



Sam
Adams
Commissioner

August 26, 2005

Susan D.
Keil
Director

CITY ENGINEER'S REPORT TO COUNCIL ON THE PROPOSED VACATION OF A PORTION OF SW FREEMAN STREET EAST OF SW 19TH AVENUE

Eileen
Argentina
System
Management

Background

Bryant
Enge
Business
Services

1. **Proposed Street Vacation Area.** A portion of SW Freeman Street, east of SW 19th Avenue, said portion being approximately 100 feet long by 50 feet wide, containing approximately 5,000 square feet. The area is currently improved and is more specifically depicted on Exhibit 1 attached hereto.

Don
Gardner
Engineering &
Development

2. **Petitioner.** The Roman Catholic Archbishop of Portland in Oregon is the owner of the abutting property to the north and south of the proposed street vacation area.

Sam M.
Irving, Jr.
Maintenance

3. **Purpose.** The street vacation is proposed in order to consolidate property for future development.

John Gillam &
Steve Iwata
Planning

4. **Compliance with Minimum Requirements.** The petitioner has secured necessary signatures of property owners in the area, as required under ORS 271.080 (Vacation in incorporated cities; petition; consent of property owners). The Office of the City Auditor approved the required petition on June 22, 2004.

5. **Due Diligence Review.** Comments were solicited from City Bureaus, government agencies, public utilities and affected neighborhood associations. A summary of this due diligence effort is attached as Exhibit 2 hereto. Of particular significance were comments by the Development Review, Permit Engineering and Street Lighting Sections of Portland Transportation, the Bureau of Environmental Services and the Bureau of Water Works, which requested that certain conditions be satisfied prior to the street being vacated. Additionally, Portland General Electric, Qwest and Comcast Cable have requested that the street vacation ordinance reserve easements for their existing facilities.

6. **Planning Commission Review.** The Planning Commission reviewed and approved the proposed street vacation on July 12, 2005, with its Report and Recommendation attached as Exhibit 3 hereto.

7. **Costs.** The Petitioner has paid \$3,300 to date to reimburse the City for costs incurred processing the street vacation request. The amount paid appears sufficient to complete the process.

An Equal
Opportunity
Employer

Office of Transportation Recommendation

The Office of Transportation hereby finds the proposed street vacation application to be acceptable, and in the event that no substantive objections are made known to City Council at the upcoming public hearing, recommends approval of the street vacation, subject to certain conditions and reservations specified below. The area to be vacated is more specifically described as:

R/W #6390

That portion of SW Freeman Street, in the City of Portland, County of Multnomah, State of Oregon, lying between the west line of Lot 10, Block 44, Capitol Hill Addition, extended northerly, and the west line of Lot 8, Block 44, Capitol Hill Addition, extended northerly, containing 5,000 square feet, more or less.

Conditions, Reservations and Releases

1. **Conditions.** The following conditions must be satisfied by the Petitioner prior to the street vacation ordinance being recorded by the City and thereby considered effective:
 - A. **Office of Transportation, Permit Engineering.** The Petitioner will permanently close SW Freeman Street where it intersects with SW 19th Avenue, and pay all costs for constructing a curb and sidewalk or driveway, in accordance with the requirements of the City Engineer.
 - i) To ensure the completion of the required street improvements, the Petitioner shall provide to the City Engineer, Street Systems Management Section, a performance guarantee in the form of a surety bond, letter of credit, set-aside account, cash, or other form of surety, subject to approval by the City Attorney. The Petitioner acknowledges that the performance guarantee indicated is a preliminary estimate subject to change, and agrees to provide additional guarantee and/or fees as required by the City Engineer.
 - ii) The Petitioner will authorize the City to complete the required street improvements at the Petitioner's cost, in the event that the City Engineer, at his sole discretion, determines that the improvements are not being made as required in a reasonable time.
 - iii) Upon completion of the required improvements by the Petitioner, and acceptance by the City Engineer, the Petitioner shall guarantee maintenance of the improvements for two (2) years following the date of project acceptance. The maintenance guarantee may be satisfied by the performance guarantee, or by substitution of other surety acceptable to the City Attorney and equal to 20% of the performance guarantee. Upon acceptance by the City of a 20% maintenance guarantee, the street improvements performance guarantee will be released.
 - iv) Prior to the issuance of a Certificate of Completion by the City Engineer, fees collected by the City in association with street closure work will be reconciled with

actual City costs, with Petitioner to receive from or pay to the City the net difference. In the event of non-payment by the Petitioner, the street improvement performance bond will be used to reimburse City costs. Use of the performance bond by the City will not preclude the City from billing to and collecting from the Petitioner those costs incurred by the City that were in excess of the performance bond.

- B. Office of Transportation, Street Lighting.** The City of Portland owns one existing luminaire in the street area to be vacated and two existing luminaires in the previously vacated area to the east. As a condition of street vacation approval, the Petitioner will pay the costs to remove the two existing luminaires and mast arms in the previously vacated area and relocate the existing luminaire from the northeast corner of SW 19th and Freeman to the west side of 19th Avenue.
- C. Bureau of Water Works Facilities.** The Bureau of Water Works (BWW) owns and maintains certain improvements within the street area to be vacated. As a condition of street vacation approval, the Petitioner will pay for BWW's costs to cut and plug an existing 4-inch water main in SW Freeman Street at its connection in SW 19th Avenue. The BWW will complete the work within a reasonable period of time after receiving payment from the Petitioner. The Petitioner, and petitioner's successors and assigns, will agree to accept ownership of any abandoned facilities in the vacated street area and will waive any claims of any nature that may arise in connection with the existence of such facilities or the city's prior use of those facilities.
- D. Costs.** In the event that additional processing requirements exceed current projections, Petitioner may be required to pay additional processing costs to the City.

