

Aud. 50-25-640  
5-61-2M

RECEIVED  
ACCEPTANCE

AUG 23 AM 2:35

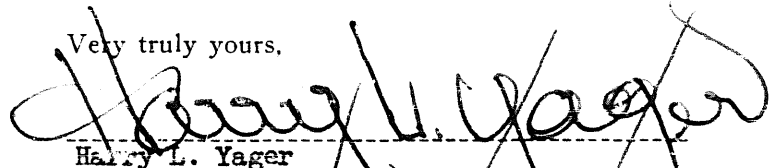
RAY SMITH, Auditor, ..... August 25, 1961  
CITY OF PORTLAND, ORE.  
(RM)

RAY SMITH  
Auditor of the City of Portland,  
Room 202, City Hall  
Portland 4, Oregon  
Dear Sir:

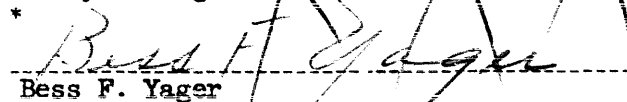
This is to advise the City of Portland, Oregon, that I hereby accept the terms and provisions of Ordinance No. 114005 changing from Zone R5 to M2, Lot 8, except that portion lying easterly of the easterly line of Lots 9, 10 and 11 extended, and Lots 9, 10 and 11, Block 3, Lots 6 to 11, inclusive, Block 4, and Lots 1 to 12, inclusive, Block 5, Burley Heights, and from Zone M2B to M2, the 50-foot strip of Tax Lot 11, Section 24, 1S, 1E, contiguous to the west edge of Johnson Creek, and a small strip along the south property line of Tax Lot 156, Section 24, 1S, 1E,

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,



Harry L. Yager

\* 

Bess F. Yager

[CORPORATE  
SEAL]

030 S.W. Ridge Drive  
Address

Approved as to form:

  
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.

# ACCEPTANCE

AUG 30 AM 8 50

Portland, Oregon, August 25, 1961

RAY SMITH, AUDITOR  
CITY OF PORTLAND, ORE.

ms

RAY SMITH  
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. 114005 changing from Zone R5 to M2, Lot 8, except that portion lying easterly of the easterly line of Lots 9, 10 and 11 extended, and Lots 9, 10 and 11, Block 3, Lots 6 to 11, inclusive, Block 4, and Lots 1 to 12, inclusive, Block 5, Burley Heights, and from Zone M2B to M2, the 50-foot strip of Tax Lot 11, Section 24, 1S, 1E, contiguous to the west edge of Johnson creek, and a small strip along the south property line of Tax Lot 156, Section 24, 1S, 1E,

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,

*Buren L. Kays*  
Buren L. Kays

[CORPORATE  
SEAL]

\* *Minnie V. Kays*  
Minnie V. Kays

13223 S.E. Harold Street  
Address

Approved as to form:

*Alexander H. Brown*  
City Attorney

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# ACCEPTANCE

1961 SEP 1 11 0 AM

Portland, Oregon, August 25, 1961

RAY SMITH, AUDITOR  
CITY OF PORTLAND, ORE.

RAY SMITH  
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. 114005 changing from Zone R5 to M2, Lot 8, except that portion lying easterly of the easterly line of Lots 9, 10 and 11, extended, and Lots 9 10 and 11, Block 3, Lots 6 to 11, inclusive, Block 4, and Lots 1 to 12, inclusive, Block 5, Burley Heights, and from Zone M2B to M2, the 50-foot strip of Tax Lot 11, Section 24, 1S, 1E, contiguous to the west edge of Johnson Creek, and a small strip along the south property line of Tax Lot 156, Section 24, 1S 1E,

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.

*Herbert A. Barrett*  
Herbert A. Barrett

[CORPORATE  
SEAL]

\*  
*Martha A. Barrett*  
Martha A. Barrett

1758 Marshall Avenue, Stockton, California

Approved as to form:

*Alexander H. Brown*  
City Attorney

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Portland, Oregon,-----August 25,-----1961

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.

*Mr. Varad*

Vice President - R. Hoe and Company

[CORPORATE  
SEAL]

Approved as to form:

*Alexander H. Brown*  
City Attorney

2700 S.E. Tacoma Street  
Address

### Address

RAY SMITH, ADDIC  
TY OF POSTAL AND

\*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.

