

ORDINANCE No. 95575

An Ordinance vacating N. W. 8th Avenue from the south line of N. W. Hoyt Street to the north line of N. W. Glisan Street, initiated by the Council of the City of Portland.

WHEREAS, it appears that the Council of the City of Portland on or about March 15th, 1950, adopted Resolution No. 24369 for the vacation of N. W. 8th Avenue from the south line of N. W. Hoyt Street to the north line of N. W. Glisan Street in the corporate limits of the City of Portland, Oregon; that there has been filed with the Auditor a consent in writing of all abutting property owners upon the said portion of street sought to be vacated, and that said vacation is authorized by Section 1-107 of the Charter of the City of Portland relating to the vacation of city streets for public use by another governmental agency, and that upon adoption of Resolution No. 24369, the City Auditor gave notice by posting and publication for a period of four (4) successive weeks that said proceedings had been instituted for said proposed street vacation, and that said resolution, together with any objections, remonstrances or claims for damages which might be made in writing and filed with the Auditor of the City of Portland 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 on April 18th, 1950, at 9:30 A. M., in the Council Chambers of the City Hall, Portland, Oregon; that said notice was first published in the City official newspaper, to wit: the Daily Journal of Commerce, March 17th, 1950, 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>
At the approximate intersection of the west line of N.W. 8th Avenue and the south line of N.W. Hoyt Street	On a pole
On the approximate west line of N.W. 8th Avenue approximately 100 feet south of the approximate intersection of said line with the south line of N.W. Hoyt Street	On a pole
At the approximate intersection of the north line of N.W. Glisan Street and the west line of N.W. 8th Avenue	On a post

ORDINANCE No. 95575

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 the consent in writing of the Commission of Public Docks, expressed in Resolution No. 1285, passed by the Commission of Public Docks of the City of Portland, Oregon, on April 24th, 1950, and the consent of the Port of Portland Commission, expressed by resolution adopted by the said Port of Portland Commission April 25th, 1950, and

WHEREAS, the Council finds that the purpose of said vacation is for use by the federal government for Post Office facilities and under the provisions of Section 1-107 of the Charter of the City of Portland such vacation can be had under such terms and conditions as the Council of the City of Portland may determine, which terms and conditions in so far as they relate to the vacation of the said N. W. 8th Avenue from the south line of S. W. Hoyt Street to the north line of N. W. Glisan Street are solely those conditions set forth in this ordinance, 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.

ORDINANCE No. 95575

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

N. W. 8th Avenue from the south line of N. W. Hoyt Street to the north line of N. W. Glisan Street.

Section 3. This vacation hereby is made contingent upon the following conditions;

- (a) 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 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 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; 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 the same as presently constructed or hereafter reconstructed, renewed, replaced, and/or enlarged.
- (c) The construction and reconstruction of sidewalks, curbs and driveways shall be at the sole cost and expense of the United States government as owners of the property,

ORDINANCE No. 95575

provided, however, that reconstruction and construction of sidewalks, curbs and drive-ways shall be made in accordance with plans and specifications approved by the City Engineer of the City of Portland, Oregon.

Passed by the Council, DEC 19 1951

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

Attest:

Auditor of the City of Portland

Calendar No. 6196
6495 C-6261

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Title

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DEC 5 1951
Read 1 & 2 & Passed to Third Reading
DEC 19 1951

Filed NOV 29 1951

Will Gibson
Auditor of the CITY OF PORTLAND

ROBT 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
AGE:11
Date Nov. 20, 1951

NOTED BY THE COMMISSIONER

Affairs
Finance
Safety
Utilities
Works WAB

City Attorney **AGB**

NOTED FOR CITY AUDITOR

RSI
JHL

APPROVED

Date

By *Chief Civil Engineer*

Date **11-27-51**

By **L. G. Apperson**
City Engineer