2. Reservations and Release

- A. Office of Transportation, Development Review.** A 12 foot wide walkway easement is hereby reserved along the south side of the vacated street area.
- B. Bureau of Environmental Services.** The Bureau of Environmental Services (BES) owns and maintains certain improvements within the street area to be vacated. As a condition of street vacation approval, the Petitioner will agree to the reservation of a 20 foot wide public sewer easement for an existing 10 inch sanitary sewer. The 20 foot easement shall be offset on the existing sewer with 15 feet south of the pipe centerline and 5 feet north of the pipe centerline, along the entire length of the vacated street area.
- C. Utilities.** In accordance with ORS 271.120 and City of Portland policy, the street vacation ordinance shall not cause or require the removal or abandonment of any sewer, water or gas main, conduit of any kind, wire, pole or thing used, or intended to be used, for any public service, including, but not limited to those identified by Portland General Electric, Qwest and Comcast Cable. The ordinance will reserve for the owner of any such utility or thing to maintain, continue, repair, reconstruct, renew, replace, rebuild, and/or enlarge any and all such thing; that no building or structure of any kind shall be built or erected within a distance of ten (10) feet from the centerline of any such utility, except with the prior written consent of the City Engineer and the owner of the utility and that any and all contemplated building plans in said vacated area shall be submitted for

approval to the City Engineer and to the Director of the Bureau of Development Services, to the end that such construction may be so adjusted with reference to all public utilities in said areas as to cause a minimum of danger or inconvenience to the public and to the owner of such utility and to protect and preserve the same as presently constructed or hereinafter reconstructed, renewed, replaced and/or enlarged. Removal or relocation of existing utilities in the street vacation area will require written agreements between the Petitioner and owner(s) of the utilities.

- D. City Release.** Notwithstanding 2.C. above and except for 2.B. above, the Ordinance will serve as a full release of City interests in the street vacation area and will provide City Bureaus with the authority necessary to take all other legal actions as may be reasonably necessary (including the issuance of quitclaim deeds acknowledging the release of any interests) to achieve this intent.
- 3. Repeal.** In the event the Petitioner fails to fully comply with Conditions 1.A through 1.D within one year of Council adopting the Ordinance, City Council may repeal the Ordinance at its sole discretion.
- 4. Effective Date.** The street vacation will not be effective until a certified copy of the vacating Ordinance has been recorded by the City in Multnomah County Deed Records, which will not be done until after all conditions required by the City have been fully satisfied.

City Engineer

TO THE COUNCIL:

The Commissioner-in-Charge concurs with the recommendation of the City Engineer and Planning Commission and

RECOMMENDS:

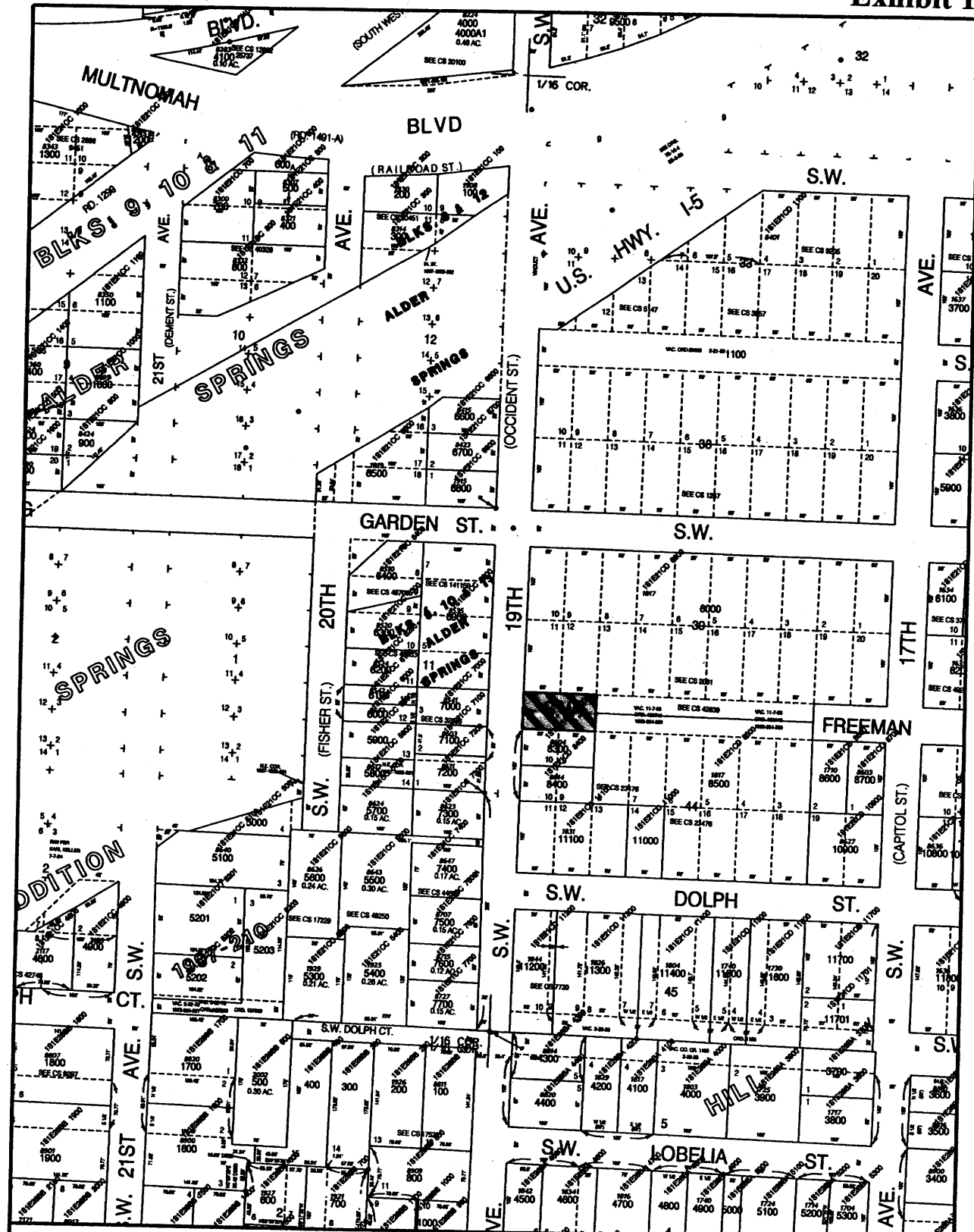
That the City Council accept the City Engineer and Planning Commission Reports, which recommend that the proposed street area be vacated subject to conditions and reservations provided herein.

