

IMPACT STATEMENT

Legislation title: Vacate a portion of an unnamed street north of N Schmeer Rd subject to certain conditions and reservations (Hearing; Ordinance; VAC-10091)

Contact name: Karl Arruda, PBOT Right-of-Way Acquisition

Contact phone: 503-823-7067

Presenter name: Karl Arruda

Purpose of proposed legislation and background information:

The purpose of this legislation is to vacate a portion of an unnamed street north of North Schmeer Road, as recommended in the City Engineer's Report.

A petition to vacate an unimproved portion of an unnamed street north of N. Schmeer Road was initiated by Hayden Meadows Joint Venture ("Hayden Meadows"), for the purpose of consolidating property for future development. Currently the right-of-way dissects Hayden Meadows' property making it less desirable for potential developers.

The petition was certified by the City Auditor's Office on January 3, 2014. The proposed vacation is depicted on Exhibit 2 of the Ordinance.

Comments were solicited from City Bureaus, government agencies, public utilities and affected neighborhood associations. Although no substantive objections were received, ODOT requested the Petitioner reduce the amount of right-of-way requested to be vacated in order to allow for ODOT's realignment of N Schmeer Road.

The Planning and Sustainability Commission reviewed and approved the proposed street vacation on June 24, 2014. An Engineer's Report was completed on November 19, 2014, recommending approval of the street vacation, subject to certain conditions and reservations. The Report, inclusive of the Planning and Sustainability Commission's recommendation, is attached.

The ordinance complies with state law under ORS 271 and City Code, Chapter 17.84 and will complete the street vacation process.

Financial and budgetary impacts:

Street vacations are cost recovery programs, typically paid for by the Petitioner, and do not alter PBOT's budget. 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 lower part of the range and is estimated (with moderate confidence) to be approximately \$8,500.

Revenue paid by the Petitioner for this street vacation will cover the actual expenditures incurred by City staff for the processing of this request. The SAP Cost Object is 9TR000001944. The revenue and expenses are occurring in FY 2013-14 and 2014-15.

This legislation does not affect staffing levels nor result in a new or modified financial obligation or benefit now or in the future.

If City Council does not approve the ordinance, Hayden Meadows will not be able to consolidate their properties, potentially affecting a future sale and development of the property.

Community impacts and community involvement:

Pursuant to ORS 271.080 the Petitioner obtained the required signatures from surrounding property owners in the 'affected area' as stated in said statute, showing support of the vacation request. As an additional requirement of the state statute, the City Auditor also published notice of the public hearing in the Daily Journal of Commerce and has posted the notice in the area proposed for vacation.

Comments were also solicited from City Bureaus, government agencies, public utilities and affected neighborhood associations in North Portland. No substantive objections were received.

The Planning and Sustainability Commission (P&SC) advertised and then held a public hearing on June 24, 2014. No one from the public came forward to testify in support or opposition of the vacation and the P&SC ultimately approved the vacation request.

There do not appear to be any impacts to the community from vacating this right-of-way. No opposition to this street vacation request is expected. There is no future public involvement anticipated since this ordinance will conclude the street vacation process.

Information regarding the advertising details can be provided by Toni Anderson, City Auditor's Office, 503-823-4022, or toni.anderson@portlandoregon.gov.

Budgetary Impact Worksheet

Does this action change appropriations?

- YES: Please complete the information below.
 NO: Skip this section

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount

KK 01-09-15

BACKGROUND INFORMATION

*** ONLY ***

ADDITIONAL DOCUMENT



Steve
Novick
Commissioner

November 19, 2014

Leah Treat
Director

**CITY ENGINEER'S REPORT TO CITY COUNCIL ON THE PROPOSED VACATION OF
A PORTION OF UNNAMED STREET NORTH OF N. SCHMEER ROAD (R/W #7720)**

Background

1. **Proposed Street Vacation Area.** A portion of Unnamed Street north of N. Schmeer Road, said area being approximately 557 feet long (at its longest point) by approximately 50 feet wide (at its widest point), containing approximately 27,504 square feet. The area is currently unimproved and is depicted on Exhibit 1 attached hereto.
2. **Petitioner.** Hayden Meadows Joint Venture is the owner of the abutting property to the east and to the west of the proposed street vacation area.
3. **Purpose.** The street vacation is proposed in order to consolidate property for future development. The Petitioner expects development of the property to occur in 3 to 5 years.
4. **Compliance with Minimum Requirements.** The Petitioner has secured necessary signatures of property owners in the area, as required under ORS 271.080 (Vacation in incorporated cities; petition; consent of property owners). The Office of the City Auditor approved the required petition on January 3, 2014.
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.
6. **Planning and Sustainability Commission Review.** The Planning and Sustainability Commission reviewed and approved the proposed street vacation on June 24, 2014, with its Report and Recommendation attached as Exhibit 3 hereto.
7. **Costs.** The Petitioner has paid \$7,000 to date to reimburse the City for staff costs incurred processing the street vacation request. Based on a review of the case file, processing costs to date and estimated cost forward to bring the project through City Council, total \$8,500. The Petitioner was notified that additional funds are necessary.

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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.

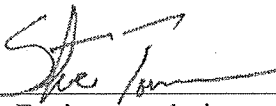
Containing 27,504 square feet, more or less.

