



Sam
Adams
Commissioner

CITY ENGINEER'S REPORT TO COUNCIL ON THE PROPOSED VACATION OF A PORTION OF N BALDWIN STREET, EAST OF N DELAWARE AVENUE

Susan D.
Keil
Director

December 2, 2005

Eileen
Argentina
System
Management

Background

Don
Gardner
Engineering &
Development

1. **Proposed Street Vacation Area.** A portion of N Baldwin Street, east of N Delaware Avenue, said portion being approximately 199 feet long by 10 feet wide, containing approximately 1,990 square feet. The area is currently improved and is more specifically depicted on Exhibit 1 attached hereto.

Sam M.
Irving, Jr.
Maintenance

2. **Petitioner.** The Roman Catholic Archbishop of Portland in Oregon is the owner of the abutting property to the north and south of the proposed street vacation area.

Paul
Smith
Planning

3. **Purpose.** The street vacation is proposed in order to expand the high school to accommodate a total of 300 students.

4. **Compliance with Minimum Requirements.** The petitioner has secured necessary signatures of property owners in the area, as required under ORS 271.080 (Vacation in incorporated cities; petition; consent of property owners). The Office of the City Auditor approved the required petition on August 20, 2004.

5. **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 2 hereto. Of particular significance were comments by the Development Review and Permit Engineering Sections of Portland Transportation, the Bureau of Environmental Services and the Bureau of Water Works, which requested that certain conditions be satisfied prior to the street being vacated. Additionally, Portland General Electric, Qwest and Comcast Cable have requested that the street vacation ordinance reserve easements for their existing facilities.

6. **Planning Commission Review.** The Planning Commission reviewed and approved the proposed street vacation on February 22, 2005, with its Report and Recommendation attached as Exhibit 3 hereto.

7. **Costs.** The Petitioner has paid \$3,300 to date to reimburse the City for costs incurred processing the street vacation request. The amount paid appears sufficient to complete the process.

Office of Transportation Recommendation

The Office 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 certain conditions and reservations specified below. The area to be vacated is more specifically described as:

R/W #6317

A portion of N Baldwin Street situated in the southeast one-quarter of Section 9, T1N, R1E, W.M., in the City of Portland, County of Multnomah, State of Oregon, said portion being more particularly described as follows:

All that portion of N Baldwin Street lying between the east line of N Delaware Avenue and a line drawn 199.00 feet east of and parallel with said east line, said portion also being the north 10.00 feet of the southerly 24.00 feet thereof, as platted in the duly recorded plat of Mulark Addition.

Conditions, Reservations and Releases

1. **Conditions.** The following conditions must be satisfied by the Petitioner prior to the street vacation ordinance being recorded by the City and thereby considered effective:
 - A. **Office of Transportation, Development Review and Permit Engineering.** The Petitioner will construct a sidewalk along the north side of N Russet Street between N Delaware Avenue and N Omaha Avenue. If it is not to be used, the Petitioner will also permanently close the existing driveway access at the east end of the previously vacated portion of N Baldwin Street with curb and sidewalk. The Petitioner will pay all costs for said street improvements, in accordance with the requirements of the City Engineer.
 - i) To ensure the completion of the required street improvements, the Petitioner shall provide to the City Engineer, Street Systems Management Section, a performance guarantee in the form of a surety bond, letter of credit, set-aside account, cash, or other form of surety, subject to approval by the City Attorney. The Petitioner acknowledges that the performance guarantee indicated is a preliminary estimate subject to change, and agrees to provide additional guarantee and/or fees as required by the City Engineer.
 - ii) The Petitioner will authorize the City to complete the required street improvements at the Petitioner's cost, in the event that the City Engineer, at his sole discretion, determines that the improvements are not being made as required in a reasonable time.
 - iii) Upon completion of the required improvements by the Petitioner, and acceptance by the City Engineer, the Petitioner shall guarantee maintenance of the improvements for two (2) years following the date of project acceptance. The maintenance guarantee may be satisfied by the performance guarantee, or by substitution of other surety

acceptable to the City Attorney and equal to 25% of the performance guarantee. Upon acceptance by the City of a 25% maintenance guarantee, the street improvements performance guarantee will be released.

iv) Prior to the issuance of a Certificate of Completion by the City Engineer, fees collected by the City in association with street closure work will be reconciled with actual City costs, with Petitioner to receive from or pay to the City the net difference. In the event of non-payment by the Petitioner, the street improvement performance bond will be used to reimburse City costs. Use of the performance bond by the City will not preclude the City from billing to and collecting from the Petitioner those costs incurred by the City that were in excess of the performance bond.

