

## ACCEPTANCE

RECEIVED  
FEB 24 10 26 AM 1978  
GEORGE YERKOVICH AUDITOR  
CITY OF PORTLAND, ORE.  
BY *llh*

Portland, Oregon, February 15, 1978

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

Dear Sir:

This is to advise the City of Portland, Oregon, that I hereby accept the terms and provisions of Ordinance No. 145166, passed by the Council February 15, 1978, vacating that portion of S.E. Henderson Street between the southeasterly line of the Portland Traction Company right of way and the east line of Lot 37, Hollywood, extended northerly, under certain conditions,

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,

[CORPORATE  
SEAL]

THOMPSON CONSTRUCTION COMPANY

BY: *Henry A. Thompson - President*

P.O. Box 66173, Portland, Or 97266  
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.

ORDINANCE NO. 145166

An Ordinance vacating that portion of S.E. Henderson Street between the southeasterly line of the Portland Traction Company right of way and the east line of Lot 37, Hollywood, extended northerly, under certain conditions.

The City of Portland ordains:

Section 1. The Council finds:

1. Harry G. Thompson, on behalf of Thompson Construction Company, on March 14, 1977, filed a petition to vacate that portion of S.E. Henderson Street between the southeasterly line of the Portland Traction Company right of way and the east line of Lot 37, Hollywood, extended northerly.
2. The petition states that the reason for the vacation is to consolidate industrial property.
3. The vacation is recommended by the Commissioner of Public Works under certain conditions set forth in the directive action below.
4. In accordance with O.R.S. 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 O.R.S. 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 be vacated.

NOW, THEREFORE, the Council directs:

- a. All that portion of S.E. Henderson Street lying between the southeasterly line of the Portland Traction Company right of way and the east line of Lot 37, Hollywood, extended northerly, is hereby vacated.
- b. The above described street vacation is granted subject to the following conditions and restrictions:
  - (1) The petitioner pay to the City the sum of \$196.50, this being the costs of these vacation proceedings in excess of the minimum \$200.00 filing fee already paid.
  - (2) Nothing contained herein shall cause or require the removal or abandonment of any sewer or gas main, conduit of any kind, wire, pole or thing used, or intended to be used for any public service, (except as hereinafter provided with respect to existing and future sewers) 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 an easement over the entire length and full width of the street to be vacated is reserved for the maintenance or replacement of existing sewers and for construction of future sewers, and that no building construction, material storage, or tree planting will be permitted in said portion of the vacated street without prior written approval of the City Engineer, and further that the City or its contractor will not be responsible for restoration of or payment for any improvements, including landscaping or trees existing on the easement area if such things are damaged or destroyed by the City or its contractor in the course of maintenance or replacement of existing sewers or construction of future sewers.
- (4) That in the event the petitioner fails 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. Petitioner shall file with the Auditor a document, which has been approved by the City Attorney, accepting the terms and conditions hereof.

## ORDINANCE No.

- b. The City Auditor shall, at the expense of the petitioner, file with the recorder, the assessor, 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.

ORDINANCE NO. 145166

Title

1. under certain conditions,  
of lot 21, Halfway, extended north-  
Company right of way and the east line  
eastern line of the Portland Division  
Henderson Street between the south-  
An Ordinance vacating that portion of S.E.

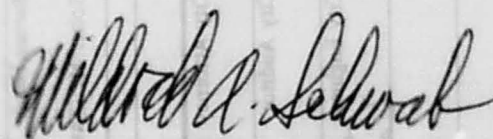
Calendar No. 348

1933

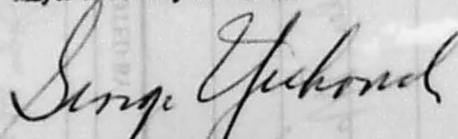
Passed by the Council, FEB 15 1978

ORDER OF COUNCIL  
Stu Keebaugh/s1  
January 16, 1978

Attest:



Mayor of the City of Portland



Auditor of the City of Portland



THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Ivancie	1	
Jordan	1	
McCready	1	
Schwab	1	
Goldschmidt	1	

FOUR-FIFTHS CALENDAR	
Ivancie	
Jordan	
McCready	
Schwab	
Goldschmidt	

433  
~~389~~  
 Calendar No. ~~243~~

## ORDINANCE No. 145166

### Title

An Ordinance vacating that portion of S.E. Henderson Street between the south-easterly line of the Portland Traction Company right of way and the east line of Lot 37, Hollywood, extended northerly, under certain conditions.

JAN 25 1978

PASSED TO THIRD READING FEB 8 1978

FEB - 9 1978

CONTINUED TO FEB 15 1978

Filed JAN 20 1978

GEORGE YERKOVICH  
 Auditor of the CITY OF PORTLAND

By Gordon O'Neil  
 Deputy

INTRODUCED BY
ORDER OF COUNCIL

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration
Safety
Utilities
Works <i>C. M. Bell</i>

BUREAU APPROVAL
Bureau:
Street & Structural Engineering
Prepared By: SK <i>Ch</i> Date: 1/16/78
Carl Short/sl
Budget Impact Review:
<input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not required
Bureau Head:
John M. Lang <i>John M. Lang</i>

NOTED BY
City Attorney
City Auditor
City Engineer <i>Cowles M. Long</i>