

59183

3147

Ordinance No. 59183

An Ordinance vacating a portion of Occident Street.

WHEREAS, due notice has been given, by advertisement thereof for four weeks, to-wit: from July 2, 1930 to August 2, 1930, 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 6th day of August, 1930, a petition would be presented to said Council, praying for the vacation of that portion of Occident Street which lies between the north line of Hassalo Street and a line drawn ten feet south of and parallel to the south line of Multnomah Street, 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 August 2, 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: August 6, 1930, which said petition duly set forth a description of said portion of Occident Street sought to be vacated and the reasons for said vacation and the purpose for which the same is proposed to be used and said petition was duly signed by Lloyd Corporation, Ltd., a California corporation lawfully entitled to transact business within the State of Oregon, and

WHEREAS, there was appended to said petition and 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, in writing, of the owners in fee simple of all abutting property and of at least two-thirds of the real estate fronting on both sides of the portion of said Occident 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 portion of said street proposed to be vacated and extending along such proposed vacation for the entire length thereof and 200 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 within Occident Street, being within 2000 feet of the meander line of the Willamette River, the petitioner proposes to dedicate to the use of the public, for street purposes, the following described

parcels of land:

All the land lying west of a line ten (10) feet east of and parallel to the west line of Block 182, Holladay's Addition, containing two thousand (2000) square feet, more or less;

All the land lying east of a line ten (10) feet west of and parallel to the east line of Block 184, Holladay's Addition, containing two thousand (2000) square feet, more or less;

All the land lying east of a line ten (10) feet west of and parallel to the east line of Block 185, Holladay's Addition, containing two thousand (2000) square feet, more or less;

All the land lying east of a line five (5) feet west of and parallel to the east line of Block 186, Holladay's Addition, containing nine hundred (900) square feet, more or less;

All the land lying west of a line five (5) feet east of and parallel to the west line of Block 187, Holladay's Addition, containing nine hundred (900) square feet, more or less;

All the land lying west of a line ten (10) feet east of and parallel to the west line of Block 188, Holladay's Addition, containing two thousand (2000) square feet, more or less;

All the land lying west of a line ten (10) feet east of and parallel to the west line of Block 189, Holladay's Addition, containing two thousand (2000) square feet, more or less,

all within the City of Portland, County of Multnomah and State of Oregon, and

WHEREAS, the dedication of said property above described will be for the use of the public and the same will furnish equal or greater area and access to any and all terminals, and particularly to the Willamette River, and for the purpose of making said dedication the petitioner has submitted a deed to the City Engineer, which is held in escrow pending the vacation of the property herein specified to be vacated, and

WHEREAS, the said Engineer, the Commission of Public Docks, and the Port of Portland have approved said vacation and dedication, which approvals are on file in the office of the Auditor, 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 at two o'clock P. M. August 13, 1930, as the time for hearing said petition and any objections that might be filed thereto, and

WHEREAS, at said time so finally fixed by the Council for said hearing said petition was duly presented, heard and considered by the Council, and there were no objections filed thereto, and after said petition was presented and so heard by the Council the Council did find, ascertain and determine, and does hereby find, ascertain and determine that all of the foregoing recited facts are true and that all of 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 with 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 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 duly acknowledged before an officer authorized to take acknowledgments and was and is attached to and filed with said petition, and the Council further finds and does hereby determine that public interest will not be prejudiced by the vacation of said portion of said Occident Street, and

WHEREAS, the Council did on said date, to-wit: August 13, 1930, grant the prayer of said petition, as herein set out, 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 in fee simple of all abutting property and of at least two-thirds of the real estate 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 said portion of said street proposed to be vacated and extending along such proposed vacation the entire length thereof and 200 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 with the Auditor of said City of Portland.

The Council further finds and determines that all objections thereto should be and are hereby overruled, and the Council further finds that public interest will not be prejudiced by the vacation of said portion of said Occident Street.

Section 2. That all of that portion of said Occident Street which lies between the north line of Hassalo Street and a line drawn ten feet south of and parallel to the south line of Multnomah Street, within the City of Portland, be and the same is hereby vacated, and said vacation of said portion of Occident 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, Oregon a certified copy of this ordinance, and shall obtain from the County Surveyor a proper entry on the plat records thereof, as provided by law.

Nothing herein contained shall cause or require the removal or abandonment of any sewer, water main, conduit of any kind, wires, poles or other things used or intended to be used for or by any Public Service or Public Service Corporation, and the right is hereby reserved to maintain, continue, repair, reconstruct, renew, replace, rebuild and/or enlarge any and all such things; provided, however, that in the event the said Lloyd Corporation, Ltd., or its successors or assigns, desire the removal from said vacated area of any or all of such things above mentioned, the same shall be removed at the sole expense of said Lloyd Corporation, Ltd.

Said property which the Lloyd Corporation, Ltd. will dedicate to the use of the public for street purposes shall be conveyed to the City of Portland by deed, free from all incumbrances, easements and/or rights of way.

This vacation is granted on the express condition that the said Lloyd Corporation, Ltd., the petitioner, its successors or assigns, shall commence the construction of a building on the property vacated and adjoining the property, within three (3) months from the date this ordinance takes effect, and complete said building within a reasonable time thereof.

In the event these conditions are not complied with, the Council reserves the right to repeal this vacation ordinance.

Said Lloyd Corporation, Ltd. shall file a written acceptance of the terms of this ordinance with the Auditor, satisfactory in form to the City Attorney, within ten days after this ordinance takes effect.

Passed by the Council

AUG 2 2 1930

W. L. BAKER

PREPARED—APPROVED
CITY ATTORNEY

8-11-30
Order of Council

Approved:

Mayor of the City of Portland

Attest:

Auditor of the City of Portland

By S. GRUTZE

CHIEF DEPUTY