

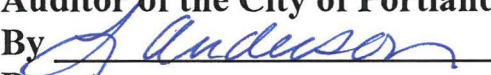
DEED 19058

Multnomah County Official Records		2013-150305
R Weldon, Deputy Clerk		
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Plu Karl Arruda

CITY OF PORTLAND
Office of the City Auditor
1221 SW Fourth Avenue, Room 130
Portland, OR 97204-1900

I hereby certify this Ordinance No. 186204 to be a complete and exact copy of the original as the same appears on file and of record in my office and in my care and custody on November 8, 2013.

LaVonne Griffin-Valade
Auditor of the City of Portland
By 
Deputy

ORDINANCE No. 186204 As Amended

*Vacate portions of SE Sherrett St and SE Umatilla St west of SE Grand Ave subject to certain conditions and reservations (Hearing; Ordinance; VAC-10080)

The City of Portland ordains:

Section 1. The Council finds:

1. On August 12, 2010, the Bureau of Transportation received a request from Tammy Cleys, Supervising Engineer, Design Division, (Initiator) at the Bureau of Environmental Services (BES) for the vacation of portions of SE Sherrett Street and SE Umatilla Street west of SE Grand Avenue.
2. The request states that the reason for the vacation is pursuant to a Stipulated General Judgment, Case No. 0912-17034 dated April 6, 2010, in exchange for the granting of easements to BES required for the Sellwood Pump Station Project No. E08467. The consolidation of property will provide for the future development of Portland Rowing Club's property. At the time the Portland Rowing Club applies for a permit for such future development, the Club will be required to grant an easement for the Willamette Greenway Recreational Trail as provided by Chapter 33.272 of the City Code.
3. The vacation is in conformance with the City of Portland's Comprehensive Plan and is consistent with recommendations made by the City Engineer and Planning and Sustainability Commission, as provided in the City Engineer's Report, dated May 23, 2013 and on file with the Office of the City Auditor and the Bureau of Transportation.
4. In accordance with ORS 271.100, the Council fixed a time and place for public hearing before the Council; the Auditor published notice thereof, and posted notice in the areas proposed for vacation.
5. In accordance with ORS 271.190, since the area to be vacated lies within 5,000 feet of the harbor line, approval in writing of the proposed vacation has been secured from the Port of Portland.
6. Other procedural requirements of ORS 271 have been complied with, and the Council having held a public hearing, finds no objections were made or filed hereto, and it is in the public interest that said street be vacated.

NOW, THEREFORE, the Council directs:

- a. The following described street areas are hereby vacated:

As depicted on Exhibits 1 and 2 and described on Exhibits 3 and 4 attached hereto.

- b. The vacation of the above-described street areas are granted subject to the following conditions and reservations:

1. A public recreational trail easement is hereby reserved over the entirety of the vacated street areas, excepting therefrom those portions lying below the Ordinary High Water Line of the Willamette River.

This easement will be reserved for Portland Parks & Recreation to provide for the maintenance, operation, inspection, repair, reconstruction, replacement and enlargement of a recreational trail and necessary appurtenances.

2. A public sewer easement is hereby reserved over the entire length and width of the vacated street area of SE Umatilla Street for an existing 10 inch sanitary sewer facility.

This easement will be reserved for BES to provide for the maintenance, operation, inspection, repair, reconstruction, replacement and enlargement of the existing public sewer facility and necessary appurtenances, and is reserved on the condition that no building construction, material storage, filling, grade change or tree planting will be permitted within said easement area without the prior written consent of the Director of the Bureau of Environmental Services, and further that the City or its contractors will not be responsible for damage to any improvements, including landscaping existing on the easement area, if such things are damaged or destroyed by the City or its contractors in the course of reconstruction or maintenance of the existing public sewer facility.

This easement allows BES access to the easement area at all times.

3. In accordance with ORS 271.120 and City of Portland policy, the street vacation ordinance shall not cause or require the removal or abandonment of any sewer, water or gas main, conduit of any kind, wire, pole or thing used, or intended to be used, for any public service, including, but not limited to those identified by Northwest Natural. The ordinance will reserve an easement for the owner of any such utility or thing to maintain, continue, repair, reconstruct, renew, replace, rebuild, and/or enlarge any and all such thing; that no building or structure of any kind shall be built or erected within a distance of ten (10) feet from the centerline of any such utility, except with the prior written consent of the City Engineer and the owner of the utility and that any and all contemplated building plans in said vacated area shall be submitted for approval to the City Engineer and to the Director of the Bureau of Development Services, to the end that such construction may be so adjusted with reference to all public utilities in said areas as to cause a minimum of danger or inconvenience to the public and to the owner of such utility and to protect and preserve the same as presently constructed or hereinafter reconstructed, renewed, replaced and/or enlarged. Removal or relocation of

existing utilities in the street vacation area will require written agreements between the property owners and owner(s) of the utilities.

