

ACCEPTANCE

157954

RECEIVED

DEC 31 1985

OFFICE OF THE
CITY AUDITOR

Portland, Oregon December 19, 19 85

JEWEL LANSING

Auditor of the City of Portland
Room 202, City Hall
Portland, Oregon 97204

This is to advise the City of Portland, Oregon, that I hereby accept the terms and provisions of Ordinance No. 157954, passed by the City Council on November 6, 1985, vacating a portion of street right of way lying west of NE 16th Drive, south of NE Multnomah Street, and being known as a portion of Tax Lot 1 of Blocks 172 and 173, Holladay's Addition,

and in consideration of the benefits to be received thereunder by me I hereby agree to abide by and perform each and all of the terms and provisions thereof applicable to me.

Very truly yours,

LLOYD CORPORATION LIMITED

BY: *Sam Cooper*
Vice President and General Counsel

700 N.E. Multnomah (32)
Address

APPROVED AS TO FORM

Approved as to form:

Jeffrey L. Rogers

CITY ATTORNEY
City Attorney

*When an acceptance is signed by an officer of a firm or corporation, his or her official title must be stated.

ORDINANCE NO. **157954**

An Ordinance vacating a portion of street right of way lying west of NE 16th Drive, south of NE Multnomah Street, and being known as a portion of Tax Lot 1 of Blocks 172 and 173, Holladay's Addition, under certain conditions.

The City of Portland ordains:

Section 1. The Council finds:

1. On July 26, 1985, Lloyd Corporation, Ltd. filed a petition to vacate a portion of street right of way lying west of NE 16th Drive, south of NE Multnomah Street, and being known as a portion of Tax Lot 1 of Blocks 172 and 173, Holladay's Addition.
2. The petition states the reason for the vacation is to vacate an unuseable strip of right of way in connection with Ordinance No. 156681, passed by Council October 17, 1984, which vacated portions of NE Holladay Way and Tax Lot 1, under certain conditions, but omitted said strip because of a survey error.
3. The vacation is recommended by the Commissioner of Public Utilities under certain conditions set forth in the directive action below.
4. In accordance with ORS 271.100, the Council fixed a time and place for public hearing before the Council; the Auditor published notice thereof; and posted notice in the area proposed to be vacated.
5. Other procedural requirements of ORS 271 have been complied with and the Council having held a public hearing finds no objections were made or filed thereto and it is in the public interest that said street be vacated:

NOW, THEREFORE, the Council directs:

The following described street area, as shown on the attached Exhibit "A", is hereby vacated:

R/W #4056

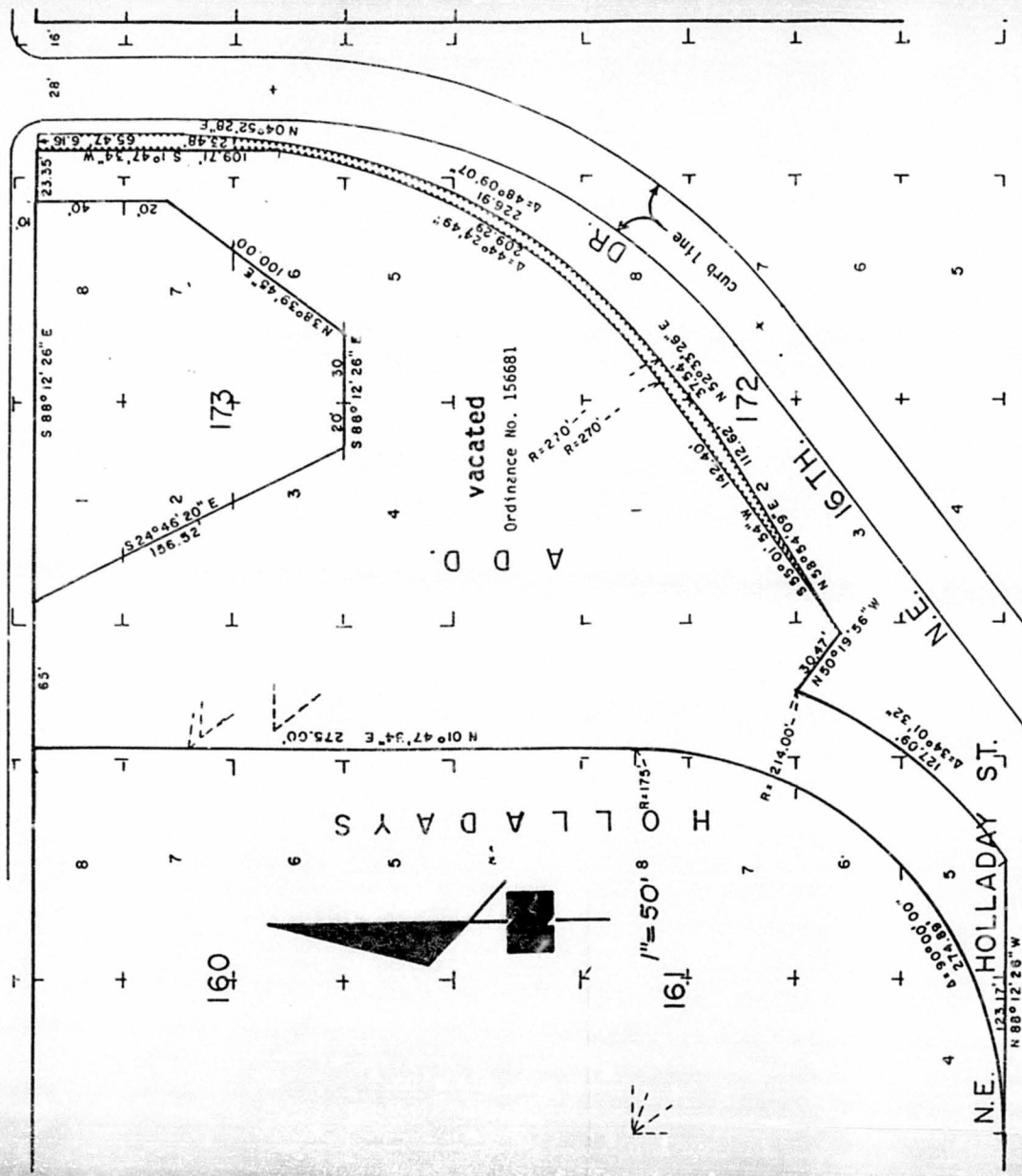
A parcel of land located in the northeast one quarter of Section 35, T1N, R1E, W.M., City of Portland, County of Multnomah, and State of Oregon and being more particularly described as follows:

Commencing at a point that bears southerly 10.00 feet and westerly 10.00 feet from the northeast corner of Lot 8, Block 173 of "Holladay's Add."; thence along the southerly line of NE Multnomah Street as presently laid out and established S 88°12'26"E, 23.35 feet to the TRUE POINT OF BEGINNING, said point also being the northeast corner of that tract of land described in City of Portland street vacation Ordinance No. 156681; thence along the easterly line of said tract S 01°47'34"W, 109.71 feet to the intersection of a 270.00 foot radius curve; thence 209.29 feet along the arc of a 270.00 foot radius curve to the right through a central angle of 44°24'49" (the long chord of which bears S 32°49'29"W, 204.09 feet) to a point of tangency; thence S 55°01'54"W, 142.40 feet to the intersection of a line that runs from the northeast corner of Block 171 of said "Holladay's Add." to the northwest corner of Lot 8, Block 161 of said "Holladay's Add."; thence leaving said easterly line of that tract of land described in City of Portland street vacation Ordinance No. 156681 and along the top of a slope bank as follows: N 58°54'09"E, 112.62 feet; thence N 52°33'26"E, 37.54 feet to the intersection of a curve (the radius point of which bears N 36°58'25"W, 270.00 feet); thence 226.91 feet along the arc of a 270.00 foot radius curve to the left through a central angle of 48°09'07" (the long chord of which bears N 28°57'02"E, 220.29 feet) to a point of tangency; thence N 04°52'28"E, 23.48 feet; thence N 01°47'34"E, 65.47 feet; thence N 88°12'26"W, 6.16 feet to the TRUE POINT OF BEGINNING.

