

ACCEPTANCE

May 18, 1994

Auditor of the City of Portland
Room 202, City Hall
Portland, Oregon 97204

This is to advise the City of Portland, Oregon, that I hereby accept the terms and provisions of Ordinance No. 167681, passed by the Portland City Council on May 18, 1994, vacating portions of SW Salmon Street, SW Main Street, SW 2nd Avenue, and SW 3rd Avenue under certain conditions and in consideration of the benefits received thereunder by me I hereby agree to abide by and perform each and all of the terms and provisions thereof applicable to me.

Very truly yours

WAYNE N. RICHARDSON

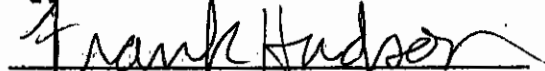


Signature / Title Contracting Officer

Address:

Design and Construction Division
GSA Center - 10 PCD
400 15th, SW
Auburn, WA 98001

Approved as to form:


City Attorney

*When an acceptance is signed by an officer of a firm or corporation, his or her official title must be stated.

ORDINANCE NO. 167681

* Vacate portions of SW Salmon Street, SW Main Street, SW 2nd Avenue, and SW 3rd Avenue under certain conditions. (Ordinance by Order of Council; [C-9861])

The City of Portland ordains:

Section 1. The Council finds:

1. Resolution No. 35265, passed by Council April 13, 1994, initiated the vacation of portions of SW Salmon Street, SW Main Street, SW 2nd Avenue, and SW 3rd Avenue.
2. The United States of America, General Services Administration has requested the vacation to facilitate construction and operation of the Federal Courthouse to be constructed on the adjacent block.
3. The vacation is recommended by the Commissioner of Public Works under certain conditions set forth in the directive action below.
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. 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 that said street be vacated.

NOW, THEREFORE, the Council directs:

- a. The following described street area, as shown on the attached Exhibit A, is hereby vacated:

R/W #4983

A tract of land being part of and adjoining Block 24, Portland Addition, in the northwest one-quarter of Section 3, T1S, R1E, W.M., Multnomah County and the State of Oregon, being all the land bounded between the two following described parcels:

Parcel I

Beginning at the southwest corner of Lot 5, Block 24, said Portland Addition; thence north along the west line of said Block 24 a distance of 200.00 feet to the northwest corner of said Block 24; thence east at 90° a distance of 195.00 feet to a point 5.00 feet west of the northeast corner of said Block 24; thence south at 90° a distance of 200.00 feet to a point in the south line of said Block 24; thence west along said south line 195.00 feet to the Point of Beginning.

Parcel II

Commencing at the southwest corner of said Lot 5, Block 24; thence east along the south line of said Block 24 a distance of 192.50 feet to a point 7.50 feet west of the southeast corner of said Block 24; thence south at 90° a distance of 12.50 feet to a point of curve to the left having a radius of 15.00 feet, said point being the Point of Beginning of the tract herein to be described; thence along said curve to the left, through a central angle of 90° an arc length of 23.56 feet to a point of tangency; thence north parallel with the east line of said Block 24 a distance of 194.50 feet to a point of curve to the left having a radius of 15.00 feet; thence along said curve to the left, through a central angle of 90° an arc length of 23.56 feet to a point of tangency; thence west parallel with the north line of said Block 24 a distance of 200.50 feet to a point of curve to the left having a radius of 15.00 feet; thence along said curve to the left through a central angle of 90° an arc length of 23.56 feet to a point of tangency; thence south parallel with the west line of said Block 24 a distance of 194.50 feet to a point of curve to the left having a radius of 15.00 feet; thence along said curve to the left through a central angle of 90° an arc length of 23.56 feet to a point of tangency; thence east parallel with the south line of said Block 24 a distance of 200.50 feet to the Point of Beginning.

- b. The vacation of the above described street area is granted subject to the following conditions and restrictions:
- (1) That the United States of America, General Services Administration has paid to the City the sum of \$4,500, this being the cost of these vacation proceedings incurred by the Portland Department of Transportation, Right-of-Way Section.
 - (2) The United States of America, General Services Administration hereby agrees to provide easements, if necessary, for any existing utilities, including access for repairs and maintenance of those utilities, at no cost to said utilities, or to assume the responsibility and expense for relocating any utilities that currently lie within the rights-of-way proposed for vacation. Any easement shall extend ten feet on both sides of the centerline of said utility, unless the easement would interfere with the courthouse.
 - (3) The United States of America, General Services Administration will reconstruct sidewalks and affected roadway areas to City standards as part of the courthouse project and will maintain the sidewalks as required under the City Code. Sidewalks will be designed with curb extensions and at least two parking spaces, (or more spaces, which shall be determined after consultation with the City Traffic Engineer, City Forester, and City Engineer to coordinate parking, trees, and street lighting), for quick drop off/pick up activities on SW 3rd Avenue. Street trees will be provided after consultation with the City Forester.

