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151679

GEO. L. YERKOVICH, AUDITOR  
CITY OF PORTLAND, ORE.

## ACCEPTANCE

BY 

Portland, Oregon, June 4 1981

GEORGE YERKOVICH  
Auditor of the City of Portland.  
Room 202, City Hall  
Portland, Oregon 97204

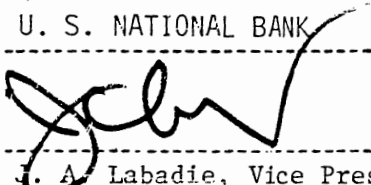
Dear Sir:

This is to advise the City of Portland, Oregon, that I hereby accept the terms and provisions of Ordinance No. 151679, passed by the Council June 3, 1981, vacating a portion of the southwest corner of the intersection of SW 5th Avenue and W. Burnside Street, under certain conditions,

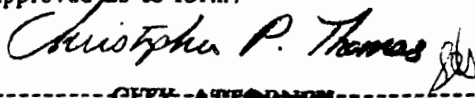
and in consideration of the benefits to be received thereunder by me I hereby agree to abide by and perform each and all of the terms and provisions thereof applicable to me.

Very truly yours,

U. S. NATIONAL BANK

[CORPORATE  
SEAL]  
J. A. Labadie, Vice President  
309 SW 6th Avenue, Portland, OR 97208

Address

APPROVED AS TO FORM  
Approved as to form:  
----- 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. 151679

An Ordinance vacating a portion of the southwest corner of the intersection of SW 5th Avenue and W. Burnside Street, under certain conditions.

The City of Portland ordains:

Section 1. The Council finds:

1. By Resolution No. 32861 passed by Council February 25, 1981, proceedings were initiated for the vacation of a portion of the southwest corner of the intersection of SW 5th Avenue and W. Burnside Street.
2. The vacation was initiated by the City Engineer at the request of U.S. National Bank to enable better development of the adjacent property for a proposed bank tower.
3. In order to minimize the possible adverse impact to mass transit and future light rail facilities while at the same time not unnecessarily complicating construction of a proposed bank building, the Commissioner of Public Works recommends the vacation be granted in part only, as follows:

A tract of land in Block 42, Couch's Addition to the City of Portland, in the City of Portland, County of Multnomah, and State of Oregon, said tract being described as follows:

Commencing at the northeast corner of Block 68, City of Portland, a duly recorded plat; thence N.20°52'E. along the northerly extension of the easterly line of said Block 68 a distance of 125.40 feet to the true point of beginning of the tract to be described; thence northerly and northwesterly along the arc of a curve to the left having a radius of 21.00 feet and central angle of 112°19'10" (long chord bears N.35°17'35"W. 34.88 feet) a distance of 41.17 feet to a point on the south line of W. Burnside Street as laid out 100 feet in width; thence N.88°32'50"E. along said south line a distance of 10.44 feet; thence southerly and southeasterly along the arc of a curve to the right having a radius of 14.00 feet and a central angle of 112°19'10" (long chord bears S.35°17'35"E. 23.26 feet) a distance of 27.44 feet to a point in said northerly extension of the easterly line of Block 68; thence S.20°52'W. along said northerly extension 10.44 feet to the point of beginning.

The Commissioner further recommends that the vacation be subject to 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 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 be vacated.

## ORDINANCE NO.

NOW, THEREFORE, the Council directs:

- a. The following described street area is hereby vacated:

A tract of land in Block 42, Couch's Addition to the City of Portland, in the City of Portland, County of Multnomah, and State of Oregon, said tract being described as follows:

Commencing at the northeast corner of Block 68, City of Portland, a duly recorded plat; thence N.20°52'E. along the northerly extension of the easterly line of said Block 68 a distance of 125.40 feet to the true point of beginning of the tract to be described; thence northerly and northwesterly along the arc of a curve to the left having a radius of 21.00 feet and central angle of 112°19'10" (long chord bears N.35°17'35"W. 34.88 feet) a distance of 41.17 feet to a point on the south line of W. Burnside Street as laid out 100 feet in width; thence N.88°32'50"E. along said south line a distance of 10.44 feet; thence southerly and southeasterly along the arc of a curve to the right having a radius of 14.00 feet and a central angle of 112°19'10" (long chord bears S.35°17'35"E. 23.26 feet) a distance of 27.44 feet to a point in said northerly extension of the easterly line of Block 68; thence S.20°52'W. along said northerly extension 10.44 feet to the point of beginning.

- b. The vacation of the above described street area is granted subject to the following conditions and restrictions:

- (1) That U.S. National Bank pays to the City the sum of \$465.00, this being the cost of this vacation proceeding.
- (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 (with the exception of water facilities for which easements are not reserved) 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.

## ORDINANCE No. 151679

- (3) That in the event U.S. National Bank 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.

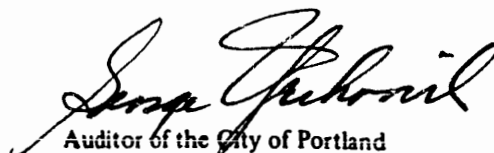
Section 2. U.S. National Bank shall file with the City Auditor, in form approved by the City Attorney, a document in writing accepting the terms and conditions of the Ordinance.

Section 3. The City Auditor shall at the expense of U.S. National Bank file with the recorder, the assessor and 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, JUN 3 1981

ORDER OF COUNCIL  
Stu Keebaugh/sg  
May 19, 1981

Attest:

  
Auditor of the City of Portland

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
JORDAN	1	
LINDBERG	1	
SCHWAB	1	
STRACHAN	1	
IVANCIE	1	

FOUR-FIFTHS CALENDAR	
JORDAN	
LINDBERG	
SCHWAB	
STRACHAN	
IVANCIE	

1754  
Calendar No. ~~1656~~

## ORDINANCE No. 151679

### Title

An Ordinance vacating a portion of the southwest corner of the intersection of SW 5th Avenue and W. Burnside Street, under certain conditions.

(C-9358)

MAY 27 1981

PASSED TO SECOND READING JUN 3 1981

Filed MAY 21 1981

GEORGE YERKOVICH  
Auditor of the CITY OF PORTLAND

By

Deputy

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>CS</i> Date: 5/19/81
Budget Impact Review:
<input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not required
Bureau Head: <i>R.O. Schmidt</i> R.O. Schmidt, Chief

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

NOTED BY
City Attorney
City Auditor
City Engineer APPROVED: <i>John M. Lang, P.E.</i>
BY: <i>R.O. Schmidt</i>