

ACCEPTANCE

Portland, Oregon,-----May 17,---1962

RAY SMITH
Auditor of the City of Portland,
Room 202, City Hall
Portland 4, Oregon
Dear Sir:

This is to advise the City of Portland, Oregon, that I hereby accept the terms and provisions of Ordinance No. 115217 vacating certain portions of N. Heppner Avenue and N. Jersey Street, and portions of the alleys in Blocks 1, 3 and 4, Heppner's Addition, under certain terms and conditions, and declaring an emergency,

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,


Fred C. Meyer, President, Efem Company

*

[CORPORATE
SEAL]

721 S.W. Fourth Avenue
Address

Approved as to form:


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.

RECEIVED
MAY 21 AM 10
RAY SMITH, AUDITOR
CITY OF PORTLAND, ORE.

FILE NO. _____
DOCUMENT

[Handwritten signature]

6/8/62
Book
By
2119
675

Ord. #115217

258

NAME _____

RECORDING DEPARTMENT
City Auditor

SI COHN, COUNTY CLERK
MULTNOMAH COUNTY, OREGON

OFFICE OF

RECEIPT

28990T 5N

8.50

A-1-

100-8-29 100-8-29

County Clerk's Office, Multnomah County, Oregon

CIRCUIT COURT DEPARTMENT

LITIGATION ACCOUNT

No 2240

Reg. No. 17002

Portland, Oregon

196-2

RECEIVED OF Mary Smith Auditor

11/11/11
M. T. and S. T.

DOLLARS

Plaintiff

Defendant

Brail

01

1

Total . . . \$ 250

By

County Clerk,
Deputy

In the above entitled case.

vacating positions of
Mr. Thompson and the

SI COHN,

County Clerk,

Deputy

ORDINANCE NO. 115217

An Ordinance vacating certain portions of N. Heppner Avenue and N. Jersey Street, and portions of the alleys in Blocks 1, 3 and 4, Heppner's Addition, under certain terms and conditions, and declaring an emergency.

WHEREAS, it appears to the Council that on March 27, 1962, the Efem Company, by Fred G. Meyer, President, filed with the City Auditor a petition for the vacation of certain portions of N. Heppner Avenue and N. Jersey Street and portions of the alleys in Blocks 1, 3 and 4, Heppner's Addition, in the city of Portland, county of Multnomah, state of Oregon, under the applicable provisions of ORS 271.010 to and including 271.230, and also filed with the Auditor the consents in writing of all owners of property abutting upon the portion of said street areas to be vacated, and of more than two-thirds in area of all the real property affected by such vacation; that thereupon the City Auditor gave notice by posting and publication for a period of four successive weeks that said petition, together with any objections, remonstrances or claims 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 at a regular meeting to be held at 9:30 a.m., Wednesday, May 9th, 1962, in the Council Chambers of the City Hall of said City; that said notice was first published in the City's official newspaper, to-wit: The Daily Journal of Commerce on April 6, 1962, and said Auditor within five days after said first publication further published said matter by posting fifteen (15) notices headed "Notice of Street Vacation" in fifteen (15) conspicuous places in the area of said street proposed to be vacated in the places therein described and designated as follows:

LocationObject to which attached

At the approximate intersection of the westerly line of the alley in Block 3, Heppner's Addition and the northerly line of N. Syracuse Street

On a stake

At the approximate intersection of the westerly line of the alley in Block 3, Heppner's Addition and the southerly line of N. Ivanhoe Street extended easterly

On a stake

At the approximate intersection of the westerly line of the alley in Block 3, Heppner's Addition and the southerly line of N. Jersey Street

On a stake

At the approximate intersection of the southerly line of N. Jersey Street and the easterly line of N. Ida Avenue

On a pole

At the approximate intersection of the westerly line of the alley in Block 4, Heppner's Addition, and the northerly line of N. Jersey Street

On a tree

At the approximate intersection of the westerly line of the alley in Block 4, Heppner's Addition and the southerly line of N. Kellogg Street extended easterly

