

ACCEPTANCE

RECEIVED

FEB 13 9 39 AM 1969

Portland, Oregon February 6, 1969

RAY SMITH, AUDITOR
CITY OF PORTLAND, ORE.BY elk

RAY SMITH
Auditor of the City of Portland,
Room 202, City Hall
Portland, Oregon 97204

Dear Sir:

This is to advise the City of Portland, Oregon, that I hereby accept the terms and provisions of Ordinance No. 128491, passed by the Council February 5, 1969, vacating all that portion of S. E. Ivon Street from the easterly harbor line of the Willamette River to a line described in Kern's Addition, 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,

[CORPORATE
SEAL]

WILLAMETTE HI-GRADE CONCRETE COMPANY

* By:

Arthur A. Riedel - President

Foot of N. Portsmouth Avenue, Portland, Ore.

Approved as to form:

W. H. Riedel

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. 128491

An Ordinance vacating all that portion of S.E. Ivon Street from the easterly harbor line of the Willamette River to a line described in Kern's Addition, under certain conditions.

The City of Portland ordains:

Section 1. The Council finds that Willamette Hi-Grade Concrete Company, Foot of N. Portsmouth Avenue, Portland, Oregon 97203, on April 6, 1967, filed a petition with the City Council for the vacation of a portion of certain streets hereinafter set forth; that the purpose for such vacation is for general industrial purposes, the same as the adjacent ground, and particularly for industrial traffic purposes; that said petition has been approved by the Commissioner of Public Works under certain conditions hereinafter set forth and as recommended by the City Engineer in his report dated August 15, 1968, and said petition was considered by the Planning Commission (P.C. File V55-67, attached to and made a part of Council Calendar No. 4729) and said Commission recommended denial but temporary private use; that said Commission report should be overruled and by this ordinance hereby is overruled; and the petition complies in all respects with all the provisions of ORS 271.080 in that it includes the consents of owners of all abutting property and of not less than two-thirds in area of the real property affected thereby; that pursuant to ORS 271.100, the Council fixed a time and place for public hearing before the City Council, to-wit: 9:30 A.M., October 16, 1968, in the Council Chambers of the City Hall, in the City of Portland, Oregon, at which time and place said hearing was held; that the Auditor published notice of such hearing in the City official newspaper, the Daily Journal of Commerce, once each week for four consecutive weeks and posted such notice in certain places in area to be vacated, all in accordance with provisions of ORS 271.100, et seq.; that said vacation will not interfere with any improvements proposed by the Commission of Public Docks nor with reasonable access to the water front nor any transportation terminal; that consents of Port of Portland and the Commission of Public Docks hereby are made a part of Council Calendar No. 4729; that there were no remonstrances made or filed against the petition, and the Council found and does now find that said vacation should be granted with conditions; now, therefore, the following described property hereby is vacated under the following conditions:

A certain portion of S.E. Ivon Street, Portland, Multnomah County, Oregon,

Being all that portion of S.E. Ivon Street as now laid out and established, from the easterly harbor line of the Willamette River to a line drawn 100 feet westerly of and parallel with the

easterly line of Block B, Kern's Addition extended southerly.

1. That the petitioner pay all costs incidental to the vacation proceedings.

2. There is hereby reserved to the City for future construction of storm sewers, an easement 15.0 feet in width, following the center line of the portion of S.E. Ivon Street hereby vacated, and extending to the East Harbor line of the Willamette River, it being understood no buildings or structures may be constructed over said easement without the petitioner, his heirs or assigns first having obtained the written approval of the City Engineer.

3. That the petitioner, his heirs or assigns agree to abide by and adhere to the following requirements of the City Fire Marshal:

(a) Access to petitioner's property for fire fighting equipment can at all times be obtained by cutting a chain on a chain-locked gate.

(b) Roadway on petitioner's property be permanently maintained with minimum 50-foot turning radius for fire fighting equipment.

(c) No further improvements to wood dock area on petitioner's property is permitted. Any future dock expansion to be fire resistive.

(d) A city water hydrant be installed at the expense of the petitioner on the west side of S.E. 4th Avenue at S.E. Ivon St. near the location of the street closure.

4. 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 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 with the prior written consent of the City Engineer and the owner of the utility 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 of the 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 herein-after reconstructed, renewed, replaced and/or enlarged.

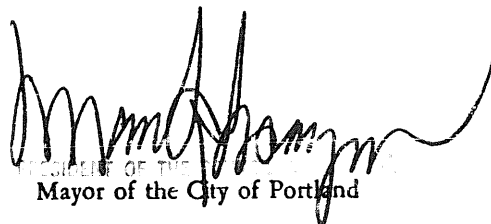
ORDINANCE No.

Section 2. Petitioner shall file with the City Auditor in form approved by the City Attorney a document in writing accepting the terms and conditions of this ordinance.

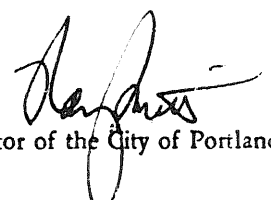
Section 3. The City Auditor shall at the expense of the petitioner file with the recorder, the assessor and the surveyor of the county in which said property is located a certified copy of this ordinance and the acceptance thereof, and any map, plat or other record which may be required by law.

Passed by the Council, FEB 5 1969

Order of Council
MCR:rf 1/24/69


PRESIDENT OF THE
Mayor of the City of Portland

Attest:


Auditor of the City of Portland

Calendar No.

508
~~350~~

ORDINANCE No. 128491

Title

An Ordinance vacating all that portion of S.E. Ivon Street from the easterly harbor line of the Willamette River to a line described in Kern's Addition, under certain conditions.

JAN 29 1969

PASSED TO THIRD READING FEB 5 1969

THE COMMISSIONERS VOTED AS FOLLOWS:

	Yeas	Nays
Bowes	/	
Earl	/	
Grayson	/	
Ivancie	/	
Schrunk	-	

FOUR-FIFTHS CALENDAR

Bowes	
Earl	
Grayson	
Ivancie	
Schrunk	

INTRODUCED BY
ORDER OF COUNCIL

DRAWN BY
MCR:rf

Date June 24, 1969

NOTED BY THE COMMISSIONER

Affairs

Finance and
Administration

Safety

Utilities

Works

City Attorney

NOTED FOR CITY AUDITOR

APPROVED

Date

By

City Engineer

Date

By

Filed JAN 24 1969

RAY SMITH

Auditor of the CITY OF PORTLAND

By

Deputy