

ORDINANCE No. 88323

An Ordinance vacating that portion of N. Gantenbein Avenue from the north line of N. Page Street to the south line of N. Russell Street, upon certain conditions, waiving payment therefor, and declaring an emergency.

WHEREAS it appearing to the Council that the City of Portland, Bureau of Parks, filed a petition with the City Auditor for the vacation of a certain portion of N. Gantenbein Avenue from the north line of N. Page Street to the south line of N. Russell Street, on or about September 2, 1948, and that at the time of said filing filed with the Auditor a consent in writing of all abutting property owners upon the portion of said street proposed to be vacated and more than two-thirds in area of all the real property affected by such vacation, and that thereupon the City Auditor gave notice by posting and publication for a period of four successive weeks that said petition had been filed for said proposed vacation proceedings, and that said petition, together with any objections, remonstrances or claim for damage which may be made in writing and filed with the Auditor of the City of Portland, Oregon, prior to the time of hearing would be heard and considered by the Council of the City of Portland, Oregon, at a regular meeting to be held at 9:30 a.m., December 1, 1948, in the Council Chambers of the City Hall of said City. The said notice was first published in the city official newspaper, to-wit: Daily Journal of Commerce on October 29, 1948, and that said Auditor within five days after said first publication further published said matter by posting three notices headed "Notice of Street Vacation" in three (3) conspicuous places in the area of said street proposed to be vacated in the places therein described and designated as follows:

<u>Location</u>	<u>Object to which attached</u>
Southwest corner of intersection of N. Russell Street and N. Gantenbein Avenue	on a pole
West side of N. Gantenbein Avenue approximately midway between N. Russell Street and N. Page Street	on a pole
Northwest corner of intersection of N. Page Street and N. Gantenbein Avenue	on a pole

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WHEREAS said matter came on regularly for hearing before the City Council at said time and place, and at which time and hearing no oral or written remonstrances were heard or filed and there was filed with the City Auditor a consent in writing of all abutting property owners upon the portion of said street proposed to be vacated, and more than two-thirds in area of all the real property affected by such vacation, and the Council, after giving due consideration, granted the prayer of petitioner and directed the City Attorney to prepare the vacation ordinance with certain conditions and provisions, and

WHEREAS the Council finds that the reason for said proposed vacation is to make the area proposed to be vacated available for use by the public by the enlarged park area, and

WHEREAS the Council finds that a vacation of the property herein described will not injuriously affect the market value of the property abutting or affected by such vacation, and further finds that all things have been done as provided by law for the vacation of said area and that final action should be taken, and

WHEREAS the reasonable and fair value of the property to be vacated is \$1350.00 but that such vacation should now be made a matter of record, now, therefore,

The City of Portland does ordain as follows:

Section 1. It hereby is ascertained and determined that said vacation will not injuriously affect the market value of any of the property abutting on said street area to be vacated, but will be beneficial thereof; that the consent of the owners of all the property adjacent or abutting the street area to be vacated has been obtained in writing, duly acknowledged and filed as herein above stated; that notice has been duly and regularly given of such vacation, and a hearing thereon duly and regularly had, and the Council does now find that no objections or remonstrances were made or filed and that the public interest will not be prejudiced thereby but that said vacation will enhance the public interest and welfare, all of which determinations hereby are made a matter of record.

Section 2. There hereby is vacated all of the following described property:

5699

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That portion of N. Gentenbein Avenue which lies between the north line of N. Page Street and the south line of N. Russell Street, all in the City of Portland, Multnomah County, Oregon.

Section 3. The petitioner herein shall file with the Auditor of the City of Portland an acceptance of this vacation signed and acknowledged by the said petitioner and the Auditor shall file for record at the expense of the petitioner with the County Clerk, who is also ex officio recorder in and for Multnomah County, a certified copy of this ordinance and a certified copy of said acceptance as provided by law and likewise copies with the County Assessor and County Surveyor of said county.

Section 4. The appraisal price of \$1350.00 which ordinarily would be charged against the petitioner is hereby waived.

Section 5. Inasmuch as this ordinance is necessary for the immediate preservation of the public health, peace and safety of the City of Portland in this: In order that there may be no unnecessary delay in the beneficial use of the area so to be vacated; therefore, an emergency hereby is declared to exist and this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, DEC 8 1948

Earl Riley
Mayor of the City of Portland

Attest: *Will Gibbons*

Auditor of the City of Portland

Calendar No. 5699

ORDINANCE NO. 85323

THE COMMISSIONERS VOTED AS FOLLOWS:

	Yeas	Nays
Bowes	/	
Cooper	/	
Lee	/	
Peterson	/	
Riley	/	

Title

An Ordinance vacating that portion of N. Gantenbein Avenue from the north line of N. Page Street to the south line of N. Russell Street, upon certain conditions, waiving payment therefor, and declaring an emergency.

FOUR-FIFTHS CALENDAR

Bowes	
Cooper	
Lee	
Peterson	
Riley	

Filed DEC 9 1948

Will Sibson
Auditor of the CITY OF PORTLAND

By ELBERT C. ROFF Deputy

INTRODUCED BY

Order of Council

DRAWN BY

AWP:gm

Date 12/2/48

NOTED BY THE COMMISSIONER

Affairs

Finance

Safety

Utilities

Works

City Attorney

WHL

NOTED FOR CITY AUDITOR

RSI

APPROVED

Date

By Chief Civil Engineer

Date

By City Engineer