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RAY SMITH, AUDITOR
CITY OF PORTLAND, ORE.

BY

ACCEPTANCE

Portland, Oregon, July 2, 1964

RAY SMITH
Auditor of the City of Portland,
Room 202, City Hall
Portland 4, Oregon
Dear Sir:

This is to advise the City of Portland, Oregon, that I hereby accept the terms and provisions of Ordinance No. 118766 vacating portions of S.E. Harney Street and S.E. 27th Avenue, 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,

YAGER & KAYS

By

[CORPORATE
SEAL]

P. O. Box 2310, Portland, Oregon 97214

Approved as to form:

Alexander H. Brown
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. 118766

An Ordinance vacating portions of SE Harney Street and SE 27th Avenue, under certain conditions.

The City of Portland ordains:

Section 1. The Council finds that on September 17, 1963, Yager & Kays, P.O. Box 2310, Portland 14, filed a petition for the vacation of portions of SE Harney Street and SE 27th Avenue; that the petitioner proposes to use the vacated street area to consolidate property to enlarge present manufacturing plant; that said area to be vacated is more particularly described as follows:

All that portion of S.E. Harney Street lying between the easterly line of S.E. 26th Place and the southerly extension of the westerly line of Lots 10 and 11, Block 3, Burley Heights, and also all that portion of S. E. 27th Avenue lying between the westerly extension of the northerly line of Block 3, Burley Heights and a line drawn along the easterly extension of the southerly line of Lots 7 and 6, Block 5, Burley Heights to its connection with the southerly extension of the westerly line of Lots 10 and 11, Block 3, Burley Heights, all in the City of Portland, County of Multnomah and State of Oregon.

that said petition has been approved by the Commissioner of Public Works subject to certain conditions set forth hereinbelow; that said petition complies in all respects with the provisions of ORS 271.080 in that it includes the consents of the owners of all abutting property and of not less than two-thirds in area of the real property affected thereby; that pursuant to ORS 271.100 the Council fixed a time and place for public hearing before the Council; that the City Auditor published notice of such hearing in the City official newspaper, namely, Daily Journal of Commerce, once each week for four consecutive weeks, and posted such notice in certain places in area proposed to be vacated, all in accordance with provisions of ORS 271.110; that said petition came on regularly for hearing and no objections were made or filed thereto and it is in the public interest that said street be vacated; now, therefore, that certain street hereinbefore described hereby is vacated under the following conditions:

- a. Petitioners shall pay all costs incidental to said vacation.
- b. 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, 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 center line of any such utility, except with the written consent of the City Engineer, and the owner of the utility first had, 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 hereafter reconstructed, renewed, replaced and/or enlarged.
- c. Petitioners shall file with the City Auditor, in form approved by the City Attorney, a document in writing accepting the terms and conditions of this ordinance.

ORDINANCE No.

d. Petitioner shall arrange for the granting of an adequate and permanent easement for access to Lot B, Burley Acres, Clackamas County, Oregon, to replace the present access which will be lost upon completion of these vacation proceedings.

e. The following-described parcel shall be dedicated to the City of Portland for street use to provide a cul-de-sac on S.E. Harney Street west of S.E. 28th Avenue:

A portion of Lot 11, Block 3, Burley Heights, more fully described as follows:

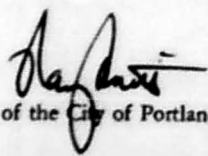
Beginning at a point in the southerly line of Lot 11, Block 3, Burley Heights lying S 73° 49' W a distance of 28.42 feet from the southeast corner thereof; thence S 73° 49' W following the southerly line of said Lot 11 a distance of 75.9 feet to a point of curve; thence westerly and northwesterly following the southwesterly line of said Lot 11 along a 10 foot radius curve to the right (the long chord of which bears N 51° 58' W 15.14 feet) a distance of 17.18 feet to a point of tangency on the westerly line of said Lot 11, Block 3, Burley Heights, and which point bears S 2° 45' E a distance of 58.2 feet from the northwest corner of said Lot 11; thence leaving the westerly line of said Lot 11 northeasterly, easterly and southeasterly along a 40 foot radius curve to the right (the long chord of which bears N 80° 02' 52" E 68.41 feet) a distance of 82.06 feet to a point of reverse curve; thence southeasterly and easterly along a 20 foot radius curve to the left (the long chord of which bears S 71° 11' E 20 feet) a distance of 20.94 feet to the point of beginning.

Section 2. The City Auditor shall, at the expense of petitioners, file with the recorder, the assessor, and the surveyor of the county in which said vacation 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, JUL 1 - 1964


Mayor of the City of Portland

Attest:


Auditor of the City of Portland

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Bean	1	
Bowes	1	
Earl	1	
Grayson	1	
Schrunk	1	

FOUR-FIFTHS CALENDAR	
Bean	
Bowes	
Earl	
Grayson	
Schrunk	

Calendar No.

2538

~~2438~~

ORDINANCE No. 118766

Title

An Ordinance vacating portions of SE Harney Street and SE 27th Avenue, under certain conditions.

JUN 25 1964

Read 1 & 2 &

PASSED TO THIRD READING JUL 1 - 1964

Filed JUN 17 1964

RAY SMITH

Auditor of the CITY OF PORTLAND

By

Robert C. Kyle
Deputy

INTRODUCED BY
Order of Council

DRAWN BY

AGB:jw

Date June 17, 1964

NOTED BY THE COMMISSIONER

Affairs

Finance

Safety

Utilities

Works

City Attorney *MS*

NOTED FOR CITY AUDITOR

MS
mc

APPROVED

Date

By

City Engineer

Date

By