114005

An Ordinance changing from Zone R5 to M2, Lot 8, except that portion lying easterly of the easterly line of Lots 9, 10 and 11 extended, and Lots 9, 10 and 11, Block 3, Lots 6 to 11, inclusive, Block 4, and Lots 1 to 12, inclusive, Block 5, Burley Heights, and from Zone M2B to M2, the 50-foot strip of Tax Lot 11, Section 24, 1S, 1E, contiguous to the west edge of Johnson Creek, and a small strip along the south property line of Tax Lot 156, Section 24, 1S, 1E, petitioned for by R. Hoe and Company, Herbert A. and Martha A. Barrett, Buren and Minnie V. Kays, and Harry and Bess Yager, Owners and Optional Purchasers, and declaring an emergency.

The City of Portland does ordain as follows:

Section 1. The Council finds that R. Hoe and Company, 2700 S. E. Tacoma Street, and Herbert A. and Martha A. Barrett, 1758 Marshall Avenue, Stockton, California, Owners, and Buren and Minnie V. Kays, 13223 S. E. Harold, and Harry and Bess Yager, 030 S. W. Ridge Drive, Optional Purchasers and Owners, have filed a petition to change from Zone R5 to M1, Lots 1 to 12, Block 5, Lots 8 to 11, Block 3, and Lots 6 to 11, Block 4, Burley Heights, from M2B to M1, the 50-foot strip of Tax Lot 11 contiguous to the west edge of Johnson Creek and a small strip along the south property line of Tax Lot 156, Section 24, 1S, 1E, and from M2 to M1, Tax Lot 11, west of Johnson Creek, and Tax Lot 156, all in Section 24, 1S, 1E, in the city of Portland, Multnomah County, Oregon; that said petition complied in all respects with all requirements of the Planning and Zoning Code, and petitioners have paid the proper fee to the City Treasurer; that the City Planning Commission by report dated July 3, 1961 (PC #3997), and made a part of Council Calendar No. 2619 (1961), recommended denial of M1 zoning, and in lieu thereof, recommended M2 zoning for all that area not now in Zone M2; that the City Auditor under date of July 26, 1961, notified all persons of record as owners of real property within 300 feet of the zone change area that the time for hearing before the City Council was fixed for 9:30 a.m., August 9, 1961, in the Council Chambers of the City Hall in the city of Portland, Oregon, at which time and place a hearing was held, and all remonstrances made or filed against said zone change were heard and considered by the Council and were overruled, and are by this ordinance specifically overruled, and the Council finds that a rezoning as herein stated will not adversely affect the peace, health, safety or convenience of the neighborhood, but will be beneficial to both the neighborhood and the general public, and a rezoning as herein stated should be made; now, therefore, pursuant to the Planning and Zoning Code (Ordinance No. 110103), the following described property hereby is changed as follows, to-wit:

(Zone Change No. 1789)

Lot 8, except that portion lying easterly of the easterly line of Lots 9, 10 and 11, extended, and Lots 9, 10, and 11, Block 3, Lots 6 to 11, inclusive, Block 4, and Lots 1 to 12, inclusive, Block 5, all in Burley Heights, in the city of Portland, county of Multnomah, state of Oregon, from Zone R5 to M2;

A 50-foot strip of land not now in Zone M2 contiguous to the west edge of Johnson Creek of the following described portion of Tax Lot 11, Section 24, 1S, 1E:

A tract of land in Section 24, T1S, R1E, described as follows: Beginning at the point of intersection of the east line of the right-of-way of the Southern Pacific Company, formerly the right-of-way of the Portland and Oregon City Railway Company, with the south line of S. E. Tenino Street; thence, north  $81^{\circ} 01'$  east along said south line 225 feet; thence, south  $69^{\circ} 44'$  east 140 feet; thence south  $51^{\circ} 03'$  east to the west bank of Johnson Creek; thence southerly along said west bank to the north line of Burley Heights; thence westerly along said north line to the east line of said right-of-way of Southern Pacific Company; thence northerly along said east right-of-way line to the place of beginning, in the city of Portland, county of Multnomah, state of Oregon; and

A strip of land not now in Zone M2 along the south property line of Tax Lot 156, Section 24, 1S, 1E, said Tax Lot described as:

