



County Clerk's Office, Multnomah County, Oregon

CIRCUIT COURT DEPARTMENT  
LITIGATION ACCOUNT

No 1418

Reg. No. *Book # 102161*

Portland, Oregon,

*July 26*

1955

RECEIVED OF

*The City of Portland*

DOLLARS

Plaintiff

*Co. Attorney Fee*

vs.

Defendant

Bail

In the above entitled case.

Total . . . \$ *2.50*

By

*SI COHN,*  
County Clerk,  
*Deer*  
Deputy

#86

RECEIVED  
ORDINANCE ACCEPTANCE

1955 JUN 14 AM 8 25

Portland, Oregon, Auditor June 3 1955  
CITY OF PORTLAND, ORE.  
BY \_\_\_\_\_

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. 102161, passed by the City Council June 1, 1955 vacating subject to conditions certain portions of N. E. 84th Avenue and N. E. Clackamas Street lying within the recorded plat of Gannon Addition and all of those parts of Gannon Addition now platted and known as Blocks A, B. and C for replatting and relocation of street areas

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,

STARK STREET CO. INC.

\* Will McFromme President

Ueon Building

Address

[CORPORATE SEAL]

Approved as to form:

Alexander H. Brown  
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. 102161

An Ordinance vacating subject to conditions certain portions of N.E. 84th Avenue and N.E. Clackamas Street lying within the recorded plat of Gannon Addition and all of those parts of Gannon Addition now platted and known as Blocks A, B, and C for replatting and relocation of street areas.

WHEREAS it appearing to the Council that Stark Street Co., Inc., an Oregon corporation, c/o Joseph K. Carson, Jr., Attorney at Law, Yeon Building, Portland, Oregon, on or about the 23rd day of March, 1955, filed with the City Auditor, a petition for the vacation of certain street area and for the vacation of certain blocks and lots included in Gannon Addition to the City of Portland, more particularly described as follows:

All of that portion of N.E. 84th Avenue and all of that portion of N.E. Clackamas Street lying within the recorded plat of Gannon Addition, also

All of those parts of Gannon Addition now platted and known as Blocks A, B, and C, thereof; all being within the City of Portland, County of Multnomah and State of Oregon,

under the provisions of ORS 271.080 to and including 271.170; that said petition was stated to be for general Zone II and Zone III purposes, the same as the adjacent ground and particularly for development purposes and for replatting and rededication of streets in lieu of portions of plats to be vacated, and the petitioner filed with the Auditor the consent in writing of all the persons owning property immediately adjoining the streets to be vacated and the consent of more than two-thirds in area of all the real property affected by such plat and street vacation, and at the time of said filing said petitioner paid the required fee, and said petitioner filed a tentative plan for replat and rededication; and that on March 30, 1955 the Council of the City of Portland considered the petition and there appeared to be no reason why the petition should not be allowed in whole or in part and the Council fixed as a time for formal hearing upon the petition May 4, 1955; and that thereupon the City Auditor gave notice by posting and by publication for a period of four (4) successive weeks that said petition had been filed for said proposed vacation proceedings and that said petition together with any objections, remonstrances and/or claims for damage which may be made in writing and filed with the Auditor of the City of Portland, Oregon, prior to the date of hearing would be heard and

## ORDINANCE No. 102161

considered by the Council of the City of Portland, Oregon, at a regular meeting beginning at 9:30 a.m., Wednesday, May 4, 1955, in the Council Chambers of the City Hall in said City; that said notice was first published in the city official newspaper to wit: Daily Journal of Commerce on April 1, 1955, and further published said meeting by posting six notices headed "Notice of Plat and Street Vacation" in six conspicuous places in the area of said proposed vacation at the places therein described and designated as follows:

<u>Location</u>	<u>Object to which attached</u>
On the approximate south line of N.E. Halsey Street approximately 317.5 feet west of the west line of N.E. 84th Avenue	On a pole
At the approximate intersection of the south line of N.E. Halsey Street and the east line of N.E. 84th Avenue	On a pole
At the approximate intersection of the south line of N.E. Halsey Street and the east line of Block A, Gannon Addition	On a pole
At the approximate intersection of the east line of Block A, Gannon Addition, and the north line of N.E. Clackamas Street	On a stake
At the approximate intersection of the east line of Block A, Gannon Addition, and the southwesterly line of said Block A, Gannon Addition	On a stake
At the approximate intersection of the southwesterly line of N.E. Clackamas Street and the west line of N.E. Halsey Street	On a stake

and

WHEREAS said matter came on regularly for hearing before the City Council at said time and place and 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 the consent in writing of all property owners abutting upon the portion of said area proposed to be vacated and more than two-thirds in area of all the real property affected by such vacation, and

## ORDINANCE No. 102161

WHEREAS the Council finds that the purpose of said vacation is for Zone II and Zone III use, the same as the adjacent ground and particularly for development purposes and for replatting and rededication of streets in lieu of portions of plats to be vacated, and

WHEREAS the Council finds that a vacation of the property both platted and street area herein described will not injuriously affect the market value of the property abutting upon or affected by such vacation and further finds that all things have been done as provided by law for the vacation of said area and that final action should be taken and that such vacation should now 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 this vacation will not injuriously affect the market value of the property abutting upon the area to be vacated but will be beneficial thereto; that the consent of the owners of all the property adjacent to or abutting upon 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 in 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 promote the public welfare, all of which determinations hereby are made a matter of record.

Section 2. There hereby are vacated certain streets and certain blocks and lots as shown in Gannon's Addition, in the City of Portland, as shown on the plat records of Multnomah County, Oregon, all of which lie within the corporate limits of the City of Portland, Oregon, described as follows:

All of that portion of N.E. 84th Avenue and all of that portion of N.E. Clackamas Street lying within the recorded plat of Gannon Addition, also

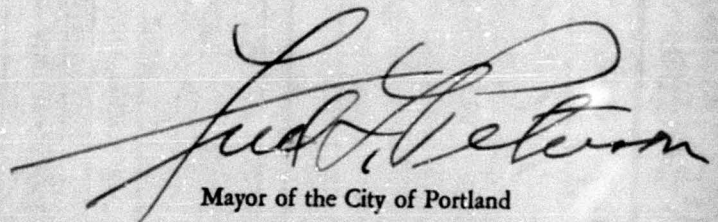
All of those parts of Gannon Addition now platted and known as Blocks A, B, and C, thereof; all being within the City of Portland, County of Multnomah and State of Oregon.

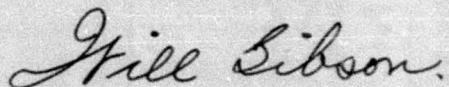
ORDINANCE No. 102161

Provided that there shall be dedicated and this vacation shall not be effective until the dedication shall take place, a certain plat by a sufficient document which shall be made a matter of record and which shall be substantially in accordance with the preliminary plat marked Exhibit "B", attached to the petition, and said dedication is in lieu of the property herein vacated.

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 of any kind, wire, pole or thing used or intended to be used for any public service; and the right is hereby 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 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.

Passed by the Council, JUN 1 - 1955

  
Mayor of the City of Portland

Attest: 

Auditor of the City of Portland

c-6993

Calendar No. 2124  
2368

# ORDINANCE No. 102161

Title

An Ordinance vacating subject to conditions certain portions of N.E. 84th Avenue and N.E. Clackamas Street lying within the recorded plat of Gannon Addition and all of those parts of Gannon Addition now platted and known as Blocks A, B, and C for replatting and relocation of street areas.

MAY 18 1955

Read 1 & 2

PASSED TO THIRD READING JUN 1 - 1955

INTRODUCED BY
Order of Council 11

DRAWN BY
EMC: gm
Date 5/10/55

NOTED BY THE COMMISSIONER
Affairs
Finance
Safety
Utilities
Works

City Attorney
<i>[Signature]</i>

NOTED FOR CITY AUDITOR
<i>[Signature]</i>

APPROVED
Date
By
City Engineer
Date
By

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

FOUR-FIFTHS CALENDAR		
Bean		
Boody		
Bowes		
Earl		
Peterson		

Filed MAY 11 1955

*Phill Sibson*  
Auditor of the CITY OF PORTLAND

By *[Signature]* Deputy