

**FINANCIAL IMPACT STATEMENT  
For Council Action Items**

(Deliver original to Financial Planning Division. Retain copy.)

1. Name of Initiator Lance D. Lindahl		2. Telephone No. 503-823-7465	3. Bureau/Office/Dept. PBOT/RWA
5a. To be filed (hearing date): December 1, 2010	5b. Calendar (Check One) Regular <input checked="" type="checkbox"/> Consent <input type="checkbox"/> 4/5ths <input type="checkbox"/>		4. Date Submitted to Commissioner's office and FPD Budget Analyst: November 19, 2010

**1) Legislation Title:** Vacate a portion of SE 21<sup>st</sup> Ave north of SE Ochoco St subject to certain conditions and reservations. (Hearing; Ordinance; VAC-10066)

**2) Purpose of the Proposed Legislation:** The purpose of this legislation is to vacate a portion of SE 21<sup>st</sup> Ave north of SE Ochoco St, as recommended in the Engineer's Report.

**Revenue and/or Expense:**

Is ALL the Revenue and/or Expense a part of the current year's budget? Yes X No \_\_\_\_\_  
 SAP COST OBJECT No(s): 9TR00001425 then go to Step #5.  
 If NO, complete Steps 3 & 4. For modifications to budgets, identify/discuss only the changes to the budget.

**3) Revenue:**

Will this legislation generate or reduce current or future revenue coming to the City? If so, by how much? If new revenue is generated please identify the source.

**4) Expense:**

What are the costs to the City as a result of this legislation? What is the source of funding for the expense? (Please include costs in the current fiscal year as well as costs in future years) (If the action is related to a grant or contract please include the local contribution or match required) ("If there is a project estimate, please identify the level of confidence.")

**Staffing Requirements:**

**5) Will any positions be created, eliminated or re-classified in the current year as a result of this legislation?** (If new positions are created please include whether they will be part-time, full-time, limited term or permanent positions. If the position is limited term please indicate the end of the term.) Not applicable to this action.

**6) Will positions be created or eliminated in future years as a result of this legislation?** Not applicable to this action.

Complete the following section if you are accepting and appropriating a grant via ordinance. This section should only be completed if you are adjusting total appropriations, which currently only applies to grant ordinances.

**7) Change in Appropriations** (If the accompanying ordinance amends the budget, please reflect the dollar amount to be appropriated by this legislation. If the appropriation includes an interagency agreement with another bureau, please include the partner bureau budget adjustments in the table as well. Include the appropriate cost elements that are to be loaded by the Grants Office and/or Financial Planning. Use additional space if needed.) Not applicable to this action.

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

KK 11-17-10 *Steve Toomer* FOR SUSAN D KELL

APPROPRIATION UNIT HEAD    SUSAN D. KEIL, Director, Bureau of Transportation

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**2037 SE OCHOCO ST - SELLWOOD-MORELAND  
IMPROVEMENT LEAGUE - PORTLAND**

