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ORDINANCE No. ....

an ordinance vacating a portion of Wilson Street

WHEREAS, due notice has been given by advertisement thereof for four weeks to wit, from May 19th, 1927, to June 16, 1927, both dates inclusive, in the Daily Journal of Commerce, the city official newspaper, published in the City of Portland, County of Multnomah, State of Oregon, that at a regular meeting of the council of said city to be held June 29, 1927, a petition would be presented to said council praying for the vacation of that portion of Wilson Street which lies between the west line of 24th street and the east line of 25th street, now 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 June 27, 1927; and

WHEREAS, the petition hereinbefore referred to was duly presented to said council on said date, to wit, June 29, 1927, which said petition duly set forth a description of said portion of said Wilson 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 The Portland Baseball Club, a corporation; 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 on both sides of the portion of said 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 200 feet in either direction from the termini thereof, 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 September 14, 1927, 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, and there were certain objections filed thereto by Ladd Estate Co., and others, and the council continued said matter from time to time to 2:00 P. M., January 4th, 1928, at which time said council further heard said petition and objections and a report by the Commissioner of Public Works thereon, and thereupon ascertained and determined and does now ascertain and determine that said objections are not well taken and that the public convenience will not be substantially affected by a vacation of said portion of said street but that it will be for the public welfare as well as for the benefit of abutting property owners to have said portion of said street vacated, and

WHEREAS, the council finds that all of 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 all objections against said vacation have been and the same are hereby denied, and that the public interest will not be prejudiced by the vacation of said portion of said street; now, therefore,

#### The City of Portland Does Ordain as Follows:

Section 1. The findings and actions 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 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 all objections against said vacation have been and the same are hereby denied, and that the public interest will not be prejudiced by the vacation of said portion of said street; now, therefore,

acknowledgements and a bill was attached to said petition and filed therewith with the auditor of said City of Portland. The Council further finds and determines that certain objections or remonstrances to the vacation of said portion of said street have been made and filed with the City auditor, but that said remonstrances are not well taken and the same have been and are hereby overruled, and that the public interest will not be prejudiced by the vacation of the said portion of said street.

Section 2. That all that portion of Wilson Street lying between the west line of 24th Street and the east line of 25th Street, now 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.

Section 3. The foregoing vacation shall not be valid unless The Portland Baseball Club shall on or before May 1, 1931, fully construct, equip and open to the public a new grandstand, bleachers and clubhouse on the property owned by said club and devoted to the immediate use of said club, the total cost of all to be not less than \$250,000.00, and which shall be constructed in accordance with the building and fire ordinances of the City of Portland. The failure of said The Portland Baseball Club to construct such a grandstand, bleachers and clubhouse within said time shall ipso facto void this vacation ordinance without any further action or notice upon the part of the council and shall ipso facto constitute a rededication of the area vacated by this ordinance as a street, and all rights secured under said vacation ordinance shall ipso facto become null and void. If the Portland Baseball Club, its successors and assigns shall hereafter use the baseball purposes the street area herein vacated then and to that event said vacated area shall

revert and be restored to public use for street purposes and all rights, title and interest of The Portland Baseball Club acquired by this ordinance to said vacated area shall become null and void and the city shall have the right to open up, improve and use said vacated area for street purposes.

Passed by the Council JAN 25 1928

Approved:

GEO. L. BAKER

Mayor of the City of Portland

Attest:



Auditor of the City of Portland

1/6/28

Order of Council

PREPARED-APPROVED  
CITY ATTORNEY