

FEB-4-64 242372

VII Ls 117662.50

RECEIPT

Nº 99347

OFFICE OF
SI COHN, COUNTY CLFRK
MULTNOMAH COUNTY, OREGON

RECORDING DEPARTMENT

NAME

City of Astoria

FILE NO.

DOCUMENT	PARTIES	
<i>Ord.</i>	<i>Ord. # 117662</i>	<i>550</i>
	<i>Book 2206</i>	
	<i>Page 101</i>	
	<i>Feb 4, 1964</i>	

117662

County Clerk's Office, Multnomah County, Oregon

CIRCUIT COURT DEPARTMENT

LITIGATION ACCOUNT

No 1862

(Ord. 117008)
Reg. No. 117008

Portland, Oregon, 2-4 1964

RECEIVED OF

Treasurer of City of Portland
Two & 50/100

DOLLARS

Plaintiff \$

Defendant \$

Bail \$

Surveyor Fees \$ 2 50

Total . . . \$ 2 50

Ord. 117662
vs.

In the above entitled case.

SI COHN,
County Clerk,

By L. Warner Deputy

26-404 242391

RECEIVED

117662

AUD. 50-25-640
7-62-2M

DEC 6 9 09 AM '63

1963

RAY SMITH, AUDITOR
CITY OF PORTLAND, OREGON ACCEPTANCE

BY RS

Portland, Oregon, November 21, 1963

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. 117662 vacating a certain portion of S.W. Lowell Lane, under certain 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,

William L. Farrens
William L. Farrens

[CORPORATE
SEAL]

* Valen Chase Farrens
Valen Farrens

7402 S.W. Macadam Avenue
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. 117662

An Ordinance vacating a certain portion of S.W. Lowell Lane, under certain conditions.

WHEREAS the Council finds that under date of September 26, 1963, William L. and Valen Farrens, 7402 S.W. Macadam Avenue, Portland, have heretofore petitioned the Council for the vacation of a certain portion of S.W. Lowell Lane east of S.W. Terwilliger Boulevard, in the City of Portland, County of Multnomah, State of Oregon, pursuant to the applicable provisions of ORS 271.010 et seq. and also filed with the Auditor consents in writing of all owners of property abutting upon the portion of said street to be vacated, and of more than two-thirds of area of real property affected by said vacation; that thereupon the City Auditor gave notice by posting and by publication of a notice once each week for five successive weeks that said petition had been filed for the vacation of said street area; that the matter of said vacation together with any objections, remonstrances or claims for damage which might be made in writing and filed with the City Auditor prior to the time for hearing would be heard and considered by the Council at a meeting to be held at 9:30 A.M., November 6, 1963, in the Council Chambers of the City Hall, in the City of Portland, Oregon; that said notice was first published in the City's official newspaper to wit: The Daily Journal of Commerce, October 4, 1963, and said Auditor within five days after the first publication further published said matter by posting three notices headed "Notice of Street Vacation" in three conspicuous places in the area proposed to be vacated, in the following described locations:

<u>Location</u>	<u>Object to Which Attached</u>
Approximate intersection of the northerly line of S W. Lowell Lane and easterly line of S.W. Terwilliger Boulebard	On a stake
Approximate center line of S.W. Lowell Lane approximately 100 feet easterly of S.W. Terwilliger Boulevard	On a stake
Approximate northerly line of S.W. Lowell Lane 20 feet southeasterly of the southeast corner of Lot 7, Block B, First Street Terraces	On a stake
and,	

WHEREAS said matter came on regularly for hearing on November 6, 1963, and no one appeared to object thereto and no objections, remonstrances or claims for damage were made or filed against the same, and

WHEREAS the abutting property owners have consented to said

proposed vacation and such consents have been filed with the City Auditor, and more than two-thirds in area inside the district have been found to be represented as consenting, and

WHEREAS the Council further finds that the proposed vacation has been investigated by the City Planning Commission and by the City Engineer, each recommending that the petition be granted under certain conditions, which conditions are more specifically set forth in the City Engineer's report dated September 20, 1963, and hereinafter set forth, and

