

ACCEPTANCE

Portland, Oregon.....March 30, 1961

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. 113348 vacating S.E. 69th Avenue between the north line of Meyer's Addition and a line parallel to and lying 175 feet north of the north line of S.E. Division Street,

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]

Milo L. Chapman PRESIDENT
Milo L. Chapman, Pres. Warner Pacific College
*

2219 S.E. 68th Avenue
Address

RAY SMITH, AUDITOR
CITY OF PORTLAND ORE.

11 APR 4 AM 12 37

RECEIVED

Approved as to form:

Chief Deputy
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.

JUN-16-61

20296

- VII B

0.00

RECEIPT

No 27670

OFFICE OF

SI COHN, COUNTY CLERK
MULTNOMAH COUNTY, OREGON

RECORDING DEPARTMENT

NAME

City Auditor

FILE NO.

Ordinance 113348

DOCUMENT

PARTIES

*For Rel.
Mtg
Need**Ben Frank.
Warner & Co. Cal.
Warner & Co. Cal.
City of Port**St
St
St**Recorded 6/16/61**Book 2142
page 26**Book 2067
page 229*

Ordinance 113345

County Clerk's Office, Multnomah County, Oregon

CIRCUIT COURT DEPARTMENT
LITIGATION ACCOUNT

No 414

Reg. No. 11111

RECEIVED OF *Henry Abbott, Auditor, City and County of Portland*
for and to

Portland, Oregon,

June 14, 1961

Plaintiff

\$

Ord. #113498 DOLLARS

Defendant

\$

Wacating SE 6975 Ave.

Bail

\$

Johnnie Mae

\$

2.50

In the above entitled case.

SI COHN,

County Clerk.

Total \$

2.50

By

W. Cohn

Deputy

ORDINANCE NO. 113348

An Ordinance vacating S. E. 69th Avenue between the north line of Meyer's Addition and a line parallel to and lying 175 feet north of the north line of S. E. Division Street, under certain terms and conditions, and declaring an emergency.

WHEREAS, it appears to the Council that on February 10, 1961, the Warner Pacific College, 2219 S. E. 68th Avenue, Portland, filed with the City Auditor a petition for the vacation of S. E. 69th Avenue between the north line of Meyer's Addition and a line parallel to and lying 175 feet north of the north line of S. E. Division Street, in the city of Portland, Multnomah County, 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 street 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., March 22, 1961, in the Council Chambers of the City Hall in the city of Portland; that said notice was first published in the City's official newspaper, to-wit: the Daily Journal of Commerce on February 17, 1961, 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 conspicuous places in the area of said street proposed to be vacated in the places therein described and designated as follows:

<u>Location</u>	<u>Object to which attached</u>
On the approximate east line of S. E. 69th Avenue approximately 175 feet north of the north line of S. E. Division Street.	On a pole
At the approximate intersection of the east line of S. E. 69th Avenue and the south line of Lot 5, Block 1, Meyer's Addition.	On a pole
At the approximate intersection of the west line of S. E. 69th Avenue and the north line of Meyer's Addition.	On a stake

AND WHEREAS, said matter came on regularly for hearing on March 22, 1961, and no one appeared to object thereto and no objection or remonstrance, nor any claims for damage were 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 dated February 2, 1961, and

WHEREAS, the Council finds that the reason for this vacation is for general Bible College purposes, the same as the adjacent ground, and particularly for consolidation of property, 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 owners of real property affected by said vacation has also been filed; that notice has been duly and regularly given of such vacation and hearing 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:

All that portion of S. E. 69th Avenue which lies between the north line of Meyer's Addition and a line parallel to and lying 175 feet north of the north line of S. E. Division Street; EXCEPT an easement in the West 40 feet of said vacated area for water main purposes as set forth in Condition (e) of Section 3 of this Ordinance;

Provided, that there shall be dedicated concurrently herewith to the City of Portland for the benefit and use of the public by good and sufficient document, approved by the City Attorney as to form, in lieu of the property herein vacated, that certain property described in Condition (f) of Section 3 of this Ordinance.

