

## **AGENDA**

### **City of Oregon City, Oregon Meeting of the Parks and Recreation Advisory Committee**

**City Hall  
Commission Chambers  
625 Center Street, Oregon City, OR 97045**

**Thursday, July 28, 2011  
7:00 P.M.**

- 1) Call to order
- 2) Approval of minutes – June 23, 2011
- 3) Citizen comments on issues and items not on the agenda
- 4) General business
  - a) Ermatinger House – update & presentation
  - b) Dog park
  - c) Pocket parks
  - d) Other general business
- 5) PRAC member reports
- 6) Staff reports
  - a) Canemah neighborhood park project update
  - b) Carnegie spray park renovation
  - c) Sportcraft boat ramp project update
  - d) Recreation update
  - e) Other
- 7) Next scheduled meeting date – September 22, 2011 (no August meeting)
- 8) Adjournment

MEMORANDUM

TO: Honorable Mayor and Oregon City Commission

FROM: William K. Kabeiseman

DATE: July 31, 2002

SUBJECT: Sale of Parks

## I. INTRODUCTION

Dee Craig, the Oregon City Parks and Recreation Director, has indicated that the City Commission may be considering the sale of several smaller or “pocket” parks. This memorandum is intended to ensure that the Commission is aware of some of the difficulties and considerations the City faces in the sale of parks. The first consideration is unique to Oregon City; the City’s charter specifically requires a vote of the people before any designated park may be sold, leased or otherwise transferred. In addition, many parks are obtained under circumstances, such as dedication, that prevent the outright sale of the land. Each of those difficulties will be discussed in general and, then, each park identified as a possible sale candidate will be discussed.

## II. DISCUSSION

### A. Charter Requirements.

Chapter X of the City Charter, relating to “Parks and Natural Beauty,” restricts the City’s use and management of its parks. The important restrictions in this context are Sections 41(a) and (b), which prohibit the “sale, lease or [other] transfer of park property” and the vacation or “change [in] legal status of a park” without approval of the voters of the City. There may be some question regarding whether the provisions in Sections 41(a) and (b) apply to all city parks<sup>1</sup> but, as a general rule, the safer course would require a vote by the residents of Oregon City before the sale, transfer or change in legal status of any city park.

<sup>1</sup> Section 43 of the Charter discusses the establishment of “additional parks” beyond those identified in the charter. There is a plausible reading of that provision that would treat at least some parks as not having been “designated.” If the park has not been designated, it may not be subject to the prohibition on sale, lease or transfer. However, most of the parks under consideration for sale are identified in the Parks Master Plan, which was adopted by ordinance into the City’s Comprehensive Plan, so each park was likely designated for purposes of Section 43.

## B. Dedication Requirements.

The second general concern involves restrictions that come with a dedicated park. A significant portion of city parks are on land that was “dedicated” to the City either through the approval of a subdivision or other methods. The Oregon Supreme Court has held that, when a municipality accepts a dedication of land, it becomes a trustee to carry out the terms of the grant for the public to assure the land is used for the dedicated purposes. *Hyland v. City of Eugene*, 179 Or 567, 173 P2d 464 (1946). The City faces two potential hazards should it attempt to sell, transfer or change the legal status of any dedicated park in contravention of its dedicated purpose. First, the neighbors may be able to enjoin any use in conflict with the use for which the property was dedicated. Second, and more importantly, the city may lose control of the land.

### 1. Injunction by Neighbors.

The neighbors may be able to prevent uses inconsistent with the property’s dedication as a park. For example, in *Church v. City of Portland*, 18 Or 73, 22 P 528 (1889), the owner of a block in downtown Portland was able to enjoin the City of Portland from building its City Hall on an adjacent block that had been dedicated to use as a “public square.” Similarly, in *Wessinger v. Mische*, 71 Or 239, 142 P 612 (1914), property owners across the street from a park were able to prevent the City of Portland from building a garage for vehicles used by the Parks Department on property dedicated to use as a park.<sup>2</sup> However, in *Hyland v. City of Eugene*, 179 Or 567, 173 P2d 464 (1946), the neighbors lost a challenge to non-park use of park property. In the mid-40’s Eugene faced a severe housing shortage caused by the influx of homeless veterans after World War II. The city responded by creating a trailer park on property that had been dedicated to the public in 1926 for use as a park. The court held that, if the project were of a permanent nature, it would immediately require the trailer park to be removed but, because of the extremity of the emergency and the temporary nature of the use, “there are times when property rights must yield to human rights.” It therefore allowed the park’s temporary, emergency use as a trailer park for homeless veterans and their families.

