

Multnomah County Official Records  
R Weldon, Deputy Clerk

2013-127969



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

**I hereby certify this Ordinance No. 185986 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 September 18, 2013.**

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

## ORDINANCE No. 185986

Vacate a portion of SW Moody Dr north of Ross Island Bridge subject to certain conditions and reservations and rename a portion of SW Moody Dr (Hearing; Ordinance; VAC-10084)

The City of Portland ordains:

Section 1. The Council finds:

1. A request for the vacation of a portion of SW Moody Drive north of Ross Island Bridge was received from Teresa Boyle, Senior Engineer, Project Management Division at the Bureau of Transportation.
2. The request states that the reason for the vacation is to assemble it to TriMet property and use it in conjunction with SW Moody Avenue realignment and the Portland to Milwaukie Light Rail Project. A small portion of the area to be vacated will revert to Oregon Department of Transportation (ODOT).
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 September 5, 2012 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. 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.
6. With the relocation of SW Moody Avenue, a portion was reconstructed over SW Moody Drive, therefore it is necessary to rename that segment of SW Moody Drive as SW Moody Avenue to maintain continuity and to eliminate possible confusion in locating properties, particularly in the event of an emergency. The City Engineer believes that renaming this street segment would be beneficial to the public.
7. The street renaming proposal complies with the procedures and requirements established in Title 17, Chapter 17.93, Renaming City Streets and 17.92.010, Street Designation.

NOW, THEREFORE, the Council directs:

- a. The following described street area is hereby vacated:

That portion of SW Moody Drive as described on Exhibit 1 and depicted on Exhibit 2 attached hereto excepting there from that street area described on Exhibit 3 and depicted on Exhibit 4.

Vacation area contains 28,812 square feet, more or less.

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

1. An 8.00 foot wide access and maintenance easement is hereby reserved within the vacated street area as described on Exhibit 5 and depicted on Exhibit 4.

Property owner shall keep the easement area free of obstructions. No structures shall be erected within the easement area without the prior written consent of the Director of the Bureau of Transportation, City of Portland.

In the event that property within the easement area is redeveloped, Grantor may request release of the easement area from the Director of the Bureau of Transportation, City of Portland. Grantor shall pay all costs associated with the release of the easement area.

This easement allows the City of Portland, Bureau of Transportation access at all times.

2. A public sewer easement is hereby reserved to provide for the maintenance, operation, repair, reconstruction, replacement and enlargement of the existing public sewer facilities referenced as ABY757ANY804 and ANY804ANR264. Said easement is located over the south 20 feet of the vacation area described on Exhibit 1 and is depicted on Exhibit 6 attached hereto.

This easement 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 the City of Portland, Bureau of Environmental Services access 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 Century Link. 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 Petitioner 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. City costs associated with processing the street vacation petition shall be paid in full before the City records this Ordinance.
  6. In the event the Petitioner fails to fully comply with the above conditions within one year of Council adopting this Ordinance, City Council may repeal the Ordinance at its sole discretion.
- c. The following described City street is hereby renamed SW Moody Avenue:

That segment of SW Moody Drive as described on Exhibit 3 and depicted as "Right-of-Way Exception" on Exhibit 4.

Section 2. Petitioner 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 have been met, and that all vacation costs have been paid.

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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 Petitioner, 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.

Passed by the Council,

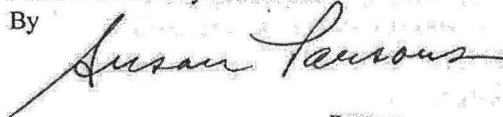
APR 17 2013

Mayor Charlie Hales  
Prepared by: Lance D. Lindahl:slg  
March 11, 2013  
RW # 7372

**LAVONNE GRIFFIN-VALADE**

Auditor of the City of Portland

By



DEPUTY

## EXHIBIT 1

R/W # 7372  
S.W. Moody Drive  
1S1E10BA-BD  
STREET VACATION

A tract of land being 30.00 feet wide and a portion of S.W. Moody Drive, width varies, situated in the Northwest one-quarter of Section 10, Township 1 South, Range 1 East of the Willamette Meridian, City of Portland, County of Multnomah, State of Oregon, being more particularly described as follows:

Commencing at the intersection of the West right-of-way line of S.W. Moody Avenue, 65.00 feet wide, with the North right-of-way line of S.W. Woods Street, also being known as S.W. Ross Island Way, width varies;

Thence along said North right-of-way line, North  $86^{\circ}59'18''$  West, a distance of 116.79 feet, to the Easterly line of said S.W. Moody Drive, also being the POINT OF BEGINNING of this description;

Thence continuing along the Westerly projection of said right-of-way line, North  $86^{\circ}59'18''$  West, a distance of 30.05 feet;

Thence parallel with the Easterly right-of-way line of S.W. Moody Drive, North  $00^{\circ}20'35''$  West, a distance of 218.20 feet;

Thence parallel with the Easterly right-of-way line of S.W. Moody Drive, North  $22^{\circ}41'35''$  West, a distance of 207.93 feet;

Thence parallel with the Easterly right-of-way line of S.W. Moody Drive, North  $29^{\circ}34'50''$  West, a distance of 65.23 feet;

Thence parallel with the Easterly right-of-way line of S.W. Moody Drive, North  $39^{\circ}29'05''$  West, a distance of 71.25 feet;

Thence parallel with the Easterly right-of-way line of S.W. Moody Drive, North  $08^{\circ}48'25''$  West, a distance of 181.64 feet;

Thence parallel with the Easterly right-of-way line of S.W. Moody Drive, North  $03^{\circ}45'45''$  West, a distance of 179.47 feet;

Thence parallel with the Easterly right-of-way line of S.W. Moody Drive, North  $72^{\circ}11'35''$  West, a distance of 36.18 feet;

Thence, North  $22^{\circ}19'49''$  West, a distance of 39.24 feet, to the Easterly right-of-way line of S.W. Moody Drive;

Thence along said Easterly right-of-way line of S.W. Moody Drive, South  $72^{\circ}11'35''$  East, a distance of 81.87 feet;

Thence along said Easterly right-of-way line of S.W. Moody Drive, South  $03^{\circ}45'45''$

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East, a distance of 198.55 feet;

Thence along said Easterly right-of-way line of S.W. Moody Drive, South 08°48'25" East, a distance of 172.09 feet;

Thence along said Easterly right-of-way line of S.W. Moody Drive, South 39°29'05" East, a distance of 65.62 feet;

Thence along said Easterly right-of-way line of S.W. Moody Drive, South 29°34'50" East, a distance of 69.64 feet;

Thence along said Easterly right-of-way line of S.W. Moody Drive, South 22°41'35" East, a distance of 215.66 feet;

Thence along said Easterly right-of-way line of S.W. Moody Drive, South 00°20'35" East, a distance of 225.88 feet to the POINT OF BEGINNING.

Containing 29,833 square feet.

This legal description along with the basis of bearings hereon, is based upon the Record of Survey recorded as SN-62708, Multnomah County Survey Records.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Thomas P. Beinbauer*

