

Portland, Oregon

FINANCIAL IMPACT and PUBLIC INVOLVEMENT STATEMENT For Council Action Items

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

1. Name of Initiator Karl Arruda	2. Telephone No. 503-823-7067	3. Bureau/Office/Dept. PBOT/RWA
4a. To be filed (date): September 18, 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 CBO Budget Analyst: September 4, 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 SW Fairview Blvd at SW Champlain Dr subject to certain conditions and reservations (Hearing; Ordinance; VAC-10081)

2) Purpose of the Proposed Legislation:

The purpose of this legislation is to vacate a portion of SW Fairview Boulevard at SW Champlain Drive, 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 type="checkbox"/> Northeast | <input checked="" type="checkbox"/> Northwest | <input type="checkbox"/> North |
| <input type="checkbox"/> Central Northeast | <input type="checkbox"/> Southeast | <input checked="" 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): 9TR000000336

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.
No.

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 year, including Operations & Maintenance (O&M) costs, if known, and estimates, if not known. 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 in the middle of the range, and the cost is estimated to be approximately \$8500.

Funds are coming from PBOT's Bridges and Structures Group. Funds are available in the Transportation Landslide Administration Fund, 9TR000000336, FY 2012/13 and 2013/14 Budgets.

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?

A new retaining wall will be privately maintained by the property owner.

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?

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.

The Planning and Sustainability Commission advertised and then held a public hearing on February 14, 2012. No interested parties appeared at the hearing. There was no public testimony regarding this proposed 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?

PBOT Right-of-Way Staff and the Planning and Sustainability Commission.

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

Karl Arruda, Right of Way Agent, 503-823-7067, karl.arruda@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 08-27-13

BUREAU DIRECTOR

LEAH TREAT, Bureau of Transportation



Background Information Only



Steve
Novick
Commissioner

June 20, 2013

**CITY ENGINEER'S REPORT TO CITY COUNCIL ON THE PROPOSED VACATION OF
A PORTION OF SW FAIRVIEW BLVD. AT SW CHAMPLAIN DR. (R/W #7371)**

John
Widmer
Interim
Director

Background

1. **Proposed Street Vacation Area.** A Portion of SW Fairview Blvd. at SW Champlain Dr., said area being approximately 55 feet long and a width varying from 29 to 54 feet, containing approximately 2,205 square feet. The area is currently unimproved, except for a retaining wall along SW Fairview Blvd., and is depicted on Exhibit 1B attached hereto.
2. **Petitioner.** David O'Longaigh, Supervising Engineer, Bridges and Structures is the representative for the Portland Bureau of Transportation which initiated this street vacation.
3. **Purpose.** The street vacation is proposed in order to consolidate property for the construction of a retaining wall in order to stabilize the slope.
4. **Compliance with Minimum Requirements.** Vacation proceedings have been City initiated without a petition or consent of property owners in accordance with ORS 271.130 (Vacation on council's own motion) and notice shall be given as provided by ORS 271.110 (Notice of hearing).
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 which requested that certain conditions be satisfied prior to the street being vacated, focusing on insuring that the vacation not include roadway or pedestrian corridor patterns. The Arlington Heights Neighborhood Association asked for details of the location, size and potential buildability of the vacation area. Additionally, PGE and Comcast have 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 vacation request was initiated by the City's Bureau of Transportation. The Representative has provided an Internal Order No. in order to reimburse this department for staff costs incurred for processing the street vacation request.

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

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 follows:

As described on Exhibit 1A and depicted on Exhibit 1B attached hereto and by this reference made a part hereof.

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, Development Review.** 1) The street vacation area may not include existing roadway or pedestrian corridor patterns. 2) Remaining right-of-way must be a minimum of 25 feet from Fairview's centerline, and a minimum 10 feet of pedestrian corridor (from existing curb), except that to the extent any portion of the retaining wall is built in the existing right-of-way, the wall will be subject to Encroachment Permit No 2012-145499, which will satisfy this condition. 3) The remaining right-of-way on Champlain Drive must be a minimum of 12 feet from the centerline of the road, and the existing curb must be retained.

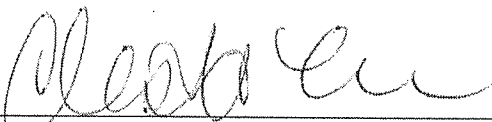
B. **Costs.** In the event that additional processing requirements exceed current projections, Petitioner may be required to pay additional processing costs to the City prior to the Street Vacation Ordinance being recorded.

