

135060

AUD 50-25-640 RECEIVED

SEP 25 9 53 AM 1972

GEORGE YERKOVICH, AUDITOR
CITY OF PORTLAND, ORE.

ACCEPTANCE

BY cc

Portland, Oregon, August 9 1972

GEORGE YERKOVICH
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. 135060, passed by the Council August 9, 1972, vacating N.E. 6th Avenue lying between the south line of N.E. Multnomah Street and the north line of N.E. Hassalo Street, petitioned for by Lloyd Corporation, 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,

THE LLOYD CORPORATION

[CORPORATE SEAL]

Richard R. Von Hagen
Richard R. Von Hagen, President

700 N.E. Multnomah, Portland, Oregon 97232
Address

Approved as to form:

[Signature]
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. 135060

An Ordinance vacating N.E. 6th Avenue lying between the south line of N.E. Multnomah Street and the north line of N.E. Hassalo Street, petitioned for by Lloyd Corporation, under certain conditions.

The City of Portland ordains:

Section 1. The Council finds that Lloyd Corporation, by and through Robert Cameron, Vice-President, Lloyd Corporation, 700 N.E. Multnomah, Portland, Oregon 97232 and by Richard R. Von Hagen, President, Lloyd Corporation, 700 N.E. Multnomah, Portland, Oregon 97232, has heretofore filed a petition for the vacation of N.E. 6th Avenue lying between the south line of N.E. Multnomah Street and the north line of N.E. Hassalo Street, in the City of Portland, County of Multnomah, State of Oregon; that the purpose of said vacation is to consolidate property for future commercial use; that the vacation has been approved by the Commissioner of Public Works subject to certain conditions as recommended by the City Engineer in his report dated April 5, 1972 and as amended so that all utilities be underground; that the vacation proceeding complies with all the provisions of ORS 271.080 in that it includes the consents of the owners of all abutting property and of not less than two-thirds in area of the real property affected thereby; that the City Auditor published notice in certain places in area proposed to be vacated, all in accordance with provisions of ORS 271.110; that said matter came on regularly for hearing after the Council pursuant to ORS 271.100, fixed the time and place for hearing, to-wit: 9:30 A.M., June 7, 1972, in the Council Chamber of the City Hall, in the City of Portland, Oregon, on which date the hearing was continued to June 21, 1972 for a City Attorney's report, and on that date continued until July 12, 1972, thence, continued one week to July 19, 1972, thence to July 20, 1972 when a tie vote made reconsideration necessary on the continued date of 9:30 A.M., July 26th; that all objections made or filed thereto were heard and considered and were overruled and are by this ordinance specifically overruled, and it is in the public interest that said area be vacated; that said vacation will not interfere with any improvements proposed by the Port of Portland Commission nor with reasonable access to the water front nor any transportation terminal, as advised by the Commission and the Oregon State Highway Department, and consents thereto have been received; now, therefore, the following described property hereby is vacated upon the following conditions:

That portion of N.E. 6th Avenue lying between the south line of N.E. Multnomah Street and the north line of N.E. Hassalo Street, in the City of Portland, County of Multnomah, State of Oregon.

- (a) That the petitioner pay all costs incidental thereto in regard to vacation proceedings.

(b) That the petitioner pay all costs in connection with relocating storm sewers into N.E. Multnomah Street and N.E. Grand Avenue, as required by the City Engineer.

(c) That the petitioner pay all costs in connection with relocation of a 16" water main, as required by the City Engineer.

(d) That the sum of \$3,600.00 in cash be deposited by the petitioner with the City Treasurer in a Trust Fund, Charges for Sidewalk Repair, or a corporate surety bond in the above amount and approved by the City be posted in lieu of a cash deposit, to cover the estimated cost of intersection reconstruction as required by the City Engineer. Upon completion of the work by and at the expense of the petitioners, and in accordance with plans furnished by the City Engineer, said sum of \$3,600.00 will be refunded or the surety bond will be released. In the event the cash deposit or bond is not sufficient to cover the costs of reconstruction as required by the City Engineer, the petitioners agree to pay all costs in excess of such deposit or bond, and the petitioners agree further that if they fail or neglect to complete said reconstruction within a reasonable time, as determined by the City Engineer, the City is authorized to draw from the sum deposited, or on the bond, as is required to complete the reconstruction by City Maintenance personnel.

(e) 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 hereinafter reconstructed, renewed, replaced and/or enlarged. Notwithstanding the foregoing reservation contained in this paragraph, such reservation shall terminate as to any water main, sanitary sewer or storm sewer at such time as such mains and sewers are relocated at the expense of the petitioner, as approved by the water engineer as to water mains and the city engineer as to sanitary and storm sewers.

ORDINANCE No.

(f) The City Auditor shall 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, all at expense of petitioner.

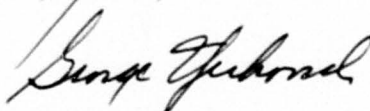
(g) The petitioner agrees that all utilities to be relocated as required in the development of the area vacated, shall be placed underground.

Section 2. Petitioners 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.

Passed by the Council, AUG - 9 1972


Mayor of the City of Portland

Attest:


Auditor of the City of Portland

Order of Council
MCR:rf 7/28/72

Page No. 3

Calendar No. ~~2372~~ 2155

ORDINANCE No. 135060

Title

An Ordinance vacating N.E. 6th Avenue lying between the south line of N.E. Multnomah Street and the north line of N.E. Hassalo Street, petitioned for by Lloyd Corporation, under certain conditions.

AUG - 2 1972

PASSED TO THIRD READING AUG - 9 1972

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| INTRODUCED BY |
| ORDER OF COUNCIL |

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| DRAWN BY |
| MGR:rf |
| Date July 28, 1972 |

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| NOTED BY THE COMMISSIONER |
| Affairs |
| Finance and Administration |
| Safety |
| Utilities |
| Works |

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| City Attorney |
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| NOTED BY THE CITY AUDITOR |
| <i>MC</i> |

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| APPROVED |
| Date |
| By City Engineer |
| Date |
| By |

| THE COMMISSIONERS VOTED AS FOLLOWS: | | Yeas | Nays |
|-------------------------------------|--|------|------|
| Anderson | | 1 | |
| Goldschmidt | | 1 | |
| Ivancie | | 1 | |
| McCreedy | | — | |
| Schrunk | | 1 | |

| FOUR-FIFTHS CALENDAR | |
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| Anderson | |
| Goldschmidt | |
| Ivancie | |
| McCreedy | |
| Schrunk | |

Filed JUL 28 1972

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND
By *George Yerovich*
Deputy