

Multnomah County Official Records  
C Swick, Deputy Clerk

2009-106652



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**CITY OF PORTLAND**  
**Office of the City Auditor**  
**1221 SW Fourth Avenue, Room 140**  
**Portland, OR 97204-1900**

I hereby certify this Ordinance No. 182922 to be a complete and exact copy of the original as the same appears on file and of record in my office and in my care and custody on July 24, 2009.

**LaVonne Griffin-Valade**  
**Auditor of the City of Portland**  
By *LaVonne Griffin-Valade*  
**Deputy**

6

## ORDINANCE No. 182922

Vacate a portion of SE 133rd Pl north of SE Ramona St subject to certain conditions and reservations (Hearing; Ordinance; VAC-10061)

The City of Portland ordains:

Section 1. The Council finds:

1. On October 8, 2008, the Office of the City Auditor certified a petition for the vacation of a portion of SE 133rd Place north of SE Ramona Street, with the petition initiated by Charlie Swan, the owner of adjoining property.
2. The petition states that the reason for the vacation is to consolidate property.
3. The vacation is consistent with recommendations made by the City Engineer and Planning Commission, as provided in the City Engineer's Report, dated February 27, 2009 and on file with the Office of the City Auditor and the Bureau of Transportation.
4. In accordance with ORS 271.100, the Council fixed a time and place for public hearing before the Council; the Auditor published notice thereof, and posted notice in the areas proposed for vacation.
5. Other procedural requirements of ORS 271 have been complied with, and the Council having held a public hearing, finds no objections were made or filed hereto, and it is in the public interest that said street be vacated.

NOW, THEREFORE, the Council directs:

- a. The following described street area, as depicted on the attached Exhibit 1B, is hereby vacated:

That portion of SE 133rd Avenue, situated in the southeast one-quarter of Section 14, T1S, R2E, W.M., City of Portland, County of Multnomah, State of Oregon, as described on Exhibit 1A and depicted on Exhibit 1B attached hereto and by this reference made a part hereof. Said vacation area contains 1,583 square feet, more or less.

- b. The vacation of the above-described street area is granted subject to the following conditions and reservations:

1. In accordance with ORS 271.120 and City of Portland policy, the street vacation ordinance shall not 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, including, but not limited to those identified by Comcast. The ordinance will reserve an easement for the owner of any such utility or thing to maintain, continue, repair, reconstruct, renew, replace, rebuild, and/or enlarge any and all such thing; that no building or structure of

or structure of any kind shall be built or erected within a distance of ten (10) feet from the centerline 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 Development Services, to the end that such construction may be so adjusted with reference to all public utilities in said areas 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. Removal or relocation of existing utilities and release of easements in the street vacation area will require the necessary conveyance documents and possible written agreements between the Petitioner and owner(s) of the utilities.

2. Notwithstanding Condition 1, the Ordinance will serve as a full release of City interests in the street vacation area and will provide City Bureaus with the authority necessary to take all other legal actions as may be reasonably necessary (including the issuance of quitclaim deeds acknowledging the release of any interests) to achieve this intent.

3. City costs associated with processing the street vacation petition shall be paid in full before the City records this Ordinance.

4. In the event the Petitioner fails to fully comply with the above conditions within one year of Council adopting this Ordinance, City Council may repeal the Ordinance at its sole discretion.

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 the Ordinance.

Section 3. Notice is given that the street vacation will not be effective until a certified copy of the vacating Ordinance has been recorded by the City in Multnomah County Deed Records. Prerequisites to recording the vacating Ordinance are that 30 days have passed after final Council passage of the Ordinance, that all conditions of the vacating Ordinance have been met, and that all vacation costs have been paid.

Section 4. After the prerequisites to recording the Ordinance have been met, the City Auditor shall return a certified copy of this Ordinance and the acceptance thereof, to the Right-of-Way Acquisition Section, Bureau of Transportation, which 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, the certified copy of this Ordinance and the acceptance, and any map, plat or other record which may be required by law. The Right-of-Way Acquisition Section shall return the recorded Ordinance to the Auditor.

Passed by the Council, **JUN 17 2009**

Mayor Sam Adams  
Prepared by: Dee A Walker:slg  
Date Prepared: May 29, 2009

**LaVonne Griffin-Valade**  
Auditor of the City of Portland

By

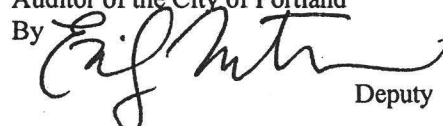
  
Deputy

Exhibit 1A



**W. F. RINGNALDA**

1844 - 77th Avenue SE, Salem, OR 97317-9008 503-362-8293

**LEGAL DESCRIPTION**

for Charles E. & Virginia Swan  
(corrected 3-28-2008)

Vacation of 133rd Place R.O.W.

Beginning at the Southeast corner of Lot 2 of PARCHER PARK, a recorded subdivision in the South ½ of Section 14 of Township 1 South, Range 2 East of the Willamette Meridian in the City of Portland, Multnomah County, Oregon, and running thence Northwesterly along the arc of the 155.00 foot radius curve to the right of the Southeasterly line of said Lot 2, 98.86 feet (the long chord bears North 18° 03' 14" West, 97.19 feet) to the Northwest corner of the 133rd Place right of way dedication and the Northeast corner of said Lot 2; thence South 89° 47' 00" East, along the North line of said right of way, 21.25 feet; thence South 6° 15' 09" East, 70.10 feet; thence Southeasterly along the arc of a 121.00 foot radius curve to the left, 41.07 feet (the long chord bears South 15° 58' 30" East, 40.87 feet) to a point on the Northeasterly line of Lot 1 of said subdivision; thence Northwesterly along the 105.00 foot radius curve to the left of the Northeasterly line of said Lot 1, 19.47 feet (the long chord bears North 31° 00' 47" West, 19.44 feet) to the point of beginning, encompassing approximately 1,583 square feet of land.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 14, 1967  
WM. F. RINGNALDA  
815