4. Notwithstanding b3 and except for b1 and b2, this Ordinance will serve as a full release of City interests in the street vacation area and will provide City Bureaus with the authority necessary to take all other legal actions as may be reasonably necessary (including the issuance of quitclaim deeds acknowledging the release of any interests) to achieve this intent.
5. BES has provided an Internal Order No. to this department in order to reimburse this department for staff costs incurred for processing the street vacation. All staff costs shall be reimbursed in full before the City records this Ordinance.
6. In the event the conditions required associated with this vacation, if any, are not met within one year of Council adopting this Ordinance, City Council may repeal the Ordinance at its sole discretion.

Section 2. The Initiator shall file with the City Auditor, in form approved by the City Attorney, a document in writing, accepting the terms and conditions of the Ordinance.

Section 3. Notice is given that the street vacation will not be effective until a certified copy of the vacating Ordinance has been recorded by the City in Multnomah County Deed Records. Prerequisites to recording the vacating Ordinance are that 30 days have passed after final Council passage of the Ordinance, that all conditions of the vacating Ordinance, if any, have been met, and that all vacation costs have been paid.

Section 4. After the prerequisites to recording the Ordinance have been met, the City Auditor shall return a certified copy of this Ordinance and the acceptance thereof, to the Right-of-Way Acquisition Section, Bureau of Transportation, which shall, at the expense of the Initiator, file with the recorder, the assessor, and the surveyor of the county in which said property is located, the certified copy of this Ordinance and the acceptance, and any map, plat or other record which may be required by law. The Right-of-Way Acquisition Section shall return the recorded Ordinance to the Auditor.

Section 5. The Council declares that an emergency exists because postponement of the second reading of this ordinance due to the cancellation of future hearing dates would unnecessarily delay its passage. Therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council,

AUG 14 2013

Commissioner Steve Novick
Prepared by: John Deyo:slg
Date Prepared: July 15, 2013

LaVonne Griffin-Valade
Auditor of the City of Portland
By

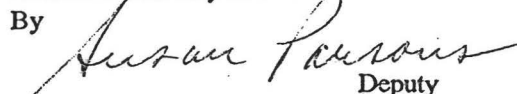
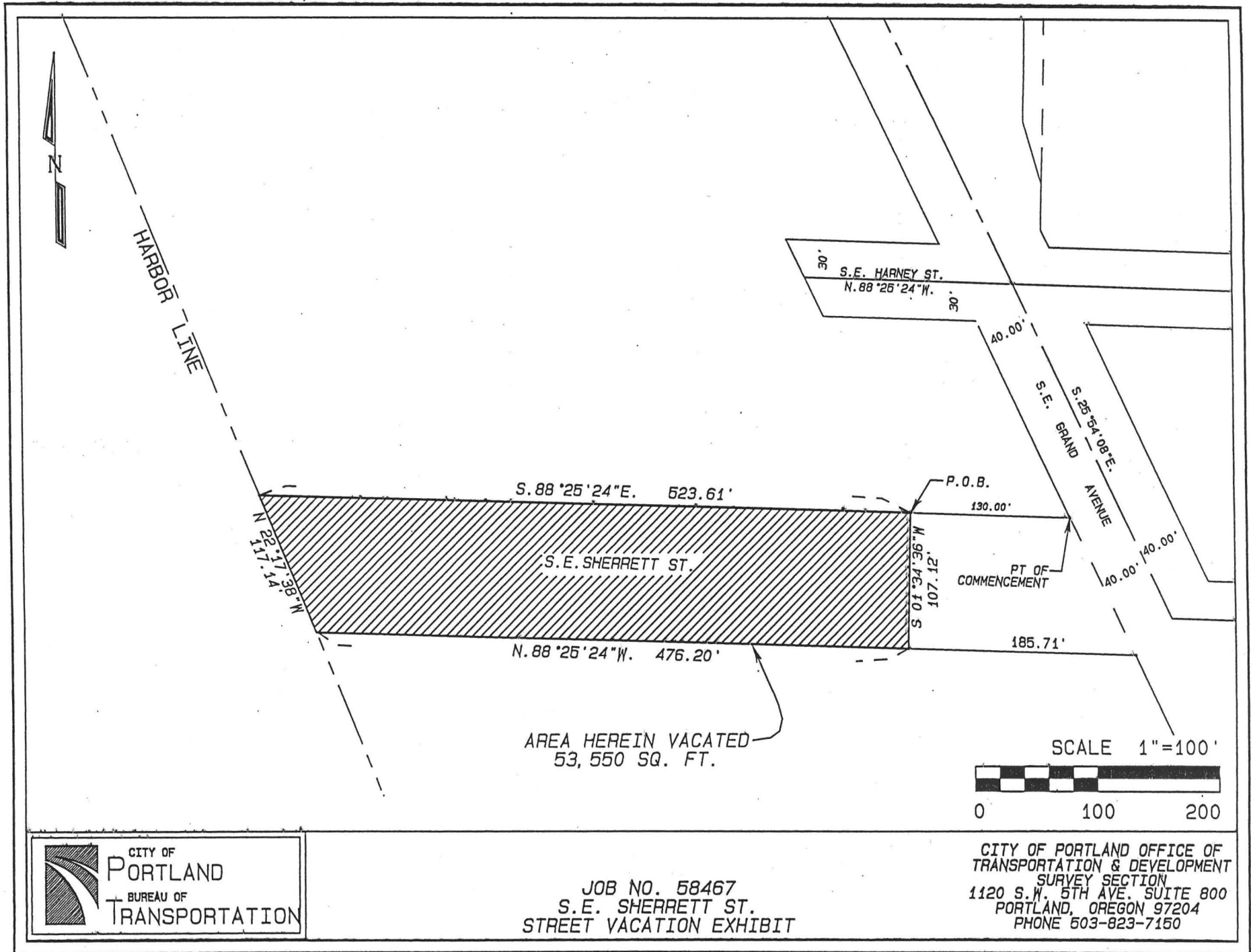

