

Ordinance No. ~~55344~~

An Ordinance vacating portions of East 6th Street and East Hoyt Street, and declaring an emergency.

WHEREAS, due notice has been given by advertisement thereof for four weeks, to wit, from December 13, 1928 to January 15, 1929, both dates inclusive, in the Daily Journal of Commerce, the City Official Newspaper, published in the City of Portland, Multnomah County, State of Oregon, that at a regular meeting of the Council of said City to be held on the 16th day of January 1929, a petition would be presented to said Council praying for the vacation of all that portion of East Sixth Street which lies between the south line of East Irving Street and the northwesterly line of Lloyd Boulevard, and all that portion of East Hoyt Street which lies between the easterly line of Grand Avenue and the westerly line of Lloyd Boulevard, within the corporate limits of the City of Portland, Multnomah County, State of Oregon, which said notice, together with due proof of publication thereof was filed in the office of the Auditor of said City of Portland on January 15, 1929, prior to the presentation of said petition to the Council; and

WHEREAS, the petition hereinbefore referred to was duly presented to said Council on said date, to wit, January 16, 1929, which said petition duly set forth a description of said portions of said East 6th Street and East Hoyt Street sought to be vacated, the reasons for such vacation, the purpose for which the ground is proposed to be used, the circumstances of the case, and the names of the persons affected, and said petition was duly signed by Lloyd Corporation; and

WHEREAS, there was appended to said petition as a part thereof and as a basis for such vacation the consent in writing of the owners in fee simple of all abutting property and of the owners in fee simple of at least two-thirds of the real estate fronting upon both sides of the portions of said East 6th Street and East Hoyt Street which are proposed to be vacated, estimated upon the frontage of said portions of said streets, such frontage commencing at a line drawn equidistant from the termini of said portions of said streets proposed to be vacated and extending along such proposed vacation the entire length thereof and two hundred feet in each direction from the termini thereof, which consent is acknowledged before an officer authorized to take acknowledgements; and

WHEREAS, said Lloyd Boulevard as herein referred to is shown upon the map attached to said petition and marked Exhibit "B"; and

WHEREAS, the Council upon the presentation of said petition and the filing of proof of publication of the notice thereof, did fix a meeting of said Council to be held on the 18th day of January 1929 at 2 o'clock P. M. as the time for hearing said petition and any objections that might be filed thereto; and

WHEREAS, at said time so fixed by the Council for such hearing said petition was duly presented, heard and considered by the Council, there was no objection or objections presented thereto and the Council did find, ascertain and determine and does hereby find, ascertain and determine that all the foregoing recited facts are true and that all the acts and things above recited have been duly done and performed as required by the charter and ordinances of said City of Portland and laws applicable thereto; that the public interest will not be prejudiced by the vacation of said portions of said streets; and

WHEREAS, the Council did on said date, to wit, January 18, 1929, grant the prayer of said petition in its entirety; now, therefore:

The City of Portland does ordain as follows:

Section 1. The findings and action hereinbefore recited are hereby made a matter of record and the Council of the City of Portland does hereby find and determine that all of the facts, matters and things hereinbefore recited are true and that all of the acts and things above recited have been done and performed as hereinbefore set forth and as required by law and by the charter and ordinances of said City of Portland.

Section 2. That all of that portion of East Sixth Street which lies between the south line of East Irving Street and the northwesterly line of Lloyd Boulevard, and all that portion of East Hoyt Street which lies between the easterly line of Grand Avenue and the westerly line of Lloyd Boulevard, within the corporate limits of the City of Portland, Multnomah County, State of Oregon, be and the same is hereby vacated and said vacation of said portions of said streets is hereby made a matter of record, and it is hereby provided that the City Auditor shall file with the County Clerk of Multnomah County a certified copy of this ordinance, and shall obtain from the County Surveyor a proper entry on the plat records as provided by law.

Nothing contained herein shall cause or require the removal or abandonment of any sewer, water main, conduit

of any kind, wires, poles or any other thing used or intended to be used for any public service and the right is hereby reserved to maintain, continue, repair, reconstruct, renew, replace, rebuild and/or enlarge any and all such things, if any there be on said portions of said streets hereby vacated.

Section 3. Inasmuch as this ordinance is necessary for the immediate preservation of the public health, peace and safety of the City of Portland in this: That a readjustment of street area at the earliest practicable date is needed in order to allow building construction to go forward and to provide needed facilities for street traffic; therefore an emergency is hereby declared to exist and this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council **JAN 18 1929**

Approved:

GEO. L. BAKER

Mayor of the City of Portland.

Attest:

Geo. L. Frank

Auditor of the City of Portland.

1-18-29
Order of
Council.

**PREPARED-APPROVED
CITY ATTORNEY**