

ACCEPTANCE

RECEIVED

155112

SEP 29 1983

Office of
City Auditor

Portland, Oregon September 23 19 83

JEWEL LANSING

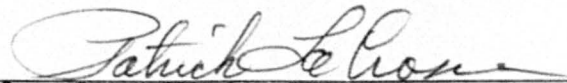
Auditor of the City of Portland
Room 202, City Hall
Portland, Oregon 97204

This is to advise the City of Portland, Oregon, that I hereby accept the terms and provisions of Ordinance No. 155112, passed by Council September 21, 1983, vacating the westerly 26.09 feet of NE 2nd Avenue lying between the south line of NE Davis Street and the south line of NE Everett 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,

PORTLAND DEVELOPMENT COMMISSION



By: Patrick LaCrosse, Director *GLC*

1120 SW Fifth Avenue, Portland, OR 97204

Address

APPROVED AS TO FORM
Approved as to form:



City Attorney WLS

*When an acceptance is signed by an officer of a firm or corporation, his or her official title must be stated.

ORDINANCE NO. 155112

An Ordinance vacating the westerly 26.09 feet of NE 2nd Avenue lying between the south line of NE Davis Street and the south line of NE Everett Street, under certain conditions.

The City of Portland ordains:

Section 1. The Council finds:

1. By Resolution No. 33496, adopted by the Council July 13, 1983, proceedings were initiated for the vacation of the westerly 26.09 feet of NE 2nd Avenue lying between the south line of NE Davis Street and the south line of NE Everett Street.
2. The purpose of the vacation is to consolidate property for future development.
3. The vacation is recommended by the Commissioner of Public Works, subject to certain conditions set forth in the directive action below.
4. In accordance with ORS 271.100, the Council fixed a time and place for public hearing before the Council; the Auditor published notice thereof; and posted notice in the area proposed to be vacated.
5. Other procedural requirements of ORS 271 have complied with and the Council having held a public hearing finds no objections were made or filed thereto and it is in the public interest that said street area be vacated.

NOW, THEREFORE, the Council directs:

- a. That the following described street area is hereby vacated:

R/W #3622

The westerly 26.09 feet of NE 2nd Avenue lying between the south line of NE Davis Street and the south line of NE Everett Street.

- b. The vacation of the above described street area is granted, subject to the following conditions and restrictions:
 - (1) 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,

ORDINANCE No.

| | | |
|------------|--|--|
| IVANCE | | |
| STRACHAN | | |
| SCHWAB | | |
| LINDBERG | | |
| JORDAN | | |
| FOUR-FIFTH | | |

rebuild, and/or enlarge any and all such thing; that no building or structure of any kind shall be built or erected within a distance of ten (10) 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 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.

- (2) That an easement is hereby reserved, in favor of Oregon Department of Transportation, for the maintenance, operation and replacement of its overhead highway structures which cross the area of street right-of-way herein vacated.

Section 2. Portland Development Commission shall file with the City Auditor, in form approved by the City Attorney, a document in writing accepting the terms and conditions of the Ordinance.

Section 3. 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.

Passed by the Council,

SEP 21 1983

ORDER OF COUNCIL
Paul L. Niles:mmc
August 30, 1983

Jewel Lansing

Auditor of the City of Portland

By

Elena Cervera Deputy

| THE COMMISSIONERS VOTED AS FOLLOWS: | | |
|--|------|------|
| | Yeas | Nays |
| JORDAN | / | |
| LINDBERG | / | |
| SCHWAB | / | |
| STRACHAN | / | |
| IVANCIE | / | |

| FOUR-FIFTHS CALENDAR | |
|----------------------|--|
| JORDAN | |
| LINDBERG | |
| SCHWAB | |
| STRACHAN | |
| IVANCIE | |

Calendar No.

2419
~~2377~~

ORDINANCE No. 155112

Title

An Ordinance vacating the westerly 26.09 feet of NE 2nd Avenue lying between the south line of NE Davis Street and the south line of NE Everett Street, under certain conditions.

SEP 14 1983

PASSED TO SECOND READING SEP 21 1983

SEP 28 1983

Filed

JEWEL LANSING

Auditor of the CITY OF PORTLAND

By

Deputy

| |
|------------------|
| INTRODUCED BY |
| ORDER OF COUNCIL |

| |
|----------------------------|
| NOTED BY THE COMMISSIONER |
| Affairs |
| Finance and Administration |
| Safety |
| Utilities |
| Works <i>ML/MS</i> |

| |
|---|
| BUREAU APPROVAL |
| Bureau: Street & Structural Engineering |
| Prepared By: Paul L. Niles:mmc Date: 8-30-83 |
| Budget Impact Review: |
| <input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not required |
| Bureau Head: <i>Ralph W. Tashima</i> Ralph W. Tashima, Acting Chief |

| |
|---|
| CALENDAR |
| Consent <input checked="" type="checkbox"/> Regular |

| |
|---|
| NOTED BY |
| City Attorney |
| City Auditor |
| City Engineer Approved: R.O. Schmidt, City Engineer |
| By: <i>R.O. Schmidt</i> |