A city in California attempted to build public facilities on dedicated park land, but the court there allowed the use. In *Wiley v. City of Berkeley*, 136 Cal App 2d 10, 288 P2d 123 (1955), the California Court of Appeals upheld Berkeley’s decision to build a fire station on dedicated park land. However, it narrowly drew its opinion to apply only to land acquired by the city and then dedicated to park use, not to land dedicated as a park by other landowners. It noted that the uses to which park property may be devoted depend upon the matter of its acquisition: “Whether dedicated by the donor, or purchased or condemned by the city . . . . The former are construed strictly according to the grant, while in the latter cases a less strict construction is adopted.” However, for Oregon City, its charter may prevent such latitude.

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<sup>2</sup> One difference that may be significant is that, in *Wessinger*, the property was not dedicated by its previous owner. In *Wessinger*, the city bought the property and dedicated it as a park by its continuous forty year usage as a park and that method of dedication usually leads to less restrictive controls on the parks use. See *Wiley v. City of Berkeley*, below. One similarity of note is that, in *Wessinger*, the City was authorized to sell the property. Nonetheless, the court held that, even though the City could have sold it, that does not allow it to use the property in contravention of the dedicated purpose.

## 2. Vacation of Dedication

The city may avoid the dedication's restriction and the possibility of the neighbors intervening by vacating the dedication. However, that course comes with its own rather significant risk; the city may not retain control or even have ownership of the vacated property.<sup>3</sup>

It is not at all clear that, after vacation, the city would have any rights in the land. Under Oregon law, the original dedication did not transfer ownership of the dedicated property; the City's interest is more akin to an easement for public use. Parks, *The Law of Dedication in Oregon*, 20 OLR 111, 152 – 55 (1941). Therefore, under the common law, the previous owners would recover the vacated property. That result, however, is complicated by a statute, ORS 271.140, which provides as follows:

The title to the street or other public area vacated shall attach to the lands bordering on such area in equal portions; except that where the area has been originally dedicated by different persons and the fee title to such area has not been otherwise disposed of, original boundary lines shall be adhered to and the street area which lies on each side of such boundary line shall attach to the abutting property on such side. If a public square is vacated the title thereto shall vest in the city.<sup>4</sup>

The Oregon Court of Appeals has upheld this statute, *Siegenthaler v. N. Tillamook Co. San. Auth.*, 26 Or App 611, 553 P2d 1067 (1976), and the attachment of vacated street property

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<sup>3</sup> The process for vacation is set out in ORS 271.080 through ORS 271.230. Under ORS 271.130. The City would be required to hold a public hearing under 271.120, where it would determine whether "the public interest will be prejudiced by the vacation." Notice of the hearing must be published in "the city official newspaper" or, if no such newspaper is published, then by posting in three of the most public places in the city. One further concern particular to a vacation initiated by the City Commission is that it can be vetoed by the local property owners. According to ORS 271.130, if the owners of a majority of the area affected (meaning either the adjacent owners or, possibly, the residents of the associated subdivision) object in writing, the vacation cannot go forward.

<sup>4</sup> Compare the statute that governs vesting of property vacated by a county governing body:

(1) When a county governing body vacates public property under ORS 368.326 to 368.366, the vacated property shall vest as follows:

(a) If the county holds title to the property in fee, the property shall vest in the county.

(b) If the property vacated is a public square the property shall vest in the county.

(c) Unless otherwise described in paragraph (a) or (b) of this subsection, the vacated property shall vest in the rightful owner holding title according to law.

(d) Except as otherwise provided in this subsection, the vacated property shall vest in the owner of the land abutting the vacated property by extension of the person's abutting property boundaries to the center of the vacated property.

(2) Notwithstanding subsection (1) of this section, a county governing body may determine the vesting of property vacated under ORS 368.326 to 368.366 in the order or resolution that vacates the property.

to the property owned by the bordering owners.<sup>5</sup> I was unable to find a case that used this statute in regard to a park that had been vacated; almost all of the reported cases involve vacated streets. Nonetheless, at least three separate results from the application of ORS 271.140 could occur, what the appropriate result would be would be a question for the courts.

