

ORDINANCE ACCEPTANCE

Portland, Oregon, _____ July 30 _____ 19 59

RAY SMITH
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. 110426, passed by the City Council July 29, 1959 vacating portions of N. E. 14th Avenue, N. E. 15th Avenue, N. E. Holladay Street and unnamed street in Holladay's Addition to East Portland, under certain terms and conditions,

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,

Hoyd Query

STATE HIGHWAY DEPARTMENT

[CORPORATE
SEAL]

* *Scty OS#C*

P. O. Box 30, Salem, Oregon

Address

Approved as to form:

Alexander H. Brown
City Attorney

RAY SMITH, AUDITOR
CITY OF PORTLAND, OREGON

NOV 10 AM 9

RECEIVED

*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.

DEC--7-59 888107

- VII B 110426 0.00

RECEIPT

No 54558

OFFICE OF
SI COHN, COUNTY CLERK
MULTNOMAH COUNTY, OREGON

RECORDING DEPARTMENT

NAME

City Auditor

FILE NO.

DOCUMENT

PARTIES

P/c

Ord # 110426
Public

Stt

Book 1987
Page 27

110426

County Clerk's Office, Multnomah County, Oregon

CIRCUIT COURT DEPARTMENT
LITIGATION ACCOUNT

N^o 1076

Reg. No. *None*

Portland, Oregon, *12-7*, 195*9*

RECEIVED OF *Key Smith*

Five and 100

DOLLARS

Plaintiff \$

Defendant \$

Bail \$

Ord # 110426 \$ *250*

In the above entitled case.

Cardwell
vs

SI COHN,
County Clerk,

Total . . . \$ *250*

By *E. H. Cohn*
Deputy

ORDINANCE NO. 110426

An Ordinance vacating portions of N.E. 14th Avenue, N.E. 15th Avenue, N. E. Holladay Street and unnamed street in Holladay's Addition to East Portland, under certain terms and conditions.

WHEREAS, the Council by Resolution No. 27972, adopted by the Council May 7, 1959, initiated action for the vacation of certain portions of N. E. 14th Avenue, N. E. 15th Avenue, N. E. Holladay Street and unnamed street lying adjacent to the northwesterly right-of-way line of the OWR & N Company in Holladay's Addition to East Portland, in the corporate limits of the City of Portland, Oregon, for the use and benefit of the State Highway Department, as herein specified, pursuant to the applicable provisions of ORS 271.010 to and including 271.230, and thereupon the City Auditor gave notice by posting and also by publication of a notice once each week for four successive weeks that said resolution had been adopted instituting proceedings for the vacation of said street area; that the matter of said vacation, together with any objections, remonstrances and/or claims for damages which might be made in writing and filed with the City Auditor prior to the time of hearing would be heard and considered by the Council at a meeting to be held at 9:30 a.m., June 17, 1959, in the Council Chambers of the City Hall in said City, which notice was first published in the City's official newspaper, to wit: the Daily Journal of Commerce, on May 15, 1959, and the 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 the area of said proposed vacation, described and designated as follows:

<u>Location</u>	<u>Object to which attached</u>
At the approximate intersection of the westerly line of N. E. 14th Avenue and the northwesterly right-of-way line of O.W.R. & N. Co.	On a stake
At the approximate intersection of the easterly line of N. E. 15th Avenue and the northwesterly right-of-way line of the OWR & N Co.	On a pole
At the approximate intersection of the west line of N. E. 16th Avenue and the northwesterly right-of-way line of the OWR & N Co.	On a pole

and

WHEREAS, said matter came on regularly for hearing on June 17, 1959 in the Council Chambers of the City, and no one appeared to object thereto and no objection or remonstrance, nor any claims for damage were filed or made against the same, and thereupon said matter was continued to July 8, 1959; and

WHEREAS the abutting property owners have consented to said proposed vacation and such consents have been filed with the City Auditor, and

WHEREAS the Council finds that the petition for street vacation has been investigated by the City Engineer, who recommends that the vacation be granted subject to certain conditions set forth in his report and hereinafter recited, which report is dated June 29, 1959; and

WHEREAS the Council finds that the proposed street vacation is for highway purposes, and

WHEREAS, the Council finds that the vacation of the area 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 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 such vacation 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 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; 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 the consent of the owners of more than two-thirds in area of all the owners of real property affected by said vacation has also been filed; that notice has been duly and regularly given of such vacation and hearings thereon duly and regularly had and the Council found and does now find that the public interest will not be prejudiced thereby, but that said vacation will enhance the public interest and welfare; that the vacation should be granted with conditions as outlined in the City Engineer's Report, as hereinafter recited, 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, County of Multnomah, State of Oregon, to wit:

Portions of N. E. 14th Avenue, N. E. 15th Avenue
N. E. Holladay Street and unnamed street in Holladay's
Addition to East Portland and more particularly described
as follows:

A parcel of land 11 feet in width being adjacent to
and northwesterly of the northwesterly right-of-way line
of OWR & N Company and lying between the westerly line of
N.E. 14th Avenue as platted in Holladay's Addition to
East Portland and a line 30 feet west of and parallel to the
east line of N. E. 16th Avenue as now laid out, all within
the corporate limits of the City of Portland, County of
Multnomah and State of Oregon.

Section 3. This vacation is made contingent and dependent
upon the following conditions:

a. That the State of Oregon, by and through its State Highway
Department, pay all costs incidental to the vacation.

b. That an adequate easement be maintained by the City to
accommodate the sewer lying in the strip proposed to be vacated;

c. This vacation is made upon the 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 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 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.

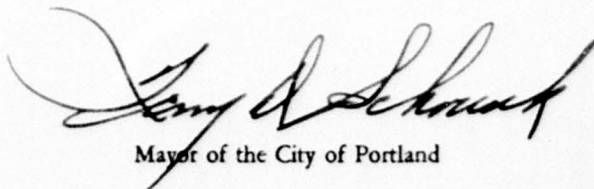
Section 4. The State of Oregon, by and through its State
Highway Department, shall file with the Auditor of the City of
Portland an acceptance of this vacation, signed and acknowledged
by its duly authorized representative, and approved by the City
Attorney as to form, and the Auditor shall file for record with

ORDINANCE No. 110426

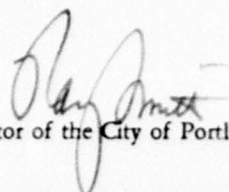
the County Clerk of Multnomah County, State of Oregon, a certified copy of this ordinance and said acceptance thereof, as provided by law, and likewise file copies with the County Assessor and the County Surveyor of said County.

Passed by the Council,

JUL 29 1959


Mayor of the City of Portland

Attest:


Auditor of the City of Portland

C-94-97

INTRODUCED BY
Order of Council

Calendar No. 3168
3361

ORDINANCE NO. 110426

Title

An Ordinance vacating portions of N.E. 14th Avenue, N.E. 15th Avenue, N.E. Holladay Street and unnamed street in Holladay's Addition to East Portland, under certain terms and conditions.

JUL 15 1959

Read 1 & 2

PASSED TO THIRD READING JUL 29 1959

DRAWN BY
AGB:gm
Date 7-9-59

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	/	
Bowes	/	
Earl	/	
Grayson	/	
Schrunk	/	

FOUR-FIFTHS CALENDAR	
Bean	
Bowes	
Earl	
Grayson	
Schrunk	

Filed JUL 10 1959

RAY SMITH
Auditor of the CITY OF PORTLAND
By *[Signature]* Deputy