Respectfully submitted,

Commissioner Sam Adams
Commissioner of Public Utilities

Attachments:

- Exhibit 1, Proposed Map
- Exhibit 2, Summary of Comments
- Exhibit 3, Planning Commission Recommendation



SW FREEMAN STREET EAST OF SW 19TH AVENUE

Petitioner: ST. CLARE CHURCH

1/4 Section: 3827 Section: 1S1E21CD

 Area Proposed for Vacation

R/W #6390



Scale: 1" to 200'

R/W #6390
 SW Freeman Street Vacation
 Comments Summary

Exhibit 2

Commenting Party	Response Date	Comments
PDOT Development Review Rodney Jennings	11/2/2004 amended 5/13/05	No objection subject to: 12 foot walkway easement along the south side
PDOT Permit Engineering Linda Williams	7/26/04	No objection subject to: permanently close street intersection with curb, sidewalk and driveway
PDOT Trans Systems Mgmt Carl Snyder	7/7/04	No objection
PDOT Street Lighting Steve Spitulski	7/9/04	No objection subject to: remove 2 luminaires and mast arms and relocate a third luminaire
PDOT Project Management Andrew Aebi	7/20/04	No objection
PDOT Planning/Planning Com Gabe Onyeador	7/12/05	Approval subject to conditions required by PDOT Development Review, PDOT Permit Engineering, PDOT Street Lighting, Bureau of Environmental Services, Water Bureau, PGE, Qwest and Comcast Cable
Development Services Joan Frederiksen	7/23/04	No objection
Environmental Services Colleen Harold	7/21/04	No objection subject to: 20' sewer easement
Water Bureau Vern Freeman	7/9/04	No objection subject to: cut and plug existing water main
Fire Bureau Bob Ferrington	7/15/04	No objection
Park Bureau David Yamashita	7/14/04	No objection
Urban Forestry Division Joe Hintz	7/27/04	No objection
Markham Neighborhood Assoc. Gail Anderson	3/12/04	No objection per petitioner
Southwest Neighbors, Inc. Leonard Gard		No response
South Burlingame Neigh. Assoc. Betty Hedberg	3/5/04	No objection per petitioner

R/W #6390
 SW Freeman Street Vacation
 Application Comments

Don Baack (SW area contact)		No response
ODOT Region 1 Harry Whitney		No response
Port of Portland Brian Sheldon		No response
Tri-Met John Baker		No response
PGE John Nelson	7/14/04	Facilities in street area; reserve easement
PP&L Tom Kikes		No response
Qwest Florence Mott	7/16/04	Facilities in street area; reserve easement
Northwest Natural Computing & Drafting Tech	7/9/04	No objection/no facilities
Comcast Cable Coax & Fiber Design	7/16/04	Facilities in street area; reserve easement



Sam
Adams
Commissioner

Susan D.
Keil
Interim
Director

Eileen
Argentina
System
Management

Bryant
Enge
Finance

Don
Gardner
Engineering &
Development

Sam M.
Irving, Jr.
Maintenance

Laurel
Wentworth
Planning

**PLANNING COMMISSION REPORT AND RECOMMENDATION
TO THE CITY COUNCIL**

FILE NUMBER: R/W #6390

COMMISSION MEETING HELD JULY 12TH, 2005 AT 12:30 PM

1900 SW 4TH BUILDING, 2ND FLOOR, ROOM 2500 A

I. GENERAL INFORMATION

Street Vacation Request: SW Freeman Street east of SW 19th Avenue.

Petitioner: St. Clare Church

Represented by: Robert D. Greaves, 503-228-8448

Purpose: Consolidate property for future development

Neighborhood: Markham, Contact, Gail Anderson, at 503-246-1669

Quarter Section: 3827

Designation/Zone: R5, Residential

II. FACTS

- A. History and Background:** The right-of-way proposed for vacation is approximately 5000 sq. ft and is located east of SW 19th on SW Freeman Street. St. Clare Church proposes to vacate this portion in order to consolidate property for future development. The part east of the area to be vacated was formerly a section of SW Freeman that was vacated in 1968. This previously vacated portion of SW Freeman was never demolished, and remains an improved right-of-way with curbs and sidewalk on the north side. The church and the school are located to the north of the vacated section while the southern portion is used as fields and play area by the school. The proposed vacation area and abutting properties are zoned R5, Single Dwelling Residential 5000. Please refer to Exhibit A for a map of the right-of-way proposed to be vacated.
- B. Concurrent land use actions:** There is no concurrent land use review related to this street vacation. However, the petitioner is also the owner of the abutting property to the south.
- C. The Transportation Element:** The Transportation Element of the Comprehensive Plan designates all streets within the proposed vacation area as Local Service Streets for all modes.
- D. The Portland Office of Transportation: Development Review** recommends approval with condition that a 12 walkway easement along the south side be provided. Provision of

- E. between SW 17th and SW 19th Avenue across the previously vacated portion of SW Freeman. This previously vacated portion of SW Freeman was never demolished, and remains an improved right-of-way with curbs and sidewalk on the north side. To mitigate the loss of the right-of-way opportunities per Policy 6.21 of the Comprehensive Plan, it is reasonable for the City to require easements for future enhancements to the pedestrian environment in the area. Please see Exhibit B for Development Review conditions of approval.