Giving the statute its most literal reading, the statute appears to attach title to the vacated property to “the lands bordering on such area.” The first sentence provides that “the title to streets or other public area shall attach to the lands bordering on such area.” In this case, that would mean the most direct neighbors, the ones whose land is immediately borders the park, would get a windfall when the park was vacated. However, this portion of the statute seems to be aimed at the vacation of streets and makes the most sense in a street situation where there are only two properties bordering either side of the street. It would be significantly harder to determine “equal portions” when the property is bordered by several properties, such as most parks.

An alternative reading would equate the “park area” with a “public square.” This interpretation would vest title to the vacated property in the City. However, a law review article that has been repeatedly cited with approval by the Oregon courts, states that “public square, in its popular import and as used in the statutes, relates almost exclusively to grounds occupied by the courthouse and owned by the county.” Park, *The Law of Dedication in Oregon*, 20 OLR 111,156 (1941). The article assumes parks are a completely different category and discusses them in a separate section. This view is also supported by other statutes, such as ORS 226.320, authorizing purchase of lands for either parks or public squares, which seem to recognize a distinction between the two.

The third interpretation would vest title in the vacated property in the original owners or their heirs. This is the common law rule and was applied prior to the enactment of statutes governing ownership of vacated property. Moreover, in a relatively recent case, *Douglas County v. Umpqua Valley Grange*, 45 Or 739, 609 P2d 415 (1980), the Court of Appeals did not look to this statute<sup>6</sup> to determine ownership, but assumed that the property in a vacated public square would revert to its original owner. This interpretation would be possible by reading the first sentence of ORS 271.140 to apply only to streets or similar situations, not to parks or other situations where division in “equal portions” does not make sense. However, this interpretation runs headlong into the italicized phrase: “the title to street *or other public area* vacated shall attach to the lands bordering on such areas.” ORS 174.010, guiding the interpretation of statutes, provides that courts should not “omit what has been inserted” in a statute. To read the first sentence as applying solely to streets would omit the italicized phrase out of the statute and it is not likely to be adopted by the current courts.

In any event, the important point is that, in seeking to sell the park property, the City may gain nothing of value if a court were to determine that the City did not retain ownership of the property.

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<sup>5</sup> However, *Siegenthaler* did not address whether the original owner, or heirs of the original owner, might be entitled to some recourse for the loss of their property caused by the statute.

<sup>6</sup> At the time of *Douglas County*, ownership of property vacated by a county was governed by this statute; ORS 368.366, set out in note 4 and which describes the ownership of property after vacation by a county, had not yet been enacted.

### **C. Additional Questions.**

Several additional questions have been raised about the sale of the parks. Each of those questions will be addressed.

First, the question has been raised whether neighborhood associations can assume ownership of the parks. Generally speaking, neighborhood associations have no existence outside of the City's planning process and are not entities capable of owning, leasing or otherwise holding or managing property. A neighborhood association could conceivably incorporate and become capable of holding or managing property, if any neighborhood association wished to do so. However, holding or managing park land by a neighborhood association may prove problematic, as such organizations are only as effective as their membership and leadership. As the Commission is aware, some neighborhood associations are particularly effective, and some not very effective, usually depending on the people involved in the group and the issues before it. Should the entity lose interest in park maintenance, the work would fall again to the City.

Another question that has been raised is whether a vote to allow the sale or transfer of ownership can occur prior to clearing legal impediments and, relatedly, can the City seek authorization to sell, but then choose not to sell the park(s). There are no impediments that prevent submitting the question of the sale of park properties to the voters prior to resolving all outstanding legal questions. The City could seek authorization to sell the property without approval of the actual details of the sale. Similarly, properly drafted, a ballot title could allow the City to sell park property, without requiring the same.

### **D. Specific Parks.**

The Director of Parks and Recreation has identified several specific parks as being under consideration for sale.

