

ORDINANCE NO. 77174

AN ORDINANCE vacating portions of S.W. 10th avenue and S.W. Nebraska street.

WHEREAS, it appears to the Council that on March 12, 1942, a petition was filed with the City Auditor by Paul P. Farrens and Mary Ellen Farrens for the vacation of the street area herein specified under the provisions of Chapter 259, Laws of Oregon 1931 (O.C.L.A. secs. 95-1331 - 95-1340), and thereupon the City Auditor duly gave notice by posting and publication for a period of four successive weeks that said petition had been filed for the vacation of said area and that the matter of said vacation, together with any objection or remonstrance which might be made in writing and filed with said Auditor prior to the time of hearing would be heard and considered at 9:30 o'clock A. M. on Wednesday, April 22, 1942, by the Council of the City of Portland, Oregon, in the Council Chamber at the City Hall, in said City, which notice was first published in the City Official Newspaper, to wit, the Daily Journal of Commerce, on March 20, 1942, and said City Auditor within five days from said first publication further published said matter by posting four notices headed "Notice of Street Vacation" in four conspicuous places in said proposed vacation of such street area, one notice being near the north line of S.W. Vermont street, extended easterly, and the east line of S.W. 10th avenue, on a guy pole, one near the center line of S.W. Nebraska street and the westerly line of S.W. Burlingame avenue, on an elder tree, one near the center line of S.W. Nebraska street and the west line of S.W. 10th avenue, on a guy pole, and one near the southerly line of S.W. Burlingame avenue and the center line of S.W. 10th avenue, on a stake, and

WHEREAS, said matter came on regularly for hearing before the City Council at said time and place, when no one appeared to object thereto and no objection or remonstrance was filed or made against the same and there was filed with the City Auditor a consent in writing of all abutting property owners upon the portions of said street area proposed to be vacated, and more than two-thirds in area of all of the real property affected by such vacation, and

WHEREAS, it appears to the Council that a vacation of said area will not injuriously affect the market value of the property abutting or affected by such vacation and that said vacation will be for the public welfare and that all things have been duly done as provided by law for the vacation of said area and final action should now be taken and such vacation made a matter of record; now, therefore,

The City of Portland does ordain as follows:

Section 1. It is hereby ascertained and determined that the consent of the owners of all of the property immediately abutting the portions of said street area to be vacated has been obtained in writing, duly acknowledged and filed with the City Auditor; that said vacation will not injuriously affect the market value of any of the property abutting upon said area but will be beneficial thereto; that notice has been duly and regularly given of such vacation and a hearing thereon duly and regularly had at which the City Council found and does now find and determine that the public interest will not be prejudiced by such vacation but said vacation will advance the public interest and welfare, all of which determinations are hereby made a matter of record.

Section 2. There hereby is vacated all that portion of S.W. 10th avenue which lies between the southerly line of S.W. Burlingame avenue, on the north, and the northerly line of S.W. Chestnut street extended northwesterly across said S.W. 10th avenue, on the south; and all that portion of S.W. Nebraska street which lies between the westerly side of S.W. Burlingame avenue and the westerly side of S.W. 10th avenue, in the City of Portland, County of Multnomah, State of Oregon.

Nothing herein contained shall cause or require the removal or abandonment of any sewer, water main, conduit of any kind, wire, pole 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, if any there be on said area hereby vacated, and no structure shall be built in said portion of S.W. 10th avenue hereby vacated over and upon the present water main therein located and free access shall be granted to the City of Portland for inspection of said main and the water meters there located, and the City Auditor shall file for record with the County Clerk, who is ex-officio recorder of Multnomah County, Oregon, a certified copy of this ordinance, as provided by law, and like copies with the County Assessor, and the County Surveyor of said County.

Passed by the Council MAY 13 1942

**R. E. RILEY**

Mayor of the City of Portland.

Attest:

*Will E. Siborn.*

Auditor of the City of Portland.

4-24-42  
By Order of  
the Council.

LEL L. E. B. L.E.L.

C/5352

1967

Ordinance No.

**22124**

2234

An Ordinance vacating portions  
of S.W. 10th Avenue and S.W.  
Nebraska Street.

Order of the Council

APR 29 1942

Read 1 & 2 and up for Third Reading  
9:30 A.M. May 13, 1942.

THE FOLLOWING IS THE OFFICIAL VOTE ON THE FOREGOING ORDINANCE		
	YEAS	NAYS
BOWES	/	
CLYDE	/	
COOPER	/	
PETERSON		
RILEY	/	

Filed **MAY 14 1942**

*Chas E. Wilson.*

Author of the CITY OF PORTLAND

By

**R. S. MEY**

Deputy