

ORDINANCE NO. 78681

An Ordinance vacating the alley in Block 31, Multnomah, (a new alley to be dedicated in lieu thereof) and declaring an emergency.

WHEREAS, by Resolution No. 22248, adopted on March 24, 1943, proceedings were initiated by the Council for vacating the alley herein specified and obtaining the dedication of a new alley and additional space described, under the provisions of Chapter 259, Laws of Oregon 1931 (O.C.L.A. secs. 95-1331 to 95-1340), and thereupon the City Auditor duly gave notice by posting and publication for a period of four successive weeks that said resolution had been adopted 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 28, 1943, by the Council of the City of Portland, Oregon, in the Council Chamber of 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 26, 1943, and said City Auditor within five days from said first publication further published said matter by posting three notices headed "Notice of Street Vacation" in three conspicuous places in said proposed vacation of such alley, one notice being near the north line of N. Fremont street and the west line of Alley in Block 31, Multnomah, on a telephone pole, one near the west line of Alley in Block 31, Multnomah and approximately 200 feet south of the south line of N. Beech street, on a stake, and one near the south line of N. Beech street and the west line of Alley in Block 31, Multnomah, 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 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 but said vacation will be for the public welfare and will be a benefit to all abutting or affected property, and that all things have been duly done as provided by law for the vacation of said alley and final action should now be taken thereon 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 matters above recited are true; that said vacation will not injuriously affect the market value of any of the property abutting thereon or affected thereby but will be beneficial thereto and the owners of said property will not be prejudiced by such vacation but said vacation will advance the public interest and welfare and be beneficial to the owners of abutting property and of all adjacent property, all of which determinations are hereby made a matter of record.

Section 2. There is hereby vacated all of the alley within Block 31 of Multnomah, as shown by the duly recorded plat thereof, in the City of Portland, Multnomah County, State of Oregon, said alley extending from N. Fremont street to N. Beech street in said City. This vacation is made upon the representation that a proper dedication will be made of other ground in lieu of said alley, being a strip 15 feet wide east of and immediately adjoining said alley, and also a strip of land 23.5 feet in width along the north line of N. Fremont street and extending from the east line of N. Interstate avenue easterly 115 feet to the west line of said new alley, the property to be dedicated being more particularly bounded and described as follows, to wit: Beginning at the southwest corner of Block 31, Multnomah, an addition in the City of Portland, Multnomah County, Oregon; thence east along the south line of said block 130.0 feet; thence north, parallel with the west line of said block 432.95 feet, more or less, to the north line of said block 31; thence west 15.0 feet along said north line to a point (said point being on the east line of the 15-foot alley heretofore vacated); thence south along the east line of said vacated alley 409.5 feet, more or less, to a point 23.5 feet north of the south line of said block; thence west parallel with said south line 115.0 feet to the west line of said block 31; thence south along the west line of said block 23.5 feet to the place of beginning. The Council reserves the right to repeal this vacation in the event that the property above described is not dedicated within thirty days after the taking effect of this ordinance.

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 alley hereby vacated, 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.

Section 3. Inasmuch as this ordinance is necessary for the immediate preservation of the public health, peace and safety of the City of Portland in this: That building activity immediately intended on adjacent property should go forward without delay; therefore, an emergency is hereby declared to exist and this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council MAY 5 1943

**R. E. RILEY**

Mayor of the City of Portland

*Will E. Gibbons*

Attest:

L.E.L.

Auditor of the City of Portland

4-29-43

By Order of  
the Council

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R. S. L.

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By Order of the Council

Filed MAY 6 1943

*Orville E. Gibson*

Auditor of the CITY OF PORTLAND

By ELBERT G. ROFF  
Deputy

THE FOLLOWING IS THE OFFICIAL VOTE ON THE FOREGOING ORDINANCE		YEAS	NAYS
BOWES	1		
CLYDE	1		
COOPER	1		
PETERSON	1		
RILEY	1		