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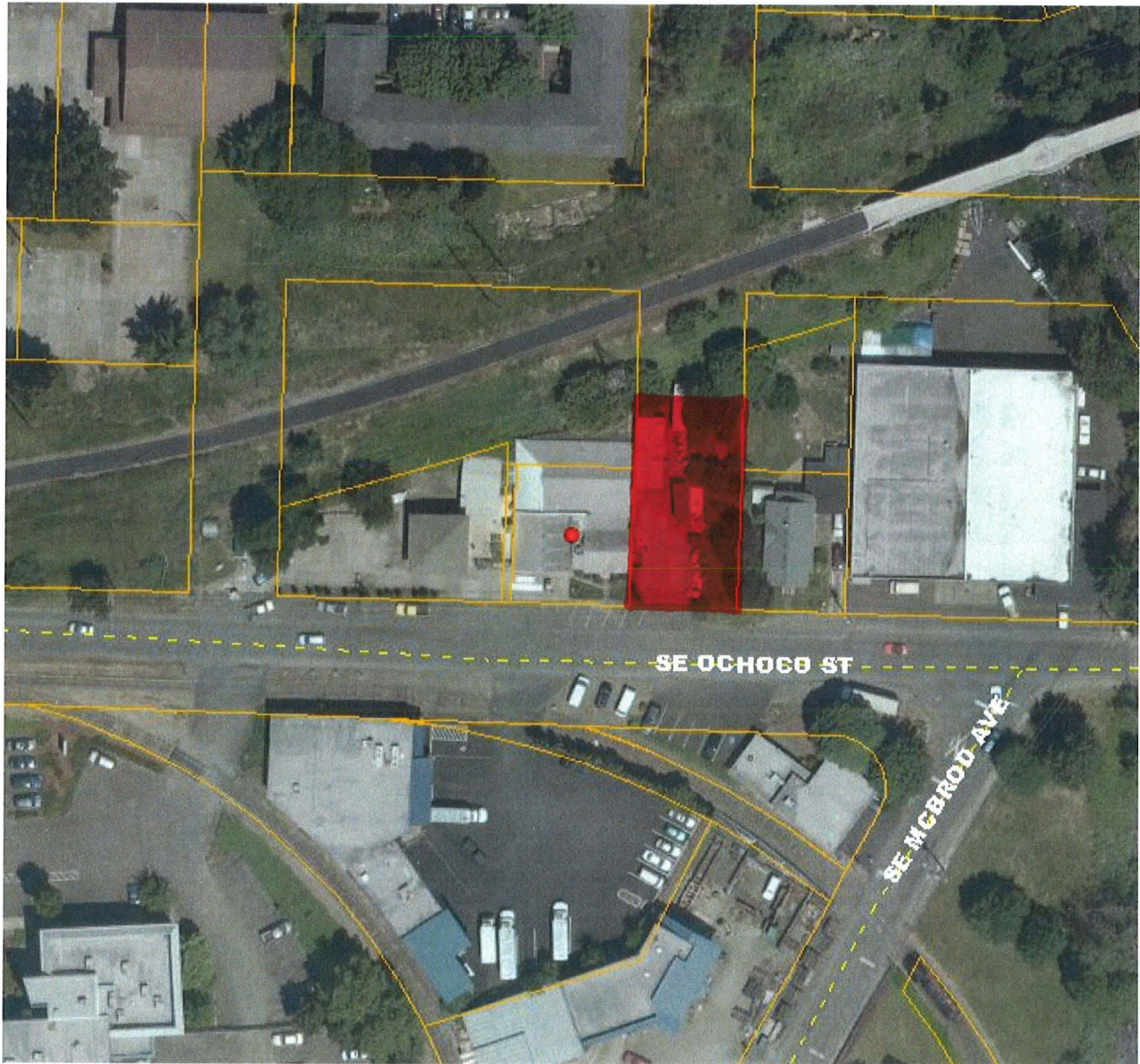
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## Aerial Photo

2008 / '07 / '06 / '05 / '04 / '03 / '02 / '01

6" / 2' / 4' / 10' / 20'

Streets: **On** Lots: **On** Dot: **On**



0 |—————| 100 FT

[City of Portland, Corporate GIS](#)

12/16/2009

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CITY OF  
**PORTLAND**  
BUREAU OF  
**TRANSPORTATION**

Sam  
Adams  
Mayor

Susan D.  
Keil  
Director

August 11, 2010

**CITY ENGINEER'S REPORT TO CITY COUNCIL ON THE PROPOSED VACATION  
OF SE 21<sup>st</sup> AVENUE NORTH OF SE OCHOCO STREET (R/W #7130)**

**Background**

1. **Proposed Street Vacation Area.** A portion of SE 21<sup>st</sup> Avenue, said area being approximately 117.37 feet long by 60 feet wide, containing approximately 7,042 square feet. The area is currently unimproved and is more specifically depicted on Exhibit 1 attached hereto.
2. **Petitioner.** Sundeleaf Holding, LLC 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.
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 12, 2009.
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 Bureau of Environmental Services which requested that certain conditions be satisfied prior to the street being vacated. Additionally, Qwest 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 July 13, 2010, with its Report and Recommendation attached as Exhibit 3 hereto.
7. **Costs.** The Petitioner has paid \$5,000 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:

An Equal  
Opportunity  
Employer

That portion of SE 21<sup>st</sup> Avenue situated in Section 26, T1S, R2E, W.M., City of Portland, County of Multnomah, State of Oregon, lying south of a line measured 117.37 feet north of the north line of SE Ochoco Street, as depicted on attached Exhibit 1 and by this reference made a part hereof.

**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. **Bureau of Environmental Services.** The Bureau of Environmental Services owns and maintains certain improvements within the street area to be vacated. As a condition of street vacation approval, the Petitioner will agree to the reservation of a 30 foot wide public sewer easement over the east half of the vacated street area.

