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Ordinance No. _____

An Ordinance vacating a portion of College Street.

WHEREAS, due notice has been given by advertisement thereof for thirty days, to wit, from February 18, 1930 to March 20, 1930, 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 on the 26th day of March 1930, a petition would be presented to said Council praying for the vacation of that portion of College Street more particularly described as hereinafter set out, which said notice, together with due proof of publication thereof was filed in the office of the Auditor of said City of Portland on March 21, 1930, 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, March 26, 1930, which said petition duly set forth a description of said portion of College Street sought to be vacated, the reasons for such vacation, the purpose for which the ground is proposed to be used, the circumstances of the case, and the names of the persons affected, and said petition was duly signed by School District No. 1, Multnomah County, Oregon; and

WHEREAS, there was appended to said petition as a part thereof and as a basis for such vacation, the consent in writing of the owners in fee simple of all abutting property and of at least two-thirds of the real estate fronting upon both sides of the portion of said College Street 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 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 acknowledged before an officer authorized to take acknowledgments; 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 9th day of April 1930 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 laws applicable thereto; 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, April 9, 1930, grant the prayer of said petition in its entirety; except as herein provided; and

WHEREAS, a previous petition by said School District was filed with the City Auditor on October 24, 1929 and notice thereof given, whereupon certain remonstrances and objections were filed and upon a full consideration of said petition filed October 24, 1929, doubt was entertained whether the notice was properly signed and sufficiently published and whether the consent of the City of Portland as owner of certain park blocks was properly signed by reason of which said School District on March 20, 1930, filed a new petition, whereupon a new notice and hearing was given as hereinbefore stated; 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 law and by the charter and ordinances of said City of Portland. Any and all objections and remonstrances against said vacation are hereby overruled except in so far as they are in accordance with the reservations hereinafter contained, and proceedings under said petition filed October 24, 1929, are hereby discontinued except in so far as said petition filed on March 20, 1930 may be regarded as supplemental thereto.

Section 2. All that portion of College Street lying between Blocks 197 and 198, City of Portland, being that portion of College Street from the west line of Broadway to the east line of Park Street, in the City of Portland, Multnomah County, State of Oregon, be and the same is hereby

vacated and said vacation 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, Oregon, a certified copy of this ordinance, and shall obtain from the County Surveyor a proper entry on the plat records as provided by law. It is further provided that said School District No. 1 shall build and maintain a concrete sidewalk according to City of Portland standard specifications six feet in width at such location in said College Street between Blocks 197 and 198, City of Portland, as said School District may select, which walk shall be open at all times to public traffic by foot but not by vehicle.

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 portion of said street hereby vacated.

It is hereby provided that if the use for school purposes of said portion of said College Street hereby vacated shall be at any time discontinued, then in that case the vacation hereby made of the above portion of College Street shall be discontinued and terminated and said College Street shall thereupon remain and continue as a street, it being intended that the vacation hereby made shall be only for such length of time as said adjacent property is used for school purposes, and said School District, or its successors, shall relinquish said portion of said College Street and execute such documents as may be suitable therefor, and the City of Portland hereby reserves the right to take such further action as may be needed for the purpose of carrying out the intent hereof in the event that the use of said property for school purposes shall be at any time discontinued.

Passed by the Council APR 30 1930

Approved:

W. L. B.
Mayor of the City of Portland.

Attest:

Geor. J. Frank
Auditor of the City of Portland.

4-11-30
Order of
Council.