

ORDINANCE No. 184419

Vacate a portion of SE Bush St and a portion of SE 100th Ave subject to certain conditions and reservations and designate a portion of Portland Parks & Recreation property for Water Facility Purposes and assign it to the Portland Water Bureau (Hearing; Ordinance; VAC-10073)

The City of Portland ordains:

Section 1. The Council finds:

1. On September 16, 2009, the Bureau of Transportation received a request for the vacation of a portion of SE Bush Street and a portion of SE 100th Avenue, from the Portland Water Bureau, the owner of adjoining property.
2. The petition states that the reason for the vacation is to consolidate property for expansion of the existing communications center into an Emergency Coordination Center.
3. The vacation is in conformance with the City of Portland's Comprehensive Plan and is consistent with recommendations made by the City Engineer and the Planning and Sustainability Commission, as provided in the City Engineer's Report, dated November 22, 2010 and is on file with the Office of the City Auditor and the Bureau of Transportation.
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.
6. The Portland Water Bureau owns and maintains certain improvements within the portion of SE 100th Avenue to be vacated. Once vacated, the east 25 feet lying within SE 100th Avenue will become City property under Portland Parks & Recreation's control.
7. Due to the presence of the existing water line, Portland Parks & Recreation will need to designate the east 25 feet lying within SE 100th Avenue for water facility purposes to provide for the maintenance, operation, inspection, repair, reconstruction, replacement, and enlargement of the existing 16 inch water main and assign it to the Portland Water Bureau.

NOW, THEREFORE, the Council directs:

- a. The following described street area, as depicted on the attached Exhibit 1, is hereby vacated:

All that portion of SE Bush Street lying between the east line of SE 99th Avenue and the west line of SE 100th Avenue as described in the Correction Deed filed for recording on November 26, 1985 in Book 1867, Page 647, Multnomah County Deed Records AND that portion of SE 100th Avenue lying between the south line of said SE 100th Avenue vacated in Ordinance No. 166169 passed by Portland City Council January 20, 1993 and the easterly extension of the south line of the north half of Lot 7, Block 1, of the duly recorded Plat of "Betts Park".

- b. The vacation of the above-described street area is granted subject to the following conditions and reservations:
 1. The Petitioner will permanently close the vacated section of SE 100th Avenue, SE Bush Street where it intersects with SE 99th Avenue and SE 100th Avenue, and pay all costs for constructing a curb and sidewalk or driveway, in accordance with the requirements of the City Engineer.
 2. Petitioner will construct improvements in the existing SE Bush Street and SE 100th Avenue rights-of-way will be related to the construction of the Emergency Coordination Center. They must be constructed under a street improvement permit issued by the Bureau of Transportation. Applicant must dedicate a minimum of 50 feet of right-of-way at the south end of their property for the reconstruction of SE Bush Street between SE 99th and SE 100th Avenues. Applicant will be required to construct an east-west 26 foot wide street with 11 foot sidewalk corridors on both sides of the street. Additional width may be needed to accommodate BES storm water requirements. Applicant must reconstruct existing SE 100th Avenue connection at SE Bush Street as an 11 foot sidewalk corridor. Applicant must provide a construction schedule and bond for the reconstruction of SE Bush Street and SE 100th Avenue. The applicant must provide acceptable assurance to the City Engineer that construction of the new portion of SE Bush Street will be completed prior to closing the old portion of SE Bush Street, or by an alternative time approved by the City Engineer. The street vacation shall be recorded prior to issuance of building permits. The development shall be completed within two years of issuance of building permits, or by an alternative time approved by the City Engineer. If development is not completed within this time, the property owner shall dedicate the vacated streets to restore the public rights-of-way.
 3. Portland Parks & Recreation hereby designates the east 25 feet lying within that portion of SE 100th Avenue to be vacated, for water facility purposes to provide for the maintenance, operation, inspection, repair, reconstruction, replacement, and enlargement of the existing 16 inch water main and assigns it to the Portland Water Bureau subject to the terms and conditions outlined in Exhibit 2.
 4. The Petitioner will relocate an existing 6-inch water main in SE Bush Street into the new alignment of this street. The two fire hydrants in the vacation area must be

relocated to the new intersection of SE 99th Avenue and SE Bush Street and to the new intersection of SE 100th Avenue and SE Bush Street. Petitioner will complete the work within a reasonable period of time. 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.

