

3209

ACCEPTANCE


Portland, Oregon, July 2, 1962

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. 115403 vacating a portion of N. Channel Avenue on Swan Island, for the use and benefit of the Port of Portland, under certain terms and conditions, and declaring an emergency.

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,

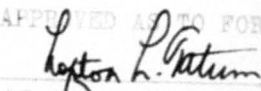

John J. Winn, Jr. by E.W. Bauer, Comptroller
and Assistant Secretary

The Port of Portland

5848 N. Lagoon Avenue, Portland 17, Oregon

Approved as to form:


City Attorney

APPROVED AS TO FORM

City Clerk

*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.

County Clerk's Office, Multnomah County, Oregon

CIRCUIT COURT DEPARTMENT

LITIGATION ACCOUNT

No 2457

Reg. No. *Misc*

Portland, Oregon, *Aug 14* 196 *2*

RECEIVED OF *The Treasurer of the City of Portland*
Two and 50/100 DOLLARS

Plaintiff \$
Defendant \$
Bail \$
\$
\$ *2 50*
Total . . . \$ *2 50*

Vac. No. Channel Ave
vs.
Ord 115403

In the above entitled case.

SI COHN,
County Clerk,

By *B. Heacock* Deputy

AUG-9-62 115316

— VII A

0.00

RECEIPT

No 121536

OFFICE OF
SI COHN, COUNTY CLERK
MULTNOMAH COUNTY, OREGON

RECORDING DEPARTMENT

NAME

City Auditor

FILE NO.

DOCUMENT

PARTIES

*9/2**Ord # 115403**DK**Deed**Port of Portland
City of Portland**DK**DK**8/9/62**Book 2129**Page 524-532*

ORDINANCE NO. 115403

An Ordinance vacating a portion of N. Channel Avenue on Swan Island, for the use and benefit of the Port of Portland, under certain terms and conditions, and declaring an emergency.

WHEREAS, the Council by Resolution No. 28799, passed by the Council May 16, 1962, initiated the vacation of a portion of N. Channel Avenue on Swan Island in the city of Portland, Multnomah County, Oregon, for the use and benefit of the Port of Portland, under the applicable provisions of ORS 271.010 to and including 271.230, and thereupon the City Auditor gave notice by posting and also by publication of a notice once each week for four consecutive weeks that said resolution had been adopted instituting proceedings for the vacation of such street area and that the matter of such vacation, together with any objections, remonstrances or claims for damages which might be made in writing and filed with the City Auditor prior to the time of hearing would be heard and considered at a regular meeting to be held at 9:30 a.m., June 20, 1962, in the Council Chambers of the City Hall in the city of Portland; that said notice was first published in the City's official newspaper, to-wit: the Daily Journal of Commerce on May 21, 1962, and the City Auditor within five days after said first publication further published said matter by posting four (4) notices headed: "Notice of Street Vacation" in four (4) conspicuous places in the area proposed to be vacated, in the following described locations:

| <u>Location</u> | <u>Object to which attached</u> |
|---|---------------------------------|
| On the east line of N. Channel Avenue approximately 100 feet northwesterly of the intersection of the west line of N. Lagoon Avenue and the east line of N. Channel Avenue | On a post |
| On the east line of N. Channel Avenue approximately 2600 feet northwesterly of the intersection of the west line of N. Lagoon Avenue and the east line of N. Channel Avenue | On a pole |
| On the east line of N. Channel Avenue approximately 4300 feet northwesterly of the intersection of the west line of N. Lagoon Avenue and the east line of N. Channel Avenue | On a pole |
| On the south line of N. Channel Avenue approximately 300 feet westerly of the north intersection of the west line of N. Lagoon Avenue and N. Channel Avenue | On a pole |

AND WHEREAS, said matter came on regularly for hearing on June 20, 1962, and no one appeared to object thereto and no objection or remonstrance, nor any claims for damage were filed or made against the same, and

WHEREAS, the abutting property owner has consented to said proposed vacation and such consent has been filed with the City Auditor, and

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

WHEREAS, the Council finds that the proposed street vacation is for the rededication of N. Channel Avenue in a location which will better accomodate planned industrial development, and

WHEREAS, the Commission of Public Docks on June 5, 1962, has signified its approval of said proposed vacation, and

WHEREAS, the Council finds that the vacation of the public street area herein described will not injuriously affect the market value of the property abutting or affected by such vacation, but such vacation is in the public interest and 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 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 hearings thereon duly and regularly had and the Council found and does now find that the public interest will not be prejudiced thereby, but that said vacation will enhance the public interest and welfare; that the petition for vacation should be granted with conditions as outlined in the City Engineer's Report, as hereinafter recited, 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:

A strip of land in Sections 17, 20 and 21, T1N, R1E, W.M., being 72 feet in width, the center line of which is described as follows:

Beginning at a point lying 2335.08 feet south of and 664.98 feet east of the northwest corner of Section 21, T1N, R1E, W.M.; thence, North $84^{\circ} 21' 20''$ West, a distance of 1092.85 feet to a point of curve; thence along the arc of a 477.50 foot radius curve to the right (the long chord of which bears North $68^{\circ} 27' 25''$ West 261.61 feet) and consuming a central angle of $31^{\circ} 47' 50''$ a distance of 264.90 feet to a point of tangency; thence North $52^{\circ} 33' 30''$ West, a distance of 1247.07 feet; thence North $52^{\circ} 30'$ West, a distance of 2058.36 feet to a point of curve; thence along the arc of a 394.71 foot radius curve to the left and consuming a central angle of $22^{\circ} 48' 23''$ a distance of 157.11 feet to a point of tangency; thence North $75^{\circ} 18' 23''$ West a distance of 1023.62 feet to a point of curve; thence along the arc of a 238.74 foot radius curve to the right and consuming a central angle of $97^{\circ} 41' 20''$ a distance of 407.05 feet to a point of reverse curve; thence along the arc of a 1909.86 foot radius curve to the left and consuming a central angle of $6^{\circ} 53' 57''$ a distance of 229.97 feet to a point of tangency; thence North $15^{\circ} 29'$ East, a distance of 572.41 feet to the terminal point, said point lying West 4352.03 feet and North 1298.83 feet of the southeast corner of said Section 17, all within the corporate limits of the City of Portland, County of Multnomah, and State of Oregon.

Also a parcel of land in the N.W. 1/4 of Section 21, T1N, R1E, W.M., accepted for street purposes by Ordinance No. 111618 and by deed recorded May 2, 1961, in Book 2007 at Page 120 of Multnomah County Deed Records, and described as follows:

Commencing at the point of beginning of the above-described 72-foot wide tract; thence South $5^{\circ} 38' 40''$ West, a distance of 33.56 feet to the southerly line of N. Channel Avenue as established by Ordinance No. 99361 and by deed recorded on October 23, 1953, in Book 1628, Page 44 of Multnomah County Deed Records, said point in southerly line being the true point of beginning of the tract herein described; thence continuing South $5^{\circ} 38' 40''$ West 2.44 feet; thence South $84^{\circ} 21' 20''$ East a distance of 13.23 feet more or less to a point in the southerly line of N. Channel Avenue as now laid out and established; thence northwesterly along the said southerly line 13.46 feet more or less to the true point of beginning, all within the corporate limits of the city of Portland, county of Multnomah, state of Oregon.

Provided, that there shall be dedicated concurrently herewith to the city of Portland 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, that certain property described in Condition (b) of Section 3 of this Ordinance.

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 hereafter reconstructed, renewed, replaced and/or enlarged.

(b) That the Port of Portland dedicate to the City for street use, the following parcels of land:

PARCEL NO. 1

A parcel of land in the northwest corner of Section 21, T1N, R1E, W.M., and more fully described as follows: Commencing at a point lying 2331.75 feet south and 666.57 feet east of the northwest corner of Section 21, T1N, R1E, W.M.; thence S. 5° 38' 40" W. 37.06 feet to the southerly line of N. Channel Avenue as established by Ordinance No. 99361 and by deed recorded in Book 1628 at Page 44, Multnomah County Deed Records for 1953, which point is the true point of beginning of the tract herein described; thence S. 73° 54' 30" E. along the southerly line of the aforementioned N. Channel Avenue 13.46 feet; thence N. 84° 21' 20" W. 13.23 feet; thence N. 5° 38' 40" E. 2.44 feet to the true point of beginning.

