

ORDINANCE No. 96675

An Ordinance vacating all that portion of the alley in Albina Homestead Addition, from the South line of Albina Homestead Addition to the North line of Lots 16 and 17, in Albina Homestead Addition, upon the payment of \$150.00 as an assessment of benefit.

WHEREAS, it appearing to the Council that Continental Baking Company, a Delaware Corporation, authorized to transact business in the State of Oregon, on February 29, 1952, filed with the Auditor of the City of Portland a petition signed by William Fisher, Secretary-Treasurer of said company, who was authorized to so sign by Resolution adopted by the Company on the 5th day of September 1951, for the vacation of all that portion of the Alley in Albina Homestead Addition from the South line of Albina Homestead Addition to the North line of Lots 16 and 17, Albina Homestead Addition, which said petition was filed pursuant to the provisions of Sections 95-1331 to and including 95-1340 O.C.L.A., and has paid the required fee for filing, and has also filed with the Auditor a consent in writing of all abutting property owners upon the portion of said alley to be vacated, and more than two-thirds in area of all the real property affected by such vacation; 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 o'clock A. M., Tuesday, April 15, 1952, 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, on March 14, 1952; that said Auditor within five days after the said first publication further published said matter by posting three notices headed: "Notice of Street Vacation," in three conspicuous places in the area of said proposed vacation at the places described and designated as follows:

Location:

Object to which attached:

On the approximate West line of Alley in Albina Homestead Addition at the approximate Northeast corner of Lot 17, Albina Homestead Addition.

On a stake

ORDINANCE No. 3055

Location:

Object to which attached

At the approximate intersection of the East line of Alley in Albina Homestead Addition and a line drawn midway between the North and South lines of Lot 16, Albina Homestead Addition.

On a wall

At the approximate intersection of the East line of Alley in Albina Homestead Addition and the South line of Albina Homestead Addition.

On a wall

and

WHEREAS, said matter came on regularly for hearing at said time and place, on Tuesday, April 15, 1952, and no one appeared to object thereto, and no objection or remonstrance nor any claim for damage was filed or made against the same, and

WHEREAS, the Council finds that the purpose for which the ground is proposed to be used which petitioner seeks to have vacated is for general business purposes, the same as the adjacent ground and particularly for industrial purposes, and that the reasons for such vacation and the particular circumstances for the vacation are: Expansion purposes, and

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

ORDINANCE No. 5117

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 an Alley in Albina Homestead Addition from the South line of Albina Homestead Addition to the North line of Lots 16 and 17, Albina Homestead Addition, an addition in the City of Portland, Multnomah County, State of Oregon.

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

- (a) It hereby is made a condition precedent that petitioner shall first pay to the City of Portland the sum of \$150.00, which sum has been determined as the fair and equitable assessment of benefits for such proposed vacation.
- (b) Petitioner shall file with the Auditor of the City of Portland an acceptance of this vacation, signed and acknowledged by the duly authorized representative of the 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.
- (c) 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/or enlarge any and all such things; that no building or

ORDINANCE No. 90735

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.

Passed by the Council,

MAY 7 1952

Dorothy M. Gullough Lee
Mayor of the City of Portland
Will Gibson.

Attest:

Auditor of the City of Portland

Calendar No. 2180
2472

ORDINANCE No. 50007

Title

An Ordinance vacating all that portion of the alley in Albina Homestead Addition, from the south line of Albina Homestead Addition to the north line of Lots 16 and 17, in Albina Homestead Addition, upon the payment of \$150.00 as an assessment of benefit.

APR 23 1952

Read 1 & 2 &

Passed to Third Reading MAY 7-1952

APR 17 1952

Filed

Will Gibson.
Auditor of the CITY OF PORTLAND

By

R. & NEY McCOY

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:l1
Date Apr. 16, 1952

NOTED BY THE COMMISSIONER
Affairs
Finance
Safety
Utilities
Works

City Attorney	AGB
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NOTED FOR CITY AUDITOR
RSI
JHL

APPROVED	
Date	
By	Chief Civil Engineer
Date	
By	City Engineer