

## IMPACT STATEMENT

**Legislation title:** Vacate portions of SE 106<sup>th</sup> Ave, SE 108<sup>th</sup> Ave, SE 110<sup>th</sup> Ave, SE Bybee Blvd, and SE Duke St south of SE Foster Rd subject to certain conditions and reservations (Hearing; Ordinance; VAC-10124)

**Contact name:** Lance Lindahl, PBOT Right-of-Way Acquisition

**Contact phone:** 503-823-7465

**Presenter name:** Lance Lindahl

### **Purpose of proposed legislation and background information:**

- The purpose of this legislation is to vacate portions of SE 106<sup>th</sup> Avenue, SE 108<sup>th</sup> Avenue, SE 110<sup>th</sup> Avenue, SE Bybee Boulevard, and SE Duke Street south of SE Foster Road (the "Street Area") as recommended in the Bureau Director's Report.
- The vacation request was initiated by the City of Portland (the "City"), through the Bureau of Environmental Services ("BES" or "Petitioner"), for the purpose of eliminating portions of public right-of-way that are no longer needed for street purposes in order to consolidate BES' control of the Foster Floodplain project area.
- All of the vacation area will revert to adjacent parcels owned by the Petitioner.
- The Street Area is not currently improved to City standards. All street improvements within the Street Area have been removed as a part of previous restoration work completed within the Foster Floodplain Natural Area. An ADA-accessible paved path and pedestrian bridge were constructed within the floodplain and are open for public use. New sidewalks were constructed nearby along portions of SE Foster Road, SE 110<sup>th</sup> Drive, SE 112<sup>th</sup> Avenue, and SE Cooper Street in order to further improve public access to the natural area.
- The Street Area is depicted on Exhibit 1 of the ordinance.
- The Planning and Sustainability Commission ("PSC") reviewed and recommended approval of the street vacation request on November 13, 2018. The attached Bureau Director's Report was completed on April 30, 2019, reflecting PSC's recommendation of approval subject to certain conditions and reservations.
- The ordinance complies with state law under ORS 271 and City Code, Chapter 17.84.

### **Financial and budgetary impacts:**

- The process for vacating streets is a cost recovery program, typically paid for by the Petitioner, and does not have a net impact on PBOT's budget. Expenses for processing a street vacation request typically range between \$8,000 and \$20,000+, depending on the complexity. This street vacation falls below the low end of the range and is estimated (with moderate confidence) to be approximately \$7,500.

- BES has provided a billing number for actual expenditures incurred by City staff for the processing of this request. The SAP Cost Object is 7TRES0002406. Expenses are occurring in FY 2017-18, FY 2018-19, and FY 2019-20.
- This legislation does not affect staffing levels nor will result in a new or modified financial obligation or benefit now or in the future.
- If City Council does not approve the ordinance, the Street Area will remain as public right-of-way, thereby limiting the Petitioner's control of this area and requiring the Petitioner to revise their property management plans.

#### **Community impacts and community involvement:**

- 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). As an additional requirement of the state statute, the City Auditor also published notice of the public hearing in the Daily Journal of Commerce and has posted the notice near the Street Area.
- Comments were solicited from City Bureaus, government agencies, public utilities and affected neighborhood and business associations in the area. PBOT did not receive any objections to the vacation request.
- The PSC advertised and then held a public hearing on November 11, 2018. Although not required by State Statute or City Code, letters were mailed to all the surrounding neighbors within an 'affected area' as defined by ORS 271 to notify them of the public hearing thereby giving them an opportunity to be heard. No one from the public came forward to testify in support or opposition of the vacation, and the PSC ultimately recommended approval to City Council of the proposed vacation.
- There do not appear to be any other impacts to the community from vacating this right-of-way. No opposition to this street vacation request is expected and no one has expressed their desire to testify at the hearing. There is no future public involvement anticipated since the ordinance will conclude the street vacation process.
- Information regarding the advertising details can be provided by Toni Anderson, City Auditor's Office, 503-823-4022, or [toni.anderson@portlandoregon.gov](mailto:toni.anderson@portlandoregon.gov).

#### **Budgetary Impact Worksheet**

##### **Does this action change appropriations?**

- ☐ **YES:** Please complete the information below.
- ☒ **NO:** Skip this section

KK 7-11-19