

## ORDINANCE No. 98566

An Ordinance vacating all that portion of S. E. Sixth Avenue which lies between the south line of S. E. Caruthers Street and the north line of S. E. Division Place, upon certain conditions, and upon the dedication of certain property in lieu thereof, and declaring an emergency.

WHEREAS, it appearing to the Council that Inman-Poulsen Lumber Company, an Oregon corporation, by Henry J. Leaf, President, (Foot of S. E. Caruthers Street, Portland 14, Oregon) on or about April 17, 1953, filed with the City Auditor, a petition for the vacation of all that portion of S. E. Sixth Avenue which lies between the south line of S. E. Caruthers Street and the north line of S. E. Division Place, in the City of Portland, Multnomah County, Oregon, under the provisions of Sections 95-1331 to and including 95-1340, O.C.L.A., and that at said filing paid the required fee and also filed with the Auditor a consent in writing of all the abutting property owners upon the portion of said street 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 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 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 at a regular meeting to be held on Wednesday, May 27, 1953, 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, on April 24th, 1953, and that said Auditor within five days after 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:

<u>Location</u>	<u>Object to which attached:</u>
At the approximate intersection of the South line of S. E. Caruthers Street and the East line of S. E. Sixth Avenue	On a stake
On the approximate East line of S. E. Sixth Avenue approximately 150 feet South of the approximate South line of S. E. Caruthers Street	On a stake

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At the approximate intersection of the  
North line of S. E. Division Place and  
the West line of S. E. Sixth Avenue

On a stake

and

WHEREAS, said matter came on regularly for hearing on May 27, 1953, and no one appeared to object thereto and no objection or remonstrances, nor any claim for damage was filed or made against the same, and

WHEREAS, the Council finds that the reason for this vacation is for general industrial and commercial purposes, the same as the adjacent ground and particularly for warehousing purposes, and that the reasons for such vacation and the particular circumstances for the vacation are: to consolidate the pieces of property now owned by petitioner in order to construct a warehouse and to develop and improve the property, and

WHEREAS, the Council finds that this property lies within two thousand feet of the harbor line of the Willamette River and the petitioner has proposed to dedicate and will dedicate concurrently herewith to the City of Portland a parcel of real property equal in area to that proposed to be vacated and in lieu thereof, and

WHEREAS, the Commission of Public Docks and the Port of Portland has each duly approved said proposed vacation, 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 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,

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 any of the property abutting upon said street area to be vacated but will be beneficial thereto; that the consent of the owners

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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 official approval of the Port of Portland and Commission of Public Docks to said vacation has been duly filed; 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 that the public interest will not be prejudiced by said vacation 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 the following described property in the City of Portland, State of Oregon:

All that portion of S. E. Sixth Avenue lying between the south line of S. E. Caruthers Street to the north line of S. E. Division Place, in the said City of Portland, County of Multnomah, and State of Oregon.

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 a good and sufficient document, approved by the City Attorney as to form, in lieu of the property herein vacated, the following described real property, to wit:

The West 20 feet of the South 25 feet of Lot 1, and the West 20 feet of Lots 2, 3, 4, 5, and 6, in Block 90, Stephens' Addition to East Portland, an addition in the City of Portland, County of Multnomah, and State of Oregon, according to the duly recorded plat thereof on file in the office of the clerk of said County and State; and

Lots 5, 6, 7, and 8, Block 53, in said Stephens' Addition to East Portland, except that part thereof taken for S. E. McLoughlin Boulevard.

That said land dedicated has an area in excess of the street area vacated.

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

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- (a) That the said Inman-Poulsen Lumber Company, an Oregon corporation, shall pay to the City of Portland the sum of Six Hundred (\$600.00) Dollars, which said sum shall be credited to the Sidewalk Rotary Account (7055), to cover the cost of reconstruction of the sidewalk, curb and intersection on the north side of S. E. Division Place at S. E. Sixth Avenue, or in lieu of such payment perform the necessary work in restoration of curbs, sidewalks and reconstruction of said intersection, or such other work as may be required by the City Engineer, and which in the opinion of the City Engineer is of a value of not less than \$600.00.
- (b) The 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 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, 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; and 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

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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 and preserve the same as presently constructed or hereafter reconstructed, renewed, replaced and/or enlarged. The Auditor shall file for record with the County Clerk who is ex-officio recorder of Multnomah County, a certified copy of this ordinance as provided by law, and like copies with the County Assessor and County Surveyor of said county.

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 proposed construction and use of the area to be vacated, 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, JUN 10 1953

*Fred L. Peterson*  
Mayor of the City of Portland

Attest:

*Will Gibson*

Auditor of the City of Portland

*John B. Ormiston*

CHIEF CLERK

Calendar No. 3134  
3244

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Title

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JUN 3-1953

Continued to 9:30 A.M. JUN 10 1953

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Bean		
Boody		
Bowes		
Earl		
Peterson		

FOUR-FIFTHS CALENDAR	
Bean	
Boody	
Bowes	
Earl	
Peterson	

INTRODUCED BY  
Order of Council

DRAWN BY  
AGB:JL  
Date May 28 1953

NOTED BY THE COMMISSIONER

Affairs  
Finance  
Safety  
Utilities  
Works

City Attorney **AGB**

NOTED FOR CITY AUDITOR

**RSI**  
**JHL**

APPROVED

Date  
By  
City Engineer  
Date  
By

Filed JUN 24 1953

*Will Gibson*  
Auditor of the CITY OF PORTLAND

By **R. S. IVEY**  
Deputy