

Multnomah County Official Records
Cindy Swick, Deputy Clerk

2008-065623



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

Plu D. Woodward

I hereby certify this Ordinance No. 181698 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 April 25, 2008.

GARY BLACKMER
Auditor of the City of Portland

By *G. Blackmer*
Deputy

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ORDINANCE No. 181698

Vacate a portion of SE Washington St east of SE 30th Ave subject to certain conditions and reservations (Hearing; Ordinance; VAC -10037)

The City of Portland ordains:

Section 1. The Council finds:

1. On December 4, 2006, the Office of the City Auditor certified a petition for the vacation of a portion of SE Washington east of 30th Avenue, with the petition initiated by Laurelhurst Village Investments, LLC, the owners of the adjoining property.
2. The petition states that the reason for the vacation is to consolidate property for redevelopment.
3. The vacation is consistent with recommendations made by the City Engineer and Planning Commission, as provided in the City Engineer's Report, dated January 7, 2008 and on file with the Office of the City Auditor and the Office 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 1, is hereby vacated;

That portion of SE Washington Street from the east right-of-way line of SE 30th Avenue (being 60' feet wide) extending easterly a distance of 233.31 feet to a point. Said point also being on the west line of Lot 8, Block 5, in the duly recorded plat of "Sunnyside", located in northwest section of Section 1 T1S, R1E, W.M., City of Portland, County of Multnomah, State of Oregon, as depicted on attached Exhibit 1 and by this reference made a part hereof. Said vacation area contains 4,660 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 Qwest and Northwest Natural. The ordinance will reserve 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 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 in the street vacation area will require written agreements between the Petitioner and owner(s) of the utilities.
 2. Notwithstanding Condition 1, this 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.

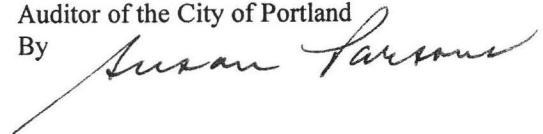
Section 4. After the prerequisites to recording the Ordinance have been met, the City Auditor shall return a certified copy of this Ordinance and the acceptance thereof, to the Right-of-Way Acquisition Section, Transportation Engineering and Development, which shall, at the expense

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.

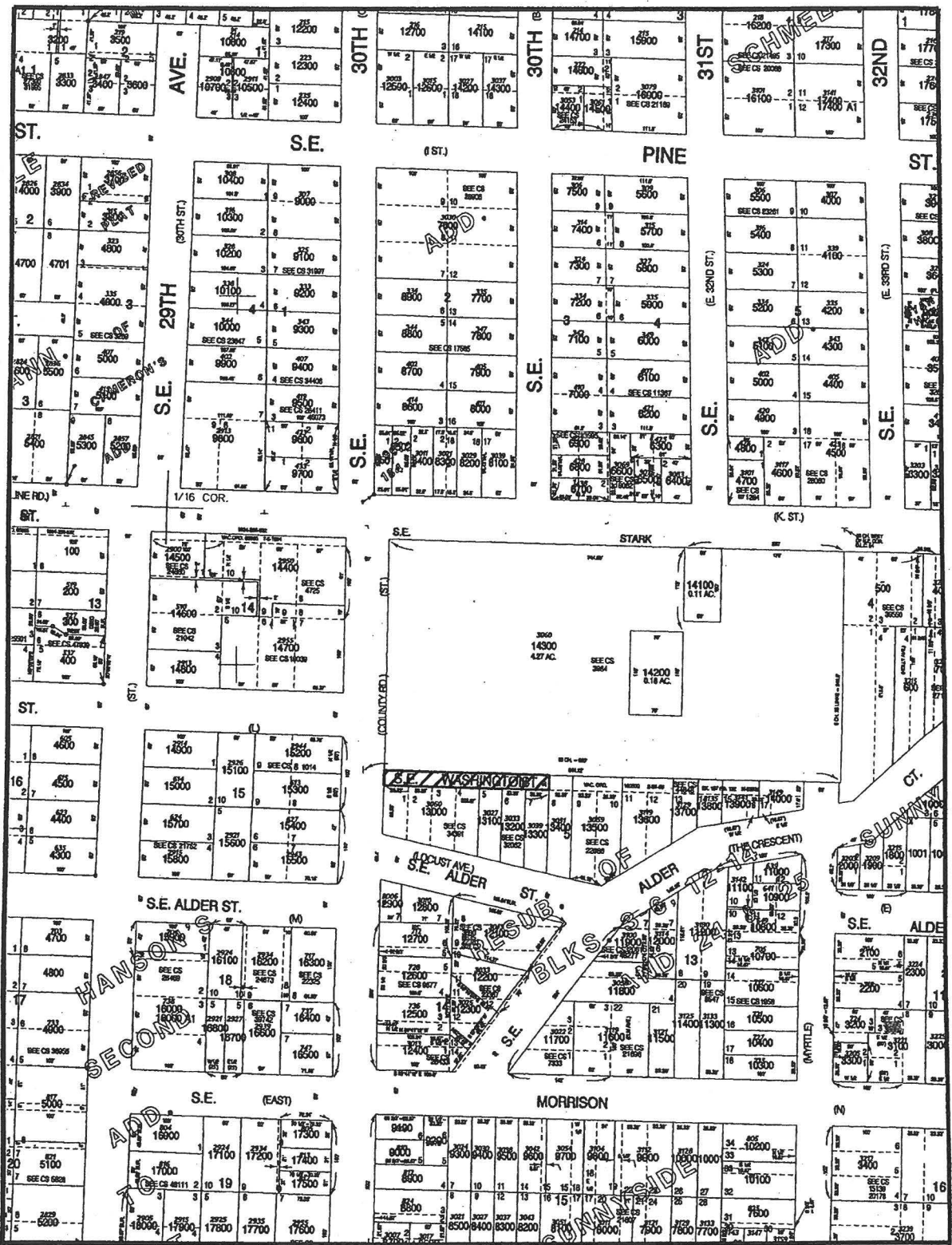
Passed by the Council, MAR 26 2008

Commissioner Sam Adams
Prepared by: Teresa Talbott
February 4, 2008

GARY BLACKMER
Auditor of the City of Portland
By



DEPUTY



SE Washington Street east of SE 30th Avenue

Petitioner: **Laurelhurst Village Investments LLC**

¼ Section: 3133 Section: 1S1E01BA

 Area Herein Vacated

Scale: 1" to 200'

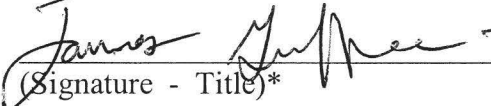


ACCEPTANCE

March 31, 2008

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

This is to advise the City of Portland, Oregon that Laurelhurst Village Investments LLC hereby accepts the terms and provisions of Ordinance No. 181698, passed by the Portland City Council on March 26, 2008, **Vacate a portion of SE Washington St east of SE 30th Ave subject to certain conditions and reservations; VAC 10037**, and in consideration of the benefits received thereunder by the limited liability corporation, Laurelhurst Village Investments LLC, hereby agrees to abide by and perform each and all of the applicable terms and provisions thereof.

 AUTHORIZED AGENT
(Signature - Title)*

James Guffee
Laurelhurst Village Investments LLC
5100 SW Macadam Avenue, Suite 360
Portland, Oregon 97239

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
APR 07 REC'D