



Steve
Novick
Commissioner

Memorandum

Date: October 9, 2014

Leah Treat
Director

To: Mayor Charlie Hales
Commissioner Nick Fish
Commissioner Amanda Fritz
Commissioner Steve Novick
Commissioner Dan Saltzman

From: Lance D. Lindahl
Right-of-Way Acquisition

RE: Amendment request for Council Agenda Item 959

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)

At the City Council meeting on September 17, 2014, Commissioner Amanda Fritz proposed an amendment to Section c.2. of the above referenced Agenda Item No. 959. That amendment will need to be withdrawn on the October 15, 2014 Council meeting. The following amended language should replace Section c.2. of said Agenda Item.

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 recreational trail. ~~at such time in the future that a through pedestrian connection to SW 49th Avenue is established.~~ Said dedication will be In order to satisfy this condition, the petitioner will sign said dedication 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 and said waiver will be recorded concurrently and delivered with this street vacation ordinance.

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959 - Fritz amendment
2nd Fish
- NO VOTE TAKEN -
9/17/2014

- 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 Directive b3 is hereby repealed.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 Directive b4 is hereby repealed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 Directive b7 is hereby repealed.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 Directive b8 is hereby repealed.

186848

10-15-2014
MOTION WITHDRAWN
Moved by Fritz.
2nd Fish

- 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 recreational trail at such time in the future that a through pedestrian connection to SW 49th Avenue is established. Said dedication will be in substantially the same form as Exhibit B attached hereto. Said dedication will be recorded concurrently and delivered with this street vacation ordinance.
or as a condition of approval of a conditional use review approval for St Lukes Church whichever comes first.
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.

Portland, Oregon

FINANCIAL IMPACT and PUBLIC INVOLVEMENT STATEMENT For Council Action Items

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

1. Name of Initiator Lance D. Lindahl		2. Telephone No. 503-823-7465	3. Bureau/Office/Dept. PBOT/RWA
4a. To be filed (date): September 17, 2014	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: August 25, 2014
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:

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)

2) Purpose of the Proposed Legislation:

The purpose of this request is to amend Ordinance No. 185174 to modify the conditions of approval and to revise the legal description for the vacation of a portion of SW 46th Avenue and a portion of SW Florida Street.

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 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? No.
SAP COST OBJECT No(s): 9TR000001484

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.

Revenue from this street vacation will cover the actual expenditures incurred by City staff for the processing of this request.

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 above the high end of the range and is estimated to be approximately \$25,000.

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.)*
Not applicable to this action.
- **Will positions be created or eliminated in future years as a result of this legislation?**
Not applicable to this action.

(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?

Council passage of this Ordinance will support the construction of a series of improved sidewalks, stormwater treatment facilities, and the planting of street trees along SW 45th Avenue and SW California Street. There will be a loss of a gravel parking strip along a portion of SW 45th Avenue, however increased visibility will result in improved safety in this area.

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?

Outreach has been made by PBOT staff and by representatives of St. Luke Church to owners of property abutting the planned improvements, SWNI, the Maplewood Neighborhood Association, SW Trails PDX, the Pedestrian Advisory Committee, Oregon Walks, and the Bicycle Transportation Alliance.

c) How did public involvement shape the outcome of this Council item?

Citizen requests for enhanced pedestrian connections are now being advanced through the dedication of a new 15 foot wide public right-of-way located west of the intersection of SW California Street and SW 46th Avenue.

d) Who designed and implemented the public involvement related to this Council item?

Representatives from St. Luke Church have worked with the Maplewood Neighborhood Association and with nearby property owners to share their development plans and to revise a plan for addressing concerns about bike and pedestrian accessibility in the area. LID Project Manager Andrew Aebi has met with the adjacent property owners to refine the list of transportation improvements to be funded through the LID process. PBOT staff met with Don Baack and Glenn Bridger from SW Trails PDX to brief them on the amended street vacation conditions and to explore other options for addressing pedestrian access in the area.

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

Lance D. Lindahl, Right-of-Way Agent,
503-823-7465, lance.lindahl@portlandoregon.gov

Andrew Aebi, Local Improvement District Manager & Project Manager,
503-823-5648, andrew.aebi@portlandoregon.gov

Bob Haley, Transportation Development Review
503-823-5171, bob.haley@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 8-28-14

BUREAU DIRECTOR

LEAH TREAT, Bureau of Transportation