

COPY

Ordinance No. 46774

An Ordinance vacating the alley running easterly and westerly between Lots 5 and 6 and Lots 7 and 9 in Tract F in Greenway.

WHEREAS, due notice has been given by advertisement thereof for four weeks, to wit, from November 5, 1924 to December 3, 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 10th day of December 1924, a petition would be presented to said Council praying for the vacation of a certain unnamed alley, being the alley running easterly and westerly between Lots 5 and 6, and Lots 7 and 9 in Tract F, Greenway, in the City of Portland, Oregon, which said notice together with due proof of publication was filed in the office of the Auditor of said City of Portland on December 4, 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, December 10, 1924, which said petition duly set forth a description of said alley 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 W. A. Robb 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 said alley proposed to be vacated, said alley being not continuous in either direction, 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 24th day of December 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 from time to time until the 18th day of March 1925, 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 upon both sides of said alley proposed to be vacated, said alley being not continuous in either direction, 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 alley has been made or filed and that the public interest will not be prejudiced by the vacation of said alley, and

WHEREAS, the Council did on said date, to wit, March 18, 1925, adopt the report of the Commissioner of Public Works and 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 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 alley proposed to be vacated said alley being not continuous in either direction, 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 alley has been made or filed and that the public interest will not be prejudiced by the vacation of said alley.

Section 2. That a certain unnamed alley, being the alley running easterly and westerly between Lots 5 and 6, and Lots 7 and 9 in Tract P, Greenway, in the City of Portland, Multnomah County, State of Oregon, be and the same is hereby vacated and said vacation of said alley is hereby made a matter of record, 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.

Nothing contained herein shall cause or require the removal or abandonment of any sewer, water main, conduit of any kind, wires, poles or any other thing used or intended to be used for any public service and the right is hereby reserved to maintain, continue, repair, reconstruct, renew, replace, rebuild and/or enlarge any and all such things.

Passed by the Council, April 15, 1923.

Approved:

W. L. BAKER

Mayor of the City of Portland.

Attest:



Auditor of the City of Portland.

Com. Barbur.