

ORDINANCE NO. **151797**

An Ordinance vacating certain portions of N.W. 20th Avenue and N.W. Savier Street, under certain conditions.

The City of Portland ordains:

Section 1. The Council finds:

1. By Resolution No. 32879 adopted by the Council April 1, 1981, proceedings were initiated for the vacation certain portions of N.W. 20th Avenue and N.W. Savier Street.
2. The purpose of the vacation is to allow expansion of Consolidated Freightways' existing truck terminal by adding about 50 additional truck loading bays and additional truck parking area.
3. In order to avoid vacating a portion of N.W. 20th Avenue lying within the right of way of the I-405 Extension, the Commissioner of Public Works recommends the vacation be approved in part only subject to certain conditions. Both the area to be vacated and the conditions are 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 and all objections filed against said vacation were considered by the Council and by this ordinance are specifically overruled and it is in the public interest that said streets be vacated.

NOW, THEREFORE, the Council directs:

- a. All that portion of N.W. 20th Avenue lying between the south line of N.W. Thurman Street and the north line of N.W. Raleigh Street; EXCEPTING that portion lying within the right of way of the I-405 Extension; AND ALSO, all that portion of N.W. Savier Street lying between the east line of N.W. 20th Avenue and a line drawn 150 feet west of and parallel with the west line of N.W. 19th Avenue, are hereby vacated.
- b. The vacation of the above described street area is granted subject to the following conditions and restrictions:
 - (1) That Consolidated Freightways pay to the City the sum of \$595.00, this being the cost of processing these vacation proceedings.

- (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 (except as herein provided with respect to existing water facilities for which no easements will be required after alterations are made and except as herein 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 an easement for construction and maintenance of existing and future sewers is retained over the entire width and full length of the right of way of N.W. Savier Street lying between the west line of N.W. 20th Avenue and a line drawn 150 feet west of and parallel with the west line of N.W. 19th Avenue, with the understanding that no buildings or structures of any kind be constructed within said easement without prior written approval of the City Engineer.
- (4) That Consolidated Freightways install a fence along their easterly property line to physically prevent access to and from N.W. Savier Street.
- (5) That Consolidated Freightways pay the cost of altering water facilities as required by the Chief Engineer, Bureau of Water Works.
- (6) That Consolidated Freightways agrees to maintain an open 20 foot wide fire lane in the vacated portion of N.W. 20th Avenue between N.W. Raleigh and N.W. Savier Street.
- (7) That Consolidated Freightways pays all cost of removing or relocating two existing street lights from the area herein vacated as required by the City Engineer.
- (8) That Consolidated Freightways agrees to pay all cost of intersection reconstruction at both the I-405 Extension and the N.W. Raleigh Street intersections with N.W. 20th

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Avenue and at the easterly end of the portion of N.W. Savier Street to be vacated. To insure that these improvements are completed as designed, the sum of \$22,404.00 in cash be deposited by Consolidated Freightways with the City Treasurer in a trust fund, or a corporate surety 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 Consolidated Freightways, and in accordance with plans furnished by the City Engineer, said sum of \$22,404.00 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, Consolidated Freightways agrees to pay all costs in excess of such deposit or bond, and Consolidated Freightways further agrees 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.

- (9) That the following truck routes be used:
- a. via NW Raleigh Street to NW 21st Avenue, to NW Thurman Street, and to NW 23rd Avenue to I-5 and I-84 via I-405 (the proposed completion for alternative to I-505 will be in late 1985); or
 - b. via NW Raleigh Street to NW 14th Avenue or NW 16th Avenue to downtown Portland.
- (10) That in the event Consolidated Freightways 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. Petitioners 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 the petitioners 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,

JUN 24 1981

ORDER OF COUNCIL
Stu Keebaugh/jmh
May 26, 1981

Attest:


Auditor of the City of Portland

2030
~~1911~~
~~1811~~
~~1750~~

Calendar No.

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Title

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(C-9361)

JUN 3 1981

CONTINUED TO **JUN 10 1981**

JUN 10 1981

CONTINUED TO **JUN 10 1981 P.M.**

JUN 10 1981

PASSED TO SECOND READING

JUN 17 1981

CONTINUED TO **JUN 24 1981**

MAY 28 1981

Filed _____

GEORGE YERKOVICH
 Auditor of the CITY OF PORTLAND

By: Gordon Crnell
 Deputy

AS AMENDED

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	

INTRODUCED BY
ORDER OF COUNCIL

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

BUREAU APPROVAL
Bureau: Street & Structural Engineering
Prepared By: SK <i>es</i> Date: 5/26/81
Carl Short/jmh
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: John M. Lang, P.E.
By: <i>R.O. Schmidt</i>