

ORDINANCE No. 186848 As Amended

*Amend ordinance to modify the conditions of approval and revise the legal description for the vacation of a portion of SW 46th Ave and a portion of SW Florida St subject to certain conditions and reservations (Ordinance; amend Ordinance 185174; VAC-10070)

The City of Portland ordains:

Section 1. The Council finds:

1. On March 19, 2010, the City Auditor certified a petition for the vacation of a portion of SW 46th Avenue and SW Florida Street as petitioned by St. Luke's Lutheran Church of Portland ("St. Luke").
2. City Council passed Ordinance No. 185174 ("Previous Ordinance") on February 29, 2012 approving the street vacation request subject to certain conditions and reservations.
3. Due to design difficulties and impractical implications associated with some improvements required as conditions of the vacation as well as changes in St. Luke's Master Plan, PBOT Development Review has worked with St. Luke to revise its requirements that are more in line with St. Luke's and City's needs.
4. The ability to construct the pedestrian connection and stormwater facilities in the SW Florida Street right-of-way as required in Council directive b7 of the Previous Ordinance is difficult due to the presence of steep grade changes, a small stream, and an environmental protection overlay zone; therefore, St. Luke will be dedicating a 15 foot wide right-of-way along the southerly edge of St. Luke's property, west of SW 46th Avenue as described and depicted on the attached Exhibit B. This extension of SW California Street will ultimately be incorporated into an east/west pedestrian connection, thereby eliminating the need for the east/west connection along SW Florida Street. Therefore directive b7 of the Previous Ordinance should be repealed.
5. As part of the changes to the conditions, a Local Improvement District ("LID") is being formed which will allow St. Luke to meet the requirements to construct the necessary improvements while spreading the cost out over time.
6. Additionally, the intersection of SW California Street and SW 46th Avenue will now remain public right-of-way in order to accommodate future cul-de-sac improvements and to connect with the aforementioned right-of-way dedication discussed in Section 1.4 of The Council Findings, thereby reducing the size of the vacation area in the Previous Ordinance as depicted on the attached Exhibit A.
7. With said intersection remaining public right-of-way and construction of a new cul-de-sac being required, St. Luke will dedicate any necessary right-of-way needed to accommodate the construction of the cul-de-sac, the amount to be determined by the City Engineer with improvements being constructed as part of the LID.

8. Due to said intersection remaining public right-of-way, directives b3 and b4 of the Previous Ordinance should be repealed as the street light and the Water Bureau facilities will remain in public right-of-way.
9. Directive b8 of the Previous Ordinance reserves a temporary pedestrian access easement over the vacated portion of SW 46th Avenue until such time as a new north/south public right-of-way had been dedicated between SW California and SW Vermont Streets. Due to construction difficulties associated with a north/south pedestrian access and the desire of St. Luke to use a portion of this area for building expansion, it is proposed that this requirement will now be satisfied by additional sidewalk, curb, stormwater, and bike lane improvements along the west side of SW 45th Avenue, to be constructed through the LID. As a result of this change, directive b8 of the Previous Ordinance should be repealed.
10. Directive b9 of the Previous Ordinance requires the petitioner to meet with the Neighborhood Association and SW Trails PDX to explore an east/west pedestrian connection in compliance with the SW and Far SE Portland Master Street Plan. From the meeting, St. Luke has agreed to dedicate a 15 foot wide strip of public right-of-way as discussed in Section 1.4 above. This right-of-way will ultimately be improved as a sidewalk or recreational trail at such time in the future that a pedestrian connection to SW 49th Avenue can be established.

NOW, THEREFORE, the Council directs:

- a. That Ordinance No. 185174, Section a of the Council directive is hereby replaced with the following described street area, as depicted on the attached Exhibit A, and is hereby vacated:

A portion of SW 46th Avenue and SW Florida Street, in the City of Portland, Multnomah County, Oregon, as shown on the attached Street Vacation map, being that portion of said SW 46th Avenue lying between the westerly extension of the north line of Lot 5, Block 1, in the duly recorded Plat of Bella Vista and the westerly extension of the south line of Lot 9, Block 2 of said Plat.

Containing 17,892 square feet, more or less.

AND

That portion of said SW Florida Street lying between the southerly extension of the west line of Lot 6, Block 1, in the duly recorded Plat of Bella Vista and 1.00 foot west of the southerly extension of the east line of Lot 7, of said Block 1.

