

ORDINANCE No. 18 6750

Vacate a portion of SE Grand Ave subject to certain conditions and reservations (Hearing; Ordinance; VAC-10090)

The City of Portland ordains:

Section 1. The Council finds:

1. On May 30, 2013, the Bureau of Transportation received a request for the vacation of a portion of SE Grand Avenue, from Multnomah County, the owner of adjoining property.
2. The reason for the vacation is to address the issue of Multnomah County's existing building that encroaches into the public right-of-way. The County had a lease with ODOT when SE Grand Avenue was under their jurisdiction. That lease was terminated when ODOT transferred SE Grand to the City several years ago. Rather than have Multnomah County enter into a lease with the City for such a small area, at the request of the County and with the support of ODOT, the City agreed to support vacating the portion of street that the building encroaches into, with the understanding that City Council has final approval.
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 Planning and Sustainability Commission, as provided in the Revised City Engineer's Report, dated May 7, 2014 and 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. In accordance with ORS 271.190, since the area to be vacated lies within 5,000 feet of the harbor line, approval in writing of the proposed vacation has been secured from the Port of Portland.
6. 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.

NOW, THEREFORE, the Council directs:

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

That portion of SE Grand Avenue lying within the east 13.50 inches of the west 10.00 feet of Lots 1, 2, 3, and 4, Block 131, in the duly recorded plat of

“Hawthorne Park”, situated in the northwest one-quarter of Section 2, T1S, R1E, W.M., in the City of Portland, County of Multnomah, State of Oregon as depicted on attached Exhibit 1 and by this reference made a part hereof.

Contains 225 square feet, more or less.

- b. The vacation of the above-described street area is granted subject to the following conditions and reservations:
1. 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. Subject to Paragraph 8 below, 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.
 2. Notwithstanding b1, 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.
 3. If any property, encumbered by an easement reserved in this vacation Ordinance, is ever rededicated as public right-of-way, that portion of the easement located in the rededicated right-of-way shall automatically be terminated.
 4. City costs associated with processing the street vacation petition shall be paid in full before the City records this Ordinance.
 5. 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. Multnomah County 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 and retain a copy in RWA File No. 7651.

Passed by the Council,

AUG 06 2014

Commissioner Steve Novick
Prepared by: Lance D. Lindahl:slg
Date Prepared: July 7, 2014
RW # 7651

LAVONNE GRIFFIN-VALADE
Auditor of the City of Portland

By

Gayla Jennings

DEPUTY

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Agenda No.
ORDINANCE NO.
 Title

18 6750

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 Ordinance; VAC-10090)

INTRODUCED BY Commissioner/Auditor: COMMISSIONER STEVE NOVICK	CLERK USE: DATE FILED <u>JUL 25 2014</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Hales Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Novick <i>CW</i>	LaVonne Griffin-Valade Auditor of the City of Portland By: <u><i>Susan Parsons</i></u> Deputy
BUREAU APPROVAL Bureau: Bureau of Transportation Interim Group Mgr.: Christine Leon Development Services / Streetcar & Transit Partnerships Prepared by: Lance D. Lindahl: slg Date Prepared: July 7, 2014 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 July 30, 2014 City Attorney Approval:	ACTION TAKEN: <i>MP</i> JUL 30 2014 PASSED TO SECOND READING AUG 06 2014 9:30 A.M. <i>egh</i> <i>DM</i>

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"/> Total amount of time needed: 5 Minutes (for presentation, testimony and discussion)
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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"/>	