E. 1/4 Section 5, T. 3 S., R. 2 E., W.M., City of Oregon City, Clackamas County, Oregon, the centerline of which is described as follows:

Commencing at a 5/8" diameter iron rod with a yellow plastic cap stamped "LOVE PLS 747" at the northwest corner of "Gales Park", a subdivision plat of record (Book 11, Page 28) Clackamas County Plat Records; thence along the northerly extension of the west line of said "Gales Park" N. 01° 27' 59" W., 9.87 feet; thence S. 89° 53' 24" W., 41.09 feet; thence N. 00° 06' 22" W., 25.00 feet to a 5/8" diameter iron rod with a yellow plastic cap stamped "COMPASS CORP.", from which a 5/8" diameter iron rod with a yellow plastic cap stamped "COMPASS CORP." inside a 2" diameter pipe at the initial point of "Barclay Hills Replat No. 2" a Subdivision Plat of Record (Book 81, Page 27) Clackamas County Plat Records, bears N. 00° 06' 22" W., 35.00 feet, and the point-of-beginning; thence from the point-of-beginning the centerline of said strip is described as follows: thence 25.00 feet south of and parallel with the south line of that strip of land described in Vacation Order No. 92-1019, recorded under Fee No. 92-73635, Clackamas County Deed Records, as shown and monumented by Private Survey No. 25259, Clackamas County Survey Records, N. 89° 53' 24" E., 1070.63 feet to a 5/8" diameter iron rod with a yellow plastic cap stamped "COMPASS CORP." on the east line of "Oregon City Annex", (vacated), said east line as monumented and shown by said Private Survey No. 25259, from which a 5/8" diameter iron rod with a yellow plastic cap stamped "ALPHA ENG., INC." bears N. 00° 00' 21" E., 25.00 feet; the side lines of said strip to extend to the west to the southerly extension of the east line of Lot 18 "Barclay Hills Replat No. 2" and to the east by the southerly extension of the east line of "Oregon City Annex" (vacated), as monumented and shown by Private Survey No. 25259.

Exhibit "A"

## REFERENCE SURVEYS

- (P1) PLAT OF "BARCLAY HILLS REPLAT NO. 2" NO. 2515 (BOOK 81, PAGE 27)  
 (P2) PLAT OF "GALES PARK" NO. 341 (BOOK 81, PAGE 2)  
 (P3) PLAT OF "FIRST ADDITION TO MOUNTAIN VIEW CEMETERY" NO. 426, (BOOK 15, PAGE 25)  
 (R1) P.S. 25259  
 (R2) P.S. 24867  
 (R3) P.S. 22563  
 P.S. 10443  
 P.S. 11228

## LEGEND

- DENOTES MONUMENT FOUND AS NOTED
- ✱ DENOTES FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "COMPASS CORP.", HELD
- ▲ DENOTES FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "BUROF AND ASSOC. PLS 1148" (P.S. 22563) HELD
- DENOTES FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "ALPHA ENG., INC." (P.S. 25259) HELD
- DENOTES SET 5/8" HIGH BY 30" HIGH LONG IRON ROD WITH YELLOW PLASTIC CAP STAMPED "COMPASS CORP." ON 9-23-94
- C DENOTES CALCULATED DIMENSION
- M DENOTES MEASURED DIMENSION
- P DENOTES PLAT DIMENSION
- R DENOTES RECORD DIMENSION
- P.S. DENOTES PRIVATE SURVEY



## RECORD OF SURVEY

LOCATED IN THE N.E. 1/4 SECTION 5,  
 T. 3 S., R. 2. E., W. M.