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 PGE and Comcast. 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 property owner and owner(s) of the utilities.

- B. City Release.** Notwithstanding 2(A), 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. Comments Only.** 1) The property located at 2761 SW Fairview Blvd. is subject to Revocable Permit No. 2011-176924 TR. 2) The area being vacated, and the adjacent private property (Lots 18 & 19) are subject to Encroachment Permit No. 2012-145499 TR.
- 4. 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.
- 5. 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 Charlie Hales

Attachments:

Exhibit 1A, Legal Description

Exhibit 1B, Proposed Map

Exhibit 2, Summary of Comments

Exhibit 3, Planning Commission Recommendation

R/W #7371
S.W. Fairview Blvd. at S.W. Champlain Drive
1N1E32DC
STREET VACATION

Exhibit 1A

A tract of land being a portion of Lot 19 of Block 12 of the duly recorded plat of Arlington Heights, Multnomah County Plat Records, situated in the Southeast one-quarter of Section 32, Township 1 North, Range 1 East of the Willamette Meridian, City of Portland, County of Multnomah, State of Oregon, being more particularly described as follows:

Commencing at the Southwest corner of lot 18 of Said block 12;

Thence, along the southerly line of said Lot 19, South $54^{\circ}53'53''$ West, a distance of 20.00 feet to the POINT OF BEGINNING;

Thence continuing along said southerly line, South $54^{\circ}53'53''$ West, a distance of 55.00 feet;

Thence North $35^{\circ}06'07''$ West, a distance of 29.06 feet, to the northerly line of said Lot 19, also being a point of non-tangent circular curve;

Thence northeasterly, a distance of 60.65 feet along the arc of a 221.61 foot radius circular curve to the left through a central angle of $15^{\circ}40'50''$ (long chord bears North $30^{\circ}21'37''$ East, a distance of 60.46 feet), to a point of non-tangency;

Thence South $35^{\circ}06'07''$ East, a distance of 54.17 feet to the POINT OF BEGINNING.

Containing 2,205 square feet.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

