

637

102411

Aud. 50-25-600  
2-53-1M

ORDINANCE ACCEPTANCE

RECEIVED

1955 JUL 27 AM 8:16

Portland, Oregon, July 21 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. 102414, passed by the City Council July 20, 1955 vacating that portion of N. E. 26th Avenue lying between the north line of N. E. Couch Street and a line 20 feet north of the south line of vacated N. E. Davis Street, under certain terms and conditions

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,

SCHOOL DISTRICT NO. 1

[CORPORATE SEAL]

\* *Edward Coome*

631 N. E. Clackamas 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.



1-655 460790 VIII 2.50

102414

# County Clerk's Office, Multnomah County, Oregon

## No 1557

CIRCUIT COURT DEPARTMENT  
LITIGATION ACCOUNT

Reg. No. ....

Portland, Oregon, Oct 6 1955

RECEIVED OF City Auditor  
Two and  $\frac{50}{100}$  DOLLARS

Plaintiff .....	\$	} vs.
Defendant .....	\$	
Bail <u>surrogary fee</u> .....	\$ <u>2 50</u>	
<u>Ord No 102414</u> .....	\$	
Total . . .	\$ <u>2 50</u>	In the above entitled case.

SI COHN,  
County Clerk,

By E. Keel Deputy

# ORDINANCE No. 112314

An Ordinance vacating that portion of N. E. 26th Avenue lying between the north line of N. E. Couch Street and a line 20 feet north of the south line of vacated N. E. Davis Street, under certain terms and conditions.

WHEREAS, it appears to the Council that School District No. 1, Multnomah County, Oregon, 631 N. E. Clackamas Street, Portland 12, Oregon, acting pursuant to a resolution of its board of directors, passed at its regular meeting on December 13, 1954, filed a petition with the City Auditor for the vacation of that portion of N. E. 26th Avenue lying between the north line of N. E. Couch Street and a line 20 feet north of the south line of vacated N. E. Davis Street, under the provisions of ORS 271.080 to and including 271.170; that said petition was stated to be for general school purposes, the same as the adjacent ground and particularly for school and playground purposes, and the petitioner also filed with the Auditor the consent in writing of all persons owning property immediately abutting upon the street area to be vacated and the consent of more than two-thirds in area of all the real property affected by such street vacation; that under date of February 15, 1955, the City Planning Commission approved the proposed vacation and that said petition, together with a favorable recommendation of the Commissioner of Public Works, subject to the conditions set forth in the report of the City Engineer, was given preliminary consideration by the City Council at its regular meeting at 9:30 a.m., Wednesday, May 25, 1955, in the Council Chambers of the City Hall, and it appearing to the Council of the City of Portland that there appeared to be no reason why the petition should not be allowed in whole or in part, and the Council fixed as a time for formal hearing upon the petition June 29, 1955, Wednesday, 9:30 a.m., in the Council Chambers of the City Hall, and that thereupon the City Auditor gave notice by posting in three places and by publication of a period of 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 damage which may be made in writing and filed with the Auditor of the City of Portland, Oregon, prior to the date of the hearing would be heard and considered by the Council of the City of Portland, Oregon, at its regular meeting beginning at 9:30 a.m., Wednesday, June 29, 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: Daily Journal of Commerce on May 27, 1955, and further published

# ORDINANCE No. 102111

said meeting by posting three notices headed "Notice of Street Vacation" in three 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>
On the approximate east line of N. E. 26th Avenue approximately 20 feet north of the south line of N. E. Davis Street.	On a stake
On the approximate west line of N. E. 26th Avenue approximately equidistant between the south line of N. E. Davis Street and the north line of N. E. Couch Street.	On a stake
At the approximate intersection of the north line of N. E. Couch Street and the east line of N. E. 26th Avenue.	On a pole

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 claims for damage were filed or made against the same and there was filed with the City Auditor a consent in writing of all property owners abutting upon the portion of said street area proposed to be vacated, and more than two-thirds in area of all the real property affected by such vacation, and

WHEREAS, the Council finds that the purpose of said vacation is to make the area proposed to be vacated available for school and playground purposes and to increase the available grounds necessary for school expansion program, and

