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ACCEPTANCE

GEORGE YERKOVICH, AUDITOR
CITY OF PORTLAND, ORE.

BY 

Portland, Oregon, March 10, 1982

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

Dear Sir:

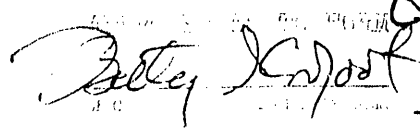
This is to advise the City of Portland, Oregon, that I hereby accept the terms and provisions of Ordinance No. 152953, passed by Council March 10, 1982, vacating a certain portion of NE Lombard Street, NE 92nd Drive, NE 96th Avenue, NE 105th Avenue, NE Saratoga Street, and NE Liberty Street, in the vicinity of the Portland International Airport, 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,

PORT OF PORTLAND

[CORPORATE SEAL]



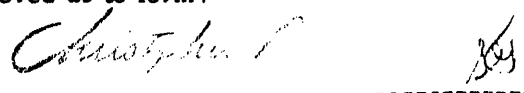


EXECUTIVE DIRECTOR

P.O. Box 3529, Portland, OR 97208

Address

APPROVED AS TO FORM:
Approved as to form:



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.

An Ordinance vacating certain portions of NE Lombard Street, NE 92nd Drive, NE 96th Avenue, NE 105th Avenue, NE Saratoga Street, and NE Liberty Street, in the vicinity of the Portland International Airport, under certain conditions.

The City of Portland ordains:

Section 1. The Council finds:

1. By Resolution No. 33052, adopted by the Council December 23, 1981, proceedings were initiated for the vacation of certain portions of NE Lombard Street, NE 92nd Drive, NE 96th Avenue, NE 105th Avenue, NE Saratoga Street, and NE Liberty Street, in the vicinity of the Portland International Airport.
2. The vacation was requested by the Port of Portland to implement the Master Plan of the Port of Portland for development of the Port property in the vicinity of the Portland International Airport, which Master Plan was approved by the Council by Resolution No. 32307, adopted by the Council November 29, 1978.
3. The vacation is recommended by the Commission 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 the public hearing before the Council and the Auditor published notice thereof, and posted notice in the area proposed to be vacated.
5. The public hearing was held on December 23, 1981, prior to which date two written remonstrances were filed with the Auditor; that the matter was then referred back to Public Works to await completion of transfer of jurisdiction over said streets from Multnomah County to the City.
6. That upon completion of said transfer of jurisdiction, the Council overruled the remonstrances and approved the vacation, subject to certain conditions, and by this Ordinance, said remonstrances are specifically overruled.
7. Other procedural requirements of ORS 271 have been complied with and the Council finds it is in the public interest that said streets be vacated.

NOW, THEREFORE, the Council directs:

- a. NE Lombard Street from the east line of NE 82nd Avenue easterly to the southwesterly line of NE Marine Drive;

NE 92nd Drive and NE 96th Avenue from the south line of NE Lombard Street southerly to the southerly airport boundary;

NE Saratoga Street from the east line of NE 96th Avenue easterly to the east line of NE 105th Avenue;

NE 105th Avenue from the south line of NE Saratoga Street southerly to the northwesterly line of the I-205 freeway right-of-way near NE Holman Street; and,

NE Liberty Street from the east line of NE 105th Avenue east to the northwesterly line of the I-205 freeway right-of-way, are hereby vacated.

- b. The vacations of the above-described streets are granted subject to the following conditions and restrictions:
- (1) That the Port of Portland pay to the City the sum of \$430.00, this being the cost of these vacation proceedings.
 - (2) Nothing herein contained shall cause or require the removal or abandonment of any water mains, water wells, 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) Reserving to the City of Portland Bureau of Water Works easements for future construction, operation, and maintenance of additional water facilities and water wells within the vacated street rights-of-way, said future water facilities and wells to be constructed at locations mutually agreeable to the Port of Portland and the Chief Engineer, Bureau of Water Works.

ORDINANCE No.

- (4) That the Port of Portland agrees to pay all costs of removing existing street lights as and when required by the City Engineer.
- (5) That NE Lombard Street between NE 82nd Avenue and NE Airport Way shall remain open to public use until the NE Lombard Street traffic can be diverted onto NE Airport Way.
- (6) That the portion of NE Lombard Street between NE Airport Way and NE Marine Drive (or as modified in connection with NE Airport Way construction) shall remain open to public use until closure of the portion lying within the airport control zone is authorized by the Traffic Engineer and the City Engineer.
- (7) That NE 92nd Drive - NE 96th Avenue between the southerly airport boundary and NE Airport Way, and including a temporary connection to NE Marine Drive shall, except as hereinabove provided with respect to the portion lying within the airport control zone, remain open to public use until the opening by the State of Oregon, of the I-205 interchanges at NE Airport Way and NE Columbia Boulevard.
- (8) That the Port of Portland, at its expense, shall assume the responsibility for maintenance of those roads to remain temporarily open for public use, in a condition as good or better, as determined by the City Engineer, than existed on the date of passage of the vacating Ordinance.

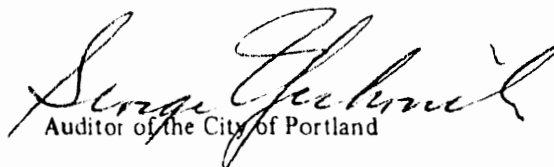
Section 2. The Council further directs:

- (a) The Port of Portland shall file with the Auditor a document, which has been approved by the City Attorney, accepting the terms and conditions hereof.
- (b) The Auditor shall, at the expense of the Port of Portland, file with the Multnomah County recorder, assessor and surveyor, a certified copy of this Ordinance and the acceptance thereof, and any plat, map or other records which may be required by law.

Passed by the Council, **MAR 10 1982**

ORDER OF COUNCIL
Paul L. Niles:mnc
February 19, 1982

Attest:


Auditor of the City of Portland

Calendar No. ~~584~~ **591**

ORDINANCE No. 152953

Title

An Ordinance vacating certain portions of NE Lombard Street, NE 92nd Drive, NE 96th Avenue, NE 105th Avenue, NE Saratoga Street, and NE Liberty Street, in the vicinity of the Portland International Airport, under certain conditions.

(C-9431)

MAR 3 1982

PASSED TO SECOND READING **MAR 10 1982**

Filed **FEB 25 1982**

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By *Gordon Truell*
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: <i>PN</i> Date: 2-19-82 Paul L. Niles <i>mmc</i>
Budget Impact Review: <input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not required
Bureau Head: <i>R.O. Schmidt</i> Richard O. Schmidt, Chief
CALENDAR
Consent <input checked="" type="checkbox"/> Regular <input type="checkbox"/>
NOTED BY
City Attorney
City Auditor
City Engineer <i>John M. Lang</i> Approved
By: <i>R.O. Schmidt</i>