



191023

Ordinance

Revise conditions required for N Baldwin St east of N Delaware Ave as vacated (amend Ordinance No. 179873, VAC-10022)

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. On August 20, 2004, the Office of the City Auditor certified a petition for the vacation of a portion of N Baldwin Street east of N Delaware Avenue, with the petition initiated by The Roman Catholic Archbishop of Portland in Oregon (the "Petitioner"), the owner at the time of adjoining property, (the "Property").
2. The petition stated that the reason for the vacation was to expand the school to accommodate a total of 300 students. Project plans have been revised and now call for the school to accommodate a total of 250 students.
3. On January 11, 2006, the Portland City Council passed Ordinance No. 179873 vacating N Baldwin Street subject to certain conditions and reservations (the "Original Ordinance" together with this Ordinance, collectively the "Ordinances").
4. On December 14, 2007, the Petitioner conveyed the Property to People of Praise, Inc. who then leased the Property to Portland Village School for operation of a charter school serving students in kindergarten through 8th grade.
5. People of Praise, Inc. later submitted plans to the City for review to further develop the Property. It was discovered, through the City's review, that the conditions of the Original Ordinance had not been completed and therefore never recorded with Multnomah County, resulting in the vacation not being in effect.
6. Due to the amount of time that had passed, an Early Assistance meeting for the street vacation and subsequent development was required and held on November 29, 2017 and filed in EA 17-264275.

Introduced by

[Commissioner Jo Ann Hardesty](#)

Bureau

[Transportation](#)

Contact

Lance Lindahl

Right of Way Agent II

✉ lance.lindahl@portlandoregon.gov

☎ [503-823-7465](tel:503-823-7465)

Sarah Johnston

Supervisor II

✉ sarah.johnston@portlandoregon.gov

☎ [503-823-5067](tel:503-823-5067)

Requested Agenda Type

Regular

Date and Time Information

Requested Council Date

October 5, 2022

7. The Early Assistance Summary Report dated December 26, 2017 revealed that additional requirements from City staff were needed to approve the vacation request, as shown on **Exhibit 1** attached and incorporated by reference.
8. As a requirement of the Bureau of Development Services, the Petitioner has consolidated Lots 9 and 10 of Block 7 and Lots 13 and 14 of Block 6, Mulark Addition, which would have lost their legal street frontage as a result of the street vacation. Said consolidation occurred through Partition Plat No. 2019-22 which was recorded at Multnomah County Deed Records on May 2, 2019.
9. On October 19, 2021, People of Praise, Inc. conveyed the Property to Trinity Academy of Portland (the "Property Owner").
10. The Property Owner currently operates a private school named Trinity Academy on N Mississippi Avenue for students in grades 6 through 12 and plans to relocate to and reopen at the Property in Fall of 2024.
11. Current plans for the Property include renovation of the existing school building, the addition of approximately 6,600 square feet to said building, demolition of the existing church building, and reconfiguration of the existing parking that will result in there being 34 on-site parking spaces.
12. The Property Owner will assume all responsibility for satisfying all conditions and requirements, in place of Petitioner as referenced in Exhibit 1.

NOW, THEREFORE, the Council directs:

- A. That the Original Ordinance is hereby amended as shown in Exhibit 1.
- B. All other items and provisions of the Original Ordinance shall remain unchanged and all conditions thereof shall remain in full force and effect.


Section 2. The Property Owner shall file with the City Auditor, in form approved by the City Attorney, a document in writing, accepting the terms and conditions of the Ordinances.

Section 3. Notice is given that the street vacation will not be effective until certified copies of the Ordinances have 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 PBOT RWA, 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. PBOT RWA shall return a copy of the recorded ordinance to the Auditor and retain the original recorded ordinance in RWA File No. 6317.

