

# ACCEPTANCE

RECEIVED  
 APR 6 8 32 AM 1982  
 GEORGE YERKOVICH  
 CITY OF PORTLAND, ORE.  
 AUDITOR

Portland, Oregon, April 1, 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. 153016, passed by Council, March 31, 1982, vacating all that portion of SW Thomas Street lying between the east line of SW Moody Avenue and the west line of SW Bond Avenue, subject to 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,

CONWAY INVESTMENT CORPORATION

[CORPORATE SEAL]

*Conway* - President

P.O. Box 4267, Portland, OR 97208

Address

Approved as to form APPROVED AS TO FORM

*Christopher P. Thomas*  
 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. **153016**

An Ordinance vacating all that portion of SW Thomas Street lying between the east line of SW Moody Avenue and the west line of SW Bond Avenue, subject to certain conditions.

The City of Portland ordains:

Section 1. The Council finds:

1. On October 24, 1980, Conway Investment Corporation filed a petition for the vacation of all that portion of SW Thomas Street lying between the east line of SW Moody Avenue and the west line of SW Bond Avenue.
2. The petition states the reason for the vacation is to consolidate industrial property on both sides of an unimproved street.
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 having held a public hearing finds no objections were made or filed thereto and it is in the public interest that said street be vacated.

NOW, THEREFORE, the Council directs:

- a. All that portion of SW Thomas Street lying between the east line of SW Moody Avenue and the west line of SW Bond Avenue, is hereby vacated.
- 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 \$601.00, this being the cost of the vacation proceedings in excess of the minimum filing fee of \$200.00 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 water facilities for which no easements will be required after alterations are made) 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 the petitioner pays the cost of altering water facilities as required by the Chief Engineer, Bureau of Water Works.
- (4) That the following described parcel be dedicated to the City for public street purposes:

A portion of Block 189, Caruthers Addition, Multnomah County, Oregon, described as follows:

Beginning at the southeast corner of said Block 189; thence north along the east line of said block 15.0 feet; thence west parallel with the south line of said block 110.0 feet; thence northwesterly in a straight line 50.99 feet to a point being north 25.0 feet and east 40.0 feet from the southwest corner of said block; thence west parallel with the south line of said block 40.0 feet to the west line of said block; thence south along said west line 25.0 feet to said southwest corner; thence east along the south line of said block 200.0 feet to the point of beginning.

- (5) That the petitioner pays the cost of installing a street light on an existing pole at the southwest corner of SW Lowell Street and SW Moody Avenue as required by the City Engineer.
- (6) That the petitioner agrees to pay all costs of intersection reconstruction required at the SW Moody Avenue intersection with the portion of SW Thomas Street herein vacated and the cost of improving SW Lowell Street between SW Moody Avenue and SW Bond Avenue in accordance with plans to be furnished by the City Engineer. To insure that these improvements are completed as designed, the sum of \$40,170.00 in cash shall be deposited by the petitioner with the City Treasurer in a trust 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 the petitioner, and in accordance with plans furnished by the City Engineer,

## ORDINANCE No.

said sum of \$40,170.00 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, the petitioner agrees to pay all costs in excess of such deposit or bond, and the petitioner further agrees that if it fails or neglects 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.

- (7) That in the event the petitioner 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.

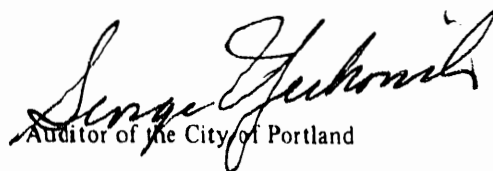
Section 2. Petitioners shall file with the City Auditor, in form approved by the City Attorney, a document in writing accepting the terms and conditions of the ordinance.

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, MAR 31 1982

ORDER OF COUNCIL  
Stu Keebaugh/sg  
March 15, 1982

Attest:

  
Auditor of the City of Portland

Calendar No. ~~727~~ **801**

**ORDINANCE No. 153016**

**Title**

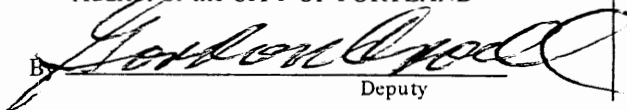
An Ordinance vacating all that portion of SW Thomas Street lying between the east line of SW Moody Avenue and the west line of SW Bond Avenue, subject to certain conditions. (C-9337)

MAR 24 1982

PASSED TO SECOND READING MAR 31 1982

Filed MAR 18 1982

**GEORGE YERKOVICH**  
Auditor of the CITY OF PORTLAND

By  Deputy

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
JORDAN		
LINDBERG	/	
SCHWAB	/	
STRACHAN	/	
IVANCIE	/	

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>SK PLN</i> Date: 3/15/82
Paul L. Niles
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>