

ORDINANCE No. 94296

An Ordinance vacating portions of N.E. Oregon Street, N.E. 14th Avenue, N.E. 15th Avenue, and N.E. 17th Avenue, providing for the dedication of certain new area, repealing Ordinance No. 93115, and declaring an emergency.

WHEREAS, the Council finds that on or about October 9, 1950 Lloyd Corporation, Ltd., by Ralph B. Lloyd, President, filed a petition with the City Auditor for the vacation of all that portion of N.E. Oregon Street which lies between the west line of N.E. 14th Avenue and the line 20.0 feet west of and parallel to the west line of N.E. 16th Avenue; also, N.E. Oregon Street which lies between the east line of N.E. 16th Avenue and the west line of N.E. 18th Avenue; also, N.E. 14th Avenue which lies between the south line of N.E. Oregon Street and a line 10.0 feet north of and parallel to the north line of N.E. Irving Street; also, N.E. 15th Avenue which lies between the south line of N.E. Oregon Street and a line 10.0 feet north of and parallel to the North line of N.E. Irving Street; also N.E. 17th Avenue which lies between the south line of N.E. Oregon Street and a line 10.0 feet north of and parallel to the north line of N.E. Irving Street, all in the City of Portland, Multnomah County, 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 portions of said street and avenues 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, November 21, 1950, in the Council Chambers of the City Hall of said City; that said notice was first published in the City Official newspaper, to wit: Daily Journal of Commerce, October 21, 1950, and the said Auditor within five (5) days after the first publication further published said matter by posting nine (9) notices headed "Notice of Street Vacation" in nine (9) conspicuous places in the area of said proposed vacation at the places therein described and designated as follows:

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<u>Location</u>	<u>Object to which attached</u>
At the approximate intersection of the west line of N.E. 14th Avenue and the north line of N.E. Irving Street.	On a stake
At the approximate intersection of the north line of N.E. Oregon Street and the west line of N.E. 14th Avenue	On a stake
At the approximate intersection of the west line of N.E. 15th Avenue and the north line of N.E. Irving Street.	On a stake
At the approximate intersection of the west line of N.E. 15th Avenue and the south line of N.E. Oregon Street.	On a stake
At the approximate intersection of the west line of N.E. 16th Avenue and the north line of N.E. Irving Street.	On a stake
At the approximate intersection of the East line of N.E. 16th Avenue and the north line of N.E. Oregon Street.	On a stake
At the approximate intersection of the south line of N.E. Oregon Street and the west line of N.E. 17th Avenue.	On a stake
At the approximate intersection of the east line of N.E. 17th Avenue and the north line of N.E. Irving Street.	On a stake
At the approximate intersection of the west line of N.E. 18th Avenue and the north line of N.E. Irving Street.	On a stake

and

WHEREAS 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 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

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WHEREAS, the Council finds that the purpose of said vacation is to make the area proposed to be vacated available for general private purposes, the same as the adjacent ground and particularly for commercial purposes; that the reasons for such vacation and the particular circumstances for the vacation are: to provide desirable apartment sites, and

WHEREAS, the Council finds that a vacation of the property herein described will not injuriously affect the market value of the property abutting or affected by such vacation, and

WHEREAS the Council finds that pursuant to said proceedings Ordinance No. 93115, passed by the Council December 6, 1950, provided for the vacation of said area upon the concurrent dedication for street purposes of certain properties particularly described therein, and

WHEREAS said ordinance has never been effective for the reason that the actual area proposed to be dedicated by petitioner in lieu of the area proposed to be vacated does not conform to the particular description in said ordinance in that two parcels of said dedication vary .04 feet in width from said particular description, which reduces the area dedicated by 7.2 square feet more or less and

WHEREAS said reduction in area is negligible and not prejudicial to the City, and

WHEREAS the Council finds that all things have been done as provided by law for the vacation of said area and that final action should now be taken by repealing said Ordinance No. 93115 and hereby providing for vacation of said area upon the concurrent dedication of the area hereinbelow particularly described in lieu of said area proposed to be vacated, and that such vacation should now be made a matter of record; now therefore,

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 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

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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 all of the following described property:

All that portion of N.E. Oregon Street which lies between the west line of N.E. 14th Avenue and the line 20.0 feet west of and parallel to the west line of N.E. 16th Avenue.

Also, N.E. Oregon Street which lies between the east line of N.E. 16th Avenue and the west line of N.E. 18th Avenue.

Also N.E. 14th Avenue which lies between the south line of N.E. Oregon Street and a line 10.0 feet north of and parallel to the north line of N.E. Irving Street.

Also, N.E. 15th Avenue which lies between the south line of N.E. Oregon Street and a line 10.0 feet north of and parallel to the north line of N.E. Irving Street.

Also, N.E. 17th Avenue which lies between the south line of N.E. Oregon Street and a line 10.0 feet north of and parallel to the north line of N.E. Irving Street,

all in the City of Portland, County of Multnomah, State of Oregon.

Provided, that there shall be dedicated concurrently herewith to the City of Portland as and for street and highway purposes, 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, to wit:

- A. The east 20.0 feet of Lots 6, 7, and 8, Block 11, Lydia Buckman's Addition.
- B. (1) The south 10.0 feet of Lot 5, Block 66, Holladay's Addition.
- (2) The south 10.0 feet of Lot 4, Block 71, Holladay's Addition.
- (3) The north 10.0 feet of Lot 1, Block 72, Holladay's Addition.

