

ORDINANCE No. 187460

Repeal Ordinance which vacated a certain portion of NE Emerson St between NE Martin Luther King, Jr. Blvd and NE 6th Ave under certain conditions (Ordinance; repeal Ordinance No. 169325)

The City of Portland ordains:

Section 1. The Council finds:

1. A request to vacate a portion of NE Emerson Street between NE Martin Luther King, Jr. Boulevard and NE 6th Avenue was petitioned by the Portland Development Commission and the Office of Management & Finance (formerly Bureau of General Services) on behalf of The Boys & Girls Clubs of Portland (the "Club") in order to construct a parking area, future landscaping, and pedestrian amenities to support development of the Blazer Boys & Girls Club (the "Property").
2. City Council passed Ordinance No. 169325 on September 27, 1995 approving the requested vacation under certain conditions (the "Ordinance").
3. Development of the Property was completed in 1996. A parking area and a pedestrian sidewalk were constructed on the Property and opened for public use at that time.
4. Section 1, directive b3 of the Ordinance required the Club to obtain a street improvement permit and to pay all costs for reconstructing the intersections of NE Emerson Street with NE MLK, Jr. Blvd and NE 6th Avenue to eliminate curb returns and street crowns and to add driveways in accordance with the requirements of the City Engineer.
5. Section 1, directive b5 of the Ordinance required the Club to construct a raised pedestrian crosswalk across NE Emerson Street, approximately mid-block.
6. Section 1, directive b17 of the Ordinance required the Club to fully comply with the above directives within two years after the effective date of the Ordinance or the Ordinance would be subject to repeal by City Council.
7. Directives b3 and b5 were not met; therefore the Ordinance was never recorded and is subject to repeal. The requested vacation area has remained public right-of-way and the Club recently donated a Public Access Easement to allow the existing parking and sidewalk facilities to be located within the Property at the request of the Bureau of Transportation.
8. The Club no longer wishes to pursue the vacation and supports the repeal of the Ordinance; the Portland Police Bureau who currently uses the City owned property to the north for the storage of emergency vehicles and equipment also supports the repeal of the Ordinance since emergency response times would increase and expensive modifications

to their building would be required if the vacation is finalized and recorded, therefore it is recommended that the Ordinance be repealed.

NOW, THEREFORE, the Council directs:

- a. Ordinance No. 169325, entitled: "Vacate a portion of NE Emerson Street between NE Martin Luther King, Jr. Boulevard and NE 6th Avenue, under certain conditions." is hereby repealed.

Section 2. The repeal of the Ordinance will not be effective until a certified copy of the repealing ordinance has been recorded by the City in Multnomah County Deed Records. Prerequisite to recording the repealing ordinance is that 30 days have passed after final Council passage.

Section 3. After the prerequisite to recording the repeal of the Ordinance has been met, the City Auditor shall return a certified copy of the repealing ordinance to the Right-of-Way Acquisition Section, Bureau of Transportation, which shall file with the recorder, the certified copy of this ordinance or other record which may be required by law. The Right-of-Way Acquisition Section shall return the recorded copy of the repealing ordinance to the Auditor and retain a copy in RWA File No. 4943.

Passed by the Council, NOV 25 2015

Commissioner Steve Novick
Prepared by: Lance D. Lindahl;CK
Date Prepared: October 14, 2015
R/W #4943

Mary Hull Caballero
Auditor of the City of Portland
By

Gayle Jennings

DEPUTY

1201 1220 -
 Agenda No.
ORDINANCE NO. 187450
 Title

Repeal Ordinance which vacated a certain portion of NE Emerson St between NE Martin Luther King, Jr. Blvd and NE 6th Ave under certain conditions (Ordinance; repeal Ordinance No. 169325)

<p>INTRODUCED BY Commissioner/Auditor: COMMISSIONER STEVE NOVICK</p> <p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Hales</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety – Novick <i>CW</i></p> <p>BUREAU APPROVAL</p> <p>Bureau: Transportation Development, Permitting & Transit Group Manager: Christine Leon Division Mgr: Alex Bejarano Assistant Director: <i>[Signature]</i></p> <p>Prepared by: Lance D Lindahl:CK Date Prepared: October 14, 2015 Supervisor: David McEldowney RWA: <i>[Signature]</i></p> <p>Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p> <p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>City Auditor Office Approval: required for Code Ordinances</p> <p>City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter</p> <p>Council Meeting Date November 18, 2015</p>	<p style="text-align: right;">NOV 10 2015</p> <p>CLERK USE: DATE FILED _____</p> <p style="text-align: center;">Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> _____ Deputy</p> <p>ACTION TAKEN:</p> <p style="text-align: center;">NOV 18 2015 PASSED TO SECOND READING NOV 25 2015 9:30 A.M.</p>
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AGENDA
<p>TIME CERTAIN <input type="checkbox"/></p> <p>Start time: _____</p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>
<p>CONSENT <input type="checkbox"/></p>
<p>REGULAR <input checked="" type="checkbox"/></p> <p>Total amount of time needed: <u>5 minutes</u> (for presentation, testimony and discussion)</p>

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	✓	