



Sam  
Adams  
Commissioner

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Director

December 29, 2008

Joan M Smith  
5015 SW JULIA CT  
PORTLAND OR 97221

Keli A Foley  
5010 SW JULIA CT  
PORTLAND OR 97221

Alexander T Ellis  
4816 SW SHATTUCK RD  
PORTLAND OR 97221

RE: Public Pedestrian Easement and Trail

Dear Ms. Smith, Ms. Foley and Mr. Ellis,

I am writing you in regards to the pedestrian trail and public pedestrian easement located across your properties that connects between SW Julia Ct and SW Shattuck. I want to share information about the trail and easement, and offer resources that may potentially help to resolve any associated issues.

### **Easement History**

In 1978, the subdivision for “Amy’s Addition” was approved, creating all of the lots which you now individually own. Please refer to the attached copy of the subdivision plat map for Amy’s Addition. As a part of this approval, several easement dedications were required, including easements for sanitary sewer, storm sewer, drainage and pedestrian access. The “Dedication” note on the plat states the following:

“Know all men by these presents, that David N. McIntyre does, hereby make, establish and declare that the annexed map of Amy’s Addition, described in the accompanying Surveyor’s Certificate, to be a true and correct map and plat thereof, all lots being of the dimensions shown and all street and permanent easements of the widths therein set forth, and he does dedicate to the use of the public, as public ways forever, all streets and easements shown (or as noted) on said map.”

Specifically, the pedestrian easement is 10-foot wide crossing Lots 5, 6 and 7 as it connects SW Shattuck and S Julia Ct. The easement is split as it crosses Lot 5 and Lot 7, so that it is 5-foot wide on each property following the shared side lot line. The easement is 10-foot wide along the southern property line of Lot 6.

This public pedestrian easement must remain open for passage by the public. Property owners are required to keep the easement open and free of obstruction and potential hazards. All structures, including fences, must be located outside the pedestrian easement.

Complaints regarding obstructions and hazards along the trail in the public pedestrian easement can be reported to Portland Bureau of Transportation. The hotline is 503.823.7002. The identity of complainants is kept confidential. Report of complaints will be investigated by City staff and corrective actions will be taken where deemed appropriate.

### **SW Urban Trails Plan (2000)**

The trail that traverses along the public pedestrian easement was incorporated into the *Southwest Urban Trails Plan* adopted by Portland City Council in July, 2000. It is a part of SW Trail #1. The plan identifies a network of seven priority trail routes through southwest Portland, as well as, a series of proposed improvements and implementation plans for maintaining and improving the trails, which depends upon a high degree of community volunteer work.

There are two pedestrian bridge structures along the trail located within these easements crossing the creek and drainageway. These bridges are owned and maintained by the City of Portland Bureau of Transportation. In addition, the *Southwest Urban Trails Plan* identifies a pedestrian crossing improvement project at the intersection of SW Shattuck and the intersection with the pedestrian easement connecting to SW 53<sup>rd</sup> Ave. This project has not yet been built.

The *Southwest Urban Trails Plan* also addresses trail stewardship and appropriate behavior of trail users. Here is an excerpt from page 29 of the plan:

“Trail stewardship is an on-going educational process, and all trail users are potential stewards, setting an example for others. The following Portland City Code restrictions apply to urban trail routes through public parks, along greenways, and in public right-of-ways. Other guidelines may also apply that are not listed in the City Code.

- no littering
- keeping dogs on a leash and cleaning up after
- no operating radios or other sound devices loudly
- no drinking of alcoholic beverages

Good stewardship includes respecting natural areas and adjacent private property by staying on designated urban trail routes. At certain points along the urban trail network, signage on trail etiquette or use restrictions may be necessary. Interpretive signage may help to educate trail users about sensitive environmental conditions and explain the reasons why certain trail use restrictions are in effect.”

### **Mediation Services**

I recognize that issues may arise that require resolution strategy other than investigation and enforcement by Portland Bureau of Transportation or Bureau of Police. In these circumstances, the City offers free assistance in resolving neighborhood issues and concerns through Resolutions Northwest. For more information or to request mediation services, call Resolutions

Northwest at 503-595-4890 or email them at [info@rnneighborhood.org](mailto:info@rnneighborhood.org). You can also visit Resolutions Northwest on the internet at [www.resolutionsnorthwest.org](http://www.resolutionsnorthwest.org).

In closing, I hope that the information above provides you with more clarity about the public pedestrian easement across your properties, the rights and responsibilities of both property owners and trail users, and resources available to all to help maintain everyone's livability. You are welcome to contact me if you have additional questions regarding the trail and public pedestrian easement. I will try to provide answers or connect you with others who can.

Sincerely,

April Bertelsen  
Pedestrian Coordinator  
(503) 823-6177  
City of Portland Bureau of Transportation