

# PBOT

PORTLAND BUREAU OF TRANSPORTATION

ADDITIONAL DOCUMENT -  
BACKGROUND INFORMATION  
ONLY

1120 SW Fifth Avenue, Suite 800 Portland, OR 97204 503.823.5185  
Fax 503.823.7576 TTY 503.823.6868 [www.portlandoregon.gov/transportation](http://www.portlandoregon.gov/transportation)

Steve Novick Commissioner Leah Treat Director

February 8, 2016

## CITY ENGINEER'S REPORT TO CITY COUNCIL ON THE PROPOSED VACATION OF A PORTION OF SE GRAND AVE, BETWEEN SE TACOMA ST AND SE SPOKANE ST (R/W #7790)

### Background

1. **Proposed Street Vacation Area.** A portion of SE Grand Avenue, between SE Tacoma Street and SE Spokane Street, said area being approximately 192.91 feet long by 17.6 feet wide, tapering down at the southern end and containing approximately 2,852 square feet. The area contains a retaining wall and unimproved area and is described on Exhibit 1 and depicted on Exhibit 2 attached hereto.
2. **Petitioner.** Diana Richardson is the owner of the abutting property to the east of the proposed street vacation area.
3. **Purpose.** The street vacation is proposed in order to consolidate property for future development.
4. **Compliance with Minimum Requirements.** The Petitioner has secured 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 May 20, 2014.
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 3 hereto.
7. **Planning and Sustainability Commission Review.** The Planning and Sustainability Commission reviewed and approved the proposed street vacation on December 15, 2015, with its



*PBOT is an equal opportunity employer. The Portland Bureau of Transportation (PBOT) is the steward of the City's transportation system, and a community partner in shaping a livable city. We plan, build, manage and maintain an effective and safe transportation system that provides access and mobility.*

Report and Recommendation attached as Exhibit 4 hereto.

8. **Costs.** The Petitioner has paid \$7,000 to date to reimburse the City for staff costs incurred processing the street vacation request. Based on a review of the case file, processing costs to date and estimated cost forward to bring the project through City Council, total \$9,500. The Petitioner will be expected to submit sufficient funds to continue the vacation process as stated in the attached cover letter.

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

Containing 2,852 square feet, more or less.

### **Conditions, Reservations and Releases**

1. **Conditions.** The following condition must be satisfied by the Petitioner prior to the street vacation ordinance (the "Ordinance") being recorded by the City and thereby considered effective:
  - A. **Costs.** In accordance with Item 8 in the Background section above, the estimated administrative cost for completing the street vacation process is \$9,500, of which \$7,000 has been paid to date. Petitioner will remit \$2,500 to the City prior to the scheduled City Council hearing. 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 Ordinance being recorded.
2. **Reservations and Release**
  - A. **Utilities.** In accordance with ORS 271.120 and City of Portland policy, the 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. Retaining Wall.** Petitioner understands and agrees that, upon recording of the Ordinance, the existing retaining wall in the vacation area will become Petitioner's property, and Petitioner will assume maintenance responsibility for the wall.

**C. City Release.** Notwithstanding 2.A., 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 Ordinance has been recorded by the City in Multnomah County Deed Records. Prerequisites to recording the Ordinance are that 30 days have passed after final Council passage of the Ordinance, that all conditions of the Ordinance have been met, and that all vacation costs have been paid.



