



Date: January 25, 2022

To: Portland Planning and Sustainability Commission
From: Jim Sjulín for the 40 Mile Loop Land Trust
Re: Proposed Vacation of Unnamed Road near NE 33rd Drive and NE Marine Drive

The above item on today's PSC agenda is of high concern to the 40 Mile Loop Land Trust due to the right-of-way's long-standing presumption of use by the Marine Drive Trail, a regionally significant recreational trail that is also an important east-west active transportation route.

The 40 Mile Loop

Before getting into the reasons for our objection to the right-of-way vacation, you likely know that the 40 Mile Loop Land Trust is a non-profit trail advocacy organization that is responsible for the initial master planning for a 140-mile-long connected trail system, our region's first multi-modal trail system, and now called the 40 Mile Loop. Our volunteer organization has been working with local governments in an advocacy role for 40 years to help ensure the completion of a safe and functional trail system, one that is now just over 70% completed.

Marine Drive Trail

The Marine Drive Trail is a 23-mile-long segment of the 40 Mile Loop extending from Kelley Point Park to the Sandy River and historic downtown Troutdale. Including what is currently funded along with what is already completed, the Marine Drive Trail is 85% completed with only one unfunded gap between NE 33rd Drive and east to the Sandy River. The location of the proposed street vacation is on a portion of the East Columbia Gap, which is one of three gaps remaining between NE 33rd Drive and west to the confluence of the Willamette and Columbia Rivers at Kelley Point Park.

40 Mile Loop Objections to the Proposed Vacation

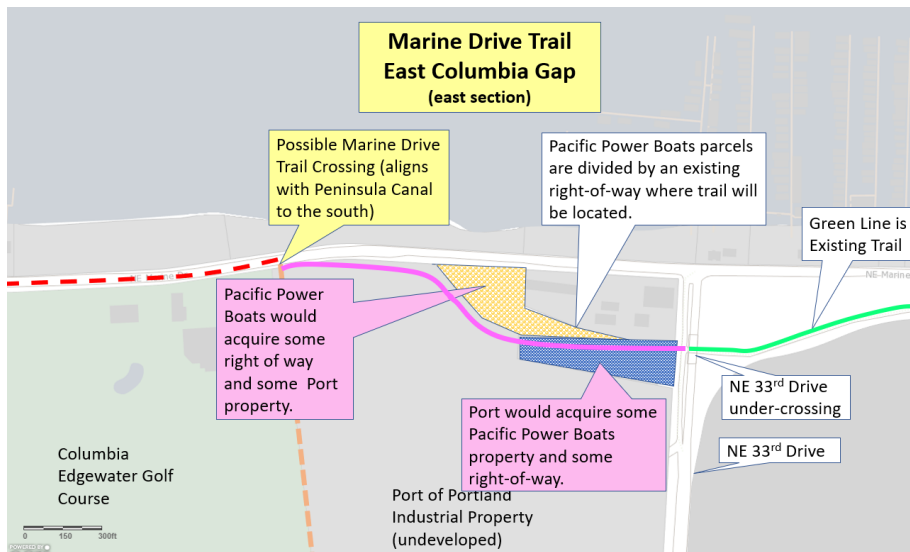
First, we totally understand the desire to remove a right-of-way that will never be used as a roadway for general public vehicular transportation purposes, particularly one that separates a single ownership of valuable industrial zoned property. But right-of-way reserved for active transportation and for a regionally significant recreational trail is also a legitimate public purpose and must be fully considered. The 40 Mile Loop Land Trust has been relying on this particular piece of public right-of-way for Marine Drive Trail for 40 years.

1. **A specific replacement alignment has not been agreed to.** Parks & Recreation has proposed a 30 feet wide easement be a required condition, but we don't know where that alignment would be. From experience with other trail alignments, we know that the "stars on the Comp Plan map" is interpreted by the City as only a representation that a trail will ultimately be built across a parcel, not an indication of a specific location.
2. **Loss of trail functionality and public safety.** Without a known replacement alignment, we have no knowledge about potential loss of functionality and public safety. The right-of-way alignment

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was direct with no sharp corners and no sight distance issues. How the replacement alignment would compare is an open question.

3. **Permitting, ability to construct, and costs.** With no publicly known alternatives for the trail alignment, we also have no idea if alternatives present permitting challenges, grade challenges, or create a need for structures that could significantly increase costs. We only know that for a non-right-of-way alignment to minimize the impact on the private parcels, the trail would have to be longer and likely more costly.
4. **\$500,000.** What does the public receive in compensation for ceding a right-of-way to an adjacent private property owner? In this case the value of the right-of-way is extraordinary. The right-of-way area is about 50,000 square feet (1.14 acres) and is zoned IG2 (general industrial). The last transaction involving the adjacent parcels suggests a value approaching \$500,000. (See attached sheet provided by Walter Valenta, a licensed real estate broker and member of the 40 Mile Loop board.)
5. **Alternative suggested by the 40 Mile Loop in 2018 or prior.** The 2018 graphic below suggested that a trade of adjacent properties, involving a reduction in the right-of-way, could provide a solution that would be ideal for Marine Drive Trail and more than fair to both adjacent property owners. Both adjacent properties would increase in size making both better than whole. (This graphic was provided to Parks & Recreation, PBOT, and the Port when it was created but not to the private property ownership.)



