

Multnomah County Official Records
R Weldon, Deputy Clerk

2015-070993



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CITY OF PORTLAND
Office of the City Auditor
1221 SW Fourth Avenue, Room 130
Portland, OR 97204-1900

I hereby certify this Ordinance No. 186895 to be a complete and exact copy of the original as the same appears on file and of record in my office and in my care and custody on June 10, 2015.

Mary Hull Caballero
Auditor of the City of Portland
By *J. Anderson*
Deputy

Plut. Kimer

ORDINANCE No. 186895

Vacate a portion of E Burnside St west of NE Martin Luther King, Jr Blvd subject to certain conditions and reservations (Hearing; Ordinance; VAC-10095)

The City of Portland ordains:

Section 1. The Council finds:

1. On December 11, 2013, the Portland Bureau of Transportation received a request for the vacation of a portion of E Burnside Street, from Portland Development Commission (PDC), the owner of adjoining property.
2. The reason for the vacation is to consolidate property to make the adjacent lot to the north more developable. PDC is currently working with Guerrilla Development to pursue redevelopment of the adjacent property referenced as State ID # 1N1E34DA tax lot 3500.
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 July 24, 2014 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 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 following described street area is hereby vacated:

That portion of E Burnside Street situated in the southeast one-quarter of Section 34, T1N, R1E, W.M., City of Portland, County of Multnomah, State of Oregon, as described on Exhibit 1 and depicted on Exhibit 2 attached hereto and by this reference made a part hereof.

Contains 1,453 square feet, more or less.

- b. The vacation of the above-described street area is granted subject to the following conditions and reservations:
1. A minimum of 15 feet of public right-of-way will be retained between the property line and the face of the curb on E Burnside Street.
 2. The Petitioner will reconstruct the sidewalk along E Burnside Street so that the cross slope flows towards the gutter in the street. The existing stormwater planter is only to be removed in conjunction with reconstruction of the sidewalk. The sidewalk corner is to be reconstructed if there is an insufficient accessible path (4 ft. minimum) between the proposed building and the Americans with Disabilities Act ramp throats. A performance guarantee will be accepted in lieu of performing these street improvements ahead of recording the vacation ordinance.
 3. The Bureau of Environmental Services owns and maintains certain improvements within the street area to be vacated. As a condition of the street vacation approval, the Petitioner will remove Stormwater Planter 'A', remove the atrium inlet located inside said planter, and abandon the stormwater facility lead pipe between Planter 'A' and Planter 'GG' per City specification 00490. (Refer to Project E08585 As-Built Sheet D-05 attached as Exhibit 3 hereto for location of the elements identified to be removed and/or abandoned prior to recording the vacation.)
 4. 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, including, but not limited to those identified by CenturyLink. Subject to Paragraph 6 below, 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 in the street vacation area will require written agreements between the Petitioner and owner(s) of the utilities.
 5. Notwithstanding b4, 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.

6. If any property, encumbered by an easement reserved in this vacation 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.
7. City costs associated with processing the street vacation petition shall be paid in full before the City records this Ordinance.
8. 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 the Ordinance at its sole discretion.

Section 2. Multnomah County 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 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.

Section 4. After the prerequisites to recording the 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, Bureau of Transportation, 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. 7712.

Passed by the Council,

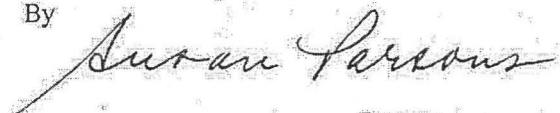
NOV 19 2014

Commissioner Steve Novick
Prepared by: Lance D. Lindahl:slg
Date Prepared: October 15, 2014
RW # 7712

