

RESOLUTION NO. 17-20

**A RESOLUTION TO ALLOW PORTIONS OF A FRONT PORCH AND WALKWAY AS A REVOCABLE RIGHT-OF-WAY OBSTRUCTION AT 719 MOLALLA AVENUE, OREGON CITY, CLACKAMAS COUNTY, OREGON**

**WHEREAS**, a porch and walkway are currently attached to the house located at 719 Molalla Avenue, that requires the owners to request this approval for the porch and walkway in the Molalla Avenue right-of-way; and

**WHEREAS**, a new concrete walkway replaced a deteriorated wood walkway that connected the house to the sidewalk on Molalla Avenue; and

**WHEREAS**, the new concrete walkway is sloped and configured so that no handrails or guardrails are required; and

**WHEREAS**, Oregon City Public Works staff determined that the porch and walkway would not constrain the current public use of the existing sidewalk within the Molalla Avenue right-of-way; and

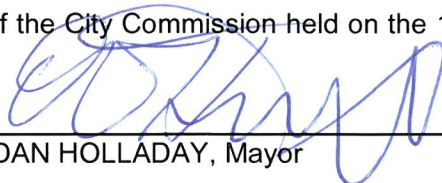
**WHEREAS**, the Oregon City Municipal Code 12.04.120 requires that permanent obstructions in a public street (or alley) right-of-way be approved by the City Commission by passage of a resolution; and

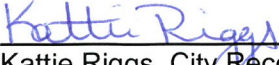
**WHEREAS**, following the resolution passage, Oregon City Public Works will issue a "Revocable Right-of-Way Obstruction Permit", RW 17-0064, for the existing porch and walkway and maintenance of the porch and walkway by the owner.


**NOW, THEREFORE, OREGON CITY RESOLVES** by the City Commission of Oregon City, Oregon, to approve Resolution No. 17-20 and approve the City Engineer to issue a Revocable Right-of-Way Obstruction permit, RW 17-0064, at 719 Molalla Avenue for a porch and walkway encroachments and maintenance of the porch and walkway by the owner.

**Section 1.** This resolution shall take effect immediately upon its adoption by the City Commission.

Approved and adopted at a regular meeting of the City Commission held on the 19<sup>th</sup> day of July 2017.

  
DAN HOLLADAY, Mayor

Attested to this 19<sup>th</sup> day of July 2017:  
  
Kattie Riggs, City Recorder

Approved as to legal sufficiency:  
  
City Attorney



# OREGON CITY

Public Works – Development Services

625 Center Street | Oregon City, OR 97045

Ph: (503) 657-0891 | Fax: (503) 657-7892

72 HOUR NOTICE REQUIRED FOR INSPECTIONS

**\*REVOCABLE\***

## RIGHT OF WAY PERMIT

**THIS PERMIT EXPIRES** upon removal of encroachment or revocation by the city resulting from Oregon City design standards or Code changes. (See OCMC 8.08.040.)

**Permit No:** **RW-17-0064**

**Status:** **pending**

Permission is hereby requested to encroach into public rights-of-way (ROW) to perform work as set forth below. It is understood that this application is limited to the work described herein and that all work is to be done in compliance with page 2 (provisions) of the ROW permit ([www.oregoncity.org/publicworks/right-way-row-street-permits](http://www.oregoncity.org/publicworks/right-way-row-street-permits)) and all other applicable rules, regulations and standards of the City. The permittee assumes full responsibility for said compliance, for acceptability of the work and for repair or replacement thereof if defective and for repair or replacement of any existing improvement damaged by this work. Standard details and the Pavement Cut Standards are available at [www.oregoncity.org/publicworks/design-and-construction-standardsdrawings](http://www.oregoncity.org/publicworks/design-and-construction-standardsdrawings).

**Job Address:** 719 MOLALLA AVE  
OREGON CITY OR 97045

**Permit Description:**

Revocable "Permanent Obstruction in Right-of-Way (ROW)" permit: existing front porch and walkway of house at 719 Molalla Ave.

