



Sam
Adams
Mayor

February 27, 2009

Susan D.
Keil
Director

**CITY ENGINEER'S REPORT TO CITY COUNCIL ON THE PROPOSED VACATION
OF A PORTION OF SE 133RD AVENUE NORTH OF SE RAMONA STREET (R/W #
7040)**

Background

1. **Proposed Street Vacation Area.** A portion of SE 133rd Avenue north of SE Ramona Street, said area being variable width and length, containing approximately 1,583 square feet. The area is currently improved as a single family residence and is more specifically described on Exhibit 1A and depicted on Exhibit 1B attached hereto.
2. **Petitioner.** Charlie Swan is the owner of the abutting property to the west of the proposed street vacation area.
3. **Purpose.** The street vacation is proposed in order to consolidate property and fulfills a commitment from Multnomah County in 1994 when the road was under their jurisdiction.
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 September 8, 2008.
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. Comcast has 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 December 4, 2008, with its Report and Recommendation attached as Exhibit 3 hereto.
7. **Costs.** The Petitioner has paid \$3,000 to date to reimburse the City for costs incurred processing the street vacation request. The amount paid appears sufficient to complete the process.

Bureau of Transportation Recommendation

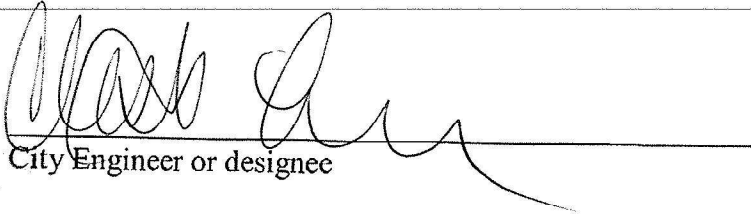
The Bureau of Transportation hereby finds the proposed street vacation application to be acceptable, and in the event that no substantive objections are made known to City Council at the upcoming public hearing, recommends approval of the street vacation, subject to the conditions and reservations specified below. The area to be vacated is more specifically described as:

That portion of SE 133rd Avenue, situated in the southeast one-quarter of Section 14, T1S, R2E, W.M., City of Portland, County of Multnomah, State of Oregon, as described on Exhibit 1A and depicted on Exhibit 1B attached hereto and by this reference made a part hereof. Said vacation area contains 1,583 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. **Costs.** In the event that additional processing requirements exceed current projections, Petitioner may be required to pay additional processing costs to the City prior to the Street Vacation Ordinance being recorded.
2. **Reservations and Release**
 - 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, including, but not limited to those identified by Comcast. 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 and release of easements in the street vacation area will require the necessary conveyance documents and possible written agreements between the Petitioner and owner(s) of the utilities.
 - B. **City Release.** Notwithstanding condition 2A, 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 the above conditions 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. 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.



City Engineer or designee

TO THE COUNCIL:

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

RECOMMENDS:

