

RECEIVED 139169

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GEORGE YERKOVICH
CITY OF PORTLAND, OREGON

LEW

ACCEPTANCE

Portland, Oregon, December 2, 1974

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. 139169, passed by the Council November 27, 1974, vacating a portion of SE 26th Place lying north of the Multnomah-Clackamas County line, under certain conditions, repealing Ordinance No. 139140, and declaring an emergency,

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,

Oral F. Shepardson
Oral F. Shepardson

[CORPORATE
SEAL]

1981 SE Park Ave., Milwaukie, Oregon 97222

Address

Approved as to form:

James W. 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.

THE CITY OF
PORTLAND



OREGON

DEPARTMENT OF
PUBLIC WORKS

CONNIE MCCREADY
COMMISSIONER

OFFICE OF
PUBLIC WORKS
ADMINISTRATOR

400 S.W. SIXTH AVE.
PORTLAND, OR. 97204

139169

November 26, 1974

TO: Commissioner Connie McCready

SUBJECT: Vacation of SW 26th Place near SE Tacoma Street

Ordinance No. 139140, vacating SE 26th Place near SE Tacoma Street was passed by the Council November 20, 1974. That ordinance did not contain the emergency clause, and therefore would not become effective until December 20, after which it could be recorded with the County. The petitioners requested and were granted a permit by Ordinance 139112 passed November 14, 1974, to commence construction of buildings encroaching in the SE 26th Place right of way, pending completion of vacation proceedings.

It has now been brought to our attention building construction has been commenced, but that financing of construction costs cannot be completed until after the vacating ordinance has been recorded, which under present conditions cannot occur until December 20. This chain of events has placed the developers in an extremely awkward position, in that financing problems likely would prevent the project from going ahead on schedule.

The above problems can be resolved by adding an emergency clause to the vacating ordinance. Therefore, we have prepared and submit herewith such an ordinance, which contains the emergency clause and repeals Ordinance 139140. It is recommended the ordinance be introduced under "suspension of rules" at the November 27 Council meeting, and that it be passed.

We bring to your attention the portion of SE 26th Place in question is an isolated section of street which served no property other than the petitioners, and further that there were no remonstrances against the vacation at the public hearing on October 30, 1974.

William T. Monahan

WILLIAM T. MONAHAN
Acting City Engineer

by C.S.

CS:bd

ORDINANCE NO. 139169

An Ordinance vacating a portion of SE 26th Place lying north of the Multnomah-Clackamas County line, under certain conditions, repealing Ordinance No. 139140, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds that by Resolution No. 31469, adopted by the Council September 11, 1974, proceedings were initiated for the vacation of a portion of SE 26th Place lying north of the Multnomah-Clackamas County line, in the City of Portland, County of Multnomah, Oregon; that the purpose of said vacation is to enlarge property for commercial building construction; that pursuant to ORS 271.130 the Council fixed a time and place for public hearing before the City 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 matter came on regularly for hearing and no remonstrances were made or filed thereto and it is in the public interest that said street be vacated, and the Council finds that said street vacation be granted with conditions as recommended by the City Engineer; now, therefore, the following described property hereby is vacated:

All that portion of SE 26th Place (formerly E. 26th Street) lying between the north line of the Amended Plat Block of Burley Heights, a recorded plat, and the southerly terminus of SE 26th Place, being the Multnomah-Clackamas County line.

- (a) That the petitioner pay to the City the sum of \$310.00 being the costs of processing these vacation proceedings.
- (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 except as hereinafter provided 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 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.

- (c) That an easement 40 feet in width shall be reserved over an existing 60 inch by 63 inch trunk sewer.
- (d) That the petitioner make arrangements with the Water Bureau for installation of an 8 inch water main and a fire hydrant or hydrants as required by the Fire Marshal and Chief Engineer of the Bureau of Water Works.
- (e) That the petitioner deed to the City a strip of land over petitioner's property to provide a location for City utilities, the exact location and width of said strip to be determined by the City Engineer.
- (f) That the petitioner deed to the City a strip of land for public walkway purposes, said strip to be 20 feet in width and lying adjacent to the south line of Johnson Creek, and extending through the petitioner's property.
- (g) That in the event the petitioner fails to comply with the above conditions within six months after the effective date of this ordinance, said ordinance will then be subject to repeal by the Council.

Section 2. Ordinance No. 139140, entitled "An Ordinance vacating a portion of SE 26th Place lying north of the Multnomah-Clackamas County line under certain conditions" is hereby repealed.

Section 3. Petitioner 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.

Section 4. The City Auditor shall at the expense of the petitioner 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.

Section 5. Inasmuch as this ordinance is necessary for the immediate preservation of the public health, peace and safety of the City of Portland

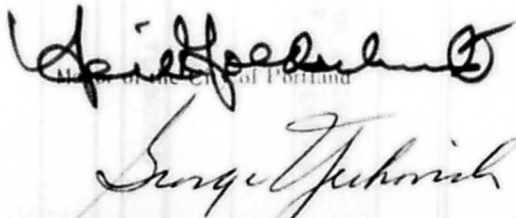
ORDINANCE No.

in this: In order that there be no delay in financing development of industrial property, an emergency is hereby declared to exist and this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, NOV 27 1974

Commissioner Connie McCready
RJH:bd
11-26-74

Attest:


Auditor of the City of Portland

THE COMMISSIONERS VOTED AS FOLLOWS		
	Yeas	Nays
Ivancie	1	
Jordan	1	
McCready		
Schwab	1	
Goldschmidt	1	

FOUR-FIFTHS CALENDAR	
Ivancie	
Jordan	
McCready	
Schwab	
Goldschmidt	

Calendar No.

ORDINANCE No. 139169

Title

An Ordinance vacating a portion of SE 26th Place lying north of the Multnomah-Clackamas County line, under certain conditions, repealing Ordinance No. 139140, and declaring an emergency.

Filed NOV 27 1974

GEORGE YERKOVICH

Auditor of the CITY OF PORTLAND

By *Gordon Crall*
Deputy

INTRODUCED BY
COMMISSIONER CONNIE MCCREADY

DRAWN BY
RJH:bd
Date 11-26-74

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration
Safety
Utilities
Works

City Attorney

NOTED BY THE CITY AUDITOR

APPROVED
Date
By <i>CS</i> Acting City Engineer WILLIAM T. MONAHAN
Date
By