\_\_\_\_\_  
City Engineer or designee

**TO THE COUNCIL:**

The Commissioner-in-Charge 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 1, Legal Description

Exhibit 2, Proposed Map

Exhibit 3, Summary of Comments

Exhibit 4, Planning & Sustainability Commission Recommendation

CJ<sub>2</sub>**CHASE, JONES & ASSOCIATES INC.**

FORMERLY BOOTH & WRIGHT  
LAND SURVEYORS & ENGINEERS SINCE 1885

716 SE 11TH AVENUE PORTLAND, OR 97214  
PHONE: (503) 228-9844

Revised: August 27, 2015  
Project No. 13298

**EXHIBIT 1****PBOT RW #7790****Right of Way Vacation**

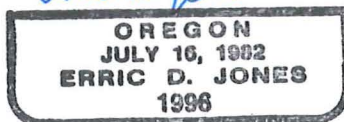
A portion of SE Grand Avenue adjoining Block 3, in the Plat of "Sellwood", in the City of Portland, County of Multnomah, State of Oregon, being situated in the Southwest Quarter of Section 23, Township 1 South, Range 1 East of the Willamette Meridian, being described as follows:

**COMMENCING** at the Southwest corner of Lot 5 of said Block 3; thence North 00°00'00" East along the West line of said Lot 5 a distance of 6.00 feet to the North line of that street dedication as described in Document No. 2013-106062, recorded August 2, 2013, Multnomah County Deed Records; thence continuing North 00°00'00" East along the West line of said Lot 5 a distance of 1.09 feet to the **TRUE POINT OF BEGINNING**; thence North 15°54'08" West a distance of 64.23 feet to a point 17.60 feet West of, when measured at right angles to, the West line of Block 3; thence North 00°00'00" East parallel with the West line of said Block 3 a distance of 131.14 feet to the Westerly extension of the North line of Lot 8, Block 3; thence North 90°00'00" East along said Westerly extension a distance of 17.60 feet to the West line of said Block 3; thence South 00°00'00" West along the West line of said Block 3 a distance of 192.91 feet to the **TRUE POINT OF BEGINNING**.

Containing approximately 2,852 square feet, more or less.

