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ACCEPTANCE

MAR 31 4 33 PM 1971

GEORGE YERKOVICH, AUDITOR
CITY OF PORTLAND, ORE.

Portland, Oregon, March 25, 1971

BY efr

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. 132393, passed by the Council March 24, 1971, vacating a certain portion of SE Brooklyn Street near SE 16th Avenue, 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,



SOUTHERN PACIFIC TRANSPORTATION COMPANY

BY: Daglish H. Young
GENERAL ATTORNEY - OREGON LINES

251 Union Station, Portland 97209
Address

Approved as to form:

M. Churking
City Attorney

*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. 132393

An Ordinance vacating a certain portion of SE Brooklyn Street near SE 16th Avenue, under certain conditions.

The City of Portland ordains:

Section 1. The Council finds that by Resolution No. 30706, adopted by the Council April 16, 1970, proceedings were initiated for the vacation of a certain portion of SE Brooklyn Street near SE 16th Avenue; that the purpose of said vacation is for the elimination of a grade crossing; that pursuant to ORS 271.190, since the area to be vacated lies within 5,000 feet of the harbor line, approval in writing of the proposed vacation has been secured from The Port of Portland and the Commission of Public Docks; that said area to be vacated is more particularly described as follows:

All that portion of SE Brooklyn Street, lying between the southwesterly and northeasterly lines of the Southern Pacific Transportation Company's right of way near SE 16th Avenue;

that pursuant to ORS 271.130 the Council fixed a time and place for public hearing before the Council; that the City 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 matter came on regularly for hearing and all objections made or filed thereto were heard and considered by the Council and were overruled and are by this ordinance specifically overruled, and the Council finds that it is in the public interest that said street be vacated; now, therefore, that certain street hereinbefore described hereby is vacated under the following conditions:

a. 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; 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 written consent of the City Engineer and the owner of the utility first had; and 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 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

ORDINANCE No.

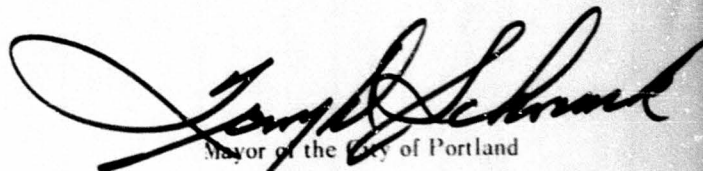
and to the owner of such utility and to protect and preserve the same as presently constructed or hereafter reconstructed, renewed, replaced and/or enlarged.

b. The City Engineer shall finalize all arrangements for providing a truck turnaround at the SE Brooklyn Street-SE Gideon Street intersection, and a pedestrian overpass at SE 14th Avenue, in accordance with an understanding heretofore reached and agreed upon between the City Engineer, North Pacific Lumber Co. and Columbia Ladder Co., and approved by the State Highway Division, the City and the Southern Pacific Transportation Co.

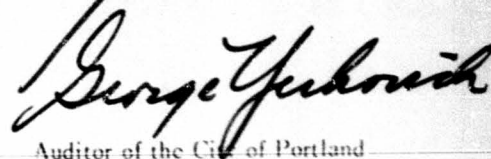
c. This street vacation will become effective only after completion and City acceptance of the improvement of the truck turnaround at the SE Brooklyn Street-SE Gideon Street intersection, the completion and City acceptance of a pedestrian overpass at the SE 14th Avenue-Southern Pacific Transportation Co. right of way grade crossing, and the completion and opening to travel of the SE 17th Avenue-Powell Blvd. grade separation project.

Section 2. The City Auditor shall file with the recorder, the assessor, and the surveyor of Multnomah County a certified copy of this ordinance and any map, plat or other record which may be required by law.

Passed by the Council, MAR 24 1971


Mayor of the City of Portland

Attest:


Auditor of the City of Portland

Commissioner Anderson
MCR:jw 3/11/71

Calendar No. **1062**
~~354~~

ORDINANCE No. 132393

Title

An Ordinance vacating a certain portion of SE Brooklyn Street near SE 16th Avenue, under certain conditions.

MAR 17 1971 / 1-2

PASSED TO THIRD READING MAR 24 1971

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Anderson	1	
Goldschmidt	1	
Ivancie	-	
McCready	1	
Schrunk	1	

FOUR-FIFTHS CALENDAR	
Anderson	
Goldschmidt	
Ivancie	
McCready	
Schrunk	

INTRODUCED BY
Order of Council

DRAWN BY
MCR:jw

Date March 12, 1971

NOTED BY THE COMMISSIONER

Affairs

Finance and
Administration

Safety

Utilities

Works

City Attorney

NOTED BY THE CITY AUDITOR

APPROVED

Date 3-12-71

By *Jack H. [Signature]*
City Engineer

Date

By

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By *Horlan [Signature]*
Deputy