

JUL 7 8 26 AM 1981

151680

GEORGE YERKOVICH, AUDITOR
CITY OF PORTLAND, ORE.

ACCEPTANCE BY _____

Portland, Oregon, June 4 1981

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. 151680, passed by the Council June 3, 1981, vacating a certain portion of SE Long Street east of SE 39th Avenue, 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,

Ronald V. Tindall

Ronald V. Tindall

Karen E. Tindall

Karen E. Tindall

[CORPORATE
SEAL]

7405 SE PO Box 02523, PORTLAND, OREGON 97202

Address

APPROVED AS TO FORM
Approved as to form:

Christopher P. Thomas

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. 151680

An Ordinance vacating a certain portion of SE Long Street east of SE 39th Avenue, under certain conditions.

The City of Portland ordains:

Section 1. The Council finds:

1. On December 3, 1980, Ronald V. Tindall and Karen E. Tindall filed a petition for the vacation of all that portion of SE Long Street lying between the east line of SE 39th Avenue and the northerly extension of the west line of Lots 1 through 7, Block 4, Graceland, a duly recorded plat.
2. The petition states the reason for the vacation is to comply with conditions of previously acquired zone change and provide private drive and parking.
3. The vacation is recommended by the Commissioner of Public Works under certain conditions set forth in the directive action below.
4. In accordance with O.R.S. 271.100 the Council fixed a time and place for public hearing before the Council; the Auditor published notice thereof; and posted 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 SE Long Street lying between the east line of SE 39th Avenue and the northerly extension of the west line of Lots 1 through 7, Block 4, Graceland, a recorded plat is hereby vacated.
- b. The vacation of the above described street area is granted subject to the following conditions and restrictions:
 - (1) That the petitioners pay to the City the sum of \$222.00, this being the costs 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 (except as herein provided with respect to existing and future sewers) 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

ORDINANCE NO.

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 an easement over the entire length and full width of the street to be vacated is reserved for the maintenance or replacement of existing sewers and for construction of future sewers, and that no building construction, material storage, or tree planting will be permitted in said portion of the vacated street without prior written approval of the City Engineer, and further that the City or its contractor will not be responsible for restoration of or payment for any improvements, including landscaping or trees existing on the easement area if such things are damaged or destroyed by the City or its contractor in the course of maintenance or replacement of existing sewers or construction of future sewers.
- (4) That the petitioners agree to pay all costs of intersection reconstruction required at the SE 39th Avenue intersection with the portion of SE Long Street herein vacated in accordance with plans to be furnished by the City Engineer. To insure that these improvements are completed as designed, the sum of \$3710.00 in cash shall be deposited by the petitioners 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 street 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 \$3710.00 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.

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(5) That in the event the petitioners fail 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. Petitioners 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 petitioners file with the recorder, the assessor, 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, **JUN 3 1981**

ORDER OF COUNCIL
Stu Keebaugh/sg
May 13, 1981

Attest:

Serge Jelmond
Auditor of the City of Portland

1755
 Calendar No. ~~1657~~

ORDINANCE No. 151680

Title

An Ordinance vacating a certain portion of SE Long Street east of SE 39th Avenue, under certain conditions.

(C-9345)

MAY 27 1981

PASSED TO SECOND READING JUN 3 1981

Filed MAY 21 1981

GEORGE YERKOVICH
 Auditor of the CITY OF PORTLAND

BY *Samuel B. ...*
 Deputy

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
JORDAN	1	
LINDBERG	1	
SCHWAB	1	
STRACHAN	1	
IVANCIE	1	

FOUR-FIFTHS CALENDAR	
JORDAN	
LINDBERG	
SCHWAB	
STRACHAN	
IVANCIE	

INTRODUCED BY
 ORDER OF COUNCIL

NOTED BY THE COMMISSIONER

Affairs
 Finance and Administration
 Safety
 Utilities
 Works *mL/mo*

BUREAU APPROVAL

Bureau: Street & Structural Engineering

Prepared By: *SK* Date: *5/13/81*
 Carl Short/sg

Budget Impact Review:
 Completed Not required

Bureau Head: *R.O. Schmidt*
 R.O. Schmidt, Chief

CALENDAR
 Consent Regular

NOTED BY

City Attorney
 City Auditor

City Engineer APPROVED: *[Signature]*
 John M. Lang, P.E.

BY: *R.O. Schmidt*