The **Permit Engineering** responded with no objection provided that the conditions specified in Exhibit C are met at the applicant's cost. In addition to the street closures, Permit Engineering noted that other improvements may be required at the time of future development. **Street Lighting** responded with no objection subject to conditions that the applicant removes 2 luminaries and mast arms and relocates another luminaire, and pays the cost of \$479.00

- F. **The Neighborhood Association:** The Neighborhood Association was notified of the proposed vacation, but no response was received at the time of this report.

III. FINDINGS

- A. **Comprehensive Plan Goals and Policies Considerations:** The relevant policies of the Transportation Element are:

Policy 6.20 Connectivity States:

Support development of an interconnected, multimodal transportation system to serve mixed-use areas, residential neighborhoods, and other activity centers.

Policy 6.21 Right-of-Way Opportunities States:

Preserve existing rights-of-way unless there is no existing or future need for them, established street patterns will not be significantly interrupted, and the functional purposes of nearby streets will be maintained.

Current and Future need:

Portland Office of Transportation recommends approval with condition that a 12' walkway easement along the south side be provided. Provision of the easement will make it possible to re-establish a through pedestrian connection between SW 17th and SW 19th Avenue across the previously vacated portion of SW Freeman. This previously vacated portion of SW Freeman was never demolished, and remains an improved right-of-way with curbs and sidewalk on the north side. To mitigate the loss of the right-of-way opportunities per Policy 6.21 of the Comprehensive Plan, it is reasonable for the City to require easements for future enhancements to the pedestrian environment in the area.

- B. **Neighborhood Plan Considerations:** The proposed vacation site lies within the boundaries of the Markham Neighborhood Association and the Southwest Community Plan. The Southwest Community Plan was adopted by City Council in July of 2000. The proposed street vacation does not appear to conflict with any of the goals and policies of the adopted plans.

- C. **Zoning Code considerations:** Bureau of Development Services (BDS) has no objections to the proposed street vacation. However, BDS noted that the school site has a Conditional Use on record and future development in the vacated street area will have to

comply with the designated zoning or request land use approval for conditional use status if appropriate.

- D. Subdivision code considerations:** Approval of the proposed vacation will not create any landlocked parcels.
- E. Improvement considerations:** The proposed vacation will have no impact on future street improvements of adjacent public rights-of way.
- F. Bureau of Environmental Services:** The Bureau of Environmental Services responded with no objections, subject to conditions noted in Exhibit D, that the petitioner provides a 20' sewer easement.
- G. Water Bureau** responded with no objections subject to conditions specified in Exhibit E, that the applicant cut and plug existing water main. Water Bureau also noted that all installation cost will be at the applicant's expense and that the applicant will need to request an estimate to get a more exact cost.
- H. Other responses:** The **PGE, Qwest, NW Natural and Comcast** responded with no objections, subject to conditions noted in Exhibit F, G, H and I requiring easements over their existing facilities.

IV. CONCLUSIONS

The above responses show that there are both public and private needs for the proposed vacation area. To balance the loss of the right-of-way and enhance the pedestrian system in the area, the petitioner should be required to meet the requirements specified in the attached conditions of approval. Additionally, Portland Office of Transportation recommends approval with condition that a 12' walkway easement along the south side be provided. Provision of the easement will make it possible to re-establish a through pedestrian connection between SW 17th and SW 19th Avenue across the previously vacated portion of SW Freeman.

V. PLANNING COMMISSION RECOMMENDATION

Approval of the street vacation as shown on Exhibit A, subject to conditions specified in Exhibits B through I

