

IMPACT STATEMENT

Legislation title: Vacate NE Sandy Blvd bound by NE Couch St, E Burnside St, NE 12th Ave, and NE 14th Ave subject to certain conditions and reservations (Hearing; Ordinance; VAC-10100)

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:

The purpose of this legislation is to vacate NE Sandy Boulevard bound by NE Couch Street, E Burnside Street, NE 12th Avenue, and NE 14th Avenue, as recommended in the City Engineer's Report.

A petition to vacate a portion of NE Sandy Boulevard was initiated by Weston Investment Co., LLC ("Petitioner"), for the purpose of consolidating the vacation area with the abutting private parcels to the north and south for future development. Redevelopment of these parcels is in the early planning stages. Current zoning allows for a variety of industrial, commercial, and residential uses.

The Petitioner is the owner of the abutting properties to the north of the proposed street vacation area. The properties to the south are owned by John F. Potts and he supports this vacation proposal.

The proposed vacation area is currently improved with asphalt pavement, concrete sidewalks, street lights, and stormwater facilities. Said area has been closed to through traffic since construction of the adjacent E Burnside/Couch Couplet Project was completed in 2010 and is currently used for public parking.

The petition was certified by the City Auditor's Office on June 9, 2015. The proposed vacation is depicted on Exhibit B of the ordinance.

Comments were solicited from City Bureaus, government agencies, public utilities and affected neighborhood associations. Although no substantive objections were received, PBOT Street Lighting has required that poles A1135C-555 and A1135C-1515 and associated overhead circuit wires located within the vacation area be transferred from public to private ownership. The proposed Quitclaim Deed is attached as Exhibit C of the ordinance. Poles A1135C-555 and A1135C-1515 both have existing streetlights that will be removed and returned to the City for future use. All costs associated with the removal of the streetlights are the responsibility of the Petitioner. All work must be done by a qualified contractor and will be coordinated with City of Portland, Street Lighting.

The Bureau of Environmental Services has stormwater facilities located north of the sidewalk on E Burnside Street that are required to be transferred from public to private ownership. The proposed Quitclaim Deed is attached as Exhibit D of the ordinance. The Petitioner is also required to move or abandon the 10 inch wide storm sewer line between storm sewer inlet APH

569 and storm sewer inlet APH 579 located within E Burnside Street between NE 12th and 13th Avenues.

Also, the Bureau of Technology Services, Corporate GIS group required that adjacent properties between NE 12th and NE 14th Avenues that are using NE Sandy Boulevard addresses be re-addressed as determined by appropriate City staff responsible for re-addressing.

The Planning and Sustainability Commission reviewed and approved the proposed street vacation on October 13, 2015. An Engineer's Report was completed on November 13, 2015, 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:

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. Expenses for processing a street vacation request typically range between \$8,000 and \$20,000, depending on the complexity. This street vacation falls in the low part of the range and is estimated (with moderate confidence) to be approximately \$10,000.

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 9TR000002142. The revenue and expenses are occurring in FY 2014-15 and 2015-16.

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, both the Petitioner and John F. Potts will have less property available for future development, potentially affecting the future sale of their properties.

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. No objections were received.

The Planning and Sustainability Commission (P&SC) advertised and then held a public hearing on October 13, 2015. 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 other 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

PBOT

PORTLAND BUREAU OF TRANSPORTATION

BACKGROUND INFORMATION

*** ONLY ***

ADDITIONAL DOCUMENT

1120 SW Fifth Avenue, Suite 800 Portland, OR 97204 503.823.5185

Fax 503.823.7576 TTY 503.823.6868 www.portlandoregon.gov/transportation

Steve Novick Commissioner Leah Treat Director

November 13, 2015

CITY ENGINEER'S REPORT TO CITY COUNCIL ON THE PROPOSED VACATION OF NE SANDY BOULEVARD BOUND BY NE COUCH STREET, E BURNSIDE STREET, NE 12TH AVENUE, AND NE 14TH AVENUE. (R/W #7961)

Background

1. **Proposed Street Vacation Area.** Two sections of NE Sandy Boulevard located north of E Burnside Street, south of NE Couch Street, lying between NE 12th and 14th Avenues. Parcel 1 is of variable length and width, and contains approximately 7,106 square feet. Parcel 2 is of variable length and width, and contains approximately 15,457 square feet. These areas all together contain approximately 22,563 square feet and are depicted on Exhibit B.

The proposed vacation area, currently improved with paved traffic lanes, concrete sidewalks, street lights, and stormwater facilities, has been closed to through traffic since construction of the adjacent E Burnside/Couch Couplet Project was completed in 2010 and is currently used for public parking.

2. **Petitioner.** Weston Development Company, LLC is the owner of the abutting properties to the north of the proposed street vacation area. The properties to the south are owned by John F. Potts and he supports this proposal.
3. **Purpose.** The street vacation is proposed in order to consolidate both parcels with the abutting properties to the north and south for future development. Redevelopment of these parcels is in the early planning stages. Current zoning allows for a variety of industrial, commercial, and residential uses.
4. **Compliance with Minimum Requirements.** The Petitioner has secured the necessary signatures of property owners in the affected area, as required under ORS 271.080 (Vacation in incorporated cities; petition; consent of property owners). The Office of the City Auditor certified the required petition on June 9, 2015.



The Portland Bureau of Transportation fully complies with Title VI of the Civil Rights Act of 1964, the ADA Title II, and related statutes and regulations in all programs and activities. For accommodations, complaints and information, call (503) 823-5185, City TTY (503) 823-6868, or use Oregon Relay Service: 711.

