

City of Portland, Oregon
FINANCIAL IMPACT STATEMENT
For Council Action Items

184538

(Deliver original to Financial Planning Division. Retain copy.)

1. Name of Initiator Lance D. Lindahl	2. Telephone No. 503-823-7465	3. Bureau/Office/Dept. PBOT/RWA
5a. To be filed (hearing date): April 13, 2011	5b. Calendar (Check One) <div style="display: flex; justify-content: space-around;"> Regular <input checked="" type="checkbox"/> Consent <input type="checkbox"/> 4/5ths <input type="checkbox"/> </div>	4. Date Submitted to Commissioner's office and FPD Budget Analyst: April 1, 2011

1) Legislation Title: Vacate a portion of SE 94th Ave north of SE Henry St subject to certain conditions and reservations (Hearing; Ordinance; VAC-10074)

2) Purpose of the Proposed Legislation: The purpose of this legislation is to vacate a portion of SE 94th Avenue, as recommended in the Engineer's Report.

Revenue and/or Expense:

Is ALL the Revenue and/or Expense a part of the current year's budget? Yes X No _____
 SAP COST OBJECT No(s): T00063.Z46 then go to Step #5.
 If NO, complete Steps 3 & 4. For modifications to budgets, identify/discuss only the changes to the budget.

3) Revenue:

Will this legislation generate or reduce current or future revenue coming to the City? If so, by how much? If new revenue is generated please identify the source. There is no revenue from this street vacation. PBOT is the petitioner.

4) Expense:

What are the costs to the City as a result of this legislation? What is the source of funding for the expense? (Please include costs in the current fiscal year as well as costs in future years) (If the action is related to a grant or contract please include the local contribution or match required) ("If there is a project estimate, please identify the *level of confidence*.")
 Expenses are covered as part of this cost center's budgeted appropriation

Staffing Requirements:

5) Will any positions be created, eliminated or re-classified in the current year as a result of this legislation? (If new positions are created please include whether they will be part-time, full-time, limited term or permanent positions. If the position is limited term please indicate the end of the term.) Not applicable to this action.

6) Will positions be created or eliminated in future years as a result of this legislation? Not applicable to this action.

Complete the following section if you are accepting and appropriating a grant via ordinance. This section should only be completed if you are adjusting total appropriations, which currently only applies to grant ordinances.

7) Change in Appropriations (If the accompanying ordinance amends the budget, please reflect the dollar amount to be appropriated by this legislation. If the appropriation includes an interagency agreement with another bureau, please include the partner bureau budget adjustments in the table as well. Include the appropriate cost elements that are to be loaded by the Grants Office and/or Financial Planning. Use additional space if needed.) Not applicable to this action.

Fund	Fund Cente	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount

KK 03-29-11

Susan D. Keil

APPROPRIATION UNIT HEAD SUSAN D. KEIL, Director, Bureau of Transportation



Sam
Adams
Mayor

Susan D.
Keil
Director

November 29, 2010

184538

**CITY ENGINEER'S REPORT TO CITY COUNCIL ON THE PROPOSED VACATION
OF SE 94th AVENUE NORTH OF SE HENRY STREET (R/W #7200)**

Background

1. **Proposed Street Vacation Area.** A portion of SE 94th Avenue, said area being approximately 318 feet long by 50 feet wide, containing approximately 15,900 square feet. The area is currently being used by TriMet for the MAX Light Rail (Green line) and by Oregon Department of Transportation (ODOT) for the I-205 Multi-use path and is more specifically depicted on Exhibit 1 attached hereto.
2. **Petitioner.** TriMet owns property to the south of the proposed street to be vacated, however the street vacation was initiated by City of Portland, Bureau of Transportation.
3. **Purpose.** The street vacation is proposed in order for TriMet and ODOT to have control over the portions of the property improved with Light Rail tracks and the I-205 multi-use path, respectively, for operation and maintenance of their facilities.
4. **Compliance with Minimum Requirements.** Vacation proceedings have been city initiated without a petition or consent of property owners in accordance with ORS 271.130 (Vacation on council's own motion) and notice shall be given as provided by ORS 271.110 (Notice of hearing).
5. **Due Diligence Review.** Comments were solicited from City Bureaus, government agencies, public utilities and affected neighborhood associations. A summary of this due diligence effort is attached as Exhibit 2 hereto. Of particular significance were comments by the Bureau of Development Services which requested that certain conditions be satisfied prior to the street being vacated. Additionally, the Bureau of Environmental Services requested that the street vacation ordinance reserve an easement for their existing facilities.
6. **Planning Commission Review.** The Planning Commission reviewed and approved the proposed street vacation on October 26, 2010, with its Report and Recommendation attached as Exhibit 3 hereto.
7. **Costs.** The Petitioner is being directly billed and a project number has been provided to reimburse Right-of-Way Acquisition for costs incurred processing the street vacation request.