#### **1. Senior Citizens Park**

This park is located in the McLoughlin District across from the Carnegie Center. The sale of this park would be subject to voter approval for the reasons identified above. The park was not dedicated through a deed or plat restriction; however, as suggested above in the *Wessinger* case, a city may "dedicate" property to park use without actually having the dedication in the deed or plat. Moreover, this park was purchased with funds obtained from the Land and Water Conservation Fund ("LWCF") a federal program that provides money to local jurisdictions to purchase parks and open space. When the park was purchased, the City agreed to certain restrictions on the sale of the property. In particular, if the City sought to sell the property, it would need the approval of the Oregon Parks and Recreation Department and the City would either have to re-pay the LWCF or mitigate by developing another park in the same general area, which would be very difficult in that neighborhood.

#### **2. Stafford Park**

This park was purchased in 1978 by the City through a bargain and sale deed from a trustee for the Staffords and has been used as a park since. City Engineering staff wants to use a



portion of this park for a road to provide access to landlocked parcels and to eliminate access off Molalla Avenue. The sale of this park would be subject to voter approval for the reasons identified above. The deed itself provides no restriction or other indication of dedication but, as noted above, prolonged use as a park may also lead to dedication. *See the Wessinger case.* However, as also noted in *Wessinger*, because the park was dedicated through use and not by its previous owner, a sale may be possible without vacating the property. Nonetheless, the City Charter prevents outright sale without voter approval.

3. Hazelwood Park

This park was deeded to the City by Parrot Investment, Inc., and the deed specifically provides that the property “shall be used solely for park and public recreational purposes.” Thus, the dedication issues raised above are squarely presented by this property. In addition, the sale of this property should also be subject to voter approval.

4. Hartke Park

This park was also deeded to the City by Parrot Investment, Inc., with the same deed restriction and is subject to the same restrictions.

5. Shennandoah Park

This park was created as a part of the Shennandoah development. The plat specifically identifies this property as a “park;” thus, this park is also subject to the restrictions on dedication noted above. In addition, the sale of this property is also subject to voter approval.

6. Dement Park

This park has an interesting history. It appears that it was used for a park for some time before the City recognized that it was not, in fact, a park. Instead, the “park” consisted of property owned by Clackamas County and portions of two streets. In 1984, Clackamas County deeded a portion of the property to the City. The City then vacated portions of two streets in 1993. Correspondence in 1984 indicates the City’s desire to make a buildable lot and possibly sell the property. The correspondence also indicates that the County expected at least a portion of the proceeds from any sale of the property. The file does not indicate why the property was not sold at that time, but it has subsequently been used as a park. It is likely also subject to dedication through use as a park, but this is at least a closer call than the other parks. Moreover, sale of this park would probably also require voter approval, but, again, is a closer call.

### III. CONCLUSION

The sale of park property is a difficult endeavor for any city because of the problems inherent in dedication. It is made even more complicated by this City’s charter, requiring voter approval for any action changing the legal status of a park. The Commission should be mindful of those considerations before it takes any steps towards accomplishing such an action.

WKK:wk

cc: Brian Nakamura  
Dee Craig  
Ed Sullivan


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# COMMISSION REPORT: CITY OF OREGON CITY

## TO THE HONORABLE MAYOR AND COMMISSIONERS

320 Warner Milne Road----(503) 657-0891

 INCORPORATED 1844	<b>Agenda Item No.:</b>	<b>Topic:</b> Proposed Resolution No, 02-23 Calling an Election Whether the City May Sell, Lease, or Otherwise Transfer or Change the Status of Certain Park Land and Adopting A Ballot Title
	<b>Report No.:</b> 02-191	
	<b>Agenda Type:</b> DISCUSSION/ACTION	
	<b>Meeting Date:</b> August 21, 2002	<b>Public Hearing:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Prepared By:</b> Dee Craig	<b>Reviewed By:</b> B. Nakamura	<b>Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
		<b>Approved By:</b> B. Nakamura

### RECOMMENDATION:

Staff recommends that the City Commission approve Proposed Resolution No. 02-23, including the attached Notice of Ballot Title-Referral By City Commission to place the question of whether the City may consider changing the use or ownership of certain park properties on the November ballot.

### REASON FOR RECOMMENDATION:

The Commission, at the August 21 Commission Meeting, requested staff to develop the attached Resolution and proposed Ballot Title and language for their consideration at the September 4<sup>th</sup> meeting in order to meet the September 5<sup>th</sup> filing deadline for the November 2002 ballot.

