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Ordinance No. _____

An Ordinance vacating a portion of Miles Street.

WHEREAS, due notice has been given by advertisement thereof for four weeks, to wit, from July 24, 1928 to August 21, 1928, both dates inclusive, in the Daily Journal of Commerce, the City Official Newspaper, published in the City of Portland, County of Multnomah, State of Oregon, that at a regular meeting of the Council of said City to be held August 22, 1928, a petition would be presented to said Council praying for the vacation of that portion of Miles Street lying east of the Southern Pacific Company's right of way described as follows: Beginning at the southwest corner of Block "D", Fulton Park, running thence north 89 degrees 50 minutes east along the south line of said Block "D" 260.67 feet; thence south 1 degree 37 minutes 30 seconds east 27.15 feet; thence north 85 degrees 32 minutes west 261.72 feet; thence north 4 degrees 51 minutes west 6 feet to the place of beginning; also beginning at the northwest corner of Block "B", Fulton Park, running thence north 89 degrees 50 minutes east along the north line of said Block "B" and Block "C", Fulton Park, 247.28 feet; thence north 1 degree 37 minutes 30 seconds west 2.70 feet; thence north 85 degrees 32 minutes west 249.87 feet; thence south 4 degrees 51 minutes east 23.45 feet to the place of beginning, all in the City of Portland, County of Multnomah, State of 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 August 22, 1928, 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, August 22, 1928, which said petition duly set forth a description of the portion of said Miles 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 The Willamette Oaks; 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 or at least two-thirds of the real estate fronting upon both sides of the portion of said Miles Street which is proposed to be vacated, estimated upon the frontage of the street, such frontage commencing at a line drawn equidistant from the termini of the 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, said property is within two thousand feet of the meander line of the Willamette River and the petitioner has offered to dedicate to the use of the public a street known as Miles Place now a private way running north and south through the lands held by the petitioner and being about 30 feet in width and 550 feet in length and containing a greater area than the portion of Miles Street proposed to be vacated and also said petitioner has covenanted and agreed to dedicate for boulevard and/or park purposes the following described property lying on the water front of the Willamette River, in the City of Portland, Multnomah County State of Oregon, to wit: Beginning at a point in the north line of Block "D", Fulton Park, 208.27 feet north 89 degrees 50 minutes east from the northeast corner of Lot Five (5) in said Block "D", running thence south 1 degree 37 minutes 30 seconds East 160.05 feet; thence south 6 degrees 27 minutes 20 seconds west 455.13 feet to a point in the south line of Block "C", Fulton Park; thence north 89 degrees 50 minutes east along the south line of said Block "C", and the same extended to the harbor line on the west bank of the Willamette River; thence northerly along said harbor line to an intersection with the north line of Block "D", Fulton Park, extended; thence south 89 degrees 50 minutes west to the place of beginning, and to that end said petitioner has submitted a new plat for making such new dedication and the City Engineer and the Commission of Public Docks and the Port of Portland have approved of said vacation and said proposed dedication and have indicated their consent thereto; and

WHEREAS, said new plat is to be designated as "Plat of Willamette Oaks Park" and it is intended as a part of such platting and dedication to provide that the City of Portland shall have the authority and permission to fill in with earth, sand and/or gravel the low land lying between the westerly harbor line of the Willamette River and the westerly bank or shore line of said river along said Willamette Oaks Park, and to that end said petitioner proposes to give the City of Portland the right and easement to fill upon the easterly portion of the lots shown on said plat as fronting on the river, and it was and is intended that said fill may be made upon said easterly portion of said lots as well as on the land easterly thereof, said fill to be made up to a level of the present bank and without cost to the owners of property shown as lots in said Willamette Oaks Park or to their assigns, and it is further intended that said City shall, whenever such fill is made or other need therefor arises,

extend to said harbor line the sewer which now empties into the river at a point about the easterly end of the line between Lots 27 and 28 of said Willamette Oaks Park, which extension shall be made without cost or expense to the owners of property in said Willamette Oaks Park; 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 5th day of September 1928 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, no objection or objections were presented thereto, and the Council did 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 objection or objections to the vacation of said portion of said street have been made or filed; and the Council further finds that the public interest will not be prejudiced by the vacation of said portion of said street as herein provided; and

WHEREAS, the Council did on said date, to wit, September 5, 1928, 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 are 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 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 the 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 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 that said property lies within two thousand feet of the meander line of the Willamette River and the petitioner has offered to dedicate to the use of the public a street known as Miles Place now a private way running north and south through the lands held by the petitioner and being about 30 feet in width and 550 feet in length and containing a greater area than the portion of Miles Street proposed to be vacated and also that said petitioner has covenanted and agreed to dedicate for boulevard and/or park purposes the property particularly described above, such dedication to be upon the terms and provisions above stated. No objection or objections to said vacation has been made, presented or filed and no one appears now to object. The public interest will not be prejudiced by said vacation.

Section 2. That all that portion of Miles Street lying east of the Southern Pacific Company's right of way described as follows: Beginning at the southwest corner of Block "D", Fulton Park, running thence north 89 degrees 50 minutes east along the south line of said Block "D" 260.67 feet; thence south 1 degree 37 minutes 30 seconds east 27.15 feet; thence north 85 degrees 32 minutes west 261.72 feet; thence north 4 degrees 51 minutes west 6 feet to the place of beginning; also beginning at the northwest corner of Block "B", Fulton Park, running thence north 89 degrees 50 minutes east along the north line of said Block "B" and Block "C", Fulton Park, 247.28 feet; thence north 1 degree 37 minutes 30 seconds west 2.70 feet; thence north 85 degrees 32 minutes west 249.87 feet; thence south 4 degrees 51 minutes east 23.45 feet to the place of beginning, all in the City of Portland, County of Multnomah, 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, and it is hereby provided that the City Auditor shall file with the County Clerk of Multnomah County, a certified copy of this ordinance, and shall obtain from the County Surveyor a proper entry on the plat records as provided by law.

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.

The Council reserves the right to rescind and cancel the vacation hereby made and repeal this ordinance in the event that the new plat above mentioned should not be promptly filed.

Passed by the Council SEP 26 1928

Approved:

W. L. BIER

Mayor of the City of Portland.

Attest:



Auditor of the City of Portland.

9-7-28
Order of
Council.

PREPARED AND APPROVED
CITY ATTORNEY