LAVONNE GRIFFIN-VALADE

Auditor of the City of Portland

By



DEPUTY

EXHIBIT 1

RWA #7712

RIGHT-OF-WAY VACATION

FEBRUARY 12, 2014

LEGAL DESCRIPTION

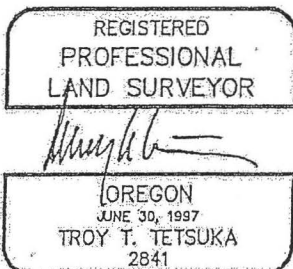
A TRACT OF LAND BEING A PORTION OF LOT 5, BLOCK 76, EAST PORTLAND, MULTNOMAH COUNTY PLAT RECORDS, ALSO BEING A PORTION OF E. BURNSIDE STREET AS DESCRIBED IN RESOLUTION NO. 15109, RECORDED JUNE 18, 1925 IN BOOK 994, PAGE 45, MULTNOMAH COUNTY PLAT RECORDS, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 1 NORTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF N.E. MARTIN LUTHER KING JR. BLVD (80 FEET WIDE) AS DESCRIBED IN RESOLUTION NO. 19626, RECORDED AUGUST 5, 1930 IN BOOK 1177, PAGE 4, MULTNOMAH COUNTY PLAT RECORDS AND THE NORTHERLY RIGHT-OF-WAY LINE OF SAID E. BURNSIDE STREET (VARIABLE WIDTH) AS DESCRIBED IN SAID RESOLUTION NO. 15109, SAID POINT BEARS NORTH $88^{\circ}12'27''$ WEST 20.00 FEET AND SOUTH $01^{\circ}47'33''$ WEST 169.50 FEET FROM THE NORTHEASTERLY CORNER OF LOT 8 OF SAID BLOCK 76; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE SOUTH $47^{\circ}31'28''$ WEST 6.97 FEET; THENCE NORTH $86^{\circ}51'41''$ WEST 65.68 FEET; THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY LINE SOUTH $03^{\circ}08'16''$ WEST 22.07 FEET; THENCE SOUTH $89^{\circ}40'10''$ EAST 71.19 FEET TO THE SOUTHERLY EXTENSION OF SAID WESTERLY RIGHT-OF-WAY LINE OF N.E. MARTIN LUTHER KING JR. BLVD; THENCE ALONG SAID SOUTHERLY EXTENSION LINE NORTH $01^{\circ}47'33''$ EAST 23.57 FEET TO THE POINT OF BEGINNING,