B. Bureau of Environmental Services. The Bureau of Environmental Services (BES) owns and maintains certain improvements within the street area to be vacated. As a condition of street vacation approval, BES will require the petitioner to institute a Public Works Permit project to install a manhole in the Baldwin Street cul-de-sac. BES will then quitclaim the 8-inch combination sewer pipe within the vacated area and up to the manhole to the petitioner. The Petitioner, and petitioner's successors and assigns, will agree to accept ownership of any abandoned facilities in the vacated street area and will waive any claims of any nature that may arise in connection with the existence of such facilities or the city's prior use of those facilities.

C. Bureau of Water Works Facilities. The Bureau of Water Works (BWW) owns and maintains certain improvements within the street area to be vacated. As a condition of street vacation approval, the Petitioner will pay BWW costs to cut and plug an existing 6-inch water main in N Baldwin Street at its connection in N Delaware Avenue to the west and just west of the water service to 2408 N Baldwin Street to the east. In addition, the Petitioner will pay BWW costs to install a new 6-inch water main in N Omaha Avenue between N Farragut Street and N Baldwin Street. The BWW will complete the work within a reasonable period of time after receiving payment from the Petitioner. The Petitioner, and petitioner's successors and assigns, will agree to accept ownership of any abandoned facilities in the vacated street area and will waive any claims of any nature that may arise in connection with the existence of such facilities or the city's prior use of those facilities.

D. Costs. In the event that additional processing requirements exceed current projections, Petitioner may be required to pay additional processing costs to the City.

2. Reservations and Releases.

A. Utilities. 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. The ordinance will reserve 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.

- B. City Release.** Notwithstanding Item 2.A. above, 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 Conditions 1.A through 1.D 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 vacating Ordinance has been recorded by the City in Multnomah County Deed Records, which will not be done until after all conditions required by the City have been fully satisfied.

City Engineer

TO THE COUNCIL:

The Commissioner-in-Charge concurs with the recommendation of the City Engineer and Planning Commission and

RECOMMENDS:

That the City Council accept the City Engineer and Planning Commission Reports, which recommend that the proposed street area be vacated subject to conditions and reservations provided herein.

Respectfully submitted,

Commissioner Sam Adams
Commissioner of Public Utilities

Attachments:

Exhibit 1, Proposed Map
Exhibit 2, Summary of Comments
Exhibit 3, Planning Commission Recommendation

43	42	41	40	39	38	37	36	35	34	33	32	31	30	29	28	27	26	25	24	23
2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
100	20600	20400	20300	20200	20100	20000	19900	19800	19700											

(MEADE) (SLOCUM) ST.

900	800	700	600	500	400	300	200	100												
2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
00	300	300	3400	3400	3400	3400	3400	3400	3400	3400	3400	3400	3400	3400	3400	3400	3400	3400	3400	3400

(HOOKER) ST.

4700	4800	4500	4400	4300	4200	4100	4000													
2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
7300	7400	7300	7200	7100	7000	6900	6800	6700	6600	6500	6400	6300	6200	6100	6000	5900	5800	5700	5600	5500

FARRAGUT ST.

9100	9000	8800	8700	8600	8500	8400	8300	8200												
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BALDWIN ST.

3600	3500	3400	3300	3200	3100	3000	2900	2800	2700	2600	2500	2400	2300	2200	2100	2000	1900	1800	1700	1600
2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
16900	16800	16700	16600	16500	16400	16300	16200	16100	16000	15900	15800	15700	15600	15500	15400	15300	15200	15100	15000	14900

RUSSET ST.

17800	17700	17600	17500	17400	17300	17200	17100	17000												
2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
19400	19300	19200	19100	19000	18900	18800	18700	18600	18500	18400	18300	18200	18100	18000	17900	17800	17700	17600	17500	17400

(A) ST.

