

Multnomah County Official Records  
C Swick, Deputy Clerk

2011-053548



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*P/O  
L. Lindehl*  
**CITY OF PORTLAND**  
**Office of the City Auditor**  
**1221 SW Fourth Avenue, Room 140**  
**Portland, OR 97204-1900**

I hereby certify this Ordinance No. 184487 to be a complete and exact copy of the original as the same appears on file and of record in my office and in my care and custody on April 18, 2011.

**LaVonne Griffin-Valade**  
**Auditor of the City of Portland**  
By *J. Anderson*  
Deputy

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## ORDINANCE No. 184487

Vacate the alley between Blocks 23 and 24, Arlington Heights subject to certain conditions and reservations (Hearing; Ordinance; VAC-10071)

The City of Portland ordains:

### Section 1. The Council finds:

1. On April 8, 2010, the Office of the City Auditor certified a petition for the vacation of the alley between Blocks 23 and 24, Arlington Heights, with the petition initiated by Richard and Mary Rosenberg, the owners of adjoining property.
2. The petition states that the reason for the vacation is to provide for underground pipes for the construction of a high efficiency heating and cooling system.
3. The vacation is in conformance with the City of Portland's Comprehensive Plan and is consistent with recommendations made by the City Engineer and Planning and Sustainability Commission, as provided in the City Engineer's Report, dated November 29, 2010 and on file with the Office of the City Auditor and the Bureau of Transportation.
4. In accordance with ORS 271.100, the Council fixed a time and place for public hearing before the Council; the Auditor published notice thereof, and posted notice in the areas proposed for vacation.
5. Other procedural requirements of ORS 271 have been complied with, and the Council having held a public hearing, finds no objections were made or filed hereto, and it is in the public interest that said street be vacated.

NOW, THEREFORE, the Council directs:

- a. The following described street area, as depicted on the attached Exhibit 1, is hereby vacated:

The alley between Blocks 23 and 24, "Arlington Heights", recorded November 14, 1910 in Plat Book 518, Page 95, said alley lying between the south right-of-way line of SW Tichner Drive, originally platted as Kingston Avenue on said Plat and the north right-of-way line of SW Rutland Terrace. Said vacation area contains 1,460 square feet, more or less.

- b. The vacation of the above-described street area is granted subject to the following conditions and reservations:
  1. 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 Portland General Electric. 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 in the street vacation area will require written agreements between the Petitioner and owner(s) of the utilities.

2. Notwithstanding b1, this 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. City costs associated with processing the street vacation petition shall be paid in full before the City records this Ordinance.
4. In the event the Petitioner fails to fully comply with the above conditions within one year of Council adopting this Ordinance, City Council may repeal the Ordinance at its sole discretion.

Section 2. Petitioner shall file with the City Auditor, in form approved by the City Attorney, a document in writing, accepting the terms and conditions of the Ordinance.

Section 3. Notice is given that 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.

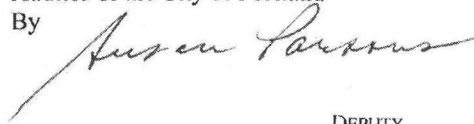
Section 4. After the prerequisites to recording the Ordinance have been met, the City Auditor shall return a certified copy of this Ordinance and the acceptance thereof, to the Right-of-Way Acquisition Section, Bureau of Transportation, which shall, at the expense of the Petitioner, file with the recorder, the assessor, and the surveyor of the county in which said property is located, the certified copy of this Ordinance and the acceptance, and any map, plat or other record which may be required by law. The Right-of-Way Acquisition Section shall return the recorded Ordinance to the Auditor.