- b. The vacation of the above described street area is granted subject to the following conditions and restrictions:
- (1) That the petitioner pay to the City the sum of \$600.00, this being the costs of these vacation proceedings.
 - (2) Nothing herein contained shall cause or require the removal or abandonment of any sewer, water or gas main, conduit of any kind, wire, pole or thing used, or intended to be used, for any public service, and the right hereby is reserved for the owner of any such utility or thing to maintain, continue, repair, reconstruct, renew, replace, rebuild, and/or enlarge any and all such thing; that no building or structure of any kind shall be built or erected within a distance of ten (10) feet from the centerline of any such utility, except with the prior written consent of the City Engineer and the owner of the utility and that any and all contemplated building plans in said vacated area shall be submitted for approval to the City Engineer and to the Director of the Bureau of Buildings, to the end that such construction may be so adjusted with reference to all public utilities in said areas as to cause a minimum of danger or inconvenience to the public and to the owner of such

N.E. MULTNOMAH ST.

30'



right of way
herein vacated

2932
4

171

ORDINANCE No.

utility and to protect and preserve the same as presently constructed or hereinafter reconstructed, renewed, replaced and/or enlarged.

- (3) That development on this property, and on the superblock to the west across NE Holladay Way, be in accordance with the Supplemental Recommendations 1 through 9 for the Holladay Street Segment of the Banfield Light Rail Transit Station Area Planning Program, as adopted by the Planning Commission on June 14, 1983
- (4) That if property between NE 15th and NE 16th Avenues, NE Multnomah and NE Holladay Streets, is developed separately from property west of NE 15th Avenue, its only vehicular access shall be from NE Multnomah Street as a continuation of the alignment of NE 15th Avenue north of NE Multnomah Street. No vehicular access shall be allowed east of NE 15th Avenue.
- (5) That if the vacated street right of way is developed in conjunction with the property west of NE 15th Avenue, there shall be no vehicular access to the resulting superblock east of NE 15th Avenue.
- (6) That in the event the petitioner fails to fully comply with the above conditions within six (6) months after the effective date of this vacating Ordinance, said Ordinance shall be subject to repeal by the Council.

Section 2. Petitioner shall file with the City Auditor, in form approved by the City Attorney, a document in writing, accepting the terms and conditions of this Ordinance.

Section 3. The City Auditor shall, at the expense of the petitioner, file with the recorder, the assessor, the surveyor of the county in which said property is located, a certified copy of this Ordinance and the acceptance thereof, and any map, plat or other record which may be required by law, and shall return a recorded copy of this Ordinance to the Right of Way Acquisition Section, Bureau of Transportation Engineering.

Passed by the Council, **NOV 6 1985**

ORDER OF THE COUNCIL
Jimmy Hillstrom:mwp.6
October 23, 1985

Jewel Lansing

Auditor of the City of Portland

By

Edna Cervora Deputy

2208
Calendar No. 2144

ORDINANCE No. 157954

Title

An Ordinance vacating a portion of street right of way lying west of NE 16th Drive, south of NE Multnomah Street, and being known as a portion of Tax Lot 1 of Blocks 172 and 173, Holladay's Addition, under certain conditions.

OCT 30 1985

PASSED TO SECOND READING NOV 6 1985

OCT 24 1985
Filed

JEWEL LANSING

Auditor of the CITY OF PORTLAND

By *James H. Smith*
Deputy

INTRODUCED BY

ORDER OF COUNCIL

NOTED BY THE COMMISSIONER

Affairs

Finance and
Administration

Safety

Utilities

Works

MDS/HK

BUREAU APPROVAL

Bureau:

Transportation Engineering

Prepared By:

Date:

Jimmy Hillstrom:mpw 10-23-85

Budget Impact Review:

☐ Completed

☐ Not required

Bureau Head: *Richard O. Schmidt*
Richard O. Schmidt, Chief

CALENDAR

Consent

☒

Regular

NOTED BY

City Attorney

City Auditor

City Engineer Approved:

Richard O. Schmidt, P.E.

By:

Richard E. Johnson