

RESOLUTION NO. 21-34

**A RESOLUTION VACATING AN UNUSED PORTION OF PUBLIC SANITARY SEWER
EASEMENT ON 11837 SKELLENGER WAY**

WHEREAS, the owner of 11837 Skellenger Way has applied for a vacation of a portion of the public sanitary sewer easement (hereinafter called "EASEMENT"); and

WHEREAS, the EASEMENT on property legally described as 3172 Westling Farm Lot 1 is legally described in Exhibit A and depicted in Exhibit B; and

WHEREAS, the EASEMENT on the subject property was purposed solely for City use and maintenance of a public sanitary sewer main line that crosses onto the property; and

WHEREAS, the EASEMENT does not contain any portion of sanitary sewer main line; and

WHEREAS, Oregon City Public Works staff have determined that the proposed vacation is in the best public interest based on the EASEMENT portion lacking utility for its designed purpose of allowing ongoing use and maintenance of the sanitary sewer main line; and


WHEREAS, the portion of the EASEMENT has been approved to be vacated by Public Works; and

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

Section 1. The City Commission of the City of Oregon City hereby vacates that portion of public sanitary sewer easement as legally described in Exhibit B and marked thereon as "Sanitary Sewer Easement to Be Vacated".

Section 2. 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 7th day of July, 2021.



RACHEL LYLES SMITH
Oregon City Mayor

Attested to this 7th day of July, 2021:

Approved as to legal sufficiency:



Kattie Riggs, City Recorder



City Attorney



APPLICATION STREET/ALLEY VACATION

Property Owner/Authorized Agent Anthony J. Bottger
Address 11837 Skellenger Way, Oregon City, OR 97045
Telephone 503-665-1928 Location of Property to be Vacated 11837 Skellenger Way,
Oregon City, OR 97045

Note: Legal description of property must be attached for street vacations. The application shall be accompanied by a fully dimensioned accurate and legible site plan, drawn to scale.

Reason for Street/Alley/Easement Vacation and Proposed Use For the construction of a permitted RV carport
Vacate 72.48' from the front property line of the sewer easement, retaining 20' from the rear property line of the
existing easement.

A vacation shall be granted only in the event that all of the following conditions exist:

- a. There is no present or future public need for the street, alley, or easement.
- b. The vacation is in the best public interest.
- c. There would be no impacts to adjacent properties.
- d. Consent of adjacent property owners when appropriate.

Explain how proposed vacation complies with these four conditions:

a. The portion of the sanitary sewer easement to be vacated is in an existing neighborhood and there is no sewer pipes or structures in the portion that would be vacated.

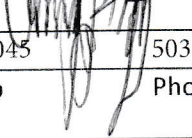
b. & c. This is a sanitary sewer easement in place for the city sewer department maintenance and it's on private property. The vacation of this portion of the easement will have no effect on the general public or adjacent property owners.

d. N/A

(Attach addendum, if additional space is needed).

INSTRUCTIONS FOR COMPLETING VACATION APPLICATIONS

1. All applications must be either typed or printed (black ink). Please make the words easily readable. Neatness is important.
2. The application must be submitted with the correct fee.
3. If you mail in the application, please verify with the Development Services Division to ensure that it was received and that all necessary fees and information are with the application form.
4. If you wish to modify or withdraw the application, you must notify the Development Services Division in writing. Additional fees may be charged if the changes require new public notice and/or if additional staff work is necessary.
5. Attach all the information with the application form that you have available that pertains to the activity you propose.
6. Prior to submitting the application, you must make an appointment to discuss your proposal with a member of the Development Services Division. If you wish, Development Services personnel will advise you in completing some portions of the application; however, the entire burden is upon the applicant to provide necessary information to justify approval of the application.
7. Detailed legal descriptions, maps, and other relevant information should be attached to the application form and will be available for public review. All applicable standards and criteria must be addressed prior to acceptance of the application. The content of the attached information should be discussed with the City Engineer prior to submission of the application.
8. Incomplete applications will be returned.

