

147394

RECEIVED

MAR 27 8 54 AM 1979

GEORGE YERKOVICH
CITY OF PORTLAND, ORE.
BY *Uch***ACCEPTANCE**

Portland, Oregon, _____ March 15, _____ 1979

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. 147394, passed by the Council March 14, 1979, vacating a portion of S.E. Center Street east of S.E. McLoughlin Boulevard, 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,

ROSS ISLAND SAND AND GRAVEL CO.

BY: *A. P. [Signature]*

Executive Vice President

P.O. Box 02215, Portland, Or 97202

Address

[CORPORATE
SEAL]APPROVED AS TO FORM
Approved as to form:*Christopher P. Thomas*

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. **147394**

An Ordinance vacating a portion of S.E. Center Street east of S.E. McLoughlin Boulevard, under certain conditions.

The City of Portland ordains:

Section 1. The Council finds:

1. Ross Island Sand and Gravel Co. on December 22, 1978, filed a petition to vacate all that portion of S.E. Center Street lying between the westerly line of S.E. McLoughlin Boulevard and its terminus at the easterly edge of the Willamette River.
2. The petition states that the reason for the vacation is to consolidate industrial property.
3. In order to comply with the Planning Commission's recommendation to preserve as public right of way that portion of S.E. Center Street lying within the Willamette Greenway, the Commissioner of Public Works recommends the vacation of only that portion under certain conditions set forth in the directive action below.
4. In accordance with O.R.S. 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 O.R.S. 271 have been complied with and the Council having held a public hearing and all objections filed against said vacation were considered by the Council and by this ordinance are specifically over-ruled and it is in the public interest that said street be vacated.

NOW, THEREFORE, the Council directs:

- a. All that portion of SE Center Street lying between the westerly line of SE McLoughlin Blvd. and the southerly extension of the easterly line of Tax Lot 14 of Blocks 3 and 4, Riverside Homestead, as shown on the Multnomah County Assessor's Maps for 1978, said easterly line also being the line between P.E.P. Co. and S.P. Co. right of way, is hereby vacated.
- b. The above described street vacation is granted subject to the following conditions and restrictions:
 - (1) That the petitioners pay to the City the sum of \$187.50, this being the cost of the vacation proceedings in excess of \$200.00 already paid.
 - (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

ORDINANCE No.

service, (except as hereinafter provided with respect to an existing 8 inch diameter sewer for which no easement is 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 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.

- (3) That the existing 8 inch diameter sewer located in the portion of SE Center Street hereby vacated is abandoned and will no longer be maintained by the City.
- (4) That in the event the petitioner fails to fully comply with the above conditions within 6 months after the effective date of the ordinance, said ordinance will then be subject to repeal by the Council.

Section 2.

- a. Petitioner shall file with the Auditor a document, which has been approved by the City Attorney, accepting the terms and conditions hereof.
- 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.

Passed by the Council, **MAR 14 1979**

ORDER OF COUNCIL
Stu Keebaugh/dw
February 28, 1979

Mayor of the City of Portland

Attest:

Auditor of the City of Portland

Calendar No. ~~802~~ 802

ORDINANCE No. 147394

Title

An Ordinance vacating a portion of S.E. Center Street east of S.E. McLoughlin Boulevard, under certain conditions.

MAR 7 1979

PASSED TO THIRD READING MAR 14 1979

THE COMMISSIONERS VOTED AS FOLLOWS:

	Yes	Nays
Ivancie	1	
Jordan	1	
McCreedy	1	
Schwab	1	
Goldschmidt	1	

FOUR-FIFTHS CALENDAR

Ivancie	
Jordan	
McCreedy	
Schwab	
Goldschmidt	

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

George Yerovich
Deputy

INTRODUCED BY

ORDER OF COUNCIL

NOTED BY THE COMMISSIONER

Affairs
Finance and Administration
Safety
Utilities
Works

BUREAU APPROVAL

Bureau: Street & Structural Engineering
Prepared By: SK
Date: 2/28/79
Budget Impact Review:

☐ Completed ☒ Not required

Bureau Head:

John M. Lang

NOTED BY

City Attorney
City Auditor
City Engineer