

## ORDINANCE No. 102540

An Ordinance amending Section 2 of Ordinance No. 102459, entitled: "An Ordinance vacating, subject to conditions, all that part of the alley described as the northwesterly 8 feet of an alley lying between Blocks 2 and 4, Burlingame, and extending from the northeasterly line of S.W. Terwilliger Boulevard, to the southwesterly line of S.W. 5th Avenue, in the City of Portland, Multnomah County, Oregon", so as to correct an error in failing to include an express declaration of vacating said property, and declaring an emergency.

The City of Portland does ordain as follows:

Section 1. The Council finds that Ordinance No. 102459, passed by the Council July 27, 1955, vacating all that part of the alley described as the northwesterly 8 feet of an alley lying between Blocks 2 and 4, Burlingame, and extending from the northeasterly line of S.W. Terwilliger Boulevard to the southwesterly line of S.W. 5th Avenue, in the City of Portland, Multnomah County, Oregon, failed to contain a required provision regarding an express declaration of vacating said property, whereas, it should have contained such provision declaring said property vacated; that said ordinance should be amended to include said provision; now, therefore, Section 2 of Ordinance No. 102459 entitled: "An Ordinance vacating, subject to conditions, all that part of the alley described as the northwesterly 8 feet of an alley lying between Blocks 2 and 4, Burlingame, and extending from the northeasterly line of S.W. Terwilliger Boulevard to the southwesterly line of S.W. 5th Avenue, in the City of Portland, Multnomah County, Oregon" hereby is amended to read as follows:

Section 2. There hereby is vacated all that part of the alley described as the northwesterly 8 feet of an alley lying between Blocks 2 and 4, Burlingame, and extending from the northeasterly line of S.W. Terwilliger Boulevard to the southwesterly line of S.W. 5th Avenue, in the City of Portland, Multnomah County, Oregon, contingent and dependent upon the following conditions:

(a) This vacation is made upon the condition and with the reservation that nothing herein contained shall cause or require the removal of or abandonment of any sewer, water main, 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

## ORDINANCE No. 102540

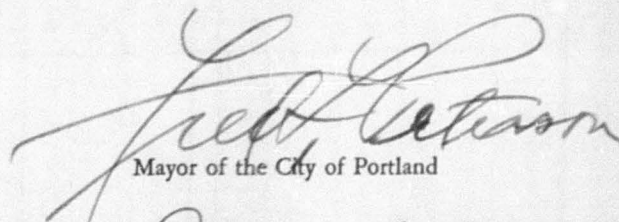
reserved for the owner of any such utility or thing to maintain, continue, repair, reconstruct, renew, replace, rebuild and/or enlarge any and all such things; that no building or structure of any kind shall be built or erected within a distance of ten feet from the center line of any such utility, except by written consent of the City Engineer and the owner of such utility first had; 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, Bureau of Building Inspection, to the end that such construction may be so adjusted with reference to all public utilities in said area as to cause a minimum amount 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 hereafter reconstructed, renewed, replaced and/or enlarged.

(b) The total cost of all the above-mentioned improvements and reconstruction work, including engineering and permit fees of the City of Portland, shall be defrayed by the petitioner, F.B. Turner.

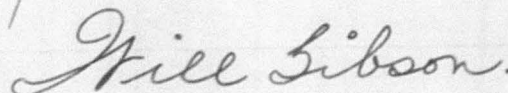
(c) It hereby is made a condition precedent that petitioner shall first pay to the City of Portland the sum of \$200.00, which sum has been determined to be a just and reasonable assessment of special benefit to the property abutting the area vacated.

Section 2. Inasmuch as this ordinance is necessary for the immediate preservation of the public health, peace and safety of the City of Portland in this: In order that the correction described in Section 1 hereof may be made without unnecessary delay and before the effective date of Ordinance No. 102459; therefore, an emergency hereby is declared to exist and this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, AUG 10 1955

  
Mayor of the City of Portland

Attest:



Auditor of the City of Portland

Calendar No. 3486

**ORDINANCE No. 102540**

**THE COMMISSIONERS VOTED  
AS FOLLOWS:**

	Yeas	Nays
Bean	/	
Boody	/	
Bowes	/	
Earl	/	
Peterson	/	

**FOUR-FIFTHS CALENDAR**

Bean	
Boody	
Bowes	
Earl	
Peterson	

**Title**

An Ordinance amending Section 2 of Ordinance No. 102459, entitled: "An Ordinance vacating, subject to conditions, all that part of the alley described as the north-westerly 8 feet of an alley lying between Blocks 2 and 4, Burlingame, and extending from the north-easterly line of S.W. Terwilliger Boulevard, to the south-westerly line of S.W. 5th Avenue, in the City of Portland, Multnomah County, Oregon", so as to correct an error in failing to include an express declaration of vacating said property, and declaring an emergency.

Filed..... **AUG 5 - 1955** .....

*Will Siboni*  
Auditor of the CITY OF PORTLAND

By: *W. A. Kelly* Deputy

INTRODUCED BY  
Order of Council

DRAWN BY  
AGB : gm  
Date 8/4/55

NOTED BY THE COMMISSIONER

Affairs  
Finance  
Safety  
Utilities  
Works

City Attorney *WAB*

NOTED FOR CITY AUDITOR  
*WAB*  
*mc*

APPROVED

Date  
By  
City Engineer  
Date  
By