

ORDINANCE NO. 80617

An Ordinance vacating a portion of N. New York Avenue and N. Crawford Street.

The City of Portland does ordain as follows:

WHEREAS, it appears to the Council that on November 26, 1944, Portland Woolen Mills and Multnomah County, Oregon, made and filed with the City Auditor under the provisions of Chapter 259, Laws of Oregon for 1931 (OCLA Sections 95-1331 to 95-1340) their petition for the vacation of the street area herein specified; that petitioners at the time of filing said petition paid the required fees and deposits and were the owners of the property immediately abutting upon the street area submitted for vacation, and thereupon the City Auditor duly gave notice by posting and publication for a period of four successive weeks that said petition had been filed for vacation of said area and that the matter of said vacation, together with any claims for damages, objections or remonstrances which might be made in writing and filed with the City Auditor prior to the time of hearing would be heard and considered at 9:30 o'clock A. M. on Wednesday, November 8, 1944, by the Council of the City of Portland, Oregon, in the Council Chamber of the City Hall, in said city, which notice was first published in the City's official newspaper, to-wit: the Daily Journal of Commerce, on October 6, 1944, and said City Auditor within five (5) days from said first publication further published said matter by posting four notices headed "Notice of Street Vacation," in four conspicuous places in said proposed vacation of such street area, ~~one~~ notice being near the intersection of the ~~northwesterly~~ northerly line of North New York Avenue and the ~~northeasterly~~ northeasterly line of North Bradford Street, on a wire fence, one near the intersection of the southwesterly line of North Crawford Street and the northwesterly line of North New York Avenue on a cord wood pile, one near the center line of North Crawford Street and the southwesterly line of North St. Louis Avenue on a metal scrap pile, and one near the center line of North New York Avenue and the southwesterly line of North Decatur Street on a wire fence, and

WHEREAS, said matter came regularly on for hearing before the City Council at said time and place when no one appeared to object thereto and no objection or remonstrance was filed or made against the same, and

WHEREAS, said property being within 2,000 feet of the meander line of the Willamette River, the Portland

Woolen Mills, at whose special instance this vacation is undertaken, has offered to dedicate and/or cause to be dedicated to the use of the public new ground which is more than equal in area and furnishes equal way and access to the same terminus and to that end has agreed to submit or cause to be submitted a deed or deeds or other appropriate instrument or instruments making such dedication concurrently with the taking effect of this ordinance, said new ground comprising three separate parcels for convenience herein numbered (1), (2), and (3), (parcel No. 1 being intended for the extension of N. Tyler Avenue and the widening of N. Bank Street, parcel No. 2 being intended for the widening of N. Central Street, and parcel No. 3 being intended for the extension of N. Nashton Street), all lying and being in the City of Portland, Multnomah County, Oregon and particularly described as follows, to-wit:

Beginning at the northwest corner of lot 1, block 2, Wilmer Addition to the City of St. Johns, Oregon; thence North 19° East, tracing the northerly extension of the west line of said lot 1, 477.65 feet to a point 25 feet southerly of the south line of N. Bank Street as laid out 30 feet in width when measured at right angles thereto; thence South 71° East parallel to the south line of N. Bank Street 205 feet to the west line of N. Polk Avenue as now laid out and established 50 feet in width; thence North 19° East 25 feet to the south line of N. Bank Street; thence North 71° West along the south line of N. Bank Street 235 feet; thence South 19° West 502.65 feet; thence South 71° East 30 feet to the point of beginning. Containing 20.205 square feet, for the extension of N. Tyler Avenue and the widening of N. Bank Street.

A parcel of land lying in Section 1, Township 1 North, Range 1 West of Willamette Meridian described as follows: Beginning at a point which is South $20^{\circ}15'$ West 1378.61 feet and North $71^{\circ}00'$ West 330.00 feet distant from the north corner of the William Caples Donation Land Claim; thence North $43^{\circ}30'$ West 50.16 feet; thence South $46^{\circ}30'$ West 640.26 feet to the true point of beginning, said point being the intersection of the easterly line of North Leavitt Avenue and the center line of North Central Street produced southeasterly; thence

