

ORDINANCE NO. **151091**

An Ordinance vacating a certain portion of N.E. 88th Avenue lying north of N.E. Russell Place, under certain conditions.

The City of Portland ordains:

Section 1. The Council finds:

1. By Resolution No. 32810 adopted by the Council November 26, 1980, proceedings were initiated for the vacation of a certain portion of N.E. 88th Avenue lying north of N.E. Russell Place.
2. The purpose of the vacation is to provide a site for a storm water retention pond.
3. The vacation is recommended by the Commissioner of Public Works subject to certain conditions set forth in the directive action below.
4. In accordance with ORS 271.100, the Council fixed a time and place for public hearing before the Council; the Auditor published notice thereof; and posted such notice in the area proposed to be vacated.
5. Other procedural requirements of ORS 271 have been complied with and the Council having held a public hearing finds no objections were made or filed thereto and it is in the public interest that said street area be vacated.

NOW, THEREFORE, the Council directs:

- a. All that portion of N.E. 88th Avenue lying between the easterly extension of the north line of Lot 12, Block E, Rocky Butte Addition and the easterly extension of the south line of Lot 9, in said Block E, Rocky Butte Addition, a recorded plat, is hereby vacated.
- b. The vacation of the above described street area is granted, subject to the following conditions and restrictions:

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, 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

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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.

Section 2. The City Auditor shall file with the recorder, the assessor, the surveyor of the county in which said property is located, a certified copy of this Ordinance and any map, plat or other record which may be required by law.

Passed by the Council, FEB 19 1981

ORDER OF COUNCIL
Stu Keebaugh:jmh
January 15, 1981

Attest:

King Helms
Auditor of the City of Portland

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Jordan	/	
Lindberg	/	
Schwab	/	
Ivancie	/	

FOUR-FIFTHS CALENDAR	
Jordan	
Lindberg	
Schwab	
Ivancie	

Calendar No. ⁴¹⁸~~299~~

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Title

An Ordinance vacating a certain portion of N.E. 88th Avenue lying north of N.E. Russell Place, under certain conditions. (C-9345)

FEB 4 1981

PASSED TO SECOND READING FEB 12 1981

Filed JAN 29 1981

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By James C. Reed
Deputy

INTRODUCED BY
ORDER OF COUNCIL

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

BUREAU APPROVAL
Bureau:
Street & Structural Engineering
Prepared By: SK <i>OK</i> Date: 1/15/81
Budget Impact Review:
<input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not required
Bureau Head: <i>David J. Vargas</i> David J. Vargas, Acting Chief

CALENDAR
Consent <input checked="" type="checkbox"/> Regular

NOTED BY
City Attorney
City Auditor
City Engineer Approved: John M. Lang, P.E.
By: <i>David J. Vargas</i>