

An Ordinance vacating portions of East 22nd Street, East 23rd Street, Insley Avenue, Harold Avenue, East 24th Street, Ellis Avenue, and the public alley extending easterly and westerly between Block 2 of Floral Park and Block 13 of Alton Park.

WHEREAS due notice has been given by advertisement thereof for four weeks, to wit, from September 19, 1928 to October 17, 1928, both dates inclusive, in the Daily Journal of Commerce, 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 24th day of October 1928, a petition would be presented to said Council praying for the vacation of all of the streets, or parts thereof, as follows to wit:

That portion of East 22nd Street which lies between Block 6 and Block 7, Alton Park;

That portion of East 23rd Street which lies between Block 7 and Block 8, Alton Park;

That portion of Insley Avenue which lies between the westerly right of way line of the Southern Pacific Company's railroad and the easterly line of East 22nd Street, the said portion of said street being bounded on the north by Blocks 7 and 8, and on the south by Block 13 of Alton Park;

That portion of Harold Avenue which lies between the westerly boundary line of the Southern Pacific Company's railroad right of way and a line parallel with and 50 feet east of the easterly line of East 22nd Street;

That portion of Ellis Avenue which lies between the westerly boundary line of the Southern Pacific Company's railroad right of way and the westerly boundary line of Lot 12 of Block 5 of Floral Park, if extended southerly across said Ellis Avenue;

That portion of East 24th Street which lies between the north line of Reedway Avenue and the north line of Harold Avenue in Floral Park;

All of the public alley lying between Block 2 of Floral Park and Block 13 of Alton Park, the same terminating at the westerly end thereof at the line of intersection with the east line of East 22nd Street, and on the east end thereof at the line of intersection with the west line of the Southern Pacific Company's railroad right of way, all in the City of Portland, Multnomah County, 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 October 19, 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, October 24, 1928, which said petition duly set forth a description of said portion 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 the Southern Pacific Company; 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 portions of said East 22nd Street, East 23rd Street, Insley Avenue, Harold Avenue, Ellis Avenue, East 24th Street and the public alley lying between Block 2 of Floral Park and Block 13 of Alton Park which are proposed to be vacated, estimated upon the frontage of said portion of said streets, such frontage commencing at a line drawn equidistant from the termini of the respective portions of each of said streets proposed to be vacated and extending along each 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 7th day of November 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, there was no objection or objections presented thereto and the Council did find, ascertain and determine and does 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 portions of said streets proposed to be vacated, estimated upon the frontage of said streets, 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 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; and

WHEREAS the Council did on said date, to wit, November 7, 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 the portions of said East 22nd Street, East 23rd Street, Insley Avenue, Harold Avenue, Ellis Avenue, East 24th Street and Block 13 of Alton Park proposed to be vacated, estimated upon the frontage of said portions of said streets, such frontage commencing at a line drawn equidistant from the termini of the respective portions of each of said streets proposed to be vacated and extending along each 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 the streets, or parts thereof, as follows, to wit:

That portion of East 22nd Street which lies between Block 6 and Block 7, Alton Park;

That portion of East 23rd Street which lies between Block 7 and Block 8, Alton Park;

That portion of Insley Avenue which lies between the westerly right of way line of the Southern Pacific Company's railroad and the easterly line of East 22nd Street, the said portion of said street being bounded on the north by Blocks 7 and 8, and on the south by Block 13 of Alton Park;

That portion of Harold Avenue which lies between the westerly boundary line of the Southern Pacific Company's railroad right of way and a line parallel with and 50 feet east of the easterly line of East 22nd Street;

That portion of Ellis Avenue which lies between the westerly boundary line of the Southern Pacific Company's railroad right of way and the westerly boundary line of Lot 12 of Block 5 of Floral Park, if extended southerly across said Ellis Avenue;

That portion of East 24th Street which lies between the north line of Reedway Avenue and the north line of Harold Avenue in Floral Park;

All of the public alley lying between Block 2 of Floral Park and Block 13 of Alton Park, the same terminating at the westerly end thereof at the line of intersection with the east line of East 22nd Street, and on the east end thereof at the line of intersection with the west line of the Southern Pacific Company's railroad right of way, all in the City of Portland, Multnomah County, State of Oregon, be and the same are hereby vacated and said vacation of said portions of said streets 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, if any there be on said portions of said streets hereby vacated.

Passed by the Council NOV 28 1928

Approved:

PRELIMINARY OF THE COUNCIL AND ACTING
Mayor of the City of Portland.

Attest:


Auditor of the City of Portland.

11-9-28
Order of
Council.

PREPARED-APPROVED
CITY ATTORNEY