WHEREAS, the Council finds that a vacation of the street area herein described will not injuriously affect the market value of the property abutting upon or affected by such vacation and further finds that all things have been done as provided by law for the vacation of such area, and that final action should be taken and such vacation now made a matter of record; now, therefore,

# ORDINANCE No. 102114

The City of Portland does ordain as follows:

Section 1. It hereby is ascertained and determined that this vacation will not injuriously affect the market value of the property abutting upon the area to be vacated but will be beneficial thereto; that the consent of the owners of all the property adjacent to or abutting upon 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 in 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 promote the public welfare, all of which determinations hereby are made a matter of record.

Section 2. There hereby is vacated that portion of N. E. 26th Avenue lying between the north line of N. E. Couch Street and a line 20 feet north of the south line of vacated N. E. Davis Street, in the City of Portland, Oregon.

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

(a) That School District No. 1, Multnomah County, Oregon, pay all costs incidental to this vacation, including recording fee for recording a certified copy of this vacation ordinance with the County Clerk of Multnomah County, Oregon.

(b) That School District No. 1, Multnomah County, Oregon, obtain the reversionary rights to all of N. E. 26th Avenue proposed to be vacated.

(c) That the petitioner pay to the City of Portland and credit to the sidewalk rotary account (7055) the sum of \$970.00 to cover the cost of reconstructing the sidewalk, curbs and intersection at N. E. Couch Street and the south terminus of that portion of N. E. 26th Avenue proposed to be vacated, or in lieu of such payment, perform the necessary work as may be required by the City Engineer to effect the closing of said Avenue.

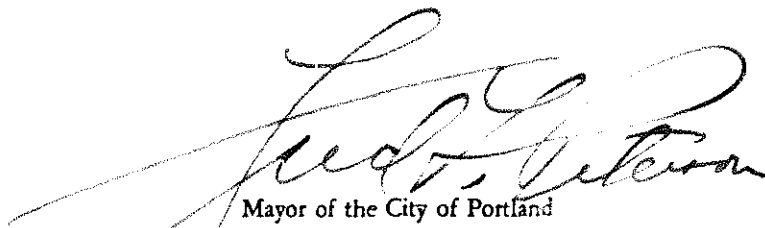
(d) This vacation is made upon the condition and with the reservation that nothing herein contained shall cause or require the removal of or abandonment of any sewer, water main, gas main, conduit of any kind, wire, pole, or thing used or intended to be used for any public service, and the right hereby is reserved for the owner of

# ORDINANCE No. 102414

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 hereafter reconstructed, renewed, replaced and/or enlarged.

(e) That School District No. 1, Multnomah County, Oregon, shall file with the Auditor of the City of Portland an acceptance of this vacation, signed and acknowledged by said School District, 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 School District No. 1, Multnomah County.

Passed by the Council, JUL 20 1955

  
Mayor of the City of Portland

Attest: 

Auditor of the City of Portland

Calendar No. 2879  
3109

ORDINANCE No. 102411

Title

An Ordinance vacating that portion of N. E. 26th Avenue lying between the north line of N. E. Couch Street and a line 20 feet north of the south line of vacated N. E. Davis Street, under certain terms and conditions.

JUL 8 - 1955

Read 1 & 2 &

PASSED TO THIRD READING JUL 20 1955

Filed JUN 30 1955

*Will Gibson.*  
Auditor of the CITY OF PORTLAND

By *[Signature]* Deputy

C-7016

INTRODUCED BY

Order of Council

DRAWN BY

AGB:dh

Date June 30, 1955

NOTED BY THE COMMISSIONER

Affairs

Finance

Safety

Utilities

Works

City Attorney *[Signature]*

NOTED FOR CITY AUDITOR

*[Signature]*  
*[Signature]*

APPROVED

Date

By

City Engineer

Date

By

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Bean	—	
Boody	1	
Bowes	1	
Earl	1	
Peterson	1	

FOUR-FIFTHS CALENDAR	
Bean	
Boody	
Bowes	
Earl	
Peterson	