

S.E. 3RD AVENUE AND S.E. HARRISON STREET
1S1E03DA
STREET VACATION

EXHIBIT I

A Tract of Land being a portion of S.E. Harrison Street, 60.00 feet in width, situated in the Southeast One-Quarter Of Section 3, Township 1 South, Range 1 East of the Willamette Meridian, City of Portland, County of Multnomah, State of Oregon, Being More Particularly Described As Follows:

Commencing at the Southwest corner of Block 45 of the duly recorded plat of Stephen's Addition To East Portland, Multnomah County Plat Records;

Thence, along the South line of said Block 45, South 88°12'15" East, a distance of 13.19 feet, to the Southeast corner of that tract of land conveyed to the State of Oregon by deed in Book 360, Page 218, signed September 10, 1936, Multnomah County Deed Records, also being the POINT OF BEGINNING;

Thence, continuing along said South line, South 88°12'15" East, a distance of 166.81 feet to the West Right-of-Way line of S.E. Martin Luther King, Jr. Boulevard, 80.00 feet in width;

Thence along said West Right-of-way line, South 01°47'45" West, a distance of 60.00 feet, to the North line of Block 46 of said plat;

Thence, along the North line of said Block 46, North 88°12'15" West, a distance of 137.60 feet, to a point of a non-tangent circular curve;

Thence, Northwesterly, a distance of 66.92 feet along the arc of a non-tangent circular curve to the right of which the radius point lies, North 58°21'50" East, a radius of 256.47 feet, and having a central angle of 14°57'01", (long chord bears, North 24°09'39" West, a distance of 66.73 feet) to a point of non-tangency, to the POINT OF BEGINNING.

Containing 9,229 square feet.

