

c-7465

Calendar No. 1907
2161

ORDINANCE No. 110006

Title

An Ordinance vacating
S. W. Cheltenham Place between
S. W. Cheltenham Street and
S. W. Slavin Road, under certain
terms and conditions.

APR 29 1959

Read 1 & 2 &

PASSED TO THIRD READING MAY 13 1959

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Bean	/	
Bowes	/	
Earl	/	
Grayson	/	
Schrunk	/	

FOUR-FIFTHS CALENDAR	
Bean	
Bowes	
Earl	
Grayson	
Schrunk	

INTRODUCED BY
Order of Council

DRAWN BY
MCR:gm
Date April 23, 1959

NOTED BY THE COMMISSIONER
Affairs
Finance
Safety
Utilities
Works

City Attorney <i>[Signature]</i>

NOTED FOR CITY AUDITOR
<i>[Signature]</i>

APPROVED
Date
By
City Engineer
Date
By

Filed.....APR 24 1959.....

RAY SMITH
Auditor of the CITY OF PORTLAND

By *[Signature]*
Deputy

ORDINANCE No. 110006

as to form by the City Attorney, and the Auditor shall file for record with the County Clerk of Multnomah County, State of Oregon, a certified copy of this ordinance and said acceptance thereof, as provided by law, and likewise file copies with the County Assessor and the County Surveyor of said county. The filings herein provided shall be at the expense of and shall be paid by petitioner.

Passed by the Council, MAY 14 1959

Leroy A. Schunk
Mayor of the City of Portland

Attest:

Raymond
Auditor of the City of Portland

Beginning at a point on the easterly line of Lot 10, Block 46, Burlingame, which is 20 feet north of the south line of said Lot 10 when measured at right angles from said lot line; thence easterly to a point in the westerly line of Lot 4, Block 47, Burlingame which is 60 feet northwesterly from S.W. corner of said Lot 4; thence northwesterly along the easterly line of S. W. Cheltenham Place to the northwest corner of Lot 1, Block 47, Burlingame; thence northwesterly to the northeast corner of Lot 14, Block 46, Burlingame; thence southeasterly along the westerly line of S. W. Cheltenham Place to the point of beginning, all in the City of Portland, Multnomah County, Oregon.

Section 3. This vacation is made contingent and dependent upon the following conditions:

a. This vacation is made upon the condition and with the reservation that nothing herein contained shall cause or require the removal of or abandonment of any sewer, water main, 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 center line of any such utility, except by written consent of the City Engineer and the owner of such utility first had; 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, Bureau of Building Inspection, to the end that such construction may be so adjusted with reference to all public utilities in said area as to cause a minimum amount 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.

b. That the petitioner pay all costs incidental to the vacation proceedings.

c. That an easement for the installation and maintenance of a proposed water main be retained, said easement covering the southwesterly 25 feet of the street proposed to be vacated.

e. That the petitioner pay to the City of Portland an Assessment of Special Benefits in the amount of \$450, said assessment to be credited to the General Fund, Miscellaneous Revenue Account 427, Street Vacation Charges.

Section 4. Petition herein shall file with the Auditor of the City of Portland an acceptance of this vacation, approved

WHEREAS, said matter came on regular for hearing on April 22, 1959, and no one appeared to object thereto and no objection or remonstrance, nor any claim for damage was filed or made against the same, and

WHEREAS, the Council finds that the petition for said street vacation has been investigated by the City Engineer, who recommends that the vacation be granted subject to certain conditions set forth in his report, and

WHEREAS, the Council finds that the reason for this vacation is for general residential purposes, the same as the adjacent ground, and particularly for residential building purposes, and

WHEREAS the Council finds that the vacation of the public street area herein described will not injuriously affect the market value of the property abutting or affected by such vacation, but such vacation is in the public interest, and said vacation in all respects will be for the public welfare, and it further appearing that all things have been done as provided by law for the vacation of said street area and that final action should now be taken thereon and such vacation be made a matter of record; now, therefore,

The City of Portland does ordain as follows:

Section 1. It hereby is ascertained and determined that said vacation will not injuriously affect the market value of any of the property abutting upon said street area to be vacated, but will be beneficial thereto; that the consent of the owners of all of the property adjacent or abutting the area to be vacated has been obtained in writing, duly acknowledged and filed as hereinabove stated; that the consent of the owners of more than two-thirds in area of all the owners of real property affected by said vacation has also been filed; that notice has been duly and regularly given of such vacation and hearings thereon duly and regularly had and the Council found and does now find that the public interest will not be prejudiced thereby, but that said vacation will enhance the public interest and welfare; that the petition for vacation should be granted with conditions as outlined in the City Engineer's Report, as hereinafter recited, all of which determinations hereby are made a matter of record.

Section 2. There hereby is vacated the following described property in the City of Portland, County of Multnomah, State of Oregon, to wit:

ORDINANCE NO. 110006

An Ordinance vacating S. W. Cheltenham Place between S.W. Cheltenham Street and S. W. Slavin Road, under certain terms and conditions.

WHEREAS, it appears to the Council that on January 26, 1959, there was filed with the City Auditor a petition signed by C. M. Snow, 6043 S. W. Capitol Highway, Portland 1, Oregon, for the vacation of a certain portion of S.W. Cheltenham Place between S.W. Cheltenham Street and Slavin Road-Terwilliger Boulevard intersection, in the City of Portland, County of Multnomah, State of Oregon, under the applicable provisions of ORS 271.010 to and including 271.230, and also filed with the Auditor the consents in writing of all owners of property abutting upon the portion of said streets to be vacated, and of more than two-thirds in area of all the real property affected by such vacation; that thereupon the City Auditor gave notice by posting and publication for a period of four successive weeks that said petition, together with any objections, remonstrances or claims for damage which may be made in writing and filed with the Auditor of the City of Portland, Oregon, prior to the time of hearing, would be heard and considered by the Council of the City of Portland at a regular meeting to be held at 9:30 a.m., April 22, 1959, in the Council Chambers of the City Hall of said City; that said notice was first published in the City's official newspaper, to wit: the Daily Journal of Commerce on March 20, 1959, and said Auditor within five days after said first publication further published said matter by posting three notices headed "Notice of Street Vacation" in three (3) conspicuous places in the area of said street proposed to be vacated in the places therein described and designated as follows:

Location

Object to Which Attached

At the approximate intersection of the southwest corner of Lot 4, Block 47, Burlingame and the easterly line of S.W. Cheltenham Place

On a stake

At the approximate intersection of the southeast corner of Lot 12, Block 46, Burlingame and the westerly line of S.W. Cheltenham Place

On a stake

At the approximate intersection of the easterly line of S. W. Cheltenham Place and the southerly line of S. W. Cheltenham Street

On a tree

and

ORDINANCE ACCEPTANCE

Portland, Oregon, May 18 19 59

RAY SMITH
Auditor of the City of Portland,
Room 202, City Hall
Portland 4, Oregon
Dear Sir:

This is to advise the City of Portland, Oregon, that I hereby accept the terms and provisions of Ordinance No. 110006, passed by the City Council May 14, 1959 vacating S. W. Cheltenham Place between S. W. Cheltenham Street and S. W. Slavin Road, under certain terms and 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,

C. M. Snow
..... owner.

* C. M. Snow

[CORPORATE SEAL]

9731

6043 S. W. Capitol Highway

Address

Ch 6-3737

Approved as to form:

M. W. King
.....
City Attorney

CHIEF DEPUTY

*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.