

ORDINANCE No. 49346

An Ordinance vacating Philborough Street.

WHEREAS, due notice has been given by advertisement thereof for four weeks, to wit, from May 7, 1926 to June 4, 1926, both dates inclusive, in the Daily Journal of Commerce, 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 on the 9th day of June 1926, a petition would be presented to said Council praying for the vacation of Philborough Street as follows to wit: between the west line of East 74th Street and the west line of Block 3 in Montavilla, in the City of Portland, Oregon, which said notice, together with due proof of publication thereof was filed in the office of the Auditor of said City of Portland on June 4, 1926, 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, June 9, 1926, which said petition duly set forth a description of Philborough 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 Louis Schumacher; and

WHEREAS, there was 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 at least two-thirds of the real estate fronting upon both sides of said Philborough Street which is proposed to be vacated, 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

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 23rd day of June 1926, 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 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 objections or 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; and

WHEREAS, the Council did on said date, to wit, June 23rd, 1926, 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 is 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 consent of the owners of at least two-thirds of the real property fronting on both sides of said street proposed to be vacated, (said street being not continuous in either direction) has been obtained, which consent of owners is in writing and duly acknowledged before an officer authorized to take acknowledgments 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 said Philbrough Street which lies between the west line of East 74th Street and the west line of Block 3, in Montaville, 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 petitioner shall, within ten days after the  
 taking effect of this ordinance, pay into the city  
 treasury the cost of obtaining all the necessary  
 changes on the public records so as to indicate as  
 required by law such vacation; and it is hereby pro-  
 vided that the City Auditor shall file with the  
 County Clerk of Multnomah County a certified copy  
 of this ordinance, and shall obtain from the County  
 Surveyor a proper entry on the plat records as  
 provided by law.

Nothing contained herein shall cause or require  
 the removal or abandonment of any sewer, water main,  
 conduit of any kind, wires, poles or any other thing  
 used or intended to be used for any public service and  
 the right is hereby reserved to maintain, continue,  
 repair, reconstruct, renew, replace, rebuild and/or  
 enlarge any and all such things.

Passed by the Council JUL 14 1920

Approved:

GEO. L. BAKER

Mayor of the City of Portland.

Attest:

*Geo. L. Fink*

Auditor of the City of Portland.

6-25-25

By Order of Council.