

ORDINANCE NO. 81762

An Ordinance vacating, subject to conditions, a portion of N. E. Hoyt Street, lying between N. E. 18th Avenue and N. E. 20th Avenue; and declaring an emergency.

WHEREAS, it appears to the Council that on October 3, 1945, Jantzen Knitting Mills filed with the City Auditor under the provisions of Chapter 259, Laws of Oregon, 1931 (O. C. L. A., Sections 95-1331 to and including 95-1340), a petition for the vacation of the street area herein specified; that petitioner at the time of filing paid the required fee and also filed with the Auditor the consent in writing of all abutting property owners upon the area to be vacated; and thereupon the City Auditor gave notice by posting and publication for a period of four successive weeks that said petition had been filed for vacation of said area and that the matter of said vacation together with any claims for damages, objections or remonstrances which might be made in writing and filed with said Auditor prior to the time of said hearing would be held and considered at 9:30 o'clock A. M., Wednesday, November 7, 1945, by the Council of the City of Portland, Oregon, in the council chambers in the city hall in said city, which notice was first published in the city official newspaper, to-wit: The Daily Journal of Commerce, on October 6, 1945, and said 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 proposed vacation of such area; one such notice being at the S. W. corner of N. E. 20th Avenue and N. E. Hoyt Street, on a street sign post; one at the N. E. corner of N. E. 19th Avenue and N. E. Hoyt Street, on a building; one at the N. W. corner of N. E. 19th Avenue and N. E. Hoyt Street, on a telephone pole; and one at the S. E. corner of N. E. 18th Avenue and N. E. Hoyt Street, on a building; 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 objections or remonstrances nor any claim for damage was filed nor 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 area proposed to be vacated, and more than two-thirds in area of all of the real property affected by such vacation, and

WHEREAS, the Council finds that the reason for this proposed vacation is that said petitioner purposes to use the area so vacated for the purpose of constructing thereon a fireproof building to accommodate increased business and to effect post war improvements; and further finds that said use 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 further finds that all things have been done as provided by law for the vacation of said street area and that final action should now be taken and such vacation be 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 petition was properly accepted and filed; that the consent of the owners of all of the property adjacent to or abutting the portion of said area to be vacated has been obtained in writing, duly acknowledged; and filed as hereinabove stated; that said vacation will not injuriously 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 Council found and does now find and determine that the public interest will not be prejudiced by such vacation but said vacation will advance and best serve the public interest and welfare; all of which determinations are hereby made a matter of record.

Section 2. There is hereby vacated all that portion of N. E. Hoyt Street which lies between the easterly line of N. E. 18th Avenue and the westerly line of N. E. 20th Avenue (excepting, however, the intersection of N. E. 19th Avenue and N. E. Hoyt Street), all in the City of Portland, Multnomah County, Oregon. This vacation is made upon the following conditions and subject to the following reservations: Nothing herein contained shall cause or require the removal of or abandonment of any sewer, water main, gas main, conduit of any kind, wire, pole, or thing used or intended to be used for any public service; The right is hereby reserved for the owner of any such utility or thing to maintain, continue, repair, reconstruct, renew, replace, rebuild and/or enlarge any and all such things; No building or structure of any kind shall be built or erected within a distance of 10 feet from the center line of any such utility

except by written consent of the City Engineer and the owner of such utility first had; Any and all contemplated building plans in said vacated area shall be submitted for approval to the City Engineer and to the Director, Bureau of Building Inspection, to the end that such construction may be so adjusted with reference to all public utilities in said area as to cause a minimum amount of danger or inconvenience to the public and to the owner of such utility, and to protect and preserve the same as presently constructed, or as hereafter reconstructed, renewed, replaced and/or enlarged.

Section 3. The Auditor shall file for record with the County Clerk, who is ex officio recorder of Multnomah County, a certified copy of this ordinance as provided by law and like copies with the County Assessor and County Surveyor of said county.

Section 4. Inasmuch as this ordinance is necessary for the immediate preservation of the public health, peace and safety of the City of Portland, in this: Because it is intended that construction on the street area herein vacated shall commence with all possible dispatch and it is necessary that foundations be laid before winter weather interferes, it is necessary that this ordinance become immediately effective; 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 NOV 23 1945

Earl Riley
Mayor of the City of Portland

Attest:

J.O.S.Jr.

R. S. I.

John S. Jones
Auditor pro tem of the City of Portland

11/9/45

Order of Council

JOS:mk

C/5575

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Ordinance No. 81712

An Ordinance vacating, subject to conditions, a portion of N.E. Hoyt Street, lying between N.E. 18th Avenue and N.E. 20th Avenue; and declaring an emergency.

By Order of the Council

NOV 15 1945

CONTINUED TO 2 P.M.

NOV 23 1945

THIS IS THE CERTIFICATE FOR THE		ORDINANCE	
			DAYS
LEWIS	/		
COOK	/		
LEE	/		
PETERSON	/		
RILEY	/		

Filed NOV 21 1945

John J. McManis
Mayor
of the CITY OF PORTLAND

By ELLEN G. ROFF
Deputy