The Planning Commission voted 6-1 in support of this vacation request

VI. EXHIBITS

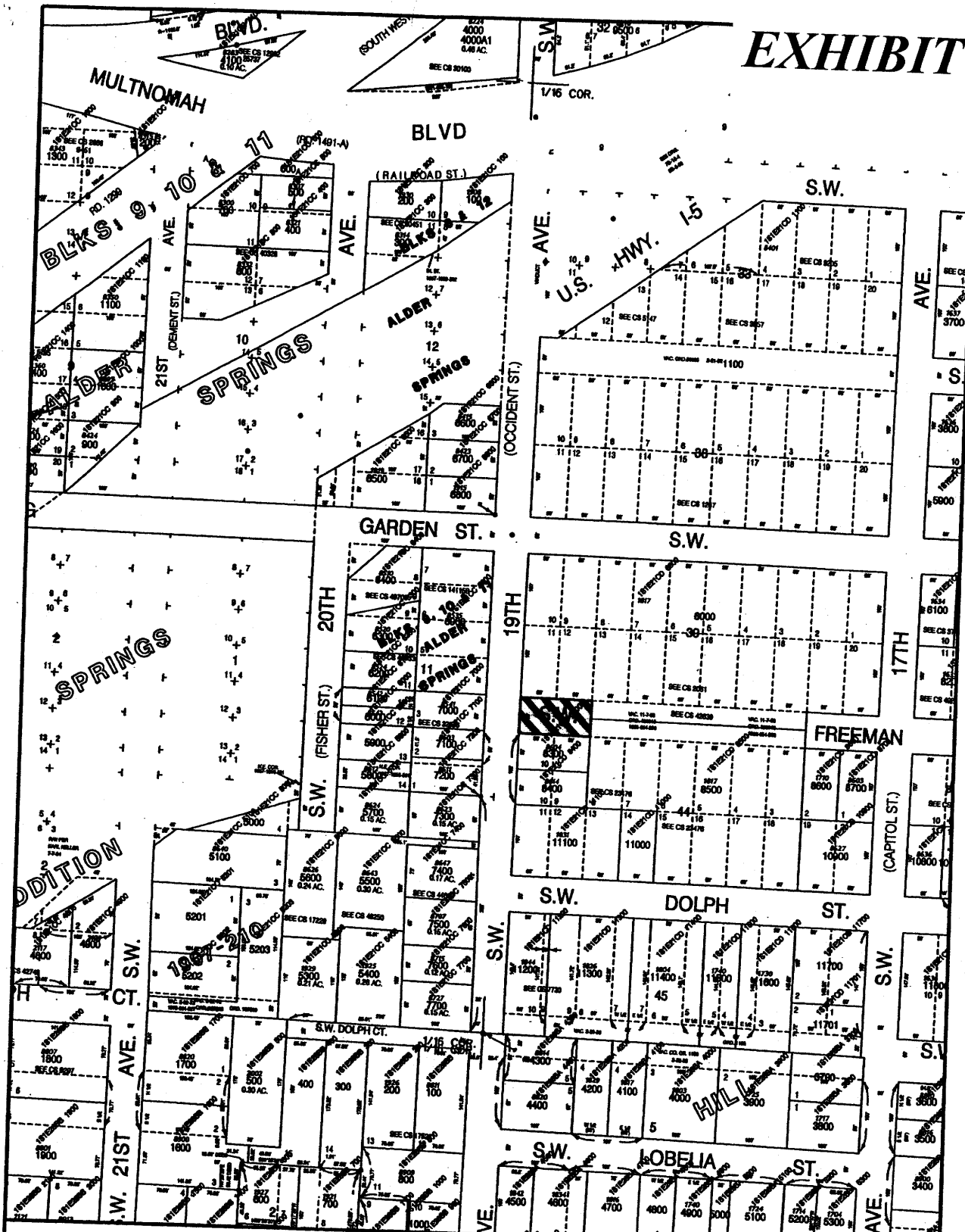
- A. Area Proposed for Vacation
- B. Delopment Review Conditions of Approval
- C. Permit Engineering Conditions of Approval
- D. Bureau of Environmental Services Conditions of Approval
- E. Water Bureau Conditions of Approval
- F. PGE Conditions of Approval
- G. Qwest Conditions of Approval
- H. NW Natural Conditions of Approval

I. Comcast Conditions of Approval

Staff Planner – Gabe Onyeador, Phone: 503-823-7794

cc: Linda Birth, Right-of-way, Case Manager
Robert D. Greaves, Petitioners Contact
Gail Anderson, Markham Neighborhood Association.
Case File

EXHIBIT A



SW FREEMAN STREET EAST OF SW 19TH AVENUE

Petitioner: ST. CLARE CHURCH

1/4 Section: 3827 Section: 1S1E21CD



Area Proposed for Vacation



Scale: 1" to 200'

EXHIBIT B

May 13, 2005

MEMORANDUM

TO: Linda Birth, Right-of-Way Acquisition

FROM: Rodney Jennings, Development Review

SUBJECT: R/W #6390, A portion of SW Freeman Street east of SW 19th Avenue

St. Clare Church proposes to vacate a portion of SW Freeman Street, located east of SW 19th Avenue. The area east of the area proposed to be vacated was formerly a section of SW Freeman that was vacated in 1968. The previously vacated section of SW Freeman was never demolished, and remains an improved roadway with curbs and a sidewalk on the north side. The St. Clare Church and School are located to the north of the vacated section of SW Freeman. The area to the south of the vacated portion of SW Freeman is used as fields and play areas associated with the school.

I have reviewed this request for consistency with Comprehensive Plan Transportation Policy 6.21 Right-of-Way Opportunities.

Policy 6.21 Right-of-Way Opportunities

Preserve existing rights-of-way unless there is no existing or future need for them, established street patterns will not be significantly interrupted, and the functional purposes of nearby streets will be maintained.

Objectives:

- A. *Evaluate opportunities and the existing and future need for a bikeway, walkway, or other transportation uses when considering vacation of any right-of-way.*

Staff Response: There is a possibility through future land use action, or through sale or donation, that a through pedestrian connection could be reestablished between SW 17th Avenue and SW 19th Avenue across the previously vacated portion of SW Freeman Street. To allow for this opportunity, a pedestrian walkway easement should be maintained across the area of the requested street vacation.

- B. *As a condition of street vacation, require pedestrian and bicycle facilities if needed, with first preference for dedicated right-of-way and, secondarily, through a public walkway and bikeway easement.*

Staff Response: As discussed above, a walkway easement should be maintained across the section of SW Freeman that is subject to this vacation request. Portland Transportation/Development Review recommends that this easement be located across the existing sidewalk improvement on the south side of the area of vacation. This existing improvement consists of a 6-inch curb and a 5-foot curbside sidewalk located 5½ feet north of the existing property line. Maintaining a 12-foot wide walkway easement along the south side of the area to be vacated would be sufficient to encompass this existing sidewalk improvement.

