

RECEIVED

136086

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ACCEPTANCE

GEORGE YERKOVICH, AUDITOR
CITY OF PORTLAND, ORE.BY 

Portland, Oregon, February 26 1973

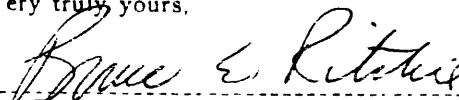
GEORGE YERKOVICH
Auditor of the City of Portland
Room 202, City Hall
Portland, Oregon 97204

Dear Sir:

This is to advise the City of Portland, Oregon, that I hereby accept the terms and provisions of Ordinance No. 136086, passed by the Council February 22, 1973, vacating the east one-half of S.W. 40th Avenue lying between the easterly extension of the south line of S.W. Brugger Street and the easterly extension of the north line of S.W. Collins Street, 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.

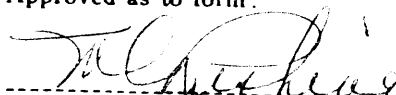
Very truly yours,


Bruce E. Ritchie[CORPORATE
SEAL]

17750 S.W. Shawnee Trail, Tualatin, OR 97062

Address

Approved as to form:


City Attorney

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*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. 136086

An Ordinance vacating the east one-half of S. W. 40th Avenue lying between the easterly extension of the south line of S. W. Brugger Street and the easterly extension of the north line of S. W. Collins Street, under certain conditions.

The City of Portland ordains:

Section 1. The Council finds that Bruce E. Ritchie, 17750 S. W. Shawnee Trail, Tualatin, Oregon 97062, on July 28, 1972, filed a petition with the City Council for the vacation of all that portion of S. W. 40th Avenue lying between the easterly extension of the south line of S. W. Brugger Street and the easterly extension of the north line of S. W. Collins Street; that the purpose of such street vacation is to enlarge the residential yard area; that the 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 November 28, 1972; that said petition was considered by the Planning Commission in their report (PC V 24-72) and said Commission recommended approval of the requested street vacation subject to the retention of a 10 foot wide pedestrian easement within the east half of the requested street vacation area so that pedestrians would not have to walk around a long east-west block; that said petition complied in all respects with all of the provisions of ORS 271.080 in that it includes the consent 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, to-wit: 9:30 A.M., January 24, 1973, in the Council Chambers of the City Hall, in the City of Portland, Oregon, at which time and place said hearing was held; that the Auditor published notice of such hearing in the City's 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 street vacation will not interfere with any improvements, nor with reasonable access to the waterfront nor any transportation terminal; that the consent of the State of Oregon, by and through its Highway Division, hereby is made a part of Council Calendar No. 203 (1973); that there were no remonstrances made or filed against the petition herein, and the Council found and does now find that said street vacation should be granted with conditions; now, therefore, the following described property hereby is vacated:

The east one-half of S. W. 40th Avenue lying between the easterly extension of the south line of S. W. Brugger Street and the easterly extension of the north line of S. W. Collins Street, located in the City of Portland, Multnomah County, Oregon

ORDINANCE No.

under the following conditions:

1. That the petitioners pay all costs incidental to the vacation proceedings:
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; 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.
3. That the petitioner grant to the City of Portland an easement for public walkway and construction and maintenance of the sewers along the westerly 15 feet of the easterly 30 feet of the portion of S.W. 40th Avenue herein vacated.
4. That in the event petitioner fails to fully comply with the above conditions within 6 months after the effective date of this ordinance, said ordinance will then be subject to repeal by the Council.

Section 2. 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 3. The City Auditor shall at the expense of the petitioner 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, FEB 22 1973

Order of Council
February 5, 1973
MCR/fg


Mayor of the City of Portland

Attest:


Auditor of the City of Portland

576
Calendar No. ~~174~~

ORDINANCE No. 136086

Title

An Ordinance vacating the east one-half of S. W. 40th Avenue lying between the easterly extension of the south line of S. W. Brugger Street and the easterly extension of the north line of S. W. Collins Street, under certain conditions.

FEB 14 1973

PASSED TO THIRD READING FEB 22 1973

INTRODUCED BY
Order of Council

DRAWN BY
MCR/fg
Date February 5, 1973

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration
Safety
Utilities
Works

City Attorney

NOTED BY THE CITY AUDITOR

APPROVED
Date
By City Engineer
Date
By

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Years	Days
Anderson	1	
Ivancie	1	
McCreedy	1	
Schwab	1	
Goldschmidt	1	

FOUR-FIFTHS CALENDAR	
Anderson	
Ivancie	
McCreedy	
Schwab	
Goldschmidt	

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND
George Yerovich
Deputy