

55456
 Ordinance No. 55456

An Ordinance vacating Panama Street, Christobel Street, Gatun Street, and a portion of Colon Street.

WHEREAS, due notice has been given by advertisement thereof for four weeks, to wit, from March 8, 1926 to April 5, 1926, both dates inclusive, in the Daily Journal of Commerce, the City Official Newspaper, published in the City of Portland, County of Multnomah, State of Oregon, that at a regular meeting of the Council of said City to be held April 7, 1926, a petition would be presented to said Council praying for the vacation of all of the streets or parts thereof, as follows, to wit:

All of Panama Street beginning at the east line of Culebra Street and extending along and between blocks three (3) and four (4), and two (2) and five (5), in Bridgeport, to the west line of Colon Street in said Bridgeport; also all of Christobel Street from the east line of Culebra Street between blocks one (1), Two (2), and three (3), to the west line of Colon Street in said Bridgeport; also all of Gatun Street from the south line of Balboa Street to the north line of Christobel Street, being between blocks two (2), three (3), four (4) and five (5), of said Bridgeport; also all of Colon Street from the south line of Balboa Street to the south line of said Bridgeport, said street lying on the east end of blocks one (1), two (2) and five (5), in said Bridgeport, all in the City of Portland, County of Multnomah, State of Oregon, which said notice, together with due proof of publication thereof was filed in the office of the Auditor of said City of Portland on April 7, 1926, prior to the presentation of said petition to the Council; and

WHEREAS, the petition hereinbefore referred to was duly presented to said Council on said date, to wit, April 7, 1926, which said petition duly set forth a description of streets and portions thereof sought to be vacated and the reasons for such vacation and the purpose for which the ground is proposed to be used, and said petition was duly signed by M. L. Holbrook, Trustee, Shell Oil Company; and

WHEREAS, there was appended to said petition as a part thereof and as a basis for such vacation and as a basis for the granting of the prayer of said petition the consent of the owners in fee simple of at least two-thirds of the real estate fronting upon both sides of the portion of said streets proposed to be vacated, estimated upon the frontage of the street,

such frontage commencing at a line drawn equidistant from the termini of the portion of said streets to be vacated and extending along such proposed vacation the entire length thereof and two hundred feet in each direction from the termini thereof, which consent is in writing and duly acknowledged before an officer authorized to take acknowledgments and is attached to said petition and filed therewith with the Auditor of said City; and

WHEREAS, said property being within two thousand feet of the meander line of the Willamette River, the petitioner has offered to dedicate to the use of the public other roadways, which new roadways are equal in area and furnish equal way and access to any and all terminals, and to that end the petitioner has submitted a new plat for making such new dedication, and the City Engineer and Commission of Public Docks having approved of said vacation and dedication, and the Port of Portland having approved of the same; and

WHEREAS, the Council upon the presentation of said petition and the filing of proof of publication of the notice thereof, did fix a meeting of said Council to be held on the 27th day of April 1928 at 10 o'clock A. M. as the time for hearing said petition and any objections that might be filed thereto; and

WHEREAS, at said time so fixed by the Council for such hearing said petition was duly presented, heard and considered by the Council, no objection or objections were presented thereto, and the Council then referred said matter to the Commissioner of Public Works and continued said matter from time to time until October 10, 1928, at which time the Council found and does now find, ascertain and determine that all of the foregoing recited facts are true, and that all of the acts and things above recited have been duly done and performed as required by the charter and ordinances of said City of Portland and that the consent of the owners in fee simple has been given of at least two-thirds of the real property fronting on both sides of said streets and portions thereof sought to be vacated, estimated upon the frontage of said streets, such frontage being as hereinbefore particularly set out, which consent is in writing, duly acknowledged before an officer authorized to take acknowledgments and was and is attached to and filed with said petition; that no objection or objections to the vacation of said streets and portions thereof have been made or filed; and the Council further finds that the public interest will not be prejudiced by the vacation of said streets and portions thereof as herein provided; and

WHEREAS, the Council did on said date, to wit, October 10, 1928, grant the prayer of said petition in its entirety; now, therefore,

The City of Portland does ordain as follows:

Section 1. The findings and action hereinbefore recited are hereby made a matter of record, and the Council of the City of Portland does hereby find and determine that all of the facts, matters and things hereinbefore recited are true and that all of the acts and things above recited have been done and performed as hereinbefore set forth and as required by the charter and ordinances of said City of Portland. The Council further finds and determines that the consent of the owners of at least two-thirds of the real property fronting on both sides of the portion of said streets proposed to be vacated, estimated upon the frontage of the street, such frontage commencing at a line drawn equidistant from the termini of the portion of said streets to be vacated and extending along such proposed vacation the entire length thereof and two hundred feet in each direction from the termini thereof, has been obtained, which consent is in writing and duly acknowledged before an officer authorized to take acknowledgments and is and was attached to said petition and filed therewith with the Auditor of said City of Portland. The Council further finds that said property lies within two thousand feet of the meander line of the Willamette River and that the petitioner has offered to dedicate to the use of the public new streets in lieu of said streets to be vacated, which new streets will be of equal or greater area and will furnish equal or better access to the same terminal, and to that end the petitioner has submitted a new plat for making such new dedication; that no objection or objections to said vacation have been made, presented or filed and no one appears now to object; and that the public interest will not be prejudiced by the vacation of said streets and portions thereof.

Section 2. That all of the streets or parts thereof, as follows, to wit: All of Panama Street beginning at the east line of Culebra Street and extending along and between blocks three (3) and four (4), and two (2) and five (5), in Bridgeport, to the west line of Colon Street in said Bridgeport; also all of Christobel Street from the east line of Culebra Street between blocks one (1), two (2), and three (3), to the west line of Colon Street in said Bridgeport; also all of Catun Street from the south line of Balboa

Street to the north line of Christobel Street, being between blocks two (2), three (3), four (4) and five (5), of said Bridgeport; also all of Colon Street from the south line of Balboa Street to the south line of said Bridgeport, said street lying on the east end of blocks one (1), two (2) and five (5), in said Bridgeport, all in the City of Portland, Multnomah County, State of Oregon, be and the same are hereby vacated, and said vacation of said streets and portions thereof is hereby made a matter of record, and it is hereby provided that the City Auditor shall file with the County Clerk of Multnomah County, a certified copy of this ordinance, and shall obtain from the County Surveyor a proper entry on the plat records as provided by law.

Nothing contained herein shall cause or require the removal or abandonment of any sewer, water main, conduit of any kind, wires, poles or any other thing used or intended to be used for any public service and the right is hereby reserved to maintain, continue, repair, reconstruct, renew, replace, rebuild and/or enlarge any and all such things, if any there be on said streets hereby vacated.

The Council reserves the right to rescind and cancel the vacation hereby made and repeal this ordinance in the event that the new plat above mentioned should not be promptly filed and the dedication completed of street area therein shown for dedication.

Passed by the Council OCT 24 1928

Approved:

Geo. L. Baker

Mayor of the City of Portland.

Attest:

Geo. R. Funk

Auditor of the City of Portland.

PREPARED AND APPROVED
CITY ATTORNEY