

ORDINANCE No. 54094

An Ordinance vacating a portion of Foster Road.

WHEREAS, due notice has been given by advertisement thereof for four weeks, to wit, from December 5, 1927, to January 2, 1928, both dates inclusive, in the Daily Journal of Commerce, the City Official Newspaper, published in the City of Portland, Multnomah County, State of Oregon, that at a regular meeting of the Council of said City to be held on January 11th, 1928, a petition would be presented to said Council praying for the vacation of that portion of Foster Road which lies between the southerly line of Foster Road and a line ten feet northeasterly from and parallel to said southerly line of Foster Road, and between the easterly extension of the south line of 55th Avenue Southeast and the northerly extension of the westerly line of 82nd Street Southeast, in the City of Portland, Multnomah County, Oregon, which said notice, together with due proof of publication thereof was filed in the office of the Auditor of said City of Portland on January 4th, 1928, prior to the presentation of said petition to the Council, and

WHEREAS, the petition hereinbefore referred to was duly presented to said Council on said date, to wit: January 11th, 1928, which said petition duly set forth a description of said portion of said Foster Road sought to be vacated and the reasons for such vacation and the purpose for which the ground is proposed to be used, and said petition was duly signed by J. H. Heald and others, and

WHEREAS, there was appended to said petition as a part thereof and as a basis for such vacation and as a basis for the granting of the prayer of said petition, the consent of the owners in fee simple of at least two-thirds of the real estate fronting on both sides of the portion of said Foster Road which is proposed to be vacated, estimated upon the frontage of said portion of said street, such frontage commencing at a line drawn equidistant from the termini of said portion of said street proposed to be vacated and extending along such proposed vacation the entire length thereof and two hundred feet in each direction from the termini thereof, which consent is in writing and duly acknowledged before an officer authorized to take acknowledgments and is attached to said petition and filed therewith with the Auditor of said City, and

WHEREAS, the Council upon the presentation of said petition and the filing of proof of publication of the notice thereof, did fix a meeting of said Council to be held on January 25th, 1928, at 10 o'clock A. M., as the time for hearing said petition and any objections that might be filed thereto, at which time the Council heard and considered

said petition, there was no objection or remonstrance thereto and the Council further heard a report of the Commissioner of Public Works thereon and found and determined that the prayer of said petition should be granted and the Council does now find, ascertain and determine that all of the foregoing recited facts are true, and that all the acts and things above recited have been duly done and performed as required by the charter and ordinances of said City of Portland and that the consent of the owners in fee simple has been given of at least two-thirds of the real property fronting on both sides of said portion of said street proposed to be vacated, estimated upon the frontage of said street, such frontage being as hereinbefore particularly set out, which consent is in writing duly acknowledged before an officer authorized to take acknowledgments and was and is attached to and filed with said petition; that no objections or objection to the vacation of said portion of said street has been made or filed and that the public interest will not be prejudiced by the vacation of said portion of said street, and

WHEREAS, the Council did on said date, to wit: January 25th, 1928, grant the prayer of said petition in its entirety, now, therefore,

The City of Portland does ordain as follows:

Section 1. The findings and action hereinbefore recited is hereby made a matter of record and the Council of the City of Portland does hereby find and determine that all of the facts, matters and things hereinbefore recited are true and that all of the acts and things above recited have been done and performed as hereinbefore set forth, and as required by the charter and ordinances of said City of Portland. The Council further finds and determines that the consent of the owners of at least two-thirds of the real property fronting on both sides of said portion of said street proposed to be vacated, estimated upon the frontage of said street, such frontage commencing at a line drawn equidistant from the termini of said portion of said street proposed to be vacated and extending along such proposed vacation the entire length thereof and two hundred feet in each direction from the termini thereof, has been obtained, which consent of owners is in writing and duly acknowledged before an officer authorized to take acknowledgments and is and was attached to said petition and filed therewith with the Auditor of said City of Portland. The Council further finds and determines that no objection to the vacation of said portion of said street has been made or filed and that the public interest will not be prejudiced by the vacation of said portion of said street.

Section 2. That all of that portion of said Foster Road which lies between the southerly line of Foster Road and a line 10 feet northeasterly from and parallel to said southerly line of Foster Road, and between the easterly

extension of the south line of 55th Avenue Southeast and the northerly extension of the westerly line of 82d Street Southeast, in the City of Portland, Multnomah County, State of Oregon, be and the same is hereby vacated and said vacation of said portion of said street is hereby made a matter of record, but it is hereby expressly provided that the petitioner shall, within ten days after the taking effect of this ordinance, pay into the city treasury the cost of obtaining the necessary changes on the public records so as to indicate as required by law such vacation.

Nothing contained herein shall cause or require the removal or abandonment of any sewer, water main, conduit of any kind, wires, poles or any other thing used or intended to be used for any public service and the right is hereby reserved to maintain, continue, repair, reconstruct, renew, replace, rebuild and/or enlarge any and all such things.

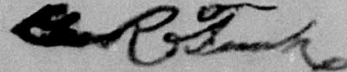
Passed by the Council **FEB 15 1928**

Approved:

GEO. L. BAKER

Mayor of the City of Portland.

Attest:



Auditor of the City of Portland.

1/27/28

Order of Council.

PREPARED--APPROVED
CITY ATTORNEY