Deputy

Exhibit 1

186204



JOB NO. 58467
S.E. SHERRETT ST.
STREET VACATION EXHIBIT

CITY OF PORTLAND OFFICE OF
TRANSPORTATION & DEVELOPMENT
SURVEY SECTION
1120 S.W. 5TH AVE. SUITE 800
PORTLAND, OREGON 97204
PHONE 503-823-7150

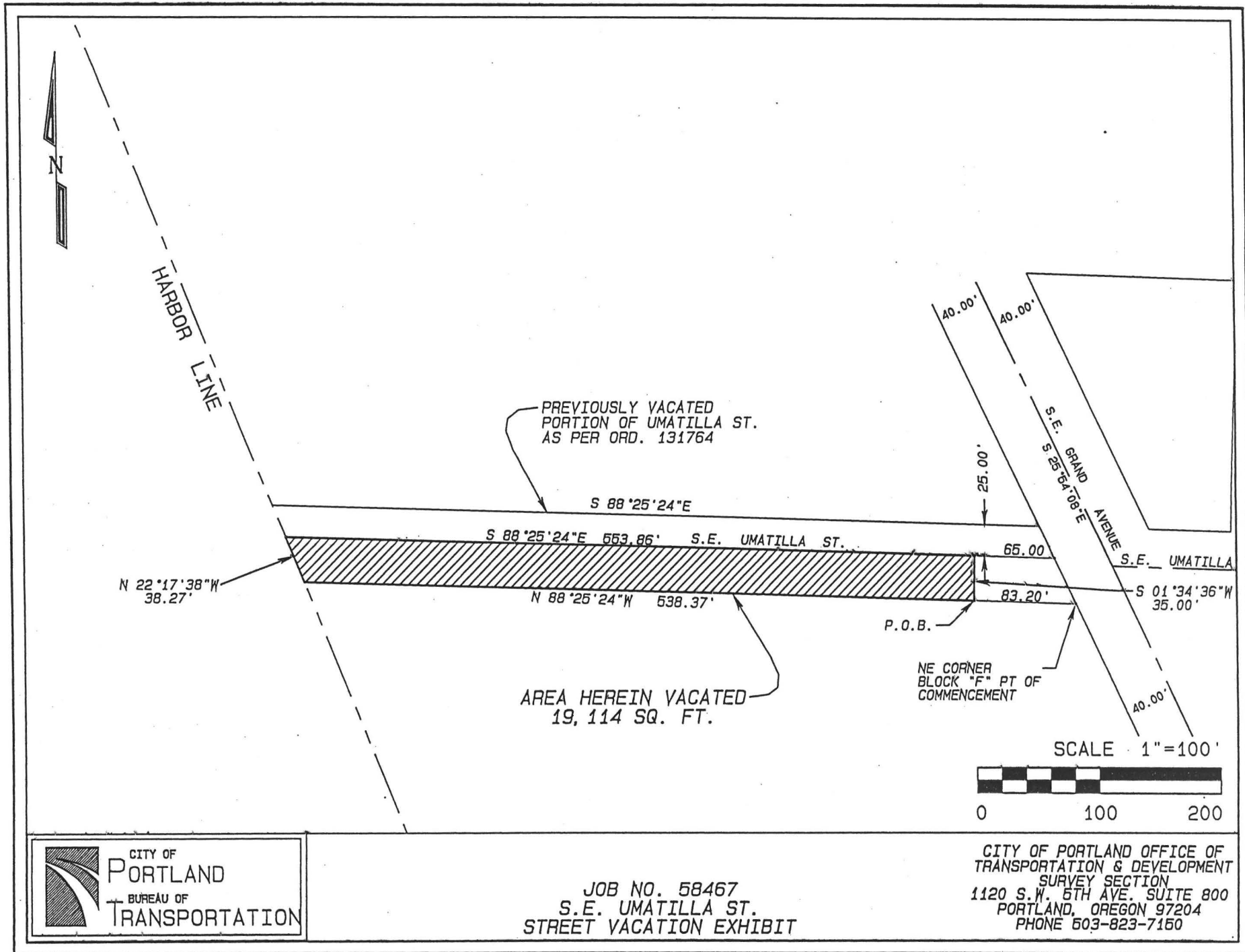


EXHIBIT 3**STREET VACATION – SE SHERRETT STREET**

A PORTION OF BLOCK G, IN THE TOWN OF SELLWOOD, AND A PORTION OF SE SHERRETT STREET, SITUATED IN SECTIONS 22,23,26, AND 27, TOWNSHIP 1 SOUTH, RANGE 1 EAST, OF THE WILLAMETTE MERIDIAN, IN THE CITY OF PORTLAND, COUNTY OF MULTNOMAH AND STATE OF OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF INTERSECTION OF THE WEST LINE OF SE GRAND AVENUE AND THE NORTH LINE OF THAT TRACT OF LAND CONVEYED TO THE CITY OF PORTLAND, FOR STREET PURPOSES, RECORDED JANUARY 22, 1969 IN BOOK 660, PAGE 17, DEED RECORDS OF MULTNOMAH COUNTY;

THENCE NORTH $88^{\circ}25'24''$ WEST, ALONG SAID NORTH LINE, A DISTANCE OF 130.00 FEET, TO THE POINT OF BEGINNING OF THE TRACT HEREIN TO BE DESCRIBED;

THENCE SOUTH $01^{\circ}34'36''$ WEST, A DISTANCE OF 107.12 FEET, TO A POINT ON THE SOUTH LINE OF SE SHERRETT STREET;

THENCE NORTH $88^{\circ}25'24''$ WEST ALONG SAID SOUTH LINE, A DISTANCE OF 476.20 FEET, TO THE EASTERLY HARBOR LINE OF THE WILLAMETTE RIVER;

