

County Clerk's Office, Multnomah County, Oregon

Ord # 118218
CIRCUIT COURT DEPARTMENT
LITIGATION ACCOUNT

No 2125

Reg. No. _____

Portland, Oregon. April 22 1964

RECEIVED OF Mary Smith, Auditor, City of Portland
Two and 50/100 _____ DOLLARS

Plaintiff	\$	
Defendant	\$	
Bail	\$	
Surveyor fee	\$	2.50
	\$	
Total . . .	\$	2.50

vacating portions of
SE 45TH vs. SE Knight
St.

In the above entitled case.

SI COHN,
County Clerk,

By *[Signature]* Deputy

RECEIVED ACCEPTANCE

MAR 26 2 17 PM '64

RAY SMITH, AUDITOR
CITY OF PORTLAND, ORE.Portland, Oregon, March 19⁶⁴ 19__

BY _____

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. 118218 vacating a certain portion of S.E. 45th Avenue and S.E. Knight Street, subject to 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,


Robert E. Dieringer
[CORPORATE
SEAL]

Dieringer's Properties, Inc.

4500 S.E. Woodstock Boulevard, Portland, Ore 97206

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.

ORDINANCE NO. 118218

An Ordinance vacating a certain portion of S.E. 45th Avenue and S.E. Knight Street, subject to conditions,

WHEREAS the Council finds that under date of January 15, 1964, Dieringer's Properties, Inc., by Robert E. Dieringer, petitioned the Council for the vacation of a certain portion of S.E. 45th Avenue and S.E. Knight Street of the City of Portland, County of Multnomah, State of Oregon, pursuant to the applicable provisions of ORS 271.010 et seq. and also filed with the Auditor the consents in writing of all owners of property abutting upon the portion of said streets to be vacated, and thereupon the City Auditor gave notice by posting and by publication of a notice once each week for five successive weeks that said petition had been filed for the vacation of said street area; that the matter of said vacation together with any objections, remonstrances or claims for damage which might be made in writing and filed with the City Auditor prior to the time for hearing would be heard and considered by the Council at a meeting to be held at 9:30 A.M., February 26, 1964, in the Council Chambers of the City Hall, in the City of Portland, Oregon; that said notice was first published in the City's official newspaper to-wit: The Daily Journal of Commerce, January 24, 1964, and said Auditor within five days after the first publication further published said matter by posting five (5) notices headed "Notice of Street Vacation" in five (5) conspicuous places in the area proposed to be vacated in the following described locations:

<u>Location:</u>	<u>Object to which attached:</u>
At the approximate northeast corner of the intersection of S.E. 44th Avenue and S.E. Knight Street	On a pole
At the approximate southwest corner of the intersection of S.E. 45th Avenue and S.E. Knight Street	On a street sign post
At the approximate southwest corner of the intersection of S.E. 46th Avenue and S.E. Knight Street	On a pole
At the approximate southwest corner of the intersection of S.E. 45th Avenue and S.E. Ramona Street	On a street sign post
On the approximate east line of S.E. 45th Avenue approximately 99 feet south of the south line of S.E. Knight Street	On a pole

AND WHEREAS, said matter came on regularly for hearing on February 26, 1964 and thereafter continued to March 4, 1964, and no one appeared to object thereto and no objections, remonstrances nor claims for damage were made or filed against the same, said objections and remonstrances having been heard and considered at the meeting on the zone change also petitioned by this corporation; and

WHEREAS the abutting property owners have consented to said proposed vacation and said consents have been filed with the City Auditor, and more than two-thirds of the area inside the district has been found to be represented as consenting thereto, and

WHEREAS the Council further finds that the proposed vacation has been investigated by the City Planning Commission and by the City Engineer, the latter under date of January 8, 1964, recommended approval of the vacation under certain conditions hereinafter set forth, and

WHEREAS the purpose of this vacation is for general commercial purposes, the same as the adjacent ground, and particularly for consolidation of adjoining properties for business development; and

WHEREAS the Council finds that the vacation of said area will not injuriously affect the market value of the property abutting or affected by such vacation but that such vacation is in the public interest and said vacation in all respects will be for the public welfare and the Council further finds 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 ordains:

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 owners of property abutting upon said area to be vacated will not be damaged by said vacation; that notice has been duly and regularly had; that the consents of the owners of all the property abutting such area to be vacated has been obtained in writing, duly acknowledged and filed as hereinabove stated; that no claims for damage were made or filed against said vacation 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 are made a matter of record.