5. **Other Required Approval.** In accordance with ORS 271.190, since the area to be vacated lies within 5,000 feet of the harbor line, approval in writing of the proposed vacation has been secured from the Port of Portland.
6. **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 C hereto. Of particular significance were comments by PBOT Street Lighting, BES, and Bureau of Technology Services Corporate GIS which requested that certain conditions be satisfied prior to the street being vacated.
7. **Planning and Sustainability Commission Review.** The Planning and Sustainability Commission reviewed and approved the proposed street vacation on October 13, 2015, with its Report and Recommendation attached as Exhibit D hereto.
8. **Costs.** The Petitioner has paid \$10,000 to date to reimburse the City for staff costs incurred processing the street vacation request. The amount paid appears sufficient to complete the process.

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 A and depicted on Exhibit B attached hereto and by this reference made a part hereof.

Parcel 1 containing approximately 7,106 square feet. Parcel 2 containing approximately 15,457 square feet. All together containing 22,563 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, Street Lighting. The following three poles and associated overhead circuit wires are located within the vacation area and must be removed: A1135C-555, 653, and 1515. The location of these poles is depicted on Exhibit E attached hereto. Poles 555 and 1515 both have existing streetlights that also need to be removed and returned to the City for future use. All costs associated with the removal of these facilities are the responsibility of the Petitioner. All work must be done by a qualified contractor and will be coordinated with City of Portland Street Lighting.

B. Bureau of Environmental Services. BES owns and maintains certain facilities within the street area to be vacated. As a condition of street vacation approval, the Petitioner will:

i) Accept ownership of the stormwater facilities to be transferred by the City located north of the sidewalk on E Burnside Street between NE 12th and 13th Avenues. Said facilities include: storm manhole APH 570, storm channel APH 570-APH 569, storm inlet APH 569, and that portion of the 10 inch wide storm sewer line APH 569-APH 579 located within the vacation area. These facilities will become private and will no longer function as public sewer facilities. A Quitclaim Deed transferring ownership in substantially the same form as Exhibit F attached hereto will be recorded concurrently and delivered with the street vacation ordinance.

ii) Remove or abandon the 10 inch wide storm sewer line between storm sewer inlet APH 569 and storm sewer inlet APH 579 located within E Burnside Street between NE 12th and 13th Avenues.

C. Bureau of Technology Services, Corporate GIS. Adjacent properties between NE 12th and NE 14th Avenues that are using NE Sandy Boulevard addresses will be re-addressed as determined by appropriate City staff responsible for re-addressing.

D. Costs. 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 2A, 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 Mayor 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 A, Legal Description of Proposed Vacation Area

Exhibit B, Map of Proposed Vacation Area

Exhibit C, Comments Summary

Exhibit D, Planning & Sustainability Commission Report with Exhibits

Exhibit E, Map of Street Light Poles to be Removed

Exhibit F, Draft Quitclaim Document

EXHIBIT A

LEGAL DESCRIPTION

November 6, 2014

PROPOSED NE SANDY BOULEVARD VACATION

Page 1 of 1

Parcel 1

A tract of land located in the NE1/4 of the SW1/4 Section 35, Township 1 North, Range 1 East, W.M., City of Portland, Multnomah County, Oregon, being all that portion of NE Sandy Boulevard within Block 267, LANE'S ADDITION TO EAST PORTLAND which lies north of a line parallel with, and 42.00 feet northerly of, the centerline of East Burnside Street, said portion being more particularly described as follows:

Beginning at a point on the east line of said Block 267 which bears S00°11'57"W, 96.35 feet from a 5/8 inch diameter iron rod, set in Survey Number 47036, Multnomah County Survey Records found at the NE corner of Lot 8, Block 267, LANE'S ADDITION TO EAST PORTLAND;

thence continuing along the east line of said Block 267, S00°11'57"W, 91.68 feet to a point 42.00 feet northerly of the centerline of said East Burnside Street;

thence N89°48'20"W, parallel with and 42.00 feet northerly of said centerline, 155.01 feet to the northwest right of way line of said NE Sandy Boulevard;

thence along said northwest right of way line N59°35'36"E, 180.10 feet to the Point of Beginning.

Contains 7,106 square feet, or 0.16 acres, more or less.

Parcel 2

A tract of land located in the NE1/4 of the SW1/4 Section 35, Township 1 North, Range 1 East, City of Portland, Multnomah County, Oregon, being all that portion of NE Sandy Boulevard within Block 276, LANE'S ADDITION TO EAST PORTLAND, described as follows:

Beginning at the intersection point of the northwest right of way line of NE Sandy Boulevard and the west line of said Block 276, said point bears S89°48'04"E, 60.00 feet and S00°11'57"W, 60.85 feet from a 5/8 inch diameter iron rod, set in Survey Number 47036, Multnomah County Survey Records, found at the NE corner of Lot 8, Block 267, LANE'S ADDITION TO EAST PORTLAND;

thence along said northwest right of way line N59°35'36"E, 119.53 feet to a point on the north line of said Block 276, said north line being the south right of way line of NE Couch Street, and said point being 30.00 feet southerly of the centerline thereof;

thence along said south right of way line S89°48'04"E, 57.13 feet;

thence 58.46 feet along the arc of a 40.00 foot radius curve to the right through a central angle of 83°43'57" (the chord of said curve bears S47°56'05"E, 53.39 feet) to a point on the southeast right of way line of said NE Sandy Boulevard which bears S59°35'36"W, 0.28 feet from a point on the east line of said Block 276, said point on the east line of Block 276 bears S00°11'56"W, 35.49 feet from the northeast corner thereof;

thence along said southeast right of way line S59°35'36"W, 232.10 feet to the west line of said Block 276;

thence along said west line N00°11'57"E, 92.95 feet to the Point of Beginning.

Contains 15,457 square feet, or 0.35 acres, more or less.

The basis of bearings of this description is the Oregon Coordinate Reference System, Portland Zone.

