

SEP 23 8 44 AM 1980 150410

GEORGE YERKOVICH, AUDITOR  
CITY OF PORTLAND, ORE.

## ACCEPTANCE

BY \_\_\_\_\_

Portland, Oregon, September 19, 1980 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. 150410, passed by the Council September 17, 1980, vacating all that portion of N. Fremont Street lying between the west side of N. Montana Avenue and line drawn 15.0 feet east of and parallel with the east line of N. Interstate Avenue, 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,

KAISER FOUNDATION HEALTH PLAN OF OREGON

[CORPORATE  
SEAL]

BY: \_\_\_\_\_

*James L. Long*

1500 SW 1st, Portland, Or. 97201

Address

Approved as to Form AS TO FORM

*Christopher P. Thomas*

CITY ATTORNEY

*Richard G. Barnaby*

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. 150410

An Ordinance vacating all that portion of N. Fremont Street lying between the west side of N. Montana Avenue and a line drawn 15.0 feet east of and parallel with the east line of N. Interstate Avenue, under certain conditions.

The City of Portland ordains:

Section 1. The Council finds:

1. By Resolution No. 32717 passed by Council July 23, 1980, proceedings were initiated for the vacation of all that portion of N. Fremont Street lying between the west line of N. Montana Avenue and the east line of N. Interstate Avenue.
2. The vacation was initiated by the City Engineer at the request of Kaiser Foundation Health Plan of Oregon to save time in the street vacation process and allow construction on the proposed addition to its Montana Medical Offices to begin this fall. The areas to be vacated are to provide required off-street parking.
3. A partial vacation 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 the west line of N. Montana Avenue and a line drawn 15 feet east of and parallel with the east line of N. Interstate Avenue, is 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 \$468.00, 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 (except for City owned water and sewer lines for which no easement will be required), 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 City sewer within the vacated street area is hereby abandoned and will no longer be maintained by the City.
- (4) That Kaiser Foundation Health Plan of Oregon agrees to pay all costs of water service alterations required by the Chief Engineer, Bureau of Water Works.
- (5) That Kaiser Foundation Health Plan of Oregon agrees to convey to the City a pedestrian easement, not more than 15 feet in width, providing a reasonably direct path to proposed transit services to be located on the Interstate 5 transitway corridor, east of the N. Montana Avenue facility. Said easement to be constructed and adequately lighted for evening use at the expense of the Kaiser Foundation Health Plan of Oregon. The location and construction of said easement to be approved by the Planning Bureau staff.
- (6) That Kaiser Foundation Health Plan of Oregon agrees to pay all costs of intersection reconstruction required at both the N. Interstate Avenue and N. Montana Avenue intersections with N. Fremont Street.
- (7) The sum of \$7766.00 in cash be deposited by the Kaiser Foundation Health Plan of Oregon with the City Treasurer in a trust fund, or a corporate surety bond in the above amount and approved by the City be posted in lieu thereof to cover the estimated cost of improvements required by the City Engineer. Upon completion of the work by and at the expense of Kaiser, and in accordance with plans furnished by the City Engineer, said sum of \$7766.00 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 Kaiser further agrees 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 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.

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.

Deputy  
Auditor of the City of Portland  
GEORGE YERKOVICH

Filed SEP 1 1980

PASSED TO SECOND READING SEP 1 3 1980

SEP 1 0 1980

(C-1211)

Avenue, under certain conditions.

with the east line of N. Interstate

drawn 12.0 feet east of and parallel

side of N. Montana Avenue and a line

N. Fremont Street lying between the west

Ordinance vacating all that portion of

Title

ORDINANCE No. 150410

Calendar No. 3330

3330

BY:

David R. Underwood

John W. Land, P.E.

City Engineer

APPROVED:

City Auditor

City Attorney

Consent

Regular

Consent

Regular

David J. Vandyke, Jr.

Noted

Completed

Budget Impact Review

Carl Short/sg

9/3/80

Prepared by:

Date:

Street & Structural Engineering

Bureau

BUREAU APPROVAL

Works

9/1/80

Utilities

Safety

Administration

9/1/80

Finance and

9/1/80

Village

9/1/80

NOTED BY THE

9/1/80

ORDER OF COUNCIL

9/1/80

INTRODUCED BY

Passed by the Council,

SEP 1 7 1980

ORDER OF COUNCIL  
Stu Keebaugh/sg  
September 3, 1980

Attest:

Chief Deputy Auditor of the City of Portland



3370  
Calendar No. ~~3367~~

ORDINANCE No. 150410  
Title

An Ordinance vacating all that portion of N. Fremont Street lying between the west side of N. Montana Avenue and a line drawn 15.0 feet east of and parallel with the east line of N. Interstate Avenue, under certain conditions.

(C-9317)

SEP 10 1980

PASSED TO SECOND READING SEP 17 1980

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 4 1980

GEORGE YERKOVICH  
Auditor of the CITY OF PORTLAND

By  Gordon Ornell  Deputy

INTRODUCED BY	
ORDER OF COUNCIL	
NOTED BY THE COMMISSIONER	
Affairs	
Finance and Administration	
Safety	
Utilities	
Works	MLmg7
BUREAU APPROVAL	
Bureau:	
Street & Structural Engineering	
Prepared By: SK	Date: 06. 9/3/80
Carl 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	
John M. Lang, P.E.	
APPROVED:	
BY: David J. Vargas	