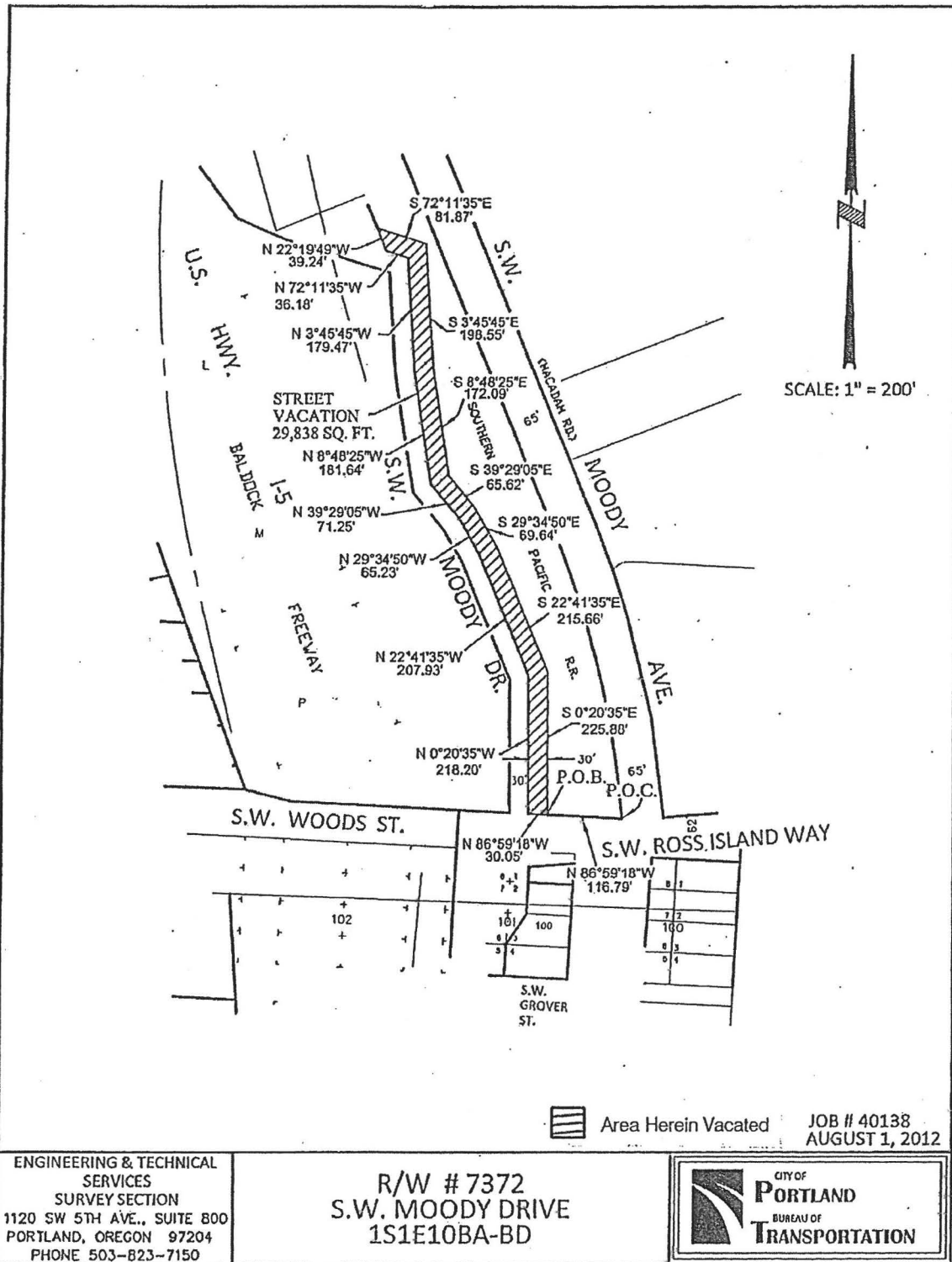
OREGON  
JULY 17, 1994  
THOMAS P. BEINHAUER  
2654

EXPIRES 12-31-2013

Project No. 40138  
August 1, 2012

185986

EXHIBIT 2



## EXHIBIT 3

R/W #7372  
S.W. Moody Drive  
1S1E10BA

Right-of-Way Exception  
November 28, 2012

A tract of land, as shown on attached Exhibit "4", lying in the Northwest One-Quarter of Section 10, Township 1 South, Range 1 East of the Willamette Meridian, City of Portland, Multnomah County, Oregon, said tract being that portion of S.W. Moody Drive lying easterly of the following described line:

Beginning at a point 45.50 feet right of Proposed S.W. Moody Avenue Centerline Station 12+75.94 PC, said point being the beginning of a 2045.50 foot radius curve to the left, having a central angle of  $5^{\circ}01'04''$ ;

Thence southeasterly, parallel with said centerline, along the arc of said curve to the left (the long chord of which bears  $S19^{\circ}56'14''E$ , 179.08 feet) 179.14 feet to a point 45.50 feet right of Proposed Centerline Station 14+51.09 PT;

Thence southeasterly, in a straight line, to a point 45.50 feet right of Proposed Centerline Station 15+50.00.