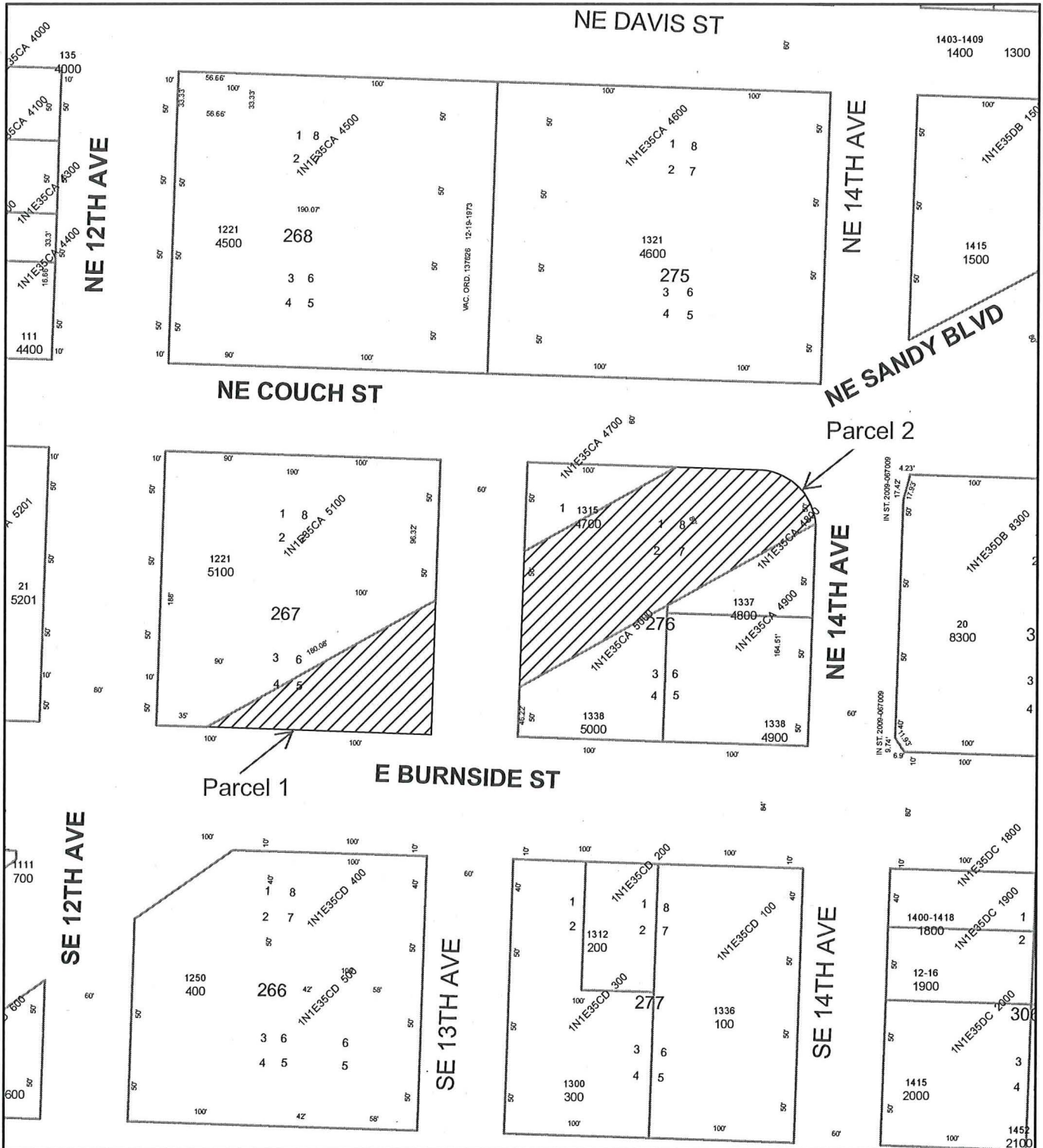
REGISTERED
PROFESSIONAL
LAND SURVEYOR

Mark Mayer

OREGON
JULY 14, 1998
MARK J. MAYER
2887

RENEWS: 12-31-2014

EXHIBIT B



NE Sandy Boulevard

Petitioner: Weston Investment Co., LLC

 Area proposed for vacation

State ID: 1N1E35CA 1/4 Section: 3031



1 in = 100 ft

EXHIBIT C
Comments Summary

R/W #7961 NE Sandy Boulevard between NE Couch Street, E Burnside Street, NE 12th Avenue, and NE 14th Avenue	RWA Project Manager: Lance D. Lindahl	Petitioner/Applicant: Weston Investment Co., LLC Contact: Larry Porter, Porter Company, LLC 5510 SW Dover Loop Portland, OR 97225 503-314-9600 porterpdx@earthlink.net
SAP Cost Object No.: 9TR000002142		
VAC-10100		
IQ #14-132238		
Commenting Party	Response Date	
City Bureaus / Depts. Notified:		
City Auditor Toni Anderson 503-823-4022	6/9/15	Petition Certified.
PBOT Development Review Bob Haley	7/21/15	No objection.
Transportation Planning Grant Morehead	7/28/15	No objection.
PBOT Permit Engineering Chon Wong	7/31/15	No objection.
PBOT Trans Systems Mgmt. Carl Snyder	7/16/15	No objection.
PBOT Street Lighting Dan Spoelstra 503-823-4111	7/29/15, 10/12/15, 11/10/15	No objection subject to the following conditions: The following three poles and associated overhead circuit wires must be removed: A1135C-555, 653, and 1515. Poles 555 and 1515 both have existing streetlights that must be removed and returned to the City. All costs associated with the removal of these facilities are the responsibility of the Petitioner. All work must be done by a qualified contractor and will be coordinated with City of Portland Street Lighting.
PBOT Bridges and Structures David OLongaigh	7/27/15	No objection.

