

ACCEPTANCE

RECEIVED

AUG 24 9 23 AM 1973

GEORGE YERKOVICH AUDITOR

eh

August 2 1973

Portland, Oregon,-----

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. 136976, passed by the Council August 1, 1973, vacating a portion of N. St. Johns Avenue near N. Edison Street, 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,

NICO INVESTMENT COMPANY

[CORPORATE SEAL]

* *Levin M. Luchman* President
name title

1107 Commonwealth Bldg, Portland 97204

Address

Approved as to form :

City Attorney *9/14* *DS*

*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. 136976

An Ordinance vacating a portion of N. St. Johns Avenue near N. Edison Street, under certain conditions.

The City of Portland ordains:

Section 1. The Council finds that on October 7, 1971, Nico Investment Company, c/o Clifford B. Alterman, Attorney at Law, 1107 Commonwealth Bldg., Portland, Oregon 97204, filed a petition for the vacation of a portion of N. St. Johns Avenue near N. Edison Street; that the purpose of vacation is consolidation of property to provide a larger building site; 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; that said area to be vacated is more particularly described as follows:

All that portion of N. St. Johns Avenue lying between a line drawn 250 feet southwesterly of and parallel with the southwesterly line of N. Edison Street and the northeasterly line of the 100 foot width O.W.R. & N. Co. right of way.

that said petition has been approved by the Commissioner of Public Works subject to certain conditions set forth hereinbelow; 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 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 petition came on regularly for hearing and all objections made or filed thereto were heard and considered by the Council, and the matter was continued several times and approved on March 14, 1973; and 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. Petitioner shall pay all costs in connection with the street vacation proceedings.
- b. The area surrounding the existing manhole located in the portion of N. St. Johns Avenue herein vacated, shall be kept free of obstructions at all times so as to provide access for maintenance by the City.

ORDINANCE No.

c. No residential development of any kind shall occur from the extended southeasterly line of N. Decatur Street to the Union Pacific R/W line and to the northern line of N. Catlin and the southerly extended line of N. Reno as long as Tax Lot 60 is zoned M-3.

d. 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; and 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 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.

e. 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 2. The City Auditor shall, at the expense of petitioner, file with the recorder, the assessor, and the surveyor of the county in which said vacation 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 AUG 1 1973


Mayor of the City of Portland

Attest:


Auditor of the City of Portland

Order of Council
RLH:jw 7/9/73

2438

Calendar No.

~~2343~~

ORDINANCE No. 136976

Title

An Ordinance vacating a portion of N. St. Johns Avenue near N. Edison Street, under certain conditions.

JUL 25 1973

c-8703

PASSED TO THIRD READING AUG 1 1973

JUL 20 1973

Filed _____

GEORGE YERKOVICH

Auditor of the CITY OF PORTLAND

By Charles Bissette
Deputy

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Anderson	—	—
Ivancie		
McCready		
Schwab		
Goldschmidt		


FOUR-FIFTHS CALENDAR	
Anderson	
Ivancie	
McCready	
Schwab	
Goldschmidt	

INTRODUCED BY
Order of Council

DRAWN BY
RLH:JW
Date July 9, 1973

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration
Safety
Utilities
Works

City Attorney 

NOTED BY THE CITY AUDITOR


APPROVED
Date
By City Engineer
Date
By