

# ORDINANCE No. 91225

An Ordinance vacating, subject to conditions, a certain portion of SW Ford Street Drive lying easterly of SW Ford Street Drive as opened and established by Resolution No. 24254, and declaring an emergency.

WHEREAS, It appears to the Council that on November 2, 1949, Resolution No. 27274 was adopted by the Council initiating action for the vacation of a certain portion of SW Ford Street Drive, as herein specified, pursuant to Section 95-1336 O.C.L.A., and thereupon the City Auditor duly gave notice by posting and also by publication of a notice once each week for 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 objections, remonstrances and/or claims for damages which might be made in writing and filed with the City Auditor prior to the time of hearing would be heard and considered by the City Council at 9:30 A.M., December 7, 1949, in the Council chambers of the City Hall of said City, which notice was first published in the official newspaper, to wit, Daily Journal of Commerce, on November 8, 1949, and the City Auditor within five days from said first publication further published said matter by posting three such notices headed "Notice of Street Vacation" in three conspicuous places in said street area proposed to be vacated herein described and designated as follows:

<u>Location</u>	<u>Object to which attached</u>
At the approximate intersection of the North boundary line of Lot 5, Block 58, Carter's Addition to the City of Portland extended Easterly and the East line of S.W. Ford Street Drive	On a stake
On the approximate East line of S.W. Ford Street Drive approximately 127 feet South of the intersection of the North boundary line of Lot 5, Block 58, Carter's Addition extended Easterly and the East line of S.W. Ford Street Drive.	On a stake
At the approximate intersection of the East line of S.W. Ford Street Drive with the North line of alley between Blocks 58 and .65 Carter's Addition	On a stake

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AND WHEREAS, said matter came on regularly for hearing before the City Council at said time and place, and no one appeared to object thereto and no objection or remonstrance nor any claim for damages was filed or made against the same; and

WHEREAS there has been filed with the City Auditor the consent in writing duly acknowledged of all the owners of all property abutting upon the portion of said street proposed to be vacated, including the consent on behalf of the City of Portland executed by the Commissioner of Finance for assessment Collection Fund property pursuant to Resolution No. 24341 adopted by the Council February 15, 1950, and

WHEREAS, the reasons for this proposed vacation and the particular circumstances for vacation are that the location of said street as dedicated varies from the location of said street as laid out by Resolution No. 24254 adopted by the Council of the City of Portland, Oregon, September 22, 1949, and that the purpose for which the area is proposed to be used, if vacated, is similar to that which is being made and which may be made of adjacent property, and particularly for private purposes; and

WHEREAS the street area herein vacated is no longer required for a public way, and is not suitable for a public way, and the abutting property owners have consented to the vacation of such street area and the vacation thereof will not injuriously affect the market value of the property abutting or affected by such proposed vacation; and it appearing that said vacation in all respects will be for the public welfare; and it further appearing that all things have been done as provided by law for the vacation of said street, and that final action should now be taken thereon, and such vacation be made a matter of record; now, therefore,

The City of Portland does ordain as follows:

Section 1. It hereby is ascertained and determined that said vacation will not injuriously affect the market value of any of the property abutting on said street area to be vacated but will be beneficial thereto, and that said vacation will be beneficial to all owners of property affected by the vacation; that the consent of the owners of all the property abutting the street area to be vacated has been obtained in writing duly acknowledged and filed as hereinabove stated; that notice has been duly and regularly given of said proposed vacation, and a hearing thereon duly and regularly had; and the Council found and does now find and determine that the public interest will not be prejudiced

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by such vacation or any part thereof, but that such vacation will advance the public interest, safety, welfare and convenience, all of which findings and determinations are hereby made a matter of record.

Section 2. There hereby is vacated the following described property, all in the City of Portland, County of Multnomah, State of Oregon:

All that part of S.W. Ford Street Drive easterly of the following described line: Beginning at the point of intersection of the easterly line of S.W. Ford Street Drive and the northerly line of Lot 5, Block 58, Carter's Addition extended easterly; thence South 15° East 100.06 feet, more or less, to a point; thence along the arc of a curve to the right, the radius of which is 85.58 feet, and the central angle 40°52'30", a distance of 61.04 feet to a point; thence along the arc of a curve to the left, the radius of which is 107.45 feet and the central angle 42°52'30", a distance of 102.84 feet to the southerly line of Lot 1, Block 5, Carter's Addition to Portland, as shown on map filed in Multnomah County Surveyor's office in Volume 3, Page 287 June 1, 1911.

Section 3. This vacation is made upon the further condition and with the reservation that 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, and 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, if any there be on said portion of SW Ford Street Drive hereby vacated; that no building or structure of any kind shall be built or erected within a distance of ten 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; and that any and all contemplated building plans in said vacated area shall be submitted for approval to the City Engineer and to the Building Inspections Director, Bureau of Buildings, 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 hereafter reconstructed, renewed, replaced and/or enlarged.

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Section 4. 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 5. Inasmuch as this ordinance is necessary for the immediate preservation of the public health, peace and safety of the City of Portland in this: In order that there may be no unnecessary delay in the beneficial use of the area to be vacated, and the consummation of the sale thereof by the Assessment Collection Fund; therefore, an emergency hereby is declared to exist and this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, FEB 23 1950

*Henry M. Callough*  
Mayor of the City of Portland  
*Will Gibson*

Attest:

Auditor of the City of Portland

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**Title**

An Ordinance vacating, subject to conditions, a certain portion of S.W. Ford Street Drive lying easterly of SW Ford Street Drive as opened and established by Resolution No. 24254, and declaring an emergency.

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Bean	/	
Bowes	/	
Cooper	/	
Peterson	/	
Lee	/	

FOUR-FIFTHS CALENDAR	
Bean	
Bowes	
Cooper	
Peterson	
Lee	

Filed FEB 27 1950

*Will Gibson.*  
Auditor of the CITY OF PORTLAND

By ROBERT L. McCOY  
Deputy

INTRODUCED BY  
Order of Council

DRAWN BY  
HFA:lt  
Date 2-17-50

NOTED BY THE COMMISSIONER

Affairs
Finance
Safety
Utilities
Works

City Attorney MCR

NOTED FOR CITY AUDITOR  
RSI

APPROVED

Date

By *Chief Civil Engineer*

Date

By *City Engineer*