Project 70011
July 8, 2015

REGISTERED
PROFESSIONAL
LAND SURVEYOR

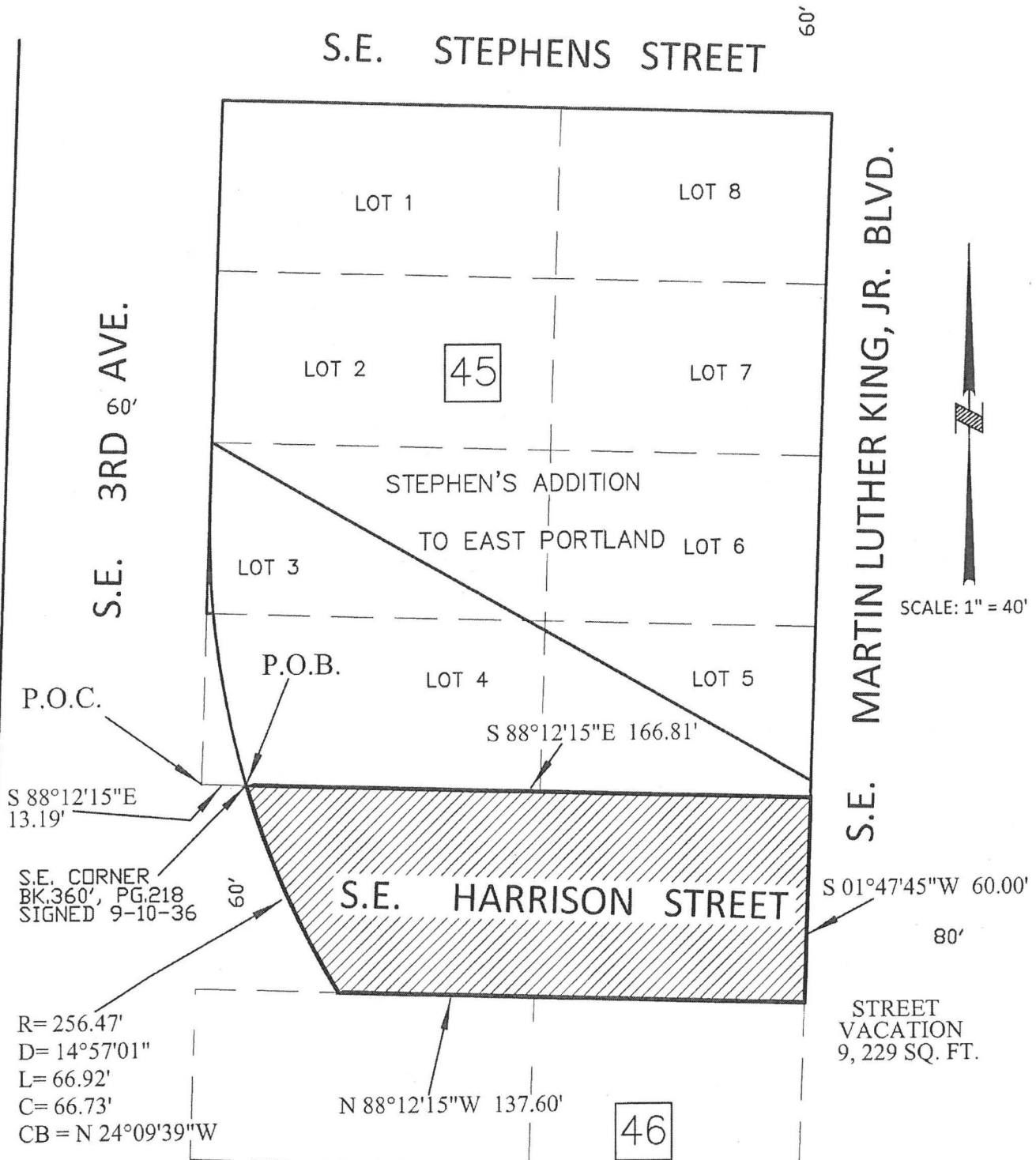
Thomas P. Beinbauer

OREGON
JULY 17, 1994
THOMAS P. BEINHAUER
2654

EXPIRES 12-31-2015

EXHIBIT 2

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CITY OF
PORTLAND
BUREAU OF
TRANSPORTATION

SURVEY DEPARTMENT,
1120 SW 5TH AVE., SUITE 800
PORTLAND, OREGON 97204
PHONE 503-823-7150

JOB #70011
JULY 8, 2015

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

Supplemental Findings and Conclusions

FILE NUMBER: R/W #8030

I. GENERAL INFORMATION

Street Vacation Request: R/W #8030, SE Harrison St east of SE 3rd Ave

Petitioner: OMF Facilities, contact is Pauline Goble (503-823-7612)

Purpose: The purpose of the proposed vacation is to assemble the requested street area to the adjoining property owned by the City of Portland.

Neighborhood: Hosford Abernethy Neighborhood District, contact is Susan Pearce (sue@suepearce.biz); SE Uplift, contact is Bob Kellett (bob@seuplift.org)

Quarter Sections: 3230

Designation/Zone: IS/IG1 (Industrial Sanctuary/General Industrial 1). The site is within the Central City Plan District.



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.

II. EXECUTIVE SUMMARY AND RECOMMENDATION

The purpose of this action is to vacate right-of-way to maximize the developable area of adjacent parcels.

III. FACTS

A. History and Background

The City of Portland Office of Management and Finance (OMF) started a City-initiated street vacation for the section of SE Harrison St between SE 3rd Ave and SE Martin Luther King, Jr. Blvd pursuant to ORS 271.130(1), which allows city governing bodies to “initiate vacation proceedings...without a petition or consent of property owners.” This section of SE Harrison St is completely surrounded by publicly-owned property (Exhibit A). OMF controls the land north of Harrison, and the Portland Bureau of Transportation (PBOT) controls the land south, east and west of Harrison. If Harrison is vacated, it will revert to City ownership and become part of the adjacent lot to the north.

OMF purchased the parcel north of Harrison (“the parcel”) from the Oregon Department of Transportation (ODOT) as surplus land in 2015. ODOT acquired the parcel in 1963 via eminent domain, to be part of the Mt. Hood Freeway. ODOT canceled the freeway project in 1974, and the parcel has remained undeveloped. Throughout, the parcel has served as a parking and loading area for the adjacent industrial business to the north, East Side Plating (ESP), which owned the parcel prior to condemnation by ODOT. ESP does not have a lease, access agreement, or other legal instrument providing access to or use of the parcel, which they access via SE Harrison St.

