

ACCEPTANCE

RECEIVED

DEC 23 9 27 AM

RAY SMITH AUDITOR
CITY OF PORTLAND, ORE

Portland, Oregon, _____ November _____

BY: *[Signature]*

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. 130128, passed by the Council November 26, 1969, vacating all the streets, lots, blocks and tracts in the duly recorded plat of Stonemoor, under certain 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,

PORTLAND DEVELOPMENT COMMISSION
BY: *[Signature]*
John B. Kenward

[CORPORATE SEAL]

1700 SW 4th Ave. Address

Approved as to form:

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.

130128
RECEIVED
1292

DEC 3 9 16 AM 1969

RAY SMITH, AUDITOR
CITY OF PORTLAND, ORE.

BY *RS*
November 28, 1969

ACCEPTANCE

Portland, Oregon, _____

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. 130128, passed by the Council November 26, 1969, vacating all the streets, lots, blocks and tracts in the duly recorded plat of Stonemoor, under certain 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,

HALLBERG HOMES, INC. _____

[CORPORATE
SEAL]

* BY: *Lawrence Hallberg*

1710 NE 82nd Ave 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.

*Amended by
Ord. No 130576*

ORDINANCE NO. **130128**

An Ordinance vacating all the streets, lots, blocks and tracts in the duly recorded plat of Stonemoor, under certain conditions.

The City of Portland ordains:

Section 1. The Council finds that by Resolution No. 30595, adopted by the Council September 24, 1969, proceedings were initiated for the vacation of all the streets, lots, blocks and tracts in the duly recorded plat of Stonemoor, for and in behalf of the Portland Development Commission, Hallberg Homes, Inc., and the United Homes Corporation; that the purpose of said vacation is to create a single parcel of land for multi-family development; that the area to be vacated is more particularly described:

All streets, lots, blocks and tracts in the duly recorded plat of Stonemoor in the City of Portland, County of Multnomah, State of Oregon, excepting therefrom that portion of N. Swift Way lying northeasterly of the southeasterly extension of the northeasterly line of Block 1 of said plat.

that pursuant to ORS 271.130 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 the 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 matter came on regularly for hearing and no objections were made or filed thereto and it is in the public interest that said streets be vacated; that said vacation will not interfere with any improvement proposed by the Commission of Public Docks nor with reasonable access to the water front or transportation terminal;; now, therefore, that area hereinabove described hereby is vacated under the following conditions:

- a. That Hallberg Homes, Inc and United Homes Corporation pay all costs incidental to the vacation.
- b. That the City reserves for sewer maintenance an easement 20 feet in width, being 10 feet on each side of the center line of the existing 33 inch diameter sanitary intercepting sewer as now constructed along the northeasterly portion of the plat of Stonemoor.
- c. That the City reserves for sewer maintenance an easement 20 feet in width, being 10 feet on each side of center line of an existing 8 inch diameter sewer passing northeasterly through the plat of Stonemoor and extending between Bailey's Addition and a connection with the 33 inch diameter interceptor near N. Swift Blvd.

d. That the City reserves for future sewer construction one easement lying in Block 2 and one easement lying in Block 10, Stonemoor, which easements were accepted by the City by Ordinance No. 123117

e. That the City reserves for water main maintenance, an easement 20 feet in width, being 10.0 feet on each side of an existing 6 inch diameter water main passing northeasterly through the Plat of Stonemoor, and extending between the northerly line of Bailey's Addition at N. Iris Way, and N. Swift Boulevard.

f. That no buildings will be constructed within 10 feet of the center line of sewers mentioned in paragraphs b,c,d and 11 hereof, without the written consent of the City Engineer nor within 10 feet of the center line of water mains mentioned in paragraphs e and 1, without the written consent of the Water Engineer.

g. That Hallberg Homes, Inc. and United Homes Corporation agree to dedicate or rededicate to the City for public street purposes, at no cost to the City, sufficient property for construction of 100 foot diameter cul-de-sacs at the locations as shown on Portland City Planning Commission map V 39-69-, dated October 14, 1969.

h. That Hallberg Homes, Inc. and United Homes Corporation agree to deed to the City for park purposes at no cost to the City those portions of the Plat of Stonemoor shown as "recommended park dedication" on Portland City Planning Commission Map V 39-69, dated October 14, 1969.

i. That Hallberg Homes, Inc. and United Homes Corporation construct and improve, at their expense, the cul-de-sacs mentioned in paragraph "g" above, said construction to be in compliance with plans and specifications prepared by the City Engineer.

j. That all access streets and interior streets and any pedestrian facility proposed within the Plat of Stonemoor, when vacated, shall before construction, be first approved by the City Engineer and Traffic Engineer, and the costs of all traffic control devices as required by the Traffic Engineer in connection with the proposed development shall be borne by Hallberg Homes, Inc. and United Homes Corporation.

k. That all streets shown on the plat of "Stonemoor Addition" be retained as easements for the construction and maintenance of storm and sanitary sewers until such time as plans for the development of this area are presented to the City Engineer and definite locations for storm and sanitary sewers can be determined and easements for them are granted to the City by the petitioners, their heirs or assigns.

ORDINANCE No.

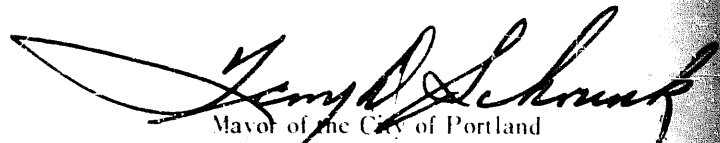
1. Nothing herein contained shall cause or require the removal or abandonment of any sewer, water or gas main, conduit of any kind, wire, pole or thing used or intended to be used, for any public service, and the right hereby is reserved for the owner of any such utility or thing to maintain, continue, 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 upon the written consent of the City Engineer and the owner of the utility and 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.

Section 2. Hallberg Homes, Inc and United Homes Corporation 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.

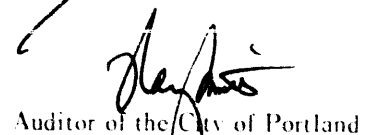
Section 3. The City Auditor shall file in the appropriate files of the County in which said property is located, and with the Assessor and the surveyor, a certified copy of this ordinance and the acceptance thereof, and any map, plat or other record which may be required by law.

Passed by the Council, **NOV 26 1969**

Order of Council
11-13-69
MCR:gm


Mayor of the City of Portland

Attest:


Auditor of the City of Portland

Calendar No. **4851**

ORDINANCE No. **130128**

Title

An Ordinance vacating all the streets lots, blocks and tracts in the duly recorded plat of Stonemoor, under certain conditions.

142

NOV 19 1969

PASSED TO THIRD READING NOV 26 1969

INTRODUCED BY
Order of Council

DRAWN BY
MCR:gm
Date 11-13-69

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration
Safety
Utilities
Works

City Attorney <i>MLX</i>

NOTED BY THE CITY AUDITOR
<i>MIC by</i>

APPROVED
Date
By
CITY ENGINEER

By
Date

THE COMMISSIONERS VOTED AS FOLLOWS:

	Yeas	Nays
<i>Anderson</i>	1	
Earl	1	
Grayson	1	
Ivancic	1	
Schrunk		

FOUR-FIFTHS CALENDAR

Bowes	
Earl	
Grayson	
Ivancic	
Schrunk	

Filed NOV 14 1969

RAY SMITH

Auditor of the CITY OF PORTLAND

By *George J. Huberman*
Deputy