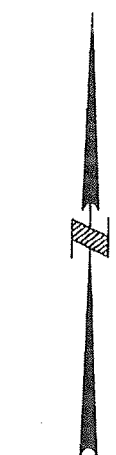
Thomas P. Beinbauer

OREGON
JULY 17, 1994
THOMAS P. BEINHAUER
2654

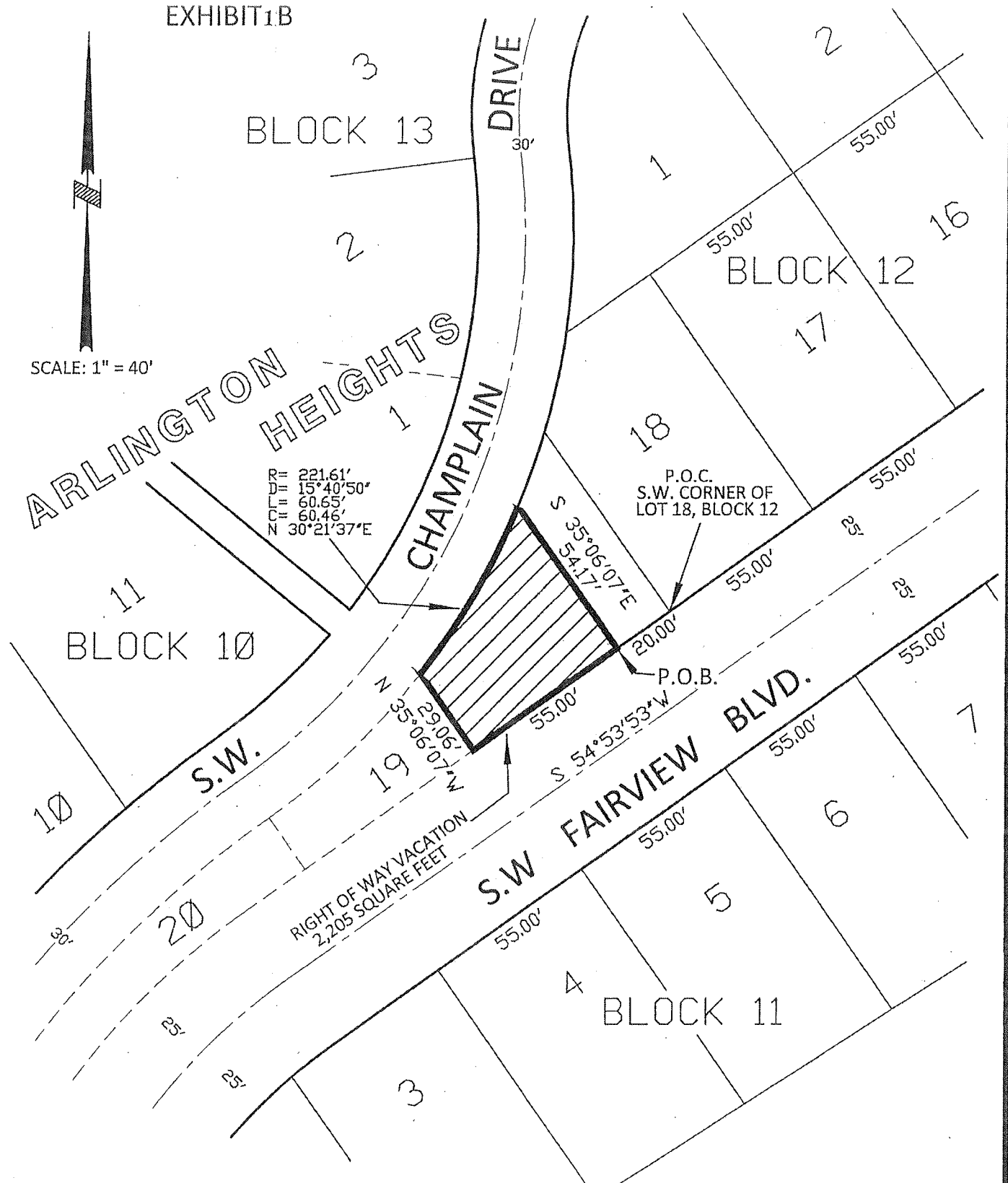
EXPIRES 12-31-2013

Project No. 40336
February 6, 2012

EXHIBIT 1B



SCALE: 1" = 40'



ENGINEERING & TECHNICAL
SERVICES
SURVEY SECTION
1120 SW 5TH AVE., SUITE 800
PORTLAND, OREGON 97204
PHONE 503-823-7150

R/W #7371
S.W. FAIRVIEW BLVD.
RIGHT OF WAY VACATION
1N1E32DC



CITY OF
PORTLAND
BUREAU OF
TRANSPORTATION

Exhibit 2

Comments Summary

R/W # 7371 SW Fairview Blvd.	RWA Project Manager: Karl Arruda	Petitioner/Applicant: PBOT Contact: David O'Longaigh 503-823-0371
SAP Cost Object No.: 9TR000000336		
VAC-10081		
IQ # 11-166498		
Commenting Party	Response Date	Comments / Conditions
City Bureaus / Depts. Notified:		
City Auditor Toni Anderson	9/7/11	City initiated.
PBOT Development Review Kurt Krueger / Wayne Close 503-823-7647	6/19/13	No objection subject to the following conditions: 1) The street vacation area may not include existing roadway or pedestrian corridor patterns. 2) Remaining right-of-way must be a minimum of 25 feet from Fairview's centerline, and a minimum 10 feet of pedestrian corridor (from existing curb), except that to the extent any portion of the retaining wall is built in the existing right-of-way, the wall will be subject to Encroachment Permit No 2012-145499, which will satisfy this condition. 3) The remaining right-of-way on Champlain Drive must be a minimum of 12 feet from the centerline of the road, and the existing curb must be retained. Comments Only: 1) The property located at 2761 SW Fairview Blvd. is subject to Revocable Permit No. 2011-176924 TR. 2) The area being vacated, and the adjacent private property (Lots 18 & 19) are subject to Encroachment Permit No. 2012-145499 TR.
Transportation Planning Stuart Gwin	10/26/11	No objections.
PBOT Permit Engineering Chon Wong	9/27/11	No objections.
PBOT Trans Systems Mgmt Carl Snyder	10/10/11	No objections.
PBOT Street Lighting Tod Rosinburn	9/23/11	No objections.
PBOT Project Management Kathryn Levine	9/22/11	No objections.
PBOT Bridges and Structures David Olongaigh	10/6/11	No objections.

