

## ORDINANCE NO. 72255

An Ordinance abrogating certain restrictions and provisions contained in Ordinance No. 68414 vacating that portion of NW 108th Avenue lying between the east line of the right of way of the Spokane, Portland and Seattle Railway Company and the westerly line of NW Front Avenue.

WHEREAS, it appears to the Council that on January 26, 1939, Resolution No. 21558 was adopted initiating action for the abrogation of the restrictions specified in Ordinance No. 68414 entitled, "An Ordinance vacating a portion of NW 108th Avenue," passed by the Council July 8, 1936, which restrictions are set out as paragraphs numbered 1, 2, 3, 4, 5 and 6 of said ordinance; that thereupon the City Auditor duly gave notice by posting and publication for a period of four successive weeks that said resolution had been adopted for cancelling and terminating said provisions, and that said proceeding, together with any objection or remonstrance which might be made in writing and filed with said Auditor prior to the time of hearing would be heard and considered at 9:30 o'clock A. M. on Wednesday, March 1st, 1939, by the Council of the City of Portland, Oregon, in the Council Chamber of the City Hall, in said City, which notice was first published in the City Official Newspaper, to wit, the Daily Journal of Commerce, on January 30, 1939, and said City Auditor within five days from said first publication further published said matter by posting four notices headed "Notice of Street Vacation" in four conspicuous places in said NW 108th Avenue, one notice being on the southerly side of the northerly 30 feet of NW 108th Avenue near the easterly line of the Spokane, Portland and Seattle right of way, on a fence, one on the southerly side of the northerly 30 feet of NW 108th Avenue about 50 feet westerly of the westerly line of NW Front Avenue, on a stake, one on the northerly side of NW 108th Avenue near the westerly line of NW Front Avenue, on a pole, and one on the northerly side of NW 108th Avenue about 75 feet west of the westerly line of NW Front Avenue, on a post, and

WHEREAS, said matter came on regularly for hearing before the City Council at said time and place whereupon it was continued from time to time until March 29, 1939 at 9:30 A. M., when all objections and remonstrances filed or made against the same were overruled; and

WHEREAS, it appears to the Council that a cancellation and termination of said restrictions and provisions will not injuriously affect the market value of the property

abutting or affected thereby and that the same will be for the public welfare and that all things have been duly done as provided by law for the cancellation and termination of said restrictions and provisions and final action should now be taken thereon and such abrogation made a matter of record; now, therefore,

The City of Portland does ordain as follows:

Section 1. It is hereby ascertained and determined that the cancellation and termination of each and all of said restrictions will not injuriously affect the market value of the property abutting or affected thereby but will be beneficial thereto; that notice has been duly and regularly given of such abrogation and a hearing thereon duly and regularly had at which the City Council found and does now find and determine that the public interest will not be prejudiced by such abrogation but said abrogation will advance the public interest and welfare, all of which determinations are hereby made a matter of record.

Section 2. All of said restrictions and provisions of said Ordinance No. 68414 hereby are cancelled, terminated, annulled and revoked, but in all other respects said Ordinance No. 68414 shall be and remain in full force and virtue.

Nothing herein contained shall cause or require the removal or abandonment of any sewer, water main, conduit, of any kind, wire, pole 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, if any there be on said portion of said NW 108th Avenue affected hereby, and the City Auditor shall file for record with the County Clerk, who is ex-officio recorder of Multnomah County, Oregon, a certified copy of this ordinance, as provided by law, and like copies with the County Assessor, and the County Surveyor of said County.

Passed by the Council Apr 19 1939

Joseph K. Carson Jr.

Mayor of the City of Portland.

Attest:

Will E. Gibson

Auditor of the City of Portland.

By N. M. Moody  
Chief Deputy

3-30-39

By Order of the Council.

L.E.L.

C-4935

-Motion -2003  
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Report 1952

Apr 5 1939

Read 1 & 2 and up for Third Reading Apr 19 1939

Order of Council

X

Filed Apr 20 1939

Will E. Gibson

Auditor of the City of Portland

By R. S. Ivey

Deputy

THE FOLLOWING IS THE OFFICIAL VOTE ON THE FOREGOING ORDINANCE		
	YEAS	NAYS
BEAN	/	
BENNETT	/	
CLYDE	/	
RILEY	/	
CARSON		