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.** The Petitioner will, at its own cost, move the existing fence out of the remaining right-of-way south of the area being vacated, or obtain an encroachment permit for the fence from the Bureau of Transportation.
 - B. **Costs.** In accordance with Item 7 in the Background section above, the estimated administrative cost for completing the street vacation process is \$8,500, of which \$7,000 has been paid to date. Petitioner will remit \$1,500 to the City prior to the scheduled City Council hearing. 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. 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 Petitioner 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. **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.
4. **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 Commissioner 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,

Commissioner Steve Novick

Attachments:

Exhibit 1, Proposed Map

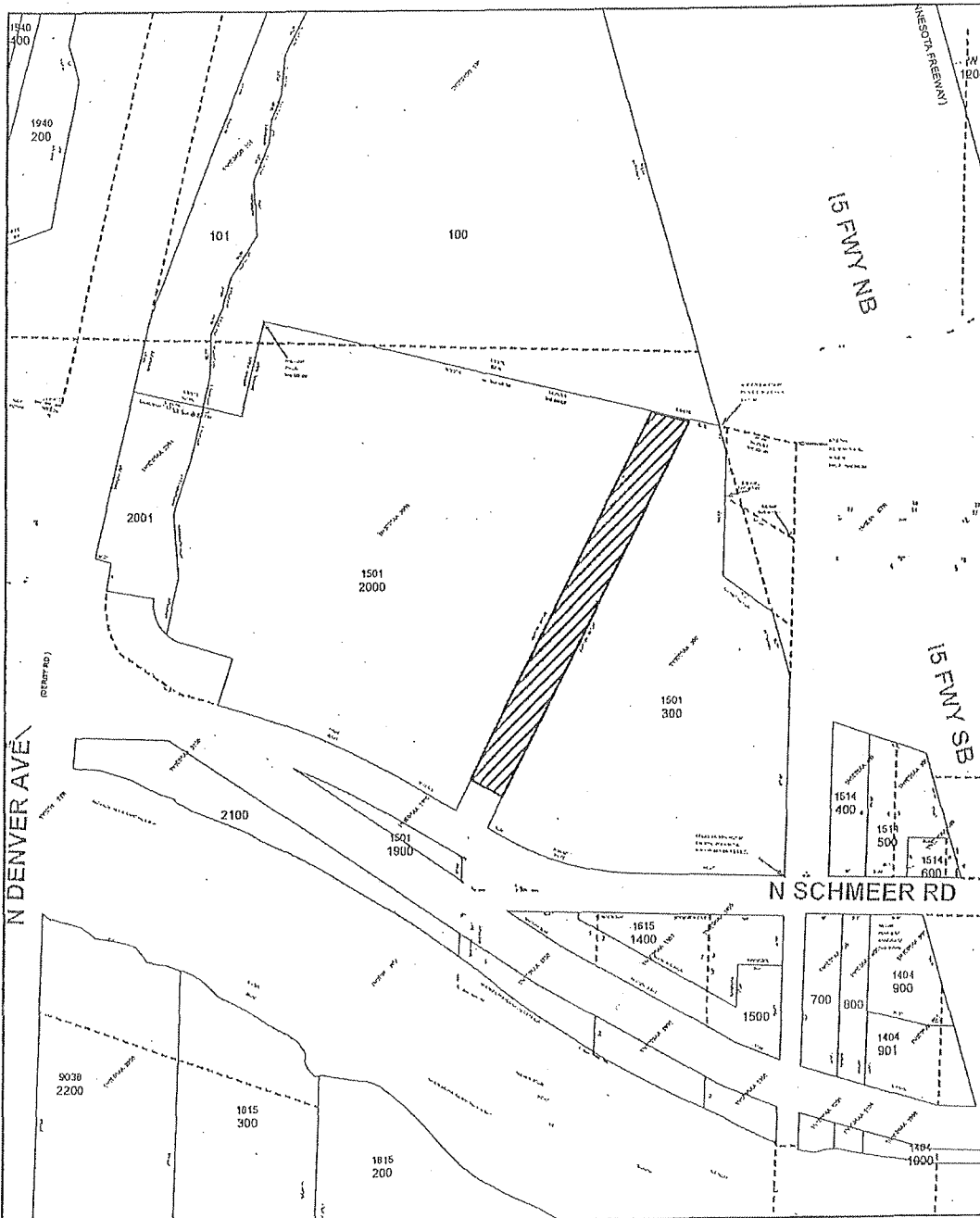
Exhibit 1A, Legal Description

Exhibit 1B, Survey Map

Exhibit 2, Summary of Comments

Exhibit 3, Planning & Sustainability Commission Recommendation

Exhibit 1




Unnamed Street north of N Schmeer Road

Petitioner: Hayden Meadows Joint Venture

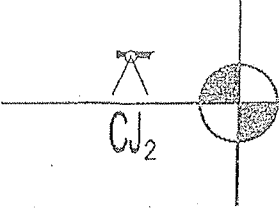
R/W: 7720

1/4 Section: 2128 State ID #: 1N1E09AA

 Area Proposed for Vacation



1 inch = 200 feet



CHASE, JONES & ASSOCIATES INC.

FORMERLY BOOTH & WRIGHT
LAND SURVEYORS & ENGINEERS SINCE 1885

716 SE 11TH AVENUE PORTLAND, OR 97214
PHONE: (503) 228-9844

October 3, 2014
Project No.: 13805

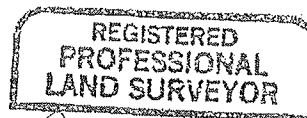
EXHIBIT 1A

STREET VACATION

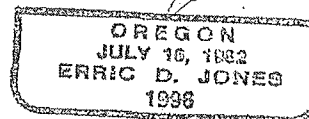
A portion of that tract conveyed to the public for road purposes as described in Book 646, Page 431, recorded November 4, 1941, Multnomah County Deed Records, situated in the Northeast Quarter of Section 9, Township 1 North, Range 1 East of the Willamette Meridian, in the City of Portland, County of Multnomah, State of Oregon, being further described as follows:

