

ACCEPTANCE

APR 11 9 01 AM 1981

REC. DATE: _____ AUDITOR: _____

BY: April 9, 1981

Portland, Oregon, _____

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. 151366, passed by the Council April 8, 1981, vacating all that portion of the Alley in Block 31, Multnomah, lying between the south line of N. Beech Street and the north line of N. Fremont Street, under certain condition,

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,

Kaiser Foundation Health Plan of Oregon

Richard G. Barnaby

Vice President & Regional Controller

1500 S.W. First Avenue, Portland, OR 97201

Address

[CORPORATE SEAL]

APPROVED AS TO FORM

Approved as to form:

Christopher 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. 151366

An Ordinance vacating all that portion of the alley in Block 31, Multnomah, lying between the south line of N. Beech Street and the north line of N. Fremont Street, under certain conditions.

The City of Portland ordains:

Section 1. The Council finds:

1. By Resolution No. 32844 adopted by the Council January 28, 1981, proceedings were initiated for the vacation of all that portion of the alley in Block 31, Multnomah, lying between the south line of N. Beech Street and the north line of N. Fremont Street.
2. The purpose of the vacation is to consolidate property for the development of a regional administrative office building for the Kaiser Foundation Health Plan of Oregon.
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 the alley in Block 31, Multnomah, lying between the south line of N. Beech Street and the north line of N. Fremont Street, is hereby vacated.
- b. The vacation of the above described street area is granted, subject to the following conditions and restrictions:
 - (1) That Kaiser Foundation Health Plan of Oregon pay to the City the sum of \$439.00, this being the cost of these vacation proceedings.
 - (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 (with

the exception of an existing sewer for which no easement will be required) 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 existing sewer within the area herein vacated is hereby abandoned and will no longer be maintained by the City.
- (4) That Kaiser Foundation Health Plan of Oregon agrees to pay all costs of intersection reconstruction required at the N. Beech Street intersection with the alley herein vacated. All improvements shall be in accordance with plans to be furnished by the City Engineer.
- (5) The sum of \$2890.00 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 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 \$2890.00 will be refunded or the surety bond will be released. In the event the cash deposit 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 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.

ORDINANCE No.

- (6) That in the event Kaiser Foundation Health Plan of Oregon fails to fully comply with the above conditions within six months after the effective date of the vacating ordinance, said ordinance will then be subject to repeal by the Council.

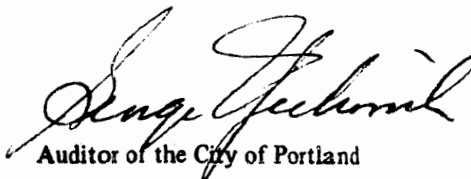
Section 2. Kaiser Foundation Health Plan of Oregon shall file with the City Auditor, in form approved by the City Attorney, a document in writing accepting the terms and conditions of this Ordinance.

Section 3. The City Auditor shall at the expense of Kaiser Foundation Health Plan of 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 any map, plat or other record which may be required by law.

Passed by the Council, **APR 8 1981**

ORDER OF COUNCIL
Stu Keebaugh:jmh
March 11, 1981

Attest:


Auditor of the City of Portland

Calendar No. ~~1010~~ ¹⁰⁷⁹

ORDINANCE No. 151366

Title

An Ordinance vacating all that portion of the alley in Block 31, Multnomah, lying between the south line of N. Beech Street and the north line of N. Fremont Street, under certain conditions. (C-9356)

APR 1 1981

PASSED TO SECOND READING APR 8 1981

Filed MAR 26 1981

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

George Yerkovich
Deputy

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

FOUR-FIFTHS CALENDAR	
Jordan	
Lindberg	
Schwab	
Ivancie	

INTRODUCED BY
ORDER OF COUNCIL

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

BUREAU APPROVAL
Bureau: Street & Structural Engineering
Prepared By: SK <i>ch</i> Date: 3/11/81
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>