The tract of land to which this description applies contains 1,021 square feet more or less.

The stationing used to describe this tract is based on the Proposed Centerline of S.W. Moody Avenue, being more particularly described as follows:

Beginning at Proposed S.W. Moody Avenue Centerline Station 0+00, being located at the intersection of the existing centerlines of S.W. River Parkway and S.W. Moody Avenue per Record of Survey recorded as SN 62708, Multnomah County Survey Records, said existing centerline intersection being located  $S38^{\circ}30'04''W$ , 32.29 feet from Control Monument Number 105, being a 1 inch copper disk stamped "CH2M 105" with punch mark, having local datum plane coordinates of Northing 678490.8888 feet and Easting 7645731.1850 feet per said SN 62708;

Thence  $S22^{\circ}24'03''W$ , parallel with and 45.00 feet easterly when measured at right angles to the westerly right-of-way line of S.W. Moody Avenue as shown on said SN 62708, 397.78 feet to Proposed S.W. Moody Avenue Centerline Station 3+97.78 and the beginning of a 400.00 foot radius curve to the left, having a central angle of  $45^{\circ}42'25''$ ;

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Thence southerly along of arc of said curve to the left (the long chord of which bears S00°27'10"E, 310.70 feet) 319.09 feet to Proposed S.W. Moody Avenue Centerline Station 7+16.87;

Thence S23°18'22"E, 190.68 feet to Proposed S.W. Moody Avenue Centerline Station 9+07.55 and the beginning of a 2000.00 foot radius curve to the right, having a central angle of 5°52'41";

Thence southeasterly along the arc of said curve to the right (the long chord of which bears S20°22'02"E 205.09 feet) 205.18 feet to Proposed S.W. Moody Avenue Centerline Station 11+12.73;

Thence S17°25'42"E, 163.21 feet to Proposed S.W. Moody Avenue Centerline Station 12+75.94 and the beginning of a 2000.00 foot radius curve to the left, having a central angle of 5°01'04";

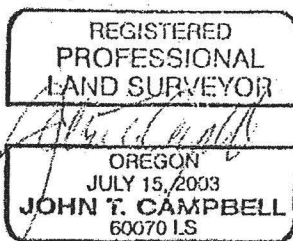
Thence southeasterly along the arc of said curve to the left (the long chord of which bears S19°56'14"E, 175.10 feet) 175.15 feet to Proposed S.W. Moody Avenue Centerline Station 14+51.09;

Thence S22°26'46"E, 424.75 feet to Proposed S.W. Moody Avenue Centerline Station 18+75.84 and the beginning of an 1150.00 foot radius curve to the right, having a central angle of 25°27'41";

Thence southeasterly along the arc of said curve to the right (the long chord of which bears S09°42'55"E, 506.85 feet) 511.05 feet to Proposed S.W. Moody Avenue Centerline Station 23+86.89, being located N55°34'52"W, 97.29 feet from Control Monument Number 180, being a mag-nail with 1-1/2 inch brass washer stamped "CH2M HILL CONTROL", having local datum plane coordinates of Northing 676152.3168 feet and Easting 7646145.3273 feet per said SN 62708;

