

ORDINANCE No. 186265

Authorize the Director of the Bureau of Transportation to issue a quitclaim deed for a portion of SW Fairview Blvd at SW Champlain Dr (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. In early 2011, the City identified a portion of a retaining wall on the northwesterly side of SW Fairview Boulevard as needing to be replaced due to the unstable slope which the wall, at one time, was supporting. The City and the adjacent property owners entered into a public-private partnership in which the property owners agreed to replace the entire failing wall with a new engineered structure with the understanding that the property owners would take ownership and maintain the wall. In exchange, the City would 1) initiate a street vacation for a portion of SW Fairview Boulevard in order for the property owners to consolidate property; 2) cover the cost for the processing of the vacation; and 3) replace the adjoining sidewalk which was severely damaged by movement of the wall and slope.
2. Pursuant to this agreement, on September 7, 2011, the Bureau of Transportation (PBOT) initiated the vacation of a portion of SW Fairview Blvd at SW Champlain Drive as requested by the property owners.
3. It is in the public interest that said right-of-way be vacated and transferred to the adjacent property owners so that the privately built and owned wall will be located on privately owned property.
4. The procedural requirements for street vacations under ORS 271 have been complied with.
5. Initial research by Multnomah County's Cartography Department indicated that the street area to be vacated would revert to the adjacent property owners, however, further research demonstrates that the area to be vacated was once owned in fee title by the City of Portland and therefore would revert back to the City.
6. Due to the magnitude and expense of the wall replacement by the adjacent property owners, it is the City's position that transfer of the City's interest in the property to the adjacent property owners is reasonable.
7. It is in the public's best interest that the City now issue a quitclaim deed, in substantially the same form attached as Exhibit 1 (deed exhibits are identical to Exhibits 2 and 3 of the ordinance), to the adjacent property owners for said vacation area so upon completion of the vacation, the property will automatically revert to the adjacent property owners.

NOW, THEREFORE, the Council directs:

- a. The Bureau of Transportation to execute a quitclaim deed to transfer the underlying fee for the right-of-way at SW Fairview Boulevard and SW Champlain Drive, described on Exhibit 2 and depicted on Exhibit 3, to the adjacent property owners ("Grantees") of land located at 2761 SW Fairview Boulevard, Portland, OR.
- b. That the consideration for said quitclaim deed shall be the value received for the engineered wall constructed by the Grantees at their expense.

Section 2. The Right-of-Way Section will record the executed quitclaim deed at City's expense with Multnomah County Deed Records immediately prior to the recording of the street vacation Ordinance for the same property described on Exhibit 2 and depicted on Exhibit 3, and return the original recorded document to the Grantees and retain a copy in Right-of-Way File No. 7371.

Passed by the Council,

SEP 25 2013

Commissioner Steve Novick
Prepared by: Karl Arruda: slg
Date Prepared: August 12, 2013
R/W #7371

LaVonne Griffin-Valade
Auditor of the City of Portland

By



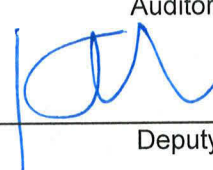
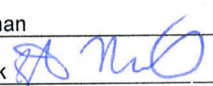



Deputy

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Agenda No.
ORDINANCE NO. 186265
Title

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INTRODUCED BY Commissioner/Auditor: COMMISSIONER STEVE NOVICK	CLERK USE: DATE FILED <u>SEP 13 2013</u>
COMMISSIONER APPROVAL	LaVonne Griffin-Valade Auditor of the City of Portland
Mayor—Finance and Administration - Hales	By:  Deputy
Position 1/Utilities - Fritz	
Position 2/Works - Fish	
Position 3/Affairs - Saltzman	
Position 4/Safety - Novick 	
BUREAU APPROVAL	ACTION TAKEN:
Bureau: Bureau of Transportation Group Manager: Greg Jones  Development & Capital Program	SEP 18 2013 PASSED TO SECOND READING SEP 25 2013 9:30 A.M.
Prepared by: Karl Arruda:slg  Date Prepared: August 21, 2013	
Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Council Meeting Date September 18, 2013	
City Auditor Office Approval: required for Code Ordinances	
City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter 	

AGENDA
TIME CERTAIN <input type="checkbox"/> Start time: _____
Total amount of time needed: _____ (for presentation, testimony and discussion)
CONSENT <input type="checkbox"/>
REGULAR <input checked="" type="checkbox"/> 2 of 2 Total amount of time needed: 10 minutes (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	<input checked="" type="checkbox"/>	
2. Fish	2. Fish	<input checked="" type="checkbox"/>	
3. Saltzman	3. Saltzman	<input checked="" type="checkbox"/>	
4. Novick	4. Novick	<input checked="" type="checkbox"/>	
Hales	Hales	<input checked="" type="checkbox"/>	