APPLICANT'S NAME & SIGNATURE: Anthony J. Bottger 

MAILING ADDRESS: 11837 Skellenger Way, Oregon City, OR 97045 503-665-1928

City State Zip Phone No.

ABUTTING PROPERTY OWNER'S NAME & SIGNATURE: _____

MAILING ADDRESS: _____

City State Zip Phone No.

ABUTTING PROPERTY OWNER'S NAME & SIGNATURE: _____

MAILING ADDRESS: _____

City State Zip Phone No.

ABUTTING PROPERTY OWNER'S NAME & SIGNATURE: _____

MAILING ADDRESS: _____

City State Zip Phone No.

If the property owner does not sign this application, then a letter authorizing signature by an agent must be attached.

FOR OFFICE USE ONLY

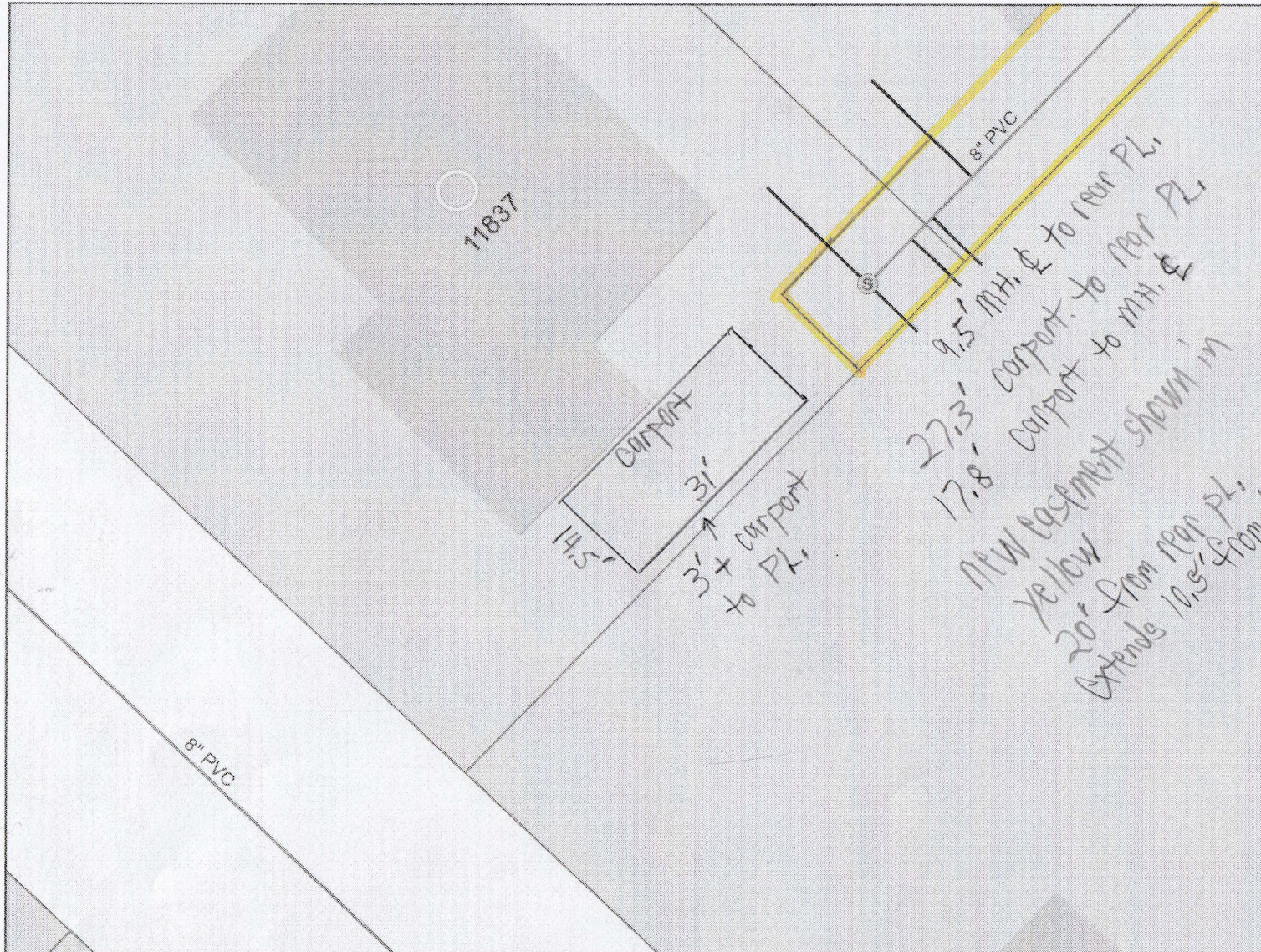
DATE SUBMITTED: _____ RECEIVED BY: _____

