

ORDINANCE No. 91218

An Ordinance vacating Southwest 9th Avenue from the north line of Southwest Sam Jackson Park Road, to the south line of Southwest Woods Street and Southwest Grover Street from the west line of Southwest 9th Avenue to 60 feet westerly, upon certain conditions and upon the dedication of certain property in lieu thereof, and declaring an emergency.

WHEREAS, it appearing to the Council that the State of Oregon, Board of Higher Education, filed a petition with the City Auditor for the vacation of Southwest 9th Avenue from the north line of Southwest Sam Jackson Park Road, to the south line of Southwest Woods Street and Southwest Grover Street from the west line of Southwest 9th Avenue to 60 feet westerly, on or about March 20, 1950, under the provisions of sections 95-1331 to and including 95-1340, O.C.L.A., and that at said filing paid the required fee and also filed with the Auditor a consent in writing of all abutting property owners upon the portion of said street to be vacated and more than two-thirds in area of all the real property affected by such vacation and that thereupon the City Auditor duly gave notice by posting and also by publication of a notice once each week for four successive weeks that said petition had been filed for said proposed vacation proceedings and that said petition together with any objections, remonstrances and/or claims for damages which might be made in writing and filed with the Auditor of the City of Portland, Oregon, prior to the time of hearing would be heard and considered by the Council of the City of Portland at a regular meeting to be held at 9:30 A.M., daylight savings time, May 2, 1950, in the Council Chambers in the City Hall in said City; that said notice was first published in the City Official Newspaper, to wit: the Daily Journal of Commerce, on March 31, 1950; that said Auditor within five days after said first publication further published said matter by posting four notices headed "Notice of Street Vacation" in four conspicuous places in the area of said proposed vacation at the places described and designated as follows:

<u>Location</u>	<u>Object to which attached</u>
At the approximate intersection of the North line of S.W. Gibbs Street and the East line of S.W. 9th Avenue	On a stake
At the approximate intersection of the East line of S.W. 9th Avenue and the North line of S.W. Grover Street extended Easterly	On a stake

ORDINANCE No. 91218

<u>Location</u>	<u>Object to which attached</u>
On the approximate North line of S. J. Grover Street approximately 60 feet West of said line's intersection with the West line of S.W. 9th Avenue	On a stake
At the approximate intersection of the South line of S.W. Woods Street and the West line of S.W. 9th Avenue	On a stake
and,	

WHEREAS, said matter came on regularly for hearing before the City Council at said time and place on May 2, 1950, and said matter was continued to May 9, 1950; that no one appeared to object thereto and no objections or remonstrances, nor any claim for damages, were filed or made against the same, and there was filed with the City Auditor the consent in writing of all abutting property owners upon the portion of said area proposed to be vacated, and more than two-thirds in area of all of the real property affected by such vacation, and

WHEREAS, the reason for this vacation is to render the ground proposed to be vacated available for general public purposes, the same as the adjacent ground, and particularly for Oregon Medical School purposes to enlarge the existing parking area, and

WHEREAS, the petitioner has proposed to dedicate an area equal with ~~that~~ proposed to be vacated and which will afford equal way and access to the same terminus as the area vacated, without additional cost to the City, and

WHEREAS, the street area proposed to be vacated is no longer required for public ways and is not suitable for public ways and the abutting property owners have consented to the vacation of said street area and said vacation will not injuriously affect the market value of the property abutting or affected by such proposed vacation, and it appearing that said vacation in all respects will be for the public welfare, and it further appearing that all things have been done as provided by law for the vacation of said street area and that final action should now be taken thereon and such vacation be made a matter of record; now therefore

ORDINANCE No. 91718

The City of Portland does ordain as follows:

Section 1. It hereby is ascertained and determined that said vacation will not injuriously affect the market value of any of the property abutting upon said street area to be vacated but will be beneficial thereto and is in the public interest; that the consent of the owners of all of the property adjacent or abutting the area to be vacated has been obtained in writing, duly acknowledged and filed as hereinabove stated; that notice has been duly and regularly given of such vacation and a hearing thereon duly and regularly had, at which the Council found and does now find and determine that the public interest will not be prejudiced but that said vacation will enhance the public interest and welfare, all of which determinations hereby are made a matter of record,

Section 2. There hereby is vacated the following described property, in the City of Portland, Multnomah County, State of Oregon:

Southwest 9th Avenue from the north line of Southwest Sam Jackson Park Road, to the south line of Southwest Woods Street and Southwest Grover Street from the west line of Southwest 9th Avenue to 60 feet westerly, all in the said City of Portland.

Provided that said vacation shall not be effective until there shall have been dedicated to the City of Portland as and for a street and highway for the benefit and use of the public by a good and sufficient document approved by the City Attorney as to form, in lieu of the property herein vacated, the following described property in the City of Portland, Multnomah County, State of Oregon:

The west 40.0 feet of Lots 1, 2, 3, and 4, Block 82, Portland City Homestead, for the relocation of S. W. 9th Avenue.

That the said 40.0 foot strip be improved by the petitioners in accordance with the plan and specifications prepared by the City Engineer's Office.

That said S.W. 9th Avenue is not to be vacated or closed until the above mentioned improvement is made.

Section 3. This vacation is made contingent and dependent upon the following conditions:

- (a) That the sidewalks, curbs and intersections, if any, at either or both of the termini of the proposed vacation be reconstructed.

ORDINANCE No. 91718

- (b) This vacation is made upon the further condition and with the reservation that nothing herein contained shall cause or require the removal of or abandonment of any sewer, water main, 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 things; that no building or structure of any kind shall be built or erected within a distance of ten feet from the center line of any such utility except by written consent of the City Engineer and the owner of such utility first had; and that any and all contemplated building plans in said vacated area shall be submitted for approval to the City Engineer and to the Building Inspections Director, Bureau of Buildings, to the end that such construction may be so adjusted with reference to all public utilities in said area as to cause a minimum amount of danger or inconvenience to the public and to the owner of such utility and to protect and preserve the same as presently constructed or hereafter reconstructed, renewed, replaced and/or enlarged. The Auditor shall file for record with the County Clerk, who is ex-officio recorder of Multnomah County, a certified copy of this ordinance as provided by law and like copies with the County Assessor and County Surveyor of said county.

Section 4. Inasmuch as this ordinance is necessary for the immediate preservation of the public health, peace and safety of the City of Portland in this: In order that there may be no unnecessary delay in the beneficial use of the area to be vacated; therefore an emergency hereby is declared to exist and this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, MAY 24 1950

Walter M. Cullough, Sr.
Mayor of the City of Portland

Attest:

Will Gibson.

Auditor of the City of Portland

By

John B. ...

CHIEF DEPUTY

Calendar No. 2539

ORDINANCE No. 91718

Title

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INTRODUCED BY
Order of Council

DRAWN BY
AGB/11
Date May 11, 1950

NOTED BY THE COMMISSIONER
Affairs
Finance
Safety
Utilities
Works

City Attorney
AGB

NOTED FOR CITY AUDITOR
RST

APPROVED
Date
By Chief Civil Engineer
Date
By City Engineer

THE COMMISSIONERS VOTED AS FOLLOWS:

	Yes	Nays
Bean	/	
Bowes	-	
Cooper	/	
Peterson	/	
Lee	/	

FOUR-FIFTHS CALENDAR

Bean	
Bowes	
Cooper	
Peterson	
Lee	

Filed MAY 29 1950

Phil Sibson
Auditor of the CITY OF PORTLAND

By ROBERT L. MCCOY
Deputy