

Portland, Oregon

FINANCIAL IMPACT and PUBLIC INVOLVEMENT STATEMENT For Council Action Items

(Deliver original to Financial Planning Division. Retain copy.)

1. Name of Initiator Lance D. Lindahl		2. Telephone No. 503-823-7465	3. Bureau/Office/Dept. PBOT/RWA
4a. To be filed (date): February 13, 2013	4b. Calendar (Check One) Regular: <input checked="" type="checkbox"/> Consent: <input type="checkbox"/> 4/5ths: <input type="checkbox"/>		5. Date Submitted to Commissioner's office and FPD Budget Analyst: February 1, 2013
6a. Financial Impact Section: <input checked="" type="checkbox"/> Financial impact section completed		6b. Public Involvement Section: <input checked="" type="checkbox"/> Public involvement section completed	

1) Legislation Title:

Vacate a portion of NE Sumner St west of NE 14th Pl subject to certain conditions and reservations (Hearing; Ordinance; VAC-10078)

2) Purpose of the Proposed Legislation:

The purpose of this legislation is to vacate a portion of NE Sumner Street, as recommended in the Engineer's Report.

3) Which area(s) of the city are affected by this Council item? (Check all that apply—areas are based on formal neighborhood coalition boundaries)?

- | | | | |
|---|---|------------------------------------|--------------------------------|
| <input type="checkbox"/> City-wide/Regional | <input checked="" type="checkbox"/> Northeast | <input type="checkbox"/> Northwest | <input type="checkbox"/> North |
| <input type="checkbox"/> Central Northeast | <input type="checkbox"/> Southeast | <input type="checkbox"/> Southwest | <input type="checkbox"/> East |
| <input type="checkbox"/> Central City | | | |

FINANCIAL IMPACT**Revenue and/or Expense:**

Is ALL the Revenue and/or Expense a part of the current year's budget? or 5-yr CIP? _____

SAP COST OBJECT No(s): 9TR000001600

All Revenue and Expense financial questions must be completed regardless of the current year's budget. Documents may be returned where the FIPIS portion has not been sufficiently completed.

4) Revenue: Will this legislation generate or reduce current or future revenue coming to the City? If so, by how much? If so, please identify the source.

Revenue from this street vacation will cover the actual expenditures incurred by City staff for the processing of this request.

5) Expense: What are the costs to the City related to this legislation? What is the source of funding for the expense? *(Please include costs in the current fiscal year as well as costs in future years. If the action is related to a grant or contract please include the local contribution or match required. If there is a project estimate, please identify the **level of confidence**.)*

Expenses for processing a street vacation request typically range between \$5,000 and \$20,000 depending on the complexity. This street vacation falls on the low end and is estimated to be approximately \$7,750.

6) Staffing Requirements:

- **Will any positions be created, eliminated or re-classified in the current year as a result of this legislation?** *(If new positions are created please include whether they will be part-time, full-time, limited term, or permanent positions. If the position is limited term please indicate the end of the term.)*
No.

- **Will positions be created or eliminated in future years as a result of this legislation?**
No.

(Complete the following section only if an amendment to the budget is proposed.)

7) Change in Appropriations *(If the accompanying ordinance amends the budget please reflect the dollar amount to be appropriated by this legislation. Include the appropriate cost elements that are to be loaded by accounting. Indicate "new" in Fund Center column if new center needs to be created. Use additional space if needed.)*

Not applicable to this action.

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount

[Proceed to Public Involvement Section — REQUIRED as of July 1, 2011]

PUBLIC INVOLVEMENT

8) Was public involvement included in the development of this Council item (e.g. ordinance, resolution, or report)? Please check the appropriate box below:

☒ **YES:** Please proceed to Question #9.

☐ **NO:** Please, explain why below; and proceed to Question #10.

9) If "YES," please answer the following questions:

a) What impacts are anticipated in the community from this proposed Council item?

There do not appear to be any impacts to the community from vacating this area of Right-of-Way.

b) Which community and business groups, under-represented groups, organizations, external government entities, and other interested parties were involved in this effort, and when and how were they involved?