5. The Sed Sump System ADT375 located at the intersection of SE Bush Street and SE 100th Avenue will be abandoned by the applicant via public works permit. Manhole ACE 546 will be relocated into ROW by Applicant. Petitioner will provide sanitary service to the property located at 3733 SE 100th Avenue via public works permit. The storm water runoff from the east side of SE 99th Avenue that currently flows onto SE Bush Street into Sed Sump System ADT 375 is to be directed to Sed Sump System ADT 384 on SE 99th Avenue.
6. 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 PGE, Qwest, and Northwest Natural. The ordinance will reserve an easement 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.
7. Notwithstanding b6, this 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.
8. City costs associated with processing the street vacation petition shall be paid in full before the City records this Ordinance.
9. In the event the Petitioner fails to fully comply with the above conditions within one year of Council adopting this Ordinance, City Council may repeal the Ordinance at

its sole discretion.

Section 2. Petitioner shall file with the City Auditor, in form approved by the City Attorney, a document in writing, accepting the terms and conditions of the Ordinance.

Section 3. Notice is given that 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. Prerequisites to recording the vacating Ordinance are that 30 days have passed after final Council passage of the Ordinance, that all conditions of the vacating Ordinance have been met, and that all vacation costs have been paid.

Section 4. After the prerequisites to recording the Ordinance have been met, the City Auditor shall return a certified copy of this Ordinance and the acceptance thereof, to the Right-of-Way Acquisition Section, Bureau of Transportation, 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. The Right-of-Way Acquisition Section shall return the recorded Ordinance to the Auditor.

Passed by the Council,

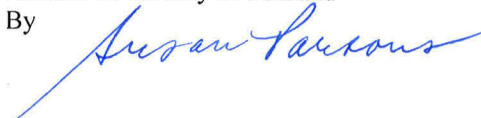
FEB 16 2011

Mayor Sam Adams
Prepared by: Lance D. Lindahl:slg
January 17, 2011
RW # 7151

LAVONNE GRIFFIN-VALADE

Auditor of the City of Portland

By



DEPUTY

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Agenda No. 184419
ORDINANCE NO.
Title

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<p>INTRODUCED BY Commissioner/Auditor: MAYOR SAM ADAMS <i>K. D. Adams</i> COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Adams</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Leonard</p> <p>BUREAU APPROVAL Bureau: Bureau of Transportation Group Manager: Greg Jones Development & Capital Program <i>Greg Jones</i></p> <p>Prepared by: Lance D. Lindahl Date Prepared: January 17, 2011 <i>Lance D. Lindahl</i></p> <p>Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/></p> <p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Council Meeting Date February 9, 2011</p> <p>City Attorney Approval</p>	<p>CLERK USE: DATE FILED <u>FEB 04 2011</u></p> <p><i>LaVonne Griffin-Valade</i> LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <i>Susan Parsons</i> Deputy</p> <p>ACTION TAKEN: FEB 09 2011 PASSED TO SECOND READING FEB 16 2011 9:30 A.M.</p>
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AGENDA
<p>TIME CERTAIN <input type="checkbox"/> Start time: _____</p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>
<p>CONSENT <input type="checkbox"/></p>
<p>REGULAR <input checked="" type="checkbox"/> Total amount of time needed: 5 minutes (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	✓	
2. Fish	✓	
3. Saltzman	—	
4. Leonard	✓	
Adams	✓	