- C. *Acquire or control parcels of land that may be needed in the future for any transportation purpose when the opportunity arises through sale, donation, or land use action.*

Staff Response: This objective directs the City to make efforts to acquire or obtain control of land that might be needed in the future for transportation uses through sale, donation, or land use action. The Saint Clare Church and School have land use (conditional use) approval to operate at this site (LUR 95-00284 CU). Opportunities might arise through future land use actions to reestablish a through pedestrian connection between SW 17th Avenue and SW 19th Avenue across the previously vacated portion of SW Freeman Street. Maintaining a 12-foot wide walkway easement along the side side of the area to be vacated would be sufficient to encompass this existing sidewalk improvement and would allow for future extension across the previously vacated portion of SW Freeman if the opportunity were to arise in the future.

- D. *Preserve existing and abandoned rail rights-of-way and examine their potential for future rail freight, passenger service, or recreational trail uses.*

Staff Response: The subject right-of-way is not an abandoned rail right-of-way. This objective does not apply.

- E. *Consider the need for maintaining the right-of-way for other infrastructure needs.*

Staff Response: Responses from other City Bureaus and private utilities indicate that the right-of-way is needed for other infrastructure needs, such as utility lines. The applicant should be required to meet the requirements of the affected agencies to their satisfaction prior to approval of the vacation or as conditions of approval of the vacation.

Conclusion

There is a potential that a through pedestrian or bicycle connection could be obtained through future land use actions or through other means that would reestablish the connection along SW Freeman between SW 17th and SW 19th that existed prior to the previously approved vacation of a portion of SW Freeman. Portland Transportation/Development Review recommends that a public walkway easement be retained across the existing sidewalk improvement on the south side of the area of vacation. Retaining a 12-foot wide walkway easement along the south side of the area to be vacated would be sufficient to encompass this existing sidewalk improvement.



CITY OF
PORTLAND
OFFICE OF
TRANSPORTATION

EXHIBIT C

Jim Francesconi, Commissioner
1120 S.W. 5th Avenue, Suite 800
Portland, Oregon 97204-1914
(503) 823-5185
FAX (503) 823-7576 or 823-7371
TDD 823-6868

Brant Williams
Director

Eileen Argentina
System Management

Bryant Enge
Finance

Don Gardner
Engineering & Development

Jeanne Nyquist
Maintenance

Laurel Wentworth
Planning

NOTICE OF PROPOSED STREET VACATION

July 6, 2004

TO:	Development Review	Elizabeth Papadopoulos	106/800
	Permit Engineering	Linda Williams	106/800
	Transportation Systems Mgmt	Carl Snyder	106/800
	Street Lighting	Steve Spitulski	106/900
	Project Management	Greg Jones	106/900
	Transportation Planning/ Planning Commission	Gabe Onyeador	106/900
	Bureau of Dev. Services	Mercedes Nibler	299/4500
	Environmental Services	Colleen Harold	106/1000
	Water Bureau	Vern Freeman	106/600
	Fire Bureau	Grant Coffey	139/302
	Park Bureau	David Yamashita	106/1302
	Urban Forestry Division	Brian McNerney	370

FROM: Linda Birth, Right-of-Way Acquisition
503/823-7461, B106/R800

SUBJECT: R/W # 6390, A portion of SW Freeman Street east of SW 19th Avenue

The proposed street vacation has been initiated by St. Clare Church. The petitioner's contact is Robert D. Greaves (Phone 503-228-8448). The stated purpose for the vacation is to consolidate property for future development.

Please determine if this proposal would adversely impact your department or bureau. Consider whether there is a current, or possible future, public need for the right-of-way. (The Bureau of Development Services may want to review this in light of Billington vs. Polk County, 299 Or. 471 (1985)). Your response is requested by July 23, 2004.

- No objection.
- No objection subject to conditions listed below. (Please be specific and confirm that the condition is enforceable.)
- Denial recommended for the reasons listed below.

See attached Memo.

Please note the cost of review, including employee salaries and any additional expenses:
\$ 5800. Thank you for your assistance.

[Signature]
(Signature) 7/26/04
(Date)

INTEROFFICE MEMORANDUM
Portland Office of Transportation

July 26, 2004

TO: Linda Birth
Right of Way Aquisition

FROM: Linda Williams (823-7154)
Permit Engineering

SUBJECT: Street Vacation Proposal, A portion of SW Freeman Street, east of SW 19th
Avenue (R/W #6390)

Permit Engineering has no objection to the street vacation of SW Freeman Street, from SW 19th Avenue to 100' east, provided that the following conditions are met:

1. SW Freeman Street must be permanently closed by construction of curb and sidewalk where this street intersects with SW 19th Avenue.
2. Construction of the street closure must be done under a permit from the Bureau of Transportation Engineering and Development. The petitioner shall deposit the amount needed to cover the cost of construction, engineering, and permit fees, as part of the street vacation. This amount is estimated to be \$4,500.
3. If the property is to be redeveloped, other improvements may be required at the time of development.

The construction of the curb and sidewalk at the SW Freeman/SW 19th Avenue intersection may be done under a sidewalk permit from the Bureau of Transportation Engineering, Street Systems Management.



CITY OF PORTLAND ENVIRONMENTAL SERVICES



1120 SW Fifth Avenue, Room 1000, Portland, Oregon 97204-1912

503-823-7740, FAX 503-823-6995

Dean Marriott, Director

MEMORANDUM

EXHIBIT D

DATE: July 21, 2004

TO: Linda Birth, Right-of-Way Acquisition, 503-823-7461, B106/R.800

FROM: Colleen Harold, Development Engineering, 503-823-7064 *CH*

SUBJECT: R/W # 6390

LOCATION: A portion of SW Freeman St. east of SW 19th Ave.

Environmental Services has investigated the above street vacation. The area to be vacated is located east of SW 19th Ave. on SW Freeman St. The area to be vacated is approximately 5,000 sq. ft. There are public sanitary facilities within the proposed vacation area that require protection through an easement.

