



Sam
Adams
Commissioner

Susan D.
Keil
Director

Eileen
Argentina
System
Management

Bryant
Engel
Business
Services

Don
Gardner
Engineering &
Development

Sam M.
Irving, Jr.
Maintenance

John Gillam &
Steve Iwata
Planning

December 2, 2005

**CITY ENGINEER'S REPORT TO COUNCIL ON THE PROPOSED VACATION OF
THE ALLEY IN BLOCK 10, WALNUT PARK ADDITION**

Background

- 1. Proposed Street Vacation Area.** The Alley in Block 10, in the duly recorded Plat of "Walnut Park Addition", said alley being approximately 350 feet long by 15 feet wide, containing approximately 5,250 square feet. The area is currently improved and is more specifically depicted on Exhibit 1 attached hereto.
- 2. Petitioner.** The Portland Development Commission is the owner of the abutting property to the east and west of the proposed street vacation area.
- 3. Purpose.** The street vacation is proposed in order to consolidate property for future redevelopment.
- 4. Compliance with Minimum Requirements.** Vacation proceedings have been self initiated without a petition or consent of property owners in accordance with ORS 271.130 (Vacation on council's own motion) and notice shall be given as provided by ORS 271.110. (Notice of hearing)
- 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 Permit Engineering and Street Lighting Sections of Portland Transportation, and the Bureau of Environmental Services, which requested that certain conditions be satisfied prior to the street being vacated. Additionally, PacifiCorp and Qwest 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 November 8, 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.

An Equal
Opportunity
Employer

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 #6495

The Alley in Block 10, in the duly recorded Plat of "Walnut Park Addition" situated in the northeast one-quarter of Section 22, T1N, R1E, W.M., in the City of Portland, County of Multnomah, State of Oregon, containing 5,250 square feet, more or less.

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, Permit Engineering.** Under redevelopment of the site by land use case or building permits, construction of the alley closures with curb returns and sidewalk must be done under a permit from the Bureau of Transportation Engineering and Development along with any other required frontage reconstruction or improvements.
 - 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 20% of the performance guarantee. Upon acceptance by the City of a 20% 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. Office of Transportation, Street Lighting. The City of Portland owns two existing streetlights in the alley to be vacated. As a condition of street vacation approval, the Petitioner will pay the costs to remove the two existing streetlights and mast arms.

2. Reservations and Releases

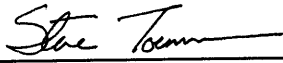
A. Bureau of Environmental Services. The Bureau of Environmental Services (BES) owns and maintains certain improvements within the alley to be vacated. As a condition of street vacation approval, the Petitioner will agree to the reservation of a 15 foot wide public sewer easement for an existing 10 inch combination sewer over the entire vacated area.

B. 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, including, but not limited to those identified by PacifiCorp and Qwest. 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.

C. City Release. Notwithstanding item 2B above and except for 2A 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 1A and 1B 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:

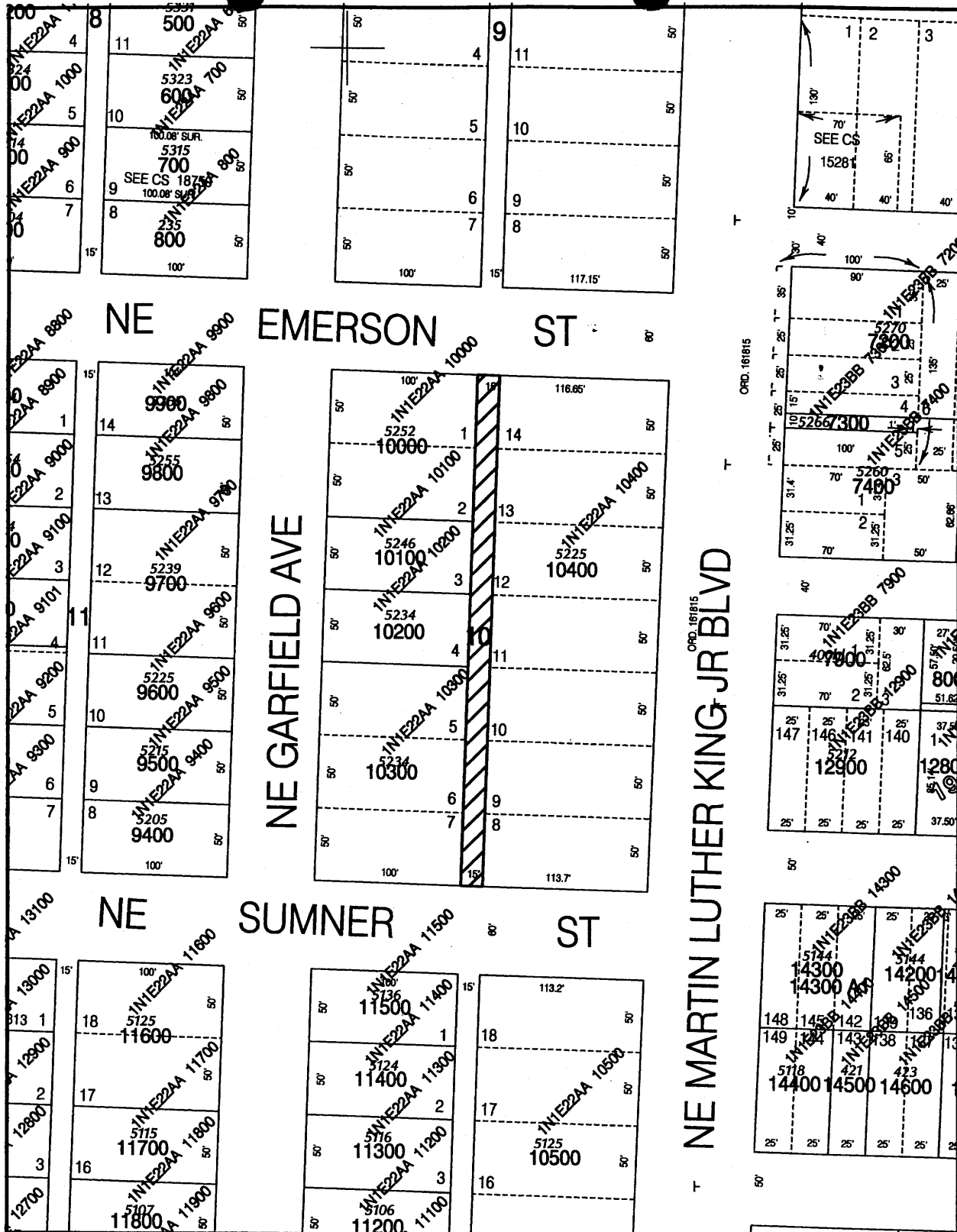
That the City Council accept the City Engineer and Planning Commission Reports, which recommend that the proposed street area be vacated, subject to conditions and reservations provided herein.

