

AUD 80-28-640

RECEIVED

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GEORGE YERKOVICH, AUDITOR
CITY OF PORTLAND, ORE.

ACCEPTANCE

BY _____

Portland, Oregon, ~~JANUARY 18~~ 19.73

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. 135887, passed by the Council January 17, 1973, vacating certain portions of N. McLenna Avenue, N. Van Houten Court, N. Monteith Avenue, N. McCosh Street, N. Bluff Street, and the alleys in Block 37, Portsmouth, 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,

[CORPORATE
SEAL]

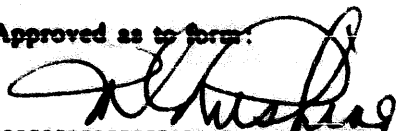
WILLAMETTE WESTERN CORPORATION



Art A. Nidel, President

Address _____

Approved as to form:



City Attorney

102

*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. 135887

An Ordinance vacating certain portions of N. McKenna Avenue, N. Van Houten Court, N. Monteith Avenue, N. McCosh Street, N. Bluff Street, and the alleys in Block 37, Portsmouth, under certain conditions.

The City of Portland ordains:

Section 1. The Council finds that Willamette Western Corporation, by Art A. Riedel, President, and through attorney Clifford B. Alterman, 1107 Commonwealth Building, Portland, Oregon 97205, has heretofore filed a petition for the vacation of N. McKenna Avenue, N. Van Houten Court, N. Monteith Avenue, N. McCosh Street, N. Bluff Street, and the alleys in Block 37, Portsmouth, in the City of Portland, County of Multnomah, and State of Oregon; that the purpose of said vacation is to consolidate property for commercial development; that the vacation has been approved by the commissioner of Public Works subject to certain conditions as recommended by the City Engineer in his report dated October 16, 1972 in order to retain dedicated street right of way for existing water mains in the portion of N. McKenna Avenue between N. Van Houten Court and N. Van Houten Place, as recommended by the Water Engineer, and also to retain the portion of N. McKenna Avenue southerly of and adjacent to the railroad right of way for the Basin Avenue extension; that the vacation proceeding complies with all 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 the City Auditor published notice in certain places in area proposed to be vacated, all in accordance with provisions of ORS 271.110; that said matter came on regularly for hearing before the City Council, pursuant to ORS 271.100, to-wit: 9:30 A.M., Wednesday, December 27, 1972, in the Council Chamber of the City Hall in the City of Portland, Oregon, at which time and place said hearing was held and no objections were made; that said vacation will not interfere with any improvement or use by the Oregon State Highway Department nor with any improvements proposed by the Port of Portland Commission, nor with any reasonable access to the water front nor any transportation terminal, as advised by the Commission, and consents necessary have been received, and it is in the public interest that said area be vacated; now, therefore, the following described area hereby is vacated in part only, as described below, and under the following conditions:

Certain portions of N. McKenna Avenue, N. Van Houten Court, N. Monteith Avenue, N. McCosh Street, N. Bluff Street, and the alleys in Block 37, Portsmouth, all in the City of Portland, County of Multnomah, State of Oregon,

All that portion of N. McKenna Avenue lying between a line drawn 110 feet southerly of and parallel with the southerly line of the O.W.R. & N. Co. Railroad right of way,

and the northerly harbor line of the Willamette River, and also;

N. Van Houten Court lying between a line drawn at right angles to the westerly line of said N. Van Houten Court from the point of intersection of said N. Van Houten Court with the southerly line of said Block 36, Portsmouth and the following described line:

Beginning at the point of intersection of the easterly line of N. Van Houten Court with the southerly line of said Block 36; thence westerly along said southerly Block line to the intersection with the easterly line of Lot 16 in said Block 36; thence southerly along the southerly extension of the easterly line of said Lot 16 to the point of intersection with the southerly extension of the westerly line of said N. Van Houten Court, and also;

N. Monteith Avenue lying between the southerly line of N. Van Houten Place and the northerly line of N. McCosh Street, and also;

N. McCosh Street lying between the southerly extension of the easterly line of Block 35 in said Portsmouth and the southerly extension of the easterly line of Lot 16 in said Block 36, Portsmouth, and also;

N. Bluff Street lying between a line drawn 119 feet easterly of and parallel to the southerly extension of the westerly line of Block 37 in said Portsmouth and the southerly extension of the easterly line of said Block 37, and also;

The alleys in said Block 37, Portsmouth.

(a) That the petitioner pay all costs incidental to the vacation proceedings.

(b) 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,

ORDINANCE No.

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; 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 with the prior written consent of the City Engineer and the owner of the utility and that any and all contemplated building plans in said vacated area shall be submitted for the approval of 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.

(c) The City Auditor shall file with the recorder, the assessor and 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 2. The 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.

Passed by the Council, JAN 17 1973


Mayor of the City of Portland

Attest:


Auditor of the City of Portland

Order of Council
12/29/72 MCR:rf

Calendar No.

168

~~155~~

ORDINANCE No. 135887

Title

An Ordinance vacating certain portions
of N. McKenna Avenue, N. Van Houten
Court, N. Monteith Avenue, N. McCosh
Street, N. Bluff Street, and the
alleys in Block 37, Portsmouth,
under certain conditions.

JAN 10 1973

C-9106 147

PASSED TO THIRD READING JAN 17 1973

INTRODUCED BY

ORDER OF COUNCIL

DRAWN BY

MCR:rf

Date DECEMBER 29, 1972

NOTED BY THE COMMISSIONER

Affairs

Finance and
Administration

Safety

Utilities

Works

City Attorney

NOTED BY THE CITY AUDITOR

MC

APPROVED

Date

By

City Engineer

Date

By

THE COMMISSIONERS VOTED
AS FOLLOWS:

	Yeas	Nays
Anderson	(
Goldschmidt	(
Ivancie	/	
McCready	/	
Schultz	/	

FOUR-FIFTHS CALENDAR

Anderson	
Goldschmidt	
Ivancie	
McCready	
Schrunk	

Filed JAN 4 1973

GEORGE YERKOVICH

Auditor of the CITY OF PORTLAND

By


Deputy