There is a public 10" sanitary sewer located in the proposed street vacation area that requires protection through a public sewer easement. **BES requires a 20' easement over the 10" sanitary sewer located in SW Freeman St. The 20' easement shall be offset on the existing sanitary sewer with 15 feet on the south side of the pipe, 5 feet on the north side, for the entire length east to west, of the proposed vacation area.** There are inlets located in the intersection of SW Freeman St. and the east side of SW 19th Ave. These inlets are located outside of the proposed street vacation area.

The watershed manager, Mindy Brooks has reviewed the proposal against the criteria set forth by Dave Kliewer, the Regulatory Planning and Evaluation Division Manager, regarding street vacations. Mindy found no reason that this right-of-way should be retained for bureau purposes other than those specified in the draft language.

If the neighborhood association, Planning Commission, BDS or Transportation need any additional information regarding BES's response to this street vacation, please call me at 503-823-7064.

cc:file



EXHIBIT E

CITY OF

PORTLAND, OREGON

BUREAU OF WATER WORKS

in Saltzman, Commissioner
ushiravani, P.E., Administrator
1120 S.W. 5th Avenue
Portland, Oregon 97204
Information (503) 823-7404
Fax (503) 823-6133
TDD (503) 823-6868

MEMORANDUM

██████████
Street Vacation

DATE: July 9, 2004

TO: Linda Birth, Transportation Engineering, Bldg. 106/Rm. 800

FROM: *V* Vern Freeman, Water Bureau Engineering, Bldg. 106/Rm. 601

SUBJECT: Street Vacation, SW Freeman St, E/O SW 19th Ave
R/W # 6390

The Water Bureau has reviewed the proposed action and offers the following:

- The Water Bureau has no objections to the street vacation subject to the following conditions.

The 4-inch water main in SW Freeman Street must be cut and plugged at its connection in SW 19th Avenue. The water service to 8604 SW 19th Avenue must be relocated to SW 19th Avenue. A formal estimate will need to be written for the cost of the work, but it should be around \$10,000.

The cost of investigation is \$250.00.

If you have any further questions, please contact me at 823-7489.

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CITY OF
PORTLAND
OFFICE OF
TRANSPORTATION

WR # 348697

Jim Francesconi, Commissioner
1120 S.W. 5th Avenue, Suite 800
Portland, Oregon 97204-1914
(503) 823-5185
FAX (503) 823-7576 or 823-7371
TDD 823-6868

Brant Williams
Director

July 6, 2004

EXHIBIT F

Eileen Argentina
System Management

John Nelson
Portland General Electric
121 SW Salmon St
1WTC0401
Portland OR 97204

Bryant Enge
Finance

Dear Mr. Nelson:

Don Gardner
Engineering & Development

The City of Portland has received a request to vacate a certain portion of SW Freeman Street east of SW 19th Avenue, as shown in yellow on the attached map. The stated purpose of the vacation is to consolidate property for future development. We would appreciate any comments you may have within thirty (30) days. **If we do not hear from you by that date, we will assume you have no objection to the vacation.**

Jeanne Nyquist
Maintenance

If you have any questions in this matter, or if I can be of any assistance, please do not hesitate to call me at 503-823-7461.

