

ACCEPTANCE

129619
RECEIVED
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RAY SMITH, AUDITOR
CITY OF PORTLAND, ORE.
BY *llb*

Portland, Oregon, August 27, 1969

RAY SMITH
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. 129619, passed by the Council August 27, 1969, amending Section 1 of Ordinance No. 126501 which allowed use of Lot 8 to 12, 14 and 15, Block 112, Sellwood; Lot 1, Block 7, Moseley Addition, and Tax Lot 34, Section 23, T1S, R1E, W.M., located on the east side of S.E. 21st Avenue between S.E. Nehalem and S.E. Miller Streets, for construction of a 25-unit apartment, under certain conditions, on petition of Esther Houston, Deedholder, and Pioneer Industries, Inc., Optional Purchaser, so as to provide for construction in accordance with revised plans and to provide 31 parking spaces, and declaring an emergency,

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,

R. G. Peters

R. G. Peters

[CORPORATE SEAL]

*
Darlene Peters

Darlene Peters

9945 S.E. Oak St. Address Portland, Oregon

Approved as to form:

W. Rushing

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. 129619

An Ordinance amending Section 1 of Ordinance No. 126501 which allowed use of Lot 8 to 12, 14 and 15, Block 112, Sellwood; Lot 1, Block 7, Moseley Addition, and Tax Lot 34, Section 23, T1S, R1E, W.M., located on the east side of S.E. 21st Avenue between S.E. Nehalem and S.E. Miller Streets, for construction of a 25-unit apartment, under certain conditions, on petition of Esther Houston, Deedholder, and Pioneer Industries, Inc., Optional Purchaser, so as to provide for construction in accordance with revised plans and to provide 31 parking spaces, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds that Esther Houston, 823 S.W. Front Avenue, Portland 97204, Deedholder, and Pioneer Industries, Inc., by Orville M. Wilson, President, 2419 S.E. 39th Avenue, Portland 97214, optional purchaser, filed a petition to change the zone from A2.5 to Zone A1, Lot 8 to 12, 14 and 15, Block 112, Sellwood; Lot 1, Block 7, Moseley Addition, and Tax Lot 34, Section 23, T1S, R1E, W.M., located on the east side of S.E. 21st Avenue between S.E. Nehalem and S.E. Miller Streets, for construction of a 25-Unit apartment in accordance with plans thereto filed with the City; that the zone change was denied by the Council, but permission was granted for the construction; that thereafter and on May 27, 1969, the petitioners requested a substitution of plans for said construction, and on July 2, 1969, the Council referred the matter back to the Planning Commission for further study, the Planning Commission having recommended denial of the substitution; that thereafter a set of new plans were presented to the Planning Commission, dated July 1, 1969, which were approved by the Planning Commission and the Commission recommended approval for construction of the 25 units, under the new plans and with 31 parking spaces; (P.C. No. 5256 [new deedholders-R.G. and Darlene Peters, 9945 SE Oak, Portland] and Section 1 of said Ordinance should be amended to provide for construction in accordance with the new revised set of plans; now, therefore, section 1 of Ordinance No. 126501, passed by the Council April 3, 1968, hereby is amended as follows:

"Section 1. The Council finds that Esther Houston, 823 S.W. Front Avenue, Portland 97204, deedholder, and Pioneer Industries, Inc., by Orville M. Wilson, President, 2419 S.E. 39th Avenue, Portland 97214, optional purchaser, have filed a petition to change from Zone A2.5 to Zone A1, Lots 8 to 12, 14 and 15, Block 112, Sellwood, Lot 1, Block 7, Moseley Addition, and Tax Lot 34, Sec. 23, T1S, R1E, W.M., located on the east side of S.E. 21st Avenue between S.E. Nehalem and S.E. Miller Streets, in the City of Portland, County of Multnomah, State of Oregon; that the petition complied in all respects with all the provisions of the Planning and Zoning Code, and petitioners have paid the proper fee to the City Treasurer; that by report dated February 1, 1968 (PC No. 5256) and made part of Council Clanedar No. 1150, the City Planning Commission recommended denial of the petition; that under date of February 14, 1968 the City Auditor notified all persons of record as owners of real property within 400 feet of the zone change area of a time and place for hearing

