

ORDINANCE No. 94193

An Ordinance vacating, subject to conditions, a portion of S.W. Mill Street which lies between the easterly line of the Southern Pacific right-of-way and the harbor line of the Willamette River, providing for the dedication of a certain new area, and declaring an emergency.

WHEREAS, it appears to the Council that on or about February 28, 1951, Multnomah Plywood Corporation, by F.A. Johnson, President, filed a petition with the City Auditor for the vacation of S.W. Mill Street which lies between the easterly line of Southern Pacific Company right-of-way and the harbor line of the Willamette River, all in the City of Portland, County of Multnomah, State of Oregon, and at the time of said filing paid the required fee, and also filed with the 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 the real property affected by such vacation, and that thereupon the City Auditor gave notice by posting and publication for a period of four (4) successive weeks that said petition had been filed for said proposed vacation proceedings, and that said petition, together with any objections, remonstrances or claims for damages which may be made in writing and filed with the Auditor of the City of Portland, Oregon, prior to the time of hearing would be considered and heard by the Council of the City of Portland, Oregon, at a regular meeting to be held at 9:30 a.m. Tuesday, April 10, 1951, in the Council Chambers of the City Hall of said City; that said notice was first published in the City's official newspaper, to-wit: Daily Journal of Commerce, March 9, 1951, and the said Auditor, within five (5) days after the first publication further published said matter by posting three (3) notices headed "Notice of Street Vacation" in three (3) conspicuous places in the area of said proposed vacation at the places therein described and designated as follows:

LOCATION	OBJECT TO WHICH ATTACHED
At the approximate intersection of the South line of S.W. Mill Street and the East line of Southern Pacific Railroad Company's right-of-way	On a stake
On the approximate south line of S.W. Mill Street approximately 150 feet east of the intersection with the east line of Southern Pacific Railroad Company's right-of-way	On a stake

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On the approximate north line of
S.W. Mill Street approximately 40
feet west of the west shore line
of the willamette river

On a Stake

and

WHEREAS, on April 10, 1951, said matter came on regularly for hearing before the City Council at said time and place, and no one appeared to object thereto and no objections or remonstrances nor any claim for damage 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 portions of said area proposed to be vacated and more than two-thirds in area of all the real property inside the district affected by such vacation, and

WHEREAS, the Council finds that the purpose of said vacation is to make available ground for general business purposes the same as the adjacent ground and particularly for industrial purposes, and

WHEREAS, the Commissioner of public works has recommended that said petition be granted upon certain conditions outlined in the report of the City Engineer, and approved by the Planning Commission, and

WHEREAS, this property lies within 2000 feet of the harbor line of the Willamette River and the petitioner has proposed to dedicate an area in excess of 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 Commission of Public Docks and the Port of Portland has each duly approved said proposed vacation, 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,

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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 the property abutting on the area to be vacated but will be beneficial thereto; 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 advance the public interest and welfare; all of which determinations hereby are made a matter of record.

Section 2. There hereby is vacated all of the following described property:

All that portion of S.W. Mill Street which lies between the easterly line of the Southern Pacific right-of-way and the harbor line of the Willamette River, all in the City of Portland, County of Multnomah, State of Oregon, containing 32,550 square feet, more or less,

Provided that there shall be dedicated concurrently herewith to the City of Portland as and for a street and highway for the benefit and use of the public by good and sufficient documents approved by the City Attorney as to form, in lieu of the property herein vacated, the following described parcels of property, containing an aggregate area of 34,732 square feet more or less:

Beginning at a point which is the northwesterly corner of the land conveyed by Ukase Investment Company to Northwestern Electric Company by deed dated June 30, 1927, recorded in Book 1091 of Deeds, at page 465, in the records of said Multnomah County, said point being south 69° 08' east, 290 feet from the intersection of the northwesterly line of S.W. Harbor Drive and the center line of S.W. Montgomery Street; thence south 69° 08' east, along the easterly projection of said center line of S.W. Montgomery Street from said intersection a distance of 29.85 feet; thence south 81° 30' 36" west 34.24 feet to a point on the westerly line of the land so conveyed by said deed dated June 30, 1927; thence north 20° 52' east 16.79 feet along said westerly line to said point of beginning; in the corporate limits of the City of Portland, Oregon,