Section 2. There hereby is vacated the following:

All that portion of S.E. 45th Avenue from a line 99 feet south of and parallel to the south line of S.E. Knight Street, thence northerly to the south line of S.E. Ramona Street, also S.E. Knight Street from the east line of S.E. 44th Avenue to the west line of S.E. 46th Avenue, in the City of Portland, County of Multnomah, State of Oregon.

Section 3. This vacation is granted subject to the following conditions:

1. That petitioner pay all costs incidental to the vacation.

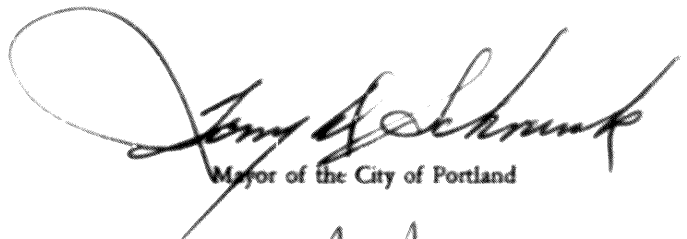
2. Nothing herein contained shall cause or require the removal or abandonment of any sewer, water or gas main, conduit of any kind, wire, pole or thing used, or intended to be used, for any public service, and the right hereby is reserved for the owner of any such utility or thing to maintain, continue, repair, reconstruct, renew, replace, rebuild, and/or enlarge any and all such things, except that the City sewer in S.E. 45th Avenue extending south from S.E. Ramona Street to a point approximately 50 feet south of the south line of S.E. Knight Street, and the sewer in S.E. Knight Street extending east from S.E. 44th Avenue approximately 50 feet, are hereby abandoned and will no longer be maintained by the City; 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 with the written consent of the City Engineer and the owner of the 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 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 hereafter reconstructed, renewed, replaced and/or enlarged.

3. That the petitioner pay all costs of the killing of a two inch water main in the portion of S.E. Knight Street herein vacated, in addition to paying all costs for the removal or relocation of water services, as required by the Chief Engineer, Bureau of Water Works.

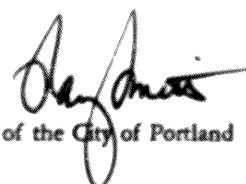
ORDINANCE No.

Section 4. Petitioner Dieringer Properties, Inc., by Robert E. Dieringer, shall file with the Auditor of the City of Portland an acceptance of this vacation approved by the City Attorney as to form, and the Auditor shall file for record with the County Clerk, who is ex officio recorder of Multnomah County, a certified copy of this ordinance and a certified copy of said acceptance as provided by law and shall file copies with the County Assessor and County Surveyor.

Passed by the Council, MAR 18 1964


Mayor of the City of Portland

Attest:


Auditor of the City of Portland

Calendar No.

~~8940~~
9792

ORDINANCE No. 118218

Title

An Ordinance vacating a certain portion of S.E. 45th Avenue and S.E. Knight Street, subject to conditions. 137

MAR 11 1964

Read 1 & 2 :

PASSED TO THIRD READING MAR 18 1964

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

FOUR-FIFTHS CALENDAR	
Bean	
Bowes	
Earl	
Grayson	
Schrunk	

INTRODUCED BY
Order of Council

DRAWN BY

ACB:rf

Date March 6, 1964

NOTED BY THE COMMISSIONER

Affairs

Finance

Safety

Utilities

Works

City Attorney

NOTED FOR CITY AUDITOR

APPROVED

Date

By

City Engineer

Date

By

Auditor of the CITY OF PORTLAND

RAY SMITH

Filed MAR 6 1964

By

Deputy