400	300	200	100																	
2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
7100	8100	7200	8000	8200	8300	8400	8500	8600	8700											

2500	2400	2300	2200	2100	1300															
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2600	2700	2800	2900	3000	3100	3200	3300	3400	3500	3600	3700	3800	3900	4000	4100	4200	4300	4400	4500	4600

EXHIBIT 1

7200	7600	7700	7800	7900	7400	7300	7200	7100	7000	6900										
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8000	8100	8200	8300	8400	8500	8600	8700	8800	8900	9000	9100	9200	9300	9400	9500	9600	9700	9800	9900	10000

14001	14000	13900	13800	13700	13600	13500	13400	13300	13200	13100										
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15500	15600	15700	15800	15900	16000	16100	16200	16300	16400	16500	16600	16700	16800	16900	17000	17100	17200	17300	17400	17500


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16900	17000	17100	17200	17300	17400	17500	17600	17700	17800	17900	18000	18100	18200	18300	18400	18500	18600	18700	18800	18900

18800	18700	18600	18500	18400	18300	18200	18100	18000	17900	17800	17700	17600	17500	17400	17300	17200	17100	17000	16900	16800
2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
18900	19000	19100	19200	19300	19400	19500	19600	19700	19800	19900	20000	20100	20200	20300	20400	20500	20600	20700	20800	20900

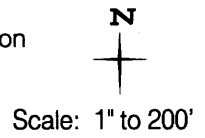
400	300	200	100																	
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7100	8100	7200	8000	8200	8300	8400	8500	8600	8700											

N BALDWIN STREET EAST OF N DELAWARE AVENUE

Petitioner: DE LA SALLE NORTH CATHOLIC HIGH SCHOOL
 1/4 Section: 2228 Section: 1N1E09DC

 Area Proposed for Vacation

R/W # 6317



R/W #6317
 N Baldwin Street Vacation
 Application Comments

EXHIBIT 2

Commenting Party	Response Date	Comments
Toni Anderson City Auditor	8/20/04	Petition certified
PDOT Development Review Rodney Jennings	10/29/2004 amended 2/9/2005	No objection subject to: Construction of sidewalk along north side of N Russet Street
PDOT Permit Engineering Nicole Blanchard	10/15/04	No objection subject to: Close driveway if not used at east end of vacated area with curb and sidewalk
PDOT Trans Systems Mgmt Carl Snyder	10/25/04	No objection
PDOT Street Lighting Steve Spitulski	10/15/04	No objection
PDOT Project Management Rich Newlands	10/6/04	No objection
PDOT Planning/Planning Com Gabe Onyeador	2/22/05	Approval subject to others' conditions
Development Services Joan Frederiksen	10/21/04	No objection
Environmental Services Colleen Harold	10/8/04	No objection subject to: installation of manhole and quitclaim of 8" combination sewer pipe
Water Bureau Vern Freeman, Mari Moore	10/6/04 amended 5/31/05	No objection subject to: cut and plug existing water main and installation of new 6" main in N Omaha Avenue
Fire Bureau Bob Ferrington	10/14/2004 amended 4/29/05	No objection
Park Bureau David Yamashita	10/15/04	No objection
Urban Forestry Division Joe Hintz		No response
Kenton Neighborhood Association Doretta Schrock	3/12/04	No objection

R/W #6317
N Baldwin Street Vacation
Application Comments

EXHIBIT 2

North Portland Neighborhood Services Tom Griffin-Valade		No response
ODOT Region 1 Harry Whitney		No response
Port of Portland Brian Sheldon		No response
Tri-Met John Baker		No response
PGE John Nelson		No response
PP&L Tom Kikes		No response
Qwest Florence Mott	10/18/04	No objection
Northwest Natural Computing & Drafting Tech	10/7/04	No objection
Comcast Cable Coax & Fiber Design		No response



CITY OF
PORTLAND
 OFFICE OF
TRANSPORTATION

Exhibit 3

Jim Francesconi, Commissioner
 1120 SW 5th Avenue, Suite 800
 Portland, Oregon 97204-1914
 (503) 823-5185
 FAX (503) 823-7576 or 823-7371
 TDD (503) 823-6868

Brant Williams
 Director

Eileen Argentina
 System Management

Don Gardner
 Engineering & Development

Jeanne Nyquist
 Maintenance

Richard Steinbrugge
 Finance

Laurel Wentworth
 Planning

**PLANNING COMMISSION REPORT AND RECOMMENDATION
 TO THE CITY COUNCIL**

FILE NUMBER: R/W #6317

COMMISSION MEETING HELD FEBRUARY 22ND, 2005 AT 7:00 PM

1900 SW 4TH BUILDING, 2ND FLOOR, ROOM 2500 A

I. GENERAL INFORMATION

Street Vacation Request: North Baldwin Street east of North Delaware Avenue.

