

Multnomah County Official Records
R Weldon, Deputy Clerk

2016-068009



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

p/u: Karl Acuda

I hereby certify this Ordinance No. 187568 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 May 20, 2016.

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

ORDINANCE No. 187568 As Amended

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)

The City of Portland ordains:

Section 1. The Council finds:

1. On June 9, 2015 the Office of the City Auditor certified a petition for the vacation of NE Sandy Boulevard bound by NE Couch Street, E Burnside Street, NE 12th Avenue, and NE 14th Avenue, with the petition initiated by Weston Investment Co., LLC, (the "Petitioner").
2. The petition states that the reason for the vacation is to consolidate both parcels with the abutting properties to the north and south for future development. These properties are owned by the Petitioner and by John F. Potts (the "Property Owners"). The properties to the north of the vacation area are owned by the Petitioner. John F. Potts owns the properties to the south of the vacation area and he supports this vacation proposal.
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 November 13, 2015 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 areas are hereby vacated:

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

All together containing 22,563 square feet, more or less.

b. The vacation of the above-described street area is granted subject to the following conditions and reservations:

1. The following two City of Portland owned utility poles and associated overhead circuit wires are located within the vacation area: A1135C-555 and A1135C-1515. The Property Owners will accept ownership of these two poles as well as the associated overhead circuit wires. Quitclaim Deeds transferring ownership in substantially the same form as Exhibit C attached hereto will be recorded concurrently and delivered with the street vacation 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.
2. The Petitioner will accept ownership of the stormwater facilities located north of the sidewalk on E Burnside Street between NE 12th and 13th Avenues. Said facilities to be transferred by the City includes: 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 D attached hereto will be recorded concurrently and delivered with the street vacation ordinance.

The Petitioner will 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 and will be coordinated with City of Portland, Bureau of Environmental Services.

3. 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.
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. 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 Property Owners and the 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. The Property Owners 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. 7961.

187568

Passed by the Council, JAN 27 2016

Commissioner Steve Novick
Prepared by: Lance D. Lindahl
Date Prepared: December 14, 2015
R/W # 7961

Mary Hull Caballero
Auditor of the City of Portland
By



Deputy

Exhibit "A"

LEGAL DESCRIPTION
NE SANDY BOULEVARD STREET VACATION

December 11, 2015
 RWA #7961

Tract 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.

Tract 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.

