

50216

Ordinance No.

An Ordinance vacating a portion of Ivy Street.

WHEREAS, due notice has been given by advertisement thereof for four weeks, to wit, from April 8, 1926 to May 6, 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 12th day of May 1926, a petition would be presented to said Council praying for the vacation of that portion of Ivy Street which lies between the west line of Kerby Street and the east line of Northwick Street, situated between the north half of Block 3 and the south half of Block 3, Subdivision of Riverview Addition to Albina, 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 May 6, 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, May 12, 1926, which said petition duly set forth a description of said portion of said Ivy 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 School District No. 1, Multnomah County, Oregon, 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 the portion of said Ivy Street which is proposed to be vacated, estimated upon the frontage of said portion of said street, such frontage commencing at a line drawn equidistant from the termini of said portion of said street proposed to be vacated and extending along such proposed vacation the entire length thereof and two hundred feet in each direction from the termini thereof, 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 26th day of May 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 and certain objections were made and filed by the Portland Gas and Coke Company and by Geo. P. Lent against the granting of said petition and the Council thereupon heard and considered said petition and also said objections and continued said matter until July 28, 1926, at which time it appeared that the objections of said Portland Gas and Coke Company were withdrawn and the Council overruled the objections of said Geo. P. Lent and found and determined, and does hereby find, ascertain and determine that all the foregoing recited facts are true and 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 all objections against said vacation have been and the same are hereby denied 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, July 28, 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 portion of said street proposed to be vacated, estimated upon the frontage of said street, such frontage commencing at a line drawn equidistant from the termini of said portion of said street proposed to be vacated and extending along such

proposed vacation the entire length thereof and two hundred feet in each direction from the termini thereof, 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 the public interest will not be prejudiced by the vacation of said portion of said street; that all objections against said vacation have been and the same are hereby denied.

Section 2. That all of that portion of said Ivy Street which lies between the west line of Kerby Street and the east line of Borthwick Street, situated between the north half of Block 3 and the south half of Block 3, Subdivision of River-view Addition to Albina, 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 the necessary changes on the public records so as to indicate as required by law such vacation; and it is hereby provided 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.

And it is hereby provided that if the use for school purposes of said portion of Ivy Street hereby vacated, shall be at any time discontinued, then, in that case, the vacation hereby made of the above portion of Ivy Street shall be discontinued and terminate and said Ivy Street shall thereupon remain and continue as a street, it being intended that the vacation hereby made shall be only for such length of time as said adjacent property is used for school purposes, and said School District or its successors shall relinquish said portion of Ivy Street and execute such document as may be suitable therefor and the City of Portland hereby reserves the right to take such further

action as may be needed for the purpose of carrying out the intent hereof in the event that the use of said property for school purposes shall be at any time discontinued.

Passed by the Council

AUG 18 1926

Approved:

CHAS. J. BAKER

Mayor of the City of Portland.

Attest:

Geo. C. Smith
Auditor of the City of Portland.

7-30-26
Order of
Council.

PREPARED--APPROVED
CITY ATTORNEY