



ORDINANCE NO. **149226**

An Ordinance vacating all that portion of SE 8th Avenue lying between the south line of SE Morrison Street and the north line of SE Belmont Street, under certain conditions.

The City of Portland ordains:

Section 1. The Council finds:

1. First State Bank of Oregon on January 29, 1979 filed a petition to vacate all that portion of SE 8th Avenue lying between the south line of SE Morrison Street and the north line of SE Belmont Street.
2. The petition states the reason for the vacation is to provide additional off-street parking for adjacent commercial properties.
3. The vacation is recommended by the Commissioner of Public Works under certain conditions set forth in the directive action below.
4. In accordance with O.R.S. 271.100, the Council fixed a time and place for public hearing before the Council; the Auditor published notice thereof; and posted notice in the area proposed to be vacated.
5. Other procedural requirements of O.R.S. 271 have been complied with and the Council having held a public hearing October 10, 1979, and all objections filed against said vacation were heard by the Council; the matter was continued to October 17, 1979 at which time the Council referred the matter to the Planning Commission; the matter was rescheduled for Council consideration on December 26, 1979 and was again continued to January 17, 1980 at which time the vacation was approved; that the remonstrances against the vacation were overruled and by this ordinance are specifically overruled, and it is in the public interest that said street be vacated.

NOW, THEREFORE, the Council directs:

- a. All that portion of SE 8th Avenue lying between the south line of SE Morrison Street and the north line of SE Belmont Street, is hereby vacated.
- b. The vacation of the above described street area is granted subject to the following conditions and restrictions:
  - (1) That the petitioner pay to the City the sum of \$409.00, this being the costs of processing the vacation in excess of the \$200.00 already paid.
  - (2) Nothing contained herein shall cause or require the removal or abandonment of any sewer or gas main, conduit of any kind, wire, pole or thing used, or intended to be used for any public service, (with the exception of water facilities, for which no easements are reserved) and the right hereby is re-

served for the owner of any such utility or thing to maintain, continue, repair, reconstruct, renew, place, 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 centerline of any such utility, except with the prior written consent of the City Engineer and the owner of the utility 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 of the 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 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 hereinafter reconstructed, renewed, replaced and/or enlarged.

- (3) That the petitioner pay all costs of modification of existing water facilities as required by the Chief Engineer, Bureau of Water Works.
- (4) That the petitioner pay all costs of the removal or relocation of an existing street light as required by the City Engineer.
- (5) That the petitioner agree that unobstructed pedestrian passage through the vacated area between SE Belmont Street and SE Morrison Street will be allowed.
- (6) That the petitioner, with the assistance of the City and Tri-Met, will institute a transit and carpool incentive program for its employees.
- (7) That the petitioner pay all costs of intersection reconstruction at both the SE Belmont and SE Morrison Street ends of the portion of SE 8th Avenue herein vacated as required by the City Engineer.
- (8) The sum of \$11,258.00 in cash be deposited by the petitioner with the City Treasurer in a trust fund, or a corporate surety bond in the above amount and approved by the City be posted in lieu thereof to cover the estimated cost of improvements required by the City Engineer. Upon completion of the work by and at the expense of the petitioners, and in accordance with plans furnished by the City Engineer, said sum of \$11,258.00 will be refunded or the surety bond will be released. In the event the cash deposit or bond is not sufficient to cover the costs of reconstruction as required by the City Engineer, the petitioners agree to pay all costs in excess of such deposit or bond, and the petitioners further agree that if they fail or neglect to complete said reconstruction within a reasonable time, as determined by the City Engineer, the City is authorized to draw from the sum deposited, or on the bond, as is required to complete the reconstruction by City Maintenance personnel.

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- (9) That in the event the petitioner fails to fully comply with the above conditions within 6 months after the effective date of this ordinance, said ordinance will then be subject to repeal by the Council.

## Section 2.

- a. Petitioner shall file with the Auditor a document, which has been approved by the City Attorney, accepting the terms and conditions hereof.
- b. The City Auditor shall, at the expense of the petitioner, file with the recorder, the assessor, the surveyor of the county in which said property is located, a certified copy of this ordinance and the acceptance thereof, and any map, plat or other record which may be required by law.

COUNCIL OF PORTLAND

Passed by the Council, **FEB 28 1980**

ORDER OF COUNCIL  
Stu Keebaugh/sg  
February 4, 1980

*Ernie M. Brady*  
Mayor of the City of Portland

Attest:

*Joseph J. Johnson*  
Auditor of the City of Portland

Calendar No. <sup>722</sup>~~643~~

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**Title**

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FEB 20 1980

SENT TO THIRD READING FEB 27 1980

Filed FEB 14 1980

**GEORGE YERKOVICH**  
Auditor of the CITY OF PORTLAND

By *Jordan* Deputy

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Ivancie	1	
Jordan	1	
Lindberg	1	
Schwab		—
McCready	1	

FOUR-FIFTHS CALENDAR	
Ivancie	
Jordan	
Lindberg	
Schwab	
McCready	

INTRODUCED BY
ORDER OF COUNCIL

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration
Safety
Utilities
Works

BUREAU APPROVAL
Bureau: Street & Structural Engineering
Prepared By: SK <i>CS</i> Date: 2/4/80
Budget Impact Review: <input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not required
Bureau Head: <i>David J. Vargas</i> David J. Vargas, Acting Chief

NOTED BY
City Attorney
City Auditor
City Engineer APPROVED: <i>John M. Lang</i> , Acting City Engr.
BY: <i>David J. Vargas</i>

ORIGINAL