PBOT evaluates street vacation requests against Comprehensive Plan policies related to use of the right-of-way. PBOT does not consider potential future uses of right-of-way or adjacent property when evaluating street vacation requests. This PBOT staff report analyzes the role of SE Harrison as a right-of-way serving adjacent properties and the larger transportation system, and determined that there is no current or future need for the right-of-way for transportation facilities. This staff report recommended approval of the street vacation request.

B. Concurrent Land Use Actions

There are no land use actions that are concurrent with this street vacation request.

C. The Transportation Element

SE Harrison is classified as a Local Service Traffic Street, Local Service Transit Street, Local Service Bikeway, Local Service Pedestrian Street, Freight District Street, Minor Emergency Response Street, and Local Design Street in the transportation element of the Comprehensive Plan.

D. Neighborhood Plan

The Central City 2035 Southeast Quadrant Plan (approved by City Council on July 29, 2015 by Resolution 37147) does not contain any policies or action items that are relevant to this street vacation request.

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 area is within an industrial district. There are no mixed-use or residential areas in the vicinity of the proposed vacation area. SE Harrison does not currently and cannot in the future provide a connectivity function to the larger transportation network. It cannot be extended to the east due to the barrier presented by the McLoughlin viaduct. It cannot be extended to the west beyond the intersection with SE 3rd Ave due to the presence of the Union Pacific railroad.

The only viable transportation use of the right-of-way is for local property access, and all of the surrounding property is wholly owned by the City of Portland. The door on the south end of the East Side Plating (ESP) facility opens onto the OMF property. SE Harrison St does not provide access to the ESP facility.

The adjacent sidewalk leading to the McLoughlin viaduct will remain intact and will provide continued bicycle and pedestrian connectivity.

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: SE Harrison does not currently and cannot in the future provide a connectivity function to the larger transportation network. It cannot be extended to the east due to the barrier presented by the McLoughlin viaduct. It cannot be extended to the west beyond the intersection with SE 3rd Ave due to the presence of the Union Pacific railroad. The only viable transportation use of the right-of-way is for local property access, and all of the surrounding property is wholly owned by the City of Portland.

The proposed vacation will have no impact on surrounding street patterns nor the function of existing streets.

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:

Policy 11.11: Promote a logical, direct, and connected street system through the development of street plans.

Objective 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.

Objective 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.

Objective 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 Objective D, the McLoughlin viaduct presents a permanent, impassable barrier, which prevents a full street connection on the east end of the proposed vacation area. On the west end of the vacation area, a full street connection is provided approximately 200 feet to the north on SE Stephens St.

Per Objective E, an existing bicycle and pedestrian connection from the viaduct to the east and south of the proposed vacation area will not be affected by the proposed vacation. Bicycle and pedestrian connections are also available on SE Stephens St, approximately 200 feet to the north.

Per Objective N, the area of the proposed vacation is shown on Central City Map 11.11.9 as excluded from the street spacing standard, due to IG1 zoning.

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: Existing pedestrian access to and around the site is provided along SE 3rd Ave to the west, and from the viaduct via a sidewalk to the east and south (see aerial photo on Exhibit 1). This pedestrian access will not be altered by the proposed vacation.

B. Neighborhood Plan Considerations

Comment: There are no neighborhood plan considerations.

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

Comment: There are no other Comprehensive Plan policies or policies from other adopted plans that are relevant to this request.

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

Notice of this street vacation request was provided to the Bureau of Development Services (BDS) to determine if there are any relevant impacts to consider related to future subdivision of property in the area. BDS responded with no objection.

F. Improvement and Utility Considerations

The street vacation request was reviewed by PBOT for conformance with standards for street improvements. The following conditions will be required:

- An 11-foot pedestrian corridor shall be constructed along the SE 3rd Ave frontage of the proposed vacation area
- The intersection with SE 3rd Ave shall be permanently closed with a curb, sidewalk, and/or driveway.

Other public agencies, public and private utilities were notified of this street vacation request.