THENCE NORTH $22^{\circ}17'38''$ WEST, ALONG SAID EASTERLY HARBOR LINE, A DISTANCE OF 117.14 FEET TO A POINT ON THE NORTH LINE OF THE AFOREMENTIONED STREET DEDICATION;

THENCE SOUTH $88^{\circ}25'24''$ EAST, ALONG SAID NORTH LINE, A DISTANCE OF 523.61 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 53,550 SQUARE FEET, MORE OR LESS.

EXHIBIT 4**STREET VACATION – SE UMATILLA STREET**

A PORTION OF SE UMATILLA STREET IN THE TOWN OF SELLWOOD, SITUATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 22 AND THE SOUTHWEST ONE-QUARTER OF SECTION 23, TOWNSHIP 1 SOUTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN, IN THE CITY OF PORTLAND, COUNTY OF MULTNOMAH AND STATE OF OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF BLOCK "F" IN THE TOWN OF SELLWOOD, SAID POINT BEING AT THE POINT OF INTERSECTION OF THE WEST LINE OF SE GRAND AVENUE AND THE SOUTH LINE OF SE UMATILLA STREET;

THENCE NORTH 88°25'24" WEST, ALONG THE SOUTH LINE OF SE UMATILLA STREET, A DISTANCE OF 83.20 FEET TO THE POINT OF BEGINNING OF THE TRACT HEREIN TO BE DESCRIBED;

THENCE CONTINUING NORTH 88°25'24" WEST, ALONG THE SOUTH LINE OF SE UMATILLA STREET, A DISTANCE OF 538.37 FEET TO THE EASTERLY HARBOR LINE OF THE WILLAMETTE RIVER;