1120 S.W. 5th Avenue, Suite 800 • Portland, Oregon, 97204-1914 • 503-823-5185
FAX 503-823-7576 or 503-823-7371 • TTY 503-823-6868 • www.portlandoregon.gov

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To ensure equal access, the Portland Bureau of Transportation will make accommodations in full compliance with Title VI of the Civil Rights Act of 1964, the ADA Title II, and related statutes and regulations in all programs and activities. For accommodations and additional information, and complaints, contact the Title II and Title VI Coordinator at Room 1204, 1120 SW 5th Ave, Portland, OR 97204, or by telephone 503-823-5185, City TTY 503-823-6868, or use Oregon Relay Service: 711.

Bureau of Transportation Recommendation

The Bureau of Transportation hereby finds the proposed street vacation application to be acceptable, and in the event that no substantive objections are made known to City Council at the upcoming public hearing, recommends approval of the street vacation, subject to the conditions and reservations specified below. The area to be vacated is more specifically described as:

That portion of SE 94th Avenue situated in Section 16, T1S, R2E, W.M., City of Portland, County of Multnomah, State of Oregon, between the southeast corner of Lot 5, Block 5, in the duly recorded plat of "Town of Lent" extended easterly to the southwest corner of Lot 10, Block 6 of said plat and 81.00 feet north of the north line of SE Henry Street extended easterly to the east right-of-way line of said SE 94th, as depicted on attached Exhibit 1 and by this reference made a part hereof.

Conditions, Reservations and Releases

1. **Conditions.** The following conditions must be satisfied prior to the street vacation ordinance being recorded by the City and thereby considered effective:

A. Bureau of Development Services. TriMet will consolidate 1S2E16DC, Tax Lots 11500 (R299883), 11600 (R299882), 11701 (R299881), and 11700 (R288310) through the Title 33 Lot Consolidation Review process. The Lot Consolidation must be recorded before recording the street vacation ordinance.


B. Costs. In the event that additional processing requirements exceed current projections, Petitioner may be required to pay additional processing costs to the City prior to the Street Vacation Ordinance being recorded.

2. **Reservations and Release**

- A. Bureau of Environmental Services.** The Bureau of Environmental Services owns and maintains certain improvements within the street area to be vacated. As a condition of street vacation approval, a 15 foot wide public sewer easement will be reserved centered over an existing sanitary sewer facility.

This easement is hereby reserved 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.

- B. Utilities.** 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. 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 and release of easements in the street vacation area will require the necessary conveyance documents and possible written agreements between the Petitioner and owner(s) of the utilities.
- C. City Release.** Notwithstanding 2B and except for 2A, the 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.
- 3. Repeal.** In the event the above conditions are not completed within one year of Council adopting the Ordinance, City Council may repeal the Ordinance at its sole discretion.
- 4. Effective Date.** 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 have been met, and that all vacation costs have been paid.



City Engineer or designee

TO THE COUNCIL:

The Mayor concurs with the recommendation of the City Engineer and Planning Commission and

RECOMMENDS:

That the City Council accepts the City Engineer and Planning Commission Reports, which recommend that the proposed street area be vacated subject to conditions and reservations provided herein.

Respectfully submitted,

Mayor Sam Adams

Attachments:

Exhibit 1, Proposed Map

Exhibit 2, Summary of Comments

Exhibit 3, Planning Commission Recommendation

7200\Draft Engineer's Report

EXHIBIT 1

184538

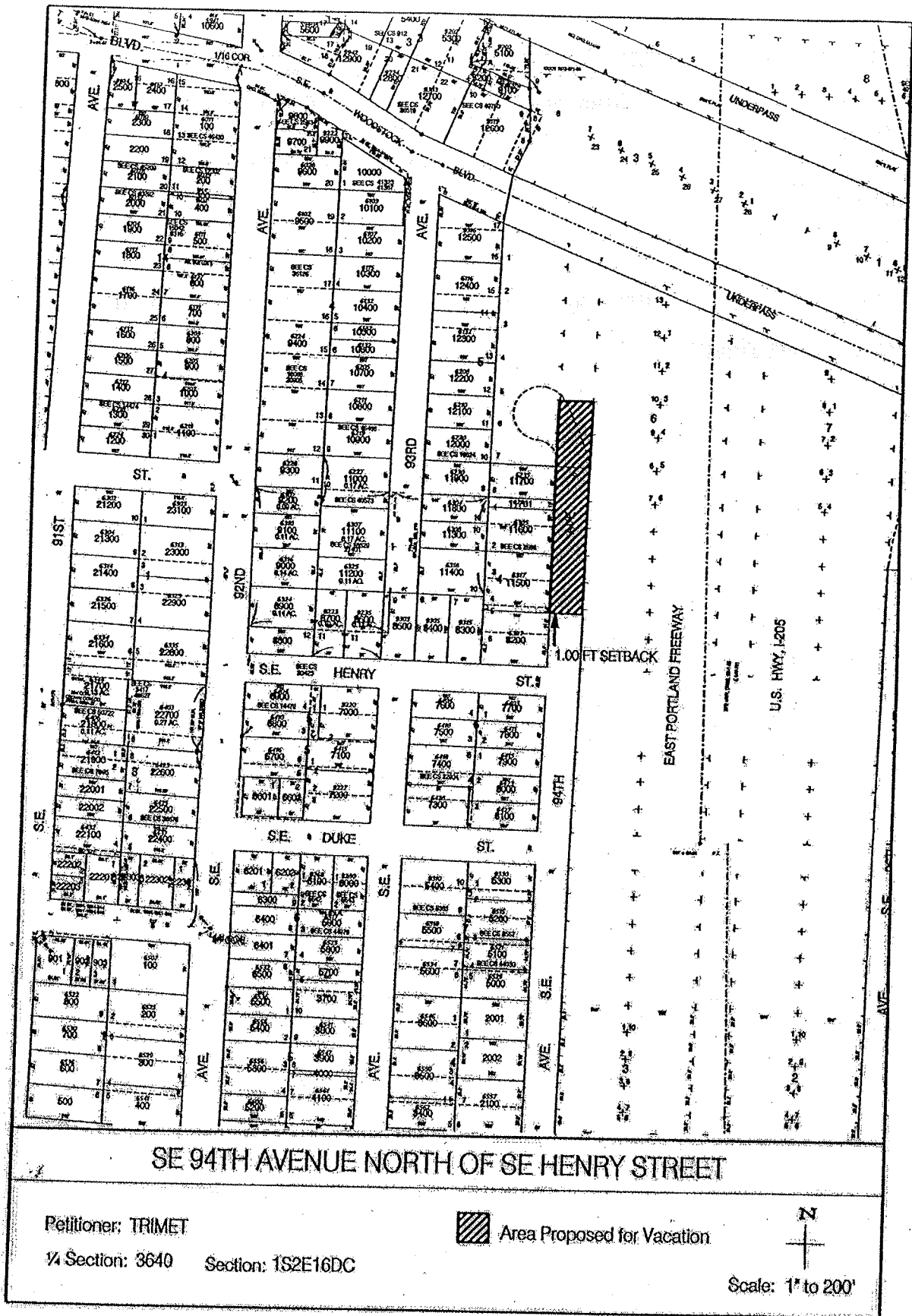


EXHIBIT 2
Comments Summary

184538

RWA # 7200 SE 94th Avenue north of SE Henry Street	RWA Project Manager: Lance D. Lindahl	Petitioner/Applicant: Linda Williams, PBOT Civil Design Phone: 503-823-7154 Linda.Williams@portlandoregon.gov
Cost Object No.:T00063.Z46		
IQ # 10-138712		
Commenting Party	Response Date	Comments / Conditions
City Bureaus / Depts. Notified:		
City Auditor Toni Anderson	5/10/10	City initiated.
PBOT Development Review Wendy Cawley	7/5/10	No objection.
Transportation Planning Stuart Gwin	7/1/10	No objection.
PBOT Permit Engineering Ken Finch	7/1/10	No objection.
PBOT Trans Systems Mgmt Carl Snyder	7/12/10	No objection.
PBOT Street Lighting Tod Rosinbum	6/3/10	No objection.
PBOT Project Management Rich Newlands	6/29/10	No objection.
PBOT Bridges and Structures David Olongaigh	7/20/10	No objection.
Development Services Sue Donaldson 503-823-7618	6/15/10	No objection subject to the following condition: Consolidate lots owned by TriMet into one lot that has frontage on SE 94th Avenue.
Environmental Services Margaret Russell 503-823-7189	6/30/10	No objection subject to the following condition: Reservation of a 15' wide sewer easement over the existing pipe.
Water Bureau Rick Nelson	6/10/10	No objection.