- The Bureau of Environmental Services requires that 1) the Petitioner shall take ownership of the 6-inch combined sewer in the vacation area in its current condition; 2) the Petitioner shall verify that the lateral connecting to the combined sewer is not active; and 3) the Petitioner shall either grant a 15-foot public sewer easement over existing stormwater facilities, or a 35-foot blanket easement over the eastern portion of the vacation area.
- 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 no objection.
- ODOT responded with no objection.
- The Port of Portland responded with no objection.
- TriMet responded with no objection.
- PGE has facilities in the area and requires an easement.
- Pacific Power responded with no objection.
- CenturyLink responded with no objection.
- Northwest Natural was notified of the proposed vacation but did not respond.
- Comcast was notified of the proposed vacation but did not respond.

G. Neighborhood Issues

Notice of this street vacation request was provided to the Hosford-Abernethy Neighborhood District (HAND) and SE Uplift. SE Uplift did not respond. HAND responded that they did not have adequate time to review the proposal and was therefore unable to take an official position .

The Central Eastside Industrial Council (CEIC) submitted a letter indicating that they were not notified of the proposal, and do not support it.

The property owner to the north of the OMF property, East Side Plating, opposes the vacation due to potential impacts the loss of access to the southern portion of their building will have on the operation of their facility . They have been using the OMF parcel for site access and loading since the 1940s. Trucks delivering caustic liquid materials use the OMF property to access their facility. Loss of this access point will require a modification to the both the state and delivery method of these materials, increasing the cost of operations. They will also lose employee parking. ESP's arrangement with ODOT had historically been informal and they do not have an agreement with OMF to access the OMF property. Rights-of-way to the north and west of ESP's property will remain intact and can provide alternative access to the facility.

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.

