

ORDINANCE NO. 73171

An Ordinance vacating the alley lying between Blocks "A" and "G", GREENWAY, subject to certain conditions and reservations.

WHEREAS, It appears to the Council that on July 16, 1943, a petition was filed with the City Auditor by Emma E. Boehme and others for the vacation of the alley area herein specified, under the provisions of Sections 95-1331 to and including 95-1340, O.C.L.A., and thereupon the City Auditor duly gave notice by posting and publication for a period of four successive weeks that said petition had been filed for vacation of said alley and that the matter of said vacation, together with any objection or remonstrance which might be made in writing and filed with said Auditor prior to the time of said hearing would be heard and considered at 9:30 o'clock A.M., on Wednesday, July 25, 1943, by the Council of the City of Portland, Oregon, in the Council Chamber at 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 23, 1943, and said City Auditor within five days from said first publication further published said matter by posting three notices headed "Notice of Street Vacation" in three conspicuous places in said proposed vacation of such alley, one notice being near the Easterly line of S.W. Summit Drive and the Southerly line of an alley between Blocks "A" and "G", GREENWAY, on a power pole, one notice being near the Southerly line of an alley between Blocks "A" and "G", GREENWAY, approximately 60 feet East of the Easterly line of S.W. Summit Drive, on an apple tree, one notice being near the Southerly line of an alley between Blocks "A" and "G", GREENWAY, and the Westerly line of S.W. Talbot Road, on a stake, 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 there was filed with the City Auditor a consent in writing of all abutting property owners upon the portion of said street area proposed to be vacated and more than two-thirds in area of all of the real property affected by such vacation, and

WHEREAS, It appears to the Council that there are laid in and along the part of said alley so to be vacated,

sewer, water, and gas pipes and mains which are not to be disturbed by this vacation, and as to which the city reserves a perpetual easement and right-of-way in, under, and along the part of said alley so to be vacated, with the right of ingress and egress for the purpose of inspecting, altering, changing, repairing, extending and/or enlarging the same and the uses thereof, or any of them, and as to which reservation of rights said petitioners and all abutting property owners have agreed; now, therefore,

The City of Portland does ordain as follows:

Section 1. It is hereby ascertained and determined that the consent of the owners of all the property immediately concerning the portion of said alley to be vacated has been obtained in writing, acknowledged and filed with the City Auditor; that said vacation will not seriously affect the market value of any of the property abutting upon said 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 that said vacation will advance the public interest and welfare, all of which determinations are hereby made a matter of record.

Section 2. There is hereby vacated the part and area of that certain unnamed alley, as lies between Blocks "A" and "C", GREENWAY, an addition to the City of Portland, Multnomah County, Oregon; provided, however, that the existing sewer, water, and gas pipes and mains, and other conduits if any, lying in, under, and along the portion of said alley so vacated shall not be disturbed; that no building or structure of any kind or nature shall be erected or placed in, upon, or over the part of said alley hereby vacated; that the City of Portland hereby reserves unto itself and to its successors a perpetual easement and right-of-way in, upon, over and along the part of said alley so vacated, for the use and maintenance of said sewer, water, and gas pipes and mains, and other conduits if any, and for the repair, replacement, alteration and/or enlargement of the same, or any thereof, with the appurtenant right at any and all times to go upon said right-of-way and to dig, excavate, and undermine the same for any or all of the purposes herein stated, and without liability upon the part of the city, its officers, agents, or employees for any damage occasioned to person

or property in so doing; and provided further, that the owners of the property abutting upon the area of said alley so vacated, their heirs, administrators, successors and assigns shall and will save the City of Portland, its officers, agents, and employes harmless from any damage that may arise from the failure or breakage of any sewer, water, and/or gas pipes or mains, now lying or which may hereafter be placed by the city in, under, or along the area hereby vacated; it being intended that the vacation of said area is for landscaping purposes only; and further provided, that upon the passage of this ordinance the owner or owners of the property abutting upon said vacated area shall, within thirty days after the passage of this ordinance file with the Auditor an instrument, approved as to form by the City Attorney, accepting the terms and conditions of this ordinance.

The Council reserves the right to repeal this vacation in the event such acceptance be not filed within the time above limited.

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 SEP 29 1943

Wm. C. Bowser

PRESIDENT OF THE COUNCIL AND ACTING

Mayor of the City of Portland

Attest:

Will E. Gibson.

Auditor of the City of Portland

9-10-43

Commissioner Bowser

JOS:mf

R & I

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2735
C/5392

ORDINANCE No. 79179

An Ordinance vacating the alley
lying between Blocks "A" and "G",
GREENWAY, subject to certain con-
ditions and reservations.

By Order of the Council

SEP 15 1943

Read 1 & 2 and up for Third Reading
9:30 A.M. SEP 29 1943

THE FOLLOWING IS THE OFFICIAL VOTE OF THE FOR-GING ORDINANCE		
	YEAS	NAYS
BOWES	1	
COOPER	1	
LEE	1	
PETERSON	1	
RILEY		

Filed SEP 29 1943

Will E. Allen

Auditor of the CITY OF PORTLAND

By ELBERT G. ROFF
Deputy