Petitioner: De La Salle North Catholic High school

Represented by: Jocelyn Bates Helgerson, 503-222-1917

Purpose: High School Expansion to accommodate more Students

Neighborhood: Kenton, Contact, Steve Rupert, at 503-317-6573

Quarter Section: 2228

Designation/Zone: R5, Residential

II. FACTS

A. History and Background: The right-of-way proposed for vacation is a 10-foot wide strip of North Baldwin Street that extends 100 feet eastward of North Delaware Avenue to the 50-foot wide right-of-way section of North Baldwin Street west of North Omaha Avenue. North Baldwin extends no farther east than North Omaha. The North Baldwin right-of-way runs in an east-west direction and runs through the paved parking area currently used as a parking area for De LaSalle High School. The school also owns the abutting properties and is proposing an expansion of the school that would include construction of a building over the area of the 10-foot strip. The proposed vacation area and abutting properties are zoned R5a, Single Dwelling Residential 5000 with an Alternative Design Density Overlay Zone. Please refer to **Exhibit A** for a map of the right-of-way proposed to be vacated.

The purpose of this street vacation is to expand the High School to accommodate a total of 300 students.

B. Concurrent land use actions: There is a concurrent land use review related to this street vacation. A Conditional Use Master Plan Review, LU 04-26780 CU is currently underway for the two properties abutting the vacation area to the north and south. Under this land use review, the petitioner is requesting approval of a Conditional Use Master Plan for the development of a high school campus in 4 phases over the next 10 years.

The sites abutting the vacation area have a history of 5 past Conditional Use Reviews. No requirements were made through these conditional use reviews for retention or use of the right-of-way in the vacation area.

C. The Transportation Element: The Transportation Element of the Comprehensive Plan designates all streets within the proposed vacation area as Local Service Streets for all modes.

D. The Portland Office of Transportation: Development Review recommends approval because pedestrian or bicycle facilities are not needed within the 10-foot right-of-way strip. However, to mitigate the loss of the right-of-way, it is reasonable for the City to require enhancements to the pedestrian environment in the area. North Russet Street, the street immediately south of North Baldwin currently lacks complete sidewalk on the north side between North Delaware and North Omaha. Therefore, as a condition of approval of the street vacation, Portland Office of Transportation requires that a full-length sidewalk improvement along the north side of Russet Street be built to enhance the pedestrian system in the area.

The **Permit Engineering** indicates that the driveway access located on the east-end of the portion of the proposed right-of-way to be vacated is barricaded with a bicycle rack. The driveway access must be closed and replaced with a standard curb and sidewalk if it is not being used. Additionally, improvements to close the driveway access located at the east-end of the proposed right-of-way to be vacated must be made to the satisfaction of the City Engineer. A contract and financial guarantee must be provided to the City Engineer to ensure that improvements will be completed. The contract (called the application for permit) and the financial guarantee must be completed prior to approval of the street vacation. Please see **Exhibit B** for Portland Office of Transportation conditions of approval.

E. The Neighborhood Association: The Kenton Neighborhood Association was notified of the proposed vacation and the board voted unanimously to approve the petitioners proposed Master Plan and street vacation with the provision that a safe pedestrian facility be provided on both Farragut and North Russet. However, there is an existing full-length sidewalk improvement on North Farragut. Please see **Exhibit C** for Kenton Neighborhood Association Board letter.

III. FINDINGS

A. Comprehensive Plan Goals and Policies Considerations: The relevant policies of the Transportation Element 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.

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.

Current and Future need:

Portland Office of Transportation supports this vacation request on the basis that the right-of-way has limited potential for connectivity and is not needed to provide future facilities for a walkway, bikeway or other transportation uses. The City retained the 10-

foot wide strip of right-of-way when the remaining portion of this section of North Baldwin was vacated in 1979. The 10-foot strip runs through the paved area currently used for parking by the De LaSalle High School. The School is proposing an expansion of their facility that would include construction of a building over the area of the 10-foot strip.

North Baldwin extends no farther east than North Omaha. Therefore, the 10-foot wide North Baldwin right-of-way provides a negligible advantage in terms of distance traveled to pedestrian and bicyclists travelling east to west, or vice versa, over North Farragut or North Russet or over North Lombard.

