

Ordinance No. 32761.

An Ordinance to vacate all that part of East Davis street in the City of Portland, Multnomah County, Oregon, lying between the west line of East Twenty-sixth street in said City and the west line of Etna, an addition in said City in Multnomah County, Oregon.

WHEREAS, due notice was given by advertisement thereof, for four successive weeks, to wit: from the 27th day of February, 1917, to the 27th day of March, 1917, both dates inclusive, in the official newspaper of the City of Portland, Oregon, to wit: "The Daily Bulletin", published in the said City, that at a regular meeting of the Council of the said City to be held on Wednesday, March 28, 1917, at the hour of 10 o'clock a. m. in the Council Chamber in the City Hall in Portland, Oregon, a petition would be presented to said Council praying for the vacation of all that part of East Davis street in the City of Portland, Multnomah County, Oregon, lying between the west line of East Twenty-sixth street in said City and the west line of Etna, an addition in said City in Multnomah County, Oregon, which said notice and due proof of its publication, together with a petition in due form praying for the vacation of said portion of said street, was filed in the office of the City Auditor of said City on the 27th and on the 23rd days of March, respectively, and are now on file in said office; and,

WHEREAS, said petition praying for the vacation of said portion of said street was duly presented to said Council on said Wednesday, the 28th day of March, 1917, and said petition duly set forth a description of that part of said East Davis street in said City sought and petitioned to be vacated and the reasons for such vacation, and was duly signed by W. H. Mall, a person interested in said vacation, and which said petition also set forth the purpose for which the ground was proposed to be used, and to which petition there is appended, as a part thereof, and as the 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 more than two-thirds of the real estate fronting on both sides of said portion of said street sought to be vacated, estimated upon the frontage of that portion of said street sought to be vacated, such frontage commencing at a line drawn equi-distant from the termini of said portion of said East Davis 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, except in the easterly direction, in which case said East Davis street is not continuous, two hundred feet easterly beyond the eastern terminus of said portion of said East Davis street proposed to be vacated and in which case the consent of the owners has been obtained for the distance that it is continuous, which said consent of said 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, Oregon; and,

WHEREAS, the Council did on the presentation of said petition together with the consent of the requisite number of owners and proof of publication, on said 28th day of March, 1917, fix Friday, the 30th day of March, 1917, at the hour of 10 o'clock a. m. in the Council Chamber, as the time for hearing said petition and all objections that may be filed thereto; and,

WHEREAS, the Council did, at the said time and place fixed for the hearing of said petition, ascertain and determine, after hearing said petition fully at the time and place, and does determine and cause it to be made a matter of record that all of the foregoing recited facts and things have been done and the consent of the owners of the requisite number of front feet of all of the real property whose consent is by the Charter of the City of Portland, Oregon, required to be obtained, has been obtained in the manner required by said Charter, and that the public interest will not be prejudiced by the vacation of said portion of said East Davis street sought to be vacated, and the Council then and now so finding by this ordinance; and,

WHEREAS, no objections have been made or filed to the granting of said petition, and it appearing to the Council at the time of the hearing, and now

so appearing, that no reason exists why said petition should not be granted, and it further appearing to the Council at the time of the hearing and still so appearing that all of the proceedings in the matter of the proposed vacation of said portion of said street have been legally and regularly conducted in accordance with the Charter of said City, and that said petition should be granted as a whole and the vacation of said portion of said street be made a matter of record, and the Council having then granted and now hereby granting said petition as a whole, now, therefore,

The City of Portland does ordain as follows:

Section 1. That all of that part of East Davis street in the City of Portland, Multnomah County, Oregon, lying between the west line of East Twenty-sixth street in said City and the west line of Etna, an addition in said City in Multnomah County, Oregon, be and the same is hereby vacated, and that said vacation be and the same is hereby made a matter of record.

Section 2. It is hereby provided that the petitioner for said vacation shall obtain and file with the County Clerk of Multnomah County, Oregon, a certified copy of this ordinance and also a suitable plat according to Section 3274 of Lord's Oregon Laws, and shall pay in full all liens of the City of Portland, bonded or otherwise, now against the lots abutting on that part of said East Davis street hereby vacated, which shall be done within 30 days after this ordinance becomes effective and in the event of failure so to do the Council shall have the right to repeal this ordinance and annul all proceedings for such vacation, which right is hereby expressly reserved.

Passed by the Council, April 11, 1917.


Auditor of The City of Portland.

Submitted to the Mayor, April 12, 1917.

Approved, April , 1917.

H. R. ALBEE
Mayer of The City of Portland.