On a stake

On the approximate westerly line of the alley in Block 4, Heppner's Addition, approximately 107 feet southerly of the southerly line of N. Lombard Street

On a tree

At the approximate intersection of the southerly line of N. Lombard Street and the easterly line of N. Heppner Avenue

On a pole

At the approximate intersection of the westerly line of N. Heppner Avenue and the southerly line of N. Kellogg Street extended easterly

On a stake

At the approximate intersection of the westerly line of N. Heppner Avenue and the northerly line of N. Jersey Street

On a stake

At the approximate intersection of the westerly line of N. Heppner Avenue and the northwesterly line of the Spokane, Portland and Seattle Railway Company right-of-way

On a stake

At the approximate intersection of the northerly line of N. Jersey Street and the northwesterly line of the Spokane, Portland and Seattle Railway Company right-of-way

On a stake

At the approximate intersection of
the southerly line of N. Jersey Street
and the northerly line of the Spokane,
Portland and Seattle Railway Company
right-of-way

On a pole

At the approximate intersection of
the westerly line of the alley in
Block 1, Heppner's Addition and the
northerly line of the Spokane,
Portland and Seattle Railway Company
right-of-way

On a stake

At the approximate intersection of
the westerly line of the alley in
Block 1, Heppner's Addition and the
southerly line of N. Lombard Street

On a pole

AND WHEREAS, said matter came on regularly for hearing
on May 9, 1962, and the remonstrance filed by William Campbell
was withdrawn by the remonstrator, and no one appeared to
object thereto and no additional objection or remonstrance,
nor any claim for damage was filed or made against the same,
and

WHEREAS, the Council finds that the petition for said
street vacation has been investigated by the City Engineer,
who recommends that the vacation be granted subject to
certain conditions set forth in his report, and

WHEREAS, the Council finds that the reason for this vaca-
tion is for general business purposes, the same as the
adjacent ground, and particularly for shopping center purposes,
and

WHEREAS, the Commission of Public Docks and the Port of
Portland have duly approved the said proposed vacation, and

WHEREAS, the Council finds that the vacation of the
public street area herein described will not injuriously
affect the market value of the property abutting or affected
by such vacation, but such vacation is in the public interest,
and said vacation in all respects will be for the public
welfare, and it further appearing that all things have been
done as provided by law for the vacation of said street area
and that final action should now be taken thereon and such
vacation 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 upon said street area to be

vacated, but will be beneficial thereto; that the consent of the owners of all of the property adjacent or abutting the area to be vacated has been obtained in writing, duly acknowledged and filed as hereinabove stated; that the consent of the owners of more than two-thirds in area of all owners of real property affected by said vacation has also been filed; that notice has been duly and regularly given of such vacation and hearings thereon duly and regularly had, and the Council found and does now find that the public interest will not be prejudiced thereby, but that said vacation will enhance the public interest and welfare; that the petition for vacation should be granted with conditions as outlined in the City Engineer's Report, as hereinafter recited, all of which determinations hereby are made a matter of record.

Section 2. There hereby is vacated the following described property in the city of Portland, county of Multnomah, state of Oregon, to-wit:

All those portions of N. Heppner Avenue lying between the south line of N. Lombard Street and the northwesterly line of the Spokane, Portland and Seattle Railway Company right-of-way, and, also, all that portion of N. Jersey Street lying between the easterly line of N. Ida Avenue and the northwesterly line of the Spokane, Portland and Seattle Railway Company right-of-way, and, also, that portion of the alley in Block 1, Heppner's Addition, lying northerly of the northwesterly line of the Spokane, Portland and Seattle Railway Company right-of-way, and, also, that portion of the alley in Block 3, Heppner's Addition, lying northerly of the northwesterly line of the Spokane, Portland and Seattle Railway Company right-of-way, and, also, all of the alley in Block 4, Heppner's Addition, except the northerly 106.72 feet thereof;

Provided, that there shall be dedicated concurrently herewith to the city of Portland for the benefit and use of the public by good and sufficient document, approved by the City Attorney as to form, in lieu of the property herein vacated, that certain property described in Condition ((d) of Section 3 of this Ordinance.