COMMENCING at the intersection of the West right-of-way line of N. Patton Avenue and the North right-of-way line of Schmeer Road; thence South $89^{\circ}59'00''$ West along the North right-of-way line of said Schmeer Road a distance of 198.97 feet to a 384.29 foot radius curve to the right; thence continuing along said right-of-way line and along said 384.29 foot radius curve through a central angle of $27^{\circ}50'20''$ (the long chord of which bears North $76^{\circ}05'50''$ West a distance of 184.89 feet) an arc length of 186.72 feet; thence continuing along said right-of-way line North $62^{\circ}10'40''$ West a distance of 29.28 feet to the Southeast corner of that tract conveyed to the public for road purposes as described in Book 646, Page 431, recorded November 4, 1941, Multnomah County Deed Records; thence North $25^{\circ}03'00''$ East along the Southeasterly line of said publically dedicated road a distance of 50.00 feet to the **TRUE POINT OF BEGINNING**; thence North $62^{\circ}10'40''$ West parallel with the Northeasterly right-of-way line of the aforesaid Schmeer Road a distance of 50.06 feet to the Northwesterly line of said publically dedicated road; thence North $25^{\circ}03'00''$ East along the Northwesterly line of said publically dedicated road a distance 542.90 feet to the North line of that tract described as Parcel III in deed from Charles Sumski, administrator of the estate of Charles Sumski, Sr. to Northwest Properties, Inc. in Book 569, Page 320, recorded September 28, 1940, Multnomah County Deed Records; thence South $78^{\circ}21'00''$ East along the North Line of said Parcel III a distance of 51.40 feet to the Southeasterly line of the aforesaid publically dedicated road; thence South $25^{\circ}03'00''$ West along said Southeasterly line a distance of 557.23 feet to the **TRUE POINT OF BEGINNING**.

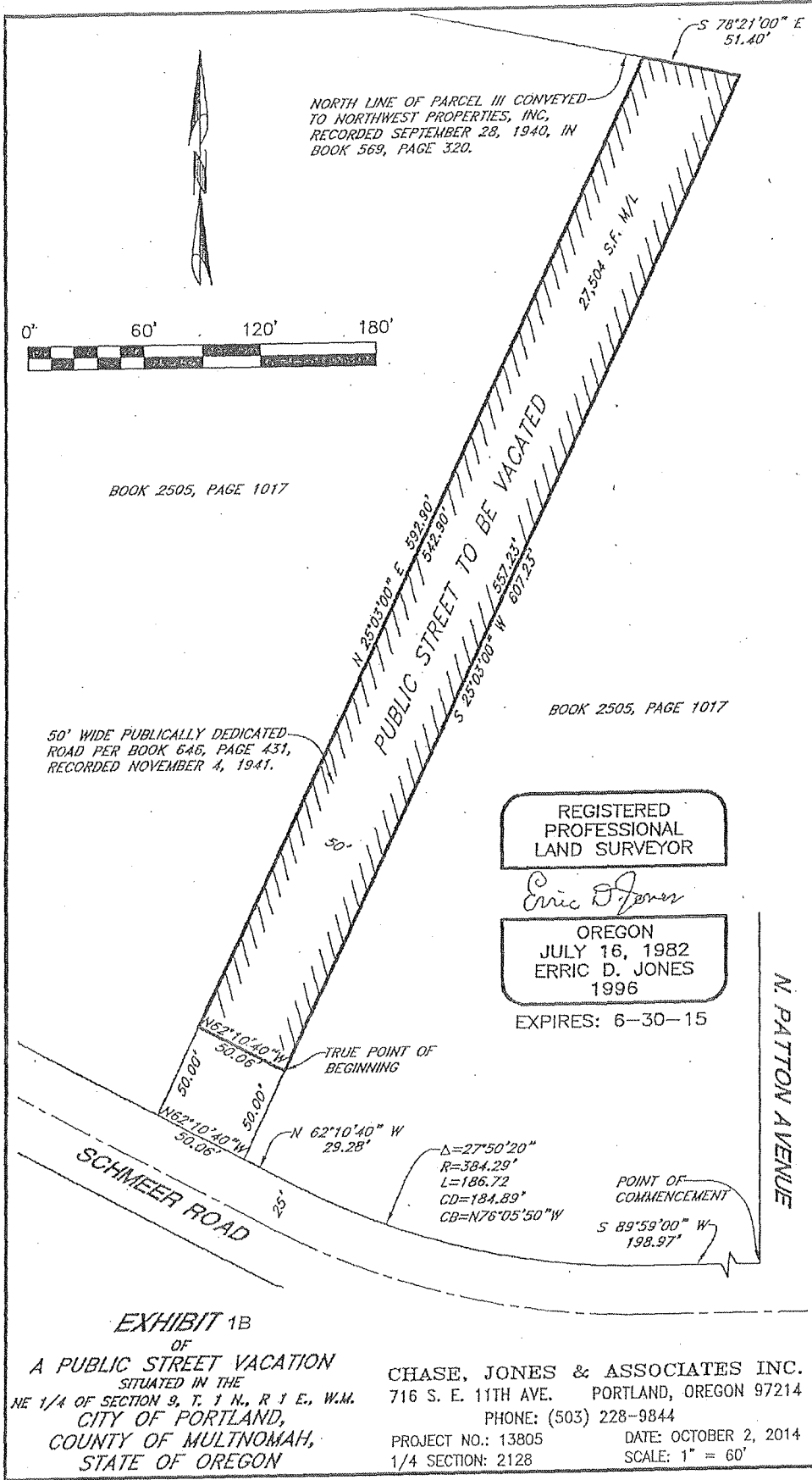
Containing 27,504 square feet, more or less.



Eric D. Jones



EX-6-30-15



NORTH LINE OF PARCEL III CONVEYED TO NORTHWEST PROPERTIES, INC, RECORDED SEPTEMBER 28, 1940, IN BOOK 569, PAGE 320.



