

## ORDINANCE ACCEPTANCE

Portland, Oregon, \_\_\_\_\_ January 6 \_\_\_\_\_ 19 55

WILL GIBSON,  
Auditor of the City of Portland,  
Room 202, City Hall  
Portland 4, Oregon  
Dear Sir:

This is to advise the City of Portland, Oregon, that I hereby accept the terms and provisions of Ordinance No. 101518, passed by the City Council January 5, 1955 vacating, subject to conditions, that portion of N. Reno Avenue lying between the westerly line of N. Smith Street and the easterly line of N. Hudson Street, in the City of Portland, County of Multnomah, Oregon, and declaring an emergency and in consideration of the benefits to be received thereunder by me I hereby agree to abide by and perform each and all of the terms and provisions thereof applicable to me.

Very truly yours,

SCHOOL DISTRICT NO. 1

[CORPORATE  
SEAL]

\*

*Rudolf Leonore*  
*School Clerk*

631 N. E. Clackamas Street

Address

Approved as to form:

*M. L. Huchings*

Chief Deputy City Attorney

\*When an Acceptance is required from a firm or corporation the Acceptance must be signed by an officer of the firm or corporation stating his or her official title, and corporations must affix the corporate seal.

## ORDINANCE No. 101518

JAN-28-55 397530

— VII A

4.50

101518  
No 123618

to conditions, that portion of  
between the westerly line of N.  
westerly line of N. Hudson Street,  
County of Multnomah, Oregon,  
by.

OFFICE OF  
SI COHN, COUNTY CLERK  
MULTNOMAH COUNTY, OREGON

RECORDING DEPARTMENT

NAME

*City of Park*RECORDING NO.  
FILE NO.

DOCUMENT

PARTIES

*Ord**No. 101518**4.50**Book 1703**Page 4**Recorded Jan 28, 1955*

the Council that School District  
Oregon, on June 17, 1954, by Andrew  
pursuant to a resolution of the  
said individual to execute such  
tract, filed with the City Audi-  
on of a certain portion of N.  
westerly line of N. Smith Street  
Hudson Street, in the City of  
State of Oregon, under the pro-  
and including 271.170 ORS, and  
consent in writing of all abut-  
portions of said avenue to be  
ords in area of all the real prop-  
; and that the City Auditor duly  
o by publication of a notice,  
sive weeks that said petition  
ed vacation, and that said peti-  
ions, remonstrances, and all  
be made in writing and filed  
of Portland, Oregon, prior to the  
d and considered at a regular  
l. Wednesday, November 24, 1954,  
City Hall in said City; that  
d in the City Official Newspaper,  
ommerce, on November 26, 1954,  
he same date of said first publica-  
by posting three notices headed,  
n three conspicuous places in  
he places described and designated

Object to which attached

ion of  
on  
e of

On a Sign Post



## ORDINANCE No.101518

An Ordinance vacating, subject to conditions, that portion of N. Reno Avenue lying between the westerly line of N. Smith Street and the easterly line of N. Hudson Street, in the City of Portland, County of Multnomah, Oregon, and declaring an emergency.

WHEREAS, it appears to the Council that School District No. 1 of Multnomah County, Oregon, on June 17, 1954, by Andrew Comrie, School Clerk, acting pursuant to a resolution of the School Board, duly authorizing said individual to execute such petition on behalf of said District, filed with the City Auditor a petition for the vacation of a certain portion of N. Reno Avenue lying between the westerly line of N. Smith Street and the easterly line of N. Hudson Street, in the City of Portland, County of Multnomah, State of Oregon, under the provisions of Sections 271.080 to and including 271.170 ORS, and also filed with the Auditor a consent in writing of all abutting property owners upon the portions of said avenue to be vacated, and more than two-thirds in area of all the real property affected by such vacation; and that the City Auditor duly gave notice by posting and also by publication of a notice, once each week for four successive weeks that said petition had been filed for said proposed vacation, and that said petition, together with any objections, remonstrances, and all claims for damages which might 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 at a regular meeting to be held at 9:30 a.m. Wednesday, November 24, 1954, in the Council Chambers of the City Hall in said City; that said notice was first published in the City Official Newspaper, to-wit: the Daily Journal of Commerce, on November 26, 1954, and that the said Auditor on the same date of said first publication further published notice by posting three notices headed, "Notice of Street Vacation", in three conspicuous places in the area of said vacation at the places described and designated as follows:

<u>Location</u>	<u>Object to which attached</u>
At the approximate intersection of the Easterly line of N. Hudson Street and the Southerly line of N. Reno Avenue.	On a Sign Post

## ORDINANCE No.

(Cont'd) LocationObject to which attached

On the approximate Southerly line of N. Reno Avenue approximately 106 feet Easterly of N. Hudson Street.

On a pole

At the approximate intersection of the Northerly line of N. Reno Avenue and the Westerly line of N. Smith Street.