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- (4) The north 10.0 feet of Lot 1, Block 73, Holladay's Addition.
 - (5) The south 10.0 feet of Lot 5, Block 79, Holladay's Addition.
 - (6) The north 10.0 feet of Lot 8, Block 80, Holladay's Addition.
 - (7) The north 10.0 feet of Lots 1 and 8, Block 93, Holladay's Addition.
 - (8) The south 10.0 feet of Lot 5, Block 99, Holladay's Addition.
 - (9) The north 10.0 feet of Lot 1, Block 100, Holladay's Addition.
 - (10) The south 10.0 feet of Lot 5, Block 114, Holladay's Addition.
- C.
- (1) The south 10.0 feet of Lots 4 and 5, Block 119, Holladay's Addition.
 - (2) The north 10.0 feet of Lots 1 and 8, Block 120, Holladay's Addition.
 - (3) All that portion of Lots 4 and 5, Block 134, Holladay's Addition and the west 1/2 of vacated N.E. 12th Ave., lying south of a line 10.0 feet north of and parallel to the south line of said Block 134, Holladay's Addition.
 - (4) All that portion of Lots 4 and 5, Block 139, Holladay's Addition and the east 1/2 of vacated N.E. 12th Avenue, lying south of a line 10.0 feet north of and parallel to the south line of said Block 139, Holladay's Addition.
 - (5) The north 10.0 feet of Lots 1 and 8, Block 153, Holladay's Addition.
 - (6) The south 10.0 feet of Lots 4 and 5, Block 154, Holladay's Addition.
 - (7) The south 10.0 feet of Lots 4 and 5, Block 159, Holladay's Addition.
 - (8) The north 10.0 feet of Lots 1 and 8, Block 160, Holladay's Addition.

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- D.
- (1) The north 10.0 feet of Lots 1 and 8, Block 173, Holladay's Addition.
 - (2) The south 10.0 feet of Lot 5, Block 174, Holladay's Addition.
 - (3) The south 10.0 feet of Lot 4, Block 179, Holladay's Addition.
 - (4) The north 10.0 feet of Lots 1 and 8, Block 180, Holladay's Addition.
 - (5) The north 10.0 feet of Lots 1 and 8, Block 193, Holladay's Addition.
 - (6) The south 10.0 feet of Lot 4, Block 194, Holladay's Addition.
 - (7) The north 10.0 feet of Lots 29, 30, 31, and 32, Block "A" Holladay Park Addition.
- F.
- (1) The east 10.0 feet of the south 40.0 feet of Lot 8, Block 80, Holladay's Addition.
 - (2) The east 10.0 feet of Lot 7, Block 80, Holladay's Addition.
 - (3) The east 9.96 feet of the north 40.0 feet of Lot 5, Block 83, Holladay's Addition.
 - (4) The east 9.96 feet of Lots 6, 7, and 8, Block 83, Holladay's Addition.
 - (5) The west 10.0 feet of the north 40 feet of Lot 4, Block 90, Holladay's Addition
 - (6) The west 10.0 feet of Lots 1, 2, and 3, Block 90, Holladay's Addition, containing 1,500 sq. ft.
 - (7) The west 10.0 feet of Lots 1, 2, 3, and 4, Block 91, Holladay's Addition.
 - (8) The west 10.0 feet of Lots 1, 2, 3, and 4, Block 92, Holladay's Addition.
 - (9) The west 10.0 feet of the south 40.0 feet of Lot 1, Block 93, Holladay's Addition.
 - (10) The west 10.0 feet of Lot 2, Block 93, Holladay's Addition.

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- F. (1) The east 20.0 feet of Lots 5, 6, 7, and 8, Block 169, Holladay's Addition.
- (2) The east 20.0 feet of Lots 5,6,7, and 8, Block 170, Holladay's Addition.
- (3) The east 10.0 feet of Lots 5,6, and 7, Block 173, Holladay's Addition.
- (4) The east 10.0 feet of the south 40 feet of Lot 8, Block 173, Holladay's Addition.
- (5) The west 10.0 feet of the south 40.0 feet of Lot 1, Block 180, Holladay's Addition.
- (6) The west 10.0 feet of Lots 2, 3, and 4, Block 180, Holladay's Addition.
- (7) The south 20.0 feet of the west 80.0 feet of Lot 5, Block 167, Holladay's Addition
- (8) The south 20.0 feet of Lot 4, Block 167, Holladay's Addition.

All in the City of Portland, County of Multnomah, State of Oregon.

Section 3. This vacation 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 petitioners 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 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.
- (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, conduct, repair, reconstruct, renew, replace, rebuild and/

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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; that any and all contemplated building plans in said vacated area shall be submitted for approval to the City Engineer and to the Director, Bureau of Building Inspection, 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 the same as presently constructed or hereafter reconstructed, renewed, replaced, and/or enlarged.

Section 4. Ordinance No. 93115, entitled: "An Ordinance vacating portions of N.E. Oregon Street, N.E. 14th Avenue, N.E. 15th Avenue, and N.E. 17th Avenue, providing for the dedication of certain new area, and declaring an emergency", passed by the Council December 6, 1950, hereby is repealed.

Section 5. 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 31 1951

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

Attest:

Auditor of the City of Portland

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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
Commissioner Bowes

DRAWN BY
HFA:gm
Date 5-23-51

NOTED BY THE COMMISSIONER

Affairs

Finance

Safety

Utilities

Works WABv

City Attorney AGB

NOTED FOR CITY AUDITOR

RSI

JHL

APPROVED

Date

By
Chief Civil Engineer

Date

By
City Engineer

Filed **JUN 4 1951**

Will Gibson.
Auditor of the CITY OF PORTLAND

By **ROB'T L. McCOY**
Deputy