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The following described parcel of real property, situate, lying and being in the S. Coffin D.L.C. in Section 3, Township 1 South, Range 1 East of the Willamette Meridian and particularly described as follows:

Parcel 1. - Beginning at an iron pipe in the North line of S.W. Montgomery Street S. $69^{\circ} 08'$ E. 30 feet from the Southeasterly corner of Lot 4, Block 103, Portland; thence S. $69^{\circ} 08'$ E. along North line of S.W. Montgomery Street a distance of 400 feet; thence N. $20^{\circ} 52'$ E. a distance of 45 feet, thence North $69^{\circ} 08'$ W. a distance of 400 feet. Thence S. $20^{\circ} 52'$ W. a distance 45 feet to the place of beginning, containing an area of 18,000 square feet, more or less, in the corporate limits of the City of Portland, County of Multnomah, Oregon.

Parcel 2. - Beginning at an iron pipe in the North line of S.W. Montgomery Street S. $69^{\circ} 08'$ E. 430.0 feet from the Southeasterly corner of Lot 4, Block 103, Portland; thence S. $69^{\circ} 08'$ E. along said North line of S.W. Montgomery Street a distance of 188.98 feet; thence East a distance of 39.75 feet; thence S. $20^{\circ} 57' 50''$ E. a distance of 32.13 feet; thence East a distance of 87.60 feet; thence No. $20^{\circ} 57' 50''$ W. a distance of 80.32 feet; thence West a distance of 101.82 feet; thence N. $69^{\circ} 08'$ W. a distance of 180.69 feet; thence S. $20^{\circ} 52'$ W. a distance of 45.0 feet to the place of beginning, containing an area of 16,481 square feet, more or less, in the corporate limits of the City of Portland, County of Multnomah, Oregon.

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

- (a) Petitioner herein shall file with the Auditor of the City of Portland an acceptance of this vacation, signed and acknowledged by said petitioner and approved by the City Attorney as to form, and the Auditor shall file for record with the County Clerk, who is ex officio recorder in and for Multnomah County, State of Oregon, a certified copy of this ordinance and a certified copy of said acceptance as provided by law, and likewise file copies with the County Assessor and the County surveyor of said County. The filings herein provided shall be at the expense of and shall be paid for by the petitioner herein.

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- (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 public utility such as 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, conduct, 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 on said vacated area within a distance of 15 feet from the center line of Submerged pipe Line No. 2 of the Bureau of water works, as shown on Quarter Section Sheet No. 3229 filed in the Bureau of water works, except by written consent of the City Engineer and the Engineer and General Manager of the Bureau of water works, nor shall any building or structure of any kind be built or erected within a distance of 10 feet from the center line of any other public utility in such vacated area, except by written consent of the City Engineer and the owner of such utility first had.

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; 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 16 1951

Dorothy McCullough Lee
Mayor of the City of Portland
Will Gibson.

Attest:

Auditor of the City of Portland

Calendar No. 2357

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Title

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THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Bean		
Bennett		
Bowes		
Peterson		
Lee		

FOUR-FIFTHS CALENDAR	
Bean	
Bennett	
Bowes	
Peterson	
Lee	

INTRODUCED BY
Order of Council

DRAWN BY
FHA: gn
Date 5/9/51

NOTED BY THE COMMISSIONER
Affairs
Finance
Safety
Utilities
Works

City Attorney MCR

NOTED FOR CITY AUDITOR
PSI
JHL

APPROVED
Date
By
Chief Civil Engineer
Date
By
City Engineer

Filed..... MAY 18 1951

Will Gibson
Auditor of the CITY OF PORTLAND

By..... ROBT L. McCOY
Deputy