This easement is hereby reserved to provide for the maintenance, operation, inspection, repair, reconstruction, replacement and enlargement of the existing public sewer facility and necessary appurtenances, and is reserved on the condition that no building construction, material storage, filling, grade change or tree planting will be permitted within said easement area without the prior written consent of the Director of the Bureau of Environmental Services, and further that the City or its contractors will not be responsible for damage to any improvements, including landscaping existing on the easement area, if such things are damaged or destroyed by the City or its contractors in the course of reconstruction or maintenance of the existing public sewer facility.

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 Qwest. 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.

- C. City Release.** Notwithstanding 2B, and except for 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 *by Kurt Kuege*

**TO THE COUNCIL:**

The Mayor 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,

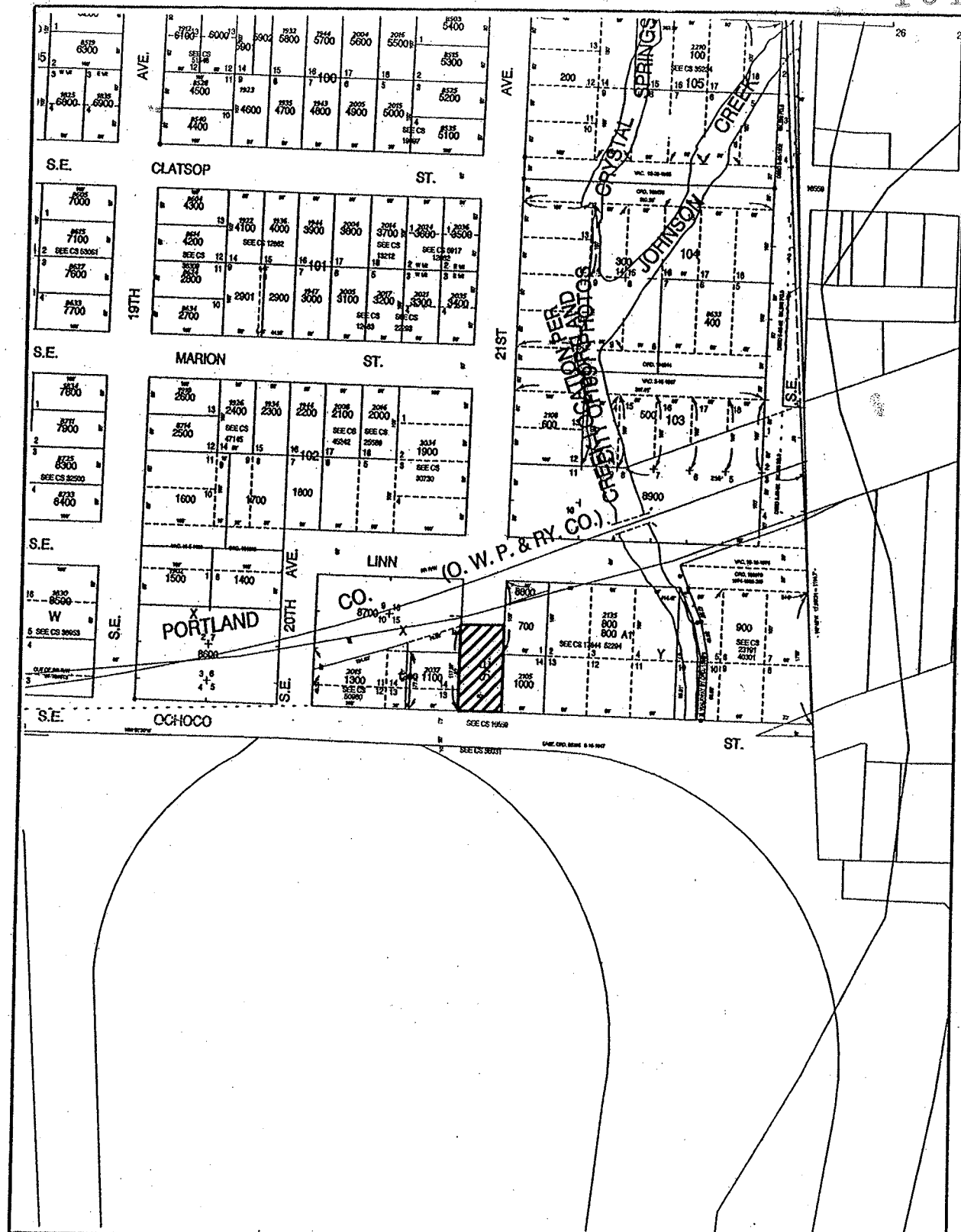
Mayor Sam Adams

**Attachments:**

Exhibit 1, Proposed Map

Exhibit 2, Summary of Comments


Exhibit 3, Planning Commission Recommendation



SE 21ST AVENUE NORTH OF SE OCHOCO STREET

Petitioner: D & B Company

1/4 Section: 3932      Section: 1S1E26AA

 Area Proposed for Vacation



Scale: 1" to 200'

