

ORDINANCE NO. **151092**

An Ordinance vacating certain portions of N. Weyerhaeuser Avenue lying between the westerly line of N. Lombard Street and the easterly line of N. Willamette Boulevard, under certain conditions.

The City of Portland ordains:

Section 1. The Council finds:

1. By Resolution No. 32465 adopted by the Council July 5, 1979 proceedings were initiated for the vacation of all that portion of N. Weyerhaeuser Avenue lying between the westerly line of N. Lombard Street and the easterly line of N. Willamette Boulevard.
2. The purpose of the vacation is to eliminate commercial and nuisance type traffic through a residential area.
3. In order to insure that existing water facilities and street lights will remain in public street right of way, the Commissioner of Public Works recommends the vacation be granted in part only, as follows:

All that portion of North Weyerhaeuser Avenue lying between the easterly line of N. Willamette Boulevard and the westerly line of North Lombard Street, excepting therefrom those portions lying between the northerly extensions of the easterly and westerly lines of North Syracuse Street, North Ivanhoe Street, and North Jersey Street.

4. In accordance with O.R.S. 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 area proposed to be vacated.
5. Other procedural requirements of O.R.S. 271 have been complied with and the Council having held a public hearing August 13, 1979, finds no objections were made or filed thereto; however, the matter was referred to Public Works to await completion of the St. Johns Waterfront Access Study; the matter was rescheduled for Council consideration January 21, 1981 at which time the vacation was approved in part only as described above and it is in the public interest that said street areas be vacated.

NOW, THEREFORE, the Council directs:

- a. All that portion of North Weyerhaeuser Avenue lying between the easterly line of North Willamette Boulevard and the westerly line of North Lombard Street, excepting therefrom

those portions lying between the northerly extensions of the easterly and westerly lines of North Syracuse Street, North Ivanhoe Street, and North Jersey Street, is hereby vacated.

- b. The vacation of the above described street areas are granted subject to the following conditions and restrictions:
- (1) 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 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 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.
 - (2) Reserving to the City an easement over the entire length and width of the vacated area for future construction and maintenance of sewer and water facilities, with the understanding no buildings or structures of any kind may be erected or constructed in the vacated street area without the written approval of the City Engineer and the owner of such utility, and further that the City shall not be held responsible for damages to the vacated street area resulting from sewer maintenance or future sewer and water main construction and maintenance.

ORDINANCE No.

Section 2. 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 any map, plat or other record which may be required by law.

Passed by the Council, FEB 19 1981

ORDER OF COUNCIL
Stu Keebaugh:jmh
January 27, 1981

Attest:

George J. J. J.
Auditor of the City of Portland

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Jordan	/	
Lindberg	/	
Schwab	/	
Ivancie	/	

FOUR-FIFTHS CALENDAR	
Jordan	
Lindberg	
Schwab	
Ivancie	

Calendar No. ⁴¹⁹~~300~~

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Title

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(C-9220)

FEB 4 1981

PASSED TO SECOND READING FEB 12 1981

Filed JAN 29 1981

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By George Yerkovich

Deputy

INTRODUCED BY
ORDER OF COUNCIL
NOTED BY THE COMMISSIONER
Affairs
Finance and Administration
Safety
Utilities
Works <u>ML/ms</u>
BUREAU APPROVAL
Bureau:
Street & Structural Engineering
Prepared By: SK <u>es</u> Date: 1/27/81
Car1 Short/jmh
Budget Impact Review:
<input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not required
Bureau Head: <u>David J. Vargas</u>
David J. Vargas, Acting Chief
CALENDAR
Consent <input checked="" type="checkbox"/> Regular
NOTED BY
City Attorney
City Auditor
City Engineer
Approved: John M. Lang, P.E.
By: <u>David J. Vargas</u>