BOOK 2505, PAGE 1017

50' WIDE PUBLICALLY DEDICATED ROAD PER BOOK 646, PAGE 431, RECORDED NOVEMBER 4, 1941.

BOOK 2505, PAGE 1017

REGISTERED PROFESSIONAL LAND SURVEYOR

Eric D. Jones

OREGON
JULY 16, 1982
ERRIC D. JONES
1996

EXPIRES: 6-30-15

N. PATTON AVENUE

TRUE POINT OF BEGINNING
N 23°03'00" E 592.90'
S 23°03'00" W 807.25'
N 62°10'40" W 29.28'
N 62°10'40" W 50.06'
N 62°10'40" W 50.06'
N 62°10'40" W 50.06'
N 62°10'40" W 50.06'

Δ=27°50'20"
R=384.29'
L=186.72
CD=184.89'
CB=N76°05'50"W

POINT OF COMMENCEMENT
S 89°59'00" W 198.97'

EXHIBIT 1B
OF
A PUBLIC STREET VACATION
SITUATED IN THE
NE 1/4 OF SECTION 9, T. 1 N., R. 1 E., W.M.
CITY OF PORTLAND,
COUNTY OF MULTNOMAH,
STATE OF OREGON

CHASE, JONES & ASSOCIATES INC.
716 S. E. 11TH AVE. PORTLAND, OREGON 97214
PHONE: (503) 228-9844
PROJECT NO.: 13805 DATE: OCTOBER 2, 2014
1/4 SECTION: 2128 SCALE: 1" = 60'

Exhibit 2

Comments Summary

R/W # 7720 Unnamed street north of N. Schmeer Road	RWA Project Manager: Karl Arruda	Petitioner/Applicant: Hayden Meadows Joint Venture c/o TMT Development 805 SW Broadway, Suite 2020 Portland, OR 97205
SAP Cost Object No.: 9TR000001944		
VAC-10091		
IQ #13-124822		
Commenting Party	Response Date	Comments / Conditions
City Bureaus / Depts. Notified:		
City Auditor Toni Anderson	1/3/14	Petition Certified.
PBOT Development Review Bob Haley 503-823-5171	5/23/14	No objection subject to the following condition: The existing fence must be moved out of the remaining right-of-way south of the area being vacated; otherwise, an encroachment permit must be obtained from PBOT.
Transportation Planning Grant Morehead	3/3/14	No objection.
Active Transportation Dan Bower	3/17/14	No objection.
PBOT Permit Engineering Chon Wong	3/10/14	No objection.
PBOT Trans Systems Mgmt Carl Snyder	2/27/14	No objection.
PBOT Street Lighting Tod Rosinbum	2/18/14	No objection.
PBOT Project Management Dan Layden & Winston Sandino	3/20/14	No objection.
PBOT Bridges and Structures David OLongaigh	2/25/14	No objection.
Development Services Sean Williams	2/18/14	No objection.
Environmental Services Margaret Russell	3/28/14	No objection.

Comments Summary

Commenting Party	Response Date	Comments / Conditions
Water Bureau Rick Nelson	4/9/14	No objection.
Fire Bureau Gary Boyles 503-823-3778	2/21/14	No objection. Comment only: Access and water supply to comply with City code, as required by Fire Bureau at time of future development.
Park Bureau Robi Potter	3/18/14	No objection.
Urban Forestry Division Luke Miller 503-823-4025	4/7/14	No objection. Comment only: At time of development, any trees requiring removal will need to be reviewed / permitted by Urban Forestry, prior to removal.
Planning & Sustainability Commission	6/24/14	No objection.
Neigh Assoc Notified:		
Kenton Neighborhood Assoc. Steven Rupert, Land Use/Planning		No response.
N. Portland Neighborhood Services Mary Jaron Kelley, Land Use		No response.
Local Agencies Notified:		
ODOT Region 1 Tamara Patrick	5/7/14	No objection.
Port of Portland Phil Healy	3/10/14	No objection.
TriMet Jillian Detweiler		No response.
Public Utilities Notified:		
PGE Ted Powell	4/3/14	No objection.

Comments Summary

Commenting Party	Response Date	Comments / Conditions
Pacific Power Richard Birch 503-813-6240	7/15/14	No objection.
CenturyLink Alan Meins	3/31/14	No objection.
Northwest Natural Richard H. Hawkes, GIS Tech	2/19/14	No objection.
Comcast Cable Walter Banks		No response.



Steve Novick
Commissioner

Leah Treat
Director

**CITY OF PORTLAND PLANNING AND SUSTAINABILITY COMMISSION
REPORT AND RECOMMENDATION TO THE PORTLAND CITY COUNCIL**

CONSENT AGENDA ITEM HEARD ON JUNE 24, 2014

FILE NUMBER: R/W #7720

I. GENERAL INFORMATION

Street Vacation Request: A portion of an unnamed street north of N Schmeer Road

Petitioner: Street vacation initiated by Hayden Meadows Joint Venture. The Petitioner's representative is Lamont D. Smith, 503-241-1111.

Purpose: Purpose is to vacate an unimproved right-of-way north of N Schmeer Road to consolidate property for future development.

Neighborhood: Kenton Neighborhood Association
Steven Rupert, Land Use/Planning Chair
8105 N Brandon Ave.
Portland, OR 97217

North Portland Neighborhood Services
Mary Jaron Kelley, Land Use Chair
2209 N Schofield Street
Portland, OR 97217

Quarter Section: 2128

Designation/Zone: IG2, General Industrial 2.

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II. EXECUTIVE SUMMARY AND RECOMMENDATION

The purpose of this action is to vacate unused right-of-way to consolidate property for future development. The Planning and Sustainability Commission recommends **APPROVAL** of the street vacation request, with conditions.