Comments Summary

Commenting Party	Response Date	
Development Services Sean Williams	7/7/15	No objection.
Environmental Services Marc Jones 503-823-7064	7/28/15	No objection subject to the following conditions: Stormwater facilities located north of the sidewalk on E Burnside Street must be transferred from public to private ownership. The inlet lead from the stormwater facility under the sidewalk to the existing inlet in E Burnside Street will be removed or abandoned.
Water Bureau Rick Nelson	7/21/05	No objection.
Fire Bureau Kari Schimel	7/21/15	No objection.
Park Bureau Robi Potter	7/31/15	No objection.
Urban Forestry Division Luke Miller	7/14/15	No objection.
BTS Corporate GIS Paul Cone 503-823-7064	7/1/15	No objection subject to the following condition: Adjacent properties that are using NE Sandy Boulevard addresses must be readdressed off of streets that are not vacated.
Planning & Sustainability Commission		Response pending review by the Commission.
Neigh Assoc Notified:		
Buckman Neighborhood Assoc. Anthony Buczek		No response.
Kerns Neighborhood Association Steve Russell, Land Use Chair	7/17/15	No objection.
Southeast Uplift Anne Dufay, Director		No response.

Comments Summary

Commenting Party	Response Date	
Local Agencies Notified:		
ODOT Region 1 Tamara Patrick		No response.
Port of Portland Phil Healy (Response Required)	7/21/15	No objection.
TriMet Nick Stewart		No response.
Public Utilities Notified:		
PGE Tina Tippin	7/1/15	No facilities in street area.
Pacific Power Richard Birch	7/1/15	No facilities in street area.
CenturyLink Susan Ferguson	7/6/15	No facilities in street area.
Northwest Natural Richard Hawkes	7/17/15	No facilities in street area.
Comcast Cable Walter Banks		No response.

PBOT

PORTLAND BUREAU OF TRANSPORTATION

1120 SW Fifth Avenue, Suite 800 Portland, OR 97204 503.823.5185
Fax 503.823.7576 TTY 503.823.6868 www.portlandoregon.gov/transportation

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 OCTOBER 13, 2015

FILE NUMBER: R/W #7961

I. GENERAL INFORMATION

Street Vacation Request: R/W #7961, NE Sandy Blvd between NE 12th Ave and NE 14th Ave

Petitioner: Weston Investment Co, LLC, represented by Larry Porter (5510 SW Dover Loop, Portland, OR 97255; 503-314-9600)

Purpose: The purpose of the proposed vacation is to consolidate the right-of-way with the abutting property for future development.

Neighborhood: Kerns; contact is Steve Russell, Land Use Chair (Steve@steelbridgerealty.com)

Quarter Sections: 3031

Designation/Zone: EXdj (Central Employment with a Design Overlay Zone and Main Street Node Overlay Zone)



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II. EXECUTIVE SUMMARY AND RECOMMENDATION

The purpose of this action is to vacate right-of-way that is not used for a transportation purpose to maximize the developable area of adjacent parcels. The Planning and Sustainability Commission recommends **APPROVAL** of the street vacation request, with conditions.

III. FACTS

A. History and Background

The areas proposed for vacation were originally platted for development as part of the Lane's Addition to East Portland in 1871. NE Sandy Blvd was extended through this area in 1927 as part of a Public Works project. The required property was taken and established as City streets through City Resolution 17889 ½ and City Ordinance 51093. In 2010, these portions of NE Sandy were eliminated as part of the implementation of the Burnside Transportation and Urban Design Plan, which converted E Burnside and NE Couch Streets to one-way operations between NE Martin Luther King, Jr. Blvd and NE 14th Ave.

Currently, the Petitioner owns those portions of Block 267 that abut NE Sandy and the northern portion of Block 276 that abuts NE Sandy. In addition to its interest in abutting properties, the Petitioner also has significant real estate interest in the area. The Petitioner has been seeking interest in these portions of NE Sandy for several years. A street vacation application was delayed as the Petitioner sought to purchase the land as it was assumed surplus property. As it is established as a City street, the Petitioner must seek to vacate the street per ORS 271.

Currently, these land-locked portions do not serve as public right-of-way. Additionally, the City does not have plans to utilize this space in the future. The City welcomes a street vacation in these portions of NE Sandy so as make effective use of the area.

B. Concurrent Land Use Actions

There are no concurrent land use actions.

C. The Transportation Element

The current (2007) transportation element of the Comprehensive Plan classifies Sandy Blvd as a City Bikeway and Major Truck Street. It is classified as Local

Service for other modes. These classifications will be removed as part of the Comprehensive Plan update if the proposed vacation is approved.

D. Neighborhood Plan

The Burnside Transportation and Urban Design Plan was finalized in 2002. The Plan recommended converting E Burnside and NE Couch Streets to one-way operations between NE Martin Luther King, Jr. Blvd and NE 14th Ave. That project was completed in 2010. The Plan envisioned the vacation of the Sandy Blvd right-of-way and redevelopment of the site as a “catalyst development area.” This proposed vacation is in accordance with those recommendations.

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 proposed vacation will not affect connectivity. The Sandy right-of-way is a diagonal through the site, and if the proposed vacation is approved, a standard 200-foot by 200-foot block grid will remain.

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 subject right-of-way is completely closed to traffic and is currently being used as a parking lot for adjacent businesses (Exhibits 4 and 5). There is no foreseeable need for this right-of-way in the future. The proposed vacation therefore will have no impact on the function of nearby streets or the overall transportation system.

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: No existing or potential view corridors have been identified in the review of the street vacation request.

Policy 11.11 Street Plans, Objectives D, E and N 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.

N. Preserve street connectivity in areas of the City that meet the standards of this policy and its objective as shown on Maps 11.11.9 through 11.11.16.

Comment: Per Objectives D and E, if the vacation is approved, a standard 200-foot by 200-foot block grid will remain and the street spacing standard will be met.

Per Objective N, the area of the proposed vacation is shown on the Central City District Map 11.11.9 as meeting the connectivity standard. The proposed vacation will not affect connectivity due to its diagonal orientation relative to the street grid.