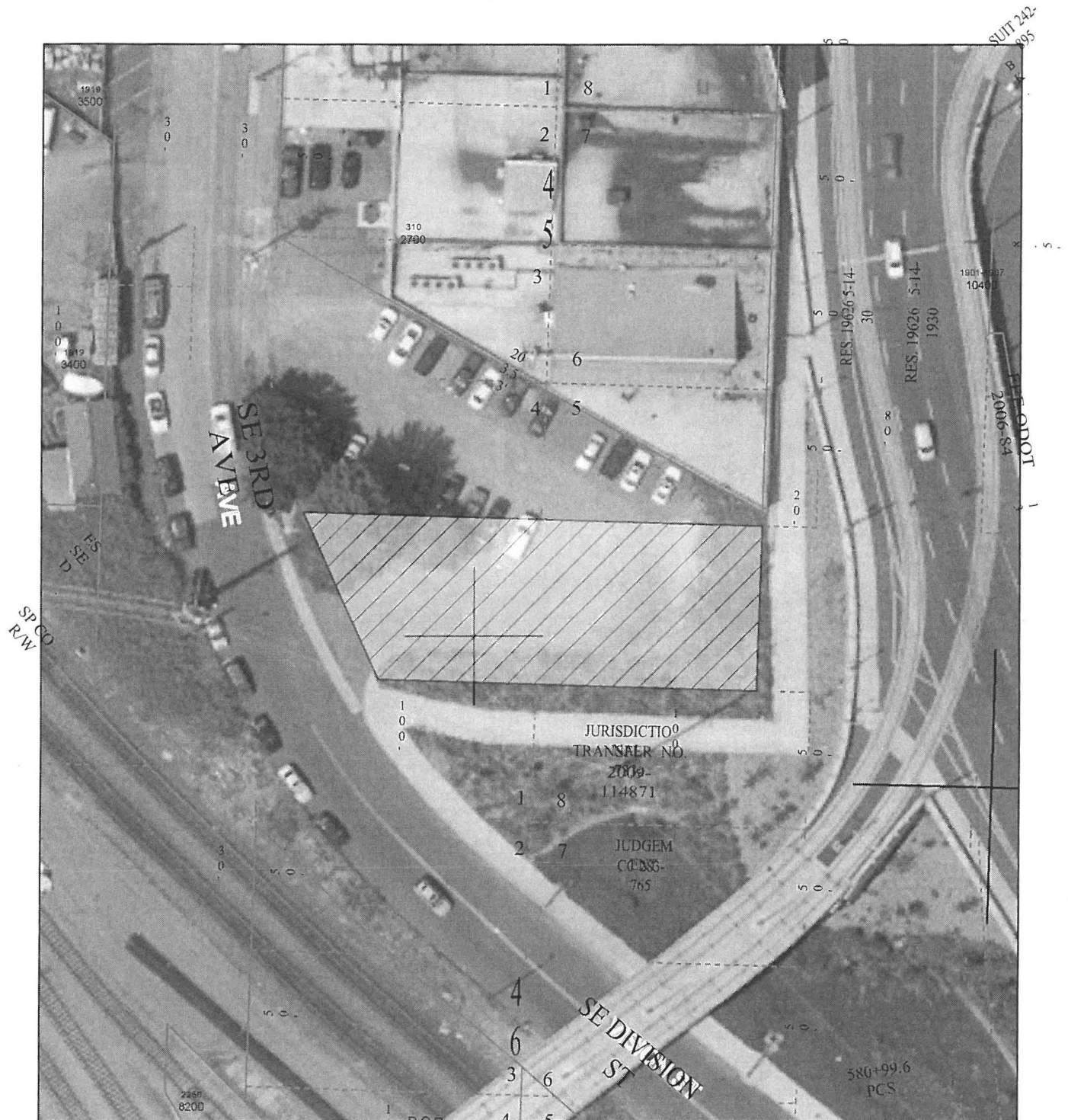
VII. EXHIBITS

- A. Area proposed for vacation
- B. Northeast-facing view of area proposed for vacation.

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

cc:
Karl Arruda, Right-of-Way Case Manager
Case File

Exhibit A



SE Harrison St east of SE 3rd Ave

Legal: A portion of SE Harrison St "Stephens Addition to East Portland"

