

## ACCEPTANCE

RECEIVED

Portland, Oregon, May 15, 1980  
MAY 21 9 58 AM 1980GEORGE YERKOVICH, AUDITOR  
CITY OF PORTLAND, ORE.

GEORGE YERKOVICH  
Auditor of the City of Portland.  
Room 202, City Hall  
Portland, Oregon 97204

BY \_\_\_\_\_

Dear Sir:

This is to advise the City of Portland, Oregon, that I hereby accept the terms and provisions of Ordinance No. 149619, passed by the Council May 14, 1980, vacating all that portion of the west 12.0 feet of SW 15th Avenue lying between the southerly line of SW Montgomery Street and the westerly extension of the southerly line of Lot 10, Block 1, in the subdivision of the east half of Block Z, City of Portland,

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,

*Kristena A. Lamar*

\* Kristena A. Lamar

*Richard L. Mehrer*

Richard L. Mehrer

[CORPORATE  
SEAL]

1506 SW Montgomery, Portland, Oregon 97201

Address

APPROVED AS TO FORM  
Approved as to form:*Christopher P. Thomas*CITY ATTORNEY  
City Attorney

\*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.

An Ordinance vacating all that portion of the west 12.0 feet of SW 15th Avenue lying between the southerly line of SW Montgomery Street and the westerly extension of the southerly line of Lot 10, Block 1, in the subdivision of the east half of Block Z, City of Portland, under certain conditions.

The City of Portland ordains:

Section 1. The Council finds:

1. Kristena A. Lamar and Richard L. Mehrer on August 30, 1979 filed a petition to vacate all that portion of the west 14.5 feet of SW 15th Avenue lying between the southerly line of SW Montgomery Street and the westerly extension of the southerly line of Lot 10, Block 1, in the subdivision of the east half of Block Z in the City of Portland.
2. The petition states the reason for the vacation is to allow landscaping and maintenance of the area adjacent to a pending street improvement project.
3. In order to retain sufficient right of way to allow maintenance by the City of the existing street improvement, while at the same time making available unneeded street area for landscaping by the petitioner, the Commissioner of Public Works recommends the vacation be approved in part only, being the westerly 12.0 feet of the area requested and further recommends that said approval be subject to those certain conditions set forth in the directive action below.
4. In accordance with ORS 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 ORS 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 area be vacated.

NOW, THEREFORE, the Council directs:

- a. The westerly 12.0 feet of that portion of SW 15th Avenue lying between the southerly line of SW Montgomery Street and the westerly extension of the southerly line of Lot 10, Block 1, in the subdivision of the east half of Block Z, City of Portland, is hereby vacated.
- b. The vacation of the above described street area is granted subject to the following conditions and restrictions:

## ORDINANCE No.

- (1) That the petitioners agree to pay to the City the sum of \$185.00, this being the cost of the vacation proceedings in excess of the minimum filing fee of \$200.00 already paid.
- (2) Nothing herein contained shall cause or require the removal or abandonment of any sewer (including, but not limited to, an existing privately owned sanitary 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 hereinafter reconstructed, renewed, replaced and/or enlarged.
- (3) That in the event the petitioners fail to fully comply with the above conditions within 6 months after the effective date of this ordinance, said ordinance will then be subject to repeal by the Council.

## Section 2.

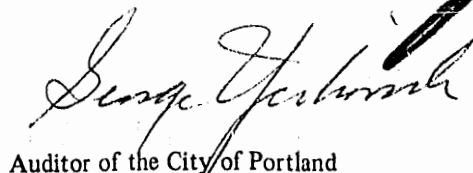
- a. The petitioners shall file with the City Auditor, in form approved by the City Attorney, a document in writing accepting the terms and conditions of the ordinance.
- b. The City Auditor shall at the expense of the petitioners file with the recorder, the assessor and the surveyor of the county in which said property is located a certified copy of this ordinance and the acceptance thereof, and any map, plat or other record which may be required by law.

Passed by the Council, **MAY 14 1980**

ORDER OF COUNCIL  
Stu Keebaugh/sg  
April 25, 1980

Attest:

  
Mayor of the City of Portland

  
Auditor of the City of Portland

1668  
Calendar No. ~~1564~~

## ORDINANCE No. 149619

### Title

An Ordinance vacating all that portion of the west 12.0 feet of SW 15th Avenue lying between the southerly line of SW Montgomery Street and the westerly extension of the southerly line of Lot 10, Block 1, in the subdivision of the east half of Block Z, City of Portland, under certain conditions.

(C-9240)

MAY 7 1980

PASSED TO THIRD READING MAY 14 1980

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

FOUR-FIFTHS CALENDAR	
Ivancie	
Jordan	
Lindberg	
Schwab	
McCready	

Filed MAY 2 1980

GEORGE YERKOVICH  
Auditor of the CITY OF PORTLAND

*Gordon Hall*  
Deputy

INTRODUCED BY
ORDER OF COUNCIL
NOTED BY THE COMMISSIONER
Affairs
Finance and Administration
Safety
Utilities
Works <i>ML/SA</i>
BUREAU APPROVAL
Bureau: Street & Structural Engineering
Prepared By: <i>SK</i> Date: <i>4/25/80</i> Carl Short/Sg
Budget Impact Review: <input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not required
Bureau Head: <i>David J. Vargas</i> David J. Vargas, Acting Chief
NOTED BY
City Attorney
City Auditor <i>SC</i>
City Engineer APPROVED: <i>John M. Lang, Acting City Engr.</i>
By: <i>David J. Vargas</i>