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

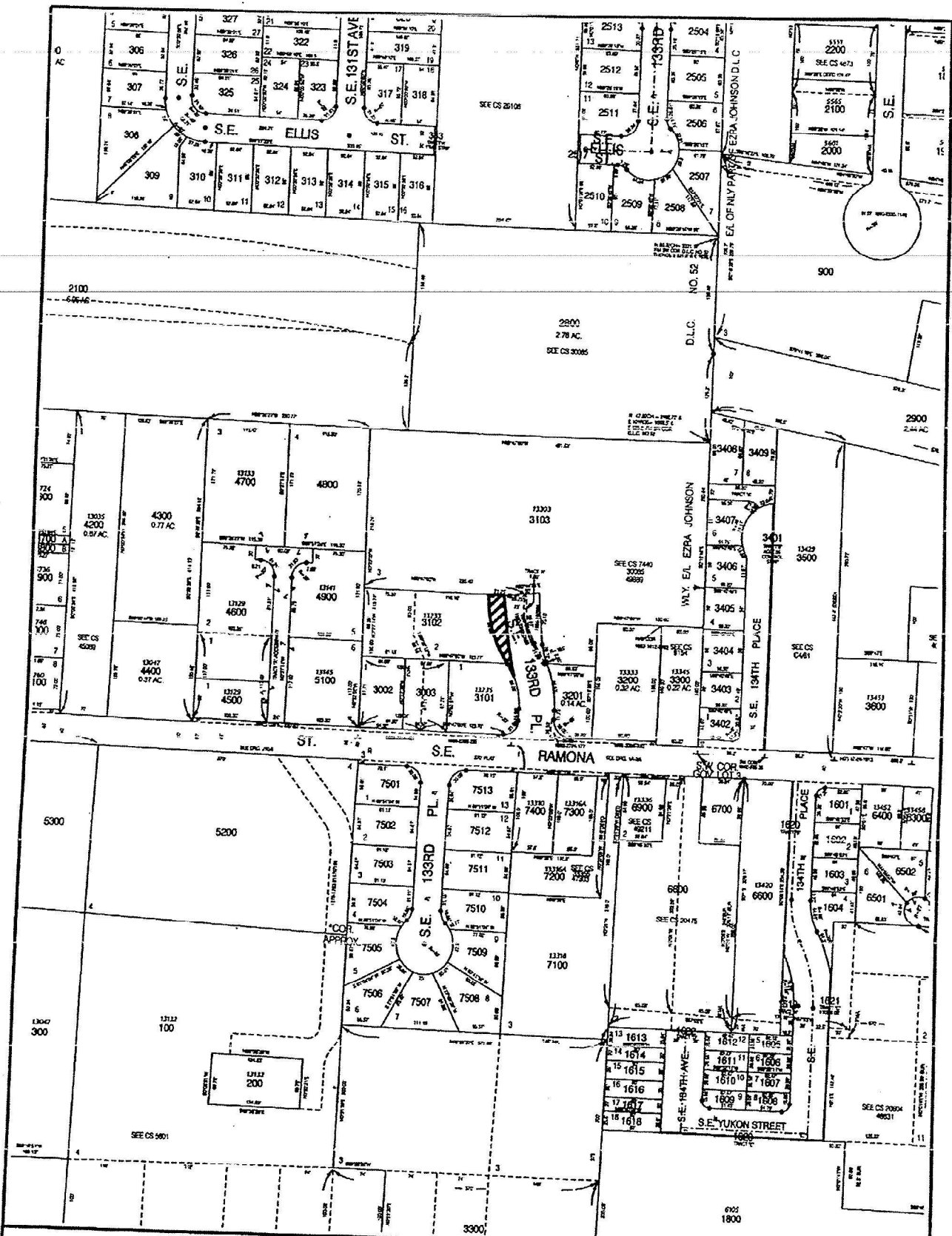
Respectfully submitted,

Mayor Sam Adams
Mayor-In-Charge

Attachments:

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

Exhibit 1



A PORTION OF SE 133RD PLACE NORTH OF SE RAMONA STREET

Petitioner: CHARLIE SWAN



Area Proposed for Vacation

1/4 Section: 3644

Section: 1S2E14DB

N

Scale: 1" to 200'

Comments Summary

Commenting Party	Response Date	Comments / Conditions
Planning Commission Stuart Gwin	1-23-09	Approved
Neigh Assoc Notified:		
Powellhurst-Gilbert N.A. James Chasse, Land Use/Planning Comm.Chair		No Response
East Portland Neigh. Office Richard Bixby, Director		No Response
Local Agencies Notified:		
ODOT Region 1 Harry Whitney		No Response
Port of Portland Brian Shelden		No Response
Tri-Met John Baker		No Response
Public Utilities Notified:		
PGE John Nelson		No Response
Pacific Power Tom Kikes		No Response
Qwest Florence Mott		No Response
Northwest Natural Computing & Drafting Tech Richard Hawkes	10-8-08	No facilities in street area
Comcast Cable Coax & Fiber Design Walt Banks	10-8-08	Has facilities in street area; reserve easement



Sam
Adams
Commissioner

PLANNING COMMISSION REPORT AND RECOMMENDATION TO THE CITY COUNCIL

Susan D.
Keil
Director

FILE NUMBER: R/W #7040

Don
Gardner
Engineering &
Development

COMMISSION MEETING TO BE HELD 3:00 PM, DECEMBER 4, 2008

1900 SW 4TH BUILDING, 7TH FLOOR, ROOM 7A

Lavinia
Gordon
System
Management

VI. GENERAL INFORMATION

Street Vacation Request:

Vacation of a portion of SE 133rd Place north of SE Ramona St.