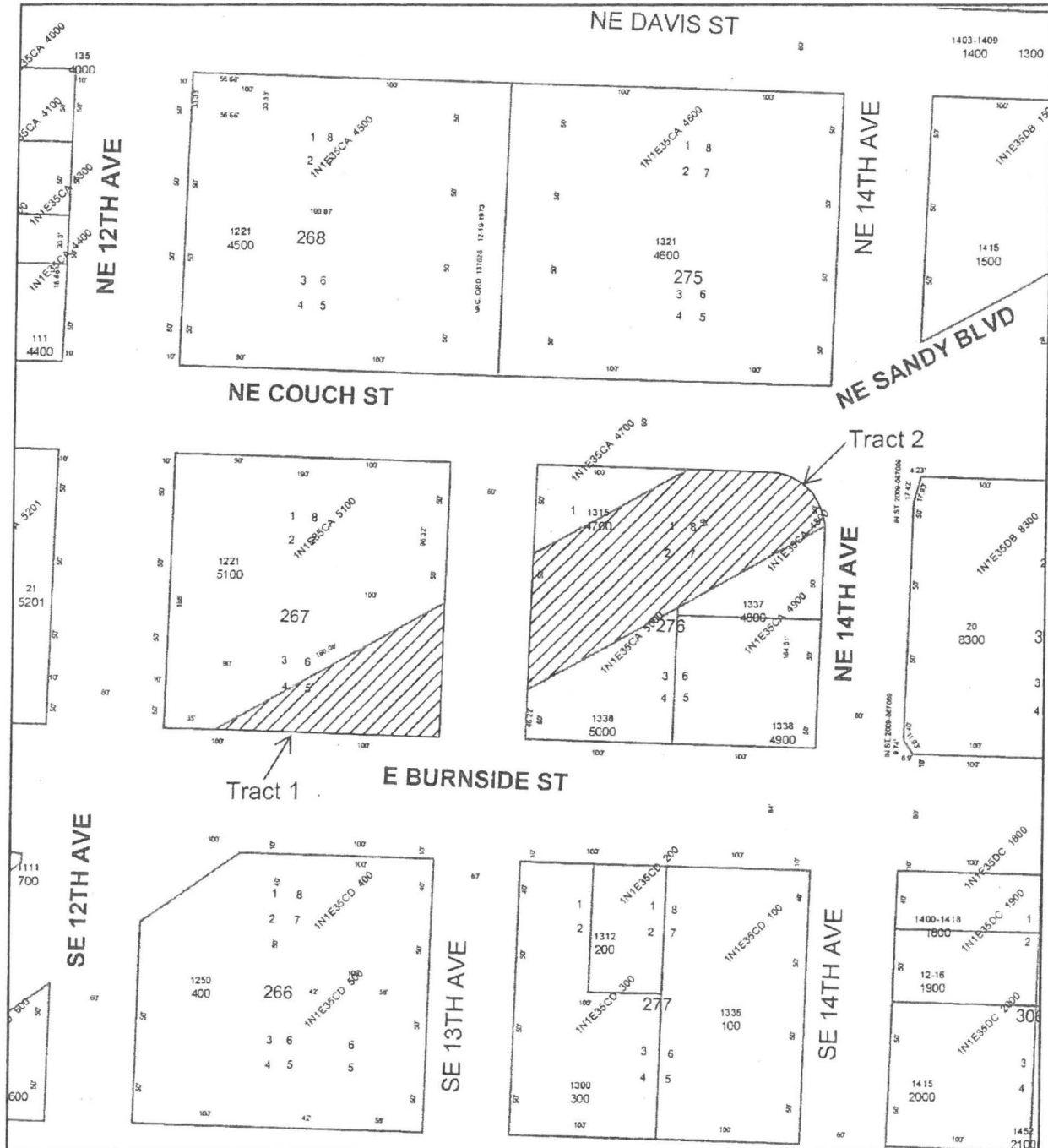
The basis of bearings of this description is the Oregon Coordinate Reference System, Portland Zone.

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Mark Mayer

OREGON
 JULY 14, 1998
 MARK J. MAYER
 2887

RENEWS: 12-31-2016



Tract 1

Tract 2

Petitioner: Weston Investment Co., LLC

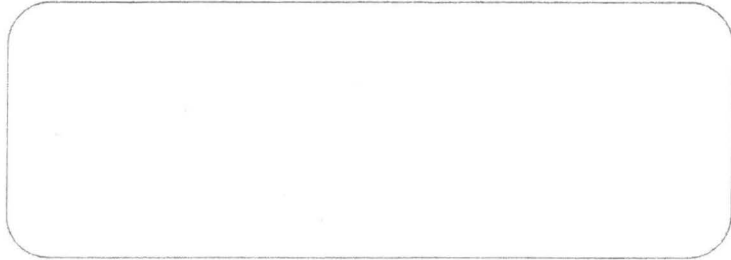
 Area Herein Vacated

State ID: 1N1E35CA 1/4 Section: 3031 RWA #7961



1 in = 100 ft

Grantor's Name and Address
City of Portland
Bureau of Transportation
1120 SW 5th Ave., 8th Fl
Portland, OR 97204



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 *, ("Grantee"), and unto Grantee's successors and assigns, all of Grantor's right, title and interest in and to those certain streetlight poles, electrical wires, and appurtenances (the "Facilities") situated in the County of Multnomah, State of Oregon, described as follows:

A portion of Vacated NE Sandy Boulevard lying between NE 12th and NE 14th Avenues, situated in the southwest one-quarter of Section 35, T1N, R1E, W.M., City of Portland, County of Multnomah, State of Oregon, 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 streetlight poles, electrical wires, and appurtenances located in property described above including streetlight pole * ("Facilities"). Grantee hereby waives any claims of any nature that may arise in connection with the existence of the Facilities or the City's prior use of the Facilities. Grantee's acceptance of ownership of the Facilities, and waiver of claims relating to the Facilities, is binding on Grantee's heirs, successors and assigns.

