

144047

AUD 50-25-640

RECEIVED
 AUG 12 10 12 AM 1977
 ACCEPTANCE
 GEORGE YERKOVICH, AUDITOR
 CITY OF PORTLAND, ORE.
 BY MK

Portland, Oregon, August 5, 1977

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. 144047, passed by the Council July 13, 1977, vacating that portion of N. E. 26th Avenue between N.E. Oregon Street and N.E. Pacific Street, and

Ordinance No. 144178, passed by the Council August 4, 1977, amending Ordinance 144047 which vacated N.E. 26th Avenue between N.E. Pacific Street and N.E. Oregon Street, to make proper reference to a street to be widened at the expense of the petitioner as a condition to the vacation, and declaring an emergency,

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]

GAMBLE, INC.

BY:

[Signature]

2627 N.E. Sandy Bv., Portland, Or 97232
 Address

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.

ORDINANCE NO.

144047

Amended by
144178 144047

An Ordinance vacating that portion of N.E. 26th Avenue between N.E. Oregon Street and N.E. Pacific Street.

The City of Portland ordains:

Section 1. The Council finds:

1. Owen G. Miller, Jr., on December 28, 1976 filed a petition to vacate N.E. 26th Avenue between the north line of N.E. Oregon Street and the south line of N.E. Pacific Street.
2. The petition states that the reason for the vacation is to consolidate property for commercial expansion.
3. 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.
4. Other procedural requirements of O.R.S. 271 have been complied with and the Council having held a public hearing finds no objections were made or filed hereto and it is in the public interest that said street be vacated subject to certain conditions set forth in the directive action below.

NOW, THEREFORE, the Council directs:

- a. The portion of N.E. 26th Avenue lying between the north line of N.E. Oregon Street and the south line of N.E. Pacific Street is hereby vacated.
- b. The above described street is vacated subject to the following conditions and restrictions:
 - (1) The petitioner pay to the City the sum of \$273.00, this being the costs of the vacation proceedings in excess of the minimum filing fee of \$200 already paid.
 - (2) Nothing contained herein shall cause or require the removal or abandonment of any gas main, conduit of any kind, wire, pole or thing used, or intended to be used for any public service (with the exception of existing City water and sewer facilities for which permanent easements are not 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) The petitioner agrees to pay all costs relating to killing a 8 inch water main, relocating an 8 inch water service, re-locating a fire hydrant and installing a 6 inch water main as required by the Chief Engineer, Bureau of Water Works.
- (4) The petitioner agrees to provide screening along N.E. Oregon Street as required by the Planning Commission.
- (5) The petitioner agrees to pay all costs related to the abandonment of an existing 8-inch sewer, including costs related to reconnecting two catch basins, as required by the City Engineer.
- (6) The petitioner agrees to pay all costs of intersection closures at the north and south ends of the portion of N.E. 26th Avenue to be vacated, and also to pay all costs of roadway widening on the east side of N.E. 26th Avenue between N.E. Oregon Street and N.E. Pacific Street and the west side of N.E. 27th Avenue between N.E. Pacific Street and N.E. Sandy Blvd., all in accordance with plans to be furnished by the City Engineer.
- (7) The sum of \$12,500.00 in cash be deposited by the petitioner with the City Treasurer in a Trust Fund, Charges for Sidewalk Repair, or a corporate surety bond in the above amount and approved by the City be posted in lieu of a cash deposit, to cover the estimated cost of intersection reconstruction and street widening as required by the City Engineer. Upon completion of the work by and at the expense of the petitioners, and in accordance with plans furnished by the City Engineer, said sum of \$12,500.00 will be refunded or the surety bond will be released. In the event the cash deposit or bond is not sufficient to cover the costs of reconstruction as required by the City Engineer, the petitioners agree to pay all costs in excess of such deposit or bond, and the petitioners further agree that if they fail or neglect to complete said reconstruction within a reasonable time, as determined by the City Engineer, the City is authorized to draw from the sum deposited, or on the bond, as is required to complete the reconstruction by City Maintenance personnel.

ORDINANCE No.

- (8) That in the event the petitioner fails to fully comply with the above conditions within six months after the effective date of the vacating ordinance, said ordinance will then be subject to repeal by the Council.

Section 2.

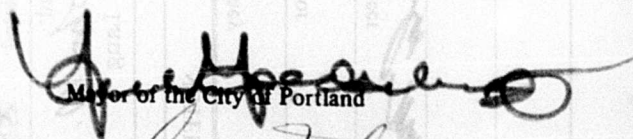
- a. The Petitioner shall file with the Auditor a document, which has been approved by the City Attorney, accepting the terms and conditions hereof.
- b. The City Auditor shall, at the expense of the petitioner file with the recorder, the assessor, and the surveyor of the County in which said property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

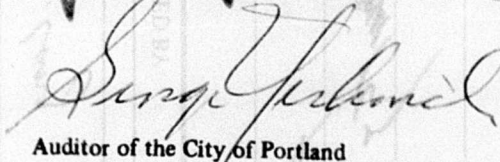
Passed by the Council,

JUL 13 1977

ORDER OF COUNCIL
Stu Keebaugh/s1
June 23, 1977

Attest:


Mayor of the City of Portland


Auditor of the City of Portland

2360
Calendar No. ~~2292~~

ORDINANCE No. 144047

Title

An Ordinance vacating that portion of
N.E. 26th Avenue between N.E. Oregon
Street and N.E. Pacific Street.

JUL - 6 1977

PASSED TO THIRD READING JUL 13 1977

THE COMMISSIONERS VOTED
AS FOLLOWS:

| | Yeas | Nays |
|-------------|------|------|
| Ivancie | / | |
| Jordan | / | |
| McCreedy | / | |
| Schwab | / | |
| Goldschmidt | / | |

FOUR-FIFTHS CALENDAR

| | |
|-------------|--|
| Ivancie | |
| Jordan | |
| McCreedy | |
| Schwab | |
| Goldschmidt | |

GEORGE YERKOVICH

Auditor of the CITY OF PORTLAND

By E. Anna Cervera
Deputy

Filed JUN 30 1977

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:

Carl Shortt/el 6/23/77

Budget Impact Review:

☐ Completed ☒ Not required

Bureau Head:

John M. Lang

NOTED BY

City Attorney

City Auditor

City Engineer

Carl Shortt