Respectfully submitted,

Commissioner Sam Adams
Commissioner of Public Utilities

Attachments:

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



Alley in Block 10, Walnut Park Addition

Petitioner: Portland Development Commission

1/4 Section: 2530 Section: 1N1E22AA

 Area Proposed for Vacation

R/W # 6495



Scale: 1" to 100'

STREET VACATION
CONTACTS SUMMARY
Alley in Block 10,
Walnut Park Addition

EXHIBIT 2

RWA LEAD: Dee A. Walker		Applicant: Portland Development Commission
RWA #: 6495		222 NW 5th Ave. Portland, OR 97209-3859
PROJECT NO.: 433/61706		Contact: Jonathan Graves 503-823-3293
COMMENTING PARY	RESPONSE DATE	COMMENTS
City Bureaus / Depts. Notified:		
Sent 8-29-05		
City Auditor Toni Anderson		City Initiated
PDOT Development Review Cherrie Eudaly	09-07-05	No Objection
PDOT Permit Engineering Chris Wier	09-07-05	Alley closure must be done under permit from BTED
PDOT Trans Systems Mgmt Carl Snyder	09-09-05	No Objection subject to: requirements by Development Review
PDOT Street Lighting Steve Spitulski	08-30-05	No Objection subject to: removal of 2 city owned street lights
PDOT Project Management Dan Layden	09-06-05	No objection
PDOT Planning/Planning Com Gabe Onyeador	11-08-05	Approval subject to other bureau's conditions.
Development Services Joan Frederiksen	09-12-05	No Objection
Environmental Services Ron Mason	09-12-05	No Objection subject to: 15' public sewer easement over the alley in its entirety.
Water Bureau Mari Moore	08-29-05	No Objection
Fire Bureau Bob Ferrington	09-05-05	No Objection
Park Bureau David Yamashita	09-23-05	No Objection
Urban Forestry Division Joe Hintz	09-09-05	No Objection

**STREET VACATION
CONTACTS SUMMARY**

EXHIBIT 2

Alley in Block 10,
Walnut Park Addition

COMMENTING PARY	RESPONSE DATE	COMMENTS
Local Agencies Notified:		
Sent 8-3-05		
Neigh Assoc - Local Office King Neighborhood Assoc. Chad Debnam - President 5212 NE Mallory Avenue Portland, OR 97211 503-281-6315	10-20-05	Approval
Neigh Assoc - District Office Northeast Coalition of Neigh. John Canda - Executive Dir. 4815 NE 7th Ave Portland, OR 97211 503-823-4575 X 8		No Response
ODOT Region 1 Harry Whitney		No response
Port of Portland Brian Sheldon		No response
Tri-Met John Baker		No response
Public Utilites Notified:		
Sent 8-3-05		
PGE John Nelson		No response
PP&L Tom Kikes	08-12-05	Facilities in vacated area;need to reserve it
Qwest Florence Mott	08-05-05	Facilities in vacated area;need to reserve it
Northwest Natural Computing & Drafting Tech	08-09-05	No Objection
Comcast Cable Coax & Fiber Design		No response



Sam
Adams
Commissioner

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Keil
Director

Eileen
Argentina
System
Management

Don
Gardner
Engineering &
Development

Sam M.
Irving, Jr.
Maintenance

Paul
Smith
Planning

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

FILE NUMBER: R/W #6495

COMMISSION MEETING HELD NOVEMBER 8TH, 2005 AT 12:30 PM

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

I. GENERAL INFORMATION

Street Vacation Request: Alley in Block 10, Walnut Park Addition.

Petitioners: Portland Development Commission

Represented By: Jonathan Graves, Contact, 503-823-3293

Purpose: To Consolidate Property for Redevelopment

Neighborhood: King, Chad Debnam-President, at 503-281-6315

Quarter Section: 2530

Designation/Zone: EXdh, Central Employment with Design & Aircraft Landing Overlay Zone.

II. FACTS

A. History and Background:

The Portland Development Commission proposes to vacate the alley located in Block 10, Walnut Park Addition. The proposed vacation area is approximately 5,250 square feet of an existing Alley within Block 10. The block is bound by NE Martin Luther King Jr. Boulevard on the East, NE Garfield Avenue on the west, NE Sumner on the South and NE Emerson Streets on the north. The major development on the block is the abandoned Marco Building at 5225 NE MLK Boulevard. Exhibit A contains an aerial photo and map of the right-of-way proposed for vacation.

Block 10 is the northern block of a two-block redevelopment site known as Vanport Square. The purpose of the project is to redevelop the eastern portions of the two blocks as a catalyst to the redevelopment of the area and to provide much-needed local retail and employment opportunities. The western portions of the two blocks abutting NE Garfield Avenue will be redeveloped for housing. Exhibit B shows the site plan of the proposed development. Specifically, on the north block (Block 10), the current plan is to rehabilitate the existing Marco Building, which occupies the southeast corner of the block, for a major tenant and add another 30,000 square feet of office and retail space immediately north in the northeast corner. The middle portion of the block will be reconfigured as a parking lot to serve the Marco Building complex. The western third of the block, approximately 32' in depth, will be sold to a developer who will build 8-10 attached housing units. Access to the new units' garages will be from the east through the new parking lot. This will eliminate the need for curb cuts on NE Garfield Avenue, which is a narrow residential street.

The vacation of the 15' alley, which runs down the center of the block is an integral part of the redevelopment project. As illustrated in Exhibit B, the site plan, the vacation is required to increase the width of the central portion of the site devoted to parking so as to maximize the amount of on-site parking available. PDC is working closely with the Vanport Square Project Advisory Committee (Vanport PAC) and King Neighborhood Association, within which the project is located. To date, the stakeholders' response to the vacation proposal has been encouraging. The phasing of the overall Vanport Square Project is shown on Exhibit C.

