

RECEIVED 10

DEC 19 1968

RAY SMITH AUDITOR
CITY OF PORTLAND ORE.BY Relly
December 19, 1968

ACCEPTANCE

Portland, Oregon, _____

RAY SMITH

Auditor of the City of Portland,

Room 202, City Hall

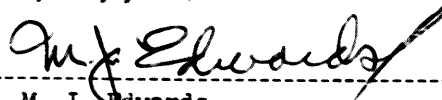
Portland, Oregon 97204

Dear Sir:

This is to advise the City of Portland, Oregon, that I hereby accept the terms and provisions of Ordinance No. 128259, passed by the Council December 18, 1968, vacating all that portion of S. E. Sherman Street lying between the east line of S. E. 4th Avenue extended and a line described as follows: Beginning at a point in the south line of Block 53, Stephens Addition to East Portland, said point being 78.60 feet east of the southwest corner thereof; thence southeasterly in a straight line to a point on the northerly line of Block 52 in said addition lying 92.55 feet easterly of the northwest corner thereof and there terminating, 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,

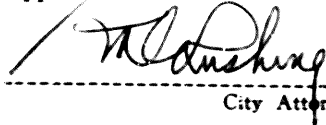


* M. J. Edwards

[CORPORATE
SEAL]

210 State Street, Lake Oswego, Oregon

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. 128259

An Ordinance vacating all that portion of S.E. Sherman Street lying between the east line of S.E. 4th Avenue extended and a line described more fully below, under certain conditions.

The City of Portland ordains:

Section 1. The Council finds that M. J. Edwards, 210 State Street, Lake Oswego, Oregon 97034 filed a petition with the City Council for the vacation of a portion of S.E. Sherman Street lying between the east line of S.E. 4th Avenue extended and a line described more fully below; that the purpose of said vacation is to consolidate the petitioner's property and provide off-street parking and maneuvering area for their established trucking operation; that said vacation has been approved by the Commissioner of Public Works under the usual conditions as set forth in the report of the City Engineer, dated October 8, 1968 and said petition was considered by the Planning Commission (P.C. File No. V27-68, Attached to and made a part of Council Calendar No. 5525 - 1968); that the Planning Commission recommended approval of the petition; that pursuant to ORS 271.100, the Council fixed a time and place for public hearing before the Council at 9:30 A.M., Wednesday, December 4, 1968, in the Council Chambers of the City Hall, in the City of Portland, Oregon, at which time and place said hearing was held; that there were no remonstrances made or filed against the petition; that the City 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 proposed to be vacated, all in accordance with the provisions of ORS 271.110; that said matter came on regularly for hearing and no objections were made or filed thereto and it is in the public interest that said streets be vacated; that said vacation will not interfere with any improvements proposed by the Commission of Public Docks nor with reasonable access to the water front nor any transportation terminal; that consents of Port of Portland and the Commission of Public Docks, also the Oregon State Highway Department, hereby are made a part of Council Calendar No. 5525; now, therefore, the following described property is vacated upon the following conditions:

All that portion of S.E. Sherman Street, lying between the east line of S.E. 4th Avenue extended and a line described as follows:

Beginning at a point in the south line of Block 53, Stephens Addition to East Portland, said point being 78.60 feet east of the southwest corner thereof; thence southeasterly in a straight line to a point on the northerly line of Block 52 in said addition lying 92.55 feet easterly of the northwest corner thereof and there ter-

ORDINANCE No.

minating.

(a) 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; 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 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.

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

(c) That in the 20-foot water main easement reserved in the street area herein vacated, there shall be no storage of heavy material or any material which might prevent maintenance or cause delay in making emergency repairs to the water main, and excavation or grading in said easement area shall be limited to the extent that a minimum of 3-1/2 feet of cover is maintained over the pipe therein.

(d) That if at any time the petitioner, his heirs, successors and assigns propose to construct a building or permanent structure within the 20 foot wide water main easement herein reserved, the petitioner, his heirs, successors and assigns agree to pay all costs related to the abandonment and relocation of the existing 8" diameter water main to S.E. 4th Avenue, as required by the Water Engineer.

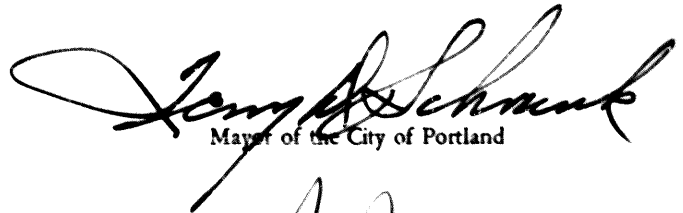
Section 2. The Commissioner in charge shall file with the City Auditor, in form approved by the City Attorney, a document in writing accepting the terms and conditions of this ordinance.

Section 3. The City Auditor shall file with the recorder, the assessor and the surveyor of Multnomah County a certified copy of

ORDINANCE No.

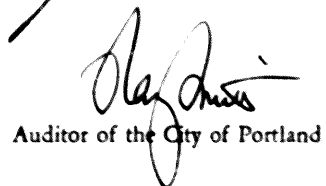
this ordinance and the acceptance thereof, and any map, plat or other record which may be required by law.

Passed by the Council, DEC 18 1968



Mayor of the City of Portland

Attest:



Auditor of the City of Portland

Order of Council
12/5/68 MCR:rf

5806
~~5806~~
Calendar No.

ORDINANCE No. 128259

Title

An Ordinance vacating all that portion of S.E. Sherman Street lying between the east line of S.E. 4th Avenue extended and a line described more fully below, under certain conditions.

DEC 11 1968

PASSED TO THIRD READING DEC 18 1968

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

FOUR-FIFTHS CALENDAR	
Bowes	
Earl	
Grayson	
Ivancie	
Schrunk	

RAY SMITH
Auditor of the CITY OF PORTLAND

Filed DEC 6 1968

By *Robert A. Smith*
Deputy

INTRODUCED BY
Order of Council

DRAWN BY
MCR:rf
Date = 12/4/68

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration
Safety
Utilities
Works

City Attorney <i>MCR</i>

NOTED FOR CITY AUDITOR
<i>MCR</i>

APPROVED
Date
By
City Engineer
Date
By