Documents and Exhibits

 [Exhibit 1](#) (276.22 Kb)

An ordinance when passed by the Council shall be signed by the Auditor. It shall be carefully filed and preserved in the custody of the Auditor (City Charter Chapter 2 Article 1 Section 2-122)

Passed by Council
October 5, 2022

Auditor of the City of Portland
Mary Hull Caballero

Impact Statement

Purpose of Proposed Legislation and Background Information

- The purpose of this legislation is to amend a previously approved Ordinance that will vacate a portion of N Baldwin Street (the "Street Area"), as recommended in the Bureau Director's Report.
- On August 20, 2004, the Office of the City Auditor certified a petition for the vacation of a portion of N Baldwin Street east of N Delaware Avenue, with the petition initiated by The Roman Catholic Archbishop of Portland in Oregon (the "Petitioner"), the owner at the time of adjoining property, (the "Property").
- The petition stated that the reason for the vacation was to expand the school to accommodate a total of 300 students. Project plans have been revised and now call for the school to accommodate a total of 250 students.
- On January 11, 2006, the Portland City Council passed Ordinance No. 179873 vacating N Baldwin Street subject to certain conditions and reservations (the "Original Ordinance" together with this Ordinance, collectively the "Ordinances").
- On December 14, 2007, the Petitioner conveyed the Property to People of Praise, Inc. who then leased the Property to Portland Village School for operation of a charter school serving students in kindergarten through 8th grade.
- People of Praise, Inc. later submitted plans to the City for review to further develop the Property. It was discovered, through the City's

review, that the conditions of the Original Ordinance had not been completed and therefore never recorded with Multnomah County, resulting in the vacation not being in effect.

- Due to the amount of time that had passed, an Early Assistance meeting for the street vacation and subsequent development was required and held on November 29, 2017 and filed in EA [17-264275](#).
- The Early Assistance Summary Report dated December 26, 2017 revealed that additional requirements from City staff were needed to approve the vacation request, as shown on Exhibit 1 attached and incorporated by reference.
- As a requirement of the Bureau of Development Services, the Petitioner has consolidated Lots 9 and 10 of Block 7 and Lots 13 and 14 of Block 6, Mulark Addition, which would have lost their legal street frontage as a result of the street vacation. Said consolidation occurred through Partition Plat No. 2019-22 which was recorded at Multnomah County Deed Records on May 2, 2019.
- On October 19, 2021, People of Praise, Inc. conveyed the Property to Trinity Academy of Portland (the "Property Owner").
- The Property Owner currently operates a private school named Trinity Academy on N Mississippi Avenue for students in grades 6 through 12 and plans to relocate to and reopen at the Property in Fall of 2024.
- Current plans for the Property include renovation of the existing school building, the addition of approximately 6,600 square feet to said building, demolition of the existing church building, and reconfiguration of the existing parking that will result in there being 34 on-site parking spaces.
- The Property Owner will assume all responsibility for satisfying all conditions and requirements, in place of Petitioner as referenced in Exhibit 1.
- 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 \$5,000.

- Fees paid by the Petitioner for this street vacation will cover the actual expenditures incurred by City staff for the processing of this request. The SAP Cost Object is 9TR000002537. These expenses are occurring in FY 20-21, 21-22 and 22-23.
- 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, Ordinance No. 179873 will not be amended and the original language will remain in place. This will make it very difficult to complete the conditions of approval and will therefore make it very difficult for the abutting property owner to complete their redevelopment plans as currently proposed.

Community Impacts and Community Involvement

- Pursuant to ORS 271.080, the Petitioner obtained the required signatures from surrounding property owners in the 'affected area' as stated in said statute, showing support of the vacation request. 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 also 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 Portland Planning Commission advertised and then held a public hearing on February 22, 2005, and ultimately recommended approval to City Council of the vacation request.
- There do not appear to be any other impacts to the community from vacating the Street Area. 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 amending the ordinance will conclude the street vacation process.

100% Renewable Goal

Not applicable.

Agenda Items

814 Regular Agenda in September 28, 2022 Council Agenda

Passed to second reading

Passed to second reading October 5, 2022 at 9:30 a.m.

834 Regular Agenda in October 5-6, 2022 Council Agenda

Passed

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Absent

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Mayor Ted Wheeler Yea