Petitioner: Pauline Goble, OMF



Area Proposed to be Vacated



RWA # 8030 Section: 1S1E03DA 1/4 Section: 3230

1 in = 50 ft

Exhibit B

187591

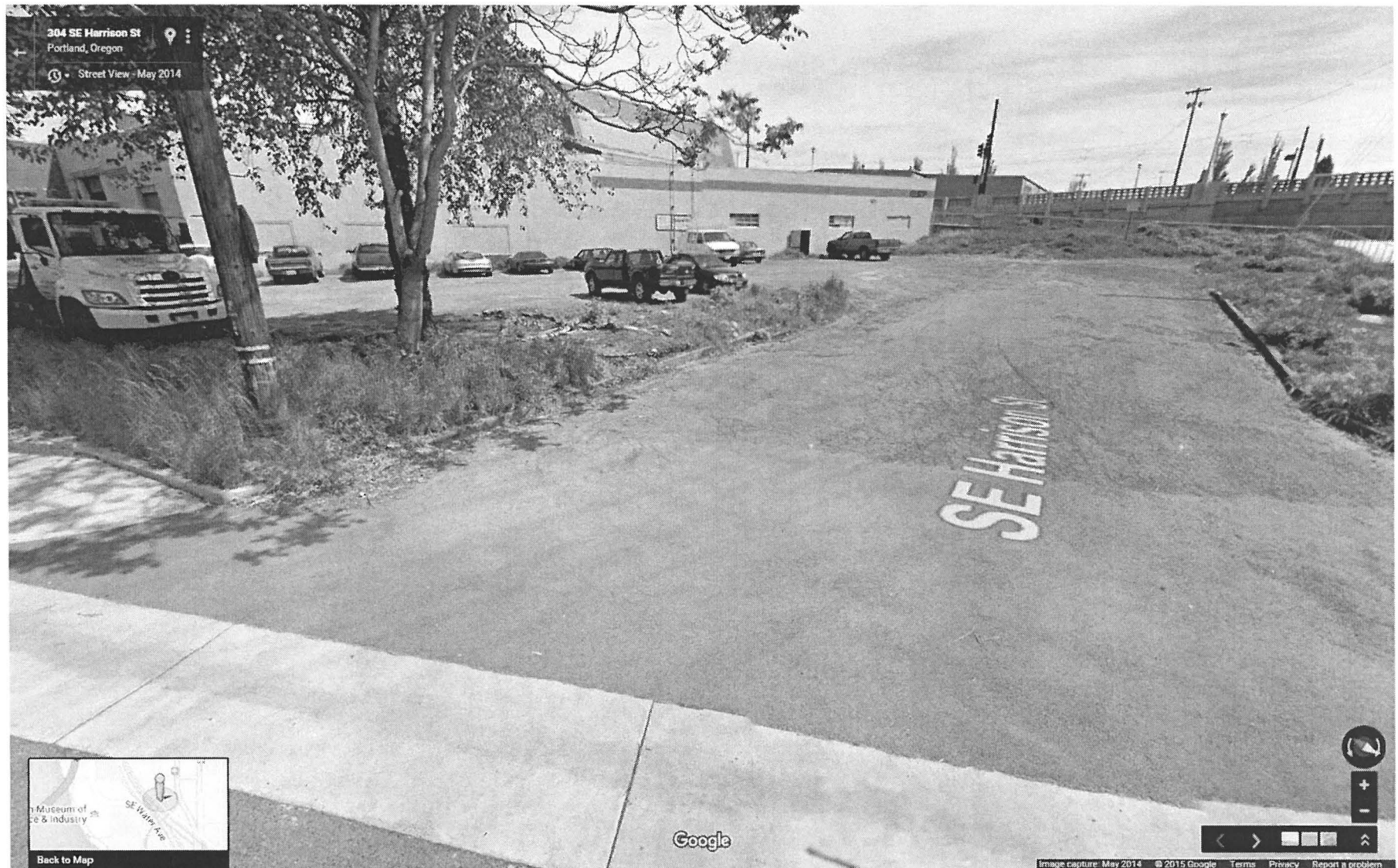


Exhibit 4**DECLARATION OF COVENANT TO RESERVE FUTURE SEWER EASEMENT**RECITALS

WHEREAS, The City of Portland ("City"), a municipal corporation of the State of Oregon ("City"), is the owner of a parcel of land known as SE Harrison Street between SE 3rd Avenue and SE Martin Luther King Jr. Boulevard ("the Property");

WHEREAS, A storm sewer facility (the "Facility") belonging to the City is located on the Property, and City desires to reserve an easement in its favor to protect the Facility if and when City conveys the Property or the portion thereof encompassing all or part of the Facility.

COVENANT

1. The easement area is depicted on Exhibit 3 and is described as follows (the "Easement Area"):

A parcel of land over, under and across a portion of Property in the duly recorded Plat of "Stephen's Addition to East Portland," situated in the southeast one-quarter of Section 3, T1S, R1E, W.M., in the City of Portland, County of Multnomah, State of Oregon, said parcel being the east 35.00 feet of the following described property:

As described on Exhibit 1 and depicted on Exhibit 2 attached hereto and by this reference made a part hereof.

Contains 2,100 square feet, more or less.

2. Upon the conveyance by City of the Property or a portion thereof encompassing all or part of the Easement Area, a perpetual, non-exclusive easement (the "Easement") will arise, in favor of City, over the portion of the Easement Area included in the conveyance.
3. Unless City terminates this covenant as provided herein, the Easement will be subject to the following terms and conditions:
 - a. The Easement continues in perpetuity and binds all subsequent owners and occupants of the Property.
 - b. The Easement gives the City the right to lay down, construct, reconstruct, operate, inspect, and maintain a storm sewer line and to access the Easement Area therefor.
 - c. No utilities, buildings, facilities, easements, material storage, grade changes, or tree planting will be allowed within the Easement Area without prior written consent of the Director of the Bureau of Environmental Services. Landscaping which by its nature is

shallow-rooted and may be easily removed to permit access to the Facilities requires no consent.

4. This covenant may be terminated at the sole discretion of City by written, recorded instrument, but in no case until an easement benefiting City and affecting the Facility (if then extant) has been recorded.

Executed this _____ day of _____, 20__.

By: _____

Printed name: _____

Title: _____

APPROVED AS TO FORM:

City Attorney

STATE OF OREGON)
)ss.
County of Multnomah)

SUBSCRIBED AND SWORN to before me this _____ day of _____, 20__,
by _____.

