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149347

GEORGE YERKOVICH, AUDITOR
CITY OF PORTLAND, ORE.

ACCEPTANCE

BY _____

Portland, Oregon, _____ March 31, _____ 1980

GEORGE YERKOVICH
Auditor of the City of Portland,
Room 202, City Hall
Portland, Oregon 97204

Dear Sir:

This is to advise the City of Portland, Oregon, that I hereby accept the terms and provisions of Ordinance No. 149347 vacating all that portion of NE 11th Avenue lying between the south line of NE Flanders Street and the north line of NE Davis Street, under certain 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,

United States Bakery (Franz) _____

[CORPORATE
SEAL]

* *Joseph E. Franz Pres.* _____

340 NE 11th Ave _____

Address

APPROVED AS TO FORM
Approved as to form:

Joseph A. Thomas _____

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. 149347

An Ordinance vacating all that portion of NE 11th Avenue lying between the south line of NE Flanders Street and the north line of NE Davis Street, under certain conditions.

The City of Portland ordains:

Section 1. The Council finds:

1. United States Bakery (Franz) on June 21, 1979 filed a petition to vacate all that portion of NE 11th Avenue lying between the south line of NE Flanders Street and the north line of NE Davis Street.
2. The petition states the reason for the vacation is to consolidate property to allow expansion of an existing bakery.
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 and all objections brought against said vacation were considered by the Council 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 NE 11th Avenue lying between the south line of NE Flanders Street and the north line of NE Davis 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 \$280.00, this being the costs of the vacation proceedings in excess of the minimum \$200.00 filing fee 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 or sewers for which no easements are 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 petitioner agrees to pay all costs of modification of existing water facilities as required by the Chief Engineer, Bureau of Water Works.
- (4) That the petitioner agrees to pay all costs of the abandonment of the existing 12 inch diameter sewer in NE 11th Avenue and the re-routing of the present flow by way of NE 10th Avenue through a larger diameter pipe. All improvements are to be in accordance with plans to be furnished by the City Engineer.
- (5) That the petitioner agrees to pay all costs of the street closures at both the NE Flanders Street and NE Davis Street intersections with NE 11th Avenue, all improvements to be in accordance with plans to be furnished by the City Engineer.
- (6) The sum of \$9,208.00 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 street 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 \$9,208.00 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

ORDINANCE No.

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.

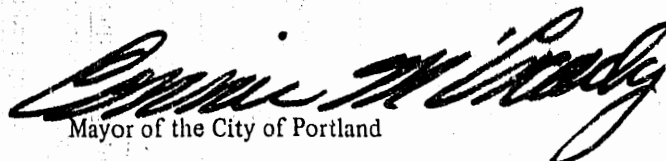
- (7) That in the event the petitioner fails to fully comply with the above conditions within six months after the effective date of the vacating ordinance, said ordinance will then be subject to repeal by the Council.

Section 2.

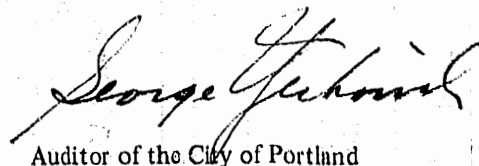
- a. Petitioner shall file with the Auditor a document, which has been approved by the City Attorney, accepting the terms and conditions hereof.
- b. The City Auditor shall, at the expense of the petitioner, file with the recorder, the assessor, the surveyor of the county in which said property is located,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

Passed by the Council, MAY 27 1980

ORDER OF COUNCIL
Stu Keebaugh/ms
February 28, 1980


Mayor of the City of Portland

Attest:


Auditor of the City of Portland

1055
Calendar No. ~~962~~

ORDINANCE No. 149317

Title

An Ordinance vacating all that portion of NE 11th Avenue lying between the south line of NE Flanders Street and the north line of NE Davis Street, under certain conditions. (C-9218)

MAR 19 1980

PASSED TO THIRD READING MAR 26 1980

Filed MAR 14 1980

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By

Deputy

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

FOUR-FIFTHS CALENDAR	
Ivancie	
Jordan	
Lindberg	
Schwab	
McCready	

INTRODUCED BY
Order of Council

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration
Safety
Utilities
Works <i>ML/mgt</i>

BUREAU APPROVAL
Bureau: Street & Structural Engineering
Prepared By: Carl Short/SK/ms Date: 2/28/80
Budget Impact Review: <input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not required
Bureau Head: Acting David J. Vargas <i>David J. Vargas mgt</i>

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