

Ordinance No. 32093.

An Ordinance to vacate a portion of East Fifty-fifth street, and declaring an emergency.

WHEREAS, due notice was given by advertisement thereof for four successive weeks, to wit: from the 31st day of January 1916 to the 4th day of March 1916, both dates inclusive, in the Portland Daily Abstract, the City official newspaper published in the City of Portland, Oregon, that at a regular meeting of the Council of said City of Portland to be held on the 8th day of March 1916, a petition would be presented to said Council praying for the vacation of all of that part of East Fifty-fifth street in the City of Portland, County of Multnomah, State of Oregon, more particularly described as follows, to wit:

Commencing at a point where the east line of East Fifty-fifth street, in the Jenne Tract, intersects the north line of the right of way of the Oregon-Washington Railroad and Navigation Company, and running thence along the east line of said East Fifty-fifth street, extended south, south to the south line of said right of way; thence tracing the south line of said right of way westerly to a point on a southerly extension of the west line of said East Fifty-fifth street; thence along a southerly extension of the west line of said East Fifty-fifth street north to the north line of the said right of way; thence tracing the north line of said right of way to the place of beginning.

which said notice, together with due proof of its publication was filed in the office of the Auditor of the City of Portland on March 8, 1916, prior to the presentation of the said petition to the Council; and,

WHEREAS, a petition, hereinbefore referred to, praying for the vacation of said portion of East Fifty-fifth street was duly presented to the Council on the date named in said notice, to wit, March 8, 1916, which said petition duly set forth a description of that portion of East Fifty-fifth street proposed and

sought to be vacated, and the reasons for such vacation, and the purpose for which the ground is proposed to be used, and was duly signed by Lisi Anderson, James E. Snuffin, Oregon-Washington Railroad & Navigation Company and Twchy Brothers Company; and,

WHEREAS, there was appended to said petition as a part thereof and as a basis for such vacation and as a basis for the granting of the prayer of said petition, the consent of the owners in fee simple of at least two-thirds of the real estate fronting on both sides of said street, part of which is proposed to be vacated, estimated upon the frontage of said street, said frontage commencing at a line drawn equi-distant from the termini of the portion of the street proposed to be vacated, and extending along such proposed vacation the entire length thereof and two hundred feet in each direction from the termini thereof, which said consent of owners is in writing and duly acknowledged before an officer authorized to take acknowledgments, and is attached to said petition and filed therewith with the Auditor of the City of Portland; and,

WHEREAS, the Council upon the presentation of said petition and the filing of proof of publication of the notice thereof did fix a meeting of said Council to be held on the 15th day of March 1916 at ten o'clock a.m. as the time for hearing said petition and any objections which might be filed thereto if any there be; and,

WHEREAS, at the said time fixed by the Council for hearing said petition and any objections which might be filed thereto, said petition was duly considered by the Council, and the Council did ascertain and determine at that time, and does now hereby ascertain, determine and find that all the foregoing recited facts are true and that all the acts and things above recited have been done as required by the Charter of the City of Portland, and that the consent of the owners in fee simple of at least two-thirds of the real estate fronting on both sides of said street, part of which is proposed to be vacated, estimated upon the frontage of the said street, said frontage commencing at a line drawn equi-distant from the termini of the portion of the street proposed to be vacated, and extending

along such proposed vacation the entire length thereof and two hundred feet in each direction from the termini thereof, had been obtained in writing and duly acknowledged before an officer authorized to take acknowledgments and was attached to and filed with said petition, and that no objections to the vacation of said portion of said street had or have been made or filed, and that the public interest will not be prejudiced by the vacation of said portion of said East Fifty-fifth street; and

WHEREAS, the Council did grant the prayer of said petition in its entirety and did cause said action and said findings to be made a matter of record, now therefore,

The City of Portland does ordain as follows:

Section 1. The Council of the City of Portland hereby finds and determines that all of the facts herein above recited are true and that all of the acts and things above recited have been done and performed as herein set forth and as required by the Charter of the City of Portland. The Council further finds and determines that the owners of at least two-thirds of the real estate fronting upon both sides of said street, part of which is proposed to be vacated, estimated upon the frontage of the street, said frontage commencing at a line drawn equi-distant from the termini of the portion of the street proposed to be vacated, and extending along such proposed vacation the entire length thereof and two hundred feet in each direction from the termini thereof, have given their consent, which said consent of owners is in writing and duly acknowledged before an officer authorized to take acknowledgments, and is and was attached to said petition and filed therewith with the Auditor of the City of Portland. The Council further determines and finds that no objections to the vacation of said portion of said street had or have been made or filed, and that the public interest will not be prejudiced by the vacation of the portion of said East Fifty-fifth street herein described.

Section 2. That all of the following described portion of East Fifty-fifth street be and is hereby vacated, to wit:

Commencing at a point where the east line of East Fifty-fifth street, in the Jenne Tract, intersects the north line of the right

of way of the Oregon-Washington Railroad and Navigation Company, and running thence along the east line of said East Fifth-fifth street, extended south, south to the south line of said right of way; thence tracing the south line of said right of way westerly to a point on a southerly extension of the west line of said East Fifty-fifth street; thence along a southerly extension of the west line of said East Fifty-fifth street north to the north line of the said right of way; thence tracing the north line of said right of way east to the place of beginning.

and the vacation of said described portion of East Fifty-fifth street is hereby made a matter of record.

Section 3. Inasmuch as this ordinance is necessary for the immediate preservation of the public health, peace and safety of the City of Portland in this: That the grade crossing of the tracks of the Oregon-Washington Railroad and Navigation Company at East Fifty-fifth Street is dangerous and the immediate vacation of said portion of said street is necessary for the carrying out of a general plan for the elimination of dangerous grade crossings of said railroad in Sullivan gulch, now therefore an emergency is hereby declared to exist and this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council. Sept. 6, 1916.


AUDITOR OF THE CITY OF PORTLAND.

Submitted to the Mayor

Approved

H. R. ALBEE

MAYOR OF THE CITY OF PORTLAND.