Additionally, given the development patterns within the surrounding area, future extension of North Baldwin to the east is highly unlikely. The vacation of this right-of-way will not affect the functional purpose of the street network in the area because the existing street network provides adequate interconnected streets to provide conveniently located facilities for all modes.

- B. Neighborhood Plan Considerations:** The proposed vacation site lies within the boundaries of the Kenton Neighborhood Association and the Albina Community Plan. Both the Kenton Neighborhood and Albina Community Plans were adopted by City Council in October of 1993. The proposed street vacation does not appear to conflict with any of the goals and policies of the adopted plans.
- C. Zoning Code considerations:** Bureau of Development Services (BDS) has no objections to the proposed street vacation. However, BDS noted that a Conditional Use Master Plan Review, LU 04-26780 CU is currently underway for the two properties abutting the vacation area to the north and south. Under this land use review, the petitioner is requesting approval of a Conditional Use Master Plan for the development of a high school campus in 4 phases over the next 10 years. That review also includes requests for Adjustments for incursions into front and rear setbacks for a gymnasium complex.
- D. Subdivision code considerations:** Approval of the proposed vacation will not create any landlocked parcels.
- E. Improvement considerations:** The proposed vacation will have no impact on future street improvements of adjacent public rights-of way.
- F. Bureau of Environmental Services:** The Bureau of Environmental Services responded with no objections, subject to conditions noted in **Exhibit D**, that the petitioner institute a Public Works Permit project to install a manhole in the North Baldwin Street cul-de-sac. Additionally, BES will quit claim to the 8" combo-pipe within the vacated area and up to the manhole and turn it over to the petitioner.
- G. Other responses: Water Bureau** responded with no objections subject to conditions specified in **Exhibit E**. Water Bureau also noted that all installation cost will be at the applicant's expense and that the applicant will need to request an estimate to get a more exact cost.

IV. CONCLUSIONS

Portland Office of Transportation supports this vacation request on the basis that the 10-foot wide section of North Baldwin right-of-way is not needed to provide adequate circulation for pedestrians and bicyclists in the area. As a mitigation to balance the loss of the right-of-way and enhance the pedestrian system in the area, the petitioner is required to build a sidewalk along the north side of North Russet Street.

V. PLANNING COMMISSION RECOMMENDATION

Approval of the street vacation as shown on Exhibit A, subject to conditions specified in Exhibits B, D and E.

The Planning Commission voted unanimously in support of this vacation request

VI. EXHIBITS

- A. Area Proposed for Vacation
- B. Development Review Conditions of Approval
- C. Kenton Neighborhood Association Board Approval Letter
- D. Bureau of Environmental Services Conditions of Approval
- E. Water Bureau Conditions of Approval

Staff Planner – Gabe Onyeador, Phone: 503-823-7794

cc: John Deyo, Right-of-Way Case Manager
Case File

43	42	41	40	39	38	37	36	35	34	33	32	31	30	29	28	27	26	25	24	23
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00	2000	20400	20800	20800	20800	20100	20900	19900	19900	197000										

(MEADE) (SLOCUM) ST.

840	800	700	600	500	400	300	200	100												
100	3300	3300	3400	3500	3600	3600	3700	3800	3800											

(HOOKER) ST.

4700	4600	3500	4400	4300	4200	4100	4000	3900	3800	3700	3600	3500	3400	3300	3200	3100	3000	2900	2800	2700
7300	7400	7500	7600	7700	7800	7900	8000	8100												

FARRAGUT ST.

9100	9000	8800	8700	8600	8500	8400	8300	8200												
11800	11700	11600	11500	12000	12100	12200	12300	12400	12500											

BALDWIN ST.

3400	13500	13400	13300	13200	13100	13000	12900	12800	12700	12600										
16900	16300	16300	16400	16500	16600	16700	16800	16900												

RUSSET ST.

