

RECEIVED

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RAY SMITH, AUDITOR
CITY OF PORTLAND, ORE.

BY EC

ACCEPTANCE

167

Portland, Oregon, February 4, 1970

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. 130392, passed by the Council February 4, 1970, vacating all that certain portion of street area adjacent to Block 28, James John Addition, 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,

[CORPORATE
SEAL]

Carl W. Spitznagel
*
Keith R. Peterson

825 SE 30th Ave Address

Approved as to form:

McClure
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. 130392

An Ordinance vacating all that certain portion of street area adjacent to Block 28, James John Addition, under certain conditions.

The City of Portland ordains:

Section 1. The Council finds that Carl W. Spitznagel and Keith R. Peterson, 825 S.E. 30th Avenue, Portland, Oregon 97214, on October 31, 1969, filed a petition with the City Council for the vacation of a portion of certain street areas hereinafter set forth; that the purpose for such vacation is for the provision of more suitable multiple dwelling site; that said petition has been approved by the Commissioner of Public Works under certain conditions hereinafter set forth and as recommended by the City Engineer in his report dated November 21, 1969; that said petition was considered by the Planning Commission in their report (P.C. File V3-66) and said Commission recommended approval upon certain conditions; that the petition complies in all respects with all the provisions of ORS 271.080 in that it includes the consents of 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 City Council, to-wit: 9:30 A.M., Wednesday, January 21, 1970, in the Council Chamber of the City Hall in the City of Portland, Oregon, at which time and place said hearing was held; that the 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 to be vacated, all in accordance with provisions of ORS 271.100, et seq.; that said vacation will not interfere with any improvements proposed by the Commission of Public Docks nor with reasonable access to the water front nor any transportation terminal; that the consents of the Port of Portland, the Commission of Public Docks, and the Oregon State Highway Division hereby are made a part of Council Calendar No. 177 -(1970); that there were no remonstrances made or filed against the petition, and the Council found and does now find that said vacation should be granted with conditions; now, therefore, the following described property hereby is vacated, under the following conditions:

That portion of No. Pittsburg Avenue in the James John Addition to St. Johns, a plat duly recorded with the Multnomah County Clerk, in the City of Portland, County of Multnomah, State of Oregon, described as follows:

Beginning at the most southerly corner of Block 28, James John Addition to St. Johns; thence S. 34° E. 67.55 feet

along the southeasterly extension of the southwesterly line of said Block 28 to a point of curve; thence easterly and northerly 21.46 feet along the arc of a 10 foot radius curve to the left having a central angle $121^{\circ} 16'$ to the point of tangency with the northwesterly line of N. Burlington Avenue extended southwesterly; thence N. $24^{\circ} 44'$ E. 145.41 feet along said extension of the northwesterly line of N. Burlington Avenue to the angle point in the southeasterly line of said Block 28; thence S. $56^{\circ} W.$ 128.37 feet along said southeasterly block line to the point of beginning;

conditioned as follows:

1. That the petitioners pay all costs incidental to the vacation proceedings.
2. That the petitioners pay the cost of relocating the 1-inch diameter water service located in the area petitioned for vacation as required by the Water Engineer.
3. That the sum of \$3,500.00 in cash be deposited by the petitioners with the City Treasurer in a Trust Fund, Charges for Sidewalk Repair, or a corporate surety bond in the above amount and approved by the City be posted in lieu of a cash deposit to cover the estimated cost of intersection reconstruction as required by the City Engineer. Upon completion of the work by and at the expense of the petitioners, and in accordance with plans furnished by the City Engineer, said sum of \$3,500.00 will be refunded or the surety bond will be released. In the event the cash deposit or bond is not sufficient to cover the costs of reconstruction as required by the City Engineer, the petitioners agree to pay all costs in excess of such deposit or bond, and the petitioners further agree that if they fail or neglect to complete said reconstruction with a reasonable time, as determined by the City Engineer, the City is authorized to draw from the sum deposited, or on the bond, as is required to complete the reconstruction by City Maintenance personnel.
4. 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 with the prior written consent of the City Engineer and the owner of the utility 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

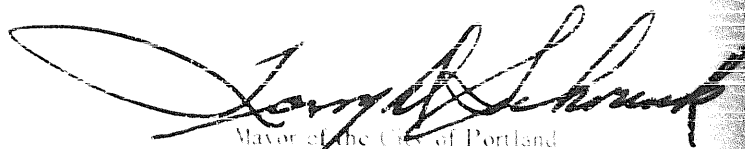
ORDINANCE No.

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 hereinafter reconstructed, renewed, replaced and/or enlarged.

Section 2. 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.

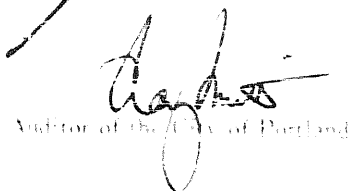
Section 3. The City Auditor shall at the expense of the petitioner file with the recorder, the assessor and the surveyor of the County in which said property is located a certified copy of this ordinance and the acceptance thereof, and any map, plat or other record which may be required by law.

Passed by the Council, FEB - 4 1970



Mayor of the City of Portland

Attest:



Auditor of the City of Portland

Order of Council

MCR:rf 1/22/70

Page No 3

Calendar No.

402

ORDINANCE No. 130392

Title

An Ordinance vacating all that certain portion of street area adjacent to Block 28, James John Addition, under certain conditions.

JAN 28 1970

PASSED TO THIRD READING FEB - 4 1970

INTRODUCED BY
ORDER OF COUNCIL

DRAWN BY

MCR:rf

Date January 22, 1970

NOTED BY THE COMMISSIONER

Affairs

Finance and
Administration

Safety

Utilities

Works

City Attorney

NOTED BY THE CITY AUDITOR

MCR

APPROVED

Date

By

City Engineer

Date

By

Calendar No.

402

THE COMMISSIONERS VOTED AS FOLLOWS:

	Yeas	Nays
Anderson	1	
Earl	1	
Grayson	1	
Ivancie	1	
Schrank	4	

FOUR-FIFTHS CALENDAR

Anderson	
Earl	
Grayson	
Ivancie	
Schrank	

RAY SMITH

Auditor of the CITY OF PORTLAND

By

Deputy

Filed JAN 23 1970