

ORDINANCE NO. 146738

An Ordinance vacating that portion of SW Troy Street lying between a line drawn 0.5 feet east of and parallel with the west line of the southeast quarter of Section 21, T1S, R1E, W.M., and the west line of SW Multnomah Boulevard, under certain conditions.

The City of Portland ordains:

Section 1. The Council finds:

1. John J. Ward, Jr. on August 22, 1978 filed a petition for the vacation of that portion of SW Troy Street lying between a line drawn 0.5 feet east of and parallel with the west line of the southeast quarter of Section 21, T1S, R1E, W.M., and the west line of SW Multnomah Boulevard.
2. The petition states the reason for the vacation is to enlarge adjacent commercial property.
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 ORS 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 ORS 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. All that portion of SW Troy Street lying between a line drawn 0.5 feet east of and parallel with the west line of the southeast quarter of Section 21, T1S, R1E, W.M., and the west line of SW Multnomah Boulevard, is hereby vacated.
- b. The vacation of the above described street area is granted subject to the following conditions and restrictions:
 - (1) The petitioner pay to the City the sum of \$235.00, this being the costs of these vacation proceedings in excess of the minimum \$200.00 filing fee already paid.

ORDINANCE NO.

- (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, (except as hereinafter 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 the petitioner agree to pay all costs of alterations of water facilities as required by the Water Engineer.
- (4) Reserving an easement for maintenance, repair and/or replacement of sewers over the west 20 feet of the portion of SW Troy Street to be vacated with the understanding that no building or structure of any kind shall be built within said easement without prior written approval of the City Engineer.
- (5) That the petitioner dedicate to the City a pedestrian easement across the portion of SW Troy Street herein vacated at a location acceptable to the City Engineer.
- (6) That primary access to the development be from SW Barbur Blvd. and that in the event a transitway is constructed, it is understood that no vehicular access essential to day-to-day building operations will use Multnomah Blvd.
- (7) That retaining walls constructed as part of any parking area permitted on SW Multnomah Blvd. shall be located entirely on private property (except temporary retaining walls which would be replaced during construction of the transitway).
- (8) That in the event the petitioner fails to fully comply with the above conditions within 6 months after the effective date of this ordinance, said ordinance will then be subject to repeal by the Council.

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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.

ORDINANCE No. 146738

Title

An Ordinance creating the portion of

conditions. Co. 1000
 Milwaukie Boulevard, north corner
 N.W. 1/4, and the west line of 22
 quarter of Section 31, T12, R12,
 with the west line of the southeast
 quarter 6.7 foot east of and parallel
 to 17th Street plus between a line

OCT 28 1978

MAILED TO THIRD READING NOV 1 1978

OCT 30 1978

GEORGE J. KEEBAUGH

Mayor of the City of Portland

Passed by the Council, NOV 1 1978

ORDER OF COUNCIL
 Stu Keebaugh/s1
 October 16, 1978

Attest:

Stu Keebaugh
 Mayor of the City of Portland

George J. Keebaugh
 Auditor of the City of Portland

Calendar No. 35773
3566

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Title

THE COMMISSIONERS VOTED AS FOLLOWS:

	Yeas	Nays
Ivancie	1	
Jordan	1	
McCreedy	1	
Schwab	1	
Goldschmidt	1	

FOUR-FIFTHS CALENDAR

Ivancie	
Jordan	
McCreedy	
Schwab	
Goldschmidt	

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OCT 26 1978

PASSED TO THIRD READING NOV 1 1978

Filed OCT 20 1978

GEORGE YERKOVICH

Auditor of the CITY OF PORTLAND

Deputy

INTRODUCED BY

ORDER OF COUNCIL

NOTED BY THE COMMISSIONER

Affairs

Finance and
Administration

Safety

Utilities

Works

BUREAU APPROVAL

Bureau

Street & Structural Engineering

Prepared By: SK

Date:

Carl Short/sl 10/16/78

Budget Impact Review:

☐ Completed ☒ Not required

Bureau Head

John M. Lang

NOTED BY

City Attorney

City Auditor

City Engineer

Carole M. Williams