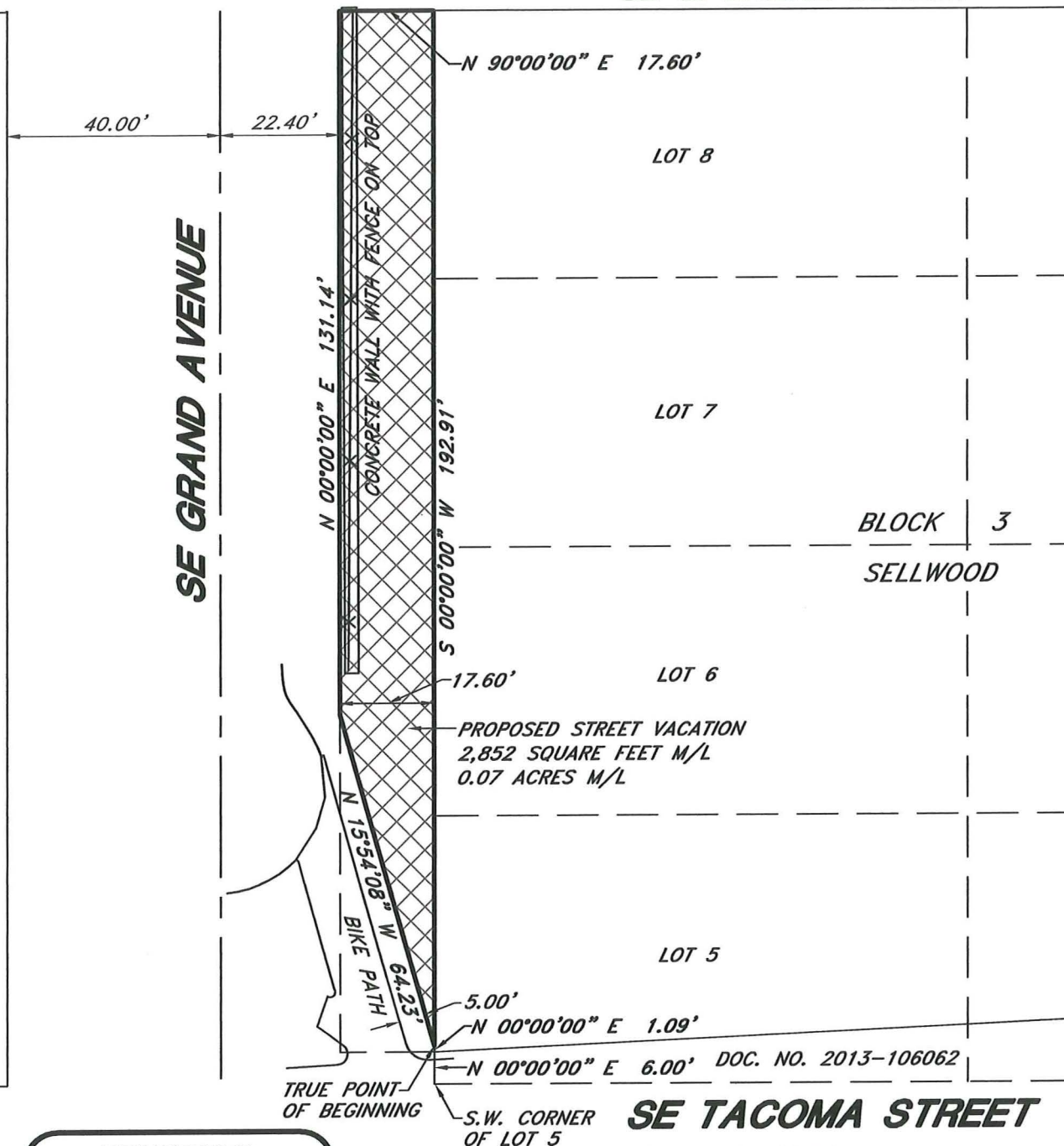


*Eric D. Jones*



ET-6-30-17

# EXHIBIT 2 SE SPOKANE STREET



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Eric D. Jones*

OREGON  
JULY 16, 1982  
ERRIC D. JONES  
1996

EXPIRES: 6-30-17

PBOT RW #7790  
PROPOSED STREET VACATION

OF  
LOTS 5-8, BLOCK 3, SELLWOOD  
SITUATED IN THE

S.W. 1/4 OF SECTION 23, T. 1 S., R. 1 E., W.M.  
CITY OF PORTLAND, COUNTY OF MULTNOMAH, STATE OF OREGON  
CHASE, JONES & ASSOCIATES INC.  
716 S. E. 11TH AVE. PORTLAND, OREGON 97214

PHONE: (503) 228-9844 REV: AUG. 27, 2015

PROJECT NO.: 13298

DATE: JULY 30, 2015

1/4 SECTION: 3831

SCALE: 1" = 30'

Exhibit 3  
Comments Summary

<b>R/W # 7790 SE Grand Avenue between SE Spokane St. and SE Tacoma St.</b>	<b>RWA Project Manager: Karl Arruda</b>	<b>Petitioner/Applicant: Diana J. Richardson c/o Peter F. Fry 503-703-8033</b>
<b>SAP Cost Object No.: 9TR000001994</b>		
<b>VAC-10093</b>		
<b>IQ #12-100415</b>		
<b>Commenting Party</b>	<b>Response Date</b>	<b>Comments / Conditions</b>
<b>City Bureaus / Depts. Notified:</b>		
City Auditor Toni Anderson	5/20/2014	Petition Certified.
PBOT Development Review Bob Haley/ Kurt Krueger 503-823-5171	9/23/2015	No objection.
Transportation Planning Grant Morehead	9/9/2015	No objection.
PBOT Permit Engineering Chon Wong	7/11/2014	No objection.
PBOT Trans Systems Mgmt Carl Snyder	9/9/2015	No objection.
PBOT Street Lighting Tod Rosinbum	9/15/2015	No objection.
PBOT Bridges and Structures David OLongaigh	7/23/2014	No objection.
Development Services Sean Williams	9/10/2015	No objection.
Environmental Services Marc Jones	7/11/2014	No objection.
Water Bureau Rick Nelson	6/27/2014	No objection.
Fire Bureau Kari Schimel	9/9/2015	No objection.
Park Bureau Robi Potter	1/29/2015	No objection.