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 will retain a 200-foot by 200-foot block grid, and will not affect pedestrian access and circulation.

B. Neighborhood Plan Considerations

Comment: The proposed vacation is in accordance with the Burnside Transportation and Urban Design Plan.

C. Other Relevant Comprehensive Plan Policies (and/or Plans)

Comment: The Portland Streetcar System Concept Plan envisioned a future streetcar line on East Burnside/Couch and Sandy to Hollywood Town Center.

Portland Streetcar officials were notified of the proposed vacation request, and stated that they have no objection. The proposed vacation will not preclude a potential streetcar extension on Sandy Blvd.

D. Zoning Code Considerations

Other zoning code designations that could apply and that should be considered during review of a street vacation request include environmental zoning or designation as a recreational greenway trail.

Comment: There are no zoning code considerations.

E. Subdivision Code Considerations

Comment: There are no subdivision code issues.

F. Improvement and Utility Considerations

The street vacation request was reviewed by Portland Bureau of Transportation (PBOT) for conformance with standards for street improvements. The following condition of approval will be required by PBOT Street Lighting:

- The following three poles and associated overhead circuit wires must be removed: A1135C-1515, 555, and 653. Poles 1515 and 653 both have existing streetlights that must be removed. All costs associated with the removal of these facilities are the responsibility of the Petitioner. All work must be done by a qualified contractor and will be coordinated with City of Portland Street Lighting.

The Bureau of Development Services responded with no objection.

The Bureau of Environmental Services requires the following condition of approval:

- The stormwater facility located north of the sidewalk on E Burnside shall be transferred from public to private ownership. The inlet lead from the stormwater facility under the sidewalk to the existing inlet in E Burnside St will be removed or abandoned.

The Portland Water Bureau responded with no objection.

Portland Fire and Rescue responded with no objection.

Urban Forestry responded with no objection.

Portland Parks and Recreation responded with no objection.

The Bureau of Technology Services responded with the following condition:

- Adjacent properties that are using NE Sandy Blvd addresses must be addressed off of streets that are not vacated.

ODOT and TriMet were notified of the proposal but did not respond.

The Port of Portland responded with no objection to the proposal.

PGE, Pacific Power, Century Link and Northwest Natural responded that they have no facilities in the area.

Comcast was notified of the proposed vacation but did not respond.

G. Neighborhood Issues

Notice of this street vacation request was provided to the Kerns Neighborhood Association, which responded with no objection (Exhibit 3). The Buckman Neighborhood Association and South Uplift were notified but did not respond.

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 October 13, 2015, the Planning and Sustainability Commission recommended **APPROVAL** of the vacation as shown on Exhibit 1, with conditions:

1. Prior to recording the street vacation ordinance, the Petitioner shall comply with all conditions set forth in Sections III.F above.

