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Ordinance No.....40702.....

An Ordinance vacating certain portions of Lowell Avenue and Third Street.

WHEREAS, due notice has been given by advertisement thereof for four weeks, to-wit, from October 14, 1921 to November 11, 1921, both dates inclusive, in the Daily Record-Abstract, the City Official Newspaper, published in the City of Portland, Multnomah County, State of Oregon, that at a regular meeting of the Council of said City to be held on the 7th day of December 1921, a petition would be presented to said Council praying for the vacation of that portion of Lowell Avenue which lies between the west line of Hilton Avenue and a northerly extension of the center line of Third Street, and praying for the vacation of that portion of Third Street which is bounded on the north by a westerly extension of the north line of block "E" in First Street Terraces, on the east by the west line of said First Street Terraces, on the south by the north line of Hilton Avenue and on the west by a line 30 feet west of and parallel with the west line of First Street Terraces, all being in the City of Portland Oregon, which said notice, together with due proof of publication thereof was filed in the office of the Auditor of said City of Portland on November 18, 1921, prior to the presentation of said petition to the Council, and

WHEREAS, the petition hereinbefore referred to was duly presented to said Council on said date, to-wit, December 7, 1921, which said petition duly set forth a description of said portions of said streets sought to be vacated and the reasons for such vacation and the purpose for which the ground is proposed to be used and said petition was duly signed by Marian Walpole Burkhart and The City of Portland, 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 upon both sides of the portion of said Lowell Avenue which is proposed to be vacated, estimated upon the frontage of said portion of said street, such frontage commencing at a line drawn equidistant from the termini of said portion of said 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, and the

consent of the owners in fee simple of at least two-thirds of the real estate fronting upon both sides of the portion of said Third Street which is proposed to be vacated, estimated upon the frontage of said portion of said street, such frontage commencing at a line drawn equidistant from the termini of said portion of said 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 consents are in writing and duly acknowledged before an officer authorized to take acknowledgments and are attached to said petition and filed therewith with the Auditor of said City, 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 21st day of December 1921 at 10 o'clock A. M. as the time for hearing said petition and any objections that might be filed thereto, and

WHEREAS, at said time so fixed by the Council for such hearing, said petition was duly presented, heard and considered by the Council, there was no objection or objections presented thereto and the Council did find, ascertain and determine and does now hereby find, ascertain and determine that all the foregoing recited facts are true and that all the acts and things above recited have been duly done and performed as required by the charter and ordinances of said City of Portland and that the consents of the owners in fee simple has been given of at least two-thirds of the real property fronting on both sides of said portions of said streets proposed to be vacated, estimated upon the frontage of said streets, such frontage being as hereinbefore particularly set out, which consents are in writing duly acknowledged before an officer authorized to take acknowledgments and were and are attached to and filed with said petition; that no objections or objection to the vacation of said portions of said streets has been made or filed and that the public interest will not be prejudiced by the vacation of said portion of said streets, and

WHEREAS, the Council did on said date, to wit, December 21, 1921, grant the prayer of said petition in its entirety, and

WHEREAS, the owner has executed and placed in the hands of the City Auditor a deed dedicating to the public for street purposes that certain real property within the corporate limits of the City of Portland, Multnomah County, State of Oregon, described as follows: The whole of Lots 1 and 2 in Block "C" in First Street Terraces, and all those parts of Lots 6 and 7 in Block "D" in First Street Terraces which lie north of a westerly extension of the south line of Lot 5 in Block "D" in First Street Terraces, now, therefore,

The City of Portland does ordain as follows:

Section 1. The findings and action hereinbefore recited is hereby made a matter of record and the Council of the City of Portland does hereby find and determine that all of the facts, matters and things hereinbefore recited are true and that all of the acts and things above recited have been done and performed as hereinbefore set forth and as required by the charter and ordinances of said City of Portland. The Council further finds and determines that the consent of the owners of at least two-thirds of the real property fronting on both sides of said Lowell Avenue and of said Third Street proposed to be vacated, estimated upon the frontage of said streets, such frontage commencing at a line drawn equidistant from the termini of said portions of said streets 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, has been obtained, which 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 said City of Portland. The Council further finds and determines that no objection to the vacation of said portions of said streets has been made or filed and that the public interest will not be prejudiced by the vacation of said portions of said streets.

Section 2. That all of that portion of Lowell Avenue which lies between the west line of Hilton Avenue and a northerly extension of the center line of Third Street and all that portion of Third Street which is bounded on the north by a westerly extension of the north line of block "E" in First Street Terraces, on the east

by the west line of said First Street Terraces, on the south by the north line of Hilton Avenue and on the west by a line 30 feet west of and parallel with the west line of First Street Terraces, all being in the corporate limits of the City of Portland, Multnomah County, State of Oregon, be and the same is hereby vacated and said vacation of said portions of said streets is hereby made a matter of record, and said deed above referred to is hereby accepted and the same is directed to be placed of record with the County Court, but it is hereby expressly provided that the petitioner shall, within ten days after the taking effect of this ordinance, pay into the city treasury the cost of obtaining the necessary changes on the public records so as to indicate as required by law such vacation.

Passed by the Council **JAN 18 1922**

Approved: **JAN 20 1922** **GEO. L. BAKER**

Mayor of the City of Portland

Attest



Auditor of the City of Portland.

12-29-21

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Com. Barbur.