

## IMPACT STATEMENT

**Legislation title:** Vacate a portion of SW 9<sup>th</sup> Ave between SW Gibbs St and SW US Veterans Hospital Rd subject to certain conditions and reservations (Hearing; Ordinance; VAC-10123)

**Contact name:** Lance Lindahl, PBOT Right-of-Way Acquisition

**Contact phone:** 503-823-7465

**Presenter name:** Lance Lindahl

### **Purpose of proposed legislation and background information:**

- The purpose of this legislation is to vacate a portion of SW 9<sup>th</sup> Avenue between SW Gibbs Street and SW US Veterans Hospital Road as recommended in the Bureau Director's Report (the "Street Area").
- The petition was initiated by Yoshida Real Estate Holdings XVIII, LLC (the "Petitioner"), for the purpose of simplifying development constraints necessary for developing contiguous structures for use as a hotel. A Type II Land Use Decision for the proposed hotel was approved by the City of Portland in August 2018 as LU-17-273735 AD.
- The Petitioner is the owner of the abutting property to the east and west of the Street Area. All of the vacation area will revert to the parcels that they own to the west of the Street Area.
- The Street Area is not currently improved to City standards. It is not open to motor vehicles or pedestrians due to the presence of steep topography and dense vegetation.
- The petition was certified by the City Auditor's Office on October 26, 2018. The Street Area is described on Exhibit 1 and depicted on Exhibit 2 of the ordinance.
- The Planning and Sustainability Commission ("PSC") reviewed and recommended approval of the street vacation request on March 12, 2019. The attached Bureau Director's Report was completed on May 1, 2019, reflecting PSC's recommendation subject to certain conditions and reservations.
- The ordinance complies with state law under ORS 271 and City Code, Chapter 17.84 and will complete the street vacation process.

### **Financial and budgetary impacts:**

- The process for vacating streets is a cost recovery program, typically paid for by the Petitioner, and does not have a net impact on PBOT's budget. Expenses for processing a street vacation request typically range between \$8,000 and \$20,000+, depending on the complexity. This street vacation falls at the low end of the range and is estimated (with moderate confidence) to be approximately \$7,500.
- Revenue paid by the Petitioner for this street vacation will cover the actual expenditures incurred by City staff for the processing of this request. The SAP

Cost Object is 9TR000002652. The revenue and expenses are occurring in FY 2018-19 and FY 2019-20.

- This legislation does not affect staffing levels nor will result in a new or modified financial obligation or benefit now or in the future.
- If City Council does not approve the ordinance, the Street Area will remain as public right-of-way, thereby limiting the Petitioner's use of this area and they will therefore need to revise their property redevelopment plans.

#### **Community impacts and community involvement:**

- Pursuant to ORS 271.080, the Petitioner obtained the required signatures from surrounding property owners in the 'affected area' as stated in said statute, showing support of the vacation request. As an additional requirement of the state statute, the City Auditor also published notice of the public hearing in the Daily Journal of Commerce and has posted the notice near the Street Area.
- Comments were solicited from City Bureaus, government agencies, public utilities and affected neighborhood and business associations in the area. PBOT did not receive any objections to the vacation request.
- The PSC advertised and then held a public hearing on March 12, 2019. Although not required by State Statute or City Code, letters were mailed to all the surrounding neighbors within an 'affected area' as defined by ORS 271 to notify them of the public hearing thereby giving them an opportunity to be heard. No one from the public came forward to testify in support or opposition of the vacation, and the PSC ultimately recommended approval to City Council of the proposed vacation.
- There do not appear to be any other impacts to the community from vacating this right-of-way. No opposition to this street vacation request is expected and no one has expressed their desire to testify at the hearing. There is no future public involvement anticipated since the ordinance will conclude the street vacation process.
- Information regarding the advertising details can be provided by Toni Anderson, City Auditor's Office, 503-823-4022, or [toni.anderson@portlandoregon.gov](mailto:toni.anderson@portlandoregon.gov).

#### **100% Renewable Goal:**

- Not Applicable.

#### **Budgetary Impact Worksheet**

#### **Does this action change appropriations?**

☐ **YES:** Please complete the information below.

☒ **NO:** Skip this section

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount

KK 7-11-18