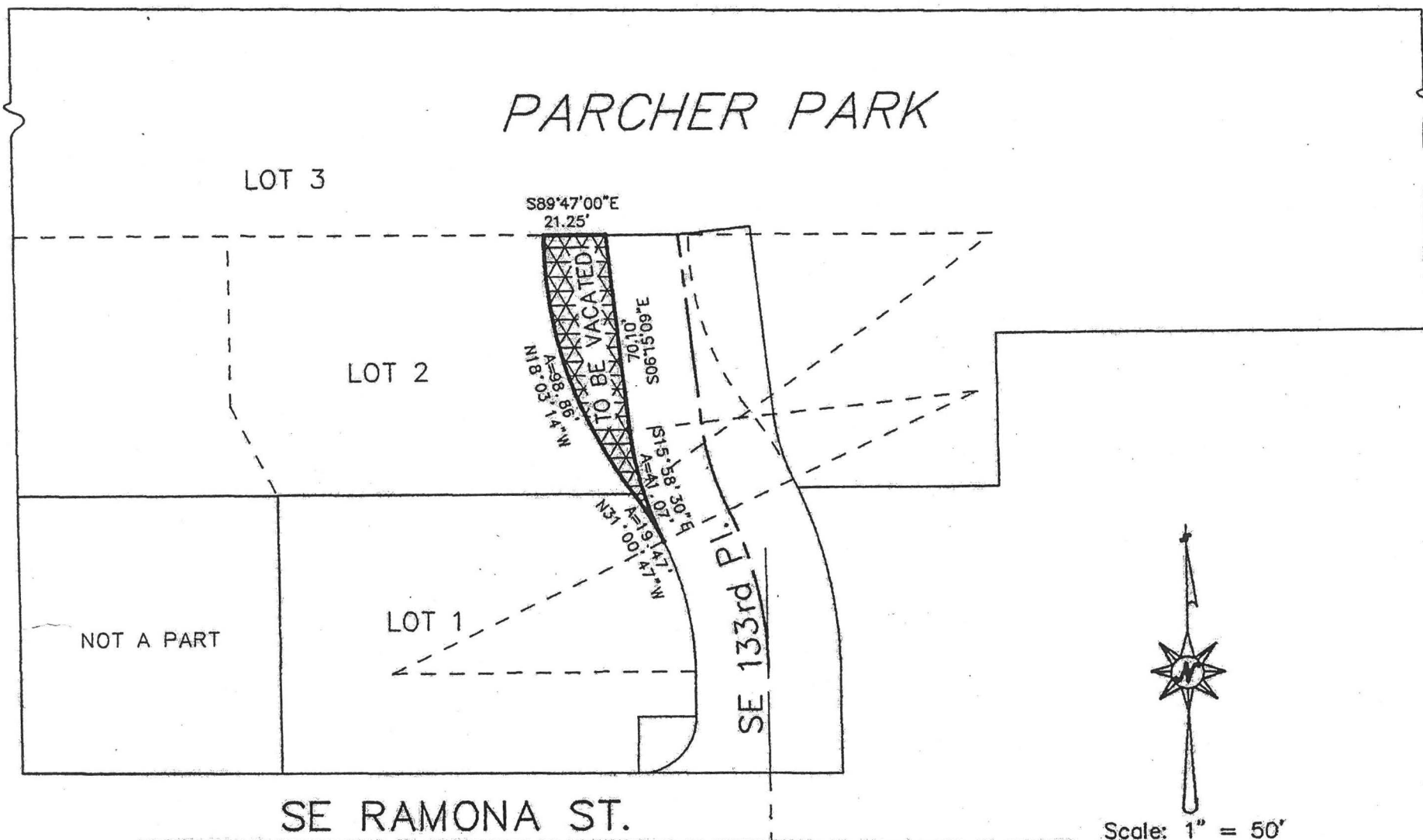
EXP 12-31-08

# EXHIBIT MAP

Exhibit 1B

182922

VACATION OF A PORTION OF SE 133rd Pl. R.O.W.

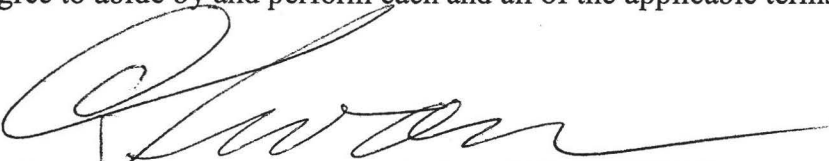


## ACCEPTANCE

June 22, 2009


Auditor of the City of Portland  
City Hall Room 140  
1221 SW 4<sup>th</sup> Avenue  
Portland, Oregon 97204

This is to advise the City of Portland, Oregon that I hereby accept the terms and provisions of Ordinance No. 182922, passed by the Portland City Council on June 17, 2009, **Vacate a portion of SE 133<sup>rd</sup> Pl north of SE Ramona St subject to certain conditions and reservations (VAC-10061)** and in consideration of the benefits received thereunder I hereby agree to abide by and perform each and all of the applicable terms and provisions thereof.

  
(Signature)\*

Charile Swan  
13243 SE Reedway Pl  
Portland OR 97236

Approved as to form:  
**APPROVED AS TO FORM**

  
City Attorney  
**CITY ATTORNEY**

\*When an acceptance is signed by an officer of a firm or corporation, his or her official title must be stated.

RECEIVED

JUN 23 REC'D