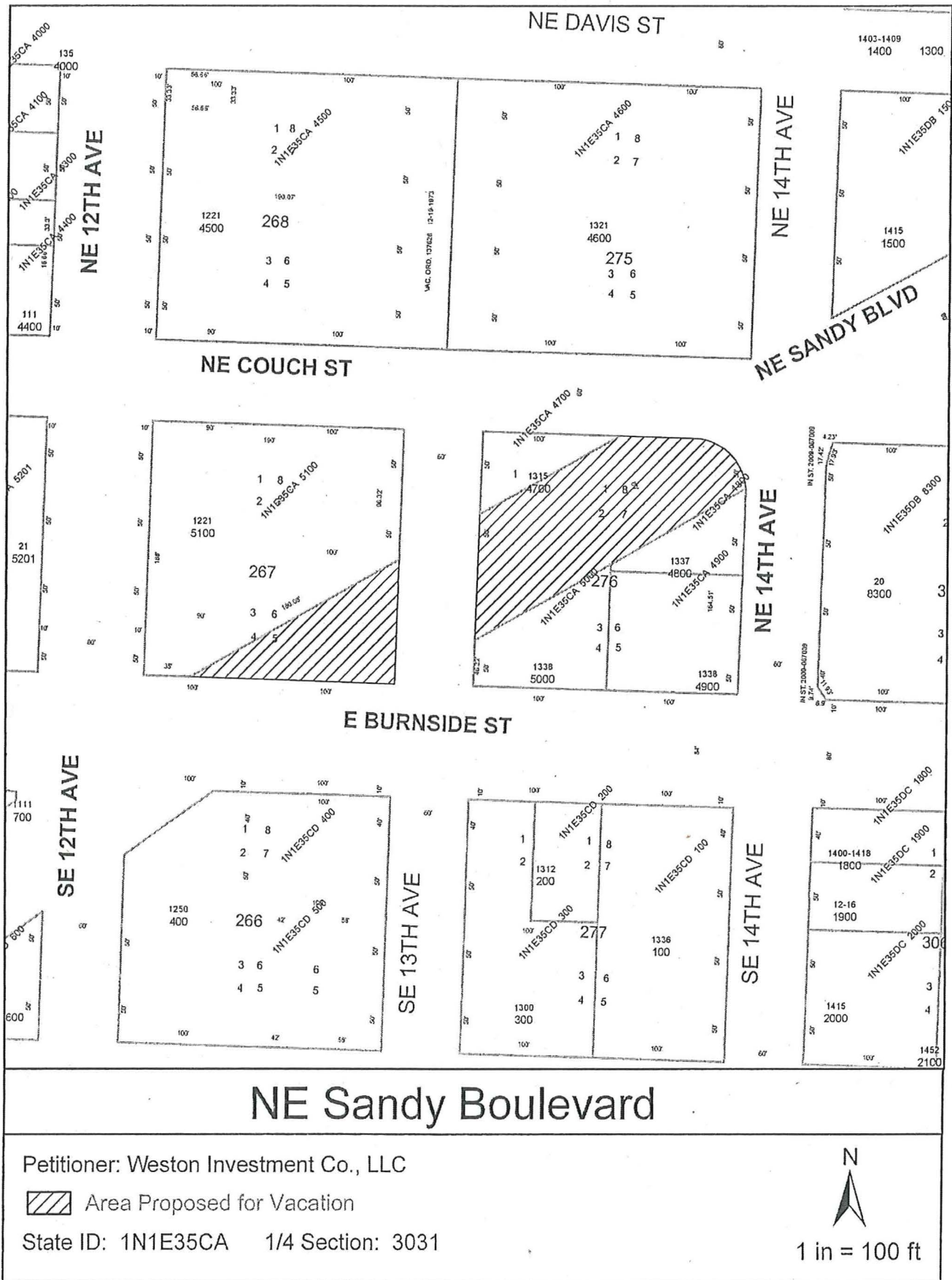
VII. EXHIBITS

1. Area proposed for vacation
2. Page from the Burnside Transportation and Urban Design Plan
3. Letter of support from Kerns Neighborhood Association.
4. Aerial Photo of area with traffic circulation
5. Street view of proposed vacation area

Bureau of Transportation Staff Planner
Grant Morehead, AICP
503/823-9707
Grant.Morehead@portlandoregon.gov

cc:
Lance Lindahl, Right-of-Way Case Manager
Case File

EXHIBIT 1



Lower East Burnside

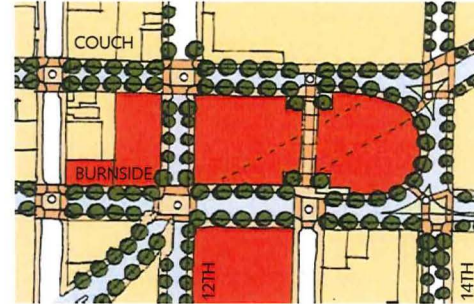
Exhibit 2

12th/Sandy/Burnside

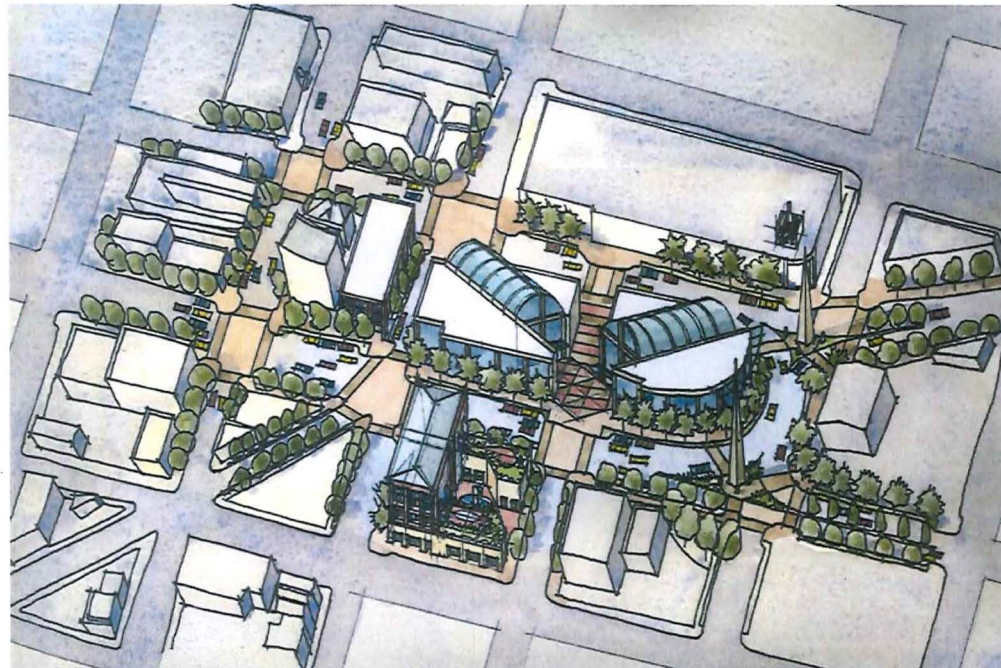


View looking west toward new “signature architecture” concept at NE 14th, Sandy and Couch reinforces the identity of the Central City and Central Eastside Gateway.

Two new city blocks emerge by reconfiguring the East 12th, Sandy and Burnside intersection. This would create an opportunity for new development highlighting the Central City’s Gateway to the Central Eastside. These new blocks would also provide an opportunity for “signature architecture” and could stimulate additional employment based development to the Central Eastside District and the Central City.



Two new blocks are formed by eliminating Sandy Boulevard between 14th and 12th.



Concept showing new development at NE 12th and Sandy which would add jobs, create a special identity for the Central Eastside and potentially stimulate adjacent development projects.

Exhibit 3

Lindahl, Lance

From: Steve Russell <steve@steelbridgerealty.com>
Sent: Friday, July 17, 2015 3:17 PM
To: Lindahl, Lance
Subject: Street Vacation Request - NE Sandy Blvd.

Hi Lance,

I received the notice you sent re: the Sandy Blvd. street vacation and the Neighborhood Association does not have any objection to the request.

Could you also change the mailing address for future notices, this notice was sent to our PO Box 13350, which only gets picked up once per month at best. That often does not provide enough time to respond with comments or concerns.

Future mailings should be sent to me at the following address:

Steve Russell
Kerns Neighborhood Association
Land Use Chair
623 NE 23rd Avenue
Portland, OR 97232

Thanks for your help.

