

ORDINANCE No. 189443

*Amend Ordinance to modify a condition of approval for the vacation of a portion of SE Claybourne St east of SE 122nd Ave subject to certain conditions and reservations (Ordinance; amend Ordinance No. 188928; VAC-10120)

The City of Portland ordains:

Section 1. The Council finds:

1. On August 10, 2016 and in accordance with ORS 271.130, the City of Portland ("City"), through its Bureau of Parks and Recreation ("PP&R" or "Petitioner"), the controlling bureau of adjoining property, initiated the vacation of a portion of SE Claybourne Street east of SE 122nd Avenue (the "Street Area").
2. The purpose of the vacation is to consolidate property as a part of the first phase of Leach Botanical Garden's 25-year master plan in which City Council passed Ordinance No. 188928 on May 9, 2018 approving the requested vacation under certain conditions (the "Ordinance").
3. Section 1, Directive b1 was included in the Ordinance at the request of the Bureau of Development Services ("BDS") and required PP&R to consolidate all lots that will lose legal street frontage as a result of the street vacation and to reconcile zoning differences prior to the completion of the lot consolidation which is to be recorded concurrently with the recording of the Ordinance.
4. BDS revised their response to the street vacation request on January 14, 2019. BDS has determined that a lot consolidation is no longer necessary since the affected lots are now all zoned as Open Space ("OS"). Lots within the OS zone are not required to have a public right-of-way frontage.
5. PP&R supports amending the Ordinance in order to remove Directive b1 since it is no longer necessary.

NOW, THEREFORE, the Council directs:

- a. That Ordinance No. 188928, Section 1.b, "Conditions" of the Council directives are hereby revised as follows:
 1. Directive b1 is hereby deleted.
- b. All other terms and provisions of the Ordinance shall remain unchanged and all conditions thereof shall remain in full force and effect.

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 a copy of the recorded ordinance to the Auditor and retain the original recorded ordinance in RWA File No. 8250.

Section 5. The Council declares an emergency exists because any further delay in the vacation of the Street Area will delay the start of construction at Leach Botanical Garden, have a negative impact on the schedule of this project, and result in higher project related costs that will fall upon PP&R. Therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council: APR 03 2019

Commissioner Chloe Eudaly
Prepared by: Lance Lindahl;CB
Date Prepared: March 1, 2019

Mary Hull Caballero
Auditor of the City of Portland

By  Deputy

Agenda No.
Ordinance NO. 189443
 Title

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MAR 26 2019

INTRODUCED BY Commissioner/Auditor: <i>Nick Fish</i> Chloe Eudaly	CLERK USE: DATE FILED _____
COMMISSIONER APPROVAL Mayor—Finance & Administration – Wheeler Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Hardesty Position 4/Safety - Eudaly	Mary Hull Caballero Auditor of the City of Portland By: <i>Kela</i> Deputy
BUREAU APPROVAL Bureau: PBOT Group: Development Permitting & Transit Group Manager: Christine Leon Director: Chris Warner Prepared by: Lance Lindahl; CB Supervisor: Dave McEldowney Date Prepared: March 1, 2019	ACTION TAKEN:
Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	
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, charter, Comp Plan	
Council Meeting Date April 3, 2019	

AGENDA TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)
CONSENT <input checked="" type="checkbox"/> <i>no</i>
REGULAR <input checked="" type="checkbox"/> Total amount of time needed: <i>15 min</i> (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	<i>1. Fritz</i> ✓	
2. Fish	✓	
3. Hardesty	✓	
4. Eudaly	✓	
Wheeler	✓	