IN THE WILLIAM JONES D. L. C. NO. 38

CITY OF OREGON CITY, CLACKAMAS COUNTY, OREGON

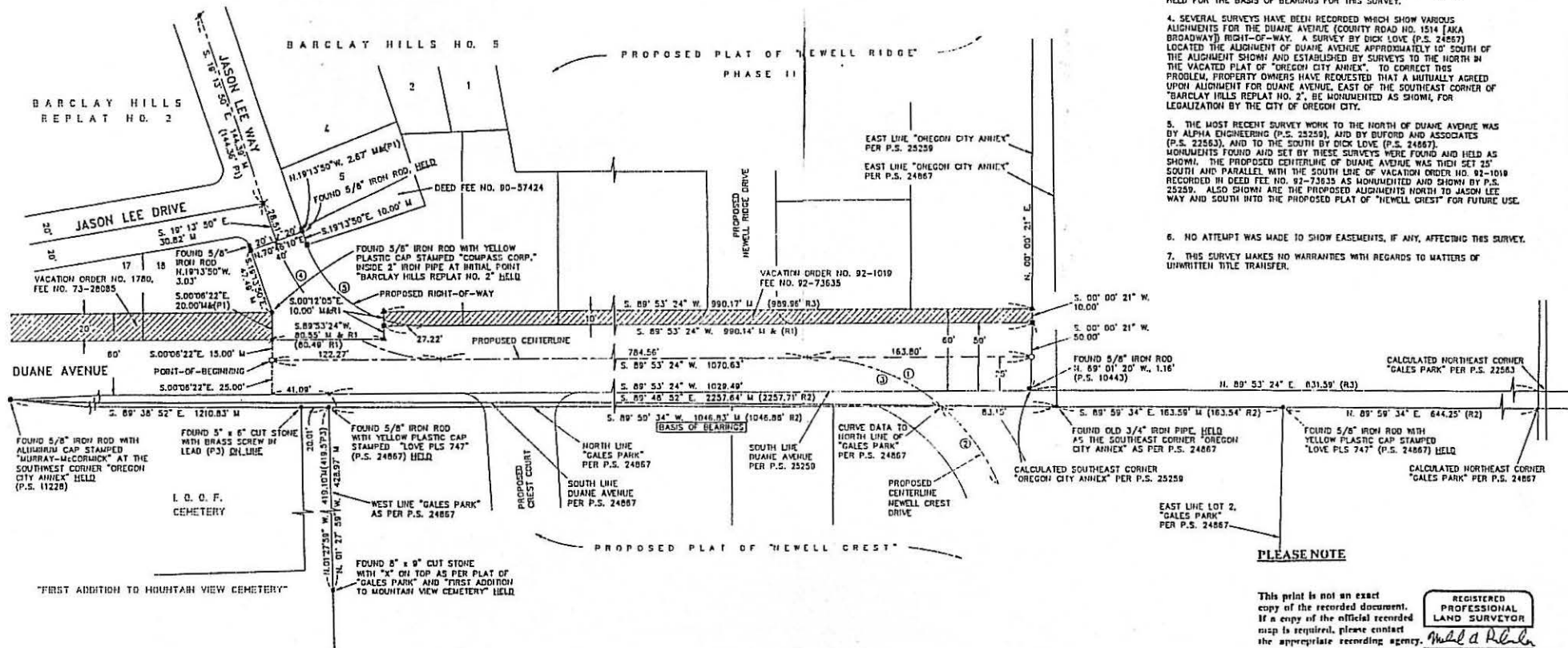
MARCH 17, 1994

## CURVE DATA

NO.	DELTA	LENGTH	RADIUS	CHORD BEARING	CHORD
1	67° 41' 05"	177.20'	150.00'	S. 56° 16' 04" E.	167.07'
2	26° 48' 17"	70.18'	150.00'	S. 35° 49' 40" E.	69.54'
3	40° 52' 48"	107.02'	150.00'	S. 68° 40' 12" E.	104.77'
4	70° 52' 46"	154.83'	125.00'	S. 54° 40' 13" E.	144.95'
5	70° 52' 46"	107.86'	87.04'	S. 54° 40' 20" E.	105.94'

## NARRATIVE

- CLIENT: NORTH RIDGE DEVELOPMENT CO.  
 333 S. STATE STREET, SUITE V-111  
 LAKE OSWEGO, OREGON 97334
- THE PURPOSE OF THIS SURVEY IS TO MONUMENT THE CENTERLINE OF THE PROPOSED RIGHT-OF-WAY OF DUANE AVENUE. THIS IS TO SATISFY THE REQUIREMENTS OF ORS 223.935 TO 223.950 FOR THE LEGALIZATION OF A PORTION OF DUANE AVENUE EAST OF THE PLAT OF "BARCLAY HILLS REPLAT NO. 2", BY THE CITY OF OREGON CITY.
- BASIS OF BEARINGS: THE NORTH LINE OF "GALES PARK" AS MONUMENTED AND SHOWN BY P.S. 24867 AS N. 89° 50' 34" E., WAS HELD FOR THE BASIS OF BEARINGS FOR THIS SURVEY.
- SEVERAL SURVEYS HAVE BEEN RECORDED WHICH SHOW VARIOUS ALIGNMENTS FOR THE DUANE AVENUE (COUNTY ROAD NO. 1514 [AKA BROADWAY]) RIGHT-OF-WAY. A SURVEY BY DICK LOVE (P.S. 24867) LOCATED THE ALIGNMENT OF DUANE AVENUE APPROXIMATELY 10' SOUTH OF THE ALIGNMENT SHOWN AND ESTABLISHED BY SURVEYS TO THE NORTH IN THE VACATED PLAT OF "OREGON CITY ANNEX". TO CORRECT THIS PROBLEM, PROPERTY OWNERS HAVE REQUESTED THAT A MUTUALLY AGREED UPON ALIGNMENT FOR DUANE AVENUE, EAST OF THE SOUTHEAST CORNER OF "BARCLAY HILLS REPLAT NO. 2", BE MONUMENTED AS SHOWN, FOR LEGALIZATION BY THE CITY OF OREGON CITY.
- THE MOST RECENT SURVEY WORK TO THE NORTH OF DUANE AVENUE WAS BY ALPHA ENGINEERING (P.S. 25259), AND BY BUROF AND ASSOCIATES (P.S. 22563), AND TO THE SOUTH BY DICK LOVE (P.S. 24867). MONUMENTS FOUND AND SET BY THESE SURVEYS WERE FOUND AND HELD AS SHOWN. THE PROPOSED CENTERLINE OF DUANE AVENUE WAS THEN SET 25' SOUTH AND PARALLEL WITH THE SOUTH LINE OF VACATION ORDER NO. 92-1019 RECORDED IN DEED FEE NO. 92-73635 AS MONUMENTED AND SHOWN BY P.S. 25259. ALSO SHOWN ARE THE PROPOSED ALIGNMENTS NORTH TO JASON LEE WAY AND SOUTH INTO THE PROPOSED PLAT OF "NEWELL CREST" FOR FUTURE USE.
- NO ATTEMPT WAS MADE TO SHOW EASEMENTS, IF ANY, AFFECTING THIS SURVEY.
- THIS SURVEY MAKES NO WARRANTIES WITH REGARDS TO MATTERS OF UNWRITTEN TITLE TRANSFER.



## PLEASE NOTE

This print is not an exact copy of the recorded document. If a copy of the official recorded map is required, please contact the appropriate recording agency.

SURVEYED BY:  
 COMPASS CORPORATION  
 6384 S.E. LAKE ROAD  
 MILWAUKIE, OREGON 97222  
 PHONE: 653-9033  
 JOB NO. 92-3080 (SURVEY)

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR  
 OREGON  
 MICHAEL A. REBER  
 2303

DATE OF SIGNATURE 3-21-94  
 DATE OF RENEWAL 12/31/94