

RECEIVED

ACCEPTANCE

MAR 16 10 20 AM 1980

GEORGE YERKOVICH, AUDITOR  
CITY OF PORTLAND, ORE.

Portland, Oregon, February 22 19 80

BY GC

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. 149194, passed by the Council February 20, 1980. vacating all that portion of N. Ivy Street lying between the east line of N. Vancouver Avenue and the west line of N. Williams Avenue, 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,

ITT CONTINENTAL BAKING COMPANY

[CORPORATE SEAL]

BY:

John A. Brown  
V.P. PRESIDENT

103 N Ivy Street, Portland, OR 97227

Address

Approved as to form:

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City Attorney GC

\*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. **149194**

An Ordinance vacating all that portion of N. Ivy Street lying between the east line of N. Vancouver Avenue and the west line of N. Williams Avenue, under certain conditions.

The City of Portland ordains:

Section 1. The Council finds:

1. ITT Continental Baking Company, on August 10, 1979 filed a petition for the vacation of all that portion of N. Ivy Street lying between the east line of N. Vancouver Avenue and the west line of N. Williams Avenue.
2. The petition states the reason for the vacation is to consolidate property for commercial expansion.
3. The vacation is recommended by the Commissioner of Public Works under certain conditions set forth in the directive action below.
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 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. All that portion of N. Ivy Street lying between the east line of N. Vancouver Avenue and the west line of N. Williams Avenue, is hereby vacated.
- b. The vacation of the above described street area is granted subject to the following conditions and restrictions:
  - (1) That the petitioner agrees to pay to the City the sum of \$262.50, this being the cost of the vacation proceedings in excess of the minimum filing fee of \$200.00 already paid.
  - (2) Nothing contained herein shall cause or require the removal or abandonment of any sewer or gas main, conduit of any kind, wire, pole or thing used, or intended to be used for any public service (with the exception of water mains and sewer lines for which no easements are reserved), 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

## ORDINANCE NO.

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.

- (3) That the petitioner agrees to pay all costs of cutting and plugging the existing 8 inch diameter water main in N. Ivy Street as required by the Chief Engineer, Bureau of Water Works.
- (4) That the petitioner agrees to pay all costs of re-routing the existing 12 inch diameter sewer line around the street area proposed for vacation. Said reconstruction to be in accordance with plans to be furnished by the City Engineer.
- (5) That the petitioner agrees to pay all costs of the street closures at both the N. Vancouver Avenue and N. Williams Avenue intersections with N. Ivy Street, all improvements to be in accordance with plans to be furnished by the City Engineer.
- (6) That the petitioner agrees to pay all costs of the removal of an existing street light as required by the City Engineer.
- (7) The sum of \$10,447.00 in cash be deposited by the petitioner with the City Treasurer in a trust fund, or a corporate surety bond in the above amount and approved by the City be posted in lieu thereof, to cover the estimated cost of improvements 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 \$10,447.00 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 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.
- (8) That in the event the petitioner fails to fully comply with the above conditions within six months after the effective date of the vacating ordinance, said ordinance will then be subject to repeal by the Council.

ORDINANCE No.

Section 2.

- a. Petitioner shall file with the Auditor a document, which has been approved by the City Attorney, accepting the terms and conditions hereof.
- b. The City Auditor shall, at the expense of the petitioner, file with the recorder, the assessor, 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.

Passed by the Council, FEB 20 1980

ORDER OF COUNCIL  
Stu Keebaugh/sg  
February 5, 1980

Attest:

*Ann W. Blawie*  
Mayor of the City of Portland

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

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~~564~~

Calendar No.

# ORDINANCE No. 149194

Title

An Ordinance vacating all that portion of N. Ivy Street lying between the east line of N. Vancouver Avenue and the west line of N. Williams Avenue, under certain conditions.

FEB 14 1980

MAILED TO THIRD CLASS MAIL FEB 20 1980

FEB 8 1980

Filed \_\_\_\_\_

**GEORGE YERKOVICH**  
Auditor of the CITY OF PORTLAND

By James H. [Signature] Deputy

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Ivancie	1	
Jordan	1	
Lindberg	1	
Schwab	1	
McCready	1	

FOUR-FIFTHS CALENDAR	
Ivancie	
Jordan	
Lindberg	
Schwab	
McCready	

INTRODUCED BY
ORDER OF COUNCIL

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration
Safety
Utilities
Works <i>AL/SA</i>

BUREAU APPROVAL
Bureau: Street & Structural Engineering
Prepared By: <i>SK [Signature]</i> Date: 2/5/80
Budget Impact Review: <input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not required
Bureau Head: <i>David J. Vargas [Signature]</i> David J. Vargas, Acting Chief

NOTED BY
City Attorney
City Auditor
City Engineer <i>[Signature]</i>
APPROVED: John M. Lang, Acting City Engr.
BY: <i>David J. Vargas [Signature]</i>