

ORDINANCE No. ~~94389~~

An Ordinance vacating that portion of N. Van Houten Place and N. Van Houten Court, petitioned for by Multnomah County,

WHEREAS, it appears that the Council on or about April 4th, 1951, adopted Resolution No. 24891, for the vacation of portions of N. Van Houten Place and N. Van Houten Court, situate in Sections 7 and 18, Township 1 North, Range 1 East of the Willamette Meridian, all in the City of Portland, Multnomah County, State of Oregon, the said petitioner being relieved from the payment of the filing fee otherwise required by law, and filed with the Auditor a consent in writing of all abutting property owners upon the said portions of said streets and avenues sought to be vacated, and more than two-thirds in area of all the real property affected by such vacation, and there was also filed in the office of the Auditor the consent of the Commission of Public Docks, Resolution No. 1302, and the consent of the Port of Portland, adopted by the Port of Portland's Commission at a meeting held May 1, 1951, 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 at a regular meeting to be held Tuesday, May 8th, 1951, at 9:30 A. M., in the Council Chambers of the City Hall in said City; that said notice was first published in the City official newspaper, to wit: the Daily Journal of Commerce, April 6th, 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:

<u>Location</u>	<u>Object to which attached</u>
On the approximate Southwesterly line of N. Van Houten Place approximately 487.60 feet Northwesterly of the Northwesterly line of N. McKenna Avenue,	On a stake
On the approximate Southwesterly line of N. Van Houten Place approximately 329.99 feet Northwesterly from the Northwesterly line of N. McKenna Avenue,	On a stake

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LocationObject to which attached

Approximately 50 feet Southwesterly from a point on the approximate Southwesterly line of N. Van Houten Place which is approximately 229 feet Northwesterly from the Northwesterly line of N. McKenna Avenue,

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

WHEREAS, the Council finds that the purpose of said vacation is to make the area proposed to be vacated similar to the use being made and which may be made of adjacent property, but particularly for private purposes, 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 further finds that all things have been done as provided by law for the vacation of said area and that final action should be taken 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; 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.

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

Beginning at a point South $32^{\circ} 50' 30''$ West 60.32 feet and South $46^{\circ} 58'$ East 55.84 feet from an iron pipe designated as point "A" in that certain dedication by First National Bank of Portland and others as recorded in Book 426 at page 537, Records of Deeds for Multnomah County, Oregon; thence North $43^{\circ} 00'$ East 30.76 feet to a point which is 40.0 feet distant from the center line of N. Van Houten Place, when measured at right angles thereto; thence South $57^{\circ} 09' 30''$ East parallel to and 40.0 feet distant from said center line of N. Van Houten Place, a distance of 147.21 feet; thence southeasterly along the arc of a curve right having a radius of 180.0 feet, a distance of 82.47 feet; thence South $59^{\circ} 05' 30''$ West to a point in the northwesterly line of N. Van Houten Court; thence southwesterly along said northwesterly line of N. Van Houten Court 52.3 feet; thence North $27^{\circ} 41'$ West 15.6 feet to a point from which an iron pipe, marking the northeasterly corner of that certain tract of land conveyed by deed to Western Cooperage Co. dated March 22nd, 1937, and recorded March 31, 1937, in Book 389 at page 346, Records of Deeds for Multnomah County, Oregon, bears South $64^{\circ} 46'$ West 25.0 feet; thence continuing North $27^{\circ} 41'$ West 1.82 feet; thence northwesterly along the arc of a curve left having a radius of 293.78 feet, a distance of 25.2 feet to a point in the southwesterly line of said N. Van Houten Court; thence northeasterly, northerly and northwesterly along said southwesterly line of N. Van Houten Court to the place of beginning, comprising an area of 12,280 square feet, more or less, all in the City of Portland, Multnomah County, Oregon.

Provided 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 property, to wit:

A parcel of land in Sections 7 and 18, Township 1 North, Range 1 East of the Willamette Meridian, in the corporate limits of the City of Portland, County of Multnomah, Oregon, being a portion of Tax Lot 63 of said Section 7, and more particularly described as follows:

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Beginning at a point South $32^{\circ} 50' 30''$ West 60.32 feet and South $46^{\circ} 58'$ East 55.84 feet from an iron pipe designed as Point "A" in that certain dedication by First National Bank of Portland and others as recorded in Book 426 at page 537, Records of Deeds for Multnomah County, Oregon; thence South $43^{\circ} 00'$ West 22.97 feet; thence South $47^{\circ} 00'$ East 111.94 feet; thence along the arc of a curve right having a radius of 293.78 feet a distance of 73.75 feet to a point in the southwesterly line of N. Van Houten Court; thence southwesterly along said southwesterly line of N. Van Houten Court a distance of 24.1 feet; thence South $25^{\circ} 03'$ East 20.0 feet to an iron pipe, which marks the northeasterly corner of that certain tract of land conveyed by deed to Western Cooperage Co. dated March 22, 1937, and recorded in Book 389 at page 346, Records of Deeds for Multnomah County, Oregon; thence South $64^{\circ} 46'$ West 15.0 feet; thence northwesterly along an arc of a curve to the left having a radius of 253.78 feet, a distance of 85.49 feet; thence North $47^{\circ} 00'$ West 111.94 feet; thence northwesterly, northerly and northeasterly along the arc of a curve right having a radius of 76.73 feet a distance of 106.92 feet; thence northwesterly along the arc of a curve left having a radius of 33.36 feet a distance of 54.5 feet to a point in the southerly line of N. Van Houten Place; thence South $60^{\circ} 42'$ East a distance of 35.49 feet; thence South $32^{\circ} 50' 30''$ West a distance of 35.49 feet; thence South $46^{\circ} 58'$ East 76.16 feet to the place of beginning, containing an area of 11,640 square feet, more or less.

Also:

All that portion of Lots 19 and 20, Block 35, Portsmouth, lying southwesterly of the southerly line of N. Van Houten Place and northeasterly of a line 40.0 feet southwesterly of and parallel to the center line of said N. Van Houten Place, in the corporate limits of the City of Portland, County of Multnomah and State of Oregon, containing an area of 1480 square feet, more or less.

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

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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.

- (b) This vacation is made upon the further condition and with the reservation that nothing herein contained shall cause or require the removal or abandonment of any sewer, watermain, 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 within a distance of ten (10) feet from the center line of any such utility, except by the written consent of the City Engineer and the owner of such utility first having been 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, if any there be, 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.

Passed by the Council, JUN 13 1951

Fred L. Peterson

PRESIDENT OF THE COUNCIL AND

Mayor of the City of Portland

Attest:

Will Gibson

Auditor of the City of Portland

Calendar No.

2652
2978

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Title

An Ordinance vacating that portion of N. Van Houten Place and N. Van Houten Court, petitioned for by Multnomah County.

May 31, 1951

Read 1 & 2 & Passed to Third Reading

June 13, 1951

JUN 14 1951

Filed.....

Will Gibson.
Auditor of the CITY OF PORTLAND

ROB'T L. McCOY

By.....

Deputy

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

AGB:11

Date

May 21, 1951

NOTED BY THE COMMISSIONER

Affairs

Finance

Safety

Utilities

Works

City Attorney

AGB

NOTED FOR CITY AUDITOR

JHL

APPROVED

Date

By

Chief Civil Engineer

Date

By

City Engineer