On a pole

and

WHEREAS, said matter came on regularly for hearing on November 24, 1954, at which time a hearing was held on said petition, together with the report of the City Engineer and the recommendation of the Commissioner of Public Works; that no one appeared to object thereto and no objections or remonstrances, nor any claim for damages, were filed or made against the same, and there was filed with the City Auditor the consent in writing of all abutting property owners upon the portion of said 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 Port of Portland has formally approved said proposed vacation by adoption of an appropriate resolution, and

WHEREAS, the Council finds that the reason for this vacation is for general public purposes, the same as the adjacent ground, and particularly for school and playground purposes; that the reasons for such vacation and the particular circumstances for the vacation are: to enlarge and consolidate the existing site and lessen the traffic hazard, and

WHEREAS, the Council finds that a vacation of the real property herein described will not injuriously affect the market value of the property abutting or affected by such vacation, but such vacation is in the public interest and necessary for the public purposes of School District No. 1, and said vacation in all respects will be for the public welfare, and it further appearing 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 thereon, and that such vacation should be made a matter of record; now, therefore,



## ORDINANCE No.

The City of Portland does ordain as follows:

Section 1. It hereby is ascertained and determined that said vacation will not injuriously affect the market value of any of the property abutting upon said street area to be vacated but will be beneficial thereto and is in the public interest; that the consent of the owners of all of the property adjacent or abutting the 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, at which the Council found and does now find and determine that the public interest will not be prejudiced but that said vacation will enhance the public interest and welfare, all of which determinations hereby are made a matter of record.

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

All that portion of N. Reno Avenue lying between the westerly line of N. Smith Street, and the easterly line of N. Hudson Street, City of Portland, County of Multnomah, State of Oregon.

Section 3. This vacation is made upon the following conditions, and with the following reservations:

- (a) Nothing herein contained shall cause or require the removal of or abandonment of any sewer, water main, gas main, conduit of 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 of 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 erected within a distance of ten (10) feet of the center line of any sewer, gas main, conduit, wire, pole or facility used or intended to be used for any public service except by written consent of the City Engineer and the owner of such utility first had; that any and all contemplated building plans in said vacated area shall be submitted for approval to the City Engineer and to the Building Inspections Director, Bureau of Buildings, 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 the same as presently constructed or hereafter reconstructed, renewed, replaced and/or enlarged.

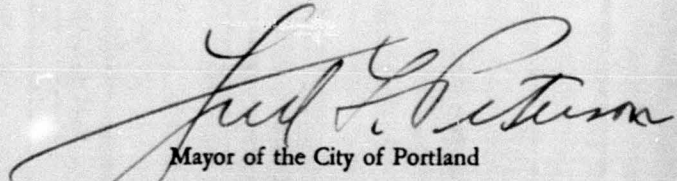
## ORDINANCE No.

- (b) That the petitioner, School District No. 1, shall pay to the City of Portland and credit to the Sidewalk Rotary Account (7005) the actual cost, but in no event more than \$1,400.00, of reconstructing the sidewalks, curbs, sewer inlet and intersections of said N. Reno Avenue with N. Smith and N. Hudson Streets, or in the alternative said School District No. 1 shall perform the necessary work in accordance with the plans and specifications of the City Engineer, to effect the closing of said N. Reno Avenue.

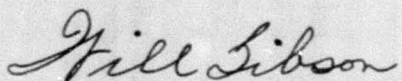
Section 4. This vacation is further conditioned that the petitioner herein shall file with the Auditor of the City of Portland an acceptance of this vacation in form approved by the City Attorney, and the Auditor shall file for record with the County Clerk, who is ex-officio recorder in and for Multnomah County, a certified copy of this ordinance and said acceptance, and likewise file a copy with the County Assessor and County Surveyor of said County.

Section 5. 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 providing the needed school and playground sites in the city; 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, **JAN 5 - 1955**

  
Mayor of the City of Portland

Attest:



Auditor of the City of Portland



Calendar No. 46

# ORDINANCE No. 101518

Title

An Ordinance vacating, subject to conditions, that portion of N. Reno Avenue lying between the westerly line of N. Smith Street and the easterly line of N. Hudson Street, in the City of Portland, County of Multnomah, Oregon, and declaring an emergency.

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yes	Nays
Bean	/	
Boody	/	
Bowes	/	
Earl	/	
Peterson	/	

FOUR-FIFTHS CALENDAR	
Bean	
Boody	
Bowes	
Earl	
Peterson	

Filed..... DEC. 31 1954.....

*Wille Sibson.*  
Auditor of the CITY OF PORTLAND

By *W. S. Kelly* Deputy

INTRODUCED BY
Order of Council

DRAWN BY
<i>EWC/dh</i>
Date December 30, 1954

NOTED BY THE COMMISSIONER
Affairs
Finance
Safety
Utilities
Works

City Attorney
<i>W. S. Kelly</i>

NOTED FOR CITY AUDITOR
<i>W. S. Kelly</i>

APPROVED
Date
By
City Engineer
Date
By