Petitioner:

Street vacation initiated by Charlie Swan, 13243 SE Reedway Place, Portland, OR 97236, 503-314-1405. Petitioners representative is Christopher Koback, 503-778-5382

Purpose:

The stated purpose of the vacation is consolidate property and to realign this portion of SE 133rd Place in connection with Land Use Case No. 06-144608 LDS

Neighborhood:

Powell-Gilbert Neighborhood Association, James Chasse, Land Use/Planning Committee Chair, 3246 SE 116th Ave., Portland, OR 97266, 503-762-0863
East Portland Neighborhood Office, Richard Bixby, Director, 1017 NE 117th Ave. Portland 97220, 503-823-4501

Quarter Section:

3644

Designation/Zone:

The abutting private property is zoned R5, Single Dwelling Residential 5000 square ft. lots within the Johnson Creek Basin

VI. FACTS

A. History and Background

The applicant is proposing to subdivide the existing Reedway Place Manufactured Home Park into 22 manufactured home lots and two private street tracts following the existing park layout.

Approval of the proposed street vacation will not result in any landlocked parcels. In addition, approval will help straighten out SE 133rd while still leaving a 50 wide public Right-of-Way. The proposed vacation area will alleviate this problem.

B. Concurrent land use actions

City records indicate that there is a current Land Use Case 06-144608 for this property.

C. The Transportation Element

The Transportation Element does not speak to this case.

VI. FINDINGS

A. Comprehensive Plan Goals and Policies Consideration

The relevant policies of the Transportation Element are:

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.

Findings for Policies 6.21

There is no need to preserve this right of way.

B. Neighborhood Plan considerations [Northwest Industrial Neighborhood Association]

There are no neighborhood issues with this vacation

VI. Zoning Code considerations

There are no zoning issues.

D. Subdivision code considerations

There are no sub-division issues.

E. The Portland Office of Transportation Responses/Improvement considerations

The proposed vacation will have no impact on future street improvements of adjacent public rights-of way.

Permit Engineering, Transportation Systems Management, Street Lighting, and Project Management Development Review responded with no objections to the street vacation request.

F. Other Considerations

None.

IV. CONCLUSIONS

Based on the above analysis, Portland Office of Transportation states that the right-of-way is not needed to provide for future facilities. Additionally, approval of the street vacation will not affect the functional performance of the street system in the area.

VI. STAFF RECOMMENDATION

Approval of the vacation of the area as shown on Exhibit 1.

The Portland Office of Transportation staff may revise this recommendation upon receipt of new information at any time prior to the Planning Commission's recommendation.

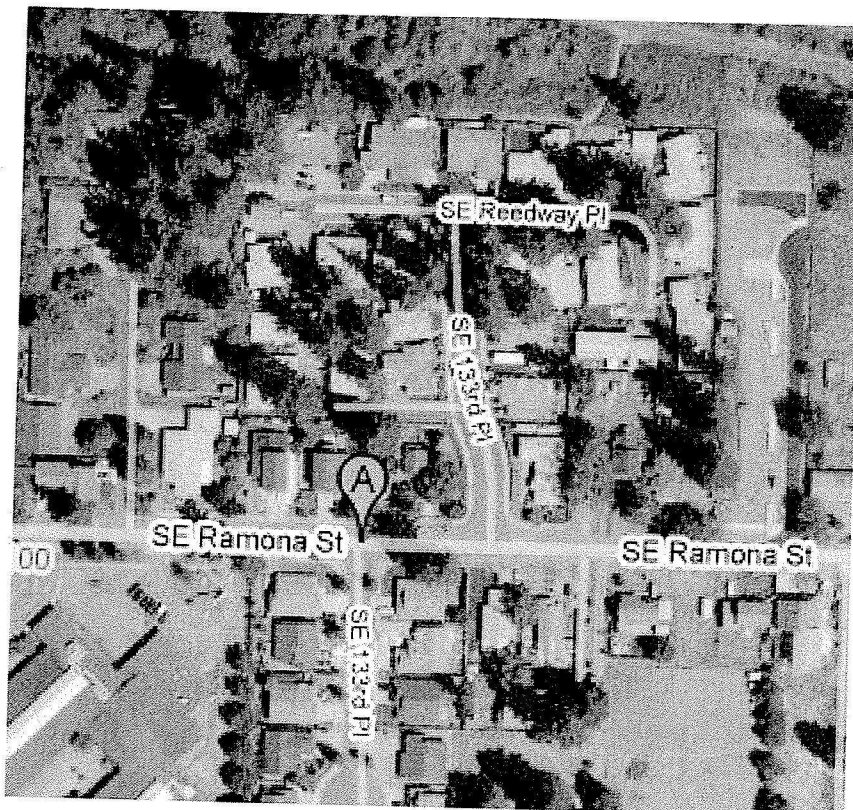
VI. EXHIBITS

A. Area Proposed for Vacation

Staff Planner – Stuart Gwin, Phone: 503-823-7788

cc: Dee Walker, Right-of-Way Case Manager
Christopher Koback, the petitioner's representative
James Chasse, Powellhurst-Gilbert Neighborhood Association
Richard Bixby, East Portland Neighborhood Office
Case File

Aerial photo of area for the proposed vacation.



