

156681 RECEIVED

OCT 26 1984

Office of
City Auditor

ACCEPTANCE

Portland, Oregon October 18, 1984

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. 156681, passed by the City Council on October 17, 1984, vacating portions of NE Holladay Way between NE Holladay Street and NE Multnomah Street, and Tax Lot 1 of Blocks 172 and 173, Holladay's 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,

LLOYD CORPORATION, LTD.

Gay Cooper

Vice President and General Counsel

700 NE Multnomah (32)

Address

0654C

APPROVED AS TO FORM
Approved as to form:

Christopher P. Thomas

CITY ATTORNEY

*When an acceptance is signed by an officer of a firm or corporation, his or her official title must be stated.

ORDINANCE NO. 156681

An Ordinance vacating portions of NE Holladay Way between NE Holladay Street and NE Multnomah Street, and Tax Lot 1 of Blocks 172 and 173, Holladay's Addition, under certain conditions.

The City of Portland ordains:

Section 1. The Council finds:

1. On November 25, 1983, Lloyd Corporation, Ltd., filed a petition to vacate portions of NE Holladay Way between NE Holladay Street and NE Multnomah Street, and Tax Lot 1 of Blocks 172 and 173, Holladay's Addition.
2. The petition states the reason for the vacation is to reroute traffic circulation due to location of light rail line on NE Holladay Street west of I-84.
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 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.
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 streets area be vacated.
6. An error in the legal description of the right of way to be vacated, described in "Exhibit B" of the original vacation petition, should be amended to clarify the location of the right of way to be vacated.

NOW, THEREFORE, the Council directs:

- a. The following described street areas as amended, are hereby vacated.

R/W #3876

A parcel of land located in the northeast one quarter of Section 35, T1N, R1E, W.M., City of Portland, Multnomah County, Oregon, and being more particularly described as follows:

Commencing at a point on the east line of Lot 8, Block 160, the plat of Holladay's Addition, which lies 10.0 feet southerly of the northeast corner of said Block 160; thence along the south line of NE Multnomah Street as presently laid out and established, S 88°12'26" E, 5.0 feet to the True Point of Beginning; thence continuing along said southerly line of NE Multnomah Street, S 88°12'26" E, 65.0 feet to a point that is 10.0 feet easterly of and 10.0 feet southerly of the northwest corner of Lot 1, Block 173, of said Holladay's Addition; thence S 24°46'20" E, 156.52 feet to a point on the north line of Lot 4, said Block 173, that is 20.0 feet westerly of the northeast corner of said Lot 4; thence along the northerly line of said Lot 4, S 88°12'26" E, 50.0 feet to a point on the northerly line of Lot 5, said Block 173, said point being located easterly 30.0 feet from the northwest corner of said Lot 5; thence N 38°39'45" E, 100.0 feet to a point on the westerly line of NE 16th Avenue as presently laid out and established as 80.0 feet wide, which point is 20.0 feet southerly of the south line of Lot 8, Block 173; thence along the westerly line of said NE 16th Avenue N 01°47'34" E, 60.0 feet to a point on the southerly line of NE Multnomah Street; thence along the southerly line of said NE Multnomah Street S 88°12'26" E, 23.35 feet; thence S 01°47'34" W, 109.71 feet to the intersection of a 270.0 foot radius curve; thence 209.29 feet along the arc of a 270.0 foot radius curve to the right through a central angle of 44°24'49" (the long chord of which bears S 32°49'29" W, 204.09 feet) to a point of tangency; thence S 55°01'54" W, 142.40 feet to the intersection of a line that runs from the northeast corner of Block 171 of said Holladay's Addition to the northwest corner of Lot 8 of Block 161 of said Holladay's Addition; thence along said line N 50°19'56" W, 30.47 feet to the intersection of a 214.0 foot radius curve; thence 127.09 feet along the arc of a 214.0 foot radius curve to the right (the radius point of which bears N 67°22'20" W, 214.0 feet) through a central angle of 34°01'32" (the long chord of which bears S 39°38'27" W, 125.23 feet) to a point of intersection with the westerly extension of the northerly line of NE Holladay Street; thence along the westerly extension of the northerly line of NE Holladay Street N 88°12'26" W, 123.17 feet to a point on the south line of Lot 4 of Block 161, said Holladay's Addition, said point being easterly 30.0 feet from the southwest corner of said Lot 4; thence 274.89 feet along the arc of a 175.0 foot radius curve to the left through a central angle of 90°00'00" (the long chord of which bears N 46°47'34" E, 247.49 feet) to a point of tangency, said point being southerly 25.0 feet from the northerly line of Lot 8, said Block 161, and being 5.0 feet easterly of the east line of said Lot 8; thence N 01°47'34" E, 275.0 feet to the True Point of Beginning.

