

OCT 8 8 41 AM 1980

150459

GEORGE YERKOVICH, AUDITOR  
CITY OF PORTLAND, ORE.

ACCEPTANCE BY \_\_\_\_\_

Portland, Oregon, September 25, 1980

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. 150459, passed by the Council September 24, 1980, vacating certain portions of SW Richardson Street and SW Viewpoint Terrace lying east of the I-5 Freeway, 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,

*Lee Zumwalt*  
\_\_\_\_\_  
\* Lee Zumwalt

[CORPORATE SEAL]

4545 SW 96th, Beaverton, Or. 97005  
\_\_\_\_\_  
Address

Approved as to form:

*D. Williams*  
\_\_\_\_\_  
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. **150459**

An Ordinance vacating certain portions of S.W. Richardson Street and S.W. Viewpoint Terrace lying east of the I-5 Freeway, under certain conditions.

The City of Portland ordains:

Section 1. The Council finds:

1. On January 10, 1980, Lee Zumwalt filed a petition for the vacation of certain portions of S.W. Richardson Street and S.W. Viewpoint Terrace lying east of the I-5 Freeway.
2. The petition states the reason for the vacation is to consolidate property for residential development.
3. The vacation is recommended by the Commissioner of Public Works in accordance with certain conditions set forth in the directive action below.
4. In accordance with ORS 271.100, the Council fixed a time and place for public hearing before the Council; the Auditor published notice thereof, and posted such notice in the area proposed to be vacated.
5. Other procedural requirements of ORS 271 have been complied with and the Council having held a public hearing finds no objections were made or filed thereto and it is in the public interest that said street be vacated.

NOW, THEREFORE, the Council directs:

- a. All that portion of SW Richardson Street lying between the west line of SW Viewpoint Terrace and the southeasterly line of the I-5 Freeway and all that portion of SW Viewpoint Terrace lying between the north line of SW Richardson Street and the southeasterly line of the I-5 Freeway are hereby vacated.
- b. The vacation of the above described street areas is granted subject to the following conditions and restrictions:
  - (1) That the petitioner pay to the City the sum of \$179.00, this being the cost of the vacation proceedings in excess of the minimum \$200.00 filing fee already paid.
  - (2) 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 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.

- (3) That the petitioner pay all costs of the street improvements necessary at the intersection of SW Richardson Street and SW Viewpoint Terrace, all improvements to be in accordance with plans to be furnished by the City Engineer.
- (4) The sum of \$400.00 in cash be deposited by the petitioner with the City Treasurer in a trust fund, or a corporate surety bond in the above amount and approved by the City be posted in lieu thereof, to cover the estimated cost of improvements 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 \$400.00 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.
- (5) That in the event the petitioner fails to fully comply with the above conditions within six months after the effective date of the vacating 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.

ORDINANCE No.

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.

ORDINANCE NO. 3103

Ordinance No. 3103

11/16

Handwritten notes: (S-85047) and other illegible text.

SEP 1 1980

SEP 11 1980

Passed by the Council, SEP 24 1980

ORDER OF COUNCIL  
Stu Keebaugh:jmh  
September 5, 1980

Attest:

*Sergio Pedroni*  
Auditor of the City of Portland

Calendar No. **3464**  
~~3362~~

ORDINANCE No. **150459**

Title

An Ordinance vacating certain portions of S.W. Richardson Street and S.W. Viewpoint Terrace lying east of the I-5 Freeway, under certain conditions.

*(C-9294)*

SEP 17 1980

PASSED TO SECOND READING SEP 24 1980

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Ivancie		
Jordan		
Lindberg		
Schwab		
McCready		

FOUR-FIFTHS CALENDAR	
Ivancie	
Jordan	
Lindberg	
Schwab	
McCready	

Filed SEP 11 1980

GEORGE YERKOVICH  
Auditor of the CITY OF PORTLAND

By: *Garland Howell*  
Deputy

INTRODUCED BY
ORDER OF COUNCIL
NOTED BY THE COMMISSIONER
Affairs
Finance and Administration
Safety
Utilities
Works <b>ML/MS</b>
BUREAU APPROVAL
Bureau: Street & Structural Engineering
Prepared By: SK <i>os</i> Date: 9/5/80
Carl Short/jmh,
Budget Impact Review: <input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not required
Bureau lead: <i>David J. Vargas</i>
David J. Vargas, Acting Chief
CALENDAR
Consent <input checked="" type="checkbox"/> Regular
NOTED BY
City Attorney
City Auditor
City Engineer Approved: John M. Lang, P.E.
By: <i>David J. Vargas</i>