The Planning and Sustainability Commission advertised and then held a public hearing on February 14, 2012. No one from the public came forward to testify in support or opposition of the vacation.

c) How did public involvement shape the outcome of this Council item?

Public involvement did not affect this proposal.

d) Who designed and implemented the public involvement related to this Council item?

The Planning and Sustainability Commission

e) Primary contact for more information on this public involvement process (name, title, phone, email):

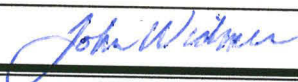
Lance Lindahl, Right of Way Agent II, 503-823-7465, lance.lindahl@portlandoregon.gov

10) Is any future public involvement anticipated or necessary for this Council item? Please describe why or why not.

No. There is no future public involvement anticipated since this ordinance will conclude the street vacation process.

KK 01-30-13

INTERIM BUREAU DIRECTOR



JOHN WIDMER, Bureau of Transportation

BACKGROUND INFORMATION
ONLY – NOT PART OF THE
ORDINANCE



Sam
Adams
Mayor

Tom
Miller
Director

May 29, 2012 (Revised)

**CITY ENGINEER'S REPORT TO CITY COUNCIL ON THE PROPOSED VACATION
OF NE SUMNER STREET WEST OF NE 14TH PLACE (R/W #7300)**

Background

1. **Proposed Street Vacation Area.** NE Sumner Street west of NE 14th Place, said area being approximately 105 feet long by 50 feet wide, containing approximately 5,250 square feet. The area is currently unimproved and is more specifically depicted on Exhibit 1 attached hereto.
2. **Petitioner.** Guy Skeeel is the owner of the abutting property to the north of the proposed street vacation area.
3. **Purpose.** The street vacation is proposed in order to eliminate the dumping of garbage and debris along this unimproved, underutilized public street.
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 August 5, 2011.
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 PBOT Development Review and PBOT Permit Engineering which requested that certain conditions be satisfied prior to the street being vacated. Additionally, Portland General Electric has requested that the street vacation ordinance reserve easements for their existing facilities.
6. **Planning and Sustainability Commission Review.** The Planning and Sustainability Commission reviewed and approved the proposed street vacation on February 14, 2012, with its Report and Recommendation attached as Exhibit 3 hereto.
7. **Costs.** The Petitioner has paid \$5,750 to date to reimburse the City for staff costs incurred processing the street vacation request. The amount paid appears sufficient to complete the process.

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Bureau of Transportation Recommendation

The Bureau 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 the conditions and reservations specified below. The area to be vacated is more specifically described as:

All that portion of NE Sumner Street lying between the easterly line of Lot 1, Block 23, "Vernon" extended northerly to the southeast corner of Lot 8, Block 22 "Vernon" and the west line of said Lot 1 extended northerly to the southwest corner of said Lot 8.

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. Bureau of Transportation, Permit Engineering. The Petitioner will remove the sidewalk and curb from south property line of NE Sumner Street to the north property line of the street, construct standard curb and sidewalk, reconstruct asphalt pavement to establish a straight gutter grade (inlet elevation may require adjustment), and remove the Stop and Dead End signs and posts and return them to the Bureau of Transportation, Maintenance Operations; 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. Bureau of Transportation, Development Review. Reconstruct the curb and sidewalk to match existing improvements on NE 14th Place.

C. Costs. In the event that additional processing requirements exceed current projections, Petitioner may be required to pay additional processing costs to the City prior to the Street Vacation Ordinance being recorded.

2. Reservations and Release

A. 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. 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 and release of easements in the street vacation area will require the necessary conveyance documents and possible written agreements between the Petitioner and owner(s) of the utilities.

B. City Release. Notwithstanding 2A, 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 the above conditions 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. 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.



City Engineer or designee

TO THE COUNCIL:

The Mayor concurs with the recommendation of the City Engineer and the Planning and Sustainability Commission and;

RECOMMENDS:

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

Respectfully submitted,

Mayor Sam Adams

Attachments:

Exhibit 1, Proposed Map

Exhibit 2, Summary of Comments

Exhibit 3, Planning and Sustainability Commission Recommendation