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, except that the City hereby abandons, but will not remove, an existing 6-inch water main and an 8-inch sewer and a 10-inch sewer in the vacated area; 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 said vacation.

(c) That the petitioner deposit the sum of \$545.00 with the City Treasurer in the Trust Fund Charges for sidewalk repairs, said amount being the estimated cost of constructing a manhole on the 10-inch sewer south of the portion of S. E. 69th Avenue to be vacated. Said construction will be done by City maintenance forces. Any unused portion of this deposit will be refunded to the petitioner upon completion of the manhole.

(d) That the petitioner pay all costs for and incidental to the capping of the existing 6-inch water main, the relocation of the 3-inch and 3/4-inch water meters and the relocation or replacement of an existing fire hydrant. It is understood that, at the option of the petitioner, the existing fire hydrant may remain, providing the petitioner pay all costs in connection with the purchase and installation of a new hydrant at a location in dedicated street area as required by the City Engineer.

(e) That an easement covering the west 40 feet of the street to be vacated be retained by the City for the construction and maintenance of future water mains and that no buildings may be constructed in this area without the consent of the City Engineer.

(f) That the following described parcels be dedicated to the City for street purposes:

Beginning at a point in the west line of S. E. 69th Avenue lying 100.35 feet north of the north line of S. E. Division Street; thence northwesterly and northeasterly along a 40-foot radius curve to the right a distance of 83.78 feet to a point in the said west line lying 169.65 feet northerly of the north line of S. E. Division Street; thence southerly along said west line a distance of 69.3 feet to the point of beginning, in the city of Portland, county of Multnomah, state of Oregon.

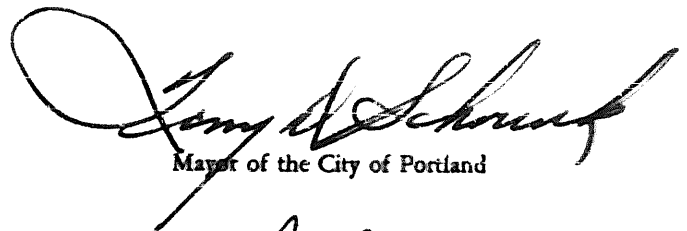
Section 4. The petitioner, Warner Pacific College, shall file with the Auditor of the city of Portland an acceptance of this vacation, signed and acknowledged by its duly authorized representatives, and approved by the City Attorney as to form, and the Auditor shall file for record with the County Clerk of Multnomah County, State of Oregon, a certified copy of this ordinance and said acceptance thereof, as provided by law, and likewise file

ORDINANCE No.

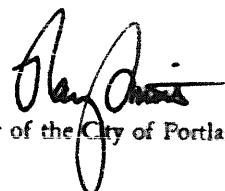
copies with the County Assessor and the County Surveyor of said county. The filings herein provided shall be at the expense of and shall be paid by said petitioner.

Section 5. Inasmuch as this ordinance is necessary for the immediate preservation of the public health, peace and safety of the city of Portland in this: In order that necessary arrangements may be made for construction of a school building to supply a public need without delay; therefore, an emergency hereby is declared to exist and this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, MAR 29 1961


Mayor of the City of Portland

Attest:


Auditor of the City of Portland

Calendar No. 1012

ORDINANCE NO. 113348

Title

An Ordinance vacating S. E. 69th Avenue between the north line of Meyer's Addition and a line parallel to and lying 175 feet north of the north line of S. E. Division Street, under certain terms and conditions, and declaring an emergency.

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

FOUR-FIFTHS CALENDAR	
Bean	
Bowes	
Earl	
Grayson	
Schrunk	

Filed MAR 24 1961

RAY SMITH

Auditor of the CITY OF PORTLAND

By *Ray Smith* Deputy

INTRODUCED BY

Order of Council

DRAWN BY

RLH:dh

Date March 23, 1961

NOTED BY THE COMMISSIONER

Affairs

Finance

Safety

Utilities

Works

City Attorney

NOTED FOR CITY AUDITOR

Ray Smith

APPROVED

Date

By *Ray Smith* City Engineer

Date

By