**Owner's Name:** OPI REAL ESTATE LLC  
**Owner's Phone:**  
**Owner's Address:** 2575 SUMMIT DR  
LAKE OSWEGO OR 97034

**Submitted by:** OPI REAL ESTATE LLC  
**Phone:**

**Fees:**

<u>Description</u>	<u>Fee Amount</u>	<u>Description</u>	<u>Fee Amount</u>
4616-Non Core Parking Meter		4316 Pavement Cut Review	
4616-Core Parking Meter Fee		Core Parking Meter Fee addtl	
Non Core Parking Meter addtl		4338 Record documents at Cnty	274.00
4316 ROW Permit fee	151.00	4316 ROW for Code Enforcement	
4316 Temporary Obstruction ROW		4316 ROW Reinspect	
		<b>Total fees:</b>	<b><u>\$ 425.00</u></b>

**Staff Comments:**

**72 HRS. ADVANCE NOTICE MUST BE GIVEN FOR INSPECTION**

- Exclusive of Saturdays, Sundays and holidays. Forms and subgrade must be inspected and approved before ordering Portland Cement Concrete or Asphaltic Concrete. Failure to obtain approval before proceeding with work may cause for rejection. Any work to be done on a Saturday or holiday **MUST** be approved by the City at least 72 hours in advance.  
(Normal City work hours)

**CONSTRUCTION WATER SHALL NOT BE TAKEN FROM A FIRE HYDRANT UNTIL A FIRE HYDRANT PERMIT HAS BEEN OBTAINED FROM PUBLIC WORKS (503) 657-8241.**