### BACKGROUND:

The adopted Parks and Recreation Master Plan identified certain park properties and recommended that the City divest themselves of maintenance responsibilities for these properties by selling or transferring title to a Homeowners Association or determining a better use for the property. PRAC has reviewed each property listed in the Master Plan as well as a property known as Dement Park, and recommended that the Commission refer this issue to a vote in the November election.

BUDGET IMPACT: FY(s): N/A Funding Source: possible revenue source

## RESOLUTION NO. 02-23

A RESOLUTION CALLING AN ELECTION ON WHETHER THE CITY MAY SELL, LEASE, OR OTHERWISE TRANSFER OR CHANGE THE STATUS OF CERTAIN PARK LANDS AND ADOPTING A BALLOT TITLE

WHEREAS, the City of Oregon City manages and controls certain park lands, which land have been designated as parks as provided in Section 42(a) of the Oregon City Charter of 1982; and

WHEREAS, Section 41 the City Charter requires voter approval before the City may take certain actions, including, among other things, selling, leasing or transferring park property or otherwise changing the legal status of those designated City parks; and

WHEREAS, the adopted Parks and Recreation Master Plan has recommended that the City considering disposal of certain existing "mini parks" and the opportunity for local neighborhoods to undertake maintenance of the same through a mechanism similar to a homeowners association; and

WHEREAS, the City's Park and Recreation Advisory Committee recommended that a measure to seek voter approval of such disposition be considered by the registered, qualified voters of the City at the November, 2002 General Election with respect to Senior Citizens Park, Stafford Park, Hazelwood Park, Hartke Park, and Shenandoah Park, and Dement Park as respectively described in Exhibits "A" to "F," attached hereto and by this reference made a part hereof; and

WHEREAS, the City Commission does not itself have the power to allow the sale, transfer, or other disposition of City park property or otherwise transfer any portion of Park property or the changing of the status of any such park, as the City Charter prohibits such actions without the approval of the registered qualified voters of the City; and

WHEREAS, the Commission has determined it necessary to submit such measures to the registered, qualified voters of the City; and

NOW, THEREFORE, BE IT RESOLVED by the City Commission of Oregon City as follows:

Section 1. A regular city election is called in and for the City of Oregon City, to be held Tuesday, November 5, 2002, by mail ballot in accordance with Oregon Law, to be conducted by the Clackamas County Clerk.

Section 2. At that election, the following question shall be submitted to the electors:

Shall City Commission be authorized to sell, lease, transfer or change status of certain parks?

Section 3. The City Commission adopts the following ballot title to describe the measure to be placed before the voters at the November 5, 2002, election:

**MEASURE NO. \_\_\_\_\_**

**CAPTION:** Allows City Commission to take specific actions regarding park lands.

**QUESTION:** Shall City Commission be authorized to sell, lease, transfer or change status of certain parks?

**SUMMARY:** This measure would allow the City Commission to sell, lease, transfer or change status of certain parks, namely Senior Citizens Park, Stafford Park, Hazelwood Park, Hartke Park, Shenandoah Park and Dement Park. Section 41 of the City Charter requires voter approval of these actions. The City Commission therefore submits this measure to the voters of Oregon City for their approval to allow such actions. This measure would not sell, lease or transfer any property interests in parks or to change the status of such parks, but would allow the Commission to do so, following a public process.

(        ) YES, I approve the measure.

(        ) NO, I do not approve the measure.

Section 4. The City Recorder is hereby authorized and directed to take all measures necessary for the holding of the election on the measure described in this resolution.

Adopted, signed and approved this 4<sup>th</sup> day of September 2002.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

Comprising the City Commission  
of Oregon City, Oregon

LEGAL DESCRIPTION  
FOR  
SHENANDOAH PARK

That portion of land situated in Section 6, T.3S., R.2E., Willamette Meridian, Clackamas County, State of Oregon, said property being more particularly described as follows:

That tract of land known as Shenandoah Park contained in the duly recorded plat of "Shenandoah", Plat No. 1931, as recorded in Clackamas County Records;

Located on Map 3-2E-06CD TL 01100

LEGAL DESCRIPTION  
FOR  
HAZELWOOD PARK

That portion of land situated in Section 6, T.3S., R.2E., Willamette Meridian, Clackamas County, State of Oregon, said property being more particularly described as follows:

That tract of land known as Lot A, Block 3, in the duly recorded plat of "Hazelwood Park No. 4", Plat No. 1577, as recorded in Clackamas County Records;

