

3455
Calendar No. ~~2858~~

ORDINANCE No. 146552

Title

An Ordinance vacating that portion of SW Seymour Street lying between the southerly extension of the east line of SW Hamilton Terrace and the southerly extension of the west line of SW Condor Avenue, except that portion lying in SW Slavin Road, under certain conditions. (C-9111)

SEP 20 1978

PASSED TO THIRD READING SEP 27 1978

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

FOUR-FIFTHS CALENDAR	
Ivancie	
Jordan	
McCready	
Schwab	
Goldschmidt	

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By *Robert D. ...*
Deputy

Filed SEP 15 1978

INTRODUCED BY _____
ORDER OF COUNCIL _____

NOTED BY THE COMMISSIONER

Affairs _____
Finance and Administration _____
Safety _____
Utilities _____
Works *CP*

BUREAU APPROVAL

Bureau: Street & Structural Engineering
Prepared By: SK *RS* Date: 9/8/78
Carl Short/sk
Budget Impact Review: _____
 Completed Not required

Bureau Head: *John M. Lang*

NOTED BY

City Attorney _____
City Auditor _____
City Engineer: *Carla M. ...*

ORDINANCE NO. 146552

An Ordinance vacating that portion of SW Seymour Street lying between the southerly extension of the east line of SW Hamilton Terrace and the southerly extension of the west line of SW Condor Avenue, except that portion lying in SW Slavin Road, under certain conditions.

The City of Portland ordains:

Section 1. The Council finds:

1. Roger and Julie Shiels on July 19, 1978 filed a petition for the vacation of that portion of SW Seymour Street lying between the southerly extension of the east line of SW Hamilton Terrace and the southerly extension of the west line of SW Condor Avenue, except that portion lying in SW Slavin Road.
2. The petition states that the reason for the vacation is to utilize unneeded street for additional yard area.
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 hereto and it is in the public interest that said street be vacated.

NOW, THEREFORE, the Council directs:

- a. All that portion of SW Seymour Street lying between the southerly extension of the east line of SW Hamilton Terrace and the southerly extension of the west line of SW Condor Avenue, except that portion lying in SW Slavin Road, is hereby vacated.
- b. The vacation of the above described street area is granted subject to the following conditions and restrictions:
 - (1) The petitioner pay to the City the sum of \$155.00, this being the costs of these vacation proceedings in excess of the minimum \$200.00 filing fee already paid.

ORDINANCE No.

(2) Nothing contained herein shall cause or require the removal or abandonment of any sewer 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) That in the event the petitioner fails to fully comply with the above conditions within 6 months after the effective date of this ordinance, said ordinance will then be subject to repeal by the Council.

Section 2.

- a. Petitioner shall file with the Auditor a document, which has been approved by the City Attorney, accepting the terms and conditions hereof.
- b. The City Auditor shall, at the expense of the petitioner, 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, SEP 27 1978

ORDER OF COUNCIL
 Stu Keebaugh/sl
 September 13, 1978

Attest:

Neil Spaulding
 Mayor of the City of Portland

George Hutchinson
 Auditor of the City of Portland

OCT 12 8 52 AM 1978

REG. SEC. TERRY H. AUDITOR
CITY OF PORTLAND, ORE.

ACCEPTANCE

BY _____ *RS* _____

Portland, Oregon, _____ September 28, _____ 1978

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. 146552, passed by the Council September 27, 1978, vacating that portion of SW Seymour Street lying between the southerly extension of the east line of SW Hamilton Terrace and the southerly extension of the west line of SW Condor Avenue, except that portion lying in SW Slavin Road, 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,

[CORPORATE
SEAL]

Roger Shiels

• Roger Shiels

Julie Shiels

Julie Shiels

4626 SW Ormandy Way, Portland, Or 97221

Address

APPROVED AS TO FORM
Approved as to form:

Christopher 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.