

Ordinance No. 44150

An Ordinance vacating a portion of Fourth Street
between Hamilton Avenue and Seymour Avenue.

WHEREAS, due notice has been given by advertising-
ment thereof for four weeks, to wit, from October 27,
1923 to November 24, 1923, both dates inclusive, in
the Daily Record Abstract, the City Official Newspaper,
published in the City of Portland, Multnomah County,
State of Oregon, that at a regular meeting of the
Council of said City to be held on the 28th day of
November 1923, a petition would be presented to said
Council praying for the vacation of that portion of
Fourth Street which lies between the south line of
Hamilton Avenue and the north line of Seymour Avenue,
except 40 feet in width in the middle of said street,
it being intended only to vacate a strip 10 feet in
width along each side of said portion of said Fourth
Street, in the City of Portland, Oregon, which said
notice, together with due proof of publication thereof
was filed in the office of the Auditor of said City of
Portland on November 24, 1923, prior to the presentation
of said petition to the Council, and

WHEREAS, the petition hereinbefore referred to was
duly presented to said Council on said date, to wit,
November 26, 1923, which said petition duly set forth a
description of said portion of said street sought to be
vacated and the reasons for such vacation and the pur-
pose for which the ground is proposed to be used and
said petition was duly signed by S. H. Conrad and others,
and

WHEREAS, there was appended to said petition as
a part thereof and as a basis for such vacation and as
a basis for the granting of the prayer of said petition,
the consent of the owners in fee simple or at least two-
thirds of the real estate fronting upon both sides of
the portion of said Fourth Street which is proposed to
be vacated, estimated upon the frontage of said portion
of said street, such frontage commencing at a line drawn
equidistant from the termini of said portion of said
street proposed to be vacated and extending along such
proposed vacation the entire length thereof, and two
hundred feet in each direction from the termini thereof,
except in a southerly direction, said street being not
continuous in a southerly direction, which consent is
in writing and duly acknowledged before an officer
authorized to take acknowledgments and is attached to
said petition and filed therewith with the Auditor of
said City, and

WHEREAS, the Council upon the presentation of said petition and the filing of proof of publication of the notice thereof, did fix a meeting of said Council to be held on the 5th day of December 1923 at 10 o'clock A. M. as the time for hearing said petition and any objections that might be filed thereto, and

WHEREAS, at said time so fixed by the Council for such hearing, said petition was duly presented, heard and considered by the Council, there was no objection or objections presented thereto and the Council did find, ascertain and determine and does now hereby find, ascertain and determine that all the foregoing recited facts are true and that all the acts and things above recited have been duly done and performed as required by the charter and ordinances of said City of Portland and that the consent of the owners in fee simple has been given of at least two-thirds of the real property fronting on both sides of said portion of said street proposed to be vacated, estimated upon the frontage of said street, such frontage being as hereinbefore particularly set out, which consent is in writing duly acknowledged before an officer authorized to take acknowledgments and was and is attached to and filed with said petition; that no objections or objection to the vacation of said portion of said street has been made or filed and that the public interest will not be prejudiced by the vacation of said portion of said street, and

WHEREAS, the Council did on said date, to wit, December 5, 1923, grant the prayer of said petition in its entirety, except a certain portion hereinafter stated, now, therefore,

The City of Portland does ordain as follows:

Section 1. The findings and action hereinbefore recited is hereby made a matter of record and the Council of the City of Portland does hereby find and determine that all of the facts, matters and things hereinbefore recited are true and that all of the acts and things above recited have been done and performed as hereinbefore set forth and as required by the charter and ordinances of said City of Portland. The Council further finds and determines that the consent of the owners of at least two-thirds of the real property fronting on both sides of said portion of said street proposed to be

vacated, estimated upon the frontage of said street, such frontage commencing at a line drawn equidistant from the termini of said portion of said street proposed to be vacated and extending along such proposed vacation the entire length thereof and two hundred feet in each direction from the termini thereof, except in a southerly direction, said street being not continuous in a southerly direction, has been obtained, which consent of owners is in writing and duly acknowledged before an officer authorized to take acknowledgments and is and was attached to said petition and filed therewith with the Auditor of said City of Portland. The Council further finds and determines that no objection to the vacation of said portion of said street has been made or filed and that the public interest will not be prejudiced by the vacation of said portion of said street.

Section 2. That all of that portion of said Fourth Street which lies between the south line of Hamilton Avenue, and the north line of Seymour Avenue, except 40 feet in width in the middle of said street, it being intended only to vacate a strip 10 feet in width along each side of said portion of said Fourth Street, in the City of Portland, Multnomah County, State of Oregon, be and the same is hereby vacated, except and provided that the portion of the west ten feet of Fourth Street lying between the north and south lines of Nellie Street be not vacated, and the vacation of said portion of said street subject to said exception is hereby made a matter of record, but it is hereby expressly provided that the petitioners shall, within ten days after the taking effect of this ordinance, pay into the city treasury the cost of obtaining the necessary changes on the public records so as to indicate as required by law such vacation.

Passed by the Council JAN 2 1924

Approved:

GEO. L. BAKER

Mayor of the City of Portland.

Attest:

Geo. L. Baker

Auditor of the City of Portland.

Com. Barber.