Notary Public for OREGON

My Commission expires: _____

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STREET VACATION

EXHIBIT I

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Commencing at the Southwest corner of Block 45 of the duly recorded plat of Stephen's Addition To East Portland, Multnomah County Plat Records;

Thence, along the South line of said Block 45, South 88°12'15" East, a distance of 13.19 feet, to the Southeast corner of that tract of land conveyed to the State of Oregon by deed in Book 360, Page 218, signed September 10, 1936, Multnomah County Deed Records, also being the POINT OF BEGINNING;

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Thence along said West Right-of-way line, South 01°47'45" West, a distance of 60.00 feet, to the North line of Block 46 of said plat;

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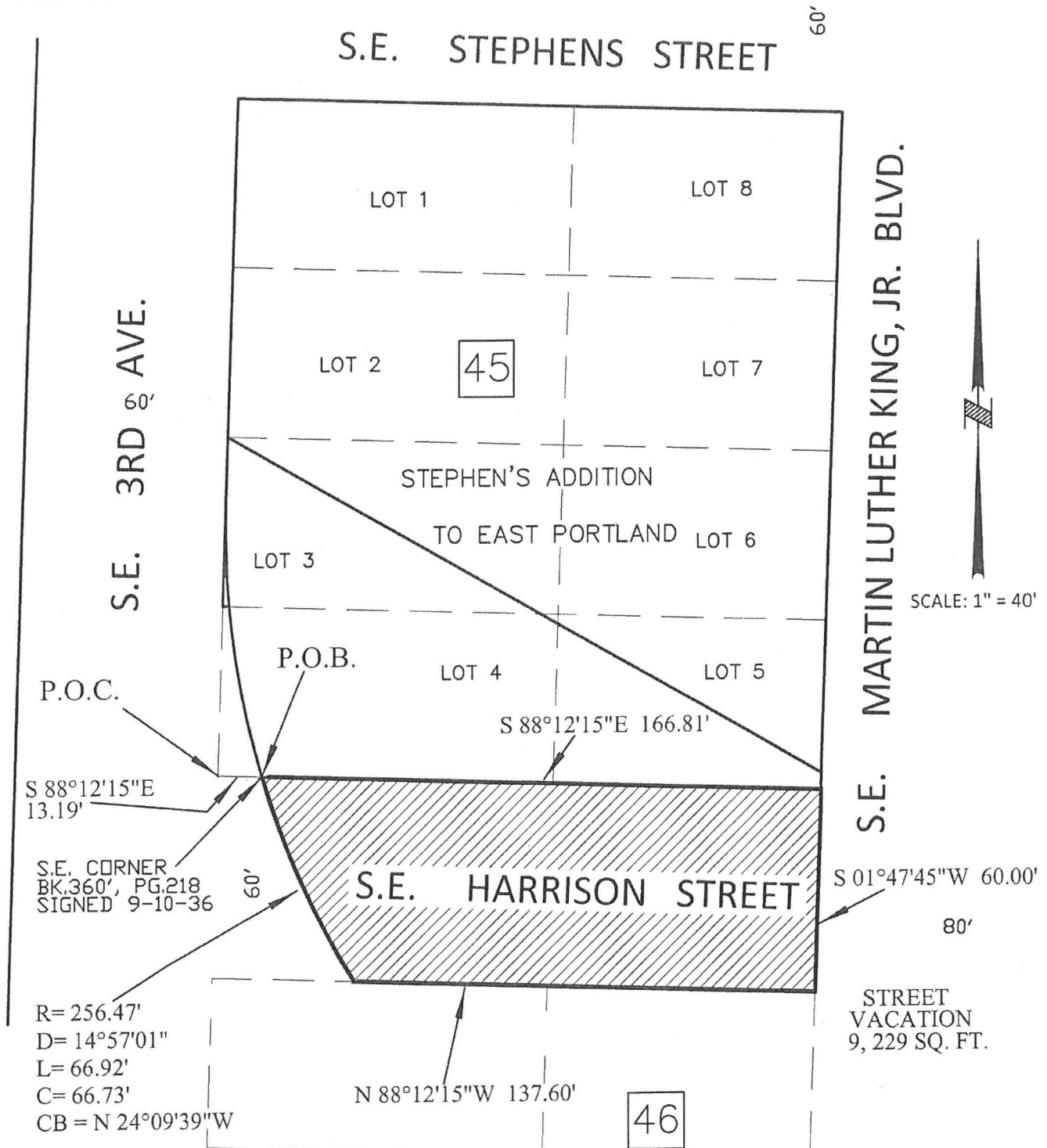
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PORTLAND, OREGON 97204
PHONE 503-823-7150

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