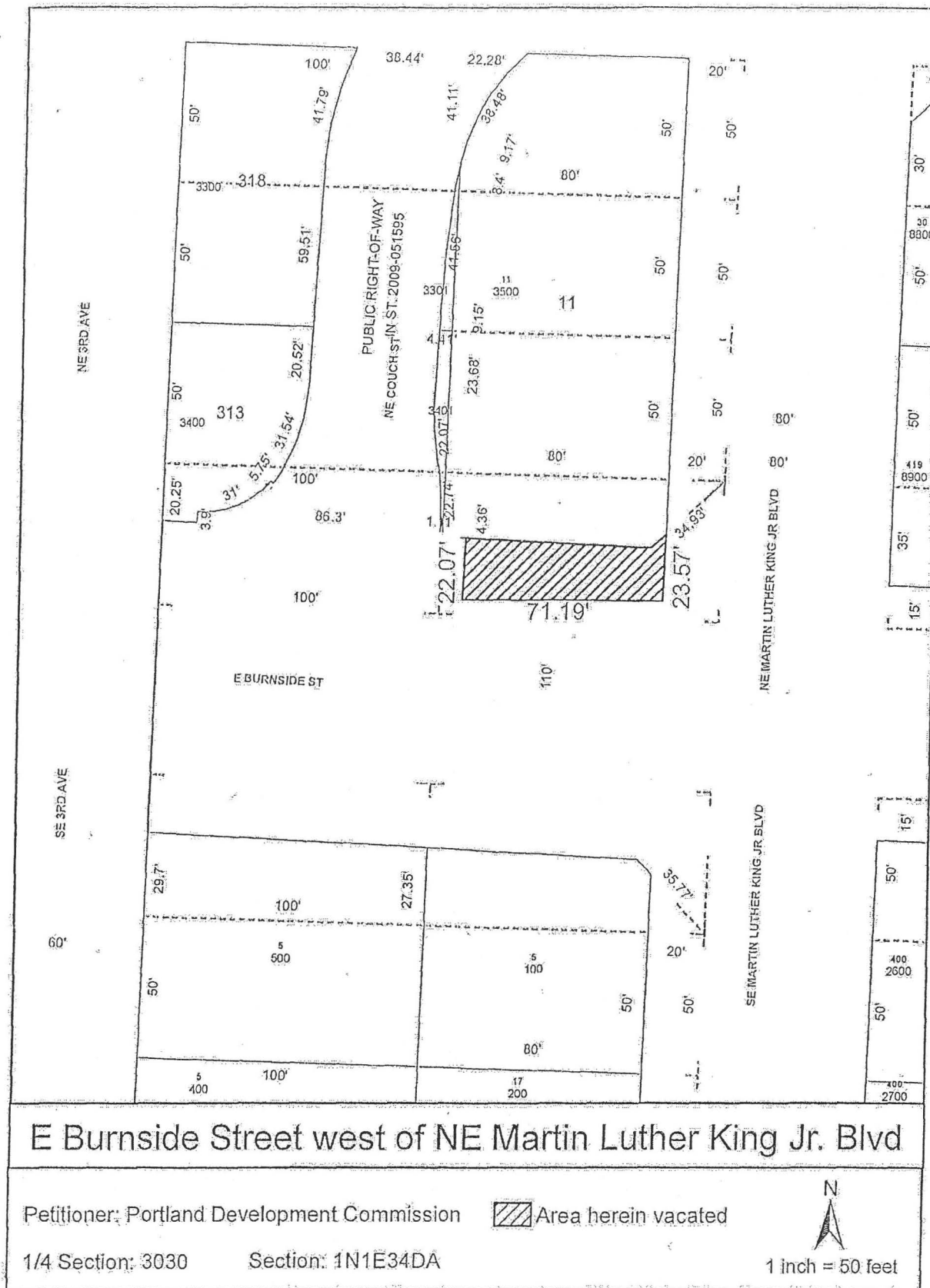
CONTAINING 1,453 SQUARE FEET OR 0.033 ACRES, MORE OR LESS.

THE BASIS OF BEARINGS IS THE CENTER LINE OF E. BURNSIDE STREET AS SOUTH $88^{\circ}12'27''$ EAST, PER SURVEY NO. 63473, MULTNOMAH COUNTY SURVEY RECORDS.