## Comments Summary

<b>R/W # 7130</b> SE 21st Ave north of SE Ochoco St	<b>R/W Project Manager:</b> Lance Lindahl	<b>Petitioner/Applicant:</b> Sundeleaf Painting, Inc. Attn: Sam Sundeleaf 2037 SE Ochoco St Portland, OR 97222 503-236-9797 sam@sundeleafpainting.com
<b>SAP No.:</b> 9TR000001425 <b>VAC-</b> 10066		
<b>Commenting Party</b>	<b>Response Date</b>	<b>Comments / Conditions</b>
<b>City Bureaus / Depts. Notified:</b>		
City Auditor Toni Anderson	8/12/09	Petition Certified.
PBOT Development Review Bob Haley	10/1/09	No objection.
Transportation Planning Stuart Gwin	9/16/09	No objection.
PBOT Permit Engineering Chon Wong	9/8/09	No objection.
PBOT Trans Systems Mgmt Carl Snyder	9/8/09	No objection.
PBOT Street Lighting Tod Rosinbum	9/10/09	No objection.
PBOT Project Management Kathryn Levine	9/17/09	No objection.
Development Services Shawn Burgett	12/23/09	No objection.
Environmental Services Margaret Russell 503-823-7189	10/6/09	No objection subject to the following condition: Reservation of a sewer easement over the east 30 feet.
Water Bureau Rick Nelson	9/9/09	No objection.
Fire Bureau Rich Butcher	9/23/09	No objection.

## Comments Summary

Commenting Party	Response Date	Comments / Conditions
Park Bureau Tod Lofgren	10/20/09	No objection.
Urban Forestry Division Joe Hintz	10/27/09	No objection.
Planning Commission Stuart Gwin	7/13/10	Approved.
<b>Neigh Assoc Notified:</b>		
Sellwood-Moreland Neighborhood Association (SMILE) Mat Millenbach, Land Use/Planning Committee Chair		No response.
Southeast Uplift Leah Hyman, Land Use and Livability Manager		No response.
<b>Local Agencies Notified:</b>		
ODOT Region 1 Tamara Patrick		No response.
Port of Portland Brian Shelden		No response.
Tri-Met John Baker		No response.
<b>Public Utilities Notified:</b>		
PGE Ted Powell		No response.
Pacific Power Tom Kikes		No response.
Qwest Lynn M. Smith 503-242-6376	9/22/09	Have facilities in street area; reserve easement.
Northwest Natural Richard H. Hawkes	9/15/09	No facilities in street area.
Comcast Cable Coax & Fiber Design		No response.





Sam  
Adams  
Commissioner

Susan D.  
Keil  
Director

## PLANNING COMMISSION REPORT AND RECOMMENDATION TO THE CITY COUNCIL

FILE NUMBER: R/W #7130

COMMISSION MEETING TO BE HELD 12:30 PM, JULY 13, 2010

1900 SW 4<sup>TH</sup> BUILDING, 2<sup>ND</sup> FLOOR, ROOM 2500 A

### I. GENERAL INFORMATION

**Street Vacation Request:** SE 21<sup>st</sup> Ave. north of SE Ochoco St.

**Petitioner:** Street vacation initiated by Sundeleaf Painting, Inc. The petitioner's representative is Sam Sundeleaf. He can be reached at 2037 SE Ochoco St., Portland, OR 97222, phone 503-236-9797.

**Purpose:** Purpose of vacation is to consolidate property

**Neighborhood:** Sellwood-Moreland Improvement League (SMILE)  
Mat Millenbach, Land Use/Planning Committee, Chair  
8867 SE 13<sup>th</sup> Ave.  
Portland, OR 97202  
millenbach@aol.com

Southeast Uplift Neighborhood District Office  
Leah Hyman, Land Use and Livability Manager  
3534 SE Main St.  
Portland, OR 97214  
503-232-0010  
leah@southeastuplift.org

**Quarter Section:** 3932

### II. FACTS

**A. History and Background**

No history on this parcel.

