

ORDINANCE No. 99690

An Ordinance vacating a portion of S. W. Yamhill Street, westerly of S. W. 18th Avenue as now established, upon certain conditions and upon the dedication of certain property in lieu thereof.

WHEREAS, it appearing that the Council of the City of Portland on or about October 14, 1953, adopted Resolution No. 26007, initiating proceedings for the vacation of a portion of S. W. Yamhill Street westerly of S. W. 18th Avenue as now established, and hereinafter more particularly described, in the corporate limits of the City of Portland, County of Multnomah and State of Oregon, pursuant to the provisions of Section 95-1336 O.C.L.A., and 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 resolution had been adopted instituting proceedings for the vacation of said street area; that the matter of said vacation, together with any objections, remonstrances, and/or claims for damage which might be made in writing and filed with the City Auditor prior to the time of hearing would be heard and considered by the Council at a regular meeting to be held at 9:30 A.M., Wednesday, November 18, 1953, in the Council Chambers of the City Hall, in said City, which notice was first published in the City official newspaper, to wit: the Daily Journal of Commerce, October 16, 1953, and the City Auditor within five days from said first publication further published said matter by posting three notices headed: "Notice of Street Vacation," in three conspicuous places in said street area proposed to be vacated, herein described and designated as follows:

<u>Location</u>	<u>Object to which attached</u>
At the approximate Southwest corner of the intersection of S. W. 18th Avenue and S. W. Yamhill Street	On a pole
On the approximate North line of S. W. Yamhill Street approximately 25 feet West of the West line of S. W. 18th Avenue	On an iron stake
On the approximate North line of S. W. Yamhill Street approximately 59.5 feet West of the West line of S. W. 18th Avenue	On a pole

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and

WHEREAS, said matter came on regularly for hearing on November 18, 1953, at said time and place, and no one appeared to object thereto and no objection or remonstrance or any claim for damage was filed or made against the same, and

WHEREAS, there have now been duly acknowledged and filed with the City Auditor the consents in writing of all the owners of abutting property upon the portion of said area proposed to be vacated; and

WHEREAS, the Council finds that the purpose of said vacation and the contemplated use of said street area shall be 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 the 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 or substantially affect the market value of any of the property abutting upon said street area to be vacated but will be beneficial thereto; that the owners of property abutting upon said area to be vacated will not be damaged by said vacation; that notice has been duly and regularly given of such vacation and a hearing thereon duly and regularly had; that the consent of the owners of all the property abutting said area to be vacated has been obtained in writing, duly acknowledged and filed as hereinabove stated and the Council found and does now find that no objections or remonstrances or claims for damages were made or filed against said vacation and 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 all the following described property in the City of Portland, Multnomah County, State of Oregon, to wit:

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All that portion of S. W. Yamhill Street from the Westerly line of S. W. 18th Avenue extending Westerly along said S. W. Yamhill Street, a distance of 59.5 feet, more or less, to a point where said S. W. Yamhill Street terminates,

provided, that there shall be dedicated concurrently herewith as and for street and highway purposes, for the benefit and use of the public, by good and sufficient deed, executed by the duly authorized officers of the Multnomah Amateur Athletic Club, pursuant to resolution duly adopted by the said Multnomah Amateur Athletic Club at a special meeting of the Board of Trustees of the Multnomah Amateur Athletic Club, held on Monday, November 9, 1953, to the City of Portland. Said deed to be approved as to form by the City Attorney, and shall convey to said City the following described real property, to wit:

A portion of Block 332, Portland, more particularly described as follows: Beginning at the intersection of the South line of S. W. Morrison Street with the West line of S. W. 18th Avenue; thence Westerly tracing the said South line of S. W. Morrison Street, a distance of 38.0 feet to a point; thence Southeasterly along the arc of a curve right, having a radius of 38.0 feet a distance of 59.69 feet to a point on the Westerly line of S. W. 18th Avenue, 38.0 feet Southerly of the place of beginning; thence Northerly tracing said Westerly line of S. W. 18th Avenue, a distance of 38.0 feet to the place of beginning, in the City of Portland, County of Multnomah, and State of Oregon.

Section 3. This vacation is further made contingent and dependent upon the following conditions, to wit: That pursuant to prior agreement had with the said Multnomah Amateur Athletic Club, and resolution duly adopted by the said Club at a special meeting of the Board of Trustees thereof held on Monday, November 9, 1953, it was agreed:

1. That at such time as it is deemed necessary by the City Engineer of the City of Portland, the Multnomah Amateur Athletic Club, its successors or assigns shall assume all costs incidental to the reconstruction of the sidewalk, curb, and intersection at the easterly terminus of the proposed vacation area.
2. That the said Multnomah Amateur Athletic Club is to deposit \$1100.00 in the City Sidewalk Rotary Account for the purpose of reconstructing the corner at S.W. 18th Avenue and S. W. Morrison Street.

3. That the Multnomah Amateur Athletic Club shall convey the above described triangular parcel of land to the City of Portland for street purposes, by a good and sufficient deed of dedication, showing title thereto free and clear of all liens or encumbrances, said deed to be approved as to form by the City Attorney.
4. That the said Multnomah Amateur Athletic Club shall deposit \$65.00 with the City Auditor to defray all costs incidental to the vacation of a portion of S. W. Yamhill Street lying westerly of S. W. 18th Avenue.
5. 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.
6. 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.

Passed by the Council

Mayor of the City of Portland

Attest:

Auditor of the City of Portland

Order of Council
Nov. 23, 1953
AGB:li

ORDINANCE No. 99690

Passed by the Council. DEC 16 1953



PRESIDENT OF THE COUNCIL AND ACTING Mayor of the City of Portland

Attest: 

Auditor of the City of Portland

Calendar No. 6288
6567

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Title

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DEC 2-1953

Read 1 & 2 &
Passed to Third Reading DEC 16, 1953

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

FOUR-FIFTHS CALENDAR	
Bean	
Boody	
Bowes	
Earl	
Peterson	

Filed..... NOV 25 1953

Will Gibson.
Auditor of the CITY OF PORTLAND

By..... R. S. IVEY

Deputy

INTRODUCED BY
Order of Council

DRAWN BY
AGB:ll
Date NOV, 23, 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