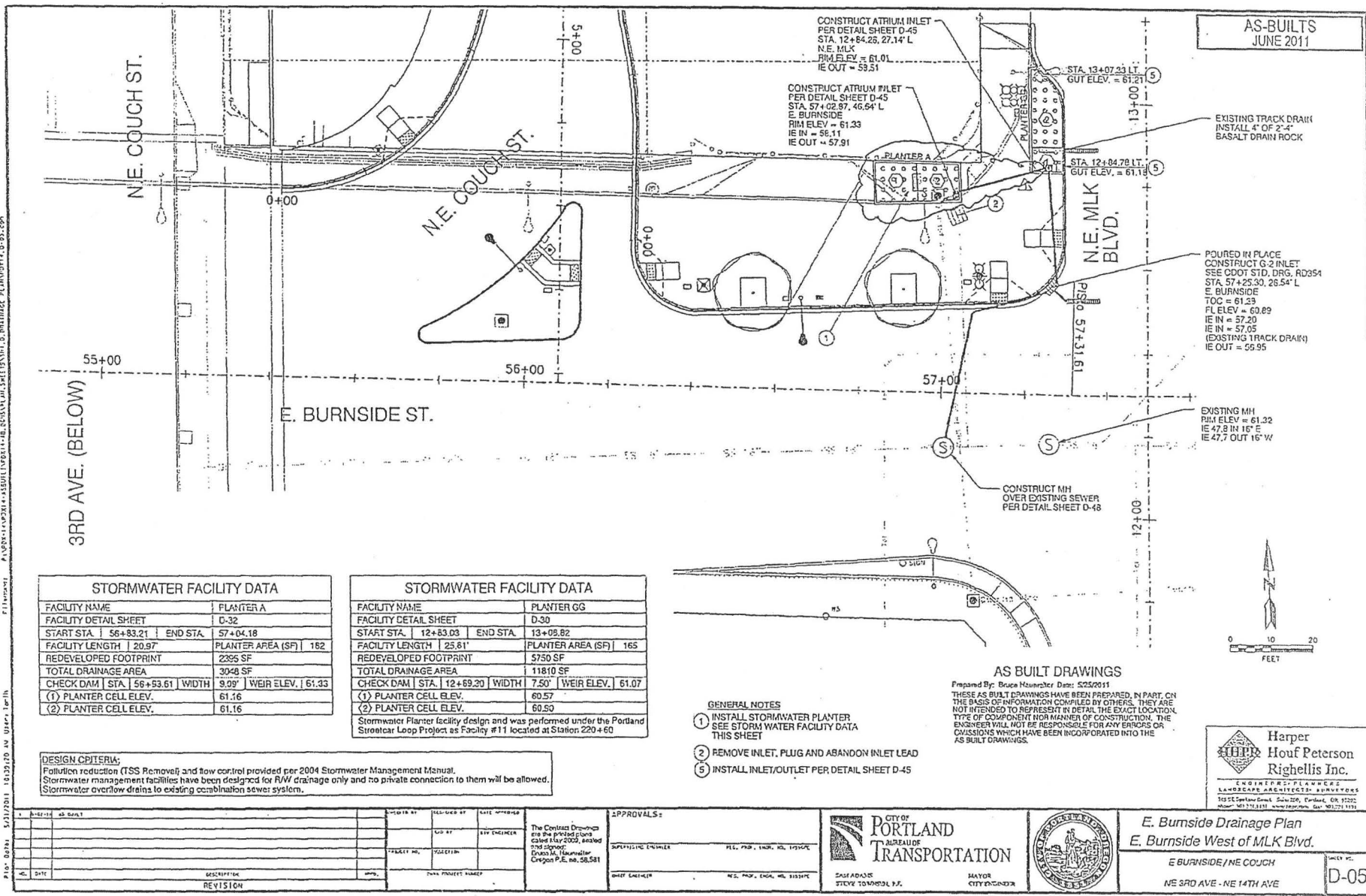
THE TRACT OF LAND IS SHOWN ON THE ATTACHED EXHIBIT MAP AND BY THIS REFERENCE MADE A PART THEREOF.



RENEWAL DATE 6-30-14



AS-BUILTS
JUNE 2011




ACCEPTANCE

Auditor of the City of Portland
City Hall Room 130
1221 SW 4th Avenue
Portland, Oregon 97204

This is to advise the City of Portland, Oregon that we hereby accept the terms and provisions of Ordinance No. 186895, passed by the Portland City Council on November 19, 2014, **Vacate a portion of E Burnside St west of NE Martin Luther King, Jr Blvd subject to certain conditions and reservations; VAC 10095**, and in consideration of the benefits received thereunder we hereby agree to abide by and perform each and all of the applicable terms and provisions thereof.

06/05/15


Date


(Signature and Title)

Kevin Cavanaugh
Fair-Haired Dumbbell LLC
3435 NE 45th Avenue, Suite J
Portland OR 97213

Approved as to form:

APPROVED AS TO FORM

 6/8/15
City Attorney CITY ATTORNEY

APPROVED AS TO FORM


CITY ATTORNEY