

Ordinance No. 39824

an Ordinance vacating that portion of Madrona Street which lies between the east line of Union Avenue and the west line of East 6th Street lying on the ~~southerly~~ side of the Portland Consolidated Street Railway property, and declaring an emergency.

WHEREAS, due notice was given by advertisement thereof for four successive weeks, to-wit, from July 14, 1921, to August 11, 1921, both dates inclusive, in the Daily Record-Abstract, the City Official Newspaper, published in the City of Portland, Multnomah County, State of Oregon, that at a regular meeting of the Council of said city to be held at 10 o'clock A.M. on August 17, 1921, a petition would be presented to said Council praying for the vacation of all that portion of said Madrona Street which lies between the east line of Union Avenue and the west line of East Sixth Street and embracing the portion of said Madrona Street lying on the ~~southerly~~ side of the Portland Consolidated Street Railway Company property now owned by the Portland Railway, Light & Power Company, but excepting the portion of Madrona Street lying between the west line of Grand Avenue and the east line of Grand Avenue, in the City of Portland, Multnomah County, State of Oregon, which said notice, together with due proof of publication, was filed in the office of the Auditor of said City of Portland on August 11, 1921, prior to the presentation of said petition to the Council, and

WHEREAS, the petition hereinbefore referred to was duly presented to said Council on said date, to-wit, August 17, 1921, which said petition duly set forth a description of said portion of said street sought to be vacated and the reasons for such vacation and the purpose for which the ground is proposed to be used and said petition was duly signed by **Allen J. Russell and Portland Railway, Light & Power Company, and**

WHEREAS, there was and is appended to said petition as a part thereof and as a basis for such vacation and as a basis for the granting of the prayer of said petition, the consent of the owners in fee simple of more than two-thirds of the real estate fronting on both sides of said street which is proposed to be vacated estimated upon the frontage of the street, said street being not continuous in either direction beyond said termini, which consent is in writing and duly acknowledged before an officer authorized to take acknowledgments and is attached to said petition and filed therewith with the Auditor of said City, and

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WHEREAS, the Council upon the presentation of said petition and the filing of proof of publication of the notice thereof, did fix a meeting of said Council to be held on the 31st day of August, 1921, at 10 o'clock A.M. as the time for hearing said petition and any objections that might be filed thereto, and

WHEREAS, at said time so fixed by the Council for such hearing, said petition was duly presented, heard and considered by the Council, there was no objection or objections presented thereto and the Council did find, ascertain and determine and does now hereby find, ascertain and determine that all the foregoing recited facts are true and that all the acts and things above recited have been duly done and performed as required by the charter and ordinances of said City of Portland and that the consent of the owners in fee simple has been given of at least two-thirds of the real property fronting on both sides of said portion of said street proposed to be vacated, estimated upon the frontage of said street, such frontage being as hereinbefore particularly set out, which consent is in writing duly acknowledged before an officer authorized to take acknowledgments and was and is attached to and filed with said petition; that no objection or objections to the vacation of said portion of said street has been made or filed and that the public interest will not be prejudiced by the vacation of said portion of said street, and

WHEREAS, the Council did on said date, to-wit, August 31, 1921, adopt the report of the Commissioner of Public Works and grant the prayer of said petition in its entirety, now, therefore,

The City of Portland Does Ordain as Follows:

Section 1. The findings and action hereinbefore recited are hereby made a matter of record and the Council of the City of Portland does hereby find and determine that all of the facts, matters and things hereinbefore recited are true and that all of the acts and things above recited have been done and performed as hereinbefore set forth and as required by the charter and ordinances of said City of Portland. The Council further finds and determines that the owners of at least two-thirds of said portion of said Madrona Street proposed to be vacated, estimated upon the frontage of said street, said street being not continuous in either direction beyond said termini, which consent of owners

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is in writing and duly acknowledged before an officer authorized to take acknowledgements and is and was attached to said petition and filed therewith with the Auditor of said City of Portland. The Council further finds and determines that no objection to the vacation of said portion of said street has been made or filed and that the public interest will not be prejudiced by the vacation of said portion of said street.

Section 2. That all of the following described portion of said Madrona Street, to-wit, that portion thereof which lies between the east line of Union Avenue and the west line of East 6th Street and embracing the portion of Madrona Street lying on the ~~southerly~~ side of the Portland Consolidated Street Railway Company property now owned by the Portland Railway, Light & Power Company, but excepting the portion of Madrona Street lying between the west line of Grand Avenue and the east line of Grand Avenue, in the City of Portland, Multnomah County, State of Oregon, be and the same is hereby vacated and said vacation of said portion of said street is hereby made a matter of record, but it is hereby expressly provided that the petitioners shall within ten days after the taking effect of this ordinance pay into the city treasury the cost of preparing and filing with the County Clerk of Multnomah County, Oregon, the necessary map showing such vacation, the amount of such cost to be determined by said Auditor, and in the event of a failure of said petitioners to pay such cost within said time, the Council reserves the right to rescind, repeal, cancel and annul this ordinance.

Section 3. Inasmuch as this ordinance is necessary for the immediate preservation of the public health, peace and safety of the City of Portland in this: That certain street improvements are dependent upon prompt action in regard to said matter, which street improvements are urgent, therefore an emergency is hereby declared to exist and this ordinance shall be in force and effect from and after its passage by the Council.

AUG 31 1921

Passed by the Council

Auditor of the City of Portland

Approved: SEP 1 1921

GEO. L. BAKER

8-29-21
A30-R

Mayor of the City of Portland.