

RECEIVED

128258

DEC 31 7 49 AM 1968

AUD 50-25-640

RAY SMITH FOR
CITY OF PORTLAND ORE.BY G. C.

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. 128258, passed by the Council December 18, 1968, vacating all that portion of S. W. Hamilton Street lying between the northerly extension of the east line of the west 100 feet of Lot 1, Block C, Portland Homestead and a line drawn 120.42 feet easterly of and parallel thereto, 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]Richard Sunderleaf
Richard SunderleafMildred B. Sunderleaf
Mildred B. Sunderleaf

Address

319 S.W. Washington Street, Portland, Ore.
97204

Approved as to form:

W. H. H. H. H.
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. 128258

An Ordinance vacating all that portion of S.W. Hamilton Street lying between the northerly extension of the east line of the west 100 feet of Lot 1, Block C, Portland Homestead and a line drawn 120.42 feet easterly of and parallel thereto, under certain conditions.

The City of Portland ordains:

Section 1. The Council finds that Richard and Mildred B. Sunderleaf, 319 S.W. Washington Street, Portland 97204, have heretofore filed a petition for the vacation of certain area in S.W. Hamilton Street, in the City of Portland, hereinafter more particularly described; that the purpose for such vacation is for general commercial purposes, the same as the adjacent ground, and particularly to provide additional off-street parking for a proposed commercial building; that said petition has been approved by the Commissioner of Public Works under certain conditions hereinafter set forth and as recommended by the City Engineer in his report dated October 11, 1968, and the petition complies in all respects with all the provisions of ORS 271.080 in that it includes the consents of 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 City Council, 9:30 A.M., December 4, 1968 in the Council Chambers of the City Hall, Portland, Oregon, at which time and place said hearing was held; that the Auditor published notice of such hearing in the city official newspaper the Daily Journal of Commerce, once each week for four consecutive weeks and posted such notice in certain places in area to be vacated, all in accordance with provisions of ORS 271.100 et seq; that said vacation will not interfere with any improvement proposed by the Commission of Public Docks nor with the reasonable access to the water front nor any transportation terminal, , the consents of said vacation by the Port of Portland and the Dock Commission being made part of Council Calendar No. 5527; that there were no remonstrances made or filed against the petition, and the Council found and does now find that said vacation should be granted with conditions; now, therefore, the following described property hereby is vacated under the following conditions:

All that portion of S.W. Hamilton Street, lying between the northerly extension of the east line of the west 100 feet of Lot 1, Block C, Portland Homestead and a line drawn 120.42 feet easterly of and parallel thereto, in the City of Portland, County of Multnomah, State of Oregon.

ORDINANCE No.

a. The petitioners shall pay all costs incidental to the vacation proceedings.

b. The petitioners agree to pay all costs related to killing an existing 2-inch diameter water main and relocating the attached water service to a dedicated street as required by the Water Engineer.

c. That direct access to S.W. Macadam Avenue from the easterly terminus of the portion of S.W. Hamilton Street hereby vacated, is prohibited.

d. Nothing herein contained shall cause or require the removal of 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 (except as hereinabove set forth) 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 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 with the written consent of the City Engineer and the owner of the utility first obtained, 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 hereafter reconstructed, renewed, replaced and/or enlarged.

Section 2. Petitioners 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 3. The City Auditor shall at the expense of petitioners file with the recorder, the assessor and 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.

Passed by the Council, DEC 18 1968

Order of Council

12-5-69

MCR:gm


Mayor of the City of Portland

Attest:


Auditor of the City of Portland

Calendar No.

5805
~~5871~~

ORDINANCE No. 128258

Title

An Ordinance vacating all that portion of S.W. Hamilton Street lying between the northerly extension of the east line of the west 100 feet of Lot 1, Block C, Portland Homestead and a line drawn 120.42 feet easterly of and parallel thereto, under certain conditions.

DEC 11 1968

17-00000 THIRD READING DEC 18 1968

INTRODUCED BY
Order of Council

DRAWN BY

MCR:gm

Date 12-5-68

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	1	
Earl	1	
Grayson	1	
Ivancie	1	
Schrunk	1	

FOUR-FIFTHS CALENDAR

Bowes	
Earl	
Grayson	
Ivancie	
Schrunk	

Filed DEC 5 1968

RAY SMITH

Auditor of the CITY OF PORTLAND

By

Deputy