

# ACCEPTANCE

RECEIVED  
 APR 28 8 32 AM 1982  
 AUDITOR  
 CITY OF PORTLAND, ORE.  
 BY *[Signature]*

Portland, Oregon, \_\_\_\_\_ 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. 153112, passed by Council April 21, 1982, amending Ordinance No. 150472, which granted a zone change for Tax Lot 5 of Lots 27 and 28, Marysville, from A2.5 to M3B, located at SE Foster Road at SE 77th Avenue, under certain conditions, so as to correct an error in the legal description used in Ordinance No. 150472,

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,

*Robert L. Simmons Jr.*  
 \_\_\_\_\_

• Robert L. Simmons Jr.

(CORPORATE SEAL)

7726 SE Foster Road, Portland, OR 97206

Address

Approved as to form: APPROVED AS TO FORM

*Stephen P. Thomas*  
 \_\_\_\_\_

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. **153112**

An Ordinance amending Ordinance No. 150742, which granted a zone change for Tax Lot 5 of Lots 27 and 28, Marysville, from A2.5 to M3B, located at S.E. Foster Road at S.E. 77th Avenue, under certain conditions, so as to correct an error in the legal description used in Ordinance No. 150742, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. That Ordinance No. 150742, passed by the Council on November 19, 1980, granted a zone change for all of Tax Lot 5 of Lots 27 and 28, Marysville, located at S.E. Foster Road at S.E. 77th Avenue, to M3B.
2. Prior to the effective date of Ordinance No. 150742, the south 121.25 feet of Tax Lot 5 of Lots 27 and 28 was zoned A2.5, and the remaining portion of Tax Lot 5 of Lots 27 and 28 was zoned M3.
3. The City's Hearings Officer by report and recommendation dated October 21, 1980 (P.C. File No. 6999), after and as a result of a duly authorized and conducted public hearing held October 20, 1980, recommended that the A2.5 portion (the south 121.25 feet) of Tax Lot 5 of Lots 27 and 28 be rezoned from A2.5 to M3B.
4. The notice requirements for that public hearing were fulfilled according to law.
5. Ordinance No. 150742 incorrectly included all of Tax Lot 5 of Lots 27 and 28 in the zone change area, rather than just the south 121.25 feet of Tax Lot 5 of Lots 27 and 28.

NOW, THEREFORE, the Council directs:

- a. That the facts and findings of the Hearings Officer in P.C. File No. 6999 are re-adopted by City Council.
- b. The zone of the south 121.25 feet of Tax Lot 5 of Lots 27 and 28, Marysville, located at S.E. Foster Road at S.E. 77th Avenue, shall remain M3B.
- c. The zone of the remaining portion of Tax Lot 5 of Lots 27 and 28, Marysville, located at S.E. Foster Road at S.E. 77th Avenue, is changed back to M3.
- d. All conditions and variances contained in paragraphs c. and d. of Section 1 of Ordinance No. 150742 remain in effect.

**ORDINANCE No.**

- e. This order shall not be effective and no change shall be made to the zoning maps until acceptance and recording as provided in Section 33.102.010.

Section 2. The Council declares an emergency exists because there should be no delay in the beneficial use of the above-described property; therefore this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, APR 21 1982

Commissioner Schwab  
April 12, 1982  
P.Norr/ja

Attest:

  
Chief Deputy Auditor of the City of Portland

Calendar No. **1021**

**ORDINANCE No. 153112**

**Title**

An Ordinance amending Ordinance No. 150742, which granted a zone change from Tax Lot 5 of Lots 27 and 28, Marysville, from A2.5 to M3B, located at S.E. Foster Road at S.E. 77th Avenue, under certain conditions, so as to correct an error in the legal description used in Ordinance No. 150742, and declaring an emergency.

INTRODUCED BY
COMMISSIONER SCHWAB

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration
Safety
Utilities
Works

BUREAU APPROVAL	
Bureau: Hearings Office	
Prepared By: P. Norr/ja	Date: 4/12/82
Budget Impact Review:	
<input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not required	
Bureau Head:	

CALENDAR	
Consent <input checked="" type="checkbox"/>	Regular <input type="checkbox"/>

NOTED BY
City Attorney
City Auditor
City Engineer

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

FOUR-FIFTHS CALENDAR	
JORDAN	
LINDBERG	
SCHWAB	
STRACHAN	
IVANCIE	

Filed APR 16 1982

GEORGE YERKOVICH  
Auditor of the CITY OF PORTLAND

By *Robert Crall*  
Deputy