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19400	19500	19600	19700	19800	19900	20000														

400	300	200	100																	
7100	8100	8200	8300	8400	8500	8600	8700	8800	8900	9000										
7200	8000	8300	8300	8300	8300	8300	8300	8300	8300	8300										

2500	2400	2400	2300																	
2800	2800	2800	2800																	
2700	2700	2700	2700																	

EXHIBIT A

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14001	14000	13900	13800	13700	13600	13500	13400	13300	13200	13100										
14100	14100	14100	14100	14100	14100	14100	14100	14100	14100	14100										

15400	15300	15200	15100	15000	14900	14800														
15500	15600	15700	15800	15900	16000	16100	16200	16300	16400	16500										

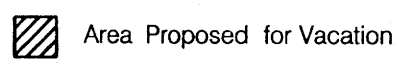
16800	16700	16600	16500	16400	16300	16200	16100	16000	15900	15800	15700	15600	15500	15400	15300	15200	15100	15000	14900	14800
16900	17000	17100	17200	17300	17400	17500	17600	17700	17800	17900	18000	18100	18200	18300	18400	18500	18600	18700	18800	18900

18800	18700	18600	18500	18400	18300	18200	18100	18000	17900	17800	17700	17600	17500	17400	17300	17200	17100	17000	16900	16800
18900	19000	19100	19200	19300	19400	19500	19600	19700	19800	19900	20000	20100	20200	20300	20400	20500	20600	20700	20800	20900

10800	10500	10400	10300	10200	10100	10000	9900	9800	9700	9600	9500	9400	9300	9200	9100	9000	8900	8800	8700	8600
10900	10900	10900	10900	10900	10900	10900	10900	10900	10900	10900	10900	10900	10900	10900	10900	10900	10900	10900	10900	10900

N BALDWIN STREET EAST OF N DELAWARE AVENUE

Petitioner: DE LA SALLE NORTH CATHOLIC HIGH SCHOOL
 1/4 Section: 2228 Section: 1N1E09DC



Scale: 1" to 200'



CITY OF
PORTLAND
OFFICE OF
TRANSPORTATION

EXHIBIT B

Jim Francesconi, Commissioner
1120 S.W. 5th Avenue, Suite 800
Portland, Oregon 97204-1914
(503) 823-5185
FAX (503) 823-7576 or 823-7371
TDD 823-6868

Brant Williams
Director

NOTICE OF PROPOSED STREET VACATION

October 1, 2004

Eileen Argentina
System Management

Bryant Engle
Finance

Don Gardner
Engineering & Development

Jeanne Nyquist
Maintenance

Laurel Wentworth
Planning

TO:	Development Review	Kurt Krueger	106/800
	Permit Engineering	Linda Williams	106/800
	Transportation Systems Mgmt	Carl Snyder	106/800
	Street Lighting	Steve Spitulski	106/900
	Project Management	Greg Jones	106/900
	Transportation Planning/ Planning Commission	Gabe Onyeador	106/900
	Bureau of Dev. Services	Mercedes Nibler	299/4500
	Environmental Services	Colleen Harold	106/1000
	Water Bureau	Vern Freeman	106/600
	Fire Bureau	Grant Coffey	139/302
	Park Bureau	David Yamashita	106/1302
	Urban Forestry Division	Brian McNerney	370

FROM: John Deyo, Right-of-Way Acquisition *JRD*
503/823-7933, B106/R800

SUBJECT: **R/W # 6317, A portion of N Baldwin Street east of N Delaware Avenue**

The proposed street vacation has been initiated by De La Salle North Catholic High School. The petitioner's contact is Jocelyn Bates Helgerson (Phone 503-222-1917). The stated purpose for the vacation is to expand the high school to accommodate a total of 300 students.

Please determine if this proposal would adversely impact your department or bureau. Consider whether there is a current, or possible future, public need for the right-of-way. (The Bureau of Development Services may want to review this in light of Billington vs. Polk County, 299 Or. 471 (1985).) Your response is requested by **October 19, 2004**.

- No objection.
- No objection subject to conditions listed below. (Please be specific and confirm that the condition is enforceable.)
- Denial recommended for the reasons listed below.

See attached memo

Please note the cost of review, including employee salaries and any additional expenses:
\$_____. Thank you for your assistance.

Rodney Jennings 11/01/04
(Signature) (Date)

February 9, 2005

MEMORANDUM

TO: John Deyo, Right-of-Way Acquisition

FROM: Rodney Jennings, Development Review

SUBJECT: **A portion of N Baldwin Street east of N Delaware Avenue.
R/W #6317**

The applicant has submitted a request to vacate the 10-foot wide section of N Baldwin Street that extends 100 feet eastward of N Delaware Avenue to the 50-foot wide right-of-way section of N Baldwin Street west of N Omaha Avenue. Transportation Element Policy 6.21 of the Comprehensive Plan relates to requests to vacate public right-of-way.