PARCEL NO. 2

A strip of land in Sections 20 and 21, T1N, R1E, W.M., being 79 feet in width and lying 39.5 feet on either side of the following described center line:

Beginning at a point lying 2331.75 feet south and 666.57 feet east of the northwest corner of Section 21, T1N, R1E, W.M.; thence N. $84^{\circ} 21' 20''$ W. 1102.35 feet to a point of curve; thence northwesterly along the arc of a 477.46-foot radius curve to the right (the long chord of which bears N. $68^{\circ} 27' 25''$ W. 261.59 feet) and having a central angle of $31^{\circ} 47' 50''$, a distance of 264.97 feet to a point of tangency; thence N. $52^{\circ} 33' 30''$ W. 1237.90 feet to an angle point; thence N. $52^{\circ} 30' 0''$ W. 2061.93 feet to a point of curve; thence northwesterly along the arc of a 394.71-foot radius curve to the left (the long chord of which bears N. $63^{\circ} 54' 11''$ W. 156.08 feet) and having a central angle of $22^{\circ} 48' 23''$ a distance of 157.11 feet to the terminal point of said 79-foot wide strip of land. The grantor hereby excepts from this grant an easement 50 feet in width the center line of which is described as follows: Beginning at a point on the center line of N. Channel Avenue south $84^{\circ} 21' 20''$ East 409 feet from the point of the 477.46-foot radius curve right and running thence north $5^{\circ} 42' 39''$ West across the entire width of N. Channel Avenue, to install and/or maintain one 30-inch diameter dredge pipe, the top of which is not less than 10.5 feet below the existing grade line through and under the above-described 79-foot right of way for the purpose of conveying dredged materials to the northerly side of Swan Island, and the grantor hereby covenants on behalf of itself, its successors or assigns that said pipe will be maintained in such a manner so as to in no way interfere with the use of or damage the street area or the installations thereunder.

PARCEL 3.

A strip of land in Sections 20 and 17, T1N, R1E, W.M., being 80 feet in width and lying 40 feet on either side of the following described center line: Beginning at the terminal point of Parcel No. 2 described above; thence N. $75^{\circ} 18' 23''$ W. 1007.84 feet to a point of curve; thence northwesterly along the arc of a 238.74 foot radius curve to the right (the long chord of which bears N. $29^{\circ} 54' 23''$ W. 339.98 feet) and having a central angle of $90^{\circ} 48' 00''$, a distance of 378.35 feet to a point of tangency; thence N. $15^{\circ} 29' 37''$ E. 820 feet to the terminal point, said point lying 4357.97 feet west and 1289.75 feet north of the northwest corner of Section 21, T1N, R1E, W.M.

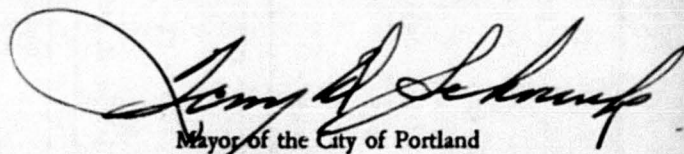
Section 4. The Port of Portland shall file with the Auditor of the city of Portland an acceptance of this vacation, signed and acknowledged by its duly authorized representatives, and approved by the City Attorney as to form, and

ORDINANCE No.

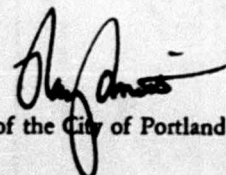
the Auditor shall file for record with the County Clerk of Multnomah County, State of Oregon, a certified copy of this ordinance and said acceptance thereof, as provided by law, and likewise file copies with the County Assessor and the County Surveyor of said County.

Section 5. 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 delay in the proposed development of the area by the Port of Portland, a governmental agency; 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 28 1962


Mayor of the City of Portland

Attest:


Auditor of the City of Portland

Calendar No. 2359

@-7776

ORDINANCE No. 115403

Title

An Ordinance vacating a portion of
N. Channel Avenue on Swan Island,
for the use and benefit of the
Port of Portland, under certain
terms and conditions, and
declaring an emergency.

| THE COMMISSIONERS VOTED AS FOLLOWS: | | |
|--|------|------|
| | Yeas | Nays |
| Bean | ✓ | |
| Bowes | ✓ | |
| Earl | ✓ | |
| Grayson | ✓ | |
| Schrunk | ✓ | |

| FOUR-FIFTHS CALENDAR | |
|----------------------|--|
| Bean | |
| Bowes | |
| Earl | |
| Grayson | |
| Schrunk | |

Filed.....JUN 22 1962.....

RAY SMITH

Auditor of the CITY OF PORTLAND

By

R. S. Lacey

Deputy

INTRODUCED BY

Order of Council

DRAWN BY

AGB:dh

Date June 22, 1962

NOTED BY THE COMMISSIONER

Affairs

Finance

Safety

Utilities

Works

City Attorney

AKB

NOTED FOR CITY AUDITOR

R. S. Lacey
Mc

APPROVED

Date

By

City Engineer

Date

By