

158769

RECEIVED

ACCEPTANCE

JUL 21 1986

OFFICE OF THE
CITY AUDITOR

Portland, Oregon July 14, 1986

JEWEL LANSING
Auditor of the City of Portland
Room 202, City Hall
Portland, Oregon 97204

This is to advise the City of Portland, Oregon, that I hereby accept the terms and provisions of Ordinance No. 158769, passed by Council July 10, 1986, changing the zoning for Lots 6 and 7, Block 9, Bertha, from R5 to R2, located at S.W. 25th, between Dakota and Nebraska, under certain conditions, adopting findings,

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,

Henry P. Lessler
Henry P. Lessler

Freda M. Lessler
Freda M. Lessler

5050 Carman Drive
Lake Grove, OR 97034

Address

APPROVED AS TO FORM
Approved as to form:

J. L. Rogers
CITY City Attorney

*When an acceptance is signed by an officer of a firm or corporation, his or her official title must be stated.

ORDINANCE NO. **158769**

An Ordinance changing the zoning for Lots 6 and 7, Block 9, Bertha, from R5 to R2, located at S.W. 25th, between Dakota and Nebraska, under certain conditions, adopting findings, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. The applicants, Henry P. and Freda M. Lessler, deedholders, seek a Zone Change from R5 to R2 for Lots 6 and 7, Block 9, Bertha, located at S.W. 25th, between Dakota and Nebraska.
2. An application complying in all respects with all requirements of Title 33, Planning and Zoning, of the Code of the City of Portland and seeking such a Zone Change has been received.
3. Applicants have paid the proper fee for the filing of such application.
4. The City's Hearings Officer by Report and Recommendation dated June 5, 1986 (Planning Commission File No. 7586), after and as a result of a duly authorized and conducted public hearing held June 2, 1986 on said proposal, has recommended that the Zone Change be granted with conditions.
5. The notice requirements for public hearings were fulfilled according to law.
6. This rezoning is in conformance with enacted elements of a Comprehensive Plan for the City, is in accordance with generally accepted land use planning standards and with applicable City and State legislative enactments as indicated in the Report of the Hearings Officer.

NOW, THEREFORE, the Council directs:

- a. That the facts, findings, conclusions and recommendation of the Hearings Officer in P.C. File No. 7586 are adopted by City Council.
- b. The zone of Lots 6 and 7, Block 9, Bertha, is changed to R2, located at S.W. 25th, between Dakota and Nebraska.
- c. This Zone Change is granted under the following conditions:
 - 1) Prior to the issuance of a Building Permit, the property owners shall improve S.W. Nebraska from the western boundary of Lot 1 of their property east to the intersection with S.W. Capitol Highway, and shall realign this intersection as required by the City Engineer. With the realignment of the intersection, the access of the residence at the northwest corner of Nebraska and Capitol Highway should be maintained on Nebraska Street.

ORDINANCE No.

- 2) Prior to the issuance of a Building Permit, the property owners shall sign and furnish the City with a waiver declaring that said property shall be counted in favor of all future street improvements of S.W. 25th Avenue, Nebraska and Dakota that the property would normally be assessed for and that current and future owners will not remonstrate against the assessments for such improvements.
 - 3) Access to the site shall be limited to Nebraska Street only, provided that the Fire Bureau may require emergency access only to S.W. 25th Avenue.
 - 4) Prior to issuance of a Building Permit, all storm drainage requirements of the Bureau of Environmental Services shall be met. The Bureau of Environmental Services shall require coordination of this plan, if that is found to be beneficial, with the drainage planning and implementation conditions imposed on the Jewish Community Center in cases CU 50-85 and CU 78-85.
 - 5) A landscaping and screening plan shall be reviewed and approved by the Bureau of Planning prior to the issuance of a Building Permit.
- d. 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, **JUL 10 1986**

Commissioner Strachan
June 5, 1986
G.H.Fleerlage/ja

Jewel Lansing
Auditor of the City of Portland
By *Doris E. O'Leary*
Deputy

Calendar No. **1413**

ORDINANCE No. 158769

Title

An Ordinance changing the zoning for Lots 6 and 7, Block 9, Bertha, from R5 to R2, located at S.W. 25th, between Dakota and Nebraska, under certain conditions, adopting findings, and declaring an emergency.

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
BOGLE		
LINDBERG	/	
SCHWAB	/	
STRACHAN	/	
CLARK	/	

FOUR-FIFTHS CALENDAR	
BOGLE	
LINDBERG	
SCHWAB	
STRACHAN	
CLARK	

INTRODUCED BY
COMMISSIONER STRACHAN

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration
Safety
Utilities <i>MDS/DAT</i>
Works

BUREAU APPROVAL
Bureau: Hearings Office
Prepared By: G.H.Fleerlage/ja <i>MB</i> Date: 6/5/86
Budget Impact Review:
<input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not required
Bureau Head:

CALENDAR	
Consent	Regular

NOTED BY
City Attorney
City Auditor
City Engineer

Filed **JUN 27 1986**

JEWEL LANSING
Auditor of the CITY OF PORTLAND

By *Elena Cervero*
Deputy