


ACCEPTANCE

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 GEORGE YERKOVICH, AUDITOR
 CITY OF PORTLAND, ORE.
 BY 

Portland, Oregon, June 26, 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. 149823, passed by the Council June 25, 1980, vacating a certain portion of SE Ramona Street and SE 86th Court,

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,

ARCHDIOCESE OF PORTLAND IN OREGON

+ Paul E. Luadtschmidt, cm.

2838 E Burnside, Portland, Oregon 97207

Address



APPROVED AS TO FORM
 Approved as to form:

Christopher P. 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. **149823**

An Ordinance vacating a certain portion of SE Ramona Street and SE 86th Court, under certain conditions.

The City of Portland ordains:

Section 1. The Council finds:

1. On October 26, 1979 the Archdiocese of Portland in Oregon filed a petition to vacate certain portions of SE Ramona Street and SE 86th Court.
2. The petition states the reason for the vacation is to consolidate property for future development of St. Peter's Parish.
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 streets be vacated.

NOW, THEREFORE, the Council directs:

- a. All that portion of SE Ramona Street lying between the east line of SE 86th Avenue and its terminus at the west line of SE 86th Court, AND ALSO, all that portion of SE 86th Court lying between the south line of SE Foster Road and a line drawn between the southeast corner of Lot 4, Block 9, Evelyn and the southwest corner of Lot 12, Block 8, Evelyn, a duly recorded plat, are hereby vacated.
- b. The vacation of the above described street areas is granted subject to the following conditions and restrictions:
 - (1) That the petitioner pay to the City the sum of \$194.00, this being the cost of the vacation proceedings in excess of the minimum filing fee of \$200.00 already paid.

- (2) Nothing herein contained shall cause or require the removal or abandonment of any sewer, water 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 city water mains for which no easements need be 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 relocating an existing 6-inch diameter water main in SE 86th Court to a new location in SE 86th Avenue, cutting and plugging the existing main north of the service to 5830 SE 86th Court and transferring the required services to the new main in SE 86th Avenue, all as required by the Chief Engineer, Bureau of Water Works.
- (4) That the petitioner pay all costs of the street closure at the intersection of SE 86th Court with SE Foster Road, all improvements to be in accordance with plans to be furnished by the City Engineer.
- (5) The sum of \$1412.00 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 the 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 \$1412.00 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

ORDINANCE No.

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 the petitioner fails to fully comply with the above conditions within six months after the effective date of the vacation ordinance, said ordinance will then be subject to repeal by the Council.

Section 2.

- a. The Archdiocese of Portland in Oregon 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 Archdiocese of Portland in Oregon, 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, JUN 25 1980

Commissioner Mike Lindberg
Stuart Keebaugh/tw
May 21, 1980

Serg. Yehovil
Auditor of the City of Portland

2195
~~9189~~
 Calendar No. ~~2021~~

ORDINANCE NO. 149823

Title

An Ordinance vacating a certain portion of SE Ramona Street and SE 86th Court, under certain conditions.
 (C-9262)

JUN 1 1 1980

PASSED TO THIRD READING JUN 1 8 1980

JUN 1 8 1980

CONTINUED TO JUN 25 1980

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Years	Days
Ivanic	1	
Jordan	1	
Lindberg	1	
Schwab	1	
McCready		

FOUR-FIFTHS CALENDAR		
Ivanic		
Jordan		
Lindberg		
Schwab		
McCready		

Filed JUN 6 1980

GEORGE YERKOVICH

Auditor of the CITY OF PORTLAND

By *Tomson Howell*
 Deputy

INTRODUCED BY

ORDER OF COUNCIL

NOTED BY THE COMMISSIONER

Affairs

Finance and Administration

Safety

Utilities

Works *ALISA*

BUREAU APPROVAL

Bureau: Street & Structural Engineering

Prepared By: *SK* Date: 5-21-80

Carl Short/cw

Budget Impact Review:

Completed Not required

Bureau Head: *David J. Vargas*
 David J. Vargas, Acting Chief

NOTED BY

City Attorney

City Auditor

City Engineer

APPROVED: John M. Lang

By: *David J. Vargas*