

OCT 22 10 50 AM 1973

GEORGE YERKOVICH, AUDITOR
CITY OF PORTLAND, ORE.

ACCEPTANCE

BY ALB

Portland, Oregon, _____ October 18, 1973

GEORGE YERKOVICH
Auditor of the City of Portland.
Room 202, City Hall
Portland, Oregon 97204

Dear Sir:

This is to advise the City of Portland, Oregon, that I hereby accept the terms and provisions of Ordinance No. 137363, passed by the Council October 17, 1973, vacating that portion of N. Lancaster Ave. lying between the north line of N. Saratoga St. and the south line of N. Bryant St., under certain conditions,

and in consideration of the benefits to be received thereunder by me I hereby agree to abide by and perform each and all of the terms and provisions thereof applicable to me.

Very truly yours,

Marie S. Mattila (Yapp)
Marie S. Mattila (Yapp)

2036 N. Bryant St., Portland
97217
Owner of west half of lots
10, 11, & 12, Bernard Sub.

Approved as to form:

John W. Olson
City Attorney

Graham E. Townsend
Graham E. Townsend

Jeanette E. Townsend
Jeanette E. Townsend

2035 N. Saratoga St., Portland 97217
Address

Owners of west half of lots
7, 8, & 9, Bernard Sub.

*When an acceptance is required from a firm or corporation the Acceptance must be signed by an officer of the firm or corporation stating his or her official title, and corporations must affix the corporate seal.

ORDINANCE NO. 137363

An Ordinance vacating that portion of N. Lancaster Ave. lying between the north line of N. Saratoga St. and the south line of N. Bryant St., under certain conditions.

The City of Portland ordains:

Section 1. The Council finds that on August 8, 1973, Graham E. and Jeanette E. Townsend, 2035 N. Saratoga St., Portland, Oregon 97217, filed a petition for the vacation of all that portion of N. Lancaster Ave. lying between the north line of N. Saratoga St. and the south line of N. Bryant St.; ~~that the purpose of the vacation is to enlarge yard area;~~ that said petition has been approved by the Commissioner of Public Works subject to certain conditions set forth herein below; that said petition complies in all respects with the provisions of ORS 271.080 in that it includes the consents of the owners of all abutting property and of not less than two-thirds in area of the real property affected thereby; that pursuant to ORS 271.100 the Council fixed a time and place for public hearing before the Council; that the Auditor published notice of such hearing in the City official newspaper, namely, Daily Journal of Commerce, once each week for four consecutive weeks, and posted such notice in certain places in area proposed to be vacated, all in accordance with provisions of ORS 271.110; that said petition came on regularly for hearing and no objections were made or filed thereto and it is in the public interest that said street be vacated; now, therefore, the following described property in street area hereby is vacated upon the following conditions:

All that portion of N. Lancaster St. lying between the north line of N. Saratoga St. and the south line of N. Bryant St.

- a. That the petitioner pay to the City the sum of \$110.00 being the costs of these vacation proceedings in excess of the \$200.00 minimum filing fee.
- b. Nothing herein contained shall 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, and the right hereby is reserved for the owner of any such utility or thing to maintain, continue, repair, reconstruct, renew, replace, rebuild and/or enlarge any and all such things; that no building or structure of any kind shall be built or erected within a distance of ten feet from the center line 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 the approval of the City Engineer and to the Director of the Bureau of Buildings, to the end that such construction may be so adjusted with reference to all public utilities in said area as to cause a minimum of danger or inconvenience to the public and to the owner of such utility

ORDINANCE No.

and to protect and preserve the same as presently constructed or hereinafter reconstructed, renewed, replaced and/or enlarged, and with the special condition that reservation of an easement for maintenance of the existing sewer cover the entire portion of N. Lancaster Ave. between the southerly line of N. Bryant St. and the westerly extension of the north line of Lot 8, Bernard.

- c. That should it become necessary for maintenance of sewers, restoration of any ground surface treatment shall be at the expense of the petitioners, their heirs and assigns;
- d. That the sum of \$250.00 in cash be deposited by the petitioner with the City Treasurer in a Trust Fund, Charges for Sidewalk Repair, or a corporate surety bond in the above amount and approved by the City be posted in lieu of a cash deposit, to cover the estimated cost of intersection reconstruction as required by the City Engineer. Upon completion of the work by and at the expense of the petitioners, and in accordance with plans furnished by the City Engineer, said sum of \$250.00 will be refunded or the surety bond will be released. In the event the cash deposit or bond is not sufficient to cover the costs of reconstruction as required by the City Engineer, the petitioners agree to pay all costs in excess of such deposit or bond, and the petitioners further agree that if they fail or neglect to complete said reconstruction within a reasonable time, as determined by the City Engineer, the City is authorized to draw from the sum deposited, or on the bond, as is required to complete the reconstruction by City Maintenance personnel.
- e. That in the event the petitioners fail to fully comply with the above conditions within six months after the effective date of this ordinance, said ordinance will then be subject to repeal by the Council.

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 this ordinance.

Section 3. The City Auditor 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 a certified copy of this ordinance and the acceptance thereof, and any map, plat or other record which may be required by law.

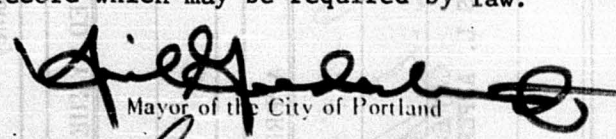
Passed by the Council, OCT 17 1973

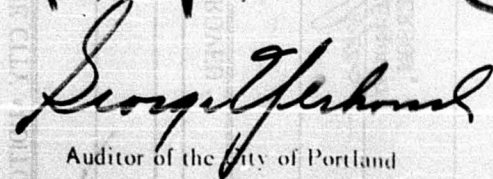
ORDER OF COUNCIL

RJH:jd

9/27/73

Attest:


Mayor of the City of Portland


Auditor of the City of Portland

3239

Calendar No. **3461**

ORDINANCE No. 137363

Title

THE COMMISSIONERS VOTED
AS FOLLOWS:

	Yeas	Nays
Anderson	1	
Ivancie	1	
McCreedy	1	
Schwab	1	
Goldschmidt	1	

FOUR-FIFTHS CAI ENDAR		
Anderson		
Ivancie		
McCreedy		
Schwab		
Goldschmidt		

An Ordinance vacating the portion of
N. Lancaster Ave. lying between
N. Saratoga St. and N. Bryant St.,
under certain conditions.

OCT 10 1973

PASSED TO THIRD READING OCT 11 7 1973

Filed OCT 3 1973

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By *London*
Deputy

INTRODUCED BY

ORDER OF COUNCIL

DRAWN BY

R.H.J.d

Date 9/27/73

NOTED BY THE COMMISSIONER

Affairs

Finance and
Administration

Safety

Utilities

Works

City Attorney

NOTED BY THE CITY AUDITOR

APPROVED

Date

By

Date

CITY Engineer
JAMES L. APPERSON,

By