B. Concurrent land use actions: There is no concurrent land use review related to this street vacation, however, the developer of the proposed housing units on the western portion of the block will be seeking land division review soon.

C. The Transportation Element: The Transportation Element of the Comprehensive Plan designates Martin Luther King JR Blvd as Major City Traffic Street, Major Transit Priority Street, City Bikeway, City Walkway, Minor Truck Street, Major Emergency Response Street and Regional Main Street. All other streets within the proposed vacation area are designated as Local Service Streets for all modes.

D. The Portland Office of Transportation: Development Review responded with no objections to the street vacation request based on the fact that the Alley is not needed for vehicular circulation as specified by Title 16.90 of the city Code (See Exhibit D). However, this approval is subject to reconstruction of the curb with curb and sidewalk to occur as a condition of building permits for redevelopment of the site. Please see Exhibit E for summary of all responses and conditions of approval received.

The **Permit Engineering** responded with no objections to the street vacation request, but subject to conditions that the Alley closure and associated improvements must be done under permit from Permit Engineering and Development. See Exhibit F for conditions of approval.

The **Street Lighting Section** responded with no objections subject to conditions that the applicant pay \$346.00 for the removal of two city owned street lights in the Alley right-of-way.

E. The Neighborhood Association: The King Neighborhood Association and the Northeast Coalition of Neighborhoods were notified via certified mails on August 3rd, 2005 and two phone calls each on September 12th & 22nd, but no response or objections were received, see Exhibit G.

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:

In order to determine the current and future needs of the proposed vacation area, request for response was sent to all City bureaus, affected neighborhood associations, governmental agencies and utilities as identified in Exhibit E attached. Responses were received as noted on

Exhibit E from all the agencies and city bureaus indicating no objections or no objections with conditions of approval.

Title 16 of the City Code and the Zoning Code restricts the use of an Alley. Chapter 16.90.015 attached (Exhibit D) stated that an Alley is not intended for through vehicular movement and as such not intended for connectivity. The Zoning Code (Section 33.266.130.F.1.b) restricts backing into a right-of-way and an Alley can not be used as the aisle for parking lot. Based on the above restrictions, the applicant was advised at the Pre-Application Conference to seek vacation of the Alley in order for the proposal to be approved as shown.

Given the above findings, Portland Office of Transportation supports this vacation request on the basis that the right-of-way is not needed for connectivity given the regulatory restrictions discussed above. However, the applicant's proposed site plan shown on Exhibit B assures that the right-of-way will continue to provide access to the rear or side of buildings abutting the Alley as defined by the code. 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 with sidewalks and pedestrian movement in the area will not be disrupted.

- B. Neighborhood Plan Considerations:** The proposed vacation site lies within the boundaries of King Neighborhood Association. The Neighborhood Plan was adopted by City Council in October of 1993. The proposed street vacation does not conflict with the policies of the adopted plan.
- C. Zoning Code considerations:** Bureau of Development Services (BDS) has no objections to the proposed street vacation.
- D. Subdivision code considerations:** Approval of the proposed vacation will not create land locked parcels.
- E. Improvement Considerations:** The proposed vacation will have no impact on future street improvements of adjacent public rights-of way.
- F. Urban Forestry Division:** Responded with no objections.
- G. Bureau of Environmental Services:** Responded with no objections subject to 15' easement conditions shown on Exhibit H.

H. Pacific Power & Qwest: Responded with no objection subject to easement conditions specified on Exhibits I and J respectively.

I. Other Responses: Bureau of Water Works, Fire, Urban Forestry, and NW Natural responded with no objections.

IV. CONCLUSIONS

Based on the above analysis, Portland Office of Transportation states that the right-of-way is not needed to provide street connectivity given the regulatory restrictions specified above. However, the applicant's proposed site plan shown on Exhibit B assures that the right-of-way will continue to provide access to the rear or side of buildings abutting the Alley as defined by the code. 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 with sidewalks and pedestrian movement in the area will not be disrupted.

V. PLANNING COMMISSION RECOMMENDATION

Approval of the vacation of the area as shown on Exhibit A, subject to conditions specified in Exhibits D through J.