## Comments Summary

Commenting Party	Response Date	Comments / Conditions
Urban Forestry Division Luke Miller 503-823-4025	1/29/2015	No objection.
Planning & Sustainability Commission	12/15/2015	Recommends approval, subject to conditions in Report.
<b>Neigh Assoc Notified:</b>		
SMILE Burr, Land Use Chair Hoffnagle, Pres.	12/12/2015	SMILE Board voted 6-3 not to object to the street vacation.
SE Uplift Bob Kellett	9/14/2015	No objection.
<b>Local Agencies Notified:</b>		
ODOT Region 1 Jon Makler	9/10/2015	No objection.
Port of Portland Phil Healy	6/18/2014	No objection.
TriMet Jillian Detweiler		No response.
<b>Public Utilities Notified:</b>		
PGE Tina Tippin	6/24/2014	No objection.
Pacific Power Richard Birch 503-813-6240	9/9/2015	No objection.
CenturyLink Alan Meins	2/5/2015	No objection.
Northwest Natural Richard H. Hawkes, GIS Tech	9/10/2015	No objection.
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](http://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

**FILE NUMBER: R/W #7790**

**COMMISSION HEARING HELD NOVEMBER 17, 2015**

### I. GENERAL INFORMATION

<b>Street Vacation Request:</b>	R/W #7790, a portion of SE Grand Ave between SE Spokane and SE Tacoma Streets
<b>Petitioner:</b>	Dianna J. Richardson, represented by Peter Fry. Mr. Fry can be reached at 503-703-8033.
<b>Purpose:</b>	The purpose of the proposed vacation is to consolidate property to support the redevelopment of the adjacent site.
<b>Neighborhood:</b>	Sellwood-Moreland Improvement League; contact is Ellen Burr, Land Use/Planning Chair ( <a href="mailto:smilelanduse@gmail.com">smilelanduse@gmail.com</a> ); SE Uplift, contact is Bob Kellett ( <a href="mailto:bob@seuplift.org">bob@seuplift.org</a> )
<b>Quarter Sections:</b>	3831
<b>Designation/Zone:</b>	CS (Storefront Commercial)



*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 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.

## **III. FACTS**

### **A. History and Background**

The Petitioner submitted a Public Works Permitting Inquiry Request form in February 2013, for a potential development consisting of up to 70 residential units with parking and associated site improvements. The portion of SE Grand that is proposed for vacation is on a slope to the west of the proposed development, currently supported by a retaining wall. Grand Ave at this location is dead-end street for motor vehicles, with a sidewalk on the west side that provides bicycle and pedestrian access to SE Tacoma Street.

### **B. Concurrent Land Use Actions**

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

### **C. The Transportation Element**

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

### **D. Neighborhood Plan**

The Sellwood-Moreland Neighborhood Plan (1998) 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: SE Grand at this location is a dead-end street for motor vehicles, currently functioning as a parking lot. It has a sidewalk that connects to SE Tacoma St, providing a bicycle and pedestrian connection. The proposed vacation will not affect the current function of SE Grand.*

**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 Grand at this location is a dead-end street for motor vehicles, currently functioning as a parking lot. It has a sidewalk that connects to SE Tacoma St, providing a bicycle and pedestrian connection. The proposed vacation will not affect the current function of SE Grand.*

**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 Objective D, the Sellwood Bridge approach prevents a full street connection at this location.*

*Per Objective E, an existing bicycle and pedestrian connection will not be affected by the proposed vacation.*

*Per Objective N, the area of the proposed vacation is shown on Southeast District Map 11.11.13 as meeting the street spacing standard. The proposed vacation will not affect connectivity.*

**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 will be retained if this vacation request is approved.*

**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 Portland Bureau of Transportation (PBOT) for conformance with standards for street improvements. No objections to the proposed vacation were raised.