ORDINANCE No.

before the City Council, 2 P.M. February 28, 1968 in the Council Chambers of the City Hall, in the City of Portland, Oregon at which time and place said hearing was held; that all remonstrances made or filed against the petition were heard and considered; that at said hearing the matter was thereupon postponed for Council view, and the matter again came before the Council on March 13, which was again postponed until March 20, 1968; the Council thereupon denied a zone change, but approved construction on Zone A2.5 of a limited construction, and thereafter all remonstrances were overruled and are by this ordinance specifically overruled as to any construction on said area; now, therefore specific denial of a change of zone from A2.5 to A1 is ruled for the hereinafter set forth property, and the report of the City Planning Commission No. 1258 shall be placed on file without further consideration.

Permission hereby is granted for the construction on A2.5 zone of a 25-unit apartment on Lots 8 to 12, 14 and 15, Block 112, Sellwood, Lot 1, Block 7, Moseley Addition, and on Tax Lot 34, Sec. 23, T1S, R1E, W.M., more particularly described, all located on the east side of S.E. 21st Avenue between S.E. Nehalem and S.E. Miller Streets, in the City of Portland, County of Multnomah, State of Oregon.

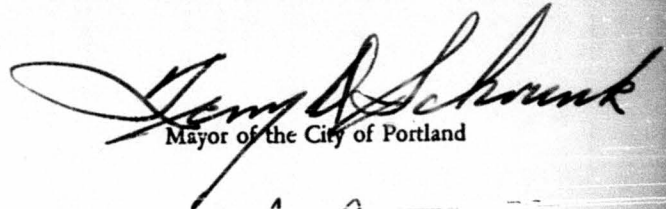
Tax Lot 34, Sec. 23, T1S, R1E, W.M., is more particularly described as follows:

Beginning at the northeast corner of Block 7, Moseley Addition; thence easterly along the south line of S.E. Miller Street, extended easterly 135.95 feet; thence southerly 79.68 feet more or less to the northeast corner of Lot 15, Block 112, Sellwood; thence westerly along the north line of said Block 112, 158.73 feet to the southeast corner of Block 7, Moseley Addition; thence northeasterly along the east line of said Block 7, Moseley Addition 82.78 feet more or less to the northeast corner of said Block 7, and the point of beginning.

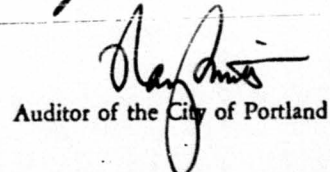
Said construction shall comply substantially with the plans on file with the City of Portland, dated July 1, 1969, and petitioners shall provide 31 off-street parking spaces.

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 corrected plans may be filed and that proper parking spaces be provided, 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 27 1969


Mayor of the City of Portland

Attest:


Auditor of the City of Portland

Calendar No. 3566

ORDINANCE No. 129619

Title

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Bowes	1	
Earl	1	
Grayson	1	
Ivancie	1	
Schrunk	1	

FOUR-FIFTHS CALENDAR	
Bowes	
Earl	
Grayson	
Ivancie	
Schrunk	

An Ordinance amending Section 1 of Ordinance No. 126501 which allowed use of Lot 8 to 12, 14 and 15, Block 112, Sellwood; Lot 1, Block 7, Moseley Addition, and Tax Lot 34, Section 23, T1S, R1E, W.M., located on the east side of S.E. 21st Avenue between S.E. Nehalem and S.E. Miller Streets, for construction of a 25-unit apartment; under certain conditions, on petition of Esther Houston, Deedholder, and Pioneer Industries, Inc., Optional Purchaser, so as to provide for construction in accordance with revised plans and to provide 31 parking spaces, and declaring an emergency.

Filed AUG 20 1969

RAY SMITH

Auditor of the CITY OF PORTLAND

By *Bernice J. Kierstead*
Deputy

INTRODUCED BY
ORDER OF COUNCIL

DRAWN BY
MCR:rf
Date August 18, 1969

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration
Safety
Utilities
Works

City Attorney
<i>MDS</i>

NOTED FOR CITY AUDITOR
<i>me</i>

APPROVED
Date
By
City Engineer
Date
By