FEE PAID: _____ RECEIPT NO.: _____

PUBLIC HEARING DATE: _____ ENGINEER ASSIGNED: _____

DATE ACCEPTED AS COMPLETE: _____

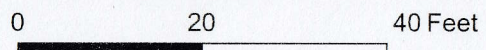
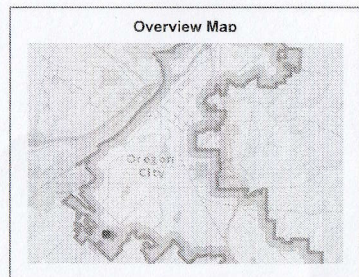
Oregon City GIS Map



Legend

- Street Names
- Taxlots
- Taxlots Outside UGB
- Unimproved ROW
- Sewer Structures (City Owned)
- Sewer Pipes (City Owned)
 - Force Main
 - Gravity Line
 - Outfall
 - Overflow
- Sewer - Laterals
 - Inactive or Abandoned
 - Active
- City Limits
- UGB
- Basemap

Notes



1: 240



The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed. This map is not suitable for legal, engineering, surveying or navigation purposes. Notification of any errors is appreciated.

Map created 5/19/2021

City of Oregon City
 PO Box 3040
 625 Center St
 Oregon City
 OR 97045
 (503) 657-0891
www.orcity.org



WESTLING FARM

LOT 2

LOT 1

EXISTING 15'
SANITARY SEWER
EASEMENT TO
REMAIN

20.0'

20.0'

S46°03'04"E
15.00'

15.0' WIDE
SANITARY SEWER
EASEMENT TO
BE VACATED

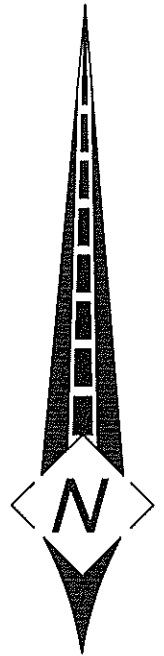
N43°56'56"E 72.67'

S43°56'56"W 72.48'

N46°45'55"W
15.00'

POINT OF
BEGINNING
SOUTHERLY
CORNER LOT 1,
WESTLING FARM

DOCUMENT NO.
70-04430

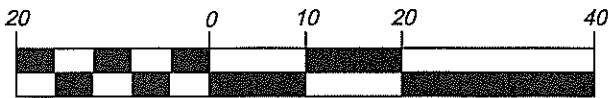


SKELLENGER WAY

SIGNED ON: 6-7-2021

REGISTERED
PROFESSIONAL
LAND SURVEYOR

GRAPHIC SCALE



(IN FEET)
1 INCH = 20 FT.

OREGON
NOVEMBER 30, 2007
JAMES BURTON BROWN
60379

RENEWS: DECEMBER 31, 2021

CLIENT: BOTTGER
ORIG. DATE: 6-2-2021
DRAWN BY: MPW
SHEET No. 1 OF 1

EXHIBIT "B"
EASEMENT VACATION
CITY OF OREGON CITY, CLACKAMAS COUNTY, OR
Scale: 1"=20'


CENTERLINE CONCEPTS
LAND SURVEYING, INC.
19376 MOLALLA AVE., SUITE 120
OREGON CITY, OREGON 97045
PHONE 503.650.0188 FAX 503.650.0189



CENTERLINE CONCEPTS
LAND SURVEYING, INC.

