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#### ACCEPTANCE

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BY				

Portland, Oregon March 25 19 85

JEWEL LANSING Auditor of the City of Portland Room 202, City Hall Portland, Oregon 97204

This is to advise the City of Portland, Oregon, that I hereby accept the terms and provisions of

Ordinance No. 156878, passed by the Council December 12, 1984, vacating a certain portion of SW Mill Street lying east of SW Harbor Way, 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

Patrick L. Lacrosse

Executive Director 1120 SW 5th Ave, Room 1102, Portland, OR 97204

**Address** 

Approved as to form:

APPROVED AS TO FORM

When an action the official title must be stated.

An Ordinance vacating a certain portion of SW Mill Street lying east of SW Harbor Way, under certain conditions.

The City of Portland ordains:

#### Section 1. The Council finds:

- 1. By Resolution 33754, proceedings were initiated for the vacation of a certain portion of SW Mill Street lying east of SW Harbor Way.
- 2. The purpose of the vacation is to consolidate Portland
  Development Commission property holdings along SW Harbor Way
  in connection with the South Downtown Waterfront Project.
- The vacation is recommended by the Commissioner of Public Works under 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 notice in the area proposed to be vacated.
- 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 area be vacated.

#### NOW, THEREFORE, the Council directs:

a. The following described street area, as shown on the attached Exhibit "A," is hereby vacated:

#### R/W #3932-1

All that portion of SW Mill Street lying between the easterly right of way line of SW Harbor Way as presently laid out and established, and the westerly line of that portion of SW Mill Street vacated by Ordinance No. 152717, passed by Council January 13, 1982, in the City of Portland, County of Multnomah and State of Oregon.

b. The vacation of the above described street area is granted subject to the following conditions and restrictions:

- (1) That the petitioner pay to the City the sum of \$624.00, this being the cost of these vacation proceedings.
- Nothing herein contained shall cause or require the re-(2) moval 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 (10) 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 areas 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 (except as herein provided with respect to existing sewers, for which a specific easement is reserved).
- (3) That an easement for construction, reconstruction, operation and maintenance of existing sewers in SW Mill Street is hereby reserved over the entire length and full width of the portion of SW Mill Street herein vacated.
- (4) The easement reserved by condition (3) above, is reserved on condition that no building construction, material storage or tree planting will be permitted within said easement area, and further that the City or its contractors will not be responsible for damage to any improvements, including landscaping existing on the easement area if such things are damaged or destroyed by the City or its contractor in the course of reconstruction or maintenance of existing sewer facilities.
- (5) That Portland Development Commission pay all costs of intersection reconstruction at the intersection of SW Mill Street with the easterly line of SW Harbor Way in accordance with plans to be furnished by the City Engineer.

#### ORDINANCE No.

The sum of \$2,889.00 in cash be deposited by Portland Development Commission 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 Portland Development Commission, and in accordance with plans furnished by the City Engineer, said sum of \$2,889.00 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, Portland Development Commission agrees to pay all costs in excess of such deposit or bond, and Portland Development Commission further agrees that if it fails or neglects 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.

TENDER X

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- (7) That in the event the Portland Development Commission fails to fully comply with the above conditions within six months after the effective date of this vacating Ordinance, said Ordinance will then be subject to repeal by the Council.
- Section 2. Portland Development Commission 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 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, DEC 12 1984

ORDER OF COUNCIL Jimmy Hillstrom:mwp November 26, 1984

Jewel Lansing

Auditor of the City of Portland

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By

Deputy

Page No. 3

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2651 Calendar No. 2579

# ORDINANCE No. 156878

### Title

An Ordinance vacating a certain portion of SW Mill Street lying east of SW Harbor Way, under certain conditions.

## DEC 51984

PASSED TO SECOND READING DEC 12 1984

JEWEL LANSING
Auditor of the CITY OF PORTLAND
By

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NOTED BY THE COMMISSIONER	3	<b>IMISSIONER</b>	
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	Bureau: Trans	Prepar	Jim	Budge		Bureau Rict

Consent	Regular	7	$\langle \parallel$	
City Attorney	NOTED BY	91   0		, h
City Auditor		Lipte		

By 20 8/11

City Engineer Approved: Richard O. Schmidt, P.E.