

7398  
7195-17

55455

Ordinance No. 55455

An Ordinance vacating a portion of Balboa Street.

WHEREAS, due notice has been given by advertisement thereof for four weeks, to wit, from June 24, 1927 to July 22, 1927, both dates inclusive, in the Daily Journal of Commerce, the City Official Newspaper, published in the City of Portland, County of Multnomah, State of Oregon, that at a regular meeting of the Council of said City to be held August 3, 1927, a petition would be presented to said Council praying for the vacation of all of that portion of Balboa Street described as follows: Beginning at the most northerly corner of Bridgeport, running thence south 31 degrees, 15 minutes west along the northwesterly line of Balboa Street 544.81 feet; thence south 41 degrees, 42 minutes 10 seconds east 83.63 feet to a point in the southeasterly side of Balboa Street; thence north 31 degrees 15 minutes east along the southeasterly side of Balboa Street 548.48 feet to a point in the northeasterly side of Colon Street; thence north 44 degrees 16 minutes west 82.63 feet to the point 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 July 30, 1927, 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, August 3, 1927, which said petition duly set forth a description of the portion of said Balboa 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 Wm. Kennedy, Trustee; 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 said Balboa Street which is proposed to be vacated, estimated upon the frontage of the street, such frontage commencing at a line drawn equidistant from the termini of the portion of said street proposed to be vacated and extending along such proposed vacation the entire length thereof, except in a northeasterly direction, said street not being continuous in a northeasterly direction, 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, said property being within two thousand feet of the meander line of the Willamette River, the petitioner has offered to dedicate to the use of the public another roadway, which new roadway is equal in area and furnishes equal way and access to any and all terminals, and to that end the petitioner has submitted a new plat for making such new dedication, and the City Engineer and Commission of Public Docks having approved of said vacation and dedication, and the Port of Portland having approved of the same; 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 5th day of October 1927 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 then referred said matter to the Commissioner of Public Works and continued said matter from time to time until October 10, 1928, at which time the Council found and does now find, ascertain and determine that all of the foregoing recited facts are true, and that all of 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 said street as herein provided; and

WHEREAS, the Council did on said date, to wit, October 10, 1928, grant the prayer of said petition to the extent hereinafter stated; 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 de-

termine that all of the facts, matters and things here-  
 inbefore 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  
 the portion of said street proposed to be vacated and ex-  
 tending along such proposed vacation the entire length  
 thereof, except in a northeasterly direction, said street  
 not being continuous in a northeasterly direction, has been  
 obtained, which consent 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 that said property lies within two thousand feet of  
 the meander line of the Willamette River and that the  
 petitioner has offered to dedicate to the use of the  
 public a new street in lieu of said Balboa Street, which  
 new street will be of equal or greater area and will fur-  
 nish equal or better access to the same terminal, and to  
 that end the petitioner has submitted a new plat for making  
 such new dedication; that no objection or objections to said  
 vacation have been made, presented or filed and no one appears  
 now to object; and that the public interest will not be preju-  
 diced by the vacation of said street.

Section 2. That all of that portion of Balboa Street  
 described as follows: Beginning at the most northerly corner  
 of Bridgeport, running thence south 31 degrees, 15 minutes  
 west along the northwesterly line of Balboa Street 439.48  
 feet to the northeasterly line of a street to be dedicated  
 and known as North Front Street; thence south 41 degrees  
 42 minutes 10 seconds east 83.68 feet to a point in the  
 southeasterly side of Balboa Street; thence north 31 degrees  
 15 minutes east along the southeasterly side of Balboa Street  
 444.14 feet to a point in the northeasterly side of Colon  
 Street; thence north 44 degrees 16 minutes west 82.63 feet  
 to the point 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 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 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, if any there be on said portion of said street hereby vacated.

The Council reserves the right to rescind and cancel the vacation hereby made and repeal this ordinance in the event that the new plat above mentioned should not be promptly filed and the dedication completed of street area therein shown for dedication.

Passed by the Council OCT 24 1928

Approved:

**Geo. L. Davis**

Mayor of the City of Portland.

Attest:

*Geo. R. Frank*

Auditor of the City of Portland.

PREPARED--APPROVED  
CITY ATTORNEY