Located on Map 3-2E-06BD TL 00164

LEGAL DESCRIPTION

FOR

HARTKE PARK

That portion of land situated in Section 6, T.3S., R.2E., Willamette Meridian, Clackamas County, State of Oregon, said property being more particularly described as follows:

That tract of land known as Lot B in the duly recorded plat of "Hazelwood Park No. 5", Plat No. 1725, as recorded in Clackamas County Records;

Located on Map 3-2E-06BD TL 04300

LEGAL DESCRIPTION  
FOR  
SENIOR CITIZEN PARK

That portion of land situated in Section 31, T.2S., R.2E., Willamette Meridian,  
Clackamas County, State of Oregon, said property being more particularly described as  
follows:

That tract of land known as Lot 8, Block 110, and including the northeasterly fifteen feet  
of Lot 7, Block 110, adjoining said Lot 8 as contained in the duly recorded plat of  
“Oregon City”, Plat No. 2, as recorded in Clackamas County Records;

Located on Map 2-2E-31AD TL 12100



LEGAL DESCRIPTION

FOR

DEMENT PARK

That portion of land in the Archibald McKinley DLC No. 60, situated in Section 31 T.2S., R.2E., Willamette Meridian, Clackamas County, State of Oregon, said property being more particularly described as follows:

Beginning at the Southwest corner of Lot 6, Block 76 of the duly recorded plat of "South Oregon City No. 3", Plat No. 131; thence West parallel with the centerline of Charman Street a distance of 30.00 feet to the centerline of Dement Street; thence North along the centerline of said Dement Street a distance of 119.87 feet to a point on the easterly extension of the southerly line of McKinley Avenue which is South 65°03'30" East 33.09 feet from the Northeast corner of Lot 1, Block 77 of said plat; thence North 24°56'30" East, perpendicular to the centerline of said McKinley Avenue a distance of 60.00 feet to the northerly line of McKinley Avenue; thence South 65°03'30" East along said northerly line 85 feet, more or less, to the South corner of Lot 12, Block 4 of the duly recorded plat of "Falls View Addition" Plat No. 40, and being on the westerly line of Jersey Avenue; thence South 24°56'30" West along said westerly line 150 feet, more or less, to a point on the South line of said Lot 6; thence West along said South line 10 feet, more or less, to the Southwest corner of said Lot 6 and being the point of beginning.

Located on Map 2-2E-31DC TL 08100

LEGAL DESCRIPTION  
FOR  
STAFFORD PARK

That portion of land in the William Holmes DLC No. 38, situated in Section 6  
T.2S., R.2E., Willamette Meridian, Clackamas County, State of Oregon, said property  
being more particularly described as follows:

1. Beginning at an iron pipe at the Southwest corner of a tract of land known as  
Stafford Park, conveyed by deed to City of Oregon City recorded January 9, 1978  
in Fee Number 78-827, Clackamas County Deed Records, said point being on the  
northerly right-of-way line of Holmes Lane, and South 86°20'00" West, 109.76  
feet from the section line between Sections 5 and 6; thence along the West line of  
said City of Oregon City tract North 0°07'39" East, 256.33 feet to the true point of  
beginning.
2. Thence parallel with the South line of said City of Oregon City tract,  
North 86°20'00" East, 82.42 feet;
3. Thence parallel with the East line of said City of Oregon City tract, South  
01°49'26" East, 92.49 feet;
4. Thence parallel with the northerly right-of-way line of Holmes Lane,  
South 86°20'00" West, 18.19 feet;
5. Thence South 01°49'00" East 163.42 feet to a 5/8-inch rod on the northerly right-  
of-way line of Holmes Lane;

6. Thence along the northerly right-of-way line of Holmes Lane North  $86^{\circ}20'00''$   
East 120.12 feet to the Southeast corner of said City of Oregon City tract;
7. Thence north along the East line of said City of Oregon City tract, 456.72 feet to  
the Northeast corner of said City of Oregon City tract;
8. Thence west along the southerly right-of-way of Mountainview Street, 195.12 feet  
to the Northwest corner of said City of Oregon City tract;
9. Thence South  $00^{\circ}07'39''$  West 209.92 feet to the true point of beginning.

Located on Map 3-2E-06AA TL 05200