- (4) The United States of America, General Services Administration will grant to the City a public right-of-way easement for pedestrian use of the sidewalk area, effective after completion of the courthouse. It will not take any action or conduct any activity in the subsurface that will interfere with or endanger pedestrian use of the sidewalk area. The easement will be in the form shown on attached Exhibit B.
- (5) The United States of America, General Services Administration agrees that the City retains its police power over the sidewalk area, along with the right to control the signs, signals and other traffic control devices or street lighting equipment installed upon or along the sidewalk area.
- (6) The United States of America, General Services Administration will grant to the City a utility easement for placement, access and maintenance of subsurface footings and conduit for street lights, parking meters, street signs, water meters and water facilities and other items that extend above or below the surface of the sidewalk area. That easement will allow reasonable access to vaulted basement areas as necessary for maintenance and repair. Such access will be available upon reasonable notice from the City. The easement will be in the form shown on attached Exhibit B.
- (7) The United States of America, General Services Administration will not unreasonably withhold consent to requests by the Portland Department of Transportation to include in the easements additional items that are deemed by the City Engineer or City Traffic engineer to be necessary for the safety or convenience of the public using the street or sidewalk area.
- (8) The executed easements described in Paragraphs 4 and 6 above, will be delivered to Portland Department of Transportation within 60 days after completion of the federal courthouse.
- (9) The United States of America, General Services Administration's contractor will obtain City permits and pay the usual and customary charges for street construction, tie back shoring review and approval, and use of the street area for construction staging, materials storage, or any other use deemed desirable by the United States of America, General Services Administration or its contractors as shown on Schedule A. The charge for use of the street area shall be computed at the rate set forth in Section 24.10.108 of the City Code (12 cents per square foot per week). Use of the street area shall be subject to the approval of the City Engineer and subject to such requirements as he/she may deem appropriate to ensure the convenience and safety of the public. Charges for street construction permits, tie back shoring review and approval, and use of the street area shall be paid to Transportation Engineering and Development.

- (10) No work shall be permitted in the street area until a television inspection of all the sewers in the affected area has been made. The said sewers shall also be inspected by television after the soldier piles and tie-backs are installed and their tension set. Inspection after the tie-backs are tensioned shall be done after each quarter block is completed. In the event that sewer repairs are necessary, the tie-backs will be detensioned until such repairs are completed. The United States of America, General Services Administration, or its contractors, shall notify the City Engineer and the Bureau of Environmental Services Administrator as each quarter block of tie backs are tensioned. The Bureau of Environmental Services Administrator may require additional television inspections if there is evidence to indicate a problem with a sewer. The United States of America, General Services Administration or its contractor shall pay the cost of all television inspections. The United States of America, General Services Administration shall be responsible for the removal of tie-backs in the right-of-way necessitated by future excavation for sewer construction performed by or under permit from the City of Portland, subject to availability of funds. The tie-backs will be detensioned as soon as construction allows. The United States of America, General Services Administration or its contractor will obtain City permits and pay the usual and customary charges as required by the Bureau of Environmental Services, as shown on Schedule A.
- (11) a. All water services to the courthouse block be permanently removed at the United States of America, General Services Administration's expense, and that existing fire hydrants may be permanently removed by the Water Bureau, at the expense of the United States of America, General Services Administration.
- b. The United States of America, General Services Administration will provide an opening of sufficient size in the wall of the structure for fire service to the proposed Federal courthouse and will be responsible for sealing the opening around the pipeline.
- c. For domestic water service, the United States of America, General Services Administration must provide a waterproof vault within the basement area adjacent to the outside wall and accessible to the sidewalk. The vault must be sized as required by City of Portland standards for the size of service and must be designed to accommodate the meter assembly and other loads that would be imposed upon it from normal maintenance operations. The vault shall contain all water facilities from the inside of the basement wall through the downstream side of the meter. The Water Bureau will provide details for size requirements of the vault and the access hatch within the sidewalk. The United States of America, General Services Administration shall seal the pipe openings at both ends of the vault and shall provide a drain to a sewer for the vault.

d. An easement must be provided for the vaulted water meter and extending five (5) feet on the sidewalk surface on each side from the edge of the vault in the three directions not bordering public right-of-way, for access and maintenance. If the easements provided for in Items 4 and 6 above are not sufficient for this purpose, the United States of America, General Services Administration will grant an easement to the Water Bureau for the vaulted water meter. The easement will be in the form shown on attached Exhibit B.

e. The United States of America, General Services Administration or its contractor will obtain City permits and pay the usual and customary charges as required by the Water Bureau, as shown on Schedule A.