Steve Russell
Kerns Neighborhood Association
Phone: 503-784-8785
Email: steve@steelbridgerealty.com

Exhibit 4

NE Couch St

NE Sandy Blvd

NE 12th Ave

NE 14th Ave

E Burnside St

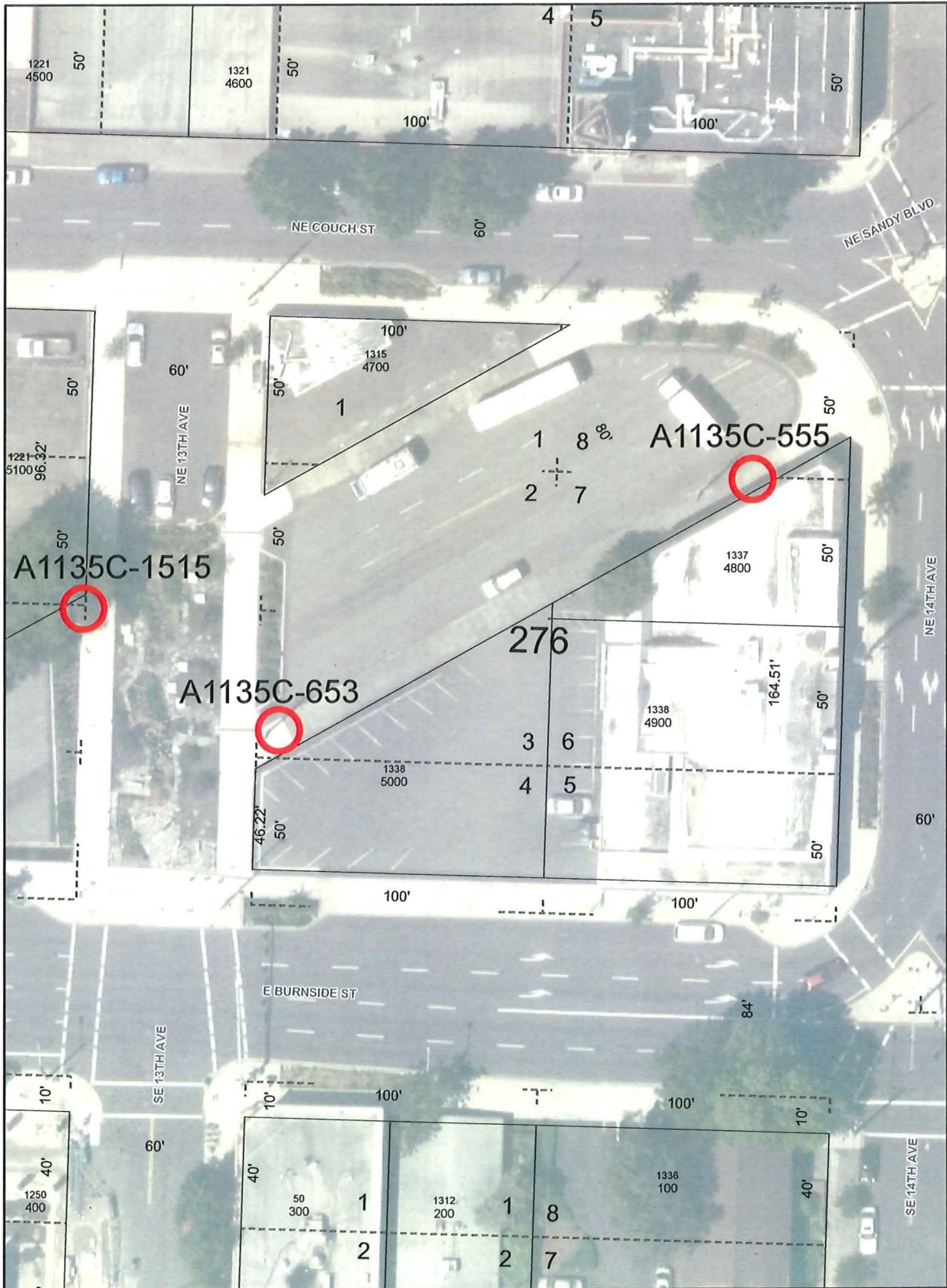
SE Sandy Blvd



Exhibit 5



EXHIBIT E



STREET LIGHT POLES TO BE REMOVED

R/W: 7961
 1/4 Section: 3031
 Section: 1N1E35CA



EXHIBIT F

Grantee's Name and Address:

Weston Investment Co. LLC
2154 NE Broadway, Suite 200
Portland, OR 97232

QUITCLAIM DEED

KNOW ALL PERSONS BY THESE PRESENTS that the City of Portland, a municipal corporation, duly organized and existing under the laws of the State of Oregon, ("Grantor"), in consideration of the sum of One and no/100 Dollars (\$1.00) and other good and valuable consideration, does hereby remise, release and quitclaim unto **Weston Investment Co. LLC**, an Oregon limited liability company, ("Grantee"), and unto Grantee's successors and assigns, all of Grantor's right, title and interest in and to those certain sewer inlets, piping, and appurtenances (the "Facilities") situated in the County of Multnomah, State of Oregon, described as follows:

A portion of Lots 4, 5, 6, and 7, Block 267, in the duly recorded plat of "Lane's Addition", situated in the southeast one-quarter of Section 35, T1N, R1E, W.M., City of Portland, County of Multnomah, State of Oregon, being those portions of said Lots 4, 5, 6, and 7 lying within Vacated NE Sandy Boulevard referenced herein and depicted on Exhibit 1 attached hereto.

THE INTENT OF THIS INSTRUMENT is to release all interest Grantor may have in those certain Facilities listed below, located within a portion of NE Sandy Boulevard vacated in Ordinance No. *, passed by City Council on * impacting the property described above.

PROVIDED HOWEVER that as a condition of releasing Grantor's interest and in consideration of such release, Grantee agrees to accept ownership of any sewer facilities, inlets, and other related storm sewers located in property described above including storm manhole APH 570, storm channel APH 570-APH 569, storm inlet APH 569, and that portion of 10 inch wide storm sewer line APH 569-APH 579 located north of the north right-of-way line of E Burnside Street will become private and will no longer function as public sewer facilities. Grantee hereby waives any claims of any nature that may arise in connection with the existence of such facilities or the City's prior use of those facilities. Grantee's acceptance of ownership of facilities, and waiver of claims relating to those facilities, is binding on Grantee's heirs, successors and assigns.

