

RECEIVED

151367

AUD 50-25-640  
JUL 23 1 03 PM 1981

GEORGE YERKOVICH, AUDITOR  
CITY OF PORTLAND, ORE.

ACCEPTANCE

BY EL

Portland, Oregon, April 9 1981

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. 151367, passed by the Council April 8, 1981, vacating all that portion of S.W. 3rd Avenue lying between the south line of S.W. Meade Street and the north line of S.W. Hooker Street, under certain conditions,

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,

DIAMONTIS INVESTMENTS

[CORPORATE  
SEAL]

*Michael D. Diamond*, partner

2839 SW 2nd Avenue, Portland, OR 97201

Address

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. 151367

An Ordinance vacating all that portion of S.W. 3rd Avenue lying between the south line of S.W. Meade Street and the north line of S.W. Hooker Street, under certain conditions.

The City of Portland ordains:

Section 1. The Council finds:

- 1. On November 19, 1980, Diamontis Investments filed a petition to vacate all that portion of S.W. 3rd Avenue lying between the south line of S.W. Meade Street and the north line of S.W. Hooker Street.
- 2. The petition states the reason for the vacation is to consolidate property for a proposed apartment complex.
- 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 thereto and it is in the public interest that said street be vacated.

NOW, THEREFORE, the Council directs:

- a. All that portion of S.W. 3rd Avenue lying between the south line of S.W. Meade Street and the north line of S.W. Hooker Street is hereby vacated.
- b. The vacation of the above described street area is granted subject to the following conditions and restrictions:
  - (1) That the petitioner pay to the City the sum of \$239.00, this being the costs 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, 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) The petitioner agrees to pay all costs of the street closure at the intersection of S.W. 3rd Avenue with S.W. Hooker Street, all improvements to be in accordance with plans to be furnished by the City Engineer.
- (4) The sum of \$6,535.00 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 street improvements required by the City Engineer. Upon completion of the work by and at the expense of the petitioner, and in accordance with plans furnished by the City Engineer, said sum of \$6,535.00 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 petitioner agrees to pay all costs in excess of such deposit or bond, and the petitioner further agrees that if it fails or neglects 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.
- (5) 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.

Section 2. Petitioner shall file with the City Auditor, in form approved by the City Attorney, a document in writing accepting the terms and conditions of the Ordinance.


**ORDINANCE No.**

Section 3. 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.

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

ORDER OF COUNCIL  
Stu Keebaugh:jmh  
March 23, 1981

Attest:

  
Auditor of the City of Portland

1080  
Calendar No. ~~1014~~

## ORDINANCE No. 151367

### Title

An Ordinance vacating all that portion of S.W. 3rd Avenue lying between the south line of S.W. Meade Street and the north line of S.W. Hooker Street, under certain conditions. (C-9342)

APR 1 1981

PASSED TO SECOND READING APR 8 1981

Filed MAR 26 1981

**GEORGE YERKOVICH**  
Auditor of the CITY OF PORTLAND

By *John Powell*  
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/mj</i>

BUREAU APPROVAL
Bureau: Street & Structural Engineering
Prepared By: <i>SK</i> <i>es</i> Date: <i>3/23/81</i>
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 <input type="checkbox"/>

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