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

- The Bureau of Environmental Services responded with no objection.
- 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.
- ODOT responded with no objection.
- The Port of Portland responded with no objection.
- TriMet was notified of the proposal but did not respond.
- PGE responded with no objection.
- Pacific Power responded with no objection.
- CenturyLink responded with no objection.
- Northwest Natural responded with no objection.
- Comcast responded with no objection.

#### **G. Neighborhood Issues**

Notice of this street vacation request was provided to the Sellwood-Moreland Improvement League (SMILE) and SE Uplift. Both responded with no objection.

#### **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**

At a hearing on November 17, 2015, the Planning and Sustainability Commission recommended **APPROVAL** of the vacation as shown on Exhibit 1.

**VII. EXHIBITS**

1. Area proposed for vacation
2. North-facing view of area proposed for vacation.
3. South facing view of SE Grand (vacation area left of retaining wall).

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



## SE Grand Avenue north of SE Tacoma Street

Petitioner: Dianna J. Richardson

Section: 1S1E23CC 1/4 Section: 3831



Area Proposed for Vacation



1 inch = 100 feet



Exhibit 2





# Exhibit 3

187666



Google





# CHASE, JONES & ASSOCIATES INC.

FORMERLY BOOTH & WRIGHT  
LAND SURVEYORS & ENGINEERS SINCE 1885

716 SE 11TH AVENUE PORTLAND, OR 97214  
PHONE: (503) 228-9844

Revised: August 27, 2015  
Project No. 13298

## EXHIBIT 1

### PBOT RW #7790

### Right of Way Vacation

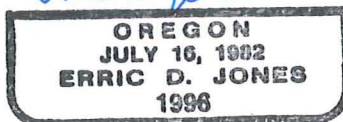
A portion of SE Grand Avenue adjoining Block 3, in the Plat of "Sellwood", in the City of Portland, County of Multnomah, State of Oregon, being situated in the Southwest Quarter of Section 23, Township 1 South, Range 1 East of the Willamette Meridian, being described as follows:

**COMMENCING** at the Southwest corner of Lot 5 of said Block 3; thence North 00°00'00" East along the West line of said Lot 5 a distance of 6.00 feet to the North line of that street dedication as described in Document No. 2013-106062, recorded August 2, 2013, Multnomah County Deed Records; thence continuing North 00°00'00" East along the West line of said Lot 5 a distance of 1.09 feet to the **TRUE POINT OF BEGINNING**; thence North 15°54'08" West a distance of 64.23 feet to a point 17.60 feet West of, when measured at right angles to, the West line of Block 3; thence North 00°00'00" East parallel with the West line of said Block 3 a distance of 131.14 feet to the Westerly extension of the North line of Lot 8, Block 3; thence North 90°00'00" East along said Westerly extension a distance of 17.60 feet to the West line of said Block 3; thence South 00°00'00" West along the West line of said Block 3 a distance of 192.91 feet to the **TRUE POINT OF BEGINNING**.

Containing approximately 2,852 square feet, more or less.

