

128257  
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RAY SMITH - AUDITOR  
CITY OF PORTLAND, ORE.  
BY *elt*

## ACCEPTANCE

Portland, Oregon, December 19, 1968

RAY SMITH  
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. 128257, passed by the Council December 18, 1968, vacating that portion of SE Harney Street lying between the easterly Harbor Line of the Willamette River, and a line drawn 110 feet westerly of and parallel with the westerly line of SE Grand Avenue, 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,

PORTLAND ROWING CLUB, INC.

[CORPORATE  
SEAL]

By: *Paul B. Lusk*

Paul B. Lusk, Secretary

*46 Portland Rowing Club*

Address

Foot of S.E. Harney Street, Portland, Ore.  
97201

Approved as to form:

*[Signature]*  
CHIEF DEPUTY 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. 128257

An Ordinance vacating that portion of SE Harney Street lying between the easterly Harbor Line of the Willamette River, and a line drawn 110 feet westerly of and parallel with the westerly line of SE Grand Avenue, under certain conditions.

The City of Portland ordains:

Section 1. The Council finds that on March 3, 1967, Portland Rowing Club, Inc., by Paul B. Lusk, Secretary, Foot of SE Harney Street, Portland, Oregon 97201, filed a petition for the vacation of a portion of SE Harney Street; that the purpose of said vacation is to provide land for expansion of existing rowing club facilities; that said area to be vacated is more particularly described as follows:

That portion of SE Harney Street lying between the easterly Harbor Line of the Willamette River, and a line drawn 110 feet westerly of and parallel with the westerly line of SE Grand Avenue, when measured at right angles thereto.

that said petition has been approved by the Commissioner of Public Works subject to certain conditions set forth hereinbelow; that said petition complies in all respects with the provisions of ORS 271.080 in that it includes the consents of the owners of all abutting property and of not less than two-thirds in area of the real property affected thereby; that pursuant to ORS 271.100 the Council fixed a time and place for public hearing before the Council; that the City Auditor published notice of such hearing in the City official newspaper, namely, Daily Journal of Commerce, once each week for four consecutive weeks, and posted such notice in certain places in area proposed to be vacated, all in accordance with provisions of ORS 271.110; that said petition came on regularly for hearing and no objections were made or filed thereto and it is in the public interest that said street be vacated; now, therefore, that certain street hereinbefore described hereby is vacated under the following conditions:

- (a) Petitioner shall pay all costs incidental to the vacation proceedings.
- (b) Petitioner shall pay all costs related to killing the existing 2-inch diameter water main and transferring the attached water service to a new location in a city street, as required by the Water Engineer.

**ORDINANCE No.**

(c) Petitioner shall dedicate to the City the following-described property for street purposes:

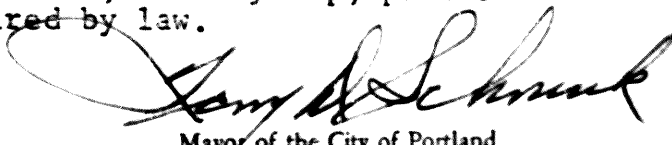
A strip of land 47.12 feet in width lying north of and adjacent to the south line of Block G, 2nd Supplemental Plat of the Town of Sellwood as recorded June 7, 1893, in Book 200 at page 5 in County's Plat Books and its westerly extension across submerged lands to the easterly Harbor Line of the Willamette River as established by the United States Army, Corps of Engineers, February 1968, in the city of Portland, county of Multnomah and state of Oregon.

(d) Except for the 2-inch diameter water main mentioned in subsection (b) hereof, 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; 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. 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 hereafter reconstructed, renewed, replaced and/or enlarged.

(e) Petitioner shall file with the City Auditor, in form approved by the City Attorney, a document in writing accepting the terms and conditions of this ordinance.

Section 2. The City Auditor shall, at the expense of petitioner, file with the recorder, the assessor and the surveyor of Multnomah County 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, DEC 18 1968

  
Mayor of the City of Portland

Attest:

  
Auditor of the City of Portland

Order of Council  
MCR:jw 12/5/68

5804  
~~5804~~  
Calendar No.

ORDINANCE No. 128277

Title

An Ordinance vacating that portion of SE Harney Street lying between the easterly Harbor Line of the Willamette River, and a line drawn 110 feet westerly of and parallel with the westerly line of SE Grand Avenue, under certain conditions.

DEC 11 1968

PASSED TO THIRD READING DEC 18 1968

INTRODUCED BY  
Order of Council

DRAWN BY  
MCR:jw  
Date December 5, 1968

NOTED BY THE COMMISSIONER

Affairs  
Finance and  
Administration

Safety

Utilities

Works

City Attorney

NOTED FOR CITY AUDITOR

MCR  
MCR

APPROVED

Date

By

City Engineer

Date

By

THE COMMISSIONERS VOTED  
AS FOLLOWS:

	Yeas	Nays
Bowes	/	
Earl	/	
Grayson	/	
Ivancie	-	
Schrunk	/	

FOUR-FIFTHS CALENDAR

Bowes	
Earl	
Grayson	
Ivancie	
Schrunk	

Filed DEC 5 1968

RAY SMITH

Auditor of the CITY OF PORTLAND

By

Deputy