Laurel Wentworth
Planning

Thank you,

Linda Birth

Linda Birth, Right-of-Way Acquisition
Transportation Engineering & Development

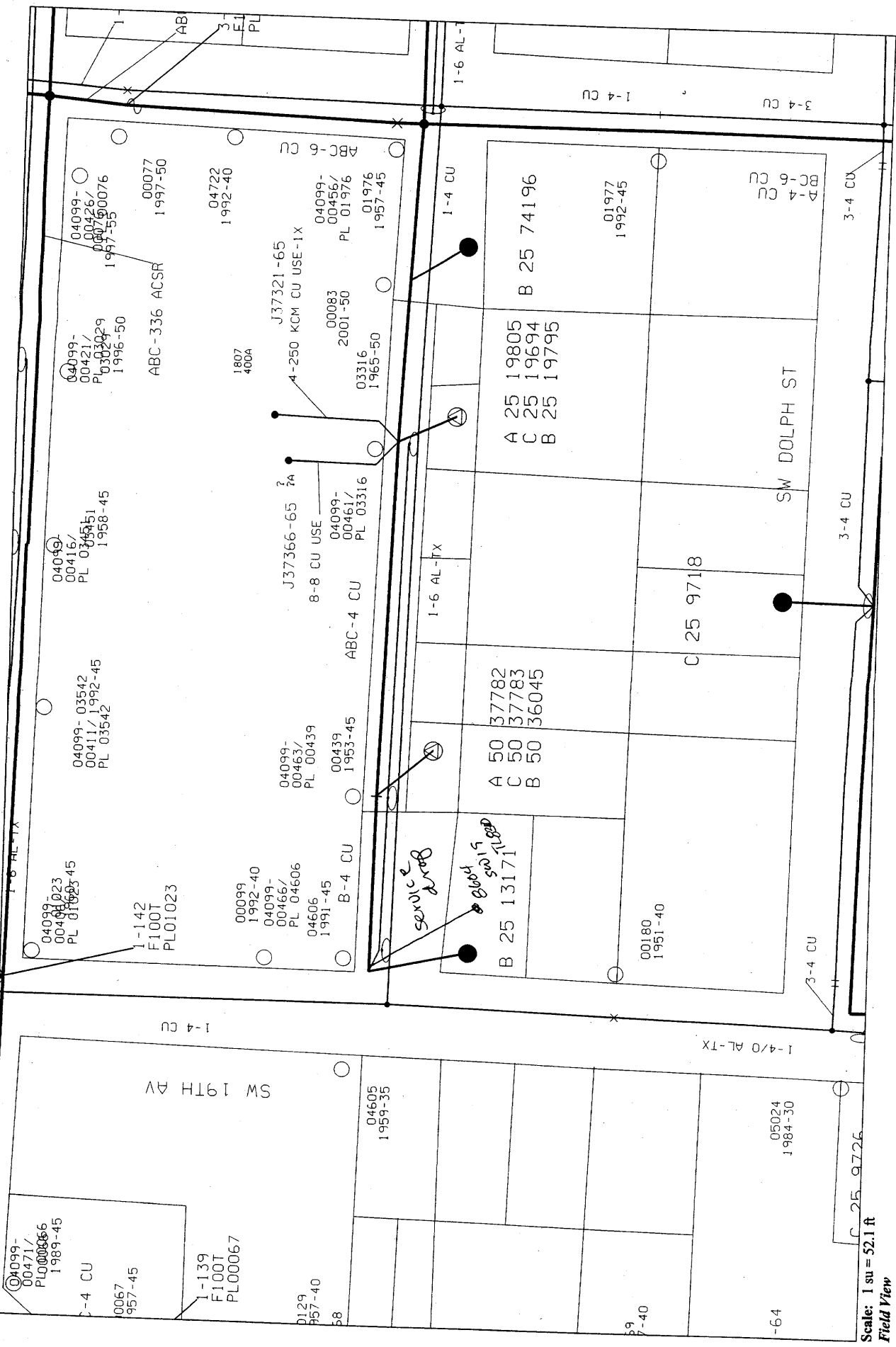
LB:clm

Attachment

16390 NOTIFY PUBLIC UTILITIES

*John
We need
an easement across
the entire area
Primary Pole line
runs along White line
and there is a service
drop to TL B300 that
runs diagonally
across the vacated
area
Ed Gardner
7/14/04*

*7-14-04
LINDA,
PG 12
WILL NEED AN
EASEMENT OVER
THE ENTIRE
VACATION.
SEE NOTE.
John Nelson*



04099-00471/
 PL 00000666
 1989-45
 C-4 CU
 0067
 957-45

1-139
 F100T
 PL000067

0129
 957-40

04605
 1959-35

05024
 1984-30

C 25 9726

SW 19TH AV

1-4 CU

1-4/0 AL-TX

04099-00461/
 PL 01623-45

1-142
 F100T
 PL01023

00099
 1992-40
 04099-00466/
 PL 04606
 04606
 1991-45

B-4 CU

service pond

Block SW 19th

B 25 13171

00180
 1951-40

3-4 CU

04099-03542
 00411/1992-45
 PL 03542

04099-00416/
 PL 03545
 1958-45

ABC-336 ACSR
 00077
 1997-50

1807
 400A

04099-00463/
 PL 00439
 04099-00461/
 PL 03316

ABC-4 CU

1-6 AL-TX

A 50 37782
 C 50 37783
 B 50 36045

C 25 9718

3-4 CU

SW DOLPH ST

A 25 19805
 C 25 19694
 B 25 19795

B 25 74196

01977
 1992-45

3-4 CU

A-4 CU
 BC-6 CU

1-4 CU

J37321-65
 4-250 KCM CU USE-1X
 00083
 2001-50
 04099-00456/
 PL 01976
 01976
 1957-45

04099-00421/
 PL 030329
 1996-50

04722
 1992-40

3-4 CU

1-4 CU

1-6 AL-TX

AB
 E1
 PL

Scale: 1 su = 52.1 ft
 Field View

FAX TRANSMITTAL
Qwest Corporation
8021 SW Capitol Hill Road #160
Portland, OR 97219
Phone: 503-242-6376
Fax: 503-242-7513

TO: City of Portland
Attn: Linda Birth

Via Fax: 503-823-7576

FROM: Florence M. Mott
Manager, Right-of-Way
Oregon

DATE: July 16, 2004

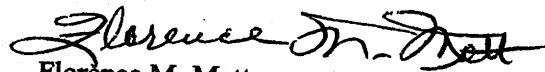
RE: Vacation on Portion of SW Freeman Street East of SW 19th Ave.

Dear Linda:

Thank you for your letter of July 6th regarding the above referenced matter. Our engineer for that area has checked into this and Qwest Corporation does have facilities in the area of the proposed vacation and those rights need to be retained. If you have any questions, please feel free to call me at my number above.

Sincerely

QWEST CORPORATION


Florence M. Mott
Manager, Right-of-Way
Oregon

Attachment

EXHIBIT H



July 9, 2004

Linda Birth
City of Portland
Office of Transportation
1120 SW 5th Avenue, Suite 800
Portland, Oregon 97204-1914

Re: Street Vacation portion of SW Freeman Street at SW 19th Avenue.

Please be advised Northwest Natural has no gas distribution facilities within the proposed vacation area. We would, therefore, have no objection to the vacating of the area requested.

Please notify us when the vacation is complete so that we can update our records accordingly.

Sincerely,

Richard H. Hawkes

Computer Drafting Technician
Engineering Department
Telephone: (503) 226-4211 ext. 4321
Facsimile: (503) 273-4822
Email: rhh@nwnatural.com

Doc.# 040144
Plat.# 1-038-027



EXHIBIT I

7/16/04

Beaverton, OR 97008

Tel: 503.605.6158

Cell: 503.709.0756- 572-2242

Linda Birth

In regards to the letter that we received from you requesting a vacation of easement at SW Freeman St & SW 19th Ave. We currently have 10 fiber optic sheaths and multiple coax cables at this proposed area. Comcast is not willing to abandon this pole line at this time..

If you have any questions please feel free to give me a call at any of the numbers above.

Thank you

Jamie Stencil