III. FACTS

A. History and Background

The proposed vacation area was dedicated to the City as right-of-way in 1941. It has never been improved. The Petitioner is requesting the vacation in order to consolidate property on either side of the right-of-way prior to redevelopment. The Petitioner expects development to commence in approximately 3-5 years.

In late 2014 or early 2015, the Oregon Department of Transportation (ODOT) will begin a project to re-construct the intersection of N Schmeer Road and N Denver Avenue. As part of the project, the intersection will be shifted to the north, and a portion of Schmeer Rd will be re-aligned accordingly. ODOT requested that the southerly 50 feet of the Unnamed Road be retained as right-of-way to accommodate this shift; the Petitioner modified their original request to reflect ODOT's needs.

B. Concurrent land use actions

There are no concurrent land use actions.

C. The Transportation Element

The proposed street vacation site is unimproved right-of-way; there are no policies or classifications for this area in the Transportation Element.

D. Neighborhood Plan

The proposed vacation is defined as an Impact Area in the Albina Community Plan (ACP). The ACP defined Impact Areas as significant "mainly because of the employment opportunities they provide for the Albina Community population." No policies or goals of the ACP directly relate to the proposed street vacation.

IV. FINDINGS

A. Comprehensive Plan Goals and Policies Consideration

The relevant policies of the Comprehensive Plan 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.

Comment: The proposal will vacate unimproved right-of-way between I-5 and N Denver Ave. N Denver Ave crosses the Columbia Slough to the south and leads to Kenton Town Center. On the east side of I-5, N Whitaker Road provides access to Delta Park and the Hayden Meadows shopping center. This policy is met.

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.

Comment: The right-of-way is unimproved and is adjacent to I-5. The proposed vacation will not alter street patterns or functionality. This policy is met.

Policy 8.14 Natural Resources, Objective I. States:

Consideration of Scenic Resources in Street Vacations. Require the preservation and maintenance of existing and potential view corridors and view points when approving street vacations. Require view easements within or near street vacations where access to viewpoints or view corridors is desired.

Comment: There are no scenic resources related to this site or street vacation. This policy is met.

Policy 11.11 Street Plans, Objectives D. and E. state:

D. Provide full street connections with spacing of no more than 530 feet between connections, except where prevented by barriers such as topography, railroads, freeways, or environmental constraints.

E. Provide bike and pedestrian connections at approximately 330-foot intervals on public easements or rights-of-way when full street connections are not possible, except where prevented by barriers such as topography, railroads, freeways, or environmental constraints.

Comment: The proposed vacation lies on the west side of I-5. Any potential future improvements to the right-of-way could not cross the freeway nor provide any connectivity gains. This policy is met.

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.

Comment: The proposed vacation is unimproved right-of-way with no pedestrian access. Access to nearby commercial and residential areas is provided by the existing street network. This policy is met.

B. Neighborhood Plan considerations

There are no neighborhood plan considerations.

C. Zoning Code considerations

There are no zoning issues.

D. Subdivision code considerations

There are no sub-division issues.

E. Improvement considerations

Notification of the proposed vacation was sent to relevant public and private entities that may own or maintain physical improvements within the public right-of-way.

The following divisions within the Portland Bureau of Transportation (PBOT) have no objection to the proposed vacation: Planning, Policy and Projects; Active Transportation; Transportation Systems Management; Street Lighting; Bridges and Structures; Permit Engineering.

The following divisions within the Bureau of Transportation provided comments related to the proposed vacation:

Development Review: The existing fence shall be moved out of the remaining right-of-way south of the area being vacated; otherwise, an encroachment permit must be obtained from PBOT.

The following City bureaus have no objection to the proposed vacation: Bureau of Development Services, Water Bureau, Fire Bureau, Bureau of Parks and Recreation, Urban Forestry Division, Bureau of Environmental Services.

The Port of Portland and the Oregon Department of Transportation have no objection to the proposed vacation.

TriMet was notified of the proposed vacation but did not submit a response.

Portland General Electric, CenturyLink, and Northwest Natural have no objection to the proposed vacation.

Pacific Power and Light has facilities in the area and requires an access easement.

Comcast Cable was notified of the proposed vacation but did not submit a response.

F. Other Considerations

Neighborhood issues.

The Kenton Neighborhood Association and North Portland Neighborhood Services were notified of the street vacation process and request. No responses to the proposal were submitted.

V. 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.

VI. PLANNING AND SUSTAINABILITY COMMISSION RECOMMENDATION

As a consent agenda item on June 24, 2014, the Planning and Sustainability Commission recommended **APPROVAL** of the vacation as shown on Exhibit 1, with conditions:

Prior to recording of the street vacation ordinance, the Petitioner shall:

1. Remove the existing fence or obtain an encroachment permit per the Bureau of Transportation, Development Review section as detailed in Section III.E. above.

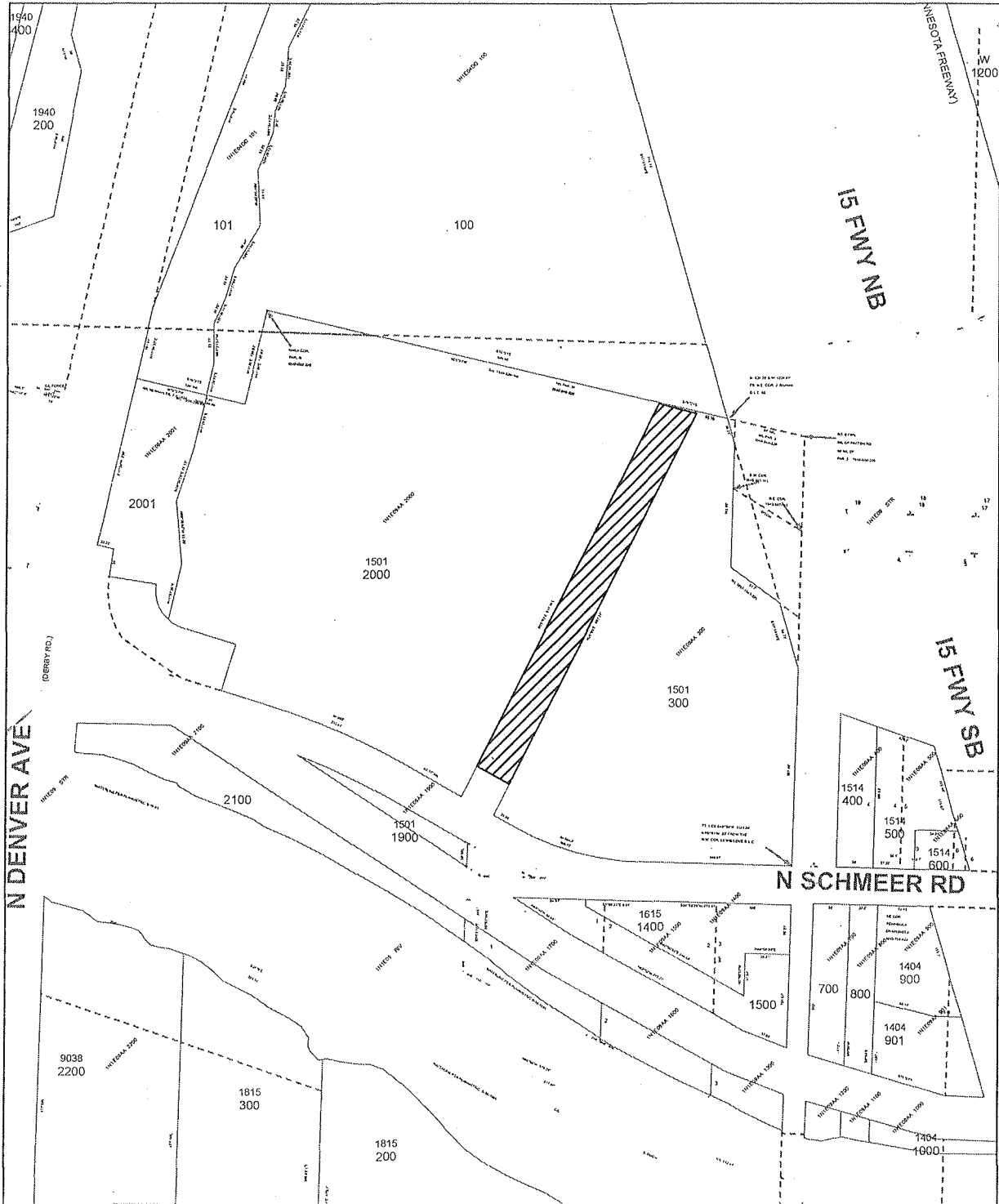
VII. EXHIBITS

1. Map of Area Proposed for Vacation
2. Aerial Photo of Area Proposed for Vacation

Staff Planner – Grant Morehead, AICP
Phone: 503-823-9707
Email: grant.morehead@portlandoregon.gov

cc: Karl Arruda, Right-of-Way Case Manager
Steven Rupert, Kenton Neighborhood Association
Mary Jaron Kelley, North Portland Neighborhood Services

Exhibit 1




Unnamed Street north of N Schmeer Road

Petitioner: Hayden Meadows Joint Venture

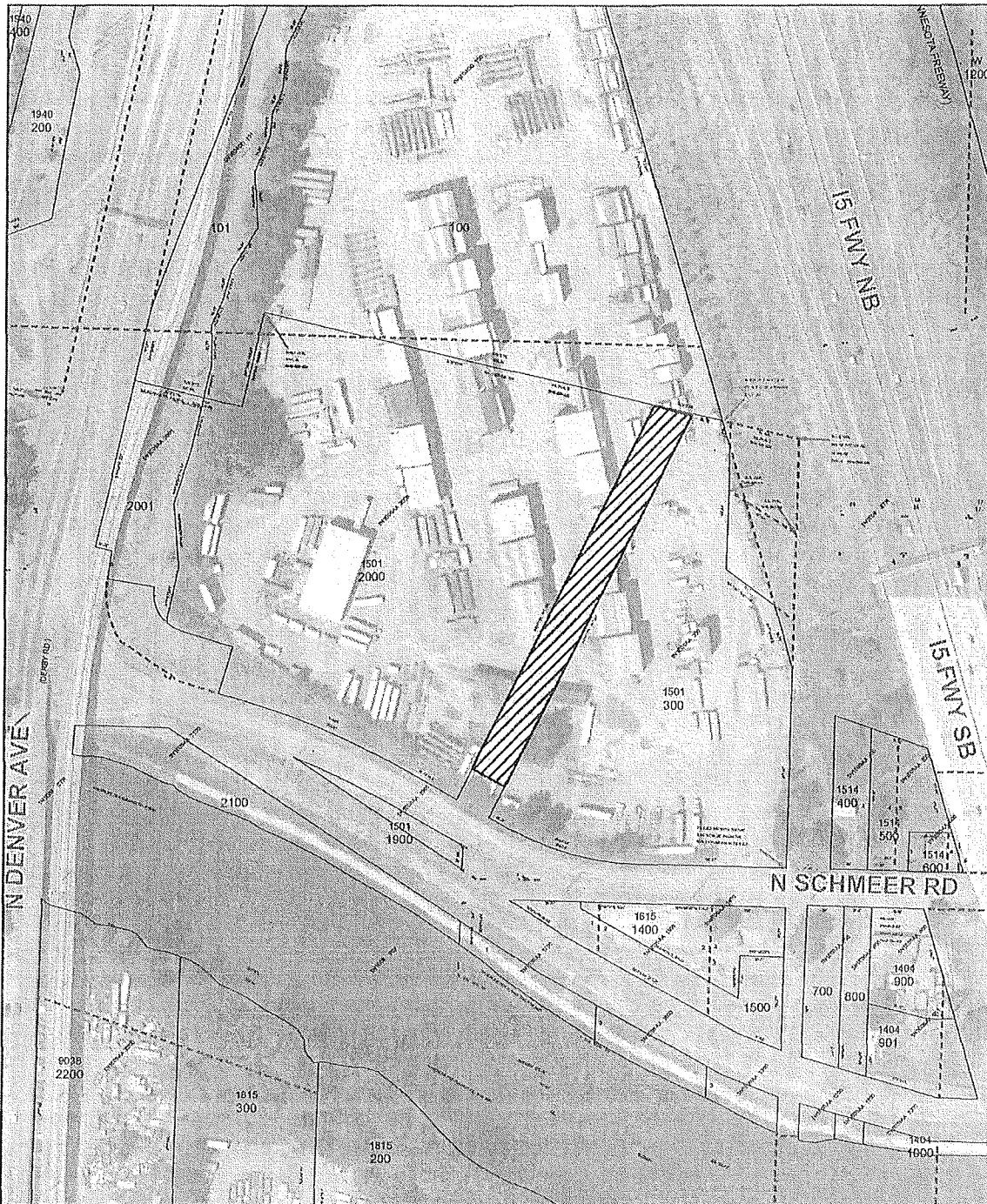
R/W: 7720

1/4 Section: 2128 State ID #: 1N1E09AA

 Area Proposed for Vacation



1 inch = 200 feet




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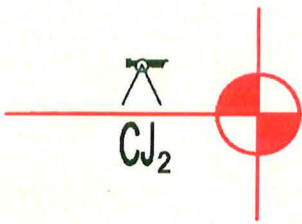
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 Area Proposed for Vacation



1 inch = 200 feet



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716 SE 11TH AVENUE PORTLAND, OR 97214
PHONE: (503) 228-9844

October 3, 2014
Project No.: 13805

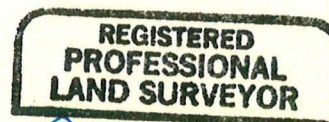
EXHIBIT 1

STREET VACATION

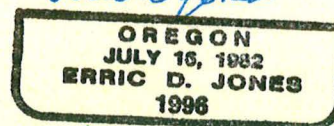
A portion of that tract conveyed to the public for road purposes as described in Book 646, Page 431, recorded November 4, 1941, Multnomah County Deed Records, situated in the Northeast Quarter of Section 9, Township 1 North, Range 1 East of the Willamette Meridian, in the City of Portland, County of Multnomah, State of Oregon, being further described as follows:

COMMENCING at the intersection of the West right-of-way line of N. Patton Avenue and the North right-of-way line of Schmeer Road; thence South $89^{\circ}59'00''$ West along the North right-of-way line of said Schmeer Road a distance of 198.97 feet to a 384.29 foot radius curve to the right; thence continuing along said right-of-way line and along said 384.29 foot radius curve through a central angle of $27^{\circ}50'20''$ (the long chord of which bears North $76^{\circ}05'50''$ West a distance of 184.89 feet) an arc length of 186.72 feet; thence continuing along said right-of-way line North $62^{\circ}10'40''$ West a distance of 29.28 feet to the Southeast corner of that tract conveyed to the public for road purposes as described in Book 646, Page 431, recorded November 4, 1941, Multnomah County Deed Records; thence North $25^{\circ}03'00''$ East along the Southeasterly line of said publically dedicated road a distance of 50.00 feet to the **TRUE POINT OF BEGINNING**; thence North $62^{\circ}10'40''$ West parallel with the Northeasterly right-of-way line of the aforesaid Schmeer Road a distance of 50.06 feet to the Northwesterly line of said publically dedicated road; thence North $25^{\circ}03'00''$ East along the Northwesterly line of said publically dedicated road a distance 542.90 feet to the North line of that tract described as Parcel III in deed from Charles Sumski, administrator of the estate of Charles Sumski, Sr. to Northwest Properties, Inc. in Book 569, Page 320, recorded September 28, 1940, Multnomah County Deed Records; thence South $78^{\circ}21'00''$ East along the North Line of said Parcel III a distance of 51.40 feet to the Southeasterly line of the aforesaid publically dedicated road; thence South $25^{\circ}03'00''$ West along said Southeasterly line a distance of 557.23 feet to the **TRUE POINT OF BEGINNING**.

Containing 27,504 square feet, more or less.

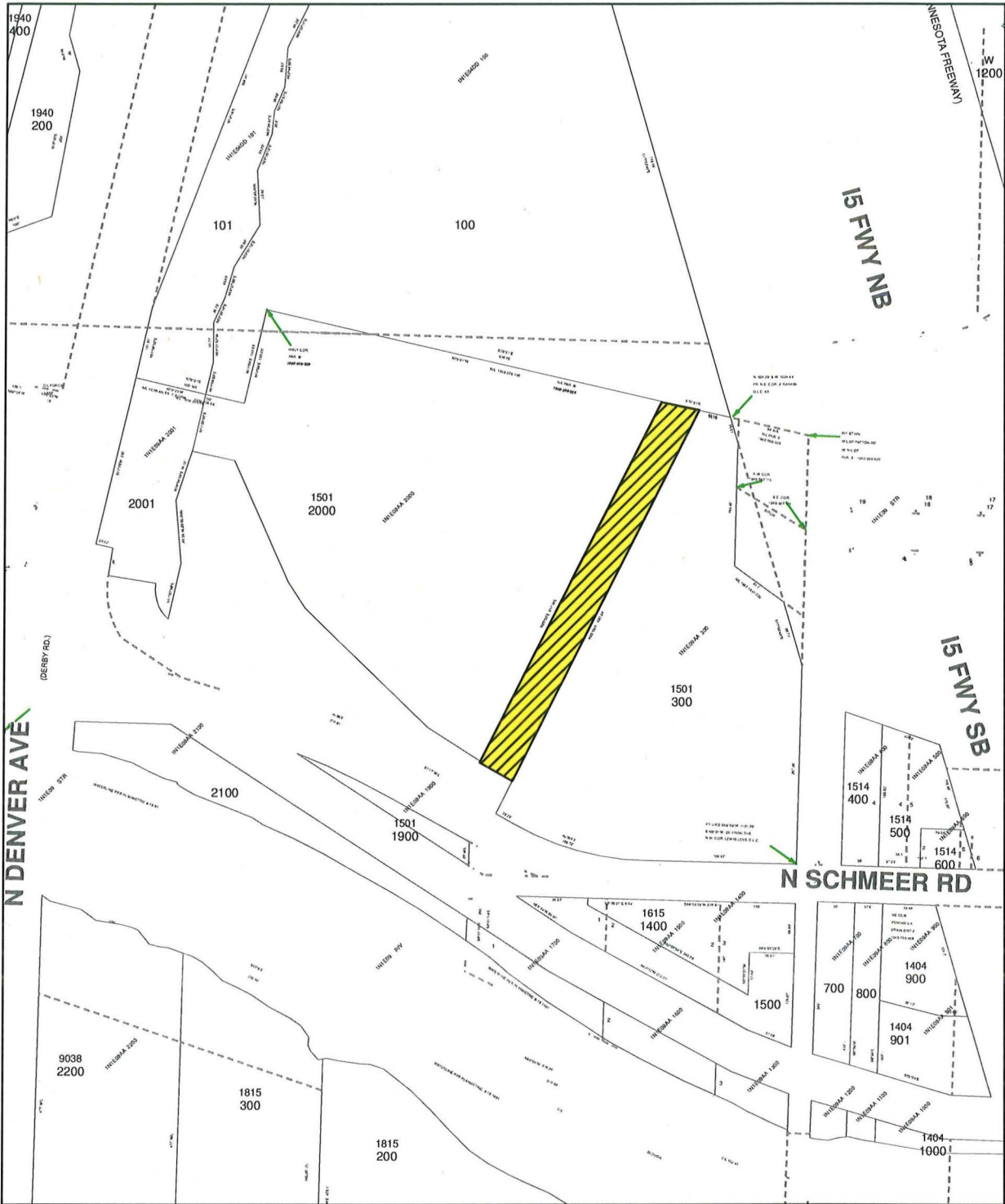


Eric D. Jones



EX. 6-30-15

Exhibit 2



Unnamed Street north of N Schmeer Road

Petitioner: Hayden Meadows Joint Venture

R/W: 7720

1/4 Section: 2128 State ID #: 1N1E09AA

 Area Herein Vacated



1 inch = 200 feet

ORDINANCE No. REFERRED TO COMMISSIONER OF PUBLIC SAFETY

Vacate a portion of an unnamed street north of N Schmeer Rd subject to certain conditions and reservations (Hearing; Ordinance; VAC-10091)

The City of Portland ordains:

Section 1. The Council finds:

1. On January 3, 2014, the Office of the City Auditor certified a petition for the vacation of a portion of an unnamed street north of N. Schmeer Road, with the petition initiated by Hayden Meadows Joint Venture, the owner of adjoining property.
2. The petition states that the reason for the vacation is to consolidate property for future redevelopment.
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 City Engineer's Report, dated November 19, 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. 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 street area, as described on the attached Exhibit 1 and depicted on the attached Exhibit 2, is hereby vacated.
- b. The vacation of the above-described street area is granted subject to the following conditions and reservations:
 1. The Petitioner will pay all costs for removing the fence from the public right-of-way or obtain an encroachment permit for the fence from the Bureau of Transportation, in accordance with the requirements of the City Engineer.
 2. 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 b4 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.

3. Notwithstanding b2, 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.
4. 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.
5. City costs associated with processing the street vacation petition shall be paid in full before the City records this Ordinance.
6. 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. Petitioner 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. 7720.

Passed by the Council,

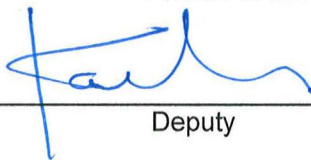
Commissioner Steve Novick
Prepared by: Karl Arruda: slg
Date Prepared: December 12, 2014

Mary Hull Caballero
Auditor of the City of Portland
By

Deputy

Agenda No.
ORDINANCE NO.
Title

Vacate a portion of an unnamed street north of N Schmeer Rd subject to certain conditions and reservations (Hearing; Ordinance; VAC-10091)

INTRODUCED BY Commissioner/Auditor: COMMISSIONER STEVE NOVICK	CLERK USE: DATE FILED <u>JAN 23 2015</u>
COMMISSIONER APPROVAL	Mary Hull Caballero 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 <i>DN</i>	
BUREAU APPROVAL	ACTION TAKEN: JAN 28 2015 REFERRED TO COMMISSIONER OF PUBLIC SAFETY
Bureau: Bureau of Transportation Interim Group Mgr.: Christine Leon Development Permitting & Transit Group Assistant Director: <i>gn</i>	
Prepared by: Karl Arruda: slg Date Prepared: December 12, 2014 <i>KVA</i>	
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"/>	
City Auditor Office Approval: required for Code Ordinances	
City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter	
Council Meeting Date January 28, 2015	

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)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz		
2. Fish	2. Fish		
3. Saltzman	3. Saltzman		
4. Novick	4. Novick		
Hales	Hales		