

ORDINANCE NO. 75866

An Ordinance vacating a portion of an alley lying between Lot 1, Block 10 and Lot 13, Block 9, Healy Heights Replat.

WHEREAS, It appears to the Council that on June 13, 1941, a petition was filed with the City Auditor by Properties, Inc., an Oregon corporation, for the vacation of the street area therein specified and hereinafter referred to under the provisions of Chapter 259 Oregon Laws 1931 (95-1331 to 95-1340 inclusive O.C.L.A.) and thereupon the City Auditor duly gave notice by posting and publishing for a period of four successive weeks that said petition had been filed for the vacation of said street area and that the matter of said vacation together with any objection or remonstrance which might be made in writing and filed with the City Auditor prior to the time of hearing would be heard and considered at 9:30 a.m. on Wednesday, July 23, 1941, by the Council of the City of Portland and the Council Chamber in the City Hall of said City, which notice was first published in the City official newspaper, to wit, the Daily Journal of Commerce, on June 20, 1941, and said City Auditor within five days from said first publication further published said matter by posting four notices headed "Notice of Street Vacation" in four conspicuous places in said proposed vacation of such street area; one notice being near the northwesterly corner of Lot 13, Block 9, Healy Heights Replat on a stake; one being approximately 30 feet east of the easterly side line of S. W. McDonnell Terrace near northerly side line of alley between Lot 13, Block 9 and Lot 1, Block 10, Healy Heights Replat on a stake; one being approximately 30 feet east of the easterly side line of S. W. McDonnell Terrace near the southerly side line of alley between Lot 13, Block 9, and Lot 1, Block 10, Healy Heights Replat on a stake; and one being near the westerly side line of S. W. Fairmount Boulevard approximately on center line of alley between Lot 13, Block 9 and Lot 1, Block 10, Healy Heights Replat on a stake; and

WHEREAS, Said matter came on regularly for hearing before the Council at said time and place, when no one appeared to object thereto and no objection or remonstrance was filed or made against the same and there was filed with the City Auditor a consent in writing of all abutting property owners upon the portion of said street area proposed to be vacated, and more than 2/3rds in area of all the real property affected by such vacation; and

WHEREAS, It appears to the Council that a vacation of the area prayed for in the petition should be granted in part so as to reserve an 8 foot strip of said alley so that the same may be used for steps in the event of bus service being inaugurated on S. W. Fairmount Boulevard and that a vacation of said area with said reservation will not injuriously affect the market value of the property abutting or affected by such vacation and that said vacation will be for the public welfare and that all things have been done as by law provided for the vacation of said street area and final action should now be taken thereon and such vacation made a matter of record.

NOW, THEREFORE, The City of Portland does ordain as follows:

Section 1. It is hereby ascertained and determined that the consent of the owners of all of the property immediately abutting on the portion of said street area petitioned to be vacated has been obtained in writing, duly acknowledged and filed with the City Auditor. That a description of the area prayed to be vacated is as follows:

An unnamed alley lying between Lot 1, Block 10, and Lot 13, Block 9, Healy Heights Replat.

That a vacation of a portion thereof reserving to the City an 8 foot strip of said unnamed alley for steps in the event of the inauguration of bus service in the future on S. W. Fairmount Boulevard will not injuriously affect the market value of any of the property abutting upon said street area but will be beneficial thereto; that notice has been duly and regularly given of the vacation petition and a hearing thereon duly and regularly had at which the Council found and does now find and determine that the public interests will not be prejudiced by such vacation with the reservation aforesaid but that said vacation with said reservation will advance the public interest and welfare all of which determinations are hereby made a matter of record.

Section 2. There is hereby vacated the following area:

Beginning at the northwesterly corner of Lot 13, Block 9, Replat of Blocks 1, 2, 3, 4, 5, 6, 7, 9, 10 and 11, and Lots 1, 2, 3

and 4 of Block 8, Healy Heights; thence northeasterly along the easterly line of S. W. McDonnell Terrace a distance of 7.20 feet; thence southeasterly parallel with the northeasterly line of said Lot 13 and 7.0 feet distant therefrom, when measured at right angles a distance of 35.60 feet to a point 8.0 feet northwesterly from the westerly line of S. W. Fairmount Boulevard, measured at right angles; thence southwesterly parallel with the westerly line of S. W. Fairmount Boulevard a distance of 7.0 feet to a point on the northeasterly line of said Lot 13; thence northwesterly 37.28 feet along the northeasterly line of said Lot 13 to the place of beginning.

Said foregoing description covers the area petitioned to be vacated less the reservation hereinbefore set forth.

Nothing contained herein shall cause or require the removal or abandonment of any sewer, watermain, conduit of any kind, wire, pole or any other thing used or intended to be used for any public service and the right is hereby reserved to maintain, continue, repair, construct, remove, replace, rebuild and/or enlarge any or all of such things if any there be on said area hereby vacated, and the City Auditor shall file for record with the County Clerk, who is ex officio Recorder for Multnomah County, Oregon, certified copy of this ordinance as provided by law and like copies with the County Assessor and County Surveyor of said County.

Passed by the Council AUG 27 1941

L. E. B.

R. E. RILEY

Mayor of the City of Portland

Attest:

*Will E. Gibson*

Auditor of the City of Portland

8-6-41  
Order of Council



C/5300

~~4007~~  
4335

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Order of the Council

AUG 13 1941

Read 1 & 2 and up for Third Reading  
9:30 A.M. AUG 27 1941

THE FOLLOWING IS THE  
OFFICIAL VOTE ON THE  
FOREGOING ORDINANCE

	YEAS	NAYS
BOWES	1	
CLYDE	1	
COOPER	1	
PETERSON	1	
RILEY	1	

Filed AUG 28 1941

*Chas E. Dixon*

Auditor of the CITY OF PORTLAND

H. S. WEE

By \_\_\_\_\_ Deputy