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Ordinance No. ....

5763  
6126

An Ordinance vacating a portion of Foster Road between 52nd Street Southeast and 54th Street Southeast.

WHEREAS, due notice has been given by advertisement thereof for four weeks, to wit, from May 1, 1924 to May 29, 1924, 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 4th day of June 1924, a petition would be presented to said Council praying for the vacation of that portion of Foster Road lying between 52nd Street Southeast and 54th Street Southeast and between the easterly line of Block 1, Anabel, and a line parallel thereto and 10 feet southwesterly thereof, the strip herein intended to be described being the 10-foot strip shown on the plat of Block 1 of said Anabel as "Building Line," 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 May 29, 1924, 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, June 4, 1924, which said petition duly set forth a description of said portion of said street 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 C. H. VanAllen and others, 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 Foster Road 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 consent 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 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 18th day of June 1924 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 thereupon continued said matter for further hearing and consideration at 10 o'clock A. M. on June 25, 1924, at which time 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 consent of the owners in fee simple has been given of at least two-thirds of the real property fronting on both sides of said portion of said street proposed to be vacated, estimated upon the frontage of said street, such frontage being as hereinbefore particularly set out, which consent is in writing duly acknowledged before an officer authorized to take acknowledgments and was and is attached to and filed with said petition; that no objections or objection to the vacation of said portion of said street has been made or filed and that the public interest will not be prejudiced by the vacation of said portion of said street, and

WHEREAS, the Council did on said date, to wit, June 25, 1924, grant the prayer of said petition in its entirety, 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 herein-

before 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 portion of said street proposed to be vacated, estimated upon the frontage 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, 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 portion of said street has been made or filed and that the public interest will not be prejudiced by the vacation of said portion of said street.

Section 2. That all of that portion of said Foster Road lying between 52nd Street Southeast and 54th Street Southeast and between the easterly line of Block 1, Anabel, and a line parallel thereto and 10 feet southwesterly thereof, the strip herein intended to be described being the 10-foot strip shown on the plat of Block 1 of said Anabel as "Building Line," in the City of Portland, Multnomah County, State of Oregon, be and the same is hereby vacated and said vacation of said portion of said street is hereby made a matter of record, it being intended hereby to vacate, cancel and annul said "Building Line" and any and all public rights in or to said 10-foot strip, but it is hereby expressly provided that the petitioners 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 JUL 16 1924

Approved:

GEO. L. BAKER

Mayor of the City of Portland.

Attest:

*Geo. L. Baker*

Auditor of the City of Portland.

Com. Barbur.

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