

ORDINANCE No. 188292

Vacate a portion of SW Hooker St east of SW Water Ave subject to certain conditions and reservations (Hearing; Ordinance; VAC-10105)

The City of Portland ordains:

Section 1. The Council finds:

1. On November 18, 2015 the Office of the City Auditor certified a petition for the vacation of SW Hooker Street east of SW Water Avenue (the "Street Area"), with the petition initiated by the National University of Natural Medicine ("NUNM"), formerly known as the National College of Natural Medicine, the owner of the adjoining properties (the "Petitioner").
2. The petition states that the reason for the vacation is to increase green space on the NUNM campus and to allow for additional garden space for student education.
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 Bureau Director's Report, dated January 18, 2017 and on file with the Office of the City Auditor (the "Auditor") and the Bureau of Transportation ("PBOT").
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 to vacate the Street Area.

NOW, THEREFORE, the Council directs:

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

As described on Exhibit A and depicted on Exhibit B attached and incorporated by reference.

Contains 7,049 square feet, more or less.

- b. The vacation of the above-described Street Area is granted subject to the following conditions and reservations:
1. The Petitioner will close the intersection of SW Hooker Street at the eastern edge of SW Water Avenue by constructing a vertical curb, 4 ft. furnishing zone, 6 ft. sidewalk, and a 1.5 ft. frontage zone. The north/south curb across SW Hooker Street will be in alignment with the eastern curb of SW Water Avenue. Improvements must be constructed under a separate Public Works Permit to City standards. A bond, contract, and financial guarantee will be required prior to the recording the street vacation ordinance.
 2. The Petitioner will construct a curb and sidewalk parallel to SW Water Avenue, beginning at the south curb line of SW Hooker Street and ending at the east curb line of SW Water Avenue. The curb line will be a radial connection that will be determined during the Public Works Permit process. Petitioner will remove all PBOT infrastructure related to street lighting, street name, and traffic control signs. A topographic survey and engineering analysis will be completed at the expense of the Petitioner and the City will determine if additional storm sewer inlets are needed. A bond, contract, and financial guarantee will be required prior to the recording the street vacation ordinance.
 3. The Petitioner will remove the tree growing through the asphalt along the west end of the concrete wall supporting SW Hooker Street at SW Kelly Avenue prior to the recording the street vacation ordinance.
 4. In accordance with ORS 271.120 and City of Portland policy, the street vacation ordinance (this "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 Portland General Electric and Northwest Natural. Subject to Paragraph 6 below, this 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 Area will require written agreements between the Petitioner and owner(s) of the utilities.

5. Notwithstanding b4, this Ordinance will serve as a full release of City interests in the Street 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.
6. City costs associated with processing the street vacation petition shall be paid in full before the City records this Ordinance.
7. 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 this Ordinance at its sole discretion.

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

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

Section 4. After the prerequisites to recording this Ordinance have been met, the Auditor shall return a certified copy of this Ordinance and the acceptance thereof, to the Right-of-Way Acquisition ("RWA") Section, PBOT, 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 RWA Section shall return the recorded Ordinance to the Auditor and retain a copy in RWA File No. 8050.

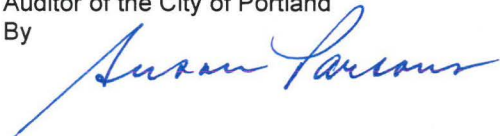
Passed by the Council, **MAR 22 2017**

Commissioner Dan Saltzman
Prepared by: Lance Lindahl
February 7, 2017
RWA #8050

MARY HULL CABALLERO

Auditor of the City of Portland

By



DEPUTY

258 288

Agenda No. 188292
ORDINANCE NO. 188292
Title

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(Hearing; Ordinance; VAC-10105)

INTRODUCED BY Commissioner/Auditor: COMMISSIONER DAN SALTZMAN	CLERK USE: DATE FILED <u>MAR 07 2017</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Wheeler Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Eudaly	Mary Hull Caballero Auditor of the City of Portland By: <u>[Signature]</u> Deputy
BUREAU APPROVAL Bureau: Transportation Development Permitting & Transit Group Manager: Christine Leon Director: Leah Treat Prepared by: Lance D. Lindahl Date Prepared: February 7, 2017 Supervisor: David McEldowney Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	ACTION TAKEN: MAR 15 2017 Rescheduled to MAR 16 2017 2 P.M. MAR 16 2017 PASSED TO SECOND READING MAR 22 2017
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
City Auditor Office Approval: required for Code Ordinances	
City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter	
Council Meeting Date March 15, 2017	-4 VOTES-

AGENDA TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)
CONSENT <input type="checkbox"/>
REGULAR <input checked="" type="checkbox"/> Total amount of time needed: 5 Minutes (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	1. Fritz ✓	
2. Fish	2. Fish ✓	
3. Saltzman	3. Saltzman ✓	
4. Eudaly	4. Eudaly ✓	
Wheeler	Wheeler ✓	