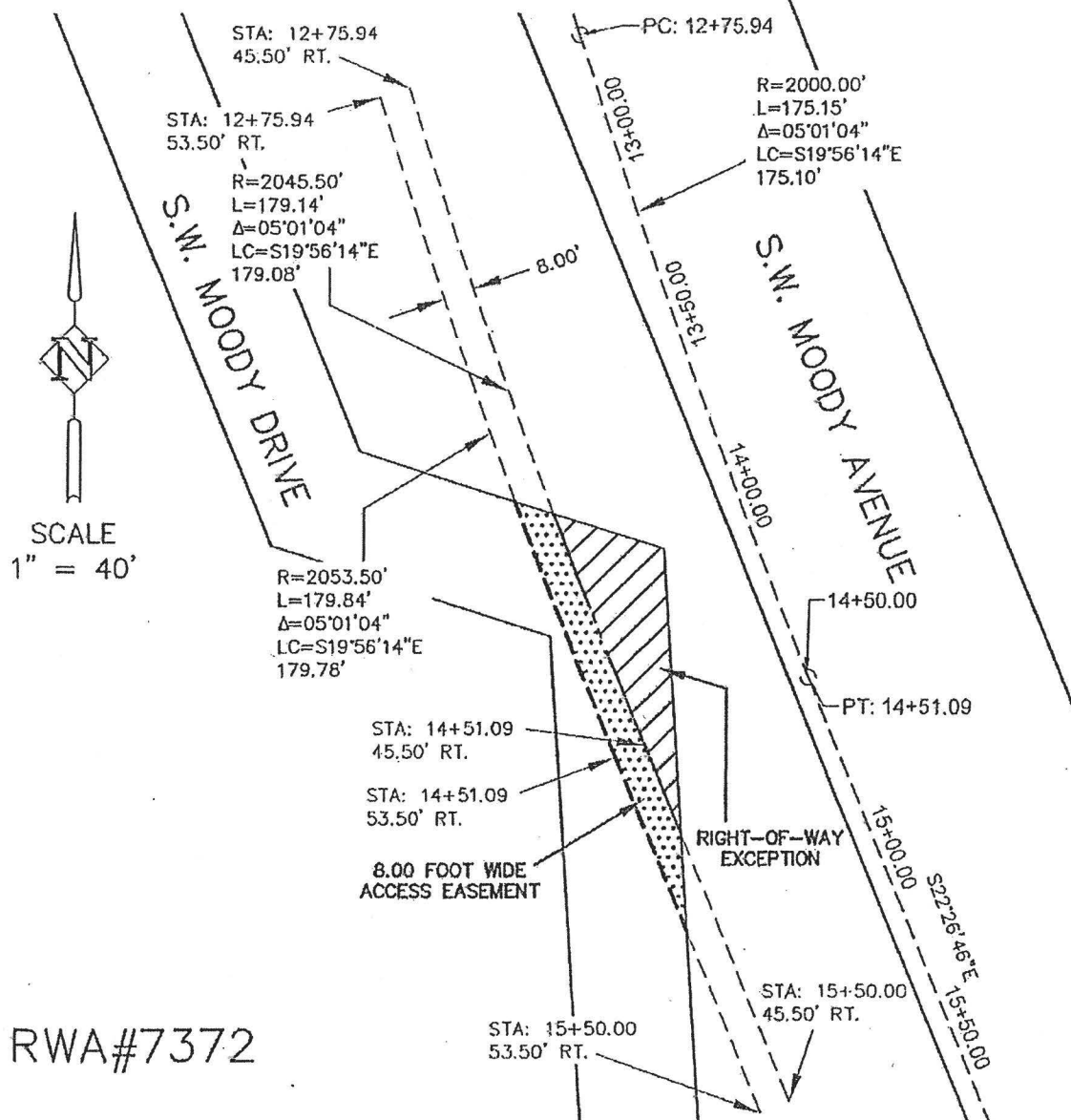
Thence S03°00'55"W, parallel with and 38.50 feet easterly when measured at right angles to the westerly right-of-way line of S.W. Moody Avenue, as shown on said SN 62708, 713.21 feet to Proposed S.W. Moody Avenue Centerline Station 31+00.10 and the terminus of said Proposed Centerline.

This legal description and the basis of bearings thereof, is based upon Record of Survey recorded as SN 62708, Multnomah County Survey Records.



12-31-13

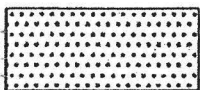
## EXHIBIT 4



## LEGEND



RIGHT-OF-WAY  
EXCEPTION  
± 1,021 SQ.FT.



