

JUL 16 2 58 46 AM 1980

GEORGE YERKOVICH, AUDITOR
CITY OF PORTLAND, ORE.

ACCEPTANCE

BY *[Signature]*

Portland, Oregon, June 30, 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. 149905, passed by the Council June 26, 1980, vacating a portion of N. Olympia Street southerly of N. Columbia Boulevard,

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,

RENEE HOMES, INC.

[CORPORATE
SEAL]* *Wayne E. Luchman*12125 SW Canyon Road, Beaverton, Oregon 97005
Address

APPROVED AS TO FORM

Approved

William P. Thomas

CITY ATTORNEY

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. **149905**

An Ordinance vacating a portion of N. Olympia Street southerly of N. Columbia Boulevard under certain conditions and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. Resolution No. 32664 adopted by the Council April 30, 1980, initiated proceedings for the vacation of a portion of N. Olympia Street southerly of N. Columbia Boulevard.
2. The vacation is to bring two homes, owned by Renee Homes, Inc., and now nearing completion of construction into compliance with the Planning & Zoning Code regarding set-back requirements.
3. In order to retain sufficient right of way for existing street improvements and still accomplish the purpose of the vacation, the Commissioner of Public Works recommends the vacation in part only as described below and that said vacation be subject to the 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. That the following described street area be vacated:

All that portion of N. Olympia Street bounded on the west by a line drawn 1.5 feet east of and parallel with the northerly extension of the west line of Lot 11, Block 37, East St. Johns, on the south by the north line of said Block 37, and on the northeast by a line drawn 80 feet southerly of and parallel with the northerly line of N. Columbia Blvd. as laid out and established 80 feet in width; EXCEPT that portion, if any, of the north half of N. Olympia Street lying within the above described area and lying east of the northerly extension of the west line of Lot 13, in said Block 37.

- b. That the above described street area is vacated subject to the following conditions and restrictions:

- (1) That Renee Homes, Inc., 12125 SW Canyon Road, Beaverton, Oregon 97005, pay to the City Treasurer the sum of \$354.00, this being the costs to the City of processing this street vacation.

- (2) Nothing herein contained shall cause or require the removal or abandonment of any water or gas main, conduit of any kind, wire, pole or thing used, or intended to be used, for any public service, (except as herein provided with respect to existing and future sewers) 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 an easement is reserved for maintenance of existing sewers and construction of additional sewers over the entire area vacated, excepting therefrom that portion lying south of a line drawn 16 feet north of and parallel with the north line of Block 37, East St. Johns.

Section 2.

- a. Renee Homes, Inc., 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 Renee Homes, Inc., 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.

ORDINANCE No.

Section 3. The Council declares that an emergency exists because a delay in vacating this street area would unnecessarily delay the sale and occupancy of two houses; therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, JUN 26 1980

ORDER OF COUNCIL
Stu Keebaugh/sg
June 17, 1980

George F. Johnson
Auditor of the City of Portland

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	

Calendar No. 2308

ORDINANCE No. 149905

Title

An Ordinance vacating a portion of N. Olympia Street southerly of N. Columbia Boulevard under certain conditions, and declaring an emergency. (C-9298)

Filed JUN 19 1980

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By Gordon C. Hall

Deputy

INTRODUCED BY
ORDER OF COUNCIL

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration
Safety
Utilities
Works <u>ML/SA</u>

BUREAU APPROVAL
Bureau: Street & Structural Engineering
Prepared By: SK <u>CS</u> Date: 6/17/80
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 <u>[Signature]</u>
City Engineer APPROVED: John M. Lang, P.E.
BY: <u>Richard E. Johnson</u>