

ORDINANCE No. 187666

Vacate a portion of SE Grand Ave between SE Spokane St and SE Tacoma St subject to certain conditions and reservations (Hearing; Ordinance; VAC-10093)

The City of Portland ordains:

Section 1. The Council finds:

1. On May 20, 2014 the Office of the City Auditor certified a petition for the vacation of a portion of SE Grand Avenue between SE Spokane Street and SE Tacoma Street, with the petition initiated by Diana Richardson, the owner of adjoining property.
2. The petition states that the reason for the vacation is to consolidate property for future development.
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 January 20, 2016 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. 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. Other procedural requirements of ORS 271 and City Code 17.84 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 Exhibit 1 and depicted on Exhibit 2 attached hereto, is hereby vacated.
Containing 2,852 square feet, more or less.
- b. The vacation of the above-described street area is granted subject to the following conditions and reservations:
 1. In accordance with ORS 271.120 and City of Portland policy, the street vacation ordinance (this "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 3 below, this 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.

2. Upon recording of this Ordinance, the existing retaining wall in the vacation area will become Petitioner's property, and Petitioner will assume maintenance responsibility for the wall.
3. Notwithstanding b.1, 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 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 this 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 this Ordinance has been recorded by the City in Multnomah County Deed Records. Prerequisites to recording this Ordinance are that 30 days have passed after final Council passage of this

Ordinance, that all conditions of this Ordinance have been met, and that all vacation costs have been paid.

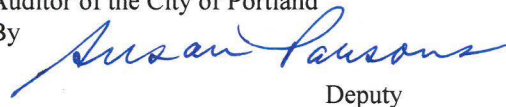
Section 4. After the prerequisites to recording this Ordinance have been met, the City Auditor shall return a certified copy of this Ordinance and the acceptance thereof, to the Right-of-Way Acquisition Section, PBOT, which shall, at the expense of the Petitioner, file with the recorder, the assessor, 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. 7790.

Passed by the Council, APR 06 2016

Commissioner Steve Novick
Prepared by: Karl Arruda: ck
Date Prepared: January 28, 2016

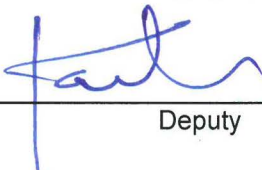
Mary Hull Caballero
Auditor of the City of Portland

By


Deputy

313 337 ==
 Agenda No.
ORDINANCE NO. 187666
 Title

Vacate a portion of SE Grand Ave between SE Spokane St and SE Tacoma St subject to certain conditions and reservations (Hearing; Ordinance; VAC-10093)

<p>INTRODUCED BY Commissioner/Auditor: COMMISSIONER STEVE NOVICK</p>	<p>CLERK USE: DATE FILED <u>MAR 22 2016</u></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</p>	<p style="text-align: center;">Mary Hull Caballero Auditor of the City of Portland</p> <p>By:  Deputy</p>
<p>BUREAU APPROVAL</p> <p>Bureau: Transportation</p> <p>Development, Permitting & Transit Group</p> <p>Manager: Christine Leon</p> <p>Division Mgr: Dave McEldowney</p> <p>Assistant Director: Maurice Henderson</p> <p>Prepared by: Karl Arruda: ck</p> <p>Date Prepared: January 28, 2016</p> <p>Supervisor: Dave McEldowney</p>	<p>ACTION TAKEN:</p> <p>MAR 30 2016 <i>RESCHEDULED TO</i> MAR 30 2016 2 P.M.</p> <p>MAR 30 2016 PASSED TO SECOND READING APR 06 2016 9:30 A.M.</p> <p><i>3/7/16</i></p>
<p>Impact Statement</p> <p>Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p>	
<p>Portland Policy Document</p> <p>If "Yes" requires City Policy paragraph stated in document.</p> <p>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 March 30, 2016</p>	

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: 10 minutes (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	✓	