Comments Summary

184538

Commenting Party	Response Date	Comments / Conditions
Fire Bureau Jerry Randall	7/6/10	No objection.
Park Bureau Todd Lofgren	7/8/10	No objection.
Urban Forestry Division Joe Hintz	6/23/10	No objection.
Planning Commission John Gillam	10/26/10	Approved.
Neigh Assoc Notified:		
Lents Neighborhood Association Jess Laventall		No response.
East Portland Neighborhood Office Richard Bixby, Director		No response.
Local Agencies Notified:		
ODOT Region 1 Tamara Patrick	6/28/10	The I-205 Multi-use path is located within the proposed vacation area. Negotiations with TriMet over land in this area are ongoing. ODOT needs to end up with ownership of most of the vacated street area in order to operate and maintain existing facilities.
Port of Portland Brian Shelden		No response.
Public Utilities Notified:		
PGE John Nelson		No response.
Pacific Power Tom Kikes		No response.
Qwest Lynn M. Smith	6/8/10	No facilities in street area.
Northwest Natural Robin VanDeurzen	6/4/10	No facilities in street area.
Comcast Cable Coax & Fiber Design		No response.



CITY OF
PORTLAND
OFFICE OF
TRANSPORTATION

EXHIBIT 3



184538

Sam
Adams
Commissioner

Susan D.
Keil
Director

**PLANNING COMMISSION REPORT AND RECOMMENDATION
TO THE CITY COUNCIL**

FILE NUMBER: R/W #7200

COMMISSION MEETING TO BE HELD 12:30 PM, OCTOBER 26, 2010

1900 SW 4TH BUILDING, 2ND FLOOR, ROOM 2500 A

I. GENERAL INFORMATION

Street Vacation Request: SE 94th north of SE Henry

Petitioner: Street vacation initiated by the City of Portland, Bureau of Transportation. The petitioner's representative is Linda Williams, 1120 SW 5th Ave., Rm 800, Portland, OR 97204. 503-823-7154

Purpose: Purpose of vacation is to consolidate property.

Neighborhood: Lents Neighborhood Association
Jess Laventall, Traffic and Parking Committee Chair
10449 SE Ellis St.
Portland, OR 97266

East Portland Neighborhood Office
Richard Bixby, Director
1017 NE 117th Ave.
Portland, OR 97220

Quarter Section: 3640

II. FACTS

A. History and Background

Homes on private property adjacent to the right of way proposed for vacation were acquired by Trimet as part of the construction of the new Green Line light rail extension to Clackamas Town Center. With no residences to access and use of the ROW for transit purposes the City has no further need for this ROW.

B. Concurrent land use actions

There are no concurrent land use actions.

C. The Transportation Element

The Transportation Element is silent on cases involving local streets or alleys.

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III. FINDINGS

A. Comprehensive Plan Goals and Policies Consideration

The relevant policies of the Transportation Element are:

Policy 6.20 Connectivity states:

Support development of an interconnected, multimodal transportation system to serve mixed-use areas, residential neighborhoods, and other activity centers.

Policy 6.21 Right-of-Way Opportunities states:

Preserve existing rights-of-way unless there is no existing or future need for them, established street patterns will not be significantly interrupted, and the functional purposes of nearby streets will be maintained.

Policy 12.4 Provide for Pedestrians, Objective G. states:

Retain rights for pedestrian access and circulation when considering requests for street vacations. Preserve existing pedestrian routes and protect routes needed by pedestrians in the future. Ensure that street vacations do not reduce access to light and air or the intimate scale that is so much a part of Portland's character.

Findings for Policies 6.20, 6.21 and 12.4

This vacation is in conformance with above referenced Comprehensive Plan Goals and Policies.

B. Neighborhood Plan considerations

There are no neighborhood issues with this vacation

C. Zoning Code considerations

There are no zoning issues.

D. Subdivision code considerations

There are no sub-division issues.

IV. CONCLUSIONS

Based on the above analysis, Portland Office of Transportation states that the right-of-way is not needed to provide future facilities. Additionally, approval of the street vacation will not affect the functional performance of the street system in the area.

V. STAFF RECOMMENDATION

It is recommended that the street vacation be approved as submitted.

The Portland Office of Transportation staff may revise this recommendation upon receipt of new information at any time prior to the Planning Commission's recommendation.