**B. Concurrent land use actions**

There are no concurrent land use actions.

**C. The Transportation Element**

The Transportation Element does not consider this street because it has never been development as an improved street. It was plated but the street was left undeveloped.

### III. FINDINGS

#### A. Comprehensive Plan Goals and Policies Consideration

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.

**Policy 12.4 Provide for Pedestrians, Objective G. states:**

Retain rights for pedestrian access and circulation when considering requests for street vacations. Preserve existing pedestrian routes and protect routes needed by pedestrians in the future. Ensure that street vacations do not reduce access to light and air or the intimate scale that is so much a part of Portland's character.

**Findings for Policies 6.20, 6.21 and 12.4**

This vacation is in conformance with above referenced Comprehensive Plan Goals and Policies.

#### B. Neighborhood Plan considerations

There are no neighborhood issues with this vacation

#### C. 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 future facilities. Additionally, approval of the street vacation will not affect the functional performance of the street system in the area.

## V. STAFF RECOMMENDATION

It is recommended that the street vacation be approved as submitted.

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

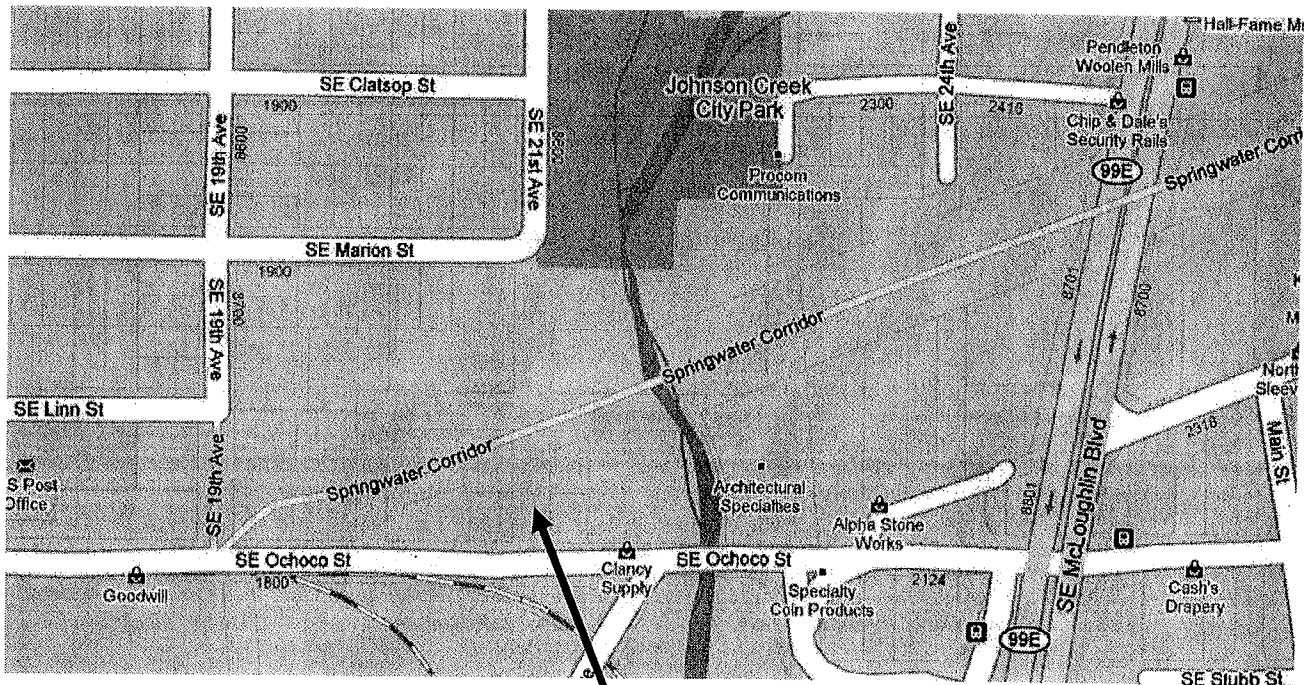
### A. Area Proposed for Vacation

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

cc: Lance Lindahl, Right-of-Way Case Manager  
 Matt Millenbach, Sellwood-Moreland Improvement League (SMILE)  
 Leah Hyman, Southeast Uplift Neighborhood District Office  
 Case File

### Exhibit A:

Map of area surrounding the proposed vacation



Proposed Vacation