- (12) The United States of America, General Services Administration is hereby notified that SW Main Street is under consideration for future transit use. The United States of America, General Services Administration will cooperate with Portland Department of Transportation to reach reasonable accommodation if any of the streets around the Courthouse block are slated for transit development or require modification for other transportation purposes. The accommodation must not obligate the United States to expend future funds or require any action that could adversely affect the courthouse.
- (13) The United States of America, General Services Administration shall file with the City Auditor, in a form approved by the City Attorney, a document in writing, accepting the terms and conditions of the Ordinance.
- (14) If the United States of America, General Services Administration fails to file the acceptance form as described in Condition 13, above, within 90 days after passage of the vacating Ordinance, said Ordinance will be automatically revoked.

Section 2. The Council declares that an emergency exists because a delay in the vacation of the portions of these streets might result in the delay of construction of the Federal Courthouse; therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

Section 3. Notice is given that the street vacation becomes effective only after a certified copy of the vacating Ordinance has been recorded in Multnomah County Deed Records. Prerequisites to recording the vacating Ordinance are that all conditions of the vacating Ordinance have been met, or that the City Engineer has determined that the conditions will be met, and that all vacation costs have been paid.

SCHEDULE A

CITY OF PORTLAND FEES AND CHARGES
FOR THE CONSTRUCTION OF
THE UNITED STATES COURTHOUSE

<u>No.</u>	<u>Department</u>	<u>Description</u>	<u>Cost Estimates</u>
1	PDOT*	Street Construction	\$36,515
2	PDOT	Shoring Review	\$2,090
3	PDOT	Street Closure	\$2,136
4	PDOT	Right-of-Way Services	\$4,500
5	PDOT	Street Usage	\$60,000
6	PDOT	Temp Street Light	\$5,000
7	PDOT	Provide 7 Street Lights	\$25,795
8	BES**/Sanitary & Storm	Sewer Connection	\$27,991
9	Water Bureau	Disconnect Services	\$3,600
10	Water Bureau	Connect Services	\$7,287
TOTAL			\$174,914

*Portland Department of Transportation

**Bureau of Environmental Services

1. All of the cost categories for the Courthouse are identified in the Description List.
2. No. 1 Street Construction. Estimate is based on the 5th Revision, Preliminary Permit Fee Estimate - Consultant Design, Job 2184, dated January 5, 1994.
3. No. 5 Street Usage. GSA will require its contractor to use the street for 18 months or less and based upon that assumption, the street usage cost will not exceed \$60,000. Street usage cost is based on the charge of \$.12 per square foot per week for a period of 18 months.
4. No. 10 Connection Services. Water Bureau separated out fire protection service from domestic water service, since meter, sidewalk, and vault installed in building basement. Provides for a 6" fire service and a 2" temporary domestic service. The permanent domestic water service will be installed on base building project.
5. Total Cost. Total costs are estimated to be \$174,914 based on City of Portland historical data for projects of similar nature and scope. Actual costs may vary.

EXHIBIT B**EASEMENT**

The United States of America, acting by and through the Administrator of the General Services Administration under and pursuant to the powers and authority contained in Public Law 87-852, Section 1, October 23, 1962, 76 Stat. 1129, codified at 40 USC 319 et. al.; without consideration, grants to the City of Portland, a municipal corporation of the State of Oregon, an easement for public use on sidewalks adjacent to the Courthouse, effective after the Courthouse is constructed; public utilities; and, a public transportation system in the real property located in the City of Portland, described as follows:

R/W #4983

A tract of land being part of and adjoining Block 24, Portland Addition, in the northwest one-quarter of Section 3, T1S, R1E, W.M., Multnomah County and the State of Oregon, being all the land bounded between the two following described parcels:

Parcel I

Beginning at the southwest corner of Lot 5, Block 24, said Portland Addition; thence north along the west line of said Block 24 a distance of 200.00 feet to the northwest corner of said Block 24; thence east at 90° a distance of 195.00 feet to a point 5.00 feet west of the northeast corner of said Block 24; thence south at 90° a distance of 200.00 feet to a point in the south line of said Block 24; thence west along said south line 195.00 feet to the Point of Beginning.

