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ORDINANCE ACCEPTANCE

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WILL GIBSON, Auditor, Portland, Oregon, June 3 19 55
CITY OF PORTLAND, ORE.
BY _____

WILL GIBSON,
Auditor of the City of Portland,
Room 202, City Hall
Portland 4, Oregon
Dear Sir:

This is to advise the City of Portland, Oregon, that I hereby accept the terms and provisions of Ordinance No. 102169, passed by the City Council June 1st, 1955 vacating subject to conditions certain portions of S. E. Lincoln Street, S. E. 1st Avenue and S. E. 2nd Avenue, upon the dedication of certain property in lieu thereof

and in consideration of the benefits to be received thereunder by me I hereby agree to abide by and perform each and all of the terms and provisions thereof applicable to me.

Very truly yours,

PORTLAND GENERAL ELECTRIC COMPANY

[CORPORATE SEAL]

* By *W. W. Walker* President

621 S. W. Alder Street

Address

Approved as to form:

Alexander H. Brown
City Attorney

*When an Acceptance is required from a firm or corporation the Acceptance must be signed by an officer of the firm or corporation stating his or her official title, and corporations must affix the corporate seal.

ORDINANCE No. 102169

An Ordinance vacating subject to conditions certain portions of S.E. Lincoln Street, S.E. 1st Avenue and S.E. 2nd Avenue, upon the dedication of certain property in lieu thereof.

WHEREAS it appearing to the Council that by Resolution No. 26492, adopted by the Council March 23, 1955, certain proceedings were initiated by the Council of the City of Portland, Oregon, for the vacation of certain portions of S.E. Lincoln Street, S.E. 1st Avenue and S.E. 2nd Avenue, in the corporate limits of the City of Portland, County of Multnomah, State of Oregon, under the provisions of ORS 271.080 to ORS 271.170 inclusive, and the consent of all the abutting property owners of the above mentioned portions of the above streets and avenues has been filed with the Auditor and that pursuant to said Resolution No. 26492, 9:30 o'clock a.m., Wednesday, April 27, 1955, at the Council Chamber of the City of Portland, Oregon, was fixed as the time and place for hearing upon the contemplated vacation of said street area and upon all objections, remonstrances and/or claims for damages that may be presented or filed with the City Auditor, 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 of said proposed vacation; that any objections, remonstrances and/or claims for damages which may be made in writing and filed with the Auditor of the City of Portland at his office in the City Hall prior to the time and date of said hearing will be heard and considered by the City Council at its regular meeting beginning at 9:30 a.m., Wednesday, April 27, 1955, 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 25, 1955, and that said Auditor within five days after first publication further published notice of said meeting by posting eight notices headed "Notice of Street Vacation" in eight conspicuous places in the area of said proposed vacation; that the places described are designated as follows:

Location	Object to which attached
At the approximate intersection of the north line of S. E. Lincoln Street and the harbor line of the east bank of the Willamette River	On a pole
At the approximate intersection of the south line of S.E. Sherman Street and the west line of S.E. 1st Avenue	On a pole

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On the approximate east line of S.E. 1st Avenue approximately equidistant between the south line of S.E. Lincoln Street and the north line of S.E. Grant Street On a pole

At the approximate intersection of the north line of S.E. Grant Street and the east line of S.E. 1st Avenue On a pole

At the approximate intersection of the north line of S.E. Grant Street and the west line of S.E. 2nd Avenue On a pole

On the approximate west line of S.E. 2nd Avenue approximately equidistant between the north line of S.E. Grant Street and the south line of S.E. Lincoln Street On a pole

At the approximate intersection of the south line of S.E. Lincoln Street and the east line of S.E. 2nd Avenue On a pole

At the approximate intersection of the north line of S.E. Lincoln Street and the west line of S.E. 3rd Avenue On a pole

and

WHEREAS said matter came on regularly for hearing on April 27, 1955, and no one appeared to object thereto and no objections or remonstrances nor any claim for damage was filed or made against the same, except the protest of Pacific Power & Light Company, dated April 26, 1955, which protest was conditional upon their facilities, and particularly a 12 KV underground cable and duct line, not being adequately protected by said vacation, and

WHEREAS the Council found that the usual and customary saving clause for utilities in vacated street area contained in the vacation ordinances would protect said Pacific Power & Light Company as to their facilities within the above described area to be vacated, and

WHEREAS the Council finds that the petition for said street vacation has been investigated by the City Engineer who recommends that the vacation be granted subject to certain conditions and restrictions set forth in his report, and