The Planning Commission voted unanimously in support of this vacation request

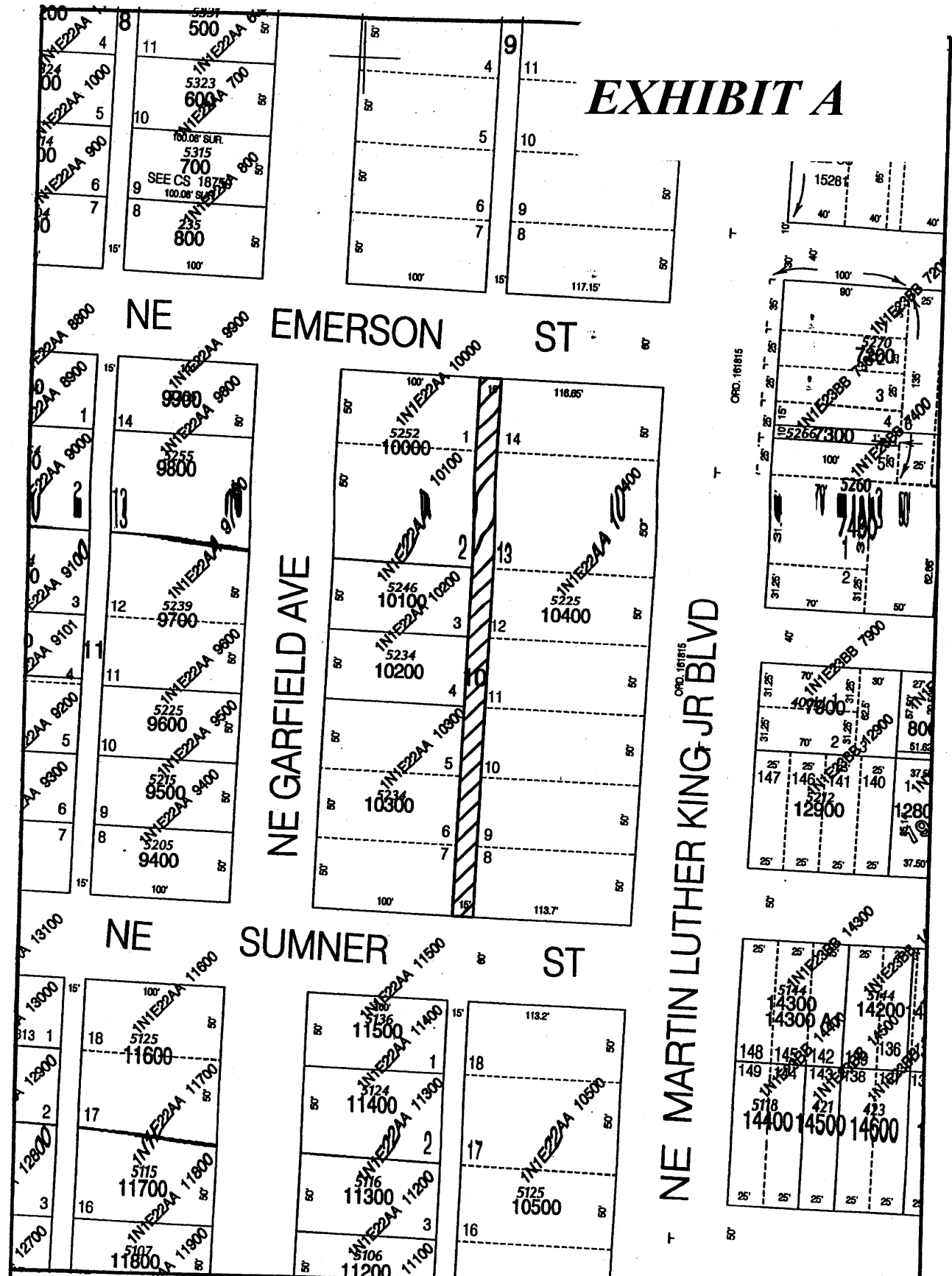
VI. EXHIBITS

- A. Map and Aerial Photo of the Proposed Vacation
- B. Site Plan Map
- C. Proposed Vanport Phasing Plan
- D. PDOT Development Review Comments & Title 16.90.015 Alley Definitions
- E. Summary of Application Comments
- F. PDOT Permit Engineering Conditions
- G. Neighborhood Association Notification Letters
- H. Bureau of Environmental Services Conditions
- I. PPL Conditions
- J. Qwest Conditions

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


cc: Dee A. Walker, Right-of-Way Case Manager
Case File


EXHIBIT A



Alley in Block 10, Walnut Park Addition

Petitioner: Portland Development Commission
 1/4 Section: 2530 Section: 1N1E22AA

 Area Proposed for Vacation
 R/W # 6495

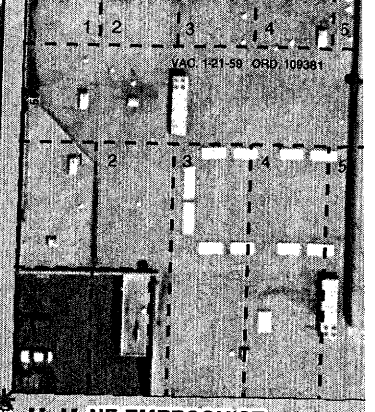
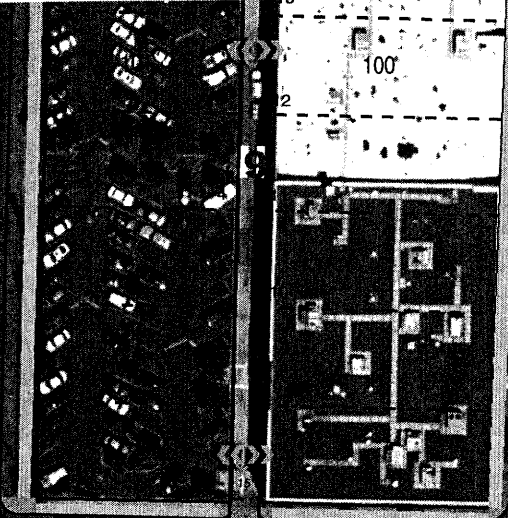
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 Scale: 1" to 100'

