

MAR 30 9 11 AM 1973

GEORGE YERKOVICH, AUDITOR
CITY OF PORTLAND, ORE.

ACCEPTANCE

BY elr

Portland, Oregon, _____ March 8 _____ 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. 136151, passed by the Council March 7, 1973, vacating all that portion of S.W. Water Avenue lying between the north line of S.W. Gaines Street and the north line of S.W. Pennoyer Street excepting the east 31 feet extending between the south line of S.W. Pennoyer Street and the north line of S.W. Pennoyer 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,

PORTLAND GENERAL ELECTRIC COMPANY

[CORPORATE
SEAL]

*BY:

name

title Sr. Vice President

621 S.W. Alder Street, Portland 97205

Address

Attest:

Asst. Secretary

Approved as to form:

CHIEF DEPUTY 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. 136151

An Ordinance vacating all that portion of S.W. Water Avenue lying between the north line of S.W. Gaines Street and the north line of S.W. Pennoyer Street excepting the east 31 feet extending between the south line of S.W. Pennoyer Street and the north line of S.W. Pennoyer Street, under certain conditions.

The City of Portland ordains:

Section 1. The Council finds that Portland General Electric Company, by John L. Fishback, Land Department, Electric Building, 621 S.W. Alder Street, Portland, Oregon 97205, has heretofore filed a petition for the vacation of S.W. Water Avenue lying between the north line of S.W. Gaines Street and the north line of S.W. Pennoyer Street excepting the east 31 feet extending between the south line of S.W. Pennoyer Street and the north line of S.W. Pennoyer Street, in the City of Portland, County of Multnomah, State of Oregon; that the purpose of said vacation is to landscape unused street area as a buffer strip fronting a power substation; that the vacation has been approved by the Commissioner of Public Works subject to certain conditions as recommended by the City Engineer in his report dated December 6, 1972, and as more fully stated below; that the vacation proceeding complies with all the provisions of ORS 271.080 in that it includes the consents of all the abutting property owners and of not less than two-thirds in area of the real property affected thereby; that the City Auditor published notice in certain places in area proposed to be vacated all in accordance with provisions of ORS 271.110; that said matter came on regularly for hearing before the City Council at 9:30 A.M., Wednesday, February 21, 1973 in the Council Chamber of the City Hall in the City of Portland, Oregon, at which time and place said hearing was held and at which time was continued until Thursday February 22, 1973 so that the report of the Port of Portland could be obtained and read, and this was duly received, and there was no objections on either date; that said vacation will not interfere with any improvement or use by the Oregon State Highway Department nor with any improvements proposed by the Port of Portland Commission, nor with any reasonable access to the waterfront nor any transportation terminal, and consents necessary have been received and it is in the public interest that said area be vacated; now, therefore, the following described area hereby is vacated as follows and upon the following conditions:

All that portion of S.W. Water Avenue lying between the north line of S.W. Gaines Street and the north line of S.W. Pennoyer Street excepting the east 31 feet extending between the south line of S.W. Pennoyer Street and the north line of S.W. Pennoyer Street, in the City of Portland, County of Multnomah and State of Oregon,

Conditioned that:

(a) The petitioner pay all costs incidental to the vacation proceedings.

ORDINANCE No.

(b) Nothing herein contained shall cause or require the removal or abandonment of any sewer 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 be allowed in the easement area without the approval of the City Engineer.

(c) Area subject to the special reservation of an easement for existing and future construction of sewers to cover the entire 60 foot width of the portion of S.W. Water herein vacated.

(d) Should it become necessary for maintenance of sewers, restoration of any ground surface treatment, it shall be at the expense of the petitioner.

(e) The petitioner pay all costs of killing an existing water main and removal or relocation of water services as required by the Chief Engineer, Bureau of Water Works.

(f) That in the event the petitioner fails to fully comply with the above conditions within six months after the effective date of this ordinance, said ordinance will then be subject to repeal by the Council.

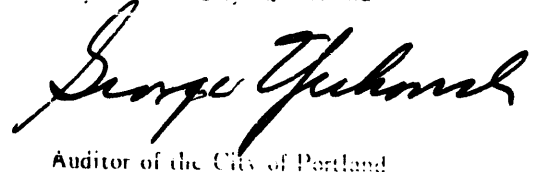
(g) The City Auditor shall file with the recorder, the assessor and the surveyor of the county in which said property is located a certified copy of this ordinance and the acceptance thereof and any map, plat or other record which may be required by law.

(h) Section 2. The 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.

Passed by the Council, MAR - 7 1973


Mayor of the City of Portland

Attest:


Auditor of the City of Portland

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Calendar No. ~~618~~

ORDINANCE No. 136151

Title

An Ordinance vacating all that portion of S.W. Water Avenue lying between the north line of S.W. Gaines Street and the north line of S.W. Penoyer Street excepting the east 31 feet extending between the south line of S.W. Penoyer Street and the north line of S.W. Penoyer Street, under certain conditions.

FEB 28 1973

PASSED TO THIRD READING MAR - 7 1973

THE COMMISSIONERS VOTED
AS FOLLOWS:

	Yeas	Nays
Anderson	1	
Ivancie	1	
McCreedy	1	
Schwab	1	
Goldschmidt	1	

FOUR-FIFTHS CALENDAR

Anderson	
Ivancie	
McCreedy	
Schwab	
Goldschmidt	

INTRODUCED BY
ORDER OF COUNCIL

DRAWN BY
February 23, 1973
MCR:rf
Date 2/23/73

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

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND
George Yerovich
Deputy

Filed FEB 23 1973