VI. EXHIBITS

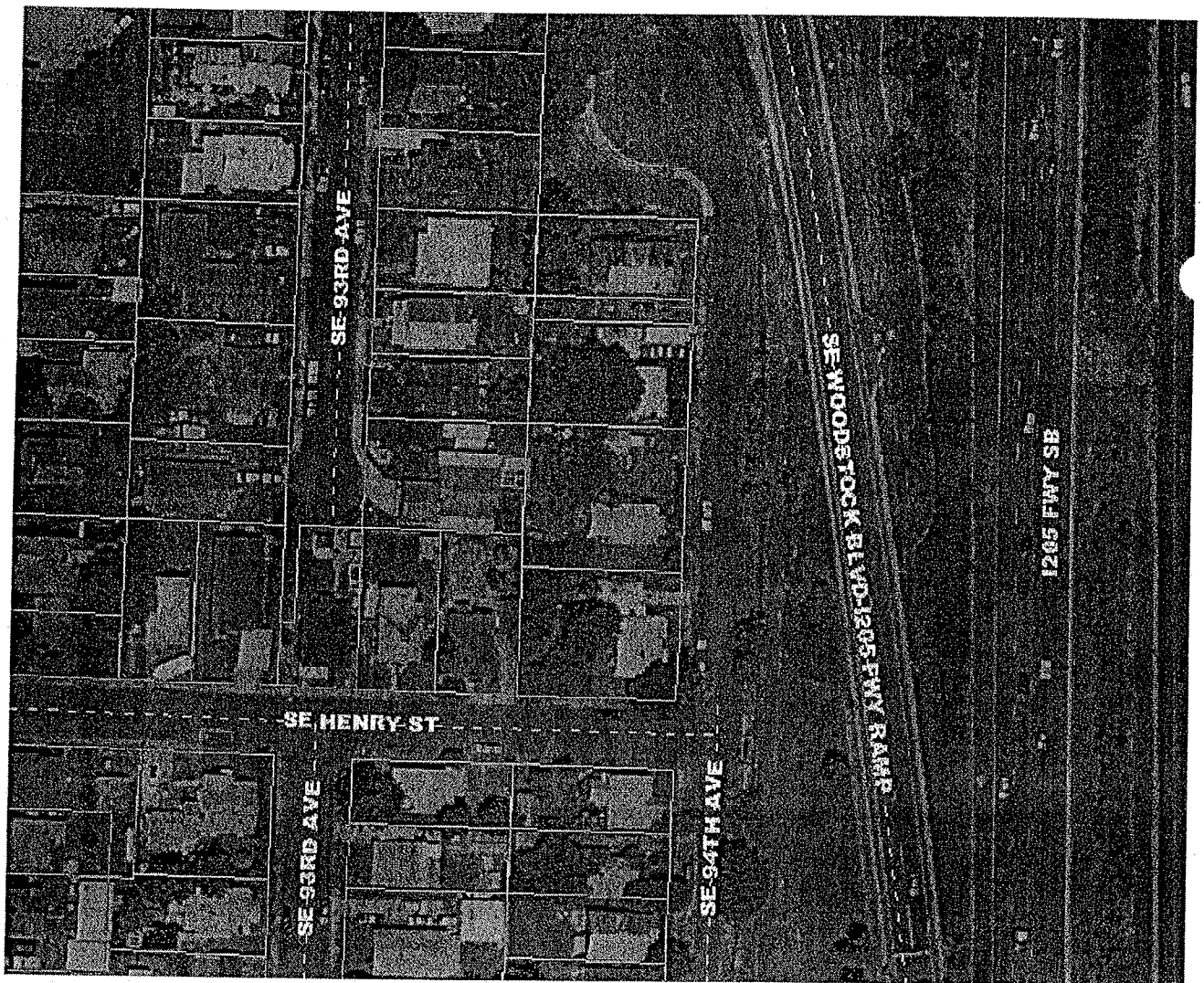
A. Area Proposed for Vacation

Staff Planner – Stuart Gwin, Phone: 503-823-7788

cc: Lance Lindahl, Right-of-Way Case Manager
Jess Laventall, Traffic and Parking Committee Chair, Lents NA
Richard Bixby, Director, East Portland Neighborhood Office
Case File

Exhibit A:

Map of area surrounding the proposed vacation prior to construction of the Green Line light rail extension (2006)



184538

Same area (SE 94th) after construction of the Green Line light rail extension

