

BY \_\_\_\_\_

150403

RECEIVED

## ACCEPTANCE

SEP 23 8 44 AM 1980  
GEORGE YERKOVICH  
CITY OF PORTLAND, ORE.  
AUDITOR

Portland, Oregon, September 18, 1980

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. 150403, passed by the Council September 17, 1980, vacating certain portions of N. Fremont Street and the alley in Block 32, Multnomah, under certain conditions and declaring an emergency.

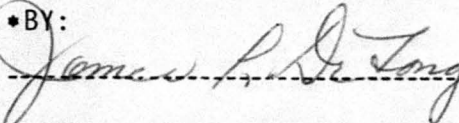
and in consideration of the benefits to be received thereunder by me I hereby agree to abide by and perform each and all of the terms and provisions thereof applicable to me.

Very truly yours,

KAISER FOUNDATION HEALTH PLAN OF OREGON

[CORPORATE  
SEAL]

\*BY:



1500 SW 1st, Portland, Or. 97201

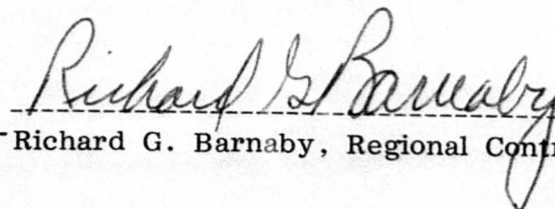
Address

APPROVED AS TO FORM

Approved as to form

CITY ATTORNEY

City Attorney



Richard G. Barnaby, Regional Controller

\*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. 150403

An Ordinance vacating certain portions of N. Fremont Street and the alley in Block 32, Multnomah, under certain conditions and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. By Resolution No. 32697 passed by Council June 25, 1980, proceedings were initiated for the vacation of certain portions of N. Montana Avenue, N. Cook Street, N. Fremont Street and the alley in Block 32, Multnomah.
2. The vacation was initiated by the City at the request of Kaiser Foundation Health Plan of Oregon to shorten the street vacation process and allow early construction of a proposed addition to its Montana Medical Offices.
3. To allow for possible future transportation needs, the vacation of only the portion of N. Fremont Street and the alley in Block 32, Multnomah, is recommended by the Commissioner of Public Works, 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 finds no objections were made or filed hereto and it is in the public interest that said street be vacated.

NOW, THEREFORE, the Council directs:

- a. All that portion of N. Fremont Street lying between a line drawn from the southwest corner of Block 32, Multnomah, and a point 10 feet east of the northwest corner of Block 5, Cook's Addition, a duly recorded plat, and the southerly extension of the easterly line of the alley in Block 32, Multnomah; AND ALSO all that portion of the alley in Block 32, Multnomah; lying between the north line of N. Fremont Street and a line drawn 25 feet north of and parallel with the south line of Lot 18, in said Block 32, Multnomah, are hereby vacated.
- b. The vacation of the above described street area is granted, subject to the following conditions and restrictions:



- (1) That Kaiser Foundation Health Plan of Oregon pay to the City the sum of \$455.00, this being the cost of these vacation proceedings.
- (2) 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 (with the exception of the existing public water main 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 Kaiser Foundation Health Plan of Oregon pay all costs of modification of water facilities as required by the Chief Engineer, Bureau of Water Works.
- (4) That Kaiser Foundation Health Plan of Oregon agrees to pay all costs of relocating an existing street light at the intersection of N. Montana Avenue and N. Fremont Street as directed by the City Engineer.
- (5) That Kaiser Foundation Health Plan of Oregon agrees to pay all costs of closing the intersection of N. Montana Avenue with N. Fremont Street in accordance with plans approved by the City Engineer.
- (6) That the vacated portion of the alley and N. Fremont Street abutting the I-5 Freeway will be made available to the State or City if required to revise the existing retaining walls or slopes in connection with construction of future transitway or highway improvements.
- (7) That in the event Kaiser Foundation Health Plan of Oregon 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. Kaiser Foundation Health Plan of Oregon 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.

## ORDINANCE No.

Section 3. The City Auditor shall at the expense of Kaiser Foundation Health Plan of Oregon 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 4. The Council declares that an emergency exists because a delay in the vacation of the street areas will cause delays in the construction of the proposed medical facilities; therefore, this ordinance shall be in force and effect from and after its passage by the Council.

Approved by the CITY OF PORTLAND  
GEORGE YERKOVICH

Filed  
SEP 11 1980

Title

ORDINANCE No. 150403

Calendar No. 3303

(C-8308)  
conditions and declaring an emergency.  
Block 35, Multnomah, under certain  
N. Fremont Street and the alley in  
an ordinance vacating certain portions of

By: David J. Condon

John M. Lund, P.E.

City Engineer APPROVED:

City Auditor

City Attorney

NOTED BY

Consent ☒ Regular

CALENDAR

David J. Vardas, Acting  
Bureau Head, Design

☐ Completed ☒ Not Completed

Budget Impact Review

Carl Shortt/sg

Prepared by: SK 2-

Attest:

Chief Deputy Auditor of the City of Portland

Street & Structural Engineering  
Bureau

By: APPROVAL

Works 2/102

Utilities

Safety

Administration  
Finance and  
Affairs

NOTED BY THE CLERK

ORDER OF COUNCIL

INTRODUCED BY

Passed by the Council,

SEP 17 1980

ORDER OF COUNCIL  
Stu Keebaugh/sg  
September 10, 1980



Calendar No. 3363

# ORDINANCE No. 150403

## Title

An Ordinance vacating certain portions of N. Fremont Street and the alley in Block 32, Multnomah, under certain conditions and declaring an emergency.

(C-9308)

### THE COMMISSIONERS VOTED AS FOLLOWS:

	Yeas	Nays
Ivancie		
Jordan	1	
Lindberg	1	
Schwab	1	
McCready	1	

### FOUR-FIFTHS CALENDAR

Ivancie	
Jordan	
Lindberg	
Schwab	
McCready	

Filed SEP 11 1980

GEORGE YERKOVICH

Auditor of the CITY OF PORTLAND

*Gordon Crall*  
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: SK <i>DS</i> Date: 9/10/80
Car1 Short/sg Budget Impact Review:
<input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not required
Bureau Head: David J. Vargas, Acting Chief

CALENDAR
Consent <input checked="" type="checkbox"/> Regular
NOTED BY
City Attorney
City Auditor
City Engineer
APPROVED: John M. Lang, P.E.
BY: David J. Vargas