

FEB-20-62

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RECEIPT

No 81845

OFFICE OF
SI COHN, COUNTY CLERK
 MULTNOMAH COUNTY, OREGON
 RECORDING DEPARTMENT

NAME

City of Park

FILE NO.

DOCUMENT	PARTIES	
<i>Ord.</i>	<i>Ord # 114914</i>	<i>[Signature]</i>
	<i>Vacation N Ross</i>	
	<i>Book 2103</i>	
	<i>Page 389</i>	
	<i>Feb 20, 1962</i>	

County Clerk's Office, Multnomah County, Oregon

CIRCUIT COURT DEPARTMENT
LITIGATION ACCOUNT

No 12332

Reg. No. Misc:

Portland, Oregon, Feb. 20 1962

RECEIVED OF *Ray Smith, Auditor, City of Portland*
Two and 50/100 DOLLARS

Plaintiff	\$	<i>Ord. 114714</i>
Defendant	\$	<i>Vacating a portion of M. R. Ave.</i>
Bail	\$	
<i>Surgeon fees</i>	\$	<i>2.50</i>
	\$	
Total . . .	\$	<i>2.50</i>

In the above entitled case.

SI COHN,
County Clerk,

By *A. L. Lisk*
Deputy

ORDINANCE NO. 11071

An Ordinance vacating all that portion of N. Ross Avenue lying between a line 100 feet northwesterly from and parallel to the northwesterly line of N. Cherry Street, under certain conditions, and declaring an emergency.

WHEREAS the Council by Resolution No. 28689, adopted by the Council December 27, 1961 initiated action for the vacation of certain portions of N. Ross Avenue adjacent to the Exposition-Recreation Center area in the corporate limits of the City of Portland, as herein specified, pursuant to the applicable provisions of ORS 271.010 to and including 271.230, and thereupon the City Auditor gave notice by posting and also by publication of a notice once each week for four successive weeks that said resolution had been adopted instituting proceedings for the vacation of said property; that the matter of said vacation, together with any objections, remonstrances and/or claims for damages which might be made in writing and filed with the City Auditor prior to the time of hearing would be heard and considered by the Council at a meeting to be held at 9:30 A.M. January 31, 1962, in the Council Chambers of the City Hall in said City, which notice was first published in the City's official newspaper, to wit: The Daily Journal of Commerce, on December 29, 1961, and the City Auditor within five days from 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 proposed vacation at the places therein described and designated as follows:

<u>Location</u>	<u>Object to which attached</u>
At the approximate Northwest corner of the intersection of N. Broadway Street and N. Ross Street	On a pole
On the approximate easterly line of N. Ross Street approximately 100 feet north of the south line of N. Broadway Street when measured at right angles thereto	On a pole
On the approximate westerly line of N. Ross Street approximately 230 feet south of the south line of N. Broadway Street when measured at right angles thereto	On a pole

AND WHEREAS, said matter came on regularly for hearing on January 31, 1962, 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 proposed 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 said vacation is for use by the Exposition-Recreation Commission, the same as the adjacent ground, and

WHEREAS the Commission of Public Docks and the Port of Portland have signified their approval of said proposed vacation, and

WHEREAS the Council finds that the vacation of the public street 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 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 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 vacation should be granted with conditions as outlined in the City Engineer's report, or 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 N. Ross Avenue lying between a line 108 feet northwesterly from and parallel to the northwesterly line of N. Cherry Street and a line described as follows:

Beginning at the most westerly corner of Lot 13, Block 10, Elizabeth Irving's Addition; thence westerly in a straight line to the point of intersection of the southwesterly line of N. Ross Avenue with the southeasterly line of N. Broadway as now laid out, said point also being in the northeasterly line of Lot 1, Block 11, as platted in Elizabeth Irving's Addition and lying 30 feet northwesterly from the southeasterly corner thereof.

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

(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, rebuilt and/or enlarged.

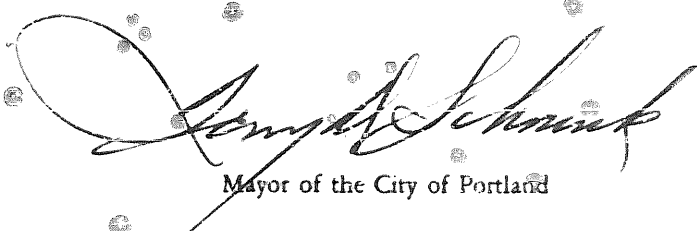
Section 4. Inasmuch as this ordinance is necessary for the immediate preservation of the public health, peace and safety of the City of Portland in this: In order that there may be no delay in providing area for the beneficial use of the Exposition-Recreation Commission, all in the public interest; therefore, an emergency hereby is declared to exist

ORDINANCE No.

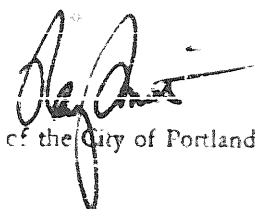
and this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council,

FEB 7 - 1962


Mayor of the City of Portland

Attest:


Auditor of the City of Portland

Calendar No. 154

ORDINANCE No. 119711

Title

An Ordinance vacating all that portion of N. Ross Avenue lying between a line 108 feet northwesterly from and parallel to the northwesterly line of N. Cherry Street, under certain conditions, and declaring an emergency.

INTRODUCED BY
Order of Council 1

DRAWN BY
AGB: gm
Date **2-2-62**

NOTED BY THE COMMISSIONER

Affairs	
Finance	
Safety	
Utilities	
Works	

City Attorney *[Signature]*

NOTED FOR CITY AUDITOR
[Signature]

APPROVED

Date _____
By _____
City Engineer

THE COMMISSIONERS VOTED AS FOLLOWS

	Yeas	Nays
Bean	/	
Bowes	/	
Earl	/	
Grayson	/	
Schrank		

FOUR-FIFTHS CALENDAR

Bean	
Bowes	
Earl	
Grayson	
Schrank	

Filed FEB 2 - 1962

RAY SMITH
Auditor of the CITY OF PORTLAND
By *[Signature]* Deputy