R/W #8017

1N1E35CA

After Recording Return to :

Lance D. Lindahl, City of Portland

1120 SW 5th Avenue, 8th Fl

Portland, OR 97204

Tax Statement shall be sent to: No Change

TO HAVE AND TO HOLD, the same unto Grantee's successors and assigns forever.

CITY OF PORTLAND, GRANTOR

By: _____
Bureau of Environmental Services Director
or Designee

State of OREGON

County of MULTNOMAH

On this _____ day of _____, 20____, personally
appeared _____, who being duly sworn, did say that he/she is the
Director, Bureau of Environmental Services, or his designee, of the City of Portland, a municipal
corporation, and that said instrument was signed in behalf of said corporation by authority of its
City Council and acknowledged said instrument to be its voluntary act and deed.

Notary Public for OREGON
My Commission expires _____

APPROVED AS TO FORM:

City Attorney

Acknowledged and Agreed:

WESTON INVESTMENT Co. LLC,
AN OREGON LIMITED LIABILITY COMPANY

By: _____
Member

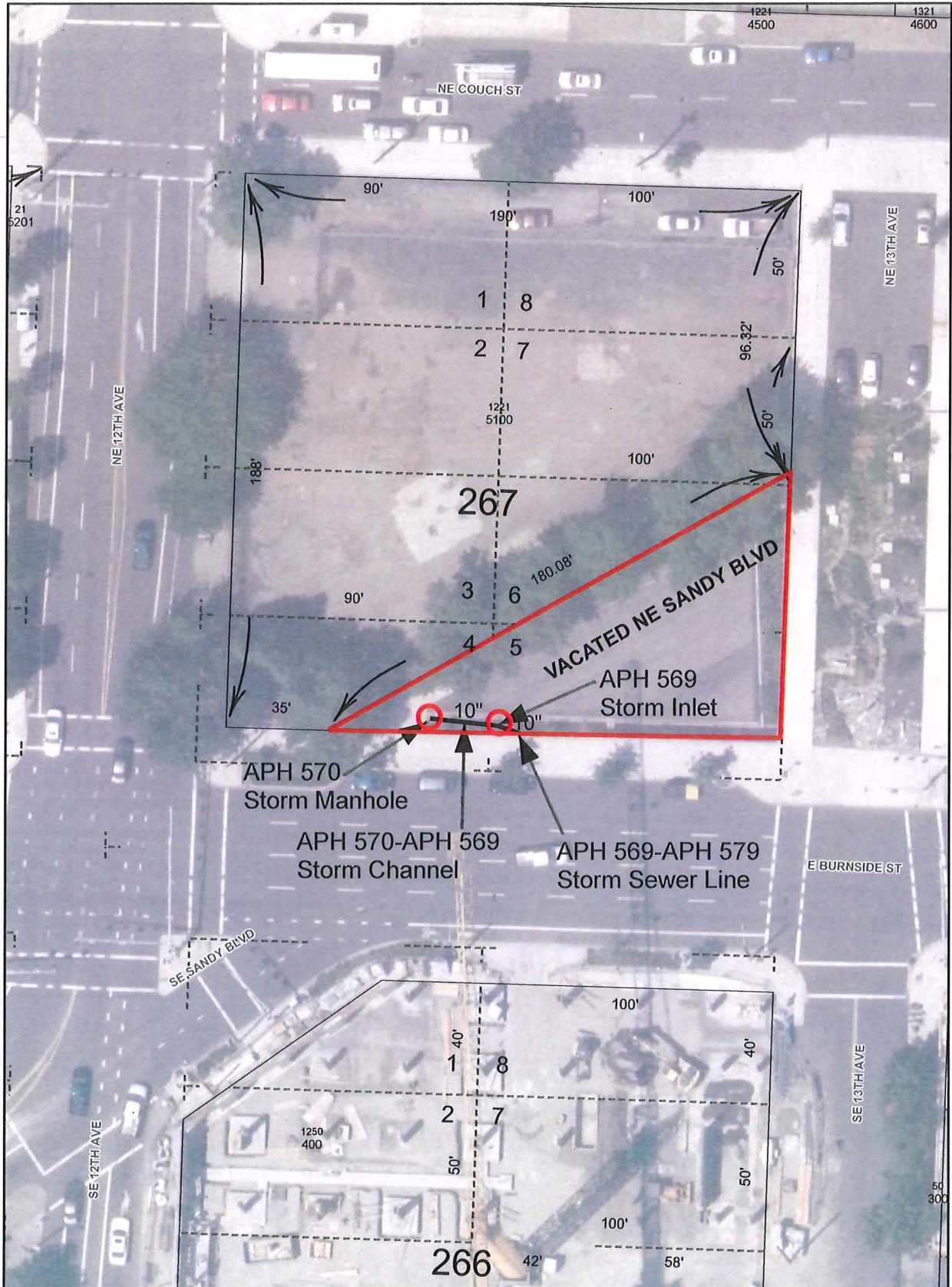
STATE OF _____

County of _____

This instrument was acknowledged before me on _____, 20_____,
by _____ as member of Weston Investment Co. LLC, an
Oregon limited liability company.

Notary Public for (state)_____
My Commission expires _____

EXHIBIT 1



VACATED NE SANDY BOULEVARD NORTH OF E BURNSIDE STREET AND WEST OF NE 13TH AVENUE

Legal: A portion of Lots 4, 5, 6, and 7,

Block 267, Lane's Addition

Grantee: Weston Investment Co. LLC

R/W: 8017 1/4 Section: 3031 Section: 1N1E35CA

 Facility Release Area



1 in = 50 ft