40 Mile Loop Request for Proceeding Forward

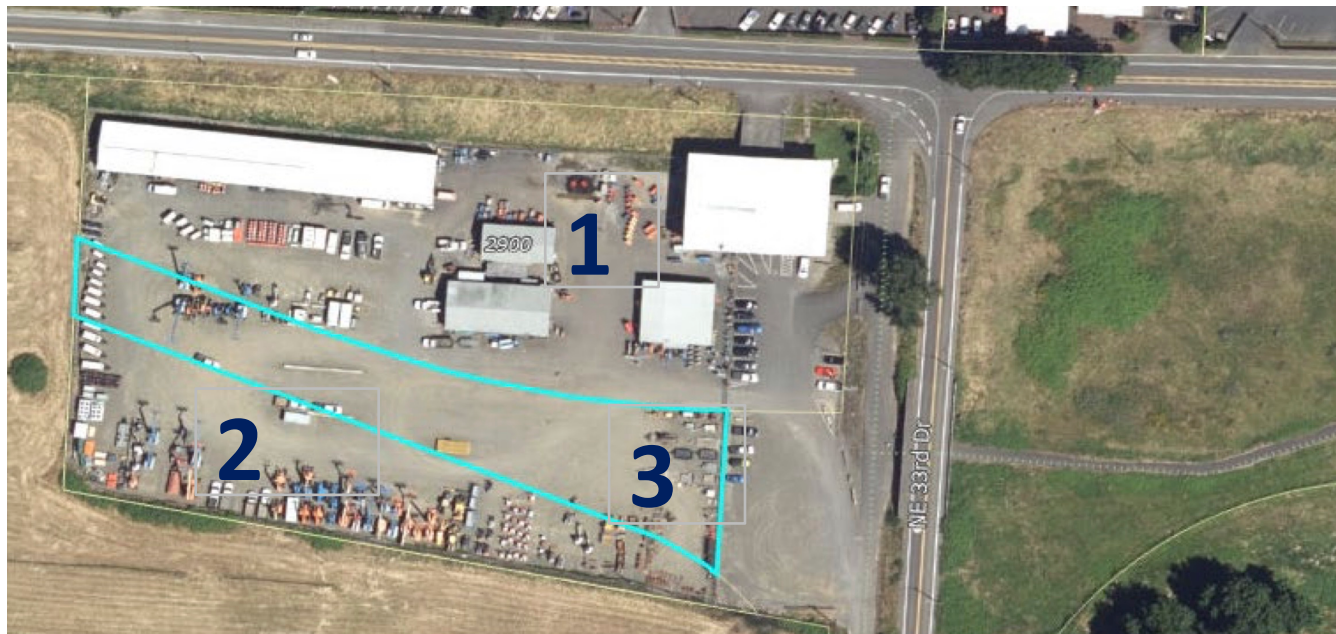
The 40 Mile Loop requests that the City take the following steps prior to forwarding this street vacation to City Council:

- A. Develop specific alternative Marine Drive Trail alignments for this location.
- B. Develop accurate cost and permitting estimates for each alternative alignment.
- C. Select a preferred alignment based on cost, functionality, and public support.
- D. Develop trail easement(s) agreed to in advance by adjacent property owners for the preferred alignment.



- E. Develop a fair compensation package, funded by the recipient of the ceded right-of-way, to be applied to the construction of the Marine Drive Trail replacement alignment at this location and westward toward the Peninsula Canal Levee as far as the funding will allow.
- F. Involve stakeholders and the general public in the above steps.

What Value is the City getting in Exchange for \$495K of Public Land ?



33rd and NE Marine Drive

Owner: WPC Marine LLC

Tax Acct #	Address	SQ FT	Mult County Tax Market Land	Mult County Tax Improvement	Total
1 R314238	2900 NE Marine Drive	130,680	\$ 1,045,440	2,458,460	
2 R314241	Back Parcel	44,867	\$ 412,780		
		<u>175,547</u>	<u>1,458,220</u>	<u>2,458,460</u>	<u>3,916,680</u>
Total Tax Mkt Value					
			\$ 8.31	Land \$ per SQ FT per	
					Mult County Tax Mkt Value
Purchased by WPC Marine LLC on 9/19/2018					4,250,000

Proposed Property Vacation

Tax Acct #	Address	SQ FT	Mult County Tax Market for Land	Land \$ per SQ FT per
3 R705263	City Leases to WPC Now	53,880	\$ 495,700	9.20
Mult County Tax Mkt Value				

Request that Commission does NOT Refer this proposal to City Council at this time.

Please require the New 40 Mile Loop Easement be established BEFORE releasing this Public Land to private use. Make sure the City is receiving \$495K of Value in Exchange for \$495K of Public Land.

thank you, **Walter Valenta**
 Portland Resident
 Real Estate Broker in State of Oregon

These are my personal comments.
 40 Mile Loop Board Member
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