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OCT 30 9 31 AM 1969

ACCEPTANCE

RAY SMITH, AUDITOR
CITY OF PORTLAND, ORE.

BY

Portland, Oregon, _____ October 27, _____ 1969

RAY SMITH
Auditor of the City of Portland
Room 202, City Hall
Portland, Oregon 97204

Dear Sir:

This is to advise the City of Portland, Oregon, that I hereby accept the terms and provisions of Ordinance No. 129942, passed by the Council October 24, 1969, vacating N. Massachusetts Ave. between the north line of N. Revere St. and the south line of N. Fremont St., and vacating N. Revere St. between the westerly line of N. Interstate Ave. extended southerly and the westerly line of Cook's Second Addition, under certain conditions, and declaring an emergency, 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,

LA DU REALTY COMPANY

*BY:

[Signature]

[CORPORATE SEAL]

4007 N Interstate Address

Approved as to form:

[Signature]

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.

ORDINANCE NO. 129942

An Ordinance vacating N. Massachusetts Avenue between the north line of N. Revere Street and the south line of N. Fremont Street, and vacating N. Revere Street between the westerly line of N. Interstate Avenue extended southerly and the westerly line of Cook's Second Addition, under certain conditions, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds that La Du Realty Company, 4007 N. Interstate Avenue, Portland, filed a petition for the vacating of N. Massachusetts Avenue between the north line of N. Revere Street and the south line of N. Fremont Street, and vacating N. Revere Street between the westerly line of N. Interstate Avenue extended southerly and the westerly line of Cook's Second Addition; that the purpose of said vacation is to consolidate property for commercial development; that said petition has been approved by the Commissioner of Public Works subject to certain conditions set forth hereinbelow; that said petition 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 271.110; that said petition came on regularly for hearing and no objections were made or filed thereto and it is in the public interest that said street be vacated; now, therefore, that certain street hereinbefore described hereby is vacated under the following conditions:

- a. Petitioner shall pay all costs incidental to said vacation.
- b. Nothing herein contained shall cause or require the removal or abandonment of any sewer, gas main, conduit of any kind, wire, pole or thing used, or intended to be used, for any public service, with the exception of existing water mains, for which no easement is reserved, 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; 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. 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.

c. Petitioner shall deposit the sum of \$1100 with the City Treasurer in Trust Fund - Charges for Sidewalk Repair to cover the estimated cost of reconstructing the intersection of N. Revere Street with N. Interstate Avenue, and upon completion of the work by and at the expense of the petitioner and in accordance with plans to be furnished by the City Engineer, said sum of \$1100 will be refunded. In the event the cash deposit is not sufficient to cover the costs of reconstruction as required by the City Engineer, the petitioner shall pay all costs in excess of such deposit, and in the event petitioner fails or neglects to complete said reconstruction within a reasonable time as determined by the City Engineer, the City is authorized to draw from the sum deposited as is required by City Maintenance personnel.

d. Petitioner shall pay all costs of killing the existing 2-inch water main and 6-inch water main and for the relocation of water services into other dedicated street area as directed by the Water Engineer.

e. Petitioner shall pay its proportional cost for the improvement of N. Fremont Street from N. Interstate Avenue to its terminus at the west line of Cooks 2nd Addition.

f. Petitioner shall dedicate for public street purposes a portion of Block 3, Cooks 2nd Addition, in the City of Portland, County of Multnomah, State of Oregon, described as follows:

Beginning at the northeast corner of said Block 3; thence southwesterly, westerly and northwesterly along the arc of a 50-foot radius curve to the right a distance of 157.08 feet to the northwest corner of said Block 3; thence east along the north line of said Block 3 a distance of 100 feet to the point of beginning.

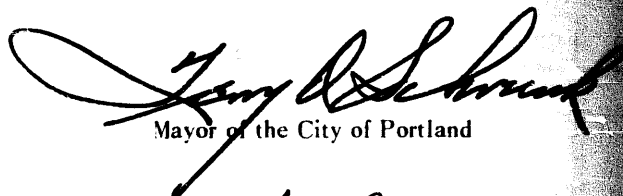
g. Petitioner shall file with the City Auditor, in form approved by the City Attorney, a document in writing accepting the terms and conditions of this ordinance.

Section 2. The City Auditor shall, at the expense of petitioner, file with the recorder, the assessor and the surveyor of Multnomah County, a certified copy of this ordinance and the acceptance thereof, and any map, plat or other record which may be required by law.

ORDINANCE No.

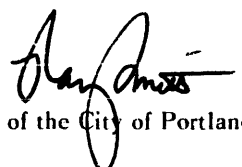
Section 3. Inasmuch as this ordinance is necessary for the immediate preservation of the public health, peace and safety of the city of Portland in this: In order that needed construction may be undertaken before winter weather prevails; therefore, an emergency hereby is declared to exist and this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, OCT 24 1969



Mayor of the City of Portland

Attest:



Auditor of the City of Portland

Order of Council
MCR:jw 10/16/69

Calendar No. 4343

ORDINANCE No. 129942

Title

An Ordinance vacating N. Massachusetts Avenue between the north line of N. Revere Street and the south line of N. Fremont Street, and vacating N. Revere Street between the westerly line of N. Interstate Avenue extended southerly and the westerly line of Cook's Second Addition, under certain conditions, and declaring an emergency.

OCT 22 1969

CONTINUED TO

OCT 24 1969

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Bowes		
Earl	1	
Grayson	1	
Ivancie	1	
Schrunk	1	

4

FOUR-FIFTHS CALENDAR	
Bowes	
Earl	
Grayson	
Ivancie	
Schrunk	

RAY SMITH
Auditor of the CITY OF PORTLAND

By *George Schubert*
Deputy

Filed OCT 17 1969

INTRODUCED BY
Order of Council

DRAWN BY	MCR: jw
Date	October 16, 1969

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration
Safety
Utilities
Works

City Attorney	<i>[Signature]</i>
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NOTED BY THE CITY AUDITOR
<i>Mc</i>
<i>[Signature]</i>

APPROVED	
Date	
By	City Engineer
Date	
By	