

*Rec'd Apr. 17
9:12 AM
EP*

ACCEPTANCE

Portland, Oregon, April 3 1981

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. 151329, passed by the Council April 1, 1931, amending Ordinance No. 149194 by deleting one condition requiring the relocation of an existing sewer line around the street area vacated by said Ordinance, amending another condition to provide an easement for said existing sewer,

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,

ITT CONTINENTAL BAKING COMPANY, INC.

* *John A. Thomas* VICE-PRES.

P.O. Box 731, Rye, New York 10580

Address

[CORPORATE
SEAL]

APPROVED AS TO FORM
Approved as to form:

Christopher P. Thomas

--- CITY ATTORNEY ---
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.

An Ordinance amending Ordinance No. 149194 by deleting one condition requiring the relocation of an existing sewer line around the street area vacated by said Ordinance, amending another condition to provide an easement for said existing sewer, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. Ordinance No. 149194 passed by Council February 20, 1980, vacated all that portion of N. Ivy Street lying between the east line of N. Vancouver Avenue and the west line of N. Williams Avenue, under certain conditions.
2. Condition No. 4 of said Ordinance required the petitioner to pay all costs of re-routing the existing 12 inch diameter sewer line around the street area proposed for vacation, said reconstruction to be in accordance with plans to be furnished by the City Engineer.
3. Since the petitioner has no plans to build within the vacated street area within the foreseeable future, he has requested that this condition be deleted and an easement be retained for the existing sewer in lieu thereof.
4. That such request is reasonable, and Ordinance No. 149194 should now be amended accordingly.

NOW, THEREFORE, the Council directs:

- a. Section 1-b-(4) of Ordinance No. 149194 is hereby deleted.
- b. Section 1-b-(2) of Ordinance No. 149194 is hereby amended to read as follows:
 - (2) Nothing contained herein shall cause or require the removal or abandonment of any sewer or gas main, conduit of any kind, wire, pole or thing used, or intended to be used for any public service (with the exception of water mains for which no easements are reserved), 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; that no building or structure of any kind shall be built or erected within a distance of ten feet from the centerline of any such utility, except with the prior written consent of the City Engineer and the owner of the utility and

ORDINANCE No.

that 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 hereinafter reconstructed, renewed, replaced and/or enlarged.

Section 2.

- a. Petitioner shall file with the Auditor a document, which has been approved by the City Attorney, accepting the terms and conditions of this Ordinance.
- b. The City Auditor shall, at the expense of the petitioner, file with the recorder, the assessor, the surveyor of the county in which said property 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.

Section 3. The Council declares an emergency exists, because a delay in amending a vacating Ordinance would impose undue hardships on a commercial establishment; therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, **APR 1 1981**

Commissioner Mike Lindberg
 Carl Short:jmh
 March 24, 1981

Attest:


 Auditor of the City of Portland

Calendar No 1006

ORDINANCE No. 151329

Title

An Ordinance amending Ordinance No. 149194 by deleting one condition requiring the relocation of an existing sewer line around the street area vacated by said Ordinance, amending another condition to provide an easement for said existing sewer, and declaring an emergency.

Filed MAR 26 1981

GEORGE YERKOVICH

Auditor of the CITY OF PORTLAND

By George Yerkovich

Deputy

THE COMMISSIONERS VOTED AS FOLLOWS:

	Yeas	Nays
Jordan	/	
Lindberg	/	
Schwab	/	
Ivancie	/	

FOUR-FIFTHS CALENDAR

Jordan	
Lindberg	
Schwab	
Ivancie	

INTRODUCED BY

COMMISSIONER MIKE LINDBERG

NOTED BY THE COMMISSIONER

Affairs

Finance and Administration

Safety

Utilities

Works ML/m

BUREAU APPROVAL

Bureau:

Sanitary Engineering

Prepared By:

SK

Date:

Carl Short/jmh ch 3/24/81

Budget Impact Review:

☐ Completed

☒ Not required

Bureau Head:

Joe P. Niehuser

CALENDAR

Consent L

Regular

NOTED BY

City Attorney

City Auditor

City Engineer

Approved:

John M. Lang, P.E.

By:

Joe P. Niehuser