

ORDINANCE No. 96483

An Ordinance vacating all that portion of S. E. Franklin Street from a point 332.62 feet west of the west line of S. E. 71st Avenue easterly 72.31 feet to a point 260.31 feet west of the west line of S. E. 71st Avenue, and declaring an emergency.

WHEREAS, it appearing to the Council that on April 9, 1952, School District No. 1, of Multnomah County, by Andrew Comrie, School Clerk, filed a petition with the City Auditor for the vacation of all that portion of S. E. Franklin Street from a point 332.62 feet west of the west line of S. E. 71st Avenue easterly 72.31 feet to a point 260.31 feet west of the west line of S. E. 71st Avenue, all in the City of Portland, Multnomah County, State of Oregon, and at the time of filing the petitioner also filed with the 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 the real property affected by such vacation, that thereupon the City Auditor gave notice by posting and publication for a period of four (4) successive weeks, that said petition had been filed for said proposed vacation proceeding and that said petition, together with any objections, remonstrances or claim for damage which may be made in writing and filed with the Auditor of the City of Portland, Oregon, prior to the time of hearing would be heard and considered by the Council of the City of Portland, Oregon, at a regular meeting to be held at 9:30 A.M., Tuesday, May 27, 1952, in the Council Chambers of the City Hall in said City, the said notice was first published in the City official newspaper, to wit: The Daily Journal of Commerce, on April 18, 1952, and that said Auditor within five (5) days after said first publication further published said matter by posting three notices headed: "Notice of Street Vacation," in three conspicuous places in the area of said street to be vacated in the places therein described and designated as follows:

<u>LOCATION</u>	<u>OBJECT TO WHICH ATTCHED:</u>
On the approximate north line of S.E. Franklin Street approximately 260.31 feet west of the west line of S.E. 71st Avenue.	On a stake
On the approximate north line of S.E. Franklin Street approximately 296 feet west of the west line of S.E. 71st Avenue.	On a stake

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On the approximate south line of S.E.
Franklin Street approximately 332.62
feet west of the west line of S.E. 71st
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, 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 the owners of all abutting property upon said street proposed to be vacated, and more than two-thirds in area of all the real property affected by such vacation, and the Council, after giving due consideration, granted the prayer of petitioner and directed the City Attorney to prepare the vacation ordinance, with certain conditions and provisions, and

WHEREAS, the Council finds that the vacation of said street area is necessary to enlarge and improve the existing school site, and

WHEREAS, The Council finds that the street area herein vacated is not essential as a public way and the abutting property owners have consented to the vacation, and the vacation will not injuriously affect the market value of the property abutting or affected by such vacation, and that said vacation in all respects will be for the public welfare and that all things have been done as provided by law for the vacation of said area, and that final action should now be taken thereon and such vacation should be made a matter of record; now therefore,

The City of Portland does ordain as follows:

Section 1. It hereby is ascertained and determined that the vacation of said street area will not injuriously affect the market value of any of the property abutting said area but will be beneficial thereto; that the consent of the owners of all the property adjacent or abutting the street area to be vacated has been obtained in writing, duly acknowledged and filed as hereinabove stated; that notice has been duly and regularly given of such vacation and a hearing thereon duly and regularly had, and the Council does now find and determine that no objections or remonstrances were made or filed and that the public interest will not be prejudiced by such vacation, or any part thereof, but such vacation will enhance the public interest, safety, welfare and convenience, all of which determinations are hereby made a matter of record.

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Section 2. There hereby is vacated the following described property, all in the City of Portland, County of Multnomah, State of Oregon, to wit:

All that portion of S. E. Franklin Street from a point 332.62 feet west of the west line of S. E. 71st Avenue easterly 72.31 feet to a point 260.31 feet west of the west line of S. E. 71st Avenue.

Section 3. This vacation is made upon the following conditions, to wit:

- (a) That School District No. 1, shall pay to the City of Portland the cost of advertising, posting, and other administrative costs incident to this vacation.
- (b) This vacation is made upon the further condition and with the reservation that nothing herein contained shall cause or require the removal of or abandonment of any sewer, water main, gas main, conduit or any kind, wire, pole or thing used or intended to be used for any public service; and the right hereby is reserved for the owner or any such utility or thing to maintain, continue, repair, reconstruct, renew, replace, rebuild and/or enlarge any and all such things; that no building or structure of any kind shall be built or erected within a distance of ten feet from the center line of any such utility, except by written consent of the City Engineer and the owner of such utility first had; and that any and all contemplated building plans in said vacated area shall be submitted for approval to the City Engineer and to the Director, Bureau of Building Inspection, to the end that such construction may be so adjusted with reference to all public utilities in said area as to cause a minimum amount of danger or inconvenience to the public and to the owner of such utility and to protect and preserve the same as presently constructed or hereafter reconstructed, renewed, replaced and/or enlarged. The Auditor shall file for record with the County Clerk, who is ex-officio recorder of Multnomah County, a certified copy of this ordinance as provided by law, and like copies with the County Assessor and County Surveyor of said County.

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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: In order that there may be no unnecessary delay in the beneficial use of the area to be vacated; therefore an emergency hereby is declared to exist and this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, JUN 5 1952

Dorothy McCullough Lee
Mayor of the City of Portland
Will Gibson.

Attest:

Auditor of the City of Portland

Calendar No. 3015

ORDINANCE No. 36183

Title

An Ordinance vacating all that portion of S.E. Franklin Street from a point 332.62 feet west of the west line of S.E. 71st Avenue easterly 72.31 feet to a point 260.31 feet west of the west line of S.E. 71st Avenue, and declaring an emergency.

INTRODUCED BY
Order of Council
DRAWN BY
AGB:11

Date May 28, 1952

NOTED BY THE COMMISSIONER

Affairs
Finance
Safety
Utilities
Works
City Attorney AGB

NOTED FOR CITY AUDITOR

RSI
JHL

APPROVED

Date
By Chief Civil Engineer

Date
By City Engineer

THE COMMISSIONERS VOTED AS FOLLOWS:

	Yes	Nays
Bean	/	
Boody	/	
Bowes	/	
Peterson	/	
Lee	/	

FOUR-FIFTHS CALENDAR

Bean	
Bennett	
Bowes	
Peterson	
Lee	

Filed MAY 28 1952

Phil Siborn
Auditor of the CITY OF PORTLAND

By R. S. WEY
Deputy