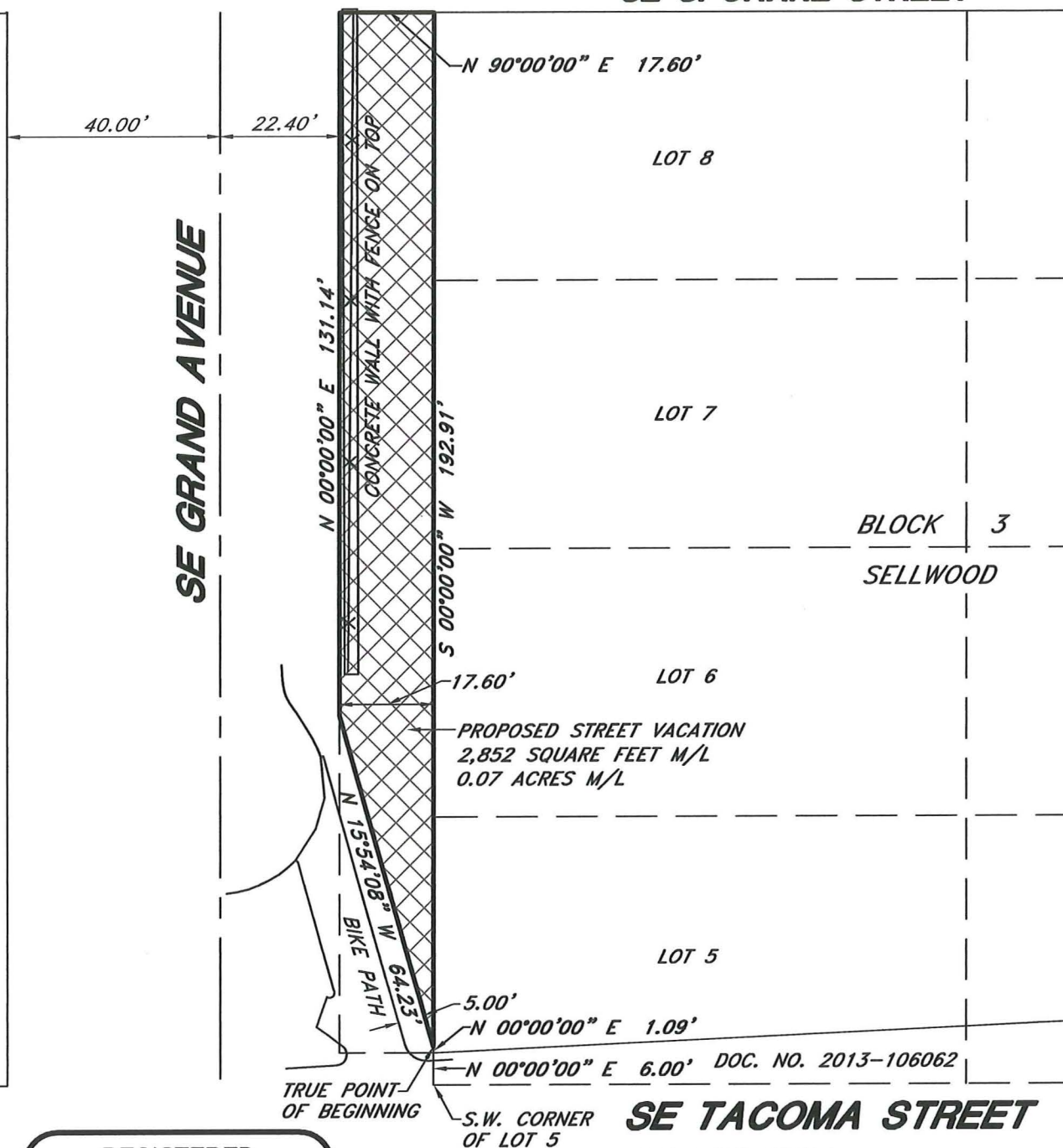


*Erric D. Jones*



*Est. 6-30-17*



**EXHIBIT 2****SE SPOKANE STREET**

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Eric D. Jones*

OREGON  
JULY 16, 1982  
ERRIC D. JONES  
1996

EXPIRES: 6-30-17

PBOT RW #7790  
**PROPOSED STREET VACATION**

OF  
LOTS 5-8, BLOCK 3, SELLWOOD  
SITUATED IN THE

S.W. 1/4 OF SECTION 23, T. 1 S., R. 1 E., W.M.  
CITY OF PORTLAND, COUNTY OF MULTNOMAH, STATE OF OREGON

CHASE, JONES & ASSOCIATES INC.  
716 S. E. 11TH AVE. PORTLAND, OREGON 97214

PHONE: (503) 228-9844 REV: AUG. 27, 2015

PROJECT NO.: 13298

DATE: JULY 30, 2015

1/4 SECTION: 3831

SCALE: 1" = 30'