**CUSTOMER NO.:** 019696

**ISSUED BY:** \_\_\_\_\_  
(CITY ENGINEER OR AUTHORIZED REPRESENTATIVE)

**DATE:**



# OREGON CITY

Public Works

625 Center Street | PO Box 3040 | Oregon City OR 97045  
Ph (503) 657-0891 | Fax (503) 657-7892

<b>RIGHT-OF-WAY PERMIT APPLICATION</b>			Application Date: 6/5/17
<b>Work Site Information</b>			
Address: 719 Molalla Av	Oregon City	Cross Street: Mt. Hood St.	
Applicant		<input checked="" type="checkbox"/> Responsible for Project (Permittee)	<input checked="" type="checkbox"/> Primary Contact
Business Name/Property Owner:		OPI Real Estate 2 LLC	
Contact Name: Christopher Meyn	E-Mail: chris@gnomegrownretail.com		
Mailing Address: 2575 Summit Drive	City, State & Zip: Lake Oswego, OR 97034		
Phone: (917) 923-3831	Alt. Phone: (503) 312-0343		
Contractor		<input type="checkbox"/> Same as above	<input type="checkbox"/> Responsible for Project (Permittee)
Business Name:		Contact Name:	
Mailing Address:		Phone:	
City, State & Zip:		E-Mail:	
Oregon City Business License No. (or Metro Contractor's License No.):			License or CCB Number(s): N/A
<b>Work Details</b>			
Proposed Start Date:		Estimated Completion Date:	
<b>DESCRIPTION OF WORK TO BE DONE IN ROW PER THIS PERMIT (check all boxes that apply):</b>			
<b>UTILITY WORK:</b>	<input type="checkbox"/> Sanitary Sewer	<input type="checkbox"/> Stormwater	<input type="checkbox"/> Pavement/Trench Cut
	<input type="checkbox"/> Electrical	<input type="checkbox"/> Water	<input type="checkbox"/> Other
<b>SIDEWALK WORK:</b>	<input type="checkbox"/> New	<input type="checkbox"/> Repair / Replace	<input type="checkbox"/> Curb and/or Gutter Work
	Length (ft):	Width (ft):	# of Panels (estimate):
<b>MATERIAL STORAGE:</b>	<input type="checkbox"/> Drop Box	<input type="checkbox"/> Storage Pod	<input type="checkbox"/> Other
<b>LANDSCAPING WORK:</b>	<input type="checkbox"/> Tree Removal	<input type="checkbox"/> Tree Installation	<input type="checkbox"/> Other
<b>RESERVED PARKING:</b>	# Spaces:	No. of Days:	Location:
<b>EVENT*:</b>	Event Name:		
	General location/route:		
Provide paragraph description of event or work to be done: <b>Please see attached description.</b>			
<small>Permission is hereby requested to encroach into public right-of-way to perform work as set forth below. It is understood that this application is limited to the work described herein and that all work shall be done in compliance with the provisions shown on the back of this application and with all other applicable rules, regulations and standards of the City; and that the permittee assumes full responsibility for said compliance, for acceptability of the work, and for repair or replacement thereof if defective, and for repair or replacement of any existing improvement damaged by this work.</small>			
<b>SEE THE BACK (PAGE 2) OF THIS PERMIT FOR CONDITIONS AND PROVISIONS</b>			
I CERTIFY THE ABOVE INFORMATION IS CORRECT		Applicant's Signature:	
<b>OFFICE USE ONLY</b>			
It is incumbent on the permittee to comply with all items checked and with the terms of any other City permits issued:			
<input type="checkbox"/> Provide a traffic control plan to the City for review and approval.	<input type="checkbox"/> Coordinate work with all applicable utility companies.		
<input type="checkbox"/> Barricade and sign sidewalks & parking spaces in advance of their use.	<input type="checkbox"/> Tree removal/replacement per City Planning Dept approval process.		
<input type="checkbox"/> Contact the city inspector at 503.793.1630 for pre and post inspections, questions and/or pre-pour and final concrete inspections.			
Related City permits:			
Expiration Date:	<input type="checkbox"/> 60 DAYS	<input type="checkbox"/> 90 DAYS	Other
Details given to customer:	<input type="checkbox"/> OC Std Dwg No. 504A	<input type="checkbox"/> OC Std Dwg No. 508	<input type="checkbox"/> OC Std Dwg No. 509
Issued by:	Date:		RW Permit No. RW-17-0064

\*Application for Special Event will be required simultaneously.

