51627

Ordinance No. 51627

An Ordinance vacating a portion of East Davis Street.

WHEREAS, due notice has been given by advertisement thereof for four weeks, to wit, from December 22, 1926, to January 19, 1927, both dates inclusive, in the Daily Journal of Commerce, the city official newspaper, published in the City of Portland, Multnomah county, Oregon, that at a regular meeting of the council of said city to be held January 26, 1927, a petition would be presented to said council praying for the vacation of that portion of East Davis street beginning at the west line of East Eighty-second street and extending westward 475 feet more or less to the western boundary of the Mt. Tabor Homes Addition, situated between blocks 1 and 3 and block 4, Mt. Tabor Homes Addition, within the corporate limits of the City of Portland, Multnomah county, Oregon, which said notice, together with due proof of publication thereof was filed in the office of the auditor of said City of Portland January 20, 1927, 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, January 26, 1927, which petition duly set forth a description of said portion of said East Davis street sought to be vacated and the reasons for such vacation and the purpose for which the ground is proposed to be used, and said petition was duly signed by School District Number One, Multnomah county, Oregon; 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 of at least two thirds of the real estate fronting upon both sides of the portion of said East Davis 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, said street being noncontinuous in either direction beyond said termini, which consent is in writing and duly acknowledged before an officer authorized to take acknowledgements, and is attached to said petition and filed 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 February 9, 1927, at ten 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, no objection was presented thereto, and the council did find, ascertain, and determine, and does 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 acknowledgements, and was and is attached to and filed with said petition; 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; and

WHEREAS, the council did on said date, to wit, February 9, 1927, grant the prayer of said petition in its entirety; now, therefore,

The City of Portland does ordain as follows:

Section 1. The findings and action hereinbefore recited are 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 has been obtained, said street being noncontinuous in either direction beyond said termini, which consent of owners is in writing and duly acknowledged before an officer authorized to take acknowledgements 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 East Davis street beginning at the west line of East Eighty-second street and extending westward 475 feet more or less to the western boundary of the Mt. Tabor Homes Addition, situated between blocks 1 and 3 and block 4, Mt. Tabor Homes Addition, within the corporate limits of the City of Portland, Multnomah county, Oregon, be and the same is hereby vacated, and said vacation of said portion of said street is hereby made a matter of record, but it is hereby expressly provided that the petitioner 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; and it is hereby provided that the city auditor shall file with the county clerk of Multnomah county a certified copy of this ordinance, and shall obtain from the county surveyor a proper entry on the plat records as provided by law. Nothing contained herein shall cause or require the removal or abandonment of any sewer, water main, conduit of any kind, wires, poles, or any other thing used or intended to be used for any public service, and the right is hereby reserved to maintain, continue, repair, reconstruct, renew, replace, rebuild, and/or enlarge any and all such things; and it is hereby provided that if the use for school purposes of said portion of said East Davis street hereby vacated shall be at any time discontinued then in that case the vacation hereby made of the above portion of East Davis street shall be discontinued and terminate, and said East Davis street shall thereupon remain and continue as a street it being intended that the vacation hereby made shall be only for such length of time as said adjacent property is used for school purposes, and said school district or its successors shall relinquish said portion of East Davis street and execute such document as may be suitable therefor, and the City of Portland hereby reserves the right to take such further action as may be needed for the purpose of carrying out

the intent hereof in the event that the use of said property for school purposes shall be at any time discontinued.

Passed by the Council MAR 2 1927

Approved:

GEO. L. BAKER

Mayor of The City of Portland

Attest:

Geo. R. Funk

Auditor of The City of Portland

2-10-1927
Order of Council

PREPARED-APPROVED
CITY ATTORNEY