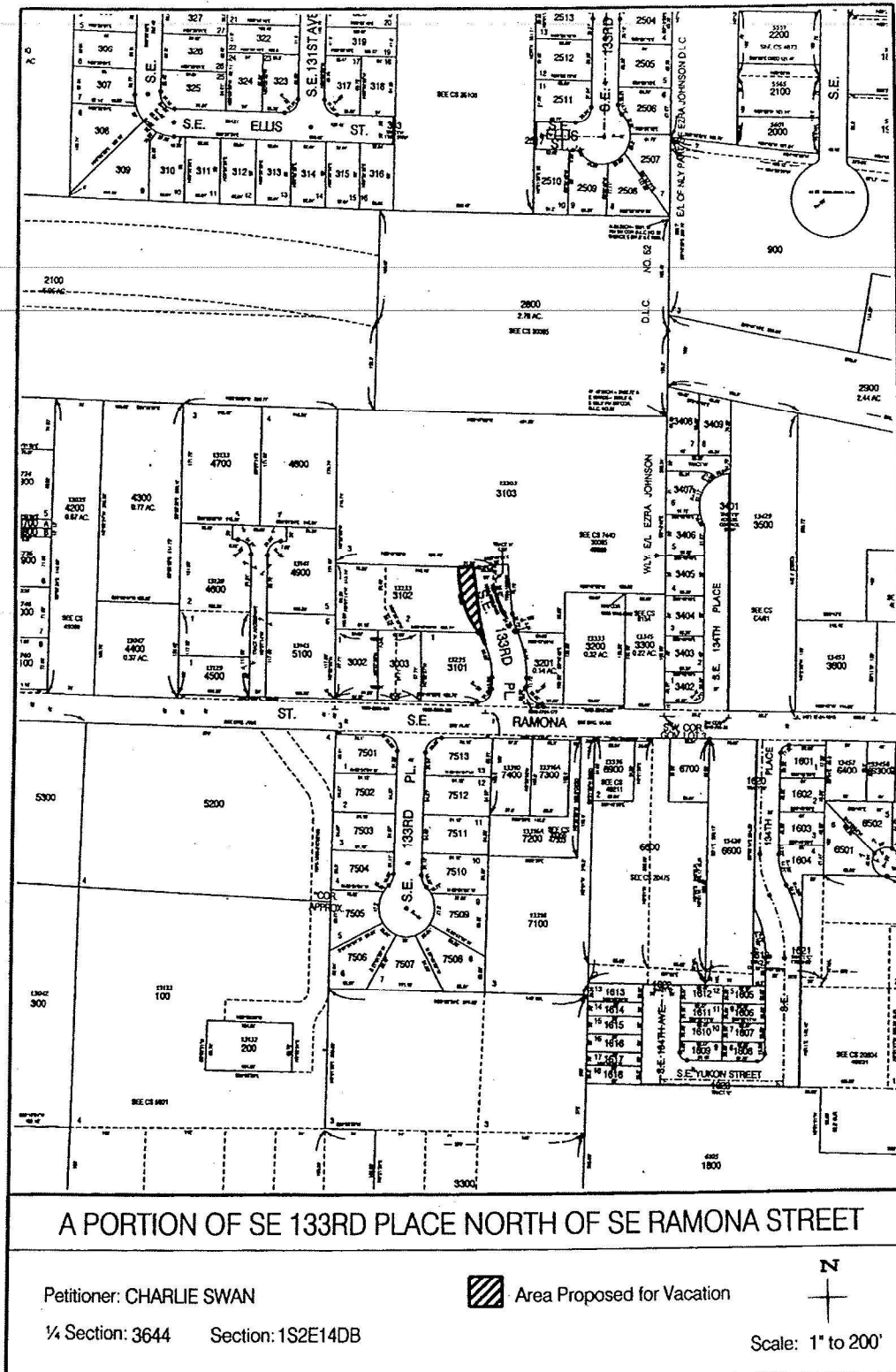


Exhibit 1: Area Proposed for Vacation