19376 Molalla Avenue, Ste. 120, Oregon City, OR 97045
P. 503-650-0188 F. 503-650-0189

Exhibit "A"
Easement Vacation
Legal Description

A Tract of land being a portion of that property described as Lot 1, per the Plat of "Westling Farm", Plat records of Clackamas County, located in the Southeast one-quarter of Section 12, Township 3 South, Range 1 East of the Willamette Meridian, City of Oregon City, County of Clackamas, State of Oregon, being more particularly described as follows:

BEGINNING at the Most Southerly corner of Lot 1, per the Plat of "Westling Farm", Plat records of Clackamas County, said corner being 25.00 feet North of the centerline of Skellenger Way when measured at right angles; thence along Southwesterly line of said Lot 1, N46°45'55"W, 15.00 feet; thence leaving said line, along the Northwesterly line of that 15.00 foot wide Sanitary Sewer Easement as shown on said Lot 1 of said Plat, N43°56'56"E, 72.67 feet; thence leaving said Northwesterly easement line, S46°03'04"E, 15.00 feet to the Southeasterly line thereof; thence along said Southeasterly line, S43°56'56"W, 72.48 feet to the **POINT OF BEGINNING**.

SIGNED ON: 6-7-2021

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
NOVEMBER 30, 2007
JAMES BURTON BROWN
60379

THROUGH DECEMBER 31st, 2021

AFTER RECORDING RETURN TO:

City of Oregon City, City Recorder
P.O. Box 3040
Oregon City, Oregon 97045-0304

Planning No.: VAC-21-00002

QUITCLAIM DEED

CITY OF OREGON CITY, A MUNICIPAL OREGON CORPORATION, AS GRANTOR, DOES REMISE, RELEASE AND FOREVER QUITCLAIM UNTO ANTHONY J. BOTTGER, GRANTEE (AS WELL AS ITS SUCCESSORS AND ASSIGNS), ALL THE RIGHTS, TITLE, INTEREST, CLAIM OR DEMAND THAT THE GRANTOR MAY HAVE IN THE FOLLOWING:

3172 WESTLING FARM LT 1

LEGAL DESCRIPTION OF PROPERTY

SEE DEPICTION ON ATTACHED **EXHIBIT A** AND **EXHIBIT B**

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON’S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

THE TRUE CONSIDERATION FOR THIS CONVEYANCE IS \$0

Dated this _____ day of _____ month, 20_____.

City of Oregon City

By: Anthony J. Konkol III, City Manager

STATE OF OREGON, County of Clackamas) ss.

This instrument was acknowledged before me, _____, on _____ day of _____ month, 20____ by **Anthony J. Konkol** who is the **City Manager**.

Notary Public for Oregon
My commission expires: _____

By: John M. Lewis, Public Works Director

STATE OF OREGON, County of Clackamas) ss.

This instrument was acknowledged before me, _____, on _____ day of
_____ month, 20____ by **John M. Lewis** who is the **Public Works Director**.

Notary Public for Oregon

My commission expires: _____



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THROUGH DECEMBER 31st, 2021

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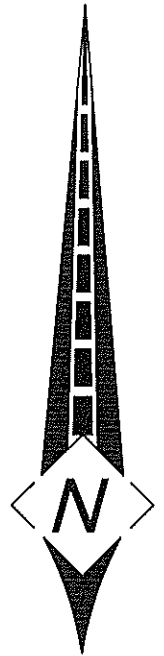
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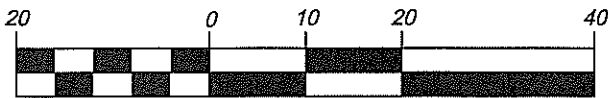


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