Policy 6.21 Right-of-Way Opportunities

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.

Objectives:

- A. *Evaluate opportunities and the existing and future need for a bikeway, walkway, or other transportation uses when considering vacation of any right-of-way.*

Staff Response: The 10-foot wide strip of right-of-way was retained by the City when the remaining portion of this section of N Baldwin was vacated in 1979. The 10-foot strip runs through the paved parking area currently used as a parking area for De LaSalle High School. De LaSalle High School is proposing an expansion of their facility that would include construction of a building over the area of the 10-foot strip.

The North Baldwin right-of-way runs in an east/west direction. N Baldwin extends no farther east than N Omaha. Because N Baldwin does not continue through, pedestrians or bicyclists travelling east to west in the area east of Omaha must travel on N Farragut Street, the street immediately north of Baldwin, or on N Lombard, which is located two blocks to the south. The 10-foot wide North

Baldwin right-of-way provides a negligible advantage in terms of distance travelled to pedestrian and bicyclists travelling east to west, or vice versa, over N Farragut or N Russet (the street immediately south) or over N Lombard.

- B. *As a condition of street vacation, require pedestrian and bicycle facilities if needed, with first preference for dedicated right-of-way and, secondarily, through a public walkway and bikeway easement.*

Staff Response: As discussed above, pedestrian or bicycle facilities are not needed within the 10-foot right-of-way strip. However, to mitigate the loss of the right-of-way, it is reasonable for the City to require enhancements to the pedestrian environment in the area. N Russet Street, the street immediately south of N Baldwin currently lacks sidewalks on the north side between N Delaware and N Omaha. It would be reasonable, as a condition of approval of the street vacation, to require that a full length sidewalk improvement along the north side of Russet Street be built to enhance the pedestrian system in the area.

- C. *Acquire or control parcels of land that may be needed in the future for any transportation purpose when the opportunity arises through sale, donation, or land use action.*

Staff Response: This objective directs the City to make efforts to acquire or obtain control of land that might be needed in the future through sale, donation, or land use action. The De LaSalle school has applied for a Conditional Use Master Plan to expand on this site. As discussed above, there is no significant existing or future need for bikeway, walkway or other transportation facilities at this location.

- D. *Preserve existing and abandoned rail rights-of-way and examine their potential for future rail freight, passenger service, or recreational trail uses.*

Staff Response: The subject right-of-way is not an abandoned rail right-of-way. This objective is not applicable.

- E. *Consider the need for maintaining the right-of-way for other infrastructure needs.*

Staff Response: If the right-of-way is needed for other infrastructure needs, such as utility lines, for example, the applicant should be required to meet the requirements of the affected agency prior to approval of the vacation.

Other Issues

The Street Permit Engineering section of Portland Transportation indicates that the driveway access located on the east-end of the portion of the proposed right-of-way to be vacated is barricaded with a bicycle rack. The driveway access must be closed and replaced with a standard curb and sidewalk if it is not being used.

Conclusion

The 10-foot wide section of N Baldwin right-of-way is not needed to provide adequate circulation for pedestrian and bicyclists in the area. As a mitigation to balance the loss of the right-of-way and enhance the pedestrian system in the area, a condition is necessary that will ensure that a sidewalk will be built along the north side of N Russet Street to mitigate for the loss of the 10-foot wide right-of-way section by enhancing the pedestrian network in the immediate neighborhood. Also, the driveway access located on the east-end of the portion of the N Baldwin right-of-way must be closed and replaced with a standard curb and sidewalk if it is not being used. Construction of the N Russet sidewalk and closure of the driveway should be required through a public street improvement permit issued by the City Engineer. Prior to vacation a performance bond or other City Engineer approved financial guarantee should be provided to ensure completion of the construction. The estimated amount of the performance guarantee to complete the construction is \$20,000.00. Therefore, Portland Transportation/Development Review recommends approval of the vacation provided the following conditions are met:

- Sidewalk improvements meeting the requirements of the City Engineer are required along the N Russet Street frontage between N Delaware Avenue and N Omaha Avenue. Also, improvements to close the driveway access located at the east-end of the proposed right-of-way to be vacated must be made to the satisfaction of the City Engineer. A contract and financial guarantee must be provided to the City Engineer to ensure that improvements will be completed. The contract (called the application for permit) and the financial guarantee must be completed prior to approval of the street vacation.



