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Ordinance No. \_\_\_\_\_

An Ordinance vacating a portion of East Burnside Street.

WHEREAS, due notice has been given by advertisement thereof for four weeks, to wit, from August 6, 1928 to September 3, 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 the 12th day of September 1928, a petition would be presented to said Council praying for the vacation of that portion of East Burnside Street which is described as follows: Beginning at the present southeast corner of lot 12, block 12, Orchard Homes; thence northerly parallel to the east line of East 63rd Street 57 feet to a point; thence east along the north line of East Burnside Street a distance of 202.55 feet to a point; thence southwesterly in a straight line to the place of beginning, in the City of Portland, County of Multnomah, State of 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 September 10, 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, September 12, 1928, which said petition duly set forth a description of said portion of said East Burnside Street 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 Catherine McKinnon, Frank Michels, 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 upon both sides of the portion of said East Burnside Street 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 the 26th day of September 1928 at 10 o'clock A. M. as the time for hearing said petition and any objections that might be filed thereto; and

WHEREAS, at said time so fixed by the Council for such hearing said petition was duly presented, heard and considered by the Council, no objection or objections were presented thereto, and the Council continued said matter to October 3, 1928, at which time the Council further heard and considered said matter and found and 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 objection or objections to the vacation of said portion of said street have been made or filed, and the Council further finds that the public interest will not be prejudiced by the vacation of said portion of street as herein provided; and

WHEREAS, the Council did on said date, to wit, October 3, 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 are 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 in fee simple 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 that portion of East Burnside Street which is described as follows: Beginning at the present southeast corner of lot 12, block 12, Orchard Homes; thence northerly parallel to the east line of East 63rd Street 57 feet to a point; thence east along the north line of East Burnside Street a distance of 202.55 feet to a point; thence southwesterly in a straight line to the place of beginning, 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 East Burnside Street is hereby made a matter of record, and it is hereby provided that the City Auditor shall file with the County Clerk of Multnomah County, a certified copy of this ordinance, and shall obtain from the County Surveyor a proper entry on the plat records as provided by law.

Nothing contained herein shall cause or required 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, if any there be on said portion of said street hereby vacated.

Passed by the Council OCT 24 1928

Approved:

**Geo. L. Baker**

Mayor of the City of Portland.

Attest:

*Geo. R. Funk*

Auditor of the City of Portland.

10-5-28  
Order of  
Council.

PREPARED--APPROVED  
CITY ATTORNEY