

ACCEPTANCE

Portland, Oregon, April 15, 1975

GEORGE YERKOVICH
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. 139760, passed by the Council April 16, 1975, vacating all that portion of N. Charleston Avenue lying between the southerly line of N. Edison Street and the northerly line of N. Decatur Street, 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]

Joseph Pollock, Jr.
Joseph Pollock, Jr.

Rose Marie Pollock
Rose Marie Pollock

2630 SW Commonwealth, Portland, Oregon 97201

Address

APPROVED AS TO FORM

Approved as to form:

John W. Osborne, Jr.
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. 139760

An Ordinance vacating all that portion of N. Charleston Avenue lying between the southerly line of N. Edison Street and the northerly line of N. Decatur Street, under certain conditions.

The City of Portland ordains:

Section 1. The Council finds that on February 5, 1975, Joseph, Jr. and Rose Marie Pollock, 2630 SW Commonwealth Street, Portland, Oregon 97201, filed a petition for the vacation of that portion of N. Charleston Avenue lying between the southerly line of N. Edison Street and the northerly line of N. Decatur Street, in the City of Portland, County of Multnomah, Oregon; that the purpose of said vacation is to allow landscaping around existing apartments and increase size of building site; 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 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, the following described property in street area hereby is vacated upon the following conditions:

All that portion of N. Charleston Avenue lying between the southerly line of N. Edison Street and the northerly line of N. Decatur Street.

- (a) That the petitioner pay to the City the sum of \$145.00, being the costs of these vacation proceedings in excess of the \$200.00 minimum filing fee.
- (b) 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

ORDINANCE No.

within a distance of ten feet from the centerline 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 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.

- (c) That the sum of \$1,200.00 in cash be deposited by the petitioner 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 \$1,200.00 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 within 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.
- (d) That in the event the petitioner fails to fully comply with the above conditions within 6 months after the effective date of this ordinance, said ordinance will then be subject to repeal by the Council.

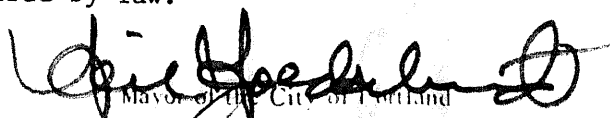
Section 2. Petitioner shall file with the City Auditor, in form approved by the City Attorney, a document in writing accepting the terms and conditions of the ordinance.


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, APR 16 1975

ORDER OF COUNCIL
RJH:bd
3-31-75

Attest:


Mayor of the City of Portland


Auditor of the City of Portland

1031

Calendar No. ~~254~~

ORDINANCE No. 130760

Title

An Ordinance vacating all that portion of N. Charleston Avenue lying between the southerly line of N. Edison Street and the northerly line of N. Decatur Street, under certain conditions.

C-2866
APR - 9 1975

PASSED TO THIRD READING APR 16 1975

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Ivancie	1	
Jordan	1	
McCreedy	—	
Schwab	1	
Goldschmidt	1	

FOUR-FIFTHS CALENDAR	
Ivancie	
Jordan	
McCreedy	
Schwab	
Goldschmidt	

Filed APR 3 1975

GEORGE YERKOVICH

Auditor of the CITY OF PORTLAND

By *George Yerkovich*
Deputy

INTRODUCED BY
ORDER OF COUNCIL

DRAWN BY
RJH:bd
Date 3/31/75

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration
Safety
Utilities
Works <i>CHS</i>

City Attorney

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

APPROVED
Date 4-2-75
By <i>[Signature]</i>
City Engineer
COMTES MALLORY
Date
By