EXHIBIT C

HistoricKenton.com 503-823-4524 Fax 503-285-7843

Kenton Neighborhood Association PO BOX 17646 Portland, Oregon 97217

Matthew D. Powell, President
De La Salle North Catholic High School
7654 North Delaware
Portland OR 97217-0247

RECEIVED
OCT 28 2004
TRANSPORTATION

cc: Don Gardner
Bureau of Transportation Engineering and Development
1120 SW 5th Ave. Room 800
Portland OR 97204

Kathleen Stokes
Bureau of Development Services
1900 S.W. 4th Ave. Suite 5000
Portland OR 97201

10/27/04

Dear Mr. Powell:

At the July 9, 2003 board meeting, the Kenton Neighborhood Association Board voted unanimously to approve the DeLaSalle High School Master Plan conceptually including the proposed right of way vacation on N. Baldwin with the provision that safe pedestrian passage is provided on both N. Farragut and N. Russet to replace the vacated right of way on N. Baldwin.

Since that time, members of the board, including Steve Rupert, our land use committee chair, have continued to consult with your representatives and meet with neighbors of your school.

On October 13, 2004, the board, again without objection, authorized me to reaffirm our support of the Master Plan and the vacation, subject to the above provision, with this letter.

Doretta R. Schrock
Chairperson
Kenton Neighborhood Association



CITY OF
PORTLAND *EXHIBIT D*
OFFICE OF
TRANSPORTATION

Jim Francesconi, Commissioner
1120 S.W. 5th Avenue, Suite 800
Portland, Oregon 97204-1914
(503) 823-5185
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Brant Williams
Director

NOTICE OF PROPOSED STREET VACATION

October 1, 2004

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TO:	Development Review	Kurt Krueger	106/800
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FROM: John Deyo, Right-of-Way Acquisition *JRD*
503/823-7933, B106/R800

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Please determine if this proposal would adversely impact your department or bureau. Consider whether there is a current, or possible future, public need for the right-of-way. (The Bureau of Development Services may want to review this in light of Billington vs. Polk County, 299 Or. 471 (1985).) Your response is requested by **October 19, 2004**.

- No objection.
- No objection subject to conditions listed below. (Please be specific and confirm that the condition is enforceable.)
- Denial recommended for the reasons listed below.

BES will require the petitioner to institute a Public Works Permit project to install a manhole in the Baldwin St culdesac. BES will also quit claim the 8" combo pipe within the vacated area and up to the manhole and turn it over to the petitioner.

Please note the cost of review, including employee salaries and any additional expenses:
\$ 50. Thank you for your assistance.

[Signature]

(Signature) 10-8-04
(Date)



CITY OF
PORTLAND, OREGON
BUREAU OF WATER WORKS

Dan Saltzman, Commissioner
Morteza Anoushiravani, P.E., Administrator
1120 S.W. 5th Avenue
Portland, Oregon 97204
Information (503) 823-7404
Fax (503) 823-6133
TDD (503) 823-6868

MEMORANDUM

EXHIBIT E

DATE: October 6, 2004
TO: John Deyo, Transportation Engineering, Bldg. 106/Rm. 800
FROM: *Vern* Vern Freeman, Water Bureau Engineering, Bldg. 106/Rm. 601
SUBJECT: Street Vacation, N Baldwin Street, E/O N Delaware Avenue
R/W # 6317

The Water Bureau has reviewed the proposed action and offers the following:

- The Water Bureau has no objections to the street vacation subject to the following conditions.

The 6-inch water main in N Baldwin Street must be cut and plugged at the connection in N Delaware Street to the west and just west of the water service to 2408 N Baldwin Street to the east. If a fire hydrant is not installed at the newly-created dead end in N Baldwin Street, a blow-off must be installed in the 6-inch water main in N Baldwin Street at the end of the water main near the water service for 2408 N Baldwin Street.

A new 6-inch water main must be installed in N Omaha Avenue between N Farragut Street and N Baldwin Street.

Fire hydrants must be installed as necessary to meet Fire Bureau requirements.

Cost for the above work should be around \$25,000. The petitioner will need to request an estimate to get a more exact cost.

The cost of investigation is \$300.00.

If you have any further questions, please contact me at 823-7489.

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