

CITY OF OREGON CITY

INCORPORATED 1844

COMMISSION REPORT

TO THE HONORABLE MAYOR AND COMMISSIONERS

FOR AGENDA

DATED

April 1, 1998

Page 1 of 1

Subject: Vacation of a Portion of a
Conservation Easement -
Resolution No. 98-08

Report No. 98-41

On the April 1, 1998 agenda is proposed Resolution No. 98-08 (copy attached) which vacates a portion of a Water Conservation Easement at 12620 Hiefield Court, also known as Lot 6 of Landmark South, a duly recorded plat in Clackamas County Plat Book No. 109, page 10.

Plans were submitted to construct a single family residence on Lot 6. Initially, staff approved the home layout and then subsequently approved a two-foot extension. This extension resulted in a corner of the house encroaching into two feet nine inches of a recorded Water Resource Conservation Easement. To correct this matter, staff recommends vacating an additional two feet of the easement to ensure no future vacation is required should the house be positioned incorrectly during construction. The total decrease of the easement would be 20.20 square feet.

Vacation of a portion of the easement would result in no harm being done to the purpose of the conservation easement with the house corner being over 40 feet from the creek. There is no present or future need for the public to use this portion and there would be no impact on adjacent property. The two immediate neighbors have submitted letters of agreement (copy attached) to the vacation.

It is recommended that proposed Resolution No. 98-08 be adopted.

CHARLES LEESON
City Manager

jke
Attach.
cc:

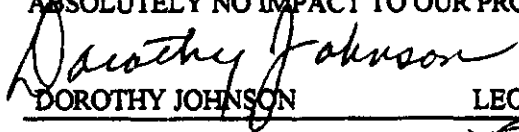
Community Development Director
Engineering Manager

TO: LANDMARK CONSTRUCTION, INC..
RE: VACATION CO EASEMENT
12620 S. HIEFIELD COURT
OREGON CITY, OREGON

DEAR LANDMARK CONSTRUCTION

THIS LETTER IS IN RESPONSE TO ANY IMPACT YOUR 2'8" SOUTHWEST CORNER OF THE
HOME ON LOT 6 LANDMARK SOUTH IS IN THE EASEMENT. WE AGREE THERE IS

ABSOLUTELY NO IMPACT TO OUR PROPERTY 12856 S. HIEFIELD, OREGON CITY, OREGON.


DOROTHY JOHNSON

LEONARD JOHNSON

3-13-98



TO: LANDMARK CONSTRUCTION, INC..
RE: VACATION CO EASEMENT
12620 S. HIEFIELD COURT
OREGON CITY, OREGON

DEAR LANDMARK CONSTRUCTION

THIS LITTER IS IN RESPONSE TO ANY IMPACT YOUR 2'8" SOUTHWEST CORNER OF THE
HOME ON LOT 6 LANDMARK SOUTH IS IN THE EASEMENT. WE AGREE THERE IS
ABSOLUTELY NO IMPACT TO OUR PROPERTY 12642 S. HIEFIELD, OREGON CITY, OREGON.

KEVIN SCHUMACHER

KARI SCHUMACHER

Kevin Schumacher

Kari Schumacher

LOW PLASTIC CAP MARKED
S-26983.

PLASTIC CAP MARKED
ONUMENTATION REQUIREMENTS

OREGON
JULY 25, 1990
WAYNE A. OLSON
2463

EXPIRES 12-31-98

I HEREBY CERTIFY THIS TO
BE A TRUE AND EXACT COPY
OF THE ORIGINAL PLAT

199

HIEFIELD CT.
50' WIDE
BOOK 852, PAGE 437 1/29/85

"INITIAL POINT"
B N.W. CORNER
FEE NO. 77-17832
N 814,490.0982
E 7,661,387.9518

CENTERLINE CREEK

LOT 6
12,715

LOT 5
12,810

CONSERVATION EASEMENT
SEE NOTE 5

LOT 4
8,887

LOT 3
8,416

SEE FENCE DETAIL

CENTERLINE CREEK

"MT. PLEASANT HEIGHTS"
PLAT 295

FENCE DETAIL
NOT TO SCALE

435.88'