Containing 5,100 square feet, more or less.

- b. That Ordinance No. 185174, Section 1.b, “Conditions and Reservations” of the Council directives are hereby revised as follows:
1. Directive b3 is hereby repealed.
 2. Directive b4 is hereby repealed
 3. Directive b7 is hereby repealed.
 4. Directive b8 is hereby repealed.
- c. That vacation of the above-described street area is granted subject to the following new conditions and reservations:
1. That the petitioner will construct sidewalks and other pedestrian zone improvements along the west side of SW 45th Avenue between SW Vermont and SW California Streets, along the south side of SW Vermont Street west of SW 45th Avenue, and along SW California Street between SW 45th Avenue and SW 46th Avenue. The width and length of the sidewalk improvements will be determined once preliminary survey and engineering work is complete. These improvements will be constructed through the City’s LID.
 2. That the petitioner will dedicate a 15 foot wide strip of public right-of-way along the southerly most portion of their property, west of SW 46th Avenue, to be improved as a sidewalk or trail. In order to satisfy this condition, the petitioner will sign said dedication document in substantially the same form as Exhibit B attached hereto and will provide a signed Waiver of Remonstrance towards the future pedestrian improvements within said dedication area. Said dedication document and said Waiver will be recorded concurrently and delivered with this street vacation ordinance.
 3. That the petitioner will dedicate additional public right-of-way as needed for construction of a cul-de-sac at the west end of SW California Street where it intersects with SW 46th Avenue, the amount to be determined by the City Engineer with improvements being constructed as part of the LID.
 4. That the petitioner will grant a Sewer Easement to the City and execute said document in substantially the same form as Exhibit C attached hereto for facilities owned and maintained by the Bureau of Environmental Services within the portion of SW 46th Avenue to be vacated. Said easement will be recorded concurrently and delivered with this street vacation Ordinance.
- d. All other terms and provisions of Ordinance No. 185174 shall remain unchanged and all conditions thereof shall remain in full force and effect.

Section 2. Petitioner shall file with the City Auditor, in form approved by the City Attorney, a document in writing, accepting the terms and conditions of this 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 RWA File No. 7191.

Section 5 The Council declares that an emergency exists because construction of the sidewalk improvements needs to happen as quickly as possible in order to promptly address public safety needs; therefore this Ordinance shall be in full force and effect from and after its passage by the Council.

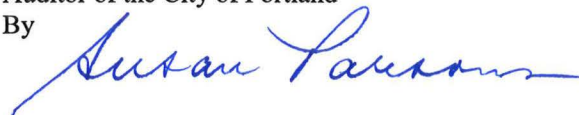
Passed by the Council, OCT 15 2014

Commissioner Steve Novick
Prepared by: Lance D. Lindahl:slg
Date Prepared: August 25, 2014
RWA # 7191

LAVONNE GRIFFIN-VALADE

Auditor of the City of Portland

By



DEPUTY

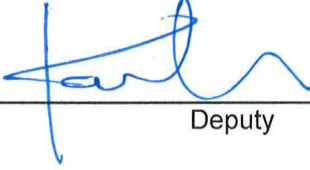
959 - 1067 =

✓ 146

Agenda No.
ORDINANCE NO. 186848 As Amended
 Title

* Amend ordinance to modify the conditions of approval and revise the legal description for the vacation of a portion of SW 46th Ave and a portion of SW Florida St subject to certain conditions and reservations (Ordinance; amend Ordinance 185174; VAC-10070)

No.

INTRODUCED BY Commissioner/Auditor: COMMISSIONER STEVE NOVICK	CLERK USE: DATE FILED <u>SEP 12 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	LaVonne Griffin-Valade Auditor of the City of Portland By:  Deputy
BUREAU APPROVAL Bureau: Bureau of Transportation Interim Group Mgr.: Christine Leon Development Permitting & Transit Group Other: Greg Jones Prepared by: Lance D. Lindahl: slg Date Prepared: August 25, 2014 Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	ACTION TAKEN: SEP 17 2014 CONTINUED TO OCT 15 2014 9:30 A.M.
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 17, 2014	
City Attorney Approval:	

AGENDA 2082 TIME CERTAIN <input checked="" type="checkbox"/> Start time: 9:30 AM Total amount of time needed: 20 Minutes (for presentation, testimony and discussion) CONSENT <input type="checkbox"/> REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)
--

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