

AUD 50-25-640

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ACCEPTANCE

DEC 18 11 30 AM 1970

JAMES L. HAMILL, AUDITOR
CITY OF PORTLAND, ORE.

Portland, Oregon, November 30, 1970

BY G. C.

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. 131850, passed by the Council November 27, 1970 vacating a portion of N. Macrum Avenue between N. Lombard and Central Streets, 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,

PURDY BRUSH COMPANY, INC.

[CORPORATE SEAL]

* BY:

David E. Howard - President

6525 N. Lombard Street, Portland (03)

Address

Approved as to form:

[Signature]
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. 131850

An Ordinance vacating a portion of N. Macrum Avenue between N. Lombard and Central Streets, under certain conditions. (C-2562)

The City of Portland ordains:

Section 1. The Council finds that on April 17, 1970, Purdy Brush Company, Inc., 6525 N. Lombard Street, Portland, Oregon, filed a petition for the vacation of a portion of N. Macrum Avenue between N. Lombard and Central Streets; that the purpose of vacation is consolidation of commercial property; that pursuant to ORS 271.190, since the area to be vacated lies within 5,000 feet of the harbor line, approval in writing of the proposed vacation has been secured from The Port of Portland and the Commission of Public Docks; that said area to be vacated is more particularly described as follows:

Beginning on the east line of N. Macrum Avenue at a point 15 feet north of the north line of N. Lombard Street; thence west and parallel with said north street line to the west line of N. Macrum Avenue; thence north along the west line of N. Macrum Avenue, a distance of 95.97 feet; thence northeasterly in a straight line, a distance of 117.5 feet to a point 30 feet west of the east line of N. Macrum Avenue said point being on the westerly extension of the north line of Lot 26, Block 6, Northern Hill Addition; thence northerly in a straight line to the northwest corner of Block 6, Northern Hill Addition; thence south along the east line of N. Macrum Avenue to the point of beginning.

that said petition has been approved by the Commissioner of Public Works subject to certain conditions set forth hereinbelow; that said petition complies in all respects with the provisions of ORS 271.080 in that it includes the consents of the owners of all abutting property and of not less than two-thirds in area of the real property affected thereby; that pursuant to ORS 271.100 the Council fixed a time and place for public hearing before the Council; that the City Auditor published notice of such hearings 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 271.100; that said petition came on regularly for hearing and no objections were made or filed thereto and it is in the public interest that said street be vacated; now, therefore, that certain street hereinbefore described hereby is vacated under the following conditions:

- a. Petitioner shall pay all costs incidental to said vacation.
- 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, 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; 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 written consent of the City Engineer and the owner of the utility first had. 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 hereafter reconstructed, renewed, replaced and/or enlarged.
- c. Petitioner shall pay all costs related to killing an 8-inch diameter water main as required by the Water Engineer.
- d. The sum of \$1606 in cash shall be deposited by the petitioner with the City Treasurer in a Trust Fund, Charges for Sidewalk Repair, or a corporate surety bond in the above amount, approved by the City, shall be posted in lieu of such cash deposit, to cover the estimated cost of intersection reconstruction as required by the City Engineer. Upon completion of the work by and at the expense of the petitioners, and in accordance with plans furnished by the City Engineer, said sum of \$1606 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 petitioners agree to pay all costs in excess of such deposit or bond, and the petitioners further agree that if they fail or neglect 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.
- e. Purdy Brush Company, Inc., shall deed to the City for public street purposes, property described as follows:

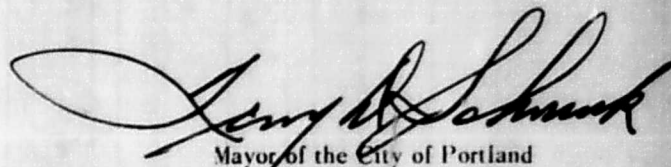
ORDINANCE No.

Those portions of Lots 9 through 17, Block 7, Northern Hill Addition, lying easterly of Carey Blvd., excepting therefrom a triangular shaped parcel in Lots 14, 15, 16 and 17, Block 7, Northern Hill Addition, described as follows: Beginning on the west line of N. Macrum Avenue at a point 15 feet north of the north line of N. Lombard Street; thence west and parallel to said north street line a distance of 35 feet; thence northeasterly in a straight line a distance of 102.85 feet to a point on the west line of N. Macrum Ave.; thence south along the west line of N. Macrum Avenue to the point of beginning.

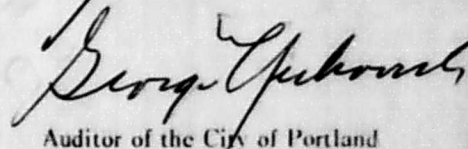
f. Petitioner shall file with the City Auditor, in form approved by the City Attorney, a document in writing accepting the terms and conditions of this ordinance.

Section 2. The City Auditor shall, at the expense of petitioner, file with the recorder, the assessor, and the surveyor of Multnomah County 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, NOV 27 1970


Mayor of the City of Portland

Attest:


Auditor of the City of Portland

Order of Council
RLH:jw 11/6/70

Calendar No. ~~4082~~ ⁴¹⁸⁴

ORDINANCE No. 31850

Title

An Ordinance vacating a portion of N. Macrum Avenue between N. Lombard and Central Streets, under certain conditions. (E-8562)

NOV 18 1970 42

PASSED TO THIRD READING NOV 25 1970

NOV 10 1970

Filed _____

JAMES L. HAMILL
Auditor of the CITY OF PORTLAND

By Bruce Johnson
Deputy

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Anderson	1	
Grayson	1	
Ivancie	—	
McCready	1	
Schrunk	1	

FOUR-FIFTHS CALENDAR	
Anderson	
Grayson	
Ivancie	
McCready	
Schrunk	

Cont.

INTRODUCED BY
Order of Council

DRAWN BY
RLH:jw
Date November 6, 1970

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration
Safety
Utilities
Works

City Attorney

NOTED BY THE CITY AUDITOR
g.e
gmc

APPROVED
Date
By
City Engineer
Date
By