

Steve  
Novick  
Commissioner

Leah Treat  
Director

**DATE:** July 24, 2013  
**TO:** Commissioner Steve Novick  
**FROM:** David McEldowney, Right-of-Way Acquisition Manager  
**RE:** **Public Hearing for consideration of a street vacation request for a portion of SW Fairview Blvd at SW Champlain Dr – Staff Supplemental Report**

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- 1. Legislation Title:** Set a hearing date, 9:30 a.m. Wednesday, SEP 18, 2013, to vacate a portion of SW Fairview Blvd at SW Champlain Dr (Report; VAC-10081)
  - 2. Contact Name, Department, & Phone Number:**  
Karl N. Arruda, Right of Way Acquisition, 503-823-7067
  - 3. Requested Council Date:** August 7, 2013

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**Consent Agenda Item:** \_\_\_\_\_ **or** **Regular Agenda Item:**  X   
*Explain why this does or does not require a presentation or Council discussion:*  
Public testimony will be taken at the public hearing.

**EMERGENCY ITEM (answer below):** \_\_\_\_\_ **or** **NON-EMERGENCY ITEM:**  X   
*If emergency, why does this need to take effect immediately:*

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**4. History of Agenda Item/Background:**

In early 2011, the City identified a portion of a retaining wall on the northwesterly side of SW Fairview Blvd as needing replacement due to an unstable slope. The City and the adjacent property owner developed a public-private partnership in which the property owner agreed to replace the entire failing wall with a new engineered structure on both private and public property, and the City would sponsor this street vacation so that the new wall would be privately owned and maintained. The City also agreed to replace the adjoining sidewalk which had been damaged by movement of the wall and slope.

Therefore, the Bureau of Transportation initiated a vacation of a portion of SW Fairview Boulevard at SW Champlain Drive on September 7, 2011. The proposed vacation is depicted on Exhibit 1 attached hereto.

Comments were solicited from City Bureaus, government agencies, public utilities and affected neighborhood associations. No substantive objections were received. The Planning and Sustainability Commission reviewed and approved the proposed street vacation on February 14, 2012.

1120 SW Fifth Avenue, Suite 800 • Portland, OR 97204 • 503-823-5185  
FAX 503-823-7576 • TTY 503-823-6868 • [www.portlandoregon.gov/transportation](http://www.portlandoregon.gov/transportation)

An Engineer's Report was completed on June 20, 2013, recommending approval of the street vacation, subject to certain conditions and reservations. The Report, inclusive of the Planning and Sustainability Commission recommendation, will be forwarded to your office under separate cover, along with a recommended Street Vacation Ordinance for consideration by City Council.

ORS 271.120 requires that a public hearing be held prior to City Council taking action on the street vacation request. This memo is to serve as a formal request to schedule the required public meeting. The Office of the City Auditor will publish and post notice of the scheduled public hearing. The public notice will provide information on how to obtain information about the proposed street vacation, including copies of the Engineer's Report and Planning and Sustainability Commission Recommendation.

**5. Purpose of Agenda Item:**

The purpose of this request is to schedule a public hearing for consideration of the proposed street vacation request.

**6. Legal Issues:**

None

**7. What Individuals or Groups Are or Would Be Opposed to This Ordinance?**

No opposition to this street vacation request is expected.

Inquiries were received from representatives of the Arlington Heights Neighborhood Association and Neighbors West / Northwest. The questions were answered satisfactorily by PBOT staff. During conversations with PBOT staff, the representatives of the Arlington Heights Neighborhood Association and Neighbors West / Northwest were generally supportive of the request, but to PBOT's knowledge, the groups did not take an official position on the project.

PBOT staff is supportive of this street vacation request.

**8. How Does This Relate to Current City Policies?**

This action is consistent with current City policies (City Code Chapter 17.84)

**9. Community Participation:**

Comments were solicited from affected neighborhood associations and public utilities.

**10. Other Government Participation:**

Comments were solicited from City Bureaus and government agencies.

**11. Financial Impact:**

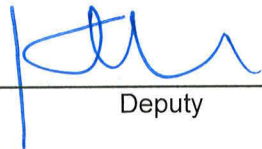
*How much money is involved? Approximately \$8,500.*

*Where are these funds coming from? PBOT's Bridges and Structures Group.*

Funds are available in the Transportation Landslide Administration Fund, 9TR000000336, FY 2013/14 Budget.

Agenda No.  
**REPORT NO.**  
Title

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<p style="text-align: center;"><b>INTRODUCED BY</b> Commissioner/Auditor: <b>COMMISSIONER STEVE NOVICK</b></p>	<p>CLERK USE: DATE FILED <u>AUG 02 2013</u></p>
<p style="text-align: center;"><b>COMMISSIONER APPROVAL</b></p> <p>Mayor—Finance and Administration - Hales</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Novick <i>AG Nov</i></p>	<p style="text-align: center;">LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <u></u> Deputy</p>
<p style="text-align: center;"><b>BUREAU APPROVAL</b></p> <p>Bureau: Bureau of Transportation Group Manager: Greg Jones Development &amp; Capital Program Other: <i>DM</i></p> <p>Prepared by: Karl Arruda: slg <i>KNA</i> Date Prepared: July 8, 2013 <i>CA</i></p> <p>Financial Impact &amp; Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p>	<p><b>ACTION TAKEN:</b></p> <p><b>AUG 07 2013 ACCEPTED</b></p>
<p>Council Meeting Date <b>August 7, 2013</b></p>	
<p><b>City Attorney Approval:</b> required for contract, code, easement, franchise, comp plan, charter</p>	

<b>AGENDA</b>
<p><b>TIME CERTAIN</b> <input type="checkbox"/></p> <p>Start time: _____</p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>
<p><b>CONSENT</b> <input type="checkbox"/></p>
<p><b>REGULAR</b> <input checked="" type="checkbox"/></p> <p>Total amount of time needed: <b>5 minutes</b> (for presentation, testimony and discussion)</p>

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