

## ORDINANCE No. 96729

An Ordinance vacating all that portion of S. E. 58th Avenue and S. E. 59th Avenue which lies between the south line of Tabordale and the south line of S. E. Ash Street, petitioned for by School District No. 1, by Andrew Comrie, School Clerk.

WHEREAS, it appearing to the Council that on May 15, 1952, School District No. 1, of Multnomah County, by Andrew Comrie, School Clerk, 631 N. E. Clackamas Street, Portland 12, Oregon, filed a petition with the City Auditor for the vacation of all that portion of S. E. 58th Avenue and S. E. 59th Avenue which lies between the south line of Tabordale and the south line of S. E. Ash Street, all in the City of Portland, Multnomah County, State of Oregon, and at the time of filing the petitioner also filed with the 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 the real property affected by such vacation, that thereupon the City Auditor gave notice by posting and publication for a period of four (4) successive weeks, that said petition had been filed for said proposed vacation proceeding and that said petition, together with any objections, remonstrances or claim for damage which may be made in writing and filed with the Auditor of the City of Portland, Oregon, prior to the time of hearing would be heard and considered by the Council of the City of Portland, Oregon, at a regular meeting to be held at 9:30 A. M. (Pacific Daylight Time) Tuesday, June 24, 1952, in the Council Chambers of the City Hall in said City, the said notice was first published in the City official newspaper, to wit: The Daily Journal of Commerce, on May 23, 1952, and that said Auditor within five (5) days after said first publication further published said matter by posting six notices headed: "Notice of Street Vacation," in six conspicuous places in the area of said street to be vacated in the places therein described and designated as follows:

Location:Object to which attached:

At the approximate intersection of the south line of S.E. Ash Street and the west line of S.E. 58th Avenue

On a stake

On the approximate east line of S.E. 58th Avenue approximately 90 feet south of the south line of S.E. Ash Street

On a stake

On the approximate east line of S.E. 58th Avenue approximately 180 feet south of the south line of S.E. Ash Street

On a stake

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On a stake

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On a stake

On the approximate east line of S.E. 59th Avenue approximately 180 feet south of the south line of S.E. Ash Street

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, nor any claim for damage was filed or made against the same, and there was filed with the City Auditor a consent in writing of the owners of all abutting property upon said street proposed to be vacated, and more than two-thirds in area of all the real property affected by such vacation, and the Council, after giving due consideration, granted the prayer of petitioner and directed the City Attorney to prepare the vacation ordinance, with certain conditions and provisions, and

WHEREAS, the Council finds that the vacation of said street area is necessary to enlarge and improve the existing school site, and

WHEREAS, the Council finds that the street area herein vacated is not essential as a public way, the streets in question being unimproved and dead end and only serve the properties owned by the School District, and the vacation will not injuriously affect the market value of the property abutting or affected by such vacation, and that said vacation in all respects will be for the public welfare and that all things have been done as provