

IMPACT STATEMENT

Legislation 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)

Contact name: Lance D. Lindahl, PBOT Right-of-Way Acquisition

Contact phone: 503-823-7465

Presenter name: Lance D. Lindahl

Purpose of proposed legislation and background information:

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").

City Council passed Ordinance No. 169325 on September 27, 1995 approving the requested vacation under certain conditions (the "Ordinance").

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.

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.

Section 1, directive b5 of the Ordinance required the Club to construct a raised pedestrian crosswalk across NE Emerson Street, approximately mid-block.

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.

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.

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.

The purpose of this legislation is to repeal Ordinance No. 169325 which vacated a portion of NE Emerson Street between NE Martin Luther King, Jr. Boulevard and NE 6th Avenue under certain conditions.

This repeal of Ordinance No. 169325 complies with state law under ORS 271 and City Code, Chapter 17.84 and will end the street vacation process.

Financial and budgetary impacts:

The process for vacating streets is a cost recovery program, typically paid for by the Petitioner, and does not have a net impact on PBOT's budget. The repeal of the Ordinance does not follow this practice since all previous City work on this street vacation was funded by PBOT.

The cost for staff time for preparing and processing the Ordinance does not likely exceed \$4,000. Staff time is being charged to the Transportation Operating Fund, SAP Account No. 9TR000000176.

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 repeal of Ordinance No. 169325 this will potentially lead to future confusion as to the legal status of this public right-of-way.

Community impacts and community involvement:

There does not appear to be any impact to the community nor does there appear to be opposition to repealing the Ordinance and the abutting property owners are in support. There is no future public involvement anticipated since repealing this ordinance will conclude this action.

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 10-21-15