

## ORDINANCE NO. 151446

An Ordinance amending Ordinance No. 138348 which vacated portions of NW 2nd Avenue and NW Flanders Street by deleting Condition (h) of Section 1 of said Ordinance in its entirety and by deleting the requirement that a public easement be retained in the vacated street areas to accommodate two-directional light rail or other transit vehicles, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. At the request of Northwest Natural Gas Company, the City by Ordinance No. 138348 vacated that portion of NW 2nd Avenue lying between the north line of NW Everett Street and the south line of NW Glisan Street, and also that portion of NW Flanders Street lying between the west line of NW 1st Avenue and the east line of NW 3rd Avenue, subject to certain conditions.
2. Condition (b) of Section 1 of said Ordinance required that the vacation be subject to acceptance by Northwest Natural Gas Company of conditions imposed by the Downtown Plan Review 29, dated January 30, 1974 (DPR 29). Item one of paragraph 2 of said DPR 29 required that a public easement through the Northwest Natural Gas Company project be maintained between the 2nd and Everett - 3rd and Flanders intersection of sufficient width and appropriate alignment to accommodate two-directional light rail or other transit vehicles.
3. Condition (h) of Section 1 of said ordinance required that in the event construction of a four block development of offices and retail space is not commenced within two years from the effective date of the vacating ordinance, Northwest Natural Gas Company shall dedicate for street purposes, in an improved condition acceptable to the City Engineer, all of the street areas received by it resulting from passage of the vacating ordinance.
4. That for various reasons, Northwest Natural Gas Company was unable to commence such construction within the specified two year period, and so requested and was granted several one-year extensions in time to comply with said Condition (h) of the vacating ordinance, the last extension to January 6, 1981 having been granted by Ordinance No. 149048.
5. That Northwest Natural Gas Company now advises it proposes an early start of construction of First Phase - One Pacific Square Building on Block 14, Couch's Add., and that parking requirements imposed by the City Hearings Officer in essence encumbers parts of all of the

# ORDINANCE No.

five and one-half blocks owned by Northwest Natural Gas Company in the vicinity of NW 2nd Avenue and NW Flanders Street, and so has requested that the vacating ordinance be made permanent by deletion of Condition (h) of Section 1 of said Ordinance No. 138348, and further requests that the reference to a public easement for light rail or other transit vehicles be deleted from said ordinance.

6. That in reviewing the Northwest Natural Gas Company request with the Traffic Engineer, the Fire Marshal, and the Bureau of Planning it has been determined that those departments, in their planning for development in the area, are doing so with the assumption that the vacation of the portions of NW 2nd Avenue and NW Flanders Street are permanent, and further that the Planning Commission and Tri-Met have determined that those streets are not suitable as routes for light rail or other transit vehicles and recommend that the reservation for such use be deleted from the vacating ordinance.
7. That the vacation of NW 2nd Avenue and NW Flanders Street should now be made permanent by deletion of Condition (h) of Section 1 of said Ordinance No. 138348, and further that reservation of easements for light rail or other transit vehicles should be eliminated from said ordinance by deletion of Item 1 of Paragraph 2, Downtown Plan Review 29 dated January 30, 1974.

NOW, THEREFORE, the Council directs:

- a. Ordinance No. 138348 entitled "An Ordinance vacating portions of NW 2nd Avenue and NW Flanders Street, under certain conditions", is amended by deleting Condition (h) of Section 1 of said ordinance, and by deleting Item 1 of Paragraph 2, Downtown Plan Review 29 dated January 30, 1974.
- b. All other conditions appearing in said Ordinance No. 138348 shall remain in full force and effect.

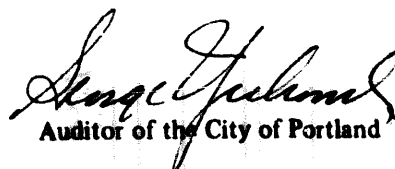
Section 2. The Auditor shall record a copy of this ordinance in the Multnomah County, Oregon, deed records.

Section 3. The Council declares an emergency exists, because delay in amending a vacating ordinance could hinder expeditious completion of development of commercial property; therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, **APR 22 1981**

Commissioner Mike Lindberg  
Carl Short/sg  
2/26/81

Attest:

  
Auditor of the City of Portland

1259  
Calendar No. 693

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Title

THE COMMISSIONERS VOTED  
AS FOLLOWS:

	Yeas	Nays
Jordan	1	
Lindberg	1	
Schwab	<del>1</del>	
Shackore	1	
Ivancie	1	

4

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MAR 1 1 1981

HOLD FOR 5th COMMISSIONER

Filed MAR 5 1981

GEORGE YERKOVICH

Auditor of the CITY OF PORTLAND

*John M. Lang*  
Deputy

INTRODUCED BY
COMMISSIONER MIKE LINDBERG

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration
Safety
Utilities
Works

BUREAU APPROVAL
Bureau: Street & Structural Engineering
Prepared By: Carl Short/sg
Date: 2/26/81
Budget Impact Review:
<input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not required
Bureau Head: David J. Vargas, Acting Chief

CALENDAR
Consent <input checked="" type="checkbox"/> Regular
NOTED BY
City Attorney
City Auditor
City Engineer
APPROVED: John M. Lang, P.E.
BY: <i>John M. Lang</i>