WHEREAS the Council finds that the reason for this vacation is for general private purposes, the same as the adjacent ground and particularly for business purposes, and that the contemplated use for said street area proposed to be

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vacated shall be similar to the use being made of the surrounding property to wit: industrial sites, and

WHEREAS the Council finds that this property lies within 2000 feet of the Harbor Line of the Willamette River and the abutting property owners have proposed to dedicate and will dedicate concurrently herewith to the City of Portland a parcel of real property at least 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 have each duly approved said proposed vacation, and

WHEREAS the Council finds that the vacation of the real property herein described will not injuriously affect the market value of the property abutting where 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 shall 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 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 that the vacation be granted, with conditions as outlined in the City Engineer's Report, as hereinafter recited; 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, County of Multnomah, State of Oregon to wit:

All that portion of S.E. Lincoln Street lying between the west line of S.E. 3rd Avenue and the Harbor Line of the East Bank of the Willamette River;

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Also:

All that portion of S.E. 1st Avenue lying between the south line of S.E. Lincoln Street and the north line of S.E. Grant Street; and also

All that part of S.E. 2nd Avenue lying between the south line of S.E. Lincoln Street and the north line of S.E. Grant Street

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 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:

#1

All of Block 49, Stephens Addition to East Portland, except that part thereof lying east of the following described line:

Beginning at a point on the north line of said Block 49, 49 feet west of the northeast corner thereof; thence south, parallel with the east line of said block, 17.5 feet; thence east, parallel with the north line of said block, to a point on the westerly line of that part of said block conveyed to Portland Railway Light & Power Company by deed recorded Dec. 14, 1909, in Book 474, page 373, Deed Records Multnomah County, Oregon; thence southeasterly along said westerly line to a point on the east line of said Block 49, 40 feet north of the southeast corner thereof.

All of Block 32, Stephens Addition to East Portland, also

All of Block 29, Stephens Addition to East Portland

the same being also in lieu of the vacation of portions of certain other streets proposed to be vacated, such proposed vacation is more particularly described in Resolution No. 26491, adopted by the Council March 23, 1955:

#2

A portion of Blocks "A" and "G", Kern's Addition to East Portland, in the corporate limits of the City of Portland, County of Multnomah and State of Oregon, more particularly described as follows:

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Beginning at a point on the south line of Block "A", Kern's Addition to East Portland, said point being N 88° 23' 04" W a distance of 80.0 feet from the southeast corner thereof; thence N 1° 36' 56" E parallel to and 80.0 feet westerly of the east line of said Block "A" a distance of 30.91 feet to a point; thence S 64° 27' 20" W a distance of 202.29 feet to a point on the Harbor line of the East Bank of the Willamette River; thence S 25° 32' 40" E along said Harbor Line a distance of 80.0 feet to a point; thence N 64° 27' 20" E a distance of 247.32 feet to a point, said point being 20.0 feet southerly of said south line of Block "A" when measured at right angles thereto; thence N 88° 23' 04" W a distance of 76.02 feet to a point; thence N 1° 36' 56" E a distance of 20.0 feet to the place of beginning,

the same being also in lieu of the vacation of portions of certain other streets proposed to be vacated, such proposed vacation being more particularly described in Resolution No. 26493, adopted by the Council March 23, 1955.

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

- (a) This vacation is made upon the 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 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

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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.

- (b) That Portland General Electric Company shall file with the Auditor of the City of Portland an acceptance of this vacation, signed and acknowledged by said company, 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 by the Portland General Electric Company.

Passed by the Council, JUN 1 - 1955


Mayor of the City of Portland

Attest:


Auditor of the City of Portland

Calendar No. 2132
2376

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Title

An Ordinance vacating subject to conditions certain portions of S.E. Lincoln Street, S.E. 1st Avenue and S.E. 2nd Avenue, upon the dedication of certain property in lieu thereof.

MAY 18 1955

Read 1 & 2 &

PASSED TO THIRD READING JUN 1 - 1955

Filed..... MAY 10 1955.....

Will Gibson.
Auditor of the CITY OF PORTLAND

By *[Signature]* Deputy

C-6967

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
DHB: gm
Date 5/5/55

NOTED BY THE COMMISSIONER
Affairs
Finance
Safety
Utilities
Works

City Attorney <i>[Signature]</i>

NOTED FOR CITY AUDITOR
<i>[Signature]</i> mc

APPROVED
Date
By
City Engineer
Date
By