WHEREAS the purpose of this vacation is for general residential purposes, and particularly for residential yard purposes, increasing the yard area therefor, and

WHEREAS the Council finds that the vacation of said area as hereinafter stated will not injuriously affect the market value of the property abutting or affected by such vacation, but such vacation is in the public welfare, and the Council further finds 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 made a matter of record; now, therefore

The City of Portland ordains:

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 owners of property abutting upon said area to be vacated will not be damaged by said vacation; that notice has been duly and regularly had; that the consents of the owners of all the property abutting such area to be vacated has been obtained in writing, duly acknowledged and filed as hereinabove stated; that no claims for damage were made or filed against said vacation and that the public interest will not be prejudiced thereby, but that said vacation will enhance the public interest and welfare, all of which determinations hereby are made a matter of record.

Section 2. There hereby is vacated all of the following described property in the City of Portland, County of Multnomah, State of Oregon:

S. W. Lowell Lane between the west line of First Street Terraces and a line connecting a point in the northeasterly line of S. W. Lowell Lane lying 20 feet southeasterly of the southeast corner of Lot 7, Block B. First Street Terraces with a point in the southwesterly line of S. W. Lowell Lane lying 45 feet southeasterly, as measured along the said southwesterly street line, from the northwesterly corner of Lot 2, Block F, First Street Terraces.

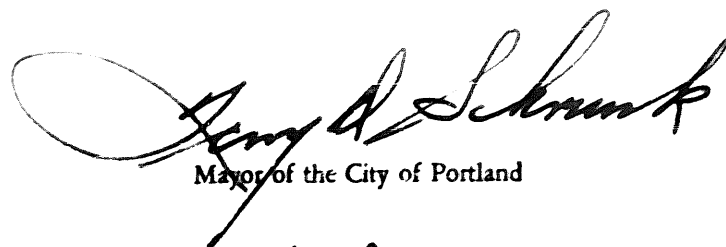
ORDINANCE No.

Subject, however, to the following conditions:

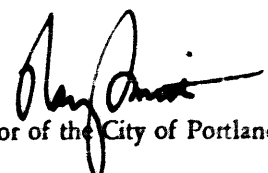
- (a) That the petitioners pay all costs incidental to the vacation herein granted.
- (b) Nothing herein contained shall cause or require the removal or abandonment of any sewer, water or gas main, conduit of any kind, wire, pole or thing used, or intended to be used for any public service, and the right 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 buildings 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 with the 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 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 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.

Section 3. Petitioners shall file with the Auditor of the City of Portland an acceptance of the vacation, 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 this ordinance and a certified copy of said acceptance as provided by law, and shall file copies with the County Assessor and the County Surveyor of said county.

Passed by the Council, NOV 20 1963


Mayor of the City of Portland

Attest:


Auditor of the City of Portland

C-7880

Calendar No. 4023
3908

ORDINANCE No. 117662

Title

An Ordinance vacating a certain portion of S. W. Lowell Lane, under certain conditions, 142

NOV 13 1963

Read 1 & 2 **PASSED TO THIRD READING**

NOV 20 1963

Filed..... NOV 8 1963

RAY SMITH
Auditor of the CITY OF PORTLAND

By *Robert C. Kyle*
Deputy

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Bean	1	
Bowes	-	
Earl	1	
Grayson	1	
Schrunk	1	

FOUR-FIFTHS CALENDAR	
Bean	
Bowes	
Earl	
Grayson	
Schrunk	

INTRODUCED BY
Order of Council

DRAWN BY
AGB: gm/fg
Date November 8, 1963

NOTED BY THE COMMISSIONER
Affairs
Finance
Safety
Utilities
Works

City Attorney	<i>AGB</i>
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NOTED FOR CITY AUDITOR
<i>AS</i>
<i>mc</i>

APPROVED
Date
By
City Engineer
Date
By