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

R/W #8017-2

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

187 568

CITY OF PORTLAND, GRANTOR

By: _____
Bureau 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 or designee for the Bureau of Transportation of the City of Portland, a municipal corporation, and that said instrument was signed on behalf of said corporation by authority of its City Council and acknowledged said instrument to be its voluntary act and deed.

Before me _____
Notary Public for Oregon
My Commission expires _____

APPROVED AS TO FORM:

City Attorney

Acknowledged and Agreed:

*

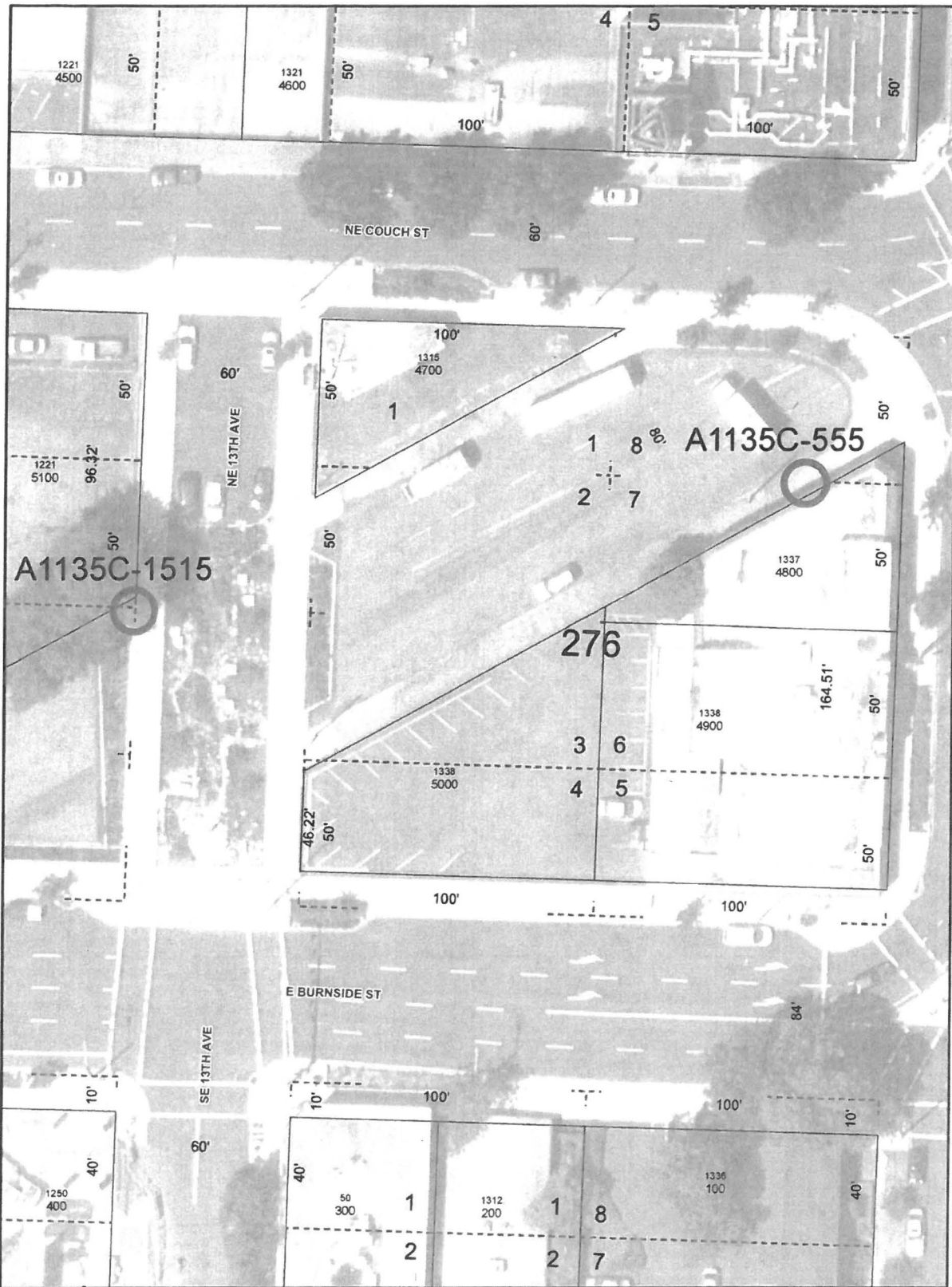
By: _____
*

STATE OF _____

County of _____

This instrument was acknowledged before me on _____, 20____,
by _____ as *.

Notary Public for (state) _____
My Commission expires _____



VACATED NE SANDY BOULEVARD NORTH OF E BURNSIDE STREET

Grantee: *

R/W: 8017-2 1/4 Section:3031 Section: 1N1E35CA

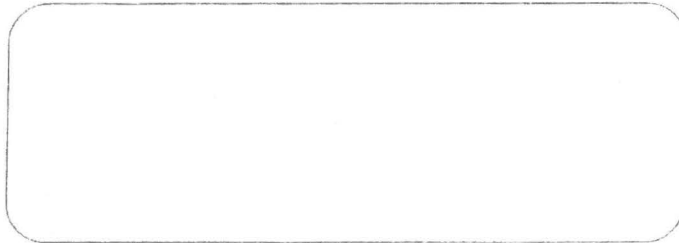


1 in = 50 ft

Quitclaim

EXHIBIT D

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 southwest 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 no longer function as public sewer facilities. Grantee hereby waives any claims of any nature that may arise in connection with the existence of the Facilities or the City's prior use of the Facilities. Grantee's acceptance of ownership of the Facilities, and waiver of claims relating to the Facilities, is binding on Grantee's heirs, successors and assigns.

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

R/W #8017

INIE35CA

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

187 568

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

187 568

Acknowledged and Agreed:

WESTON INVESTMENT Co. LLC,
AN OREGON LIMITED LIABILITY COMPANY

By: _____
Member

STATE OF _____

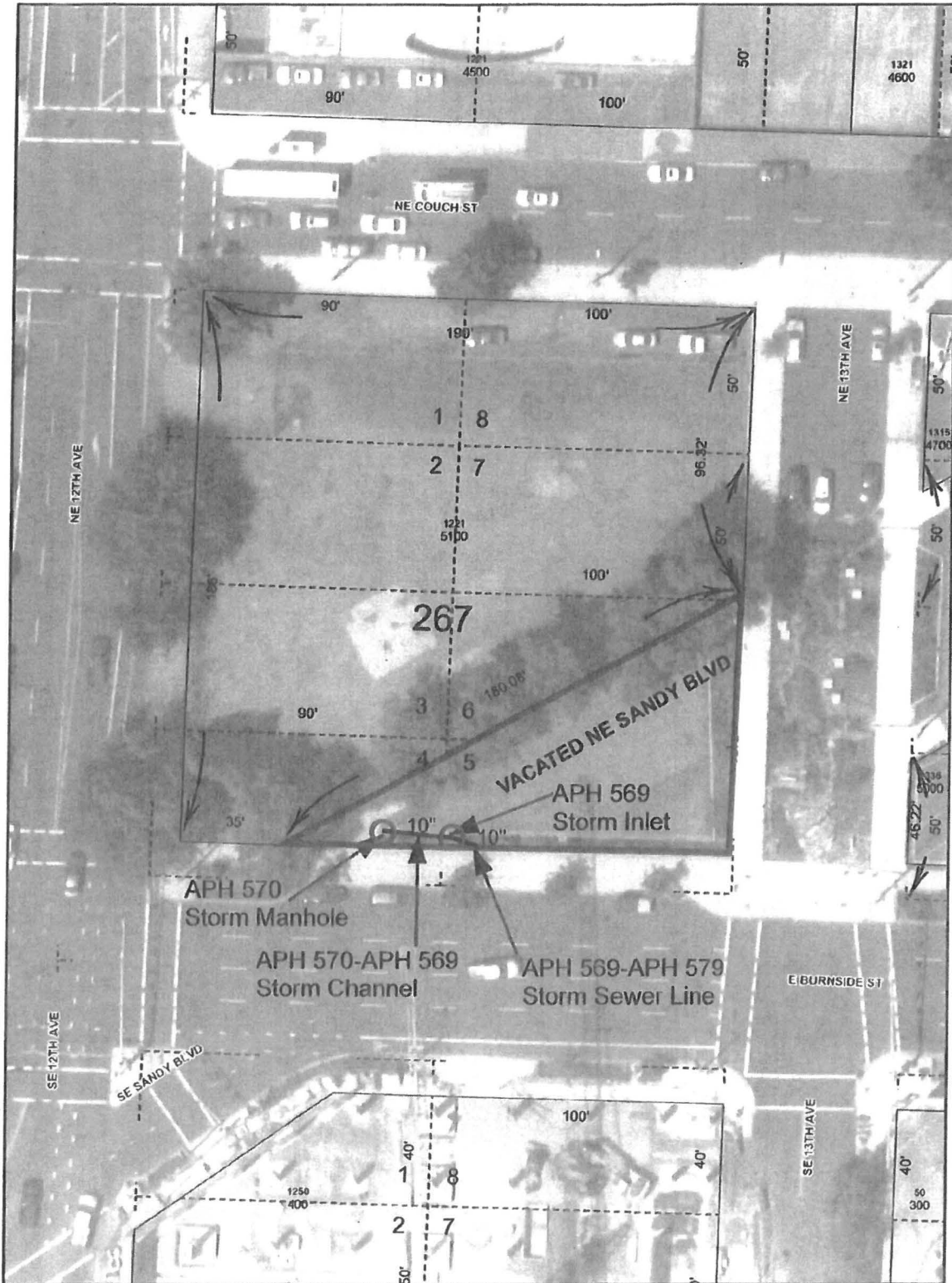
County of _____

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 _____

8017QC BES

EXHIBIT 1



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

| | | |
|---|--|---|
| <p>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</p> | <p> Facility Release Area</p> | <p> 1 in = 50 ft</p> |
|---|--|---|

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 John F. Potts hereby accepts the terms and provisions of Ordinance No. 187568, passed by the Portland City Council on January 27, 2016, **Vacate a portion of NE Sandy Blvd bound by NE Couch St, E Burnside St, NE 12th Ave, and NE 14th Ave subject to certain conditions and reservations; VAC-10100**, and in consideration of the benefits received thereunder John F. Potts hereby agrees to abide by and perform each and all of the applicable terms and provisions thereof.

3/3/16
Date

John Potts OWNER
(Signature and Title)

John F. Potts
11808 NE Gren Fels Dr
Battleground, WA 98604

Approved as to form: APPROVED AS TO FORM


City Attorney CITY ATTORNEY 3/16/16

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 Weston Investment Co., LLC hereby accepts the terms and provisions of Ordinance No. 187568, passed by the Portland City Council on January 27, 2016, **Vacate a portion of NE Sandy Blvd bound by NE Couch St, E Burnside St, NE 12th Ave, and NE 14th Ave subject to certain conditions and reservations; VAC-10100**, and in consideration of the benefits received thereunder Weston Investment Co., LLC hereby agrees to abide by and perform each and all of the applicable terms and provisions thereof.

2/5/16
Date

Joseph E Weston, PRES
(Signature and Title)

Weston Investment Co., LLC
c/o Larry Porter
Porter Company LLC
5510 SW Dover Loop
Portland OR 97225

Approved as to form:

APPROVED AS TO FORM

[Signature] 2/22/16
City Attorney
CITY ATTORNEY