- b. The vacation of the above described portions of NE Holladay Way and Tax Lot 1 of Blocks 172 and 173, Holladay's Addition is granted subject to the following conditions and restrictions:
- (1) That the petitioner pay to the City the Sum of \$1,346.00, this being the cost of these vacation proceedings.
 - (2) Nothing herein contained shall cause or require the ~~re-~~ removal or abandonment of any sewer, water or gas main, conduit or 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 thing; 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 and future sewers.)
 - (3) That development on these properties and on the superblock to the west across NE Holladay Way be in accordance with the Supplemental Recommendations 1 through 9 for the Holladay Street Segment of the Banfield Light Rail Transit Station Area Planning Program, as adopted by the Planning Commission on June 14, 1983.
 - (4) That if property between NE 15th and NE 16th Avenues, NE Multnomah and NE Holladay Streets, is developed separately from property west of NE 15th, its only vehicular access shall be from NE Multnomah Street as a continuation of the alignment of NE 15th Avenue north of NE Multnomah Street. No vehicular access shall be allowed east of NE 15th Avenue along NE Multnomah Street.
 - (5) That if the vacated rights of way are developed in conjunction with the property west of NE 15th, there shall be no vehicular access to the resulting superblock east of NE 15th Avenue.
 - (6) That the three street lights existing within the area herein vacated shall be removed, relocated or reoriented at the expense of the petitioner, to the satisfaction of the Bureau of Street Lighting.

ORDINANCE No.

IVANCE
STRECHMAN
SCHWAB
LINDBERG
JORDAN
FOURHILL
IVANCE
STRECHMAN
SCHWAB
LINDBERG
JORDAN
FOURHILL
IVANCE
STRECHMAN
SCHWAB
LINDBERG
JORDAN
FOURHILL
IVANCE
STRECHMAN
SCHWAB
LINDBERG
JORDAN
FOURHILL

(7) That easements for operation, maintenance and reconstruction of existing sewers and construction, operation and maintenance of future sewers in NE Holladay Way are hereby retained over all those portions of right of way herein vacated which lie between a line drawn 45.0 feet east of and parallel with the east line of Block 160, Holladay's Addition and its southerly extension and a line drawn 5.0 feet east of and parallel with said Block 160 and its southerly extension, and also, over the most southerly 20.0 feet to the portion of NE Holladay Way herein vacated. (See attached "Exhibit A.")

(8) The easements reserved by Condition (7) above, are reserved on condition that no building construction, material storage or tree planting will be permitted within said easement areas, and further that the City or its contractors will not be responsible for damage to any improvements, including landscaping existing on the easement areas if such things are damaged or destroyed by the City or its contractors in the course of construction or maintenance of existing or future sewers.

(9) Intersection reconstruction at the intersection of NE Holladay Way with the south line of NE Multnomah Street shall be accomplished in accordance with plans and specifications to be furnished by the City Engineer.

(10) That in the event the petitioner fails to fully comply with the above conditions within one (1) year after the effective date of this 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.

Section 3. The City Auditor shall, at the expense of the petitioner, 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, and shall return a recorded copy of this Ordinance to the Right of Way Acquisition Section, Bureau of Transportation Engineering.

Passed by the Council. **OCT 17 1984**

Commissioner Mike Lindberg
 Jimmy Hillstrom:mwp
 October 4, 1984

Jewel Lansing
 Auditor of the City of Portland

By *Edna Curvesa*

Deputy

ORDINANCE No. 156681

City of Portland

5583

Edna Curvesa
 Deputy Auditor of the City of Portland

INTRODUCED BY
COMMISSIONER
DATE
APPROVED BY
DATE
RECORDED BY
DATE
INDEXED BY
DATE
FILED BY
DATE
RECEIVED BY
DATE
APPROVED BY
DATE
RECORDED BY
DATE
INDEXED BY
DATE
FILED BY
DATE
RECEIVED BY
DATE

2283
 2248
 Calendar No.

ORDINANCE No. 156681

Title

An Ordinance vacating portions of NE Holladay Way between NE Holladay Street and NE Multnomah Street, and Tax Lot 1 of Blocks 172 and 173, Holladay's Addition, under certain conditions.
 (C-4520)

OCT 10 1984

PASSED *2 AM* REMAINS
 PASSED TO SECOND READING OCT 17 1984

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

FOUR-FIFTHS CALENDAR	
JORDAN	
LINDBERG	
SCHWAB	
STRACHAN	
IVANCIE	

Filed
 OCT 5 1984

JEWEL LANSING
 Auditor of the CITY OF PORTLAND

By *J. P. Hines* Deputy

INTRODUCED BY Commissioner Mike Lindberg
NOTED BY THE COMMISSIONER
Affairs
Finance and Administration
Safety
Utilities
Works <i>ML/mg</i>
BUREAU APPROVAL
Bureau: Transportation Engineering &
Prepared By: <i>PLN</i> Date: <i>10-4-84</i>
Jimmy Hillstrom:mwp 10-4-84
Budget Impact Review:
<input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not required
Bureau Head: <i>Richard O. Schmidt</i> Richard O. Schmidt, Chief
CALENDAR
Consent Regular <input checked="" type="checkbox"/>
NOTED BY
City Attorney
City Auditor
City Engineer Approved: Richard O. Schmidt, P.E.
By: <i>R. O. Schmidt</i>