A tract of land in Section 24, T1S, R1E, described as follows: Beginning at the intersection of the east line of the right-of-way of the Southern Pacific Company, formerly the right-of-way of the Portland and Oregon City Railway Company, with the south line of S. E. Tacoma Street, formerly Willsburg County Road No. 1090; thence south  $9^{\circ} 10'$  east along the east line of said right-of-way 80 feet; thence north  $81^{\circ} 25'$  east parallel with the said south line of S. E. Tacoma Street 35 feet; thence south  $89^{\circ} 29' 30''$  east a distance of 126.59 feet; thence south  $79^{\circ} 00' 30''$  east a distance of 238.80 feet; thence north  $81^{\circ} 25'$  east a distance of 236.44 feet to the east line of the tract of land conveyed to Andrea Guglielmino by deed recorded January 7, 1920, in Book 796, Page 330, Deed Records; thence north  $30^{\circ} 10'$  west along the east line of said Guglielmino Tract 193.59 feet to the northeast corner thereof; thence south  $81^{\circ} 25'$  west along the south line of said S. E. Tacoma Street 549.87 feet to the point of beginning, subject to the rights of the public in and to that portion thereof in street, in the city of Portland, county of Multnomah, state of Oregon, from Zone M2B to M2.

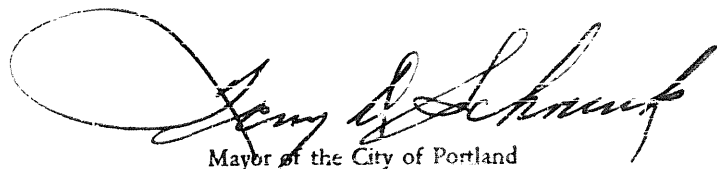
## ORDINANCE No.

Section 2. All the requirements of said Planning and Zoning Code applicable to the proposed use within said Zone M2, the provisions of the Building Code, and generally all other applicable code and ordinance provisions and regulations of the City, whether presently existing or hereafter enacted, shall be complied with.

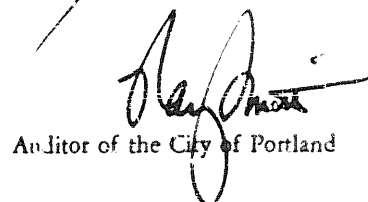
Section 3. In the event of a failure to comply with the terms and provisions herein stated, or any thereof, the Council may in its discretion repeal this ordinance and restore the properties to Zone R5 and M2B, or otherwise rezone the same as it may determine. This ordinance shall not be effective and no change shall be made in the zoning maps of the City until the petitioners shall have filed with the City Auditor, in form approved by the City Attorney, a written acceptance of the terms and provisions of this ordinance. Thereupon, the Auditor hereby is directed to change the maps provided for in Section 6-602 of the Planning and Zoning Code by designating on said maps said property as being in Zone M2.

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 beneficial use of the above-described property; 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, AUG 24 1961

  
Mayor of the City of Portland

Attest:

  
Auditor of the City of Portland



Calendar No. 2821

# ORDINANCE No. 111005

## Title

An Ordinance changing from Zone R5 to M2, Lot 8, except that portion lying easterly of the easterly line of Lots 9, 10 and 11, extended, and Lots 9, 10 and 11, Block 3, Lots 6 to 11, inclusive, Block 4, and Lots 1 to 12, inclusive, Block 5, Burley Heights, and from Zone M2B to M2, the 50-foot strip of Tax Lot 11, Section 24, 1S, 1E, contiguous to the west edge of Johnson Creek, and a small strip along the south property line of Tax Lot 156, Section 24, 1S, 1E, petitioned for by R. Hoe and Company, Herbert A. and Martha A. Barrett, Buren and Minnie V. Kays, and Harry and Bess Yager, Owners and Optional Purchasers, and declaring an emergency.

Filed AUG 16 1961

RAY SMITH

Auditor of the CITY OF PORTLAND

By *R. S. Lucy* Deputy

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Bean	/	
Bowes	/	
Earl	/	
Grayson	/	
Schrunk	/	

FOUR-FIFTHS CALENDAR	
Bean	
Bowes	
Earl	
Grayson	
Schrunk	

INTRODUCED BY

Order of Council

DRAWN BY

AGB:dh

Date August 16, 1961

NOTED BY THE COMMISSIONER

Affairs

Finance

Safety

Utilities

Works

City Attorney

NOTED FOR CITY AUDITOR

APPROVED

Date

By

City Engineer

Date

By