

ORDINANCE NO. 120396

An Ordinance vacating the westerly 15 feet of S.W. 11th Avenue between S.W. Gibbs Street and S.W. Grover Street, under certain conditions.

The City of Portland ordains:

Section 1. The Council finds that by Resolution No. 29467, adopted by the Council January 20, 1965, proceedings were initiated for the vacation of the following described property:

That portion of S.W. 11th Avenue, lying west of a line drawn 15 feet east of and parallel with the east line of Block 80, Portland City Homestead Plat, and extending from the north line of S.W. Gibbs Street to the south line of S.W. Grover Street, in the City of Portland, County of Multnomah, State of Oregon;

that the purpose of said vacation is to permit private access to hillside property; that said petition has been approved by the Commissioner of Public Works, subject to certain conditions set forth hereafter; that the proceedings 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 hearing 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 the matter came on regularly for hearing and no objections thereafter were made or filed thereto and the Council finds that it is in the public interest that said street be vacated; that said vacation will not interfere with improvement proposed by the Commissioner of Public Docks nor with the reasonable access to the waterfront or transportation terminal; now, therefore, that certain parcel of property hereinabove described is vacated under the following conditions:

1. Nothing herein contained shall cause or require the removal or abandonment of any sewer, water or gas main, except as hereafter provided, conduit of any kind, wire, pole or thing used, or intended to be used, for any public service, and the right hereby

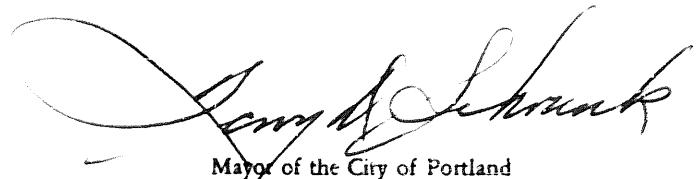
is reserved for the owner of any such utility or thing to maintain, continue, repair, reconstruct, renew, replace, rebuild, and/or enlarge any and all such things; that no building or structure of any kind shall be built or erected within a distance of ten feet from the center line of any such utility, except with the written consent of the City Engineer and the owner of the 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 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.

2. That Dr. Franklin Piacentini and Dorothy J. Piacentini, record owners of Lots 1, 2 and 3, Block 80, Portland City Homestead, pay all costs incidental to the vacation.
3. That Dr. Franklin Piacentini and Dorothy J. Piacentini, record owners of Lots 1, 2 and 3, Block 80, Portland City Homestead, pay all costs of moving a water meter now located adjacent to and serving Lot 4 in said Block 80, to a location in street area as required by the Water Engineer.
4. That Dr. Franklin Piacentini and Dorothy J. Piacentini, record owners of Lots 1, 2 and 3, Block 80, Portland City Homestead, grant to the present owner of Lot 4, of said Block 80, a permanent and unobstructed driveway easement over and across the easterly 10.0 feet of the portion of S.W. 11th Avenue to be vacated, said easement to extend from the north line of S.W. Gibbs Street to the easterly extension of the north line of Lot 3 of said Block 80, Portland City Homestead.
5. Dr. Franklin Piacentini and Dorothy J. Piacentini 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.

## ORDINANCE No.

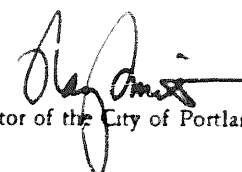
Section 2. The City Auditor shall file with the recorder, the assessor and the surveyor of the county in which said vacation is located, a certified copy of this ordinance and the acceptance thereof, and any maps, plat or other record which may be required.

Passed by the Council, MAY 19 1955



George W. Schrank  
Mayor of the City of Portland

Attest:



Auditor of the City of Portland

2053

Calendar No. 4920

# ORDINANCE No. 120396

Title

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MAY 1 2 1965  
Paid 1 & 2 &

PASSED TO THIRD READING 9:30 A. M. MAY 1 9 1965

INTRODUCED BY
Order of Council 1

DRAWN BY
MCR: gm/Eg
Date May 4, 1965

NOTED BY THE COMMISSIONER
Affairs
Finance
Safety
Utilities
Works

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

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

APPROVED
Date
By
City Engineer
Date
By

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Bean	1	
Bowes	1	
Earl	1	
Grayson	1	
Schr. nk	1	

FOUR-FIFTHS CALENDAR	
Bean	
Bowes	
Earl	
Grayson	
Schrunk	

Filed MAY 5 1965

Auditor of the CITY OF PORTLAND

RAY SMITH

By *[Signature]* Deputy