

APR-22-65 348169

VII A

120164

RECEIPT

No 87215

OFFICE OF
SI COHN, COUNTY CLERK
MULTNOMAH COUNTY, OREGON

RECORDING DEPARTMENT

NAME

City Auditor

FILE NO.

DOCUMENT

PARTIES

*Order # 120164
Vacate*

DH

*Book 278
Page 228
Apr 22, 1965*

County Clerk's Office, Multnomah County, Oregon

CIRCUIT COURT DEPARTMENT

LITIGATION ACCOUNT

No 748

Ord. 118778.
Reg. No. 118778.

Portland, Oregon, April 22 1965

RECEIVED OF

Treasurer City of Portland.
Two & 50/100

DOLLARS

Plaintiff	\$	
Defendant	\$	
Plaintiff Surveyors Fees	\$	2 50
	\$	
	\$	
Total . . .	\$	2 50

Ord. # 118778.

vs.

5w 11 + 5w College st.

In the above entitled case.

SI COHN,
County Clerk,

By L. Warner Deputy

2.50
XIII - A
348170
PR-22-65

629

ACCEPTANCE

RECEIVED

APR 15 9 40 AM '65

Portland, Oregon, April 8, 1965

RAY SMITH, AUDITOR
Auditor of the City of Portland, ORE.
Room 202, City Hall
Portland 4 Oregon
Dear Sir:

This is to advise the City of Portland, Oregon, that I hereby accept the terms and provisions of Ordinance No. 120164 vacating a portion of S.W. 11th Avenue and S.W. College Street, adjacent to Block 238, Portland Addition, under certain conditions, and declaring an emergency,

and in consideration of the benefits to be received thereunder by me I hereby agree to abide by and perform each and all of the terms and provisions thereof applicable to me.

Very truly yours,

OREGON STATE HIGHWAY COMMISSION

[CORPORATE SEAL]

*
By Floyd Owens, Secty

Salem, Oregon Address

Approved as to form:

McRushing

CITY DEPUTY
City Attorney

*When an acceptance is required from a firm or corporation the Acceptance must be signed by an officer of the firm or corporation stating his or her official title, and corporations must affix the corporate seal.

628

ACCEPTANCE

Portland, Oregon, April 8, 1965

RAY SMITH
Auditor of the City of Portland,
Room 202, City Hall
Portland 4, Oregon
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and in consideration of the benefits to be received thereunder by me I hereby agree to abide by and perform each and all of the terms and provisions thereof applicable to me.

Very truly yours,

PORTLAND STATE COLLEGE

[CORPORATE
SEAL]

By *Malcolm McPherson*
Director of Facilities Planning and Operations

P.O. Box 751, Address Portland, Ore. 97207

Approved as to form:

W. H. ...
City Attorney

*When an acceptance is required from a firm or corporation the Acceptance must be signed by an officer of the firm or corporation stating his or her official title, and corporations must affix the corporate seal.

ORDINANCE NO. 120164

An Ordinance vacating a portion of S.W. 11th Avenue and S. W. College Street, adjacent to Block 238, Portland Addition, under certain conditions, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds that by Resolution No. 29492, proceedings have been initiated for and on behalf of the Oregon State Highway Department and Portland State College for the vacation of a portion of S.W. 11th Avenue between S.W. Hall Street and S.W. College Street and also S.W. College Street between S.W. 10th Avenue and S.W. 11th Avenue, (Council Calendar No. 1186 (1965); that the purpose of said vacation is to permit Portland State College to develop the educational facilities on the site; that said area to be vacated is more particularly described as:

That portion of S.W. 11th Avenue lying southwesterly of the southwesterly line of S.W. Hall Street and northeasterly of a line that begins on the northwesterly line of S.W. 11th Avenue at a point 67 feet southwesterly of the intersection of said northwesterly line of S.W. 11th Avenue with the southwesterly line of S.W. Hall Street and runs thence southeasterly at right angles to said northwesterly line a distance of 40 feet and southeasterly in a straight line to the southeasterly line of S.W. 11th Avenue at a point 109.89 feet southwesterly from the intersection of said southeasterly line with the southwesterly line of S.W. Hall Street, and

That portion of S.W. College Street lying northwesterly of the northwesterly line of S.W. 10th Avenue and northeasterly of a line that begins on the northeasterly line of S.W. College Street at a point 115.96 feet northwesterly of the intersection of said northeasterly line of S.W. College Street with the northwesterly line of S.W. 10th Avenue and runs thence southeasterly in a straight line to the southwesterly line of S.W. College Street at a point 60 feet northwesterly from the intersection of said southwesterly line with the northwesterly line of S.W. 10th Avenue;

that by Ordinance No. 119436 the Council initiated proceedings for the vacation of this property but said ordinance was re-

pealed by Ordinance No. 119895, passed by the Council February 18, 1965, because of certain terms and conditions unfavorable to the State Highway Department; that under date of March 24, 1965, the City Engineer recommended vacation of the area under certain conditions; that consents of the Port of Portland and the Commission of Public Docks have been obtained and made a part of this proceeding; that the proceedings comply in all respects with all the provisions of ORS 271.030 et seq in that it includes the consents of the owners of all abutting property and of not less than two-thirds in area of the real property affected thereby; that pursuant to ORS 271.100 the Council fixed a time and place for public hearing before the Council; that the City Auditor published notice of such hearing in the city official newspaper, namely, Daily Journal of Commerce, once each week for four consecutive weeks, and posted such notice in certain places in area proposed to be vacated, all in accordance with the provisions of ORS 271.100 et seq; that the proceedings came on regularly for hearing and no objections were made or filed thereto and it is in the public interest that said streets be vacated; that said vacation will not interfere with any improvement proposed by the Commissioner of Public Docks nor with reasonable access to the waterfront or transportation terminal; now, therefore, that portion of certain streets hereinbefore described hereby is vacated under the following conditions:

1. Nothing herein contained shall cause or require the removal or abandonment of any sewer, water or gas main, except an existing 3" diameter water main in the portion of S. W. 11th Avenue which will be abandoned and no longer maintained by the city, conduit of any kind, wire, pole or thing used, or intended to be used, for any public service, and the right hereby is reserved for the owner of any such utility or thing to maintain, continue, repair, reconstruct, renew, replace, rebuild, and/or enlarge any and all such things; that no building or structure of any kind shall be built or erected within a distance of ten feet from the center line of any such utility, except with the written consent of the City Engineer and the owner of the utility first had, and that any and all contemplated building plans in said vacated area shall be submitted for approval to the City Engineer and to the Director of Buildings, to the end that such construction may be so adjusted with reference to all public utilities in said area as to cause a minimum of danger or inconvenience to the public and to the owner of such utility and to protect and preserve the same as presently constructed or hereafter reconstructed, renewed, replaced and/or enlarged.

2. That Portland State College, at its expense, reconstruct the intersections and relocate drainage facilities in S.W. Col-

lege Street at the west line of S.W. 10th Avenue and in S.W. 11th Avenue at the south line of S.W. Hall Street, all to be done in accordance with plans prepared by the City Engineer.

3. That Portland State College pay all costs incurred by the Water Bureau in connection with the killing and abandonment of an existing 8-inch diameter water main and the relocation of a fire hydrant in the portion of S.W. 11th Avenue herein vacated.

4. That Portland State College, at its expense and in accordance with plans prepared by the City Engineer, construct a manhole on the existing sewer in S.W. 11th Avenue at a location north of the south line of S.W. Hall Street as specified by the City Engineer.

5. That Portland State College agree to assume full responsibility for any and all expenses or damages to the city facilities or to others resulting from failure of the sewer located in the portion of S.W. 11th Avenue to be vacated, which damages or expenses result from the use of the area by Portland State College.

6. That Portland State College further agree that, in the event of failure of the sewer or in the event the City Engineer finds there is likely to be a failure or interference with the normal functioning of the sewer in S.W. 11th Avenue resulting from the use of the vacated area, that said Portland State College will, at no expense to the city, provide such temporary facilities as are found necessary to restore and maintain the operation and use of the sewer, until such time said sewer has been permanently relocated by the Oregon State Highway Department. No grading or excavation shall be done within 10 feet of the existing sewer without prior written approval of the City Engineer.

7. Portland State College shall file with the City Auditor, in form approved by the City Attorney, a document in writing accepting the terms and conditions contained in this ordinance.

8. That Portland State College, at its expense, make any and all necessary provisions to provide temporary facilities for handling storm runoff on S.W. College Street between S.W. 11th Avenue and the portion of S.W. College Street herein vacated, and on S.W. 11th Avenue between S.W. College Street and the portion of S.W. 11th Avenue herein vacated, said temporary facilities to remain in operation until construc-

ORDINANCE No.

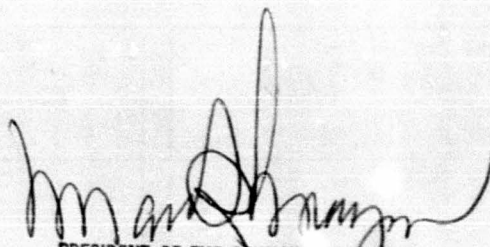
tion of the Stadium Freeway removes the need for such temporary facilities.

9. Portland State College and the State of Oregon, by and through its State Highway Department shall file with the City Auditor, in form approved by the City Attorney, a document in writing accepting the terms and conditions of this ordinance.

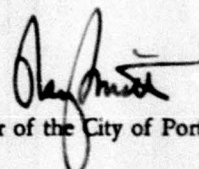
Section 2. The City Auditor shall file with the recorder, the assessor, and the surveyor of the county in which said vacation area is located a certified copy of this ordinance and the acceptance thereof, and any maps, plat or other record which may be required by law.

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: In order that there may be no unnecessary delay in the development of educational facilities for public use; therefore, an emergency hereby is declared to exist and this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, APR 7 - 1965


 PRESIDENT OF THE COUNCIL, IN MEETING
 Mayor of the City of Portland

Attest:


 Auditor of the City of Portland

Calendar No.

1348

ORDINANCE No. 120161

Title

An Ordinance vacating a portion of S.W. 11th Avenue and S.W. College Street, adjacent to Block 238, Portland Addition, under certain conditions, and declaring an emergency.

INTRODUCED BY
Order of Council 1
DRAWN BY
MCR:gm/fg
Date April 1, 1965

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Bean	1	
Bowes	1	
Earl	1	
Grayson	1	
Schrunk	1	

FOUR-FIFTHS CALENDAR	
Bean	
Bowes	
Earl	
Grayson	
Schrunk	

C-8031

NOTED BY THE COMMISSIONER
Affairs
Finance
Safety
Utilities
Works
City Attorney <i>RS</i>

NOTED FOR CITY AUDITOR
<i>RA</i>
<i>MC</i>

APPROVED
Date
By <i>Ray Smith</i> City Engineer
Date
By

Filed APR 2 1965

RAY SMITH
Auditor of the CITY OF PORTLAND

By *Robert Cady*
Deputy