

ORDINANCE NO. 80916

An Ordinance vacating a portion of N. New York Avenue and a portion of N. Albany Street upon certain conditions, and providing for obtaining a dedication of certain other street area, and dedicating by the city of a portion of Pier Park for street purposes upon payment of \$550.00 therefor, and declaring an emergency.

The City of Portland does ordain as follows:

Section 1. The Council finds that on January 26, 1945, Roy Osolin and Portland Woolen Mills, Inc., filed with the City Auditor pro tem a petition for the vacation of the street area herein specified (under the provisions of O. C. L. A., Secs. 95-1331 to 95-1340); that said petitioners at the time of filing their petition paid the required fee and also filed with the Auditor pro tem the consent in writing of all abutting property owners upon the portion of each of said streets proposed to be vacated and more than two-thirds in area of all of real property affected by such vacation; that thereupon the City Auditor pro tem gave notice by posting and publication for a period of four successive weeks, that said petition had been filed for the vacation of said street area and that said proposed vacation together with any claims for damages, objections or remonstrances which might be made in writing and filed with the City Auditor pro tem prior to the time of hearing would be heard and considered at 9:30 o'clock A. M., Wednesday, March 7, 1945 by the Council of the City of Portland, Oregon, in the Council Chamber at the city hall of said city, which notice was first published in the city official newspaper, to-wit: the Daily Journal of Commerce on February 2, 1945 and said Auditor pro tem within five days after said first publication further published said matter by posting five notices headed "Notice of Street Vacation" in five conspicuous places in said proposed said vacation of such street area, one notice being posted on a pole near the Southwesterly corner of North New York Avenue and North Bradford Street, one on a pole near the Southeasterly corner of North New York Avenue and North Albany Street, one on a pole near the Southeasterly side line of North New York Avenue and the Westerly harbor line of the Willamette River, one on a pole near the Southeasterly corner of North St. Louis Avenue and North Albany Street and one on a pole near the Northwesterly corner of North Albany Street and vacated North Chicago Avenue, all in

said city; that said matter came on regularly for hearing before the City Council at said time and place when no one appeared to object thereto and no objections or remonstrances nor any claim for damage was filed or made against the same; that the reason for said proposed vacation is that the Floating Marine Ways operates a plant upon the adjacent river front and in part upon the street area herein proposed to be vacated, subject to a revocable permit as per Ordinance No. 79847, which was granted with the understanding that formal vacation proceedings would be taken and property of equal area and furnishing equal access to the same terminus would be provided; that said petitioners have offered to make and obtain a dedication for street uses new ground which is equal or more than equal in area and furnishes equal way and access to the same terminus as shown on Exhibits "B" and "C" attached to said petition and filed with the Auditor as above stated, such dedication to be concurrent with the taking effect of this ordinance; that the City Engineer and the Commission of Public Docks of the City of Portland and the Port of Portland have approved of said vacation and dedication; that a vacation of said area, subject to the provisions hereinafter stated, will not injuriously affect the market value of the property abutting or affected by such vacation, nor adversely nor injuriously affect the public welfare, but will be for the public welfare; that all things have been duly done and performed as provided by law for the vacation of said street area and final action should now be taken in said matter and such vacation made a matter of record as herein stated; now, therefore, there is hereby vacated:

All that portion of North New York Avenue which lies between a line 40 feet southwesterly of the southwesterly line of North Bradford Street (when measured at right angles) and the easterly harbor line of the Willamette River, and also all that portion of North Albany Street which lies between a line 20 feet southeasterly from the southeasterly line of North St. Louis Avenue (when measured at right angles) and the northwesterly line of vacated North Chicago Avenue, all in the City of Portland, County of Multnomah, State of Oregon,

subject to the provisions that the new ground above mentioned shall be dedicated to the City and become effective simultaneously with the taking effect of this



ordinance; that nothing herein contained shall require the removal or abandonment of any sewer, water main, conduit of any kind, wire, pole or any other thing used or intended to be used for any public service; and the right is hereby reserved to maintain, continue, repair, reconstruct, renew, replace, rebuild and/or enlarge any and all such things, if any there be, on, over, under or within said area hereby vacated; and the City Auditor pro tem shall file for record with the County Clerk, who is Ex-Officio Recorder of Multnomah County, Oregon, a certified copy of this ordinance, as provided by law, and a like copy with the County Assessor and the County Surveyor of said County, and shall at the same time file for record the deed conveying to the City of Portland title to the new ground herein described.