THENCE NORTH 22°17'38" WEST, ALONG SAID EASTERLY HARBOR LINE, A DISTANCE OF 38.27 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 25.00 FEET OF SE UMATILLA STREET, WHICH POINT IS THE SOUTHWEST CORNER OF THAT STREET VACATED BY ORDINANCE 131764;

THENCE SOUTH 88°25'24" EAST, ALONG THE SOUTH LINE OF SAID VACATION, A DISTANCE OF 553.86 FEET TO A POINT THAT IS 65.00 FEET WESTERLY OF THE WEST LINE OF SE GRAND AVENUE;

THENCE SOUTH 01°34'36" WEST, A DISTANCE OF 35.00 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 19,114 SQUARE FEET, MORE OR LESS.

ACCEPTANCE

Auditor of the City of Portland
City Hall Room 130
1221 SW 4th Avenue
Portland, Oregon 97204

This is to advise the City of Portland, Oregon that Waverly Landing HOA hereby accepts the terms and provisions of Ordinance No. 186204, passed by the Portland City Council on August 14, 2013, **Vacate portions of SE Sherrett St and SE Umatilla St west of SE Grand Ave subject to certain conditions and reservations; VAC-10080**, and in consideration of the benefits received thereunder Waverly Landing HOA hereby agrees to abide by and perform each and all of the applicable terms and provisions thereof.

August 26, 2013
Date

Sara A. Gardner, President
(Signature and Title)

Sara A. Gardner, President
Waverly Landing HOA
525 SE Marion St. #14
Portland, OR 97202

Approved as to form:

APPROVED AS TO FORM
James H. Van Dyke 8/27/13
City Attorney CITY ATTORNEY

ACCEPTANCE

Auditor of the City of Portland
City Hall Room 130
1221 SW 4th Avenue
Portland, Oregon 97204

This is to advise the City of Portland, Oregon that Portland Rowing Club hereby accepts the terms and provisions of Ordinance No. 186204, passed by the Portland City Council on August 14, 2013, **Vacate portions of SE Sherrett St and SE Umatilla St west of SE Grand Ave subject to certain conditions and reservations; VAC-10080**, and in consideration of the benefits received thereunder Portland Rowing Club hereby agrees to abide by and perform each and all of the applicable terms and provisions thereof.

9/9/13

Date

A. Renee Morgan, Chauperson, Portland Rowing Club
(Signature and Title)

Portland Rowing Club
PO Box 82246
Portland, OR 97202

Approved as to form:

APPROVED AS TO FORM

James H. Van Dyke 4/9/13
City Attorney CITY ATTORNEY

ACCEPTANCE

Auditor of the City of Portland
City Hall Room 130
1221 SW 4th Avenue
Portland, Oregon 97204

This is to advise the City of Portland, Oregon that Oregon Department of State Lands hereby accepts the terms and provisions of Ordinance No. 186204, passed by the Portland City Council on August 14, 2013, **Vacate portions of SE Sherrett St and SE Umatilla St west of SE Grand Ave subject to certain conditions and reservations; VAC-10080**, and in consideration of the benefits received thereunder Oregon Department of State Lands hereby agrees to abide by and perform each and all of the applicable terms and provisions thereof.

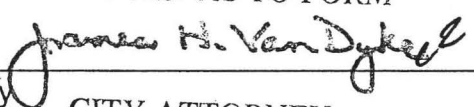
9/11/2013

Date


Jim Paul, Assistant Director

Oregon Dept. of State Lands
Attn: Pablo Martos
775 Summer St. NE Suite 100
Salem, OR 97301

Approved as to form:

APPROVED AS TO FORM
 11/5/13

City Attorney CITY ATTORNEY

ACCEPTANCE

Auditor of the City of Portland
City Hall Room 130
1221 SW 4th Avenue
Portland, Oregon 97204

This is to advise the City of Portland, Oregon that Sellwood Harbor Condominiums hereby accepts the terms and provisions of Ordinance No. 186204, passed by the Portland City Council on August 14, 2013, **Vacate portions of SE Sherrett St and SE Umatilla St west of SE Grand Ave subject to certain conditions and reservations; VAC-10080**, and in consideration of the benefits received thereunder Sellwood Harbor Condominiums hereby agrees to abide by and perform each and all of the applicable terms and provisions thereof.

10/28/13
Date

Pam Hren, chair
(Signature and Title)

Sellwood Harbor Condominiums
Attn: Pam Hren
302 SE Spokane St.
Portland, OR 97202

Approved as to form:

APPROVED AS TO FORM

James H. Van Dyke
City Attorney CITY ATTORNEY 11/5/13