

## ORDINANCE NO. 149287

An Ordinance vacating all that portion of N.W. 24th Place lying between the southerly line of N.W. Nicolai Street and the southerly line of Lot 7, Block 1, Versteeg's Addition, extended westerly, under certain conditions.

The City of Portland ordains:

Section 1. The Council finds:

1. Resolution No. 32580 adopted by the Council December 26, 1979, initiated proceedings for the vacation of all that portion of N.W. 24th Place lying between the southerly line of N.W. Nicolai Street and the southerly line of Lot 7, Block 1, Versteeg's Addition, extended westerly.
2. The purpose of the vacation is to provide for industrial expansion in this area presently closed by revocable permit issued to ESCO Corporation.
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 finds no objections were made or filed hereto and it is in the public interest that said street be vacated.

NOW, THEREFORE, the Council directs:

- a. All that portion of N.W. 24th Place lying between the southerly line of N.W. Nicolai Street and the southerly line of Lot 7, Block 1, Versteeg's Addition, extended westerly, is hereby vacated.
- b. The vacation of the above described street area is granted subject to the following conditions and restrictions:
  - (1) That ESCO Corporation pay to the City the sum of \$230.00, this being the cost of the vacation proceedings in excess of the minimum filing fee of \$200.00 already paid.

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- (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 the existing sanitary sewer for which no easement is reserved); 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 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 existing sanitary sewer within the area vacated is abandoned by the City and will no longer be maintained by the City.
- (4) That ESCO Corporation agrees to pay all costs of the intersection improvements at N.W. Nicolai Street and N.W. 24th Place in accordance with plans to be furnished by the City Engineer.
- (5) The sum of \$5,821.00 in cash be deposited by ESCO Corporation 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 ESCO Corporation, and in accordance with plans furnished by the City Engineer, said sum of \$5,821.00 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, ESCO Corporation agrees to pay all costs in excess of such deposit or bond, and ESCO Corporation further

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agrees 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.

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

Section 2.

- a. ESCO Corporation 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 ESCO Corporation, 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.

Passed by the Council, MAR 19 1980

ORDER OF COUNCIL  
Stu Keebaugh/jmh  
February 26, 1980

*Charles M. Taylor*  
Mayor of the City of Portland

Attest:

*George J. Juchnick*  
Auditor of the City of Portland

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(C-9277)

MAR 5 1980

PASSED TO THIRD READING MAR 12 1980

MAR 13 1980

CONTINUED TO MAR 19 1980

Filed FEB 26 1980

GEORGE YERKOVICH

Auditor of the CITY OF PORTLAND

By: [Signature]  
Deputy

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Ivancie	1	
Jordan	1	
Lindberg	1	
Schwab	1	
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 <u>ML/jmj</u>

BUREAU APPROVAL
Bureau: Street & Structural Engineering
Prepared By: Carl Short/jmh Date: 2/26/80
Budget Impact Review: <input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not required
Bureau Head: <u>David J. Vargas</u> David J. Vargas, Acting Chief

NOTED BY
City Attorney
City Auditor
City Engineer Approved: <u>[Signature]</u> John M. Lang, Acting City Engr.
By: <u>David J. Vargas</u>

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