Section 2. The property to be dedicated is particularly described as follows:

That portion of "Pier Park", in Section 1, of Township 1 North, Range 1 West, Willamette Meridian, conveyed by deed from Loritan Investment Company to City of Portland by deed recorded in the Deed Records of Multnomah County, State of Oregon, in Book 827, Page 178, particularly described as follows:

Beginning at the intersection of the south line of the James Loomis D. L. C. and the easterly line of N. Seneca Street; thence North  $60^{\circ} 00'$  East along the south line of said Loomis claim 785.56 feet, more or less, to the southeasterly corner of said park property, said point lying 132.0 feet South  $60^{\circ} 00'$  West from the southeasterly corner of said James Loomis D. L. C.; thence North  $22^{\circ} 30'$  West 60.54 feet, to a point lying 60.0 feet northerly, when measured at right angles, from said claim line; thence South  $60^{\circ} 00'$  West 691.63 feet to a point; thence Southwesterly 92.99 feet to the intersection of the said easterly line of N. Seneca Street and the northerly line of N. St. Johns Avenue, as now laid out and established 60 feet in width; thence southerly along the easterly line of N. Seneca Street 30.06 feet to the place of beginning, in the City of Portland, County of Multnomah, and State of Oregon, containing 45,695.0 square feet, for the extension of N. St. Johns Avenue.

Those portions of Fractional Blocks 12 and 13 and River Lot 14, in James Johns Addition to the Town of St. Johns, in the City of Portland, Multnomah County, Oregon, containing 28,380 square feet, for the widening

of portions of N. St. Louis Avenue and N. Bradford Street, described as follows:

A strip of land 20.0 feet in width, extending from the southwesterly line of N. Albany Street (formerly N. Front Street) to the easterly Harbor Line of the Willamette River and lying between the southeasterly line of N. St. Louis Avenue (formerly Vancouver Street) and a line lying 20.0 feet southeasterly, when measured at right angles, from said southeasterly line of N. St. Louis Avenue; and also,

A strip of land 20.0 feet in width, extending from the southwesterly line of N. Bradford Street (formerly North 2nd Street) to the northeasterly line of N. Albany Street, and lying between the southeasterly line of N. St. Louis Avenue and a line lying 20.0 feet southeasterly, when measured at right angles, from said southeasterly line of N. St. Louis Avenue, and also,

A strip of land 40.0 feet in width, extending from the northwesterly line of N. New York Avenue (formerly New York Street) to a line lying 20.0 feet southeasterly, when measured at right angles, from the southeasterly line of N. St. Louis Avenue, and lying between the southwesterly line of N. Bradford Street and a line lying 40.0 feet southwesterly, when measured at right angles, from said southwesterly line of N. Bradford Street, and also,

A strip of land 40.0 feet in width, extending from the southeasterly line of N. New York Avenue to a line parallel with the southeasterly line of N. New York Avenue lying 119.5 feet southeasterly therefrom when measured along the southwesterly line of N. Bradford Street, said 40.0-foot strip lying between the southwesterly line of N. Bradford Street and a line lying 40.0 feet southwesterly when measured at right angles, from said southwesterly line of N. Bradford Street.

All of the property above described is in the corporate limits of the City of Portland, Multnomah County, State of Oregon.

Section 3. Inasmuch as the property first above described (being a portion of "Pier Park") is owned by the city by title in fee simple and the petitioner, in order to obtain a dedication of the portion above described of said Pier Park, has agreed to pay the consideration of \$550.00 for credit of the General Fund Bureau of Parks, and it appears to the Council that said consideration is fair and reasonable, and that



said portion of Pier Park may be so dedicated for street purposes without substantially impairing said Pier Park as a park, and the interests of the public will be benefited by having said portion turned into a street and the consideration above specified; now, therefore, the Mayor and Auditor are hereby authorized on behalf of the City to make, execute and deliver a suitable document, approved by the City Attorney as to form, dedicating for street purposes the said portion of said Pier Park, which deed of dedication shall be delivered concurrently with a dedication of the balance of the property above named, in payment of said consideration and at or prior to the time of the taking effect of this ordinance.

Section 4. Inasmuch as this ordinance is necessary for the immediate preservation of the public health, peace and safety of the City of Portland in this: That said vacation and dedication are immediately necessary in order to enable shipbuilding to be carried on efficiently; therefore, an emergency is hereby declared to exist and this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council MAR 29 1945

Mayor of the City of Portland

Attest:

R. S. I

Auditor pro tem of the City of Portland

L.E.L.

3/29/45

Order of the Council

LEL:mk

ORDINANCE No. **80915**

C/5502  
1180

An Ordinance vacating a portion of N. New York Avenue and a portion of W. Albany Street upon certain conditions, and providing for obtaining a dedication of certain other street area, and dedicating by the city of a portion of Pier Park for street purposes upon payment of \$550.00 therefor, and declaring an emergency.

W.A.B.

v

Filed

MAR 30 1945

THE FOLLOWING IS THE  
OFFICIAL VOTE ON THE  
FOREGOING ORDINANCE

	YEAS	NAYS
BOWES	1	
COOPER	1	
LEE	1	
PETERSON	1	
RILEY	1	

*Robert G. Roff*  
Auditor pro tem

of the CITY OF PORTLAND  
EDDIE G. ROFF

By \_\_\_\_\_  
Deputy