**THIS PERMIT NUMBER RW-17-0064 IS ISSUED AND ACCEPTED SUBJECT TO THE FOLLOWING PROVISIONS:**

1. Permittee agrees to save, keep and hold harmless the City of Oregon City, its officers, agents and employees from all damages, costs or expenses in law or equity that may at any time arise or be set up because of damage to property, or of personal injury received by reason of or in the course of performing work authorized by this permit which may be occasioned by any act or omission of the permittee, his agents or employees. The City will not be liable for any accident, loss or damage to the work prior to its completion and acceptance.
2. Permit is void 60 days after date of issue unless otherwise noted. A time extension shall be requested not less than 24 hours prior to expiration.
3. Concrete curb, sidewalk, gutters, driveway approaches, alley entrances, paving repairs, etc. shall be constructed per City Standards ([www.orcity.org/public-works/standards.htm](http://www.orcity.org/public-works/standards.htm)).
4. A copy of this permit shall be kept at the work site.
5. Work authorized by this permit includes removal and replacement of improvements as necessary.
6. Oregon law requires that the rules adopted by Oregon Utility Notification Center be followed. Those rules are set forth in OAR 952-001-0010 to 0090. You may obtain copies of the rules by calling the center or online at [www.callbeforeyoudig.org](http://www.callbeforeyoudig.org). Call before you dig - Portland Metro Area 811 or 503-246-6699.
7. Permittee shall adequately safeguard all excavations and obstructions with barricades, lights and/or other suitable safety devices per the current "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES" ([mutcd.fhwa.dot.gov/](http://mutcd.fhwa.dot.gov/)), Federal Highway Administration and follow all OSHA rules and regulations. If the permittee fails to adequately safeguard the public, the City shall place barricades and lights at the expense of the permittee. Placement of safety devices by the City shall not relieve the permittee from liability.
8. Permittee shall coordinate **24 hours in advance of any street closure with Oregon City Code Enforcement at 503.496.1559** for each day any street is to be closed.
9. Fire Department access to fire hydrants shall be maintained at all times.
10. Permittee shall be responsible for preserving construction survey stakes and marks for the duration of their usefulness.
11. Construction water shall not be taken from a fire hydrant until a fire hydrant permit has been obtained from the Public Works Operations Center, 122 S. Center Street, 503.657.8241.
12. A minimum of **72 hours' advance notice** must be given for inspection requests (exclusive of Saturdays, Sundays and holidays).
13. Forms and subgrade must be inspected and approved before ordering Portland Cement Concrete or Asphaltic Concrete. Failure to obtain approval before proceeding with work may be cause for rejection. Any work to be done on a Saturday or holiday **MUST** be approved by the City at least 24 hours in advance.
14. Any work done without proper inspections will be subject to rejection. Permittee shall request inspections when: (1) forms are complete/ready for concrete; (2) subgrade is compacted and ready for pavement or concrete; (3) excavation is started; (4) sewers are ready for testing; (5) backfill compaction is in progress; (6) temporary resurfacing has been placed; (7) all work authorized by this permit has been completed; and (8) any time assistance is needed to assure compliance with City requirements. Reinspections required due to site or work not being ready for inspection when scheduled or for the replacement of defective work, shall be done at the expense of the permittee.
15. Asphalt pavement, including resurfacing, shall be constructed of Level 2, ½-inch dense HMAC ODOT asphalt concrete for the roadway.
16. Curbs with depressions for vehicular access will not be accepted until a standard driveway approach has been constructed at each depression. Where none exists, a sidewalk adjoining such driveway approaches shall be constructed.
17. Final approval of any work will not be given until construction debris and excess material is removed and parkways are graded to conform to the standard street section and planted as appropriate to match existing.
18. Failure to secure permits for previous work or failure to pay fees due on previous permits shall render the applicant, permittee or employees ineligible for any other City permit until such fees and penalties are paid.
19. Any applicant or contractor who has done work in public rights-of-way not in conformance with City Standard Specifications, Standard Drawings or Special Provisions, or who violates the City Code shall be ineligible to do work in public rights-of-way until such deficiency has been corrected to the satisfaction of the City Engineer.
20. Construction hours: Monday-Friday 7am to 6pm, Saturdays 9am to 6pm. NO work shall be done on Sundays.
21. Contractors shall have an Oregon City Business License and/or a Metro Contractor's License and required contractors' licenses.
22. Permittee shall remain responsible for satisfactory workmanship and material for two years after acceptance of improvements authorized by this permit.

I AGREE TO COMPLY WITH THE PERMIT AND ALL ABOVE-REFERENCED CONDITIONS

Applicant's Signature:



Date:

06/05/2017

# **OPI REAL ESTATE 2 LLC**

**2575 Summit Drive  
Lake Oswego, OR 97034**

## **Right of Way Obstruction Description 719 Molalla Ave**

The right of way obstruction consists of an existing historic porch and a new concrete walkway to access the building from the public sidewalk on Molalla Ave. The ROW along the Molalla Ave frontage is unusually wide at this area with the property line more than 13' behind the public sidewalk. The current Owner had the property surveyed and it was determined that the existing porch (constructed approx 1920) encroaches more than 3' into the ROW creating an existing obstruction per OCMC.

The only access to this business is from the Molalla frontage with the site being constrained by steeply sloping property which does not allow for parking on site behind or to the side of the building as required by City Code. The new concrete walkway replaces a deteriorated wood walkway that connects the only entry to this business with the sidewalk on Molalla. The walkway is at grade and is sloped and configured so that no handrails or guardrails are required. The right of way behind the public sidewalk will be attractively landscaped and maintained by the property owner for the full width of the property.

The approval of this right of way obstruction will allow this historic building to remain a viable business and will not negatively impact the City or restrict any future street improvements or utility projects in the foreseeable future.