Z



RESOLUTION NO. 98-08

A RESOLUTION REQUESTING THE VACATION OF A PORTION OF A WATER RESOURCE CONSERVATION EASEMENT ON PROPERTY LOCATED AT 12620 HIEFIELD COURT, ALSO KNOWN AS LOT 6 OF LANDMARK SOUTH, A DULY RECORDED PLAT

WHEREAS, an existing conservation easement, 46 feet from the centerline of the creek, crossed the subject property as recorded on Clackamas County Plat Book No. 109, page 10; and

WHEREAS, City staff approved a two-foot extension to an already approved new residence; and

WHEREAS, City staff inadvertently approved an encroachment of two feet, nine inches (2' 9") inside the said easement; and

WHEREAS, only the corner of the proposed home touches the easement; and

WHEREAS, City staff recommends vacating an additional two feet to ensure no future vacation is required should the house be positioned incorrectly during construction; and

WHEREAS, the total decrease in the easement is 20.20 square feet; and

WHEREAS, there is no harm being done to the purpose of the conservation easement with the house corner being over 40 feet from the creek; and

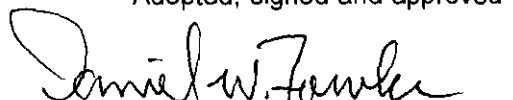
WHEREAS, there is no present or future need for the public to use this land; and

WHEREAS, this vacation is in the best public interest because there would be no impact on adjacent property; and

WHEREAS, the two immediate neighbors have submitted letters of agreement with this easement.

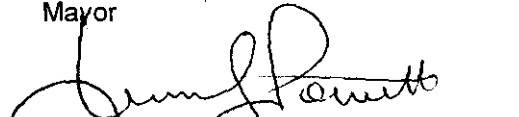
NOW, THEREFORE, BE IT RESOLVED by the City Commission that the City of Oregon City, Oregon, vacate the easement as depicted in the attached Exhibit "A".

Adopted, signed and approved this 1st day of April, 1998.



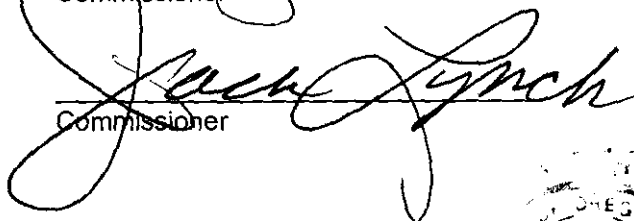
Mayor

Commissioner



Commissioner

Commissioner



Commissioner

Comprising the City Commission
of Oregon City, Oregon



98-028481

LEGAL DESCRIPTION

A tract of land located in the Southeast Quarter of Section 6, Township 3 South, Range 2 East of the Willamette Meridian, City of Oregon City, County of Clackamas, and State of Oregon being more particularly described as follows:

PORTION OF EASEMENT TO VACATE:

Commencing at the Northwest corner of Lot 6 of Landmark South, a duly recorded plat in Clackamas County (Surveyor's No. 3338);

Thence S10°13'50"E, along the Westerly line of said Lot 6, a distance of 55.24 feet, to the intersection of said Westerly line with the Northerly line of a Conservation Easement as shown on said plat;

Thence S60°51'18"E, along the Northerly line of said Conservation Easement, a distance of 19.62 feet, to a point, BEING THE TRUE POINT OF BEGINNING;

Thence S10°13'50"E, a distance of 5.76 feet, to a point;

Thence N79°45'38"E, a distance 7.02 feet, to the North line of said easement;

Thence N60°51'18"W, along the Northerly line of said easement, a distance of 9.07 feet, to the POINT OF BEGINNING.

This parcel comprises 20.20 feet.

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STATE OF OREGON 98-028481
CLACKAMAS COUNTY
Received and placed in the public
records of Clackamas County
RECEIPT# AND FEE: 70650 \$45.00
DATE AND TIME: 04/07/98 09:43 AM
JOHN KAUFFMAN, COUNTY CLERK

Vacation Easement

3-2E-6DD+1608

Lot 6, in

Landmark South

12620 Hiefield Ct.

TP96-02

DOC# 98-028481

MAP 1411 # 12

Env. 427