along the center line of North Central Street, produced southeasterly, South $43^{\circ}30'$ East 242.88 feet to an angle point; thence South $70^{\circ}43'$ East 110.88 feet to the intersection of the westerly line of North John Avenue and the center line of North Central Street produced northwesterly; thence along the westerly line of North John Avenue North $19^{\circ}17'$ East 30 feet; thence along a line 30 feet distant from and parallel to the center line of North Central Street produced northwesterly North $70^{\circ}43'$ West 42.64 feet to the point of beginning of a curve to the right having a central angle of $27^{\circ}13'$ and a radius of 251.89 feet; thence northwesterly along the arc of said curve 119.65 feet; thence along a line 30 feet distant from and parallel to the center line of North Central Street produced southeasterly, North $43^{\circ}30'$ West, 175.64 feet to a point in the easterly line of North Leavitt Avenue; thence South $46^{\circ}30'$ West along the easterly line of North Leavitt Avenue 30.0 feet to the point of beginning. Containing 10,685 square feet, more or less, for the widening of N. Central Street.

Beginning at a point on the northerly line of the William and Nancy Caples Donation Land Claim, 530.13 feet northwesterly from the northeasterly corner of said claim; and running thence south $20^{\circ}15'$ west, a distance of 200 feet to the point of beginning of the tract of land conveyed by this deed; and running thence North 71° west 470.13 feet; and running thence south $20^{\circ}15'$ west 25 feet; and running thence south 71° east 470.13 feet; and running thence north $20^{\circ}15'$ east 25 feet to the place of beginning of the tract of land covered by this deed; Containing 11,753 square feet, for the extension of N. Nashton Street.

and

WHEREAS, it appears to the Council that a vacation of the whole of said area subject to the provisions hereinafter stated will not injuriously affect the market value of the property abutting or affected by such vacation, nor injuriously affect the public welfare, but will be for the public welfare, and that

all things have been duly done as provided by law for the vacation of the street area subject to the provisions herein contained, and final action should now be taken thereon and such vacation made a matter of record; now, therefore,

The City of Portland does ordain as follows:

Section 1. It is hereby ascertained and determined that said vacation will not injuriously affect the market value of the property abutting on said street area, but will be beneficial thereto; that notice has been duly and regularly given of such vacation and a hearing thereon duly and regularly had in which the City Council found and does now find and determine that the public interest will not be prejudiced by such vacation but said vacation will advance the public interest and welfare, all of which determinations are hereby made a matter of record; that steps are being taken whereby, concurrently with the taking effect of this ordinance, new ground will be given and dedicated for street purposes as above stated; and that the City Engineer, the Commission of Public Docks and the Port of Portland have approved said vacation and dedication.

Section 2. There hereby is vacated all those portions of N. New York Avenue and N. Crawford Street, particularly described as follows:

N. New York Avenue between the northeasterly line of N. Bradford Street and the southwesterly line of N. Decatur Street; and N. Crawford Street between the southeasterly line of N. St. Louis Avenue and the northwesterly line of N. New York Avenue, in the City of Portland, County of Multnomah, State of Oregon

Subject to the provision that nothing herein contained shall cause or require the removal or abandonment of any sewer, water main, conduit of any kind, wire, pole, 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, over, or within said area hereby vacated.

On or before the effective date of this ordinance, and concurrently with the dedication for street uses of the several parcels of land given in lieu of the

street area herein vacated, said Portland Wollen Mills shall file with the Auditor its acceptance of and agreement to the terms and provisions hereof. Upon completion of said transactions the City Auditor shall file for record with the County Clerk, who is ex officio recorder of Multnomah County, Oregon, a certified copy of this ordinance as provided by law, and like copies with the County Assessor and the County Surveyor of said County.

Passed by the Council DEC 20 1944

R. E. Riley

Mayor of the City of Portland

Attest:

J. O. S. Jr.

Auditor pro tem of the City of Portland

J.O.S. Jr.

12/1/44

By Order of the Council

JOS:mk

R. S. I

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of N. New York Avenue and
N. Crawford Street.

Council

DEC 6-1944

READ 1 & 2 and up for Third Reading
9:30 A.M. DEC 20 1944

THE FOLLOWING IS THE
OFFICIAL VOTE ON THE
FORGOING ORDINANCE

	YEAS	NAYS
DOWES	1	
COOPER	1	
LEE	1	
PETERSON	1	
RILEY	1	

Filed DEC 21 1944

Albert G. Roff
Auditor pro tem
of the CITY OF PORTLAND

By _____
ELBERT G. ROFF
Deputy