

131810

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JAMES L. HAMILL, AUDITOR
CITY OF PORTLAND, ORE.

ACCEPTANCE

BY llh
Portland, Oregon, November 19, 1970

JAMES L. HAMILL
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. 131810, passed by the Council November 18, 1970, vacating all that portion of the alley in Block 4, Subdivision of Riverview Addition from the east line of said Block 4 to the west line of said Block 4, 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,

Whitcomb Crichton
Whitcomb Crichton
* Frank D. Meeker
Frank D. Meeker

[CORPORATE SEAL]

not applicable

6204 N. Depauw, Portland, (03)
Address

Approved as to form:

McCluskey
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. 131810

An Ordinance vacating all that portion of the alley in Block 4, Subdivision of Riverview Addition from the east line of said Block 4 to the west line of said Block 4, under certain conditions.

The City of Portland ordains:

Section 1. The Council finds that Whitcomb Crichton, 6204 N. Depauw Street, Portland, 97203, and Frank D. Meeker, C/o Whitcomb Crichton, 6204 N. Depauw Street, Portland, have filed a petition with the City Council for the vacation of a portion of the alley in Block 4, Subdivision of Riverview Addition from the east line of said Block 4 and the west line of said Block 4, in the City of Portland, County of Multnomah, State of Oregon; that the purpose for said vacation is for general commercial purposes, and particularly to provide off-street truck loading and parking by consolidating properties; 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 28, 1970; that 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 28, 1970 in the Council Chambers of the City Hall, Portland, 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, consents from the Port of Portland and the Commission of Public Docks being part of Council Calendar No. 3795; that there were no remonstrances made or filed against the petition, and the Council finds that said vacation should be granted under certain conditions; now, therefore, the following described property hereby is vacated under the following conditions:

All that portion of the alley in Block 4, Subdivision of Riverview Addition from the east line of said Block 4 to the west line of said Block 4, in the City of Portland, County of Multnomah, State of Oregon;

a) Petitioners shall pay all costs incidental to the vacation proceedings;

b. That the petitioners pay all costs for relocating a water service and cutting and plugging an 8-inch water

main as required by the Water Engineer (letter from petitioner indicates demolition of residence and no water service required, set forth in Council Calendar No. 3795).

c. Nothing herein contained shall cause or require the removal or abandonment of any sewer or gas main or water main, with the exception of the water main set forth in subsection (b) herein, 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 written consent of the City Engineer and the owner of the utility first obtained, 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 hereafter reconstructed, renewed, replaced and/or enlarged.

d. That the sum of \$850 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 Attorney 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 the plans furnished by the City Engineer, said sum of \$850 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 further agree 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.

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.

ORDINANCE No.

Section 3. The City Auditor shall at the expense of the petitioners 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.

under certain conditions, from the east line of said Block 4, and division of River View Addition, Block 4, 100-

Order Council

Passed by the Council, NOV 18 1970
Order of Council
10-29-70
RLH:gm

Joseph A. Schunk
Mayor of the City of Portland

Attest: *James L. Hamill*
Auditor of the City of Portland

4083

Calendar No. 3994

ORDINANCE NO. 131810

Title

An Ordinance vacating all that portion of the alley in Block 4, Sub-division of Riverview Addition from the east line of said Block 4, the west line of said Block 4, under certain conditions. (C-8563)

NOV 12 1970

122

PASSED TO THIRD READING NOV 18 1970

THE COMMISSIONERS VOTED AS FOLLOWS:	
Yeas	Nays
Anderson	1
Grayson	1
Ivancie	1
McCready	1
Schrunk	1

FOUR-FIFTHS CALENDAR	
Anderson	
Grayson	
Ivancie	
McCready	
Schrunk	

INTRODUCED BY

Order of Council

DRAWN BY

RLH:gm

Date **10-29-70**

NOTED BY THE COMMISSIONER

Affairs

Finance and Administration

Safety

Utilities

Works

City Attorney *MW*

NOTED BY THE CITY AUDITOR

MC by

APPROVED

Date

By *[Signature]* City Engineer

Date

By

Filed NOV 5 1970

JAMES L. HAMILL
Auditor of the CITY OF PORTLAND

By *[Signature]*
Deputy