Parcel II

Commencing at the southwest corner of said Lot 5, Block 24; thence east along the south line of said Block 24 a distance of 192.50 feet to a point 7.50 feet west of the southeast corner of said Block 24; thence south at 90° a distance of 12.50 feet to a point of curve to the left having a radius of 15.00 feet, said point being the Point of Beginning of the tract herein to be described; thence along said curve to the left, through a central angle of 90° an arc length of 23.56 feet to a point of tangency; thence north parallel with the east line of said Block 24 a distance of 194.50 feet to a point of curve to the left having a radius of 15.00 feet; thence along said curve to the left, through a central angle of 90° an arc length of 23.56 feet to a point of tangency;

After Recording Return to:

106/802/Phyllis I. Redman

Tax Statement shall be sent to:

No Change

thence west parallel with the north line of said Block 24 a distance of 200.50 feet to a point of curve to the left having a radius of 15.00 feet; thence along said curve to the left through a central angle of 90° an arc length of 23.56 feet to a point of tangency; thence south parallel with the west line of said Block 24 a distance of 194.50 feet to a point of curve to the left having a radius of 15.00 feet; thence along said curve to the left through a central angle of 90° an arc length of 23.56 feet to a point of tangency; thence east parallel with the south line of said Block 24 a distance of 200.50 feet to the Point of Beginning.

Use of the easement includes support bases and subsurface footings for traffic signals, street lighting, parking meters and street signs, incidental electric wiring related to traffic signals and street lighting, conduits, water meters and water facilities, and for other items that extend below the surface of the above described parcel of land.

Use of the easement includes the right of access for repairs and maintenance. Such access will be made available upon reasonable notice from the City of Portland. In cases of emergency, after notice to the United States Marshall or the Building Manager, immediate access may be allowed.

SUBJECT TO:

The grant is subject to the condition that none of the referenced uses shall adversely affect or interfere with the Courthouse, during or after construction.

RESERVATION:

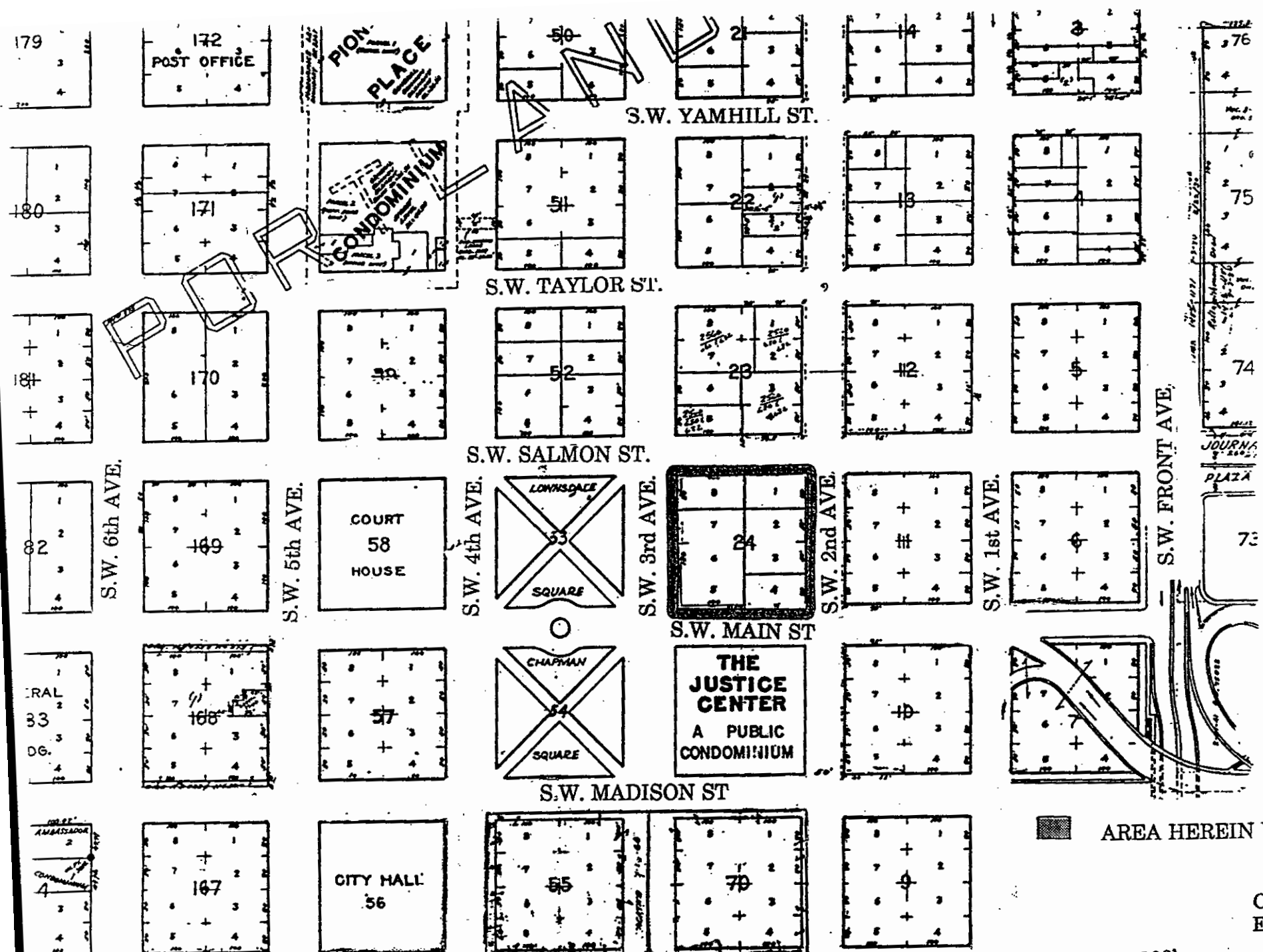
The United States reserves the right to terminate the easement in whole or in part if there has been:

- a. a failure to comply with any term or condition of the grant; or
- b. non-use of the easement for a consecutive five (5) year period, unless the City of Portland requests extensions, which shall not be unreasonably withheld; or
- c. abandonment of the easement.

The United States shall not terminate the easement in whole or in part without giving the City of Portland thirty (30) days written notice of its intent to terminate. If the cause of the termination is not cured, written notice of termination shall be delivered to the City of Portland. The termination shall be effective as of the date of the notice.

STIPULATION:

The United States will construct the sidewalks which abut the Courthouse and thereafter maintain and repair the sidewalks.



■ AREA HEREIN VACATED

SCALE 1"=200'

QUARTER SECTION 3129
SECTION 3, T1S. R1E

Ordinance
Exhibit A

167681



Section 4. After the prerequisites to recording the Ordinance have been met, the City Auditor shall, at the expense of the United States of America, General Services Administration, file with the recorder, the assessor, the surveyor of the county in which said property is located, a certified copy of this Ordinance and the acceptance thereof, and any map, plat or other record which may be required by law. The City Auditor shall return a recorded copy of this Ordinance to the Right-of-Way Acquisition Section, Transportation Engineering & Development.

Passed by the Council, MAY 1 8 1994

ORDER OF COUNCIL
Phyllis I. Redman:tab
May 4, 1994
[4983]Ord-Vac-USA-GSA

BARBARA CLARK
AUDITOR OF THE CITY OF PORTLAND
BY

DEPUTY

Britta Olson

Agenda No.

ORDINANCE NO. 167681

Title

*Vacate portions of SW Salmon Street, SW Main Street, SW 2nd Avenue, and SW 3rd Avenue under certain conditions. (Ordinance by Order of Council; [C-9861])

INTRODUCED BY	Filed: MAY 13 1994
Commissioner Earl Blumenauer	Barbara Clark Auditor of the City of Portland
NOTED BY COMMISSIONER	
Affairs	
Finance and Administration	By: <u>Cay Kevahner</u> Deputy
Safety	For Meeting of: _____
Utilities	
Works EB/JP	
BUREAU APPROVAL	ACTION TAKEN:
Bureau: Transportation Engineering & Development	
Prepared by <u>LA</u> Date Phyllis I. Redman:tab April 28, 1994	
Budget Impact Review:	
<input type="checkbox"/> Completed <input type="checkbox"/> Not Required	
Bureau Head: Victor F. Rhodes, P.E. VFR	

AGENDA	FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
		YEAS	NAYS
Consent <input checked="" type="checkbox"/> Regular <input checked="" type="checkbox"/>	Blumenauer	✓	
NOTED BY	Hales	✓	-
City Attorney	Kafoury	✓	
City Auditor	Lindberg	✓	
City Engineer: Victor F. Rhodes VFR	Katz	✓	
Approved By:			