

An Ordinance vacating a portion of N. E. 26th Avenue lying between the south line of N. E. Everett Street and a line twenty (20) feet north of the south line of N. E. Davis Street, extended west, and a portion of N. E. Davis Street lying between the east line of N. E. 26th Avenue and the east line of Etna, an addition to the City of Portland, and declaring an emergency.

WHEREAS, it appears to the Council that on July 10, 1940, Resolution No. 21767 was adopted initiating action for the vacation of the street area herein specified, under the provisions of chapter 259, Oregon Laws 1931, and 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 the vacation of said street area and that the matter of said vacation, together with any objection or remonstrance which might be made in writing and filed with the said Auditor prior to the time of hearing would be heard and considered at 9:30 o'clock a. m. on Wednesday, August 14, 1940, by the Council of the City of Portland, Oregon, in the Council chambers 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 July 13, 1940, and said Auditor within five (5) days from said first publication further published said matter by posting four (4) notices headed "Notice of Street Vacation" in four (4) conspicuous places in said proposed vacation of said street area, one notice being near the center line of N. E. Davis Street and the east side line of Etna, an addition to the City of Portland, on a stake; one near the center line of N. E. Davis Street and the east side line of N. E. 26th Avenue, on a stake; one near the center line of N. E. 26th Avenue, approximately twenty (20) feet north of the south line of N. E. Davis Street extended westerly, on a stake; one near the south curb line of N. E. Everett Street and the east curb line of N. E. 26th Avenue, on a power pole, and

WHEREAS, said matter came on regularly for hearing before the City Council at said time and place, when no one appeared to object thereto and no objection or remonstrance was filed or made against the same, and

WHEREAS, the vacation of the portion of said street herein specified will not injuriously affect abutting property owners and therefore the consent of abutting property owners is not necessary or required, and

WHEREAS, it appears to the Council that a vacation of said area will not injuriously affect the market value of the property abutting or affected by such vacation and that said vacation will be for the public welfare, and that all things have been done as provided by law for the vacation of said street area and final action should now be taken thereon and such vacation made a matter of record; now, therefore,

The City of Portland does ordain as follows:

Section 1. It is hereby ascertained and determined that said vacation will **not** injuriously affect the market value of any of the property abutting upon said street area, but will be beneficial thereto; that notice has been duly and regularly given of such vacation 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 vacation, but said vacation will advance the public interest, all of which determinations are hereby made a matter of record.

Section 2. There hereby is vacated all that portion of N. E. 26th Avenue lying between the south line of N. E. Everett Street and a line twenty (20) feet north of the south line of N. E. Davis Street extended west, and that portion of N. E. Davis Street lying between the east line of N. E. 26th Avenue and the east line of Etna, an addition to the City of Portland.

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 N. E. 26th Avenue and said portion of N. E. Davis Street hereby vacated, 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.

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: Whereas construction of an improvement to the property affected by this ordinance is awaiting Council action and it is to the best interest of the city that such building enterprise be immediately commenced, 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.

Passed by the Council AUG 21 1940

R. E. RILEY

Mayor of the City of Portland

PRESIDENT OF THE COUNCIL AND ACTING

Attest:

8-15-1940

Order of Council

Will E. Gibson

Auditor of the City of Portland

AGB

LEB

Ordinance No. 74198

An Ordinance vacating a portion of NE 26th Ave. lying between the S. line of NE Everett St. and a line 20 ft. N. of the S. line of NE Davis St., extended west, and a portion of NE Davis St. lying between the east line of NE 26th Ave. and the east line of Etna, an addition to the City of Portland, and declaring an emergency.

Order of the Council

THE FOLLOWING VOTED FOR THE	
SPECIAL VOTE OF THE	
CITY OF PORTLAND	
YEAR	
DEWNETT	/
EDGEB	/
CLARK	/
FRANK	/
CHARTER	/

AUG 22 1940

Filed.....



Auditor of the CITY OF PORTLAND

R. S. IVEY

By.....

Deputy