8.00 FOOT WIDE  
ACCESS EASEMENT  
± 827 SQ.FT.



Harper  
Houf Peterson  
Righellis Inc.

ENGINEERS • PLANNERS  
LANDSCAPE ARCHITECTS • SURVEYORS

205 SE Spokane Street, Suite 200, Portland, OR 97202  
phone: 503.221.1131 www.hhpr.com fax: 503.221.1171

## EXHIBIT 5

R/W #7372  
S.W. Moody Drive  
1S1E10BA

8.00 Foot Wide Access Easement  
November 28, 2012

A tract of land, as shown on attached Exhibit "4", lying in the Northwest One-Quarter of Section 10, Township 1 South, Range 1 East of the Willamette Meridian, City of Portland, Multnomah County, Oregon, said tract being that portion of S.W. Moody Drive lying easterly of the following described line:

Beginning at a point 53.50 feet right of Proposed S.W. Moody Avenue Centerline Station 12+75.94 PC, said point being the beginning of a 2053.50 foot radius curve to the left, having a central angle of 5°01'04";

Thence southeasterly, parallel with said centerline, along the arc of said curve to the left (the long chord of which bears S19°56'14"E, 179.78 feet) 179.84 feet to a point 53.50 feet right of Proposed Centerline Station 14+51.09 PT;

Thence southeasterly, in a straight line, to a point 53.50 feet right of Proposed Centerline Station 15+50.00.

EXCEPTING THEREFROM that portion of S.W. Moody Drive lying easterly of the following described line:

Beginning at a point 45.50 feet right of Proposed S.W. Moody Avenue Centerline Station 12+75.94 PC, said point being the beginning of a 2045.50 foot radius curve to the left, having a central angle of 5°01'04";

Thence southeasterly, parallel with said centerline, along the arc of said curve to the left (the long chord of which bears S19°56'14"E, 179.08 feet) 179.14 feet to a point 45.50 feet right of Proposed Centerline Station 14+51.09 PT;

Thence southeasterly, in a straight line, to a point 45.50 feet right of Proposed Centerline Station 15+50.00.

The tract of land to which this description applies contains 827 square feet more or less.

The stationing used to describe this tract is based on the Proposed Centerline of S.W. Moody Avenue, being more particularly described as follows:

Beginning at Proposed S.W. Moody Avenue Centerline Station 0+00, being located at the intersection of the existing centerlines of S.W. River Parkway and S.W. Moody Avenue per Record of Survey recorded as SN 62708, Multnomah County Survey Records, said existing centerline intersection being located S38°30'04"W, 32.29 feet from Control Monument Number 105, being a 1 inch copper disk stamped "CH2M 105" with punch mark, having local datum plane coordinates of Northing 678490.8888 feet and Easting 7645731.1850 feet per said SN 62708;

Thence S22°24'03"W, parallel with and 45.00 feet easterly when measured at right angles to the westerly right-of-way line of S.W. Moody Avenue as shown on said SN 62708, 397.78 feet to Proposed S.W. Moody Avenue Centerline Station 3+97.78 and the beginning of a 400.00 foot radius curve to the left, having a central angle of 45°42'25";

Thence southerly along of arc of said curve to the left (the long chord of which bears S00°27'10"E, 310.70 feet) 319.09 feet to Proposed S.W. Moody Avenue Centerline Station 7+16.87;

Thence S23°18'22"E, 190.68 feet to Proposed S.W. Moody Avenue Centerline Station 9+07.55 and the beginning of a 2000.00 foot radius curve to the right, having a central angle of 5°52'41";

Thence southeasterly along the arc of said curve to the right (the long chord of which bears S20°22'02"E 205.09 feet) 205.18 feet to Proposed S.W. Moody Avenue Centerline Station 11+12.73;

Thence S17°25'42"E, 163.21 feet to Proposed S.W. Moody Avenue Centerline Station 12+75.94 and the beginning of a 2000.00 foot radius curve to the left, having a central angle of 5°01'04";

