

ORDINANCE NO. 81436

An Ordinance amending Ordinance No. 81340, passed August 22, 1945, to correct an error in Section 2 thereof wherein the width of S. E. 23rd Avenue is therein described as 54.4 feet, whereas the correct width of said avenue at said place is 50 feet, and declaring an emergency.

An Ordinance vacating a portion of S. E. 23rd Avenue.

WHEREAS, it appears to the Council that on June 6, 1945, Robert A. Bitar, Mabel Bitar, Frank A. Bitar, Margaret Bitar, and Sam Abrams, filed with the City Auditor, under the provisions of Chapter 259, Laws of Oregon, for 1931 (O. C. L. A., Sections 95-1331 to and including 95-1340), a petition for the vacation of the street area herein specified; that petitioners at the time of filing said petition paid the required fee and were the owners of the property immediately abutting upon the street area submitted for vacation; and thereupon the City Auditor gave notice by posting and publication for a period of four successive weeks, that said petition had been filed for vacation of said area and that the matter of said vacation, together with any claims for damages, objections or remonstrances which might be made in writing and filed with said Auditor prior to the time of said hearing would be held and considered at 9:30 o'clock A. M., Wednesday, July 18, 1945 by the Council of the City of Portland, Oregon, in the council chambers in the city hall in said city, which notice was first published in the city official newspaper, to-wit: The Daily Journal of Commerce, on June 15, 1945, and said 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 street area,--one notice being near the intersection of the east line of S. E. 23rd Avenue and the south line of S. E. Gladstone Street, on a wire fence; one notice being near the west side of S. E. 23rd Avenue approximately 250 feet south of the south line of S. E. Gladstone Street, on a wood fence; and one near the intersection of the west line of S. E. 23rd Avenue and the north line of S. E. Cora Street, on a wood fence, 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 objections or remonstrances nor any claim for damage 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 portion 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, the Council finds that the reason for this proposed vacation is that said petitioners purpose to use the street area so sought to be vacated, for industrial purposes, which will not injuriously affect the market value of the property abutting or affected by such vacation, and said vacation will be for the public welfare; and further finds that all things have been done as provided by law for the vacation of said street area and that final action should now be taken and such vacation be made a matter of record; now, therefore,

The City of Portland does ordain as follows:

Section 1. It is hereby ascertained and determined that said petition was properly accepted and filed; that the consent of the owners of all of the property adjacent or abutting the portion of said street area to be vacated has been obtained in writing, duly acknowledged, and filed as hereabove stated; 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 Council found and does now find and determine that the public interest will not be prejudiced by such vacation but said vacation will advance and best serve the public interest and welfare; all of which determinations are hereby made a matter of record.

Section 2. There is hereby vacated all of that portion of S. E. 23rd Avenue as laid out and established 50 feet in width, lying between the south line of S. E. Gladstone Street and the north line of S. E. Cora Street, all in the City of Portland, County of Multnomah, State of Oregon. Provided, that the existing sewer, water, and gas pipes and mains, and all other conduits and things used or intended to be used for any public service, lying in, under, upon or along the portion of said street so vacated shall not be disturbed without lawful permission first had, 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, under, over or within said area hereby vacated.

Section 3. 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 a like copy with the County Assessor and the County Surveyor of said county

Section 4. 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 the use of the vacated area should not be held up beyond the effective date of the ordinance; 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 SEPTEMBER 12, 1945.

*Earl Riley*  
Mayor of the City of Portland

Attest:

*John J. ...*  
Auditor pro tem of the City of Portland

9/4/45  
Order of the Council  
ELM:mk

ELM

R. S. L.

3498  
C/5542

Ordinance No. 81435

An Ordinance amending Ordinance No. 81340, passed August 22, 1945, to correct an error in Section 2 thereof wherein the width of S. E. 23rd Avenue is therein described as 54.4 feet, whereas the correct width of said avenue at said place is 50 feet, and declaring an emergency.

City of Portland

Mayor of the City of Portland

Auditor pro tem of the City of Portland

Filed SEP 13 1945

*Robert J. ...*

Auctioneer pro tem  
of the CITY OF PORTLAND

ELBERT G. ROFF

Deputy

THE FOLLOWING IS THE OFFICIAL VOTE ON THE FOREGOING ORDINANCE		YEAS	NAYS
BOWES	/		
COOPER	/		
LEE	/		
PETERSCH	/		
RILEY	/		

Section 4. Inasmuch as this Ordinance is for the immediate preservation of the public health and safety of the City of Portland in the interest of the various areas which are held up for the public use of the Ordinance, therefore, it is hereby declared to be an emergency, and this Ordinance shall be in force and effect from and after the passage by the Council.

Passed by the Council SEPTEMBER 12, 1945.