Comments Summary

Commenting Party	Response Date	Comments / Conditions
Development Services Sean Williams	10/6/11	No objections.
Environmental Services Andre Duval	10/17/11	No objections.
Water Bureau Rick Nelson	10/6/11	No objections.
Fire Bureau Pete Delval	11/29/11	No objections.
Park Bureau Robi Potter	11/14/11	No objections.
Urban Forestry Division Luke Miller	10/6/11	No objections.
Planning & Sustainability Commission	2/14/12	No objections.
Neigh Assoc Notified:		
Arlington Heights NA Jeff Boly, President 503-223-4781	10/11/11	General questions were answered and information provided, including phone numbers for BDS.
Southwest Neighborhoods, Inc. Roger Averbeck, Trans. Chair		No response.
SW Trails PDX Don Baack		No response.
Southwest Hills Residential League (SWHRL) Nancy Seton, Land Use / Planning Chair		No response.
Neighbors West / Northwest Mark Sieber, Executive Director		No response.
Local Agencies Notified:		
ODOT Region 1 Tamara Patrick		No response.
Port of Portland Brian Shelden		No response.

Comments Summary

Commenting Party	Response Date	Comments / Conditions
TriMet John Baker		No response.
Public Utilities Notified:		
PGE Ted Powell 503-464-8120	9/22/11	Have facilities in street area; reserve easement.
Pacific Power Tom Kikes		No response.
CenturyLink (fka Qwest) Alan Meins	9/21/11	No facilities in street area.
Northwest Natural Robin Vandeurzen, GIS Tech	9/21/11	No facilities in street area.
Comcast Cable Coax & Fiber Design 503-605-6148	9/19/11	Have facilities in street area (overhead line); reserve easement.



Sam
Adams
Mayor

Tom
Miller
Director

PLANNING COMMISSION REPORT AND RECOMMENDATION TO THE CITY COUNCIL

FILE NUMBER: R/W #7371

Commission Meeting held 12:30 PM, February 14, 2012

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

I. GENERAL INFORMATION

Street Vacation Request: SW Fairview Blvd. at SW Champlain Drive

Petitioner: Street vacation initiated by the City of Portland, Bureau of Transportation. The petitioner's representative is David O'Longaigh, 1120 SW 5th Ave., Room 800, Portland, OR 97204, 503-823-0371, david.olongaigh@portlandoregon.gov

Purpose: Purpose of the vacation is to consolidate property for the construction of a retaining wall to stabilize the slope.

Neighborhood: Neighbors West / Northwest
Mark Sieber, Executive Director
2257 NW Raleigh St., Portland, OR 97210
(503) 823-4288
mark@nwnw.org

Arlington Heights Neighborhood Association
Jeff Boly, President
2879 SW Champlain Dr.
Portland, OR 97205
503-223-4781
jeff@jeffandlinda.org

Quarter Section: 3026

II. FACTS

A. History and Background

Deterioration of slope conditions require the construction of a retaining wall on unused City ROW. Portland Bureau of Transportation is asking for permission to vacate the right-of-way to permit the existence of a new retaining wall.

1120 S.W. 5th Avenue, Suite 800 • Portland, Oregon, 97204-1914 • 503-823-5185
FAX 503-823-7576 or 503-823-7371 • TTY 503-823-6868 • www.portlandoregon.gov

B. Concurrent land use actions

There are no concurrent land use actions.

C. The Transportation Element

The Transportation Element is silent on cases involving local streets or alleys.

III. FINDINGS**A. Comprehensive Plan Goals and Policies Consideration**

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.

Policy 12.4 Provide for Pedestrians, Objective G. states:

Retain rights for pedestrian access and circulation when considering requests for street vacations. Preserve existing pedestrian routes and protect routes needed by pedestrians in the future. Ensure that street vacations do not reduce access to light and air or the intimate scale that is so much a part of Portland's character.

Findings for Policies 6.20, 6.21 and 12.4

This vacation is in conformance with above referenced Comprehensive Plan Goals and Policies.

B. Neighborhood Plan considerations

There are no neighborhood issues with this vacation

C. Zoning Code considerations

There are no zoning issues.

D. Subdivision code considerations

There are no sub-division issues.

IV. CONCLUSIONS

Based on the above analysis, Portland Bureau of Transportation states that the right-of-way is not needed to provide future facilities. Additionally, approval of the street vacation will not affect the functional performance of the street system in the area.

V. STAFF RECOMMENDATION

It is recommended that the street vacation be approved with the following conditions.

PBOT Development Review: 1. Fairview is subject to Rev. Permit TR 2011-176924. 2. Vacation may not include roadway or pedestrian corridor pattern. 3. Remaining ROW must be a minimum of 25 feet from Fairview's centerline, and minimum 10 feet of pedestrian corridor (from existing curb). 4. Remaining ROW on Champlain must be a minimum of 12 ft. from centerline of road and retain existing curb.

The Planning Commission recommended that the report be approved as written.