Section 3. This vacation is made contingent and dependent upon the following conditions:

(a) This vacation is made upon the condition and with the reservation that nothing herein contained shall cause or

require the removal of or abandonment of any sewer, water main, 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 center line of any such utility, except by written consent of the City Engineer and the owner of such utility first had; 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, Bureau of Building Inspection, to the end that such construction may be so adjusted with reference to all public utilities in said area as to cause a minimum amount 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 hereafter reconstructed, renewed, replaced and/or enlarged.

(b) That the petitioner pay all costs incidental to said vacation.

(c) That the petitioner pay all costs for the reconstruction of intersections and drainage facilities as required by the City Engineer.

(d) That the petitioner dedicate to the City for street purposes a strip having a minimum width of 50 feet and extending from the south line of N. Princeton Street southerly to the north line of N. Willamette Boulevard, and lying adjacent to the northeasterly line of the Spokane, Portland and Seattle Railway Company right-of-way.

(e) That the petitioner at his expense improve N. Ida Avenue and its southerly extension between N. Lombard Street and N. Willamette Boulevard, said improvements to consist of curbs and a 36-foot wide hard surface roadway and necessary storm drainage facilities as required by the City Engineer.

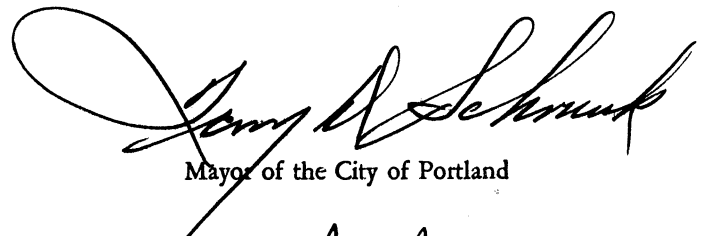
Section 4. The petitioner, the Efem Company, by Fred G. Meyer, President, shall file with the Auditor of the city of Portland an acceptance of this vacation, signed and acknowledged by its duly authorized representative, and approved by the City Attorney as to form, and the Auditor shall file for record with the County Clerk of Multnomah County, State of Oregon, a certified copy of this ordinance and said acceptance thereof, as provided by law, and likewise file copies with the County Assessor and the County

ORDINANCE No.

Surveyor of said County. The filings herein provided shall be at the expense of and shall be paid by said petitioner.

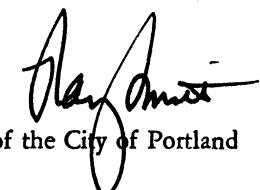
Section 5. Inasmuch as this ordinance is necessary for the immediate preservation of the public health, peace and safety of the city of Portland in this: In order that there may be no delay or interruption in the commercial development of adjacent property as a shopping center which is presently underway; 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, MAY 16 1962



Mayor of the City of Portland

Attest:



Auditor of the City of Portland

C-7763

Calendar No. 1807

ORDINANCE No. 115217

Title

An Ordinance vacating certain portions of N. Heppner Avenue and N. Jersey Street, and portions of the alleys in Blocks 1, 3 and 4, Heppner's Addition, under certain terms and conditions, and declaring an emergency.

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Bean	1	
Bowes	1	
Earl	1	
Grayson	1	
Schrunk	1	

FOUR-FIFTHS CALENDAR	
Bean	
Bowes	
Earl	
Grayson	
Schrunk	

Filed MAY 11 1962

RAY SMITH
Auditor of the CITY OF PORTLAND

By *[Signature]* Deputy

INTRODUCED BY
Order of Council

DRAWN BY
AGB:dh
Date May 10, 1962

NOTED BY THE COMMISSIONER
Affairs
Finance
Safety
Utilities
Works

City Attorney
<i>[Signature]</i>

NOTED FOR CITY AUDITOR
<i>[Signature]</i>
<i>[Signature]</i>

APPROVED
Date
By City Engineer
Date
By