Thence southeasterly along the arc of said curve to the left (the long chord of which bears S19°56'14"E, 175.10 feet) 175.15 feet to Proposed S.W. Moody Avenue Centerline Station 14+51.09;

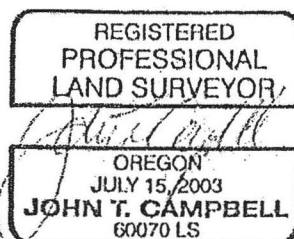
Thence S22°26'46"E, 424.75 feet to Proposed S.W. Moody Avenue Centerline Station 18+75.84 and the beginning of an 1150.00 foot radius curve to the right, having a central angle of 25°27'41";

Thence southeasterly along the arc of said curve to the right (the long chord of which bears S09°42'55"E, 506.85 feet) 511.05 feet to Proposed S.W. Moody Avenue Centerline Station 23+86.89, being located N55°34'52"W, 97.29 feet from Control Monument Number 180, being a mag-nail with 1-1/2 inch brass washer stamped "CH2M HILL CONTROL", having local datum plane coordinates of Northing 676152.3168 feet and Easting 7646145.3273 feet per said SN 62708;

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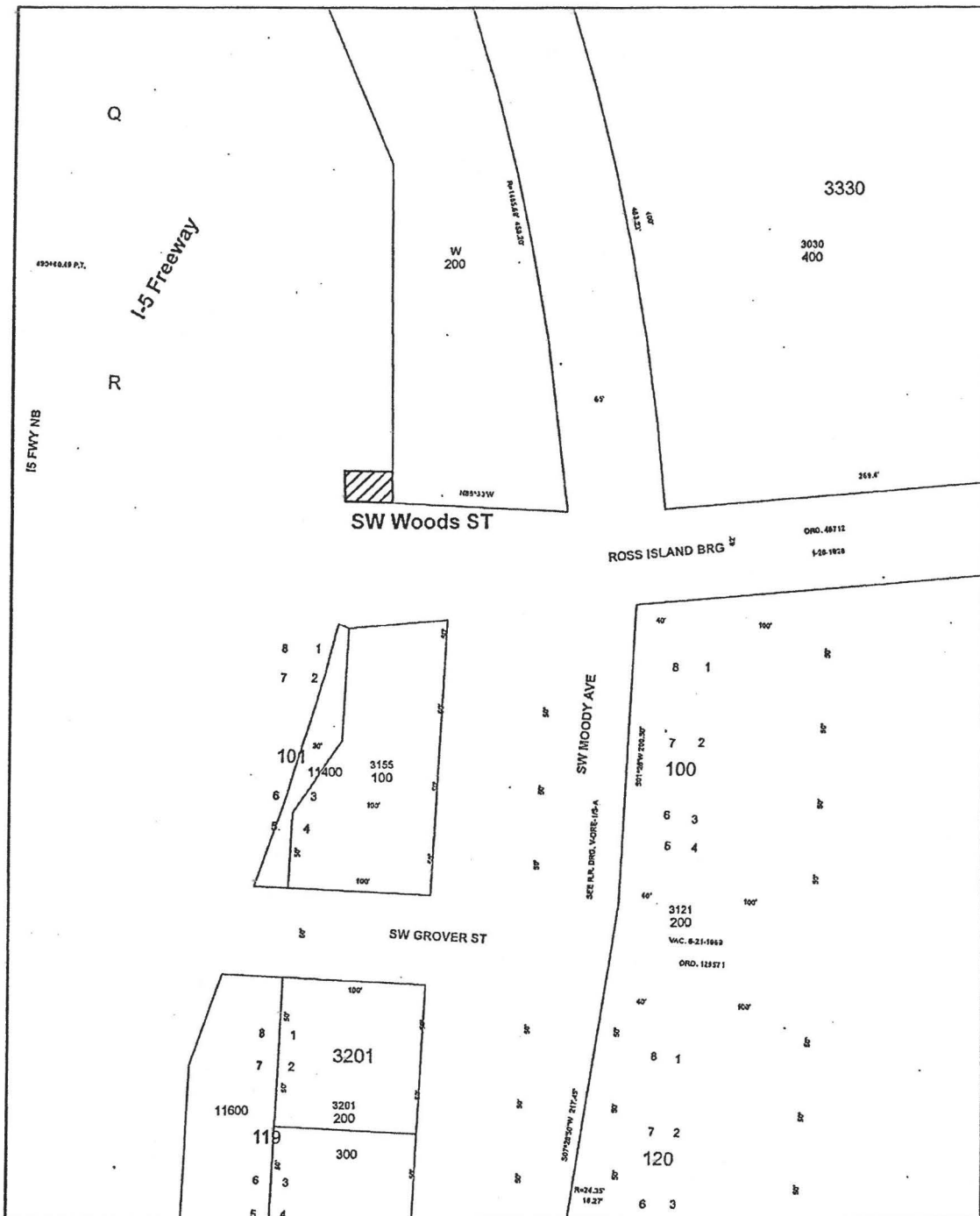
Thence S03°00'55"W, parallel with and 38.50 feet easterly when measured at right angles to the westerly right-of-way line of S.W. Moody Avenue, as shown on said SN 62708, 713.21 feet to Proposed S.W. Moody Avenue Centerline Station 31+00.10 and the terminus of said Proposed Centerline.