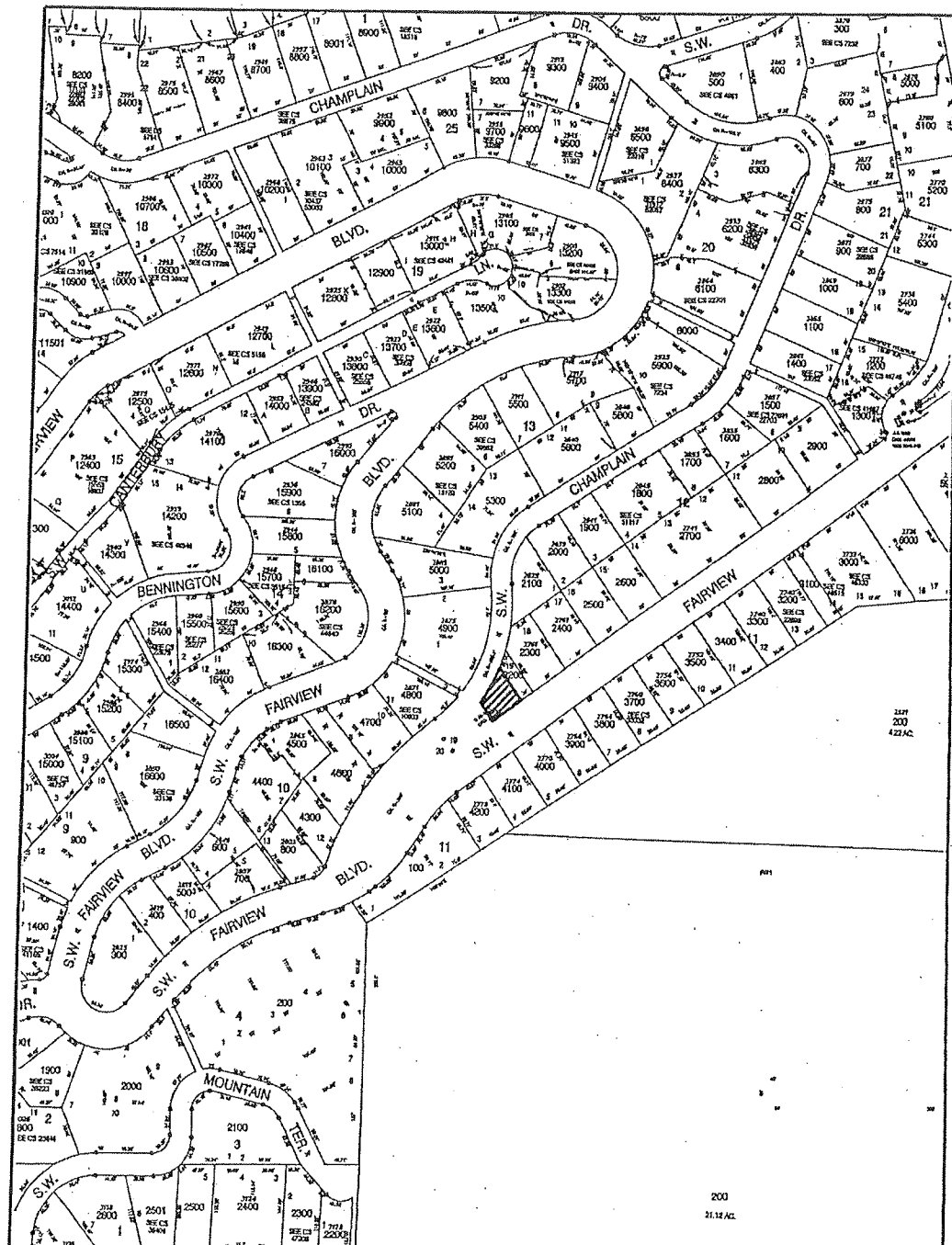
VI. EXHIBITS

Exhibit 1: Area Proposed for Vacation

Staff Planner – Stuart Gwin, Phone: 503-823-7788


cc: Karl Arruda, Right-of-Way Case Manager
Jeff Boly, President, Arlington Heights Neighborhood Association
Roger Averbeck, Transportation Chair, Southwest Neighborhoods, Inc.
Case File

Exhibit 1: Shown on following page.



SW FAIRVIEW BOULEVARD AT SW CHAMPLAIN DRIVE

Petitioner: City of Portland, Bureau of Transportation

 Area Proposed for Vacation

1/4 Section: 3026

Section: 1N1E32DC



Scale: 1" to 200'