Passed by the Council,

MAR 30 2011

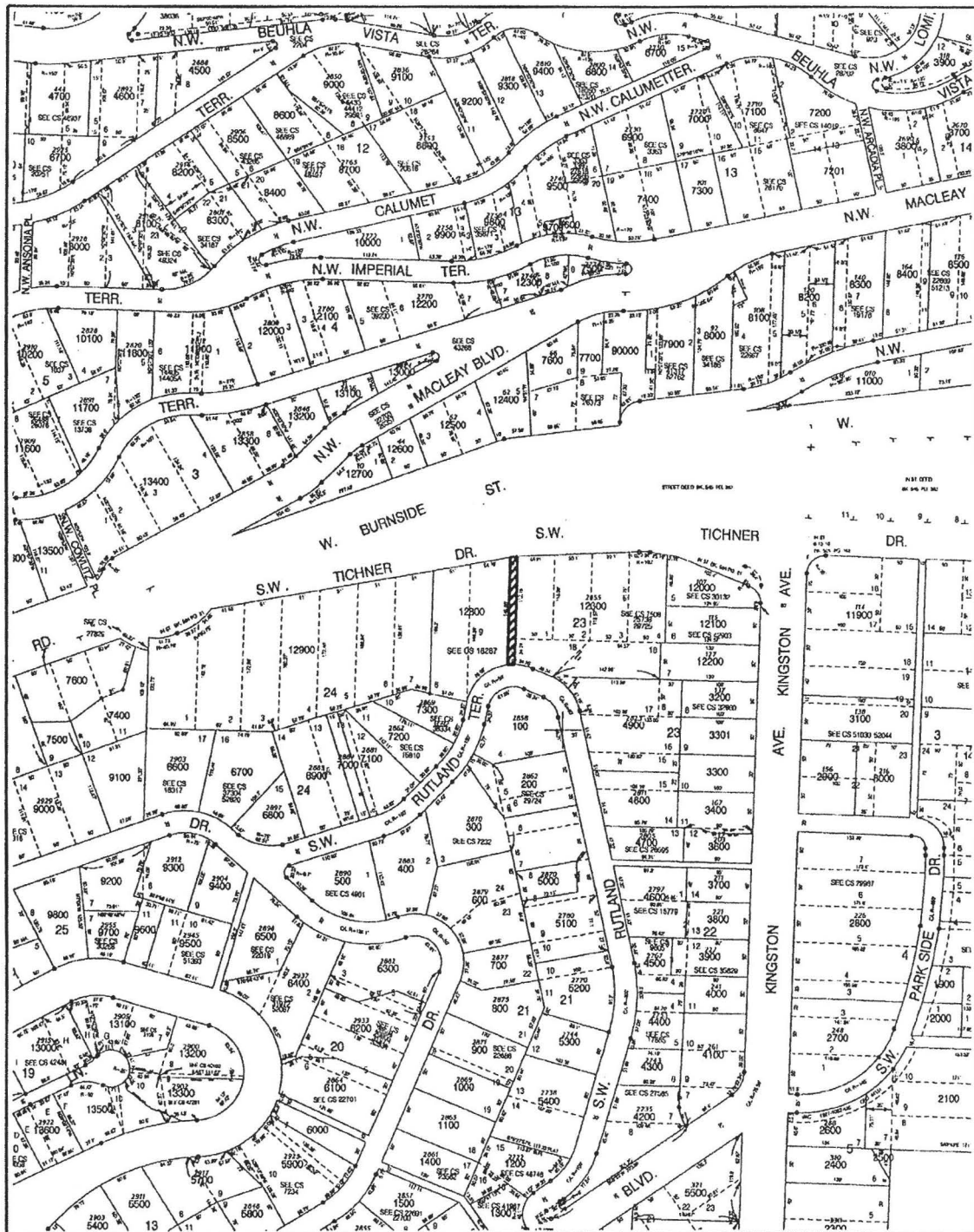
Mayor Sam Adams  
Prepared by: Lance D. Lindahl  
February 28, 2011  
RW # 7192

LAVONNE GRIFFIN-VALADE  
Auditor of the City of Portland  
By



DEPUTY

## EXHIBIT 1



## Alley between Blocks 23 and 24, Arlington Heights

Petitioner: Richard and Mary Rosenberg

¼ Section: 3026

Section: 1N1E32DB



Area Herein Vacated



Scale: 1" to 200'

## ACCEPTANCE

March 31, 2011

Auditor of the City of Portland  
City Hall Room 140  
1221 SW 4<sup>th</sup> Avenue  
Portland, Oregon 97204

This is to advise the City of Portland, Oregon that we hereby accept the terms and provisions of Ordinance No. 184487, passed by the Portland City Council on March 30, 2011, **Vacate the alley between Blocks 23 and 24, Arlington Heights subject to certain conditions and reservations (Ordinance; VAC-10071)**, and in consideration of the benefits received thereunder we hereby agree to abide by and perform each and all of the applicable terms and provisions thereof.

1 APRIL 2011

Date

Mary Rosenberg  
Mary Rosenberg

Richard Rosenberg  
Richard Rosenberg

Richard & Mary Rosenberg  
2855 SW Rutland Terrace  
Portland OR 97205

APPROVED AS TO FORM  
Approved as to form:

Inda Menzies  
City Attorney CITY ATTORNEY