This legal description and the basis of bearings thereof, is based upon Record of Survey recorded as SN 62708, Multnomah County Survey Records.



12-31-13

Exhibit 6



SW MOODY DRIVE NORTH OF ROSS ISLAND BRIDGE

Grantor: TriMet

R/W: 7372 1/4 Section:3329 Section: 1S1E10BA

Sewer Easement

 Sewer Easement



1 inch = 100 feet

ACCEPTANCE

Auditor of the City of Portland  
Attention: Toni Anderson  
City Hall Room 140  
1221 SW 4<sup>th</sup> Avenue  
Portland, OR 97204

This is to advise the City of Portland, Oregon that the State of Oregon, by and through its Department of Transportation ("ODOT"), accepts the terms and provisions of Ordinance No. 185986, passed by the Portland City Council on April 17, 2013, **Vacate a portion of SW Moody Dr north of Ross Island Bridge subject to certain conditions and reservations and rename a portion of SW Moody Dr, VAC-10084**, and in consideration of the benefits received thereunder ODOT hereby agrees to abide by and perform each and all of the applicable terms and provisions thereof.

8/28/13

Date

DK Crager

Rick Crager, State Right of Way Manager

State of Oregon by and through its Department of Transportation  
Right of Way Section  
4040 Fairview Industrial Drive SE, MS#2  
Salem, OR 97302-1142

Approved as to form:

APPROVED AS TO FORM

City Attorney

James H. Van Dyke 9/16/13  
CITY ATTORNEY

185986

# ACCEPTANCE

Auditor of the City of Portland  
City Hall Room 140  
1221 SW 4<sup>th</sup> Avenue  
Portland, Oregon 97204

This is to advise the City of Portland, Oregon that Tri-County Metropolitan Transportation District of Oregon (TriMet) hereby accepts the terms and provisions of Ordinance No. 185986, passed by the Portland City Council on April 17, 2013, **Vacate a portion of SW Moody Dr north of Ross Island Bridge subject to certain conditions and reservations and rename a portion of SW Moody Dr, VAC-10084**, and in consideration of the benefits received thereunder TriMet hereby agrees to abide by and perform each and all of the applicable terms and provisions thereof.

May 21, 2013  
Date

*[Signature]* Director of Real Property  
(Signature and Title)

Tri-County Metropolitan Transportation District of Oregon  
1800 SW 1<sup>st</sup> Avenue, Suite 200  
Portland OR 97201

Approved as to form:

APPROVED AS TO FORM

*James H. Van Dyke*  
City Attorney CITY ATTORNEY 6/5/13