

RECEIVED

JUL 1 3 01 PM 1982

ACCEPTANCE

GEORGE YERKOVICH, AUDITOR
CITY OF PORTLAND, ORE.

BY *[Signature]*

Portland, Oregon, March 3 19 82

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. 152923, passed by Council March 3, 1982, vacating a certain portion of SW 50th Avenue lying between the north line of SW Beaverton-Hillsdale Hwy and the south line of SW Julia 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,

[Signature]

* Dave McIntyre

[CORPORATE SEAL]

11135 SW Capitol Hwy, Portland, OR 97219

Address

APPROVED AS TO FORM
Approved as to form:

[Signature]

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. 152923

An Ordinance vacating a certain portion of SW 50th Avenue lying between the north line of SW Beaverton-Hillsdale Highway and the south line of SW Julia Street, under certain conditions.

The City of Portland ordains:

Section 1. The Council finds:

1. On June 16, 1980, Dave McIntyre, et al, filed a petition for the vacation of a certain portion of SW 50th Avenue lying between SW Beaverton-Hillsdale Highway and the south line of SW Julia Street as more fully described in the petition.
2. The petition states the reason for the vacation is to utilize unneeded street for yard purposes.
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 ORS 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 held a public hearing July 8, 1981; one remonstrance against the vacation was received; the matter was tabled until December 23, 1981, when a new hearing was scheduled for January 27, 1982; at this hearing 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 street area be vacated.

NOW, THEREFORE, the Council directs:

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

All that portion of SW 50th Avenue in the City of Portland, Multnomah County, Oregon described as follows:

Beginning at the initial point of the plat of Rose Arbor; thence west along the north line of said plat 10.0 feet to the southeast corner of Lot 1, Amy's Addition; thence north and northwesterly along the east line of said lot to a point of tangency in the north line of said lot; thence S.89°35'52"E. along the easterly extension of said tangent to a point of intersection with the westerly extension of the northeasterly line of Lots 4 through 10, Block 8, Fairvale; thence southeasterly along said westerly extension to the northerly line of SW Julia Street; thence southwestly and southwesterly along the northwesterly and westerly line of Lots 11 and 12, Block 8, Fairvale, to its intersection with the north line of SW

Beaverton-Hillsdale Highway (as presently laid out and established); thence southwesterly in a straight line to the point of intersection of the north line of SW Beaverton-Hillsdale Highway (as presently laid out and established) with the east line of Lot 9, Block 2, Rose Arbor; thence north along said east line 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 the petitioners pay to the City the sum of \$230.00, this being the costs of the vacation proceedings in excess of the minimum \$200.00 filing fee 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 (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 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 over the entire length and full width of the street to be vacated is reserved for the maintenance or replacement of existing sewers and for future construction of additional sewers, and that no building construction, material storage, or tree planting will be permitted in said vacated street, and further that the City or its contractor will not be responsible for restoration of or payment for any improvements, including landscaping existing on the easement area if such things are damaged or destroyed by the City or its contractor in the course of maintenance or replacement of existing sewers, or construction of additional sewers.
- (4) That in the event the petitioners fail 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.

ORDINANCE No.

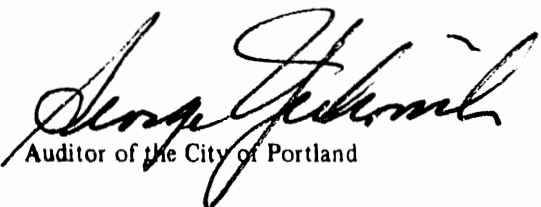
Section 2. Petitioners shall file with the City Auditor, in form approved by the City Attorney, a document in writing accepting the terms and conditions of the ordinance.

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, MAR 3 1982

ORDER OF COUNCIL
Stu Keebaugh/sg
February 2, 1982

Attest:


Auditor of the City of Portland

Calendar No. ~~458~~ ⁵²⁹

ORDINANCE No. 152923

Title

An Ordinance vacating a certain portion of SW 50th Avenue lying between the north line of SW Beaverton-Hillsdale Highway and the south line of SW Julia Street, under certain conditions.

(C-9316)

FEB 24 1982

PASSED TO SECOND READING MAR 3 1982

FEB 19 1982

Filed _____

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

BY: George Yerkovich
Deputy

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>PLN</i> Date: 2/2/82
Paul Niles
Budget Impact Review: <input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not required
Bureau Head: <i>R.O. Schmidt</i> R. O. Schmidt, P.E.

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>