VAC 1-21-58 ORD 109361



NE EMERSON ST

NE EMERSON ST

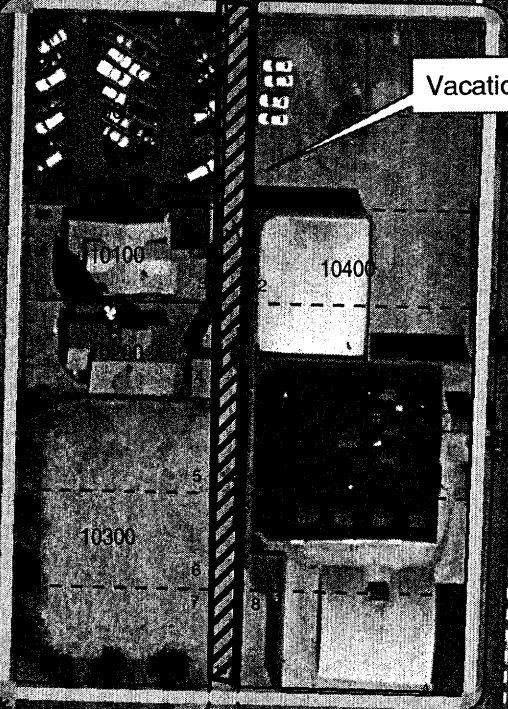


NE EMERSON ST



NE SUMNER ST

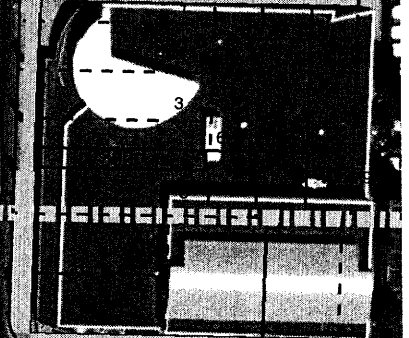
NE GARFIELD AVE



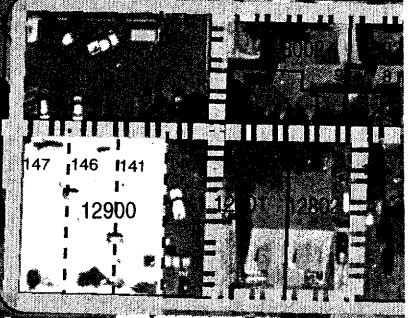
Vacation Area

NE SUMNER ST

NE MARTIN LUTHER KING JR BLVD



NE ROSELAWN ST



NE SUMNER ST



NE GARFIELD AVE

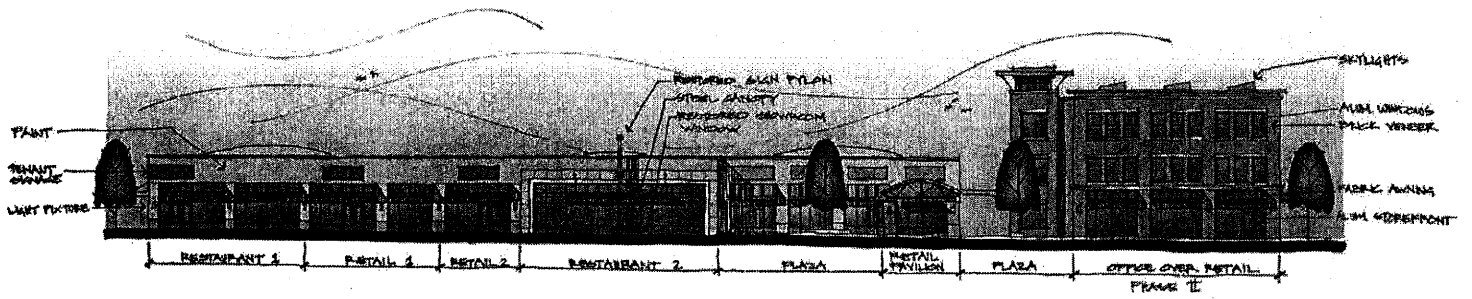


NE MARTIN LUTHER KING JR BLVD



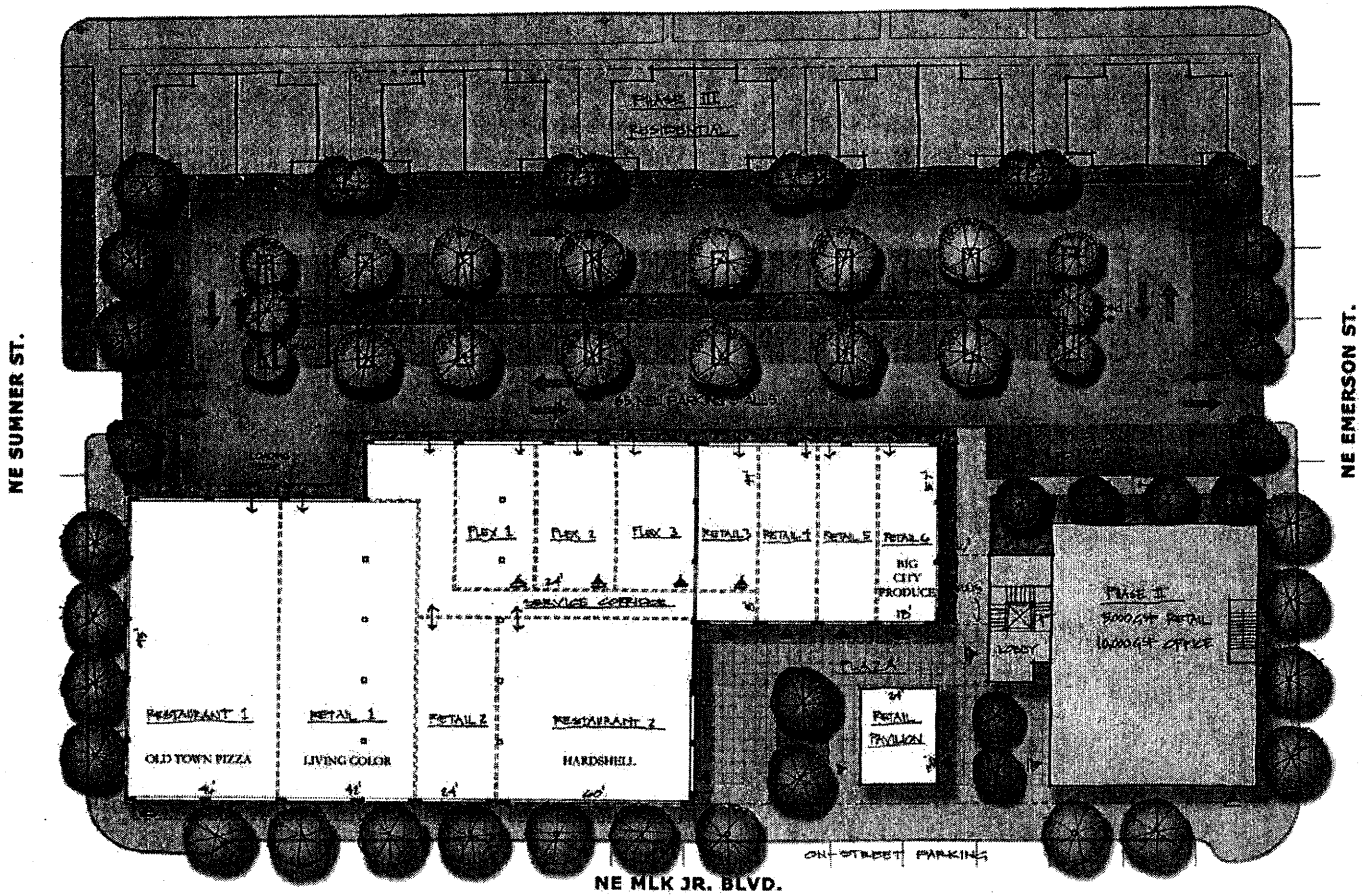
NE WEBSTER ST

EXHIBIT B



ELEVATION ALONG MARTIN LUTHER KING JR. BOULEVARD

NE GARFIELD AVE.



SITE PLAN DIAGRAM

VANPORT SQUARE

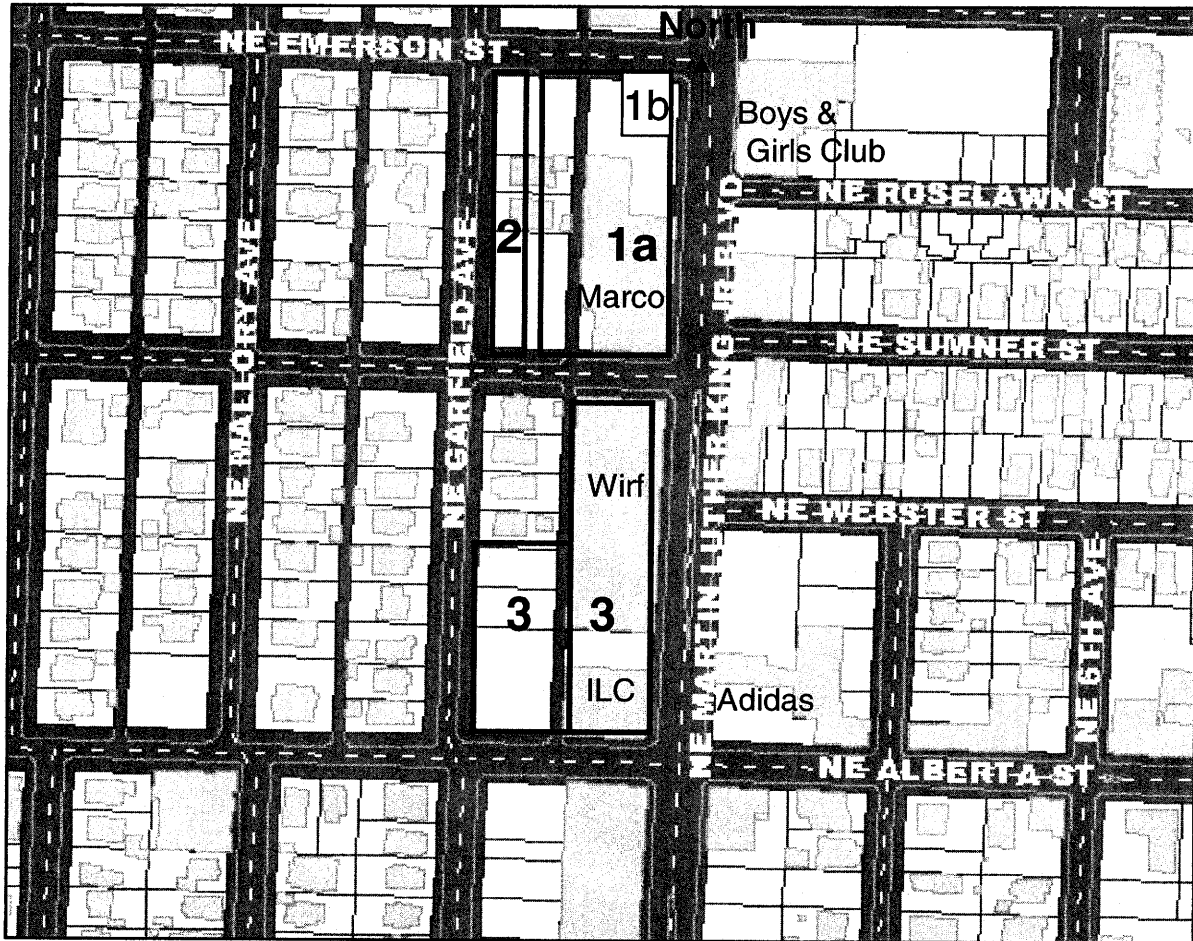
JULY 2005

Fletcher·Farr·Ayotte·PC
ARCHITECTURE PLANNING INTERIORS



EXHIBIT C

Vanport Square Project Map



Phase 1a,1b Marco Block

Phase 2 Garfield Housing

Phase 3 South Block

9/7/2005

EXHIBIT D

MEMORANDUM

TO: Dee Anna Walker; Right of Way Acquisition 503-823-7068
FROM: Cherrie Eudaly, Development Review 503-823-7081
SUBJECT: **Vacation of alley MLK/Garfield, Emerson/Sumner
R/W #6495**

This is a proposal to vacate an alley between NE MLK Jr Blvd, NE Garfield Avenue, NE Emerson Street and NE Sumner Street.

Transportation /Development Review reviewed this proposal with regard to Policy 6.21 of the Comprehensive Plan as it relates to vacation of public rights 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 purpose of nearby streets will be maintained

Vacation of this alley was recommended by Transportation/Development Review at PC 04-065208 on 12/23/04 to facilitate a proposal for renovation of the existing building, construction of a new three-story building, and a residential development along the NE Garfield Street frontage.

Reconstruction of the curb returns with curb and sidewalk will occur as a condition of building permits for redevelopment of the site.

Conclusion

Transportation/Development Review has no objection to the requested alley vacation

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City Code & Charter Policies & Rules (PPD)

[POL](#) → [Government](#) → [Elected Officials](#) → [Auditor](#) → [Charter, Code & Policies](#) →

[City Code & Charter](#) → [Online Code & Charter](#) → [Title 16 Vehicles and Tra](#) →

[Definitions](#)

Chapter 16.90 Definitions



16.90.015 Alley. - Printable Version

(Amended by Ordinance No. 177028, effective December 14, 2002.) A facility primarily intended to provide access to the rear or side of lots or buildings in urban areas and not intended for through vehicular movement.

Search

Title 16 Vehicles and Tra

[Chapter 16.10 Administrative Provisions](#)

[Chapter 16.20 Public Right-of-Way Parking](#)

[Chapter 16.30 Towing & Disposition of Vehicles](#)

[Chapter 16.40 Taxicab Regulations](#)

[Chapter 16.48 \(Repealed\)](#)

[Chapter 16.50 Mass Transit](#)

[Chapter 16.60 \(Repealed\)](#)

[Chapter 16.65 Funeral Processions](#)

[Chapter 16.70 Miscellaneous Regulations](#)

Chapter 16.90 Definitions

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STREET VACATION
CONTACTS SUMMARY
Alley in Block 10,
Walnut Park Addition

EXHIBIT E

RWA LEAD: Dee A. Walker		Applicant: Portland Development Commission	
RWA #: 6495		222 NW 5th Ave. Portland, OR 97209-3859	
PROJECT NO.: 433/61706		Contact: Jonathan Graves 503-823-3293	
COMMENTING PARY	RESPONSE DATE	COMMENTS	FOLLOW-UP WORK
City Bureaus / Depts. Notified:			
Sent 8-29-05			
City Auditor Toni Anderson	04-21-05	Petition Certified	
PDOT Development Review Cherrie Eudaly	09-07-05	No Objection	
PDOT Permit Engineering Chris Wier	09-07-05	Alley closure must be done under permit from BTED	
PDOT Trans Systems Mgmt Carl Snyder	09-09-05	Deferred to Development Review	
PDOT Street Lighting Steve Spitulski	08-30-05	2 city owned street lights are in the alley	cost to remove is \$346
PDOT Project Management Greg Jones	09-06-05	No objection	
PDOT Planning/Planning Com Gabe Onyeador		N/A	
Development Services Joan Frederiksen	09-12-05	No Objection	
Environmental Services Ron Mason	09-12-05	There is a 10" sewer located in alley. Needs to be retained	Requires a 15' easement over entire vacating area
Water Bureau Mari Moore	08-29-05	No Objection	
Fire Bureau Bob Ferrington	09-05-05	No Objection	
Park Bureau David Yamashita		Contacted twice - no response	
Urban Forestry Division Joe Hintz	09-09-05	No Objection	

STREET VACATION
CONTACTS SUMMARY
Alley in Block 10,
Walnut Park Addition

COMMENTING PARY	RESPONSE DATE	COMMENTS	FOLLOW-UP WORK
Local Agencies Notified:			
Sent 8-3-05			
Neigh Assoc - Local Office King Neighborhood Assoc. Chad Debnam - President 5212 NE Mallory Avenue Portland, OR 97211 503281-6315	9-12-05 9-22-05	I called to advise no response I called and left msg no response	
Neigh Assoc - District Office Northeast Coalition of Neigh. John Canda - Executive Dir. 4815 NE 7th Ave Portland, OR 97211 503-823-4575 X 8	9-12-05 9-22-05	I called to advise no response I called and left msg no response	
ODOT Region 1 Harry Whitney		No response	
Port of Portland Brian Sheldon		No response	
Tri-Met John Baker		No response	
Public Utilites Notified:			
Sent 8-3-05			
PGE John Nelson		No response	
PP&L Tom Kikes	08-12-05	Facilities in vacated area and wish to retain.	Easement lang. In Ordinance
Qwest Florence Mott	08-05-05	Facilities in the vacated area and they wish to retain it.	Reservation in Ordinance
Northwest Natural Computing & Drafting Tech	08-09-05	No Objection	
Comcast Cable Coax & Fiber Design		No response	
			TOTAL COST:

INTEROFFICE MEMORANDUM

Portland Office of Transportation

September 7, 2005

TO: Dee Walker
Right of Way Acquisition

FROM: Christopher Wier *CW*
Permit Engineering

SUBJECT: **Street Vacation Proposal, Alley in Block 10, Walnut Park Addition (R/W #6495)**

Permit Engineering has no objection to the street vacation of the alley in Block 10, Walnut Park Addition, between NE Emerson Street and NE Sumner Street, provided that the following condition is met:

1. Upon redevelopment of the site by land use case or building permits, construction of the alley closures must be done under a permit from the Bureau of Transportation Engineering and Development along with any other required frontage reconstruction or improvements.



Sam Adams
Commissioner

August 3, 2005

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Chad Debnam, President
King Neighborhood Association
5212 NE Mallory Avenue
Portland OR 97211

503-281-6215

Susan D. Kell
Interim Director

Re: Proposal to Vacate Alley In Block 10, Walnut Park Addition

Eileen Argentina
System Management

Dear Mr. Debnam:

Bryant Engle
Finance

The City of Portland has received a request to vacate the alley shown in yellow on the attached map. The stated purpose of the redevelopment.

Don Gardner
Engineering & Development

The Office of Transportation is seeking comments on this neighborhood associations and others. Accordingly, if your neighborhood will not serve the best interest of the public. Please send your comments provided below. If no comments are received from your neighborhood we will assume that the association does not object to the proposal.

Sam M. Irving, Jr.
Maintenance

After the comment period has ended the Office of Transportation Engineer's report, recommending approval or denial of the request will be forwarded to City Council, which will make a hearing on the request.

Laurel Wentworth
Planning

Please contact me at 503-823-7068, or at Dee.Walker@pd.org if you have any questions.

Sincerely,

Dee A. Walker

Dee A. Walker, Right-of-Way Acquisition
Transportation Engineering & Development

DAW:SLH
Attachment

RWA:\CASE FILES\6495\notify neighborhood

COMPLETE THIS SECTION ON DELIVERY

Agent Addressee
Date of Delivery No Yes
Received by (Printed Name) CHAD DEBNAM
D. Is delivery address different from above? No Yes
If YES, enter delivery address below:

3. Service Type
 Certified Mail
 Registered Mail
 Insured Mail
 Express Mail
 Return Receipt for Merchandise
 C.O.D.
 4. Restricted Delivery? (Extra Fee) Yes No

7004 1337

SENDER: COMPLETE THIS SECTION

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
 Print your name and address on the reverse so that we can return the card to you.
 Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
 CHAD DEBNAM, PRESIDENT
 KING NEIGHBORHOOD ASSOCIATION
 5215 NE MALLORY AVENUE
 PORTLAND OR 97211

2. Article Number (Transfer from service label)
 7004 1350 0004 4193 8089

Sent To
 Street, Apt. or PO Box
 City, State

CHAD DEBNAM, PRESIDENT
 KING NEIGHBORHOOD ASSOCIATION
 5215 NE MALLORY AVENUE
 PORTLAND OR 97211

PS Form 3800, June 2002 See Reverse for Instructions

102596-02-M-1540
 Domestic Return Receipt
 PS Form 3811, February 2004



Sam Adams
Commissioner

Susan D. Keil
Interim Director

Eileen Argentina
System Management

Bryant Engle
Finance

Don Gardner
Engineering & Development

Sam M. Irving, Jr.
Maintenance

Laurel Wentworth
Planning

August 3, 2005

John Canda, Executive Director
Northeast Coalition of Neighborhoods
4815 NE 7th
Portland OR 97211

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

*503-823-4575 office
x8 M-F 9-5*

Dear Mr. Canda:

The City of Portland has received a request to vacate the alley shown in yellow on the attached map. The stated purpose of the redevelopment.

The Office of Transportation is seeking comments on this neighborhood associations and others. Accordingly, if your neighbor to the proposed street vacation, please provide a clear written statement or will not serve the best interest of the public. Please send your comments provided below. If no comments are received from your association will assume that the association does not object to the proposed

After the comment period has ended the Office of Transportation Engineer's report, recommending approval or denial of the request will be forwarded to City Council, which will make a hearing on the request.

Please contact me at 503-823-7068, or at Dee.Walker@pdx.gov or have any questions.

Sincerely,

Dee A. Walker

Dee A. Walker, Right-of-Way Acquisition
Transportation Engineering & Development

DAW:slh
Attachment

RWA\CASE FILES\6495\NOTIFY NEIGHBORHOOD

- SENDER: COMPLETE THIS SECTION**
- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
 - Print your name and address on the reverse so that we can return the card to you.
 - Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
JOHN CANDIA, EXECUTIVE DIRECTOR
NE COALITION OF NEIGHBORHOODS
4815 NE 7TH
Portland OR 97211

2. Article Number
(Transfer from service label)
PS Form 3811, February 2004

7004 1350 0004 4193 8072
Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

Signature
Shawna
Agent

Received by (Printed Name)
SHAWNA

Date of Delivery
8-8-05

3. Service Type
 Certified Mail
 Registered
 Insured Mail
 Express Mail
 Return Receipt for Merchandise
 C.O.D.
 Yes

4. Restricted Delivery? (Extra Fee)
 Yes

5. Is delivery address different from item 1? Yes No
If YES, enter delivery address below:

Total F

Sent To
JOHN CANDIA, EXECUTIVE DIRECTOR
NE COALITION OF NEIGHBORHOODS
4815 NE 7TH
Portland OR 97211

Street, P.O. Box, or POB
City, State

PS Form 3800, June 2002 See Reverse for Instructions



— CITY OF PORTLAND —
ENVIRONMENTAL SERVICES



1120 SW Fifth Avenue, Room 1000, Portland, Oregon 97204-1912 D

Memorandum

EXHIBIT H

Date: 9/12/2005
To: Dee Walker, Right-of-Way Acquisition 503-823-7068, B106/R800
From: Ron Mason, BES Development Services 503-823-7214
Subject: R/W # 6495
Location: Alley between NE Emerson Street and NE Sumner Street

Environmental Services has investigated the above street vacation. The area to be vacated is approximately 5,250 sq. ft. of an existing alley between NE Emerson Street and NE Sumner Street.

There is one public 10" combination sewer located within the proposed street vacation area that will require protection through an easement. **BES requires a 15-foot easement over the 10" combination sewer located in this proposed street vacation. The required 15-foot wide easement shall over the entire proposed 15-foot wide street vacation, beginning at the R/W of NE Emerson Street and ending at the R/W of NE Sumner Street.**

The City must maintain legal access to all sewers and systems within this right of way, through easements or retaining dedicated right of way until such time as all the systems are abandoned and / or relocated.

If the neighborhood association, the Planning Commission, BDS or PDOT needs any additional information regarding BES's response to this street vacation, please call me at 503-823-7214.

cc: 2005.6495 St. Vacation file



EXHIBIT I

August 11, 2005

City of Portland
Office of Transportation
Attn: Dee A. Walker, Right of Way Acquisition
1120 SW 5th Avenue, Suite 800
Portland, OR 97204-1914

RE: Alley Vacation Request
Pacific Power & Light Comments
Block 10, Walnut Park Addition

Dear Ms. Walker,

Thank you for notifying PacifiCorp of a request you received to vacate a portion of the alley situated in Block 10, Walnut Park Addition, as shown on the map you sent to us on August 3, 2005. We have researched this area and have determined that PacifiCorp does have distribution facilities within the entirety of the vacation area. Therefore we formally request that the following verbage be reserved for the protection of PacifiCorp's facilities in the vacation ordinance should it be approved:

- An easement to PacifiCorp and assigns for electrical transmission or distribution facilities, together with the right of access to the right of way from adjacent lands of Grantor for all activities in connection with the purposes for which this easement has been granted; and together with the present and (without payment therefor) the future right to keep the right of way and adjacent lands clear of all brush, trees, timber, structures, buildings and other hazards which might endanger Grantee's facilities or impede Grantee's activities.

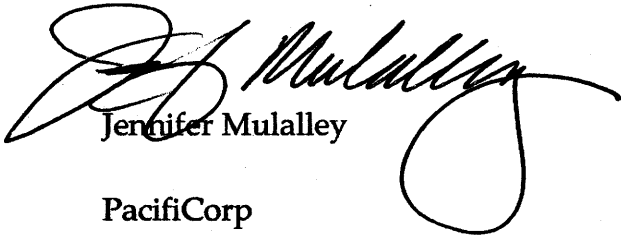


36 USC 220506
Proud Sponsor of the
2002/2004 U.S. Olympic Team

- At no time shall Grantor place, use or permit any equipment or material of any kind that exceeds twelve (12) feet in height, light any fires, place or store any flammable materials (other than agricultural crops), on or within the boundaries of the right of way. Subject to the foregoing limitations, the surface of the right of way may be used for agricultural crops and other purposes not inconsistent, as determined by Grantee, with the purposes for which this easement has been granted.

Please send a final copy of the resolution of vacation for our files. Feel free to contact me at 503.813.6212, should you have any questions or concerns.

Sincerely,



Jennifer Mulalley

PacifiCorp
Property Agent

cc: Tom Kikes, PMOC

ride the light

Qwest

;5032427513 ✓

1 / 1

EXHIBIT J

Page 1 of 1

FAX TRANSMITTAL
Qwest Corporation
8021 SW Capitol Hill Road #160
Portland, OR 97219
Phone: 503-242-6376
Fax: 503-242-7513

TO: City of Portland
Attn: Dec A. Walker
Right-of-Way Acquisition

Via Fax: 503-823-7576

FROM: Florence M. Mott
Manager, Right-of-Way
Oregon

DATE: August 5, 2005

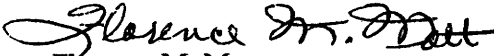
RE: Vacation of Portion of Alley in Block 10, Walnut Park Addition

Dear Ms. Walker:

I am in receipt of your letter dated August 3, 2005 regarding the above matter and wish to advise that Qwest does have facilities located in the alley which serves many buildings. It is imperative that our rights be retained in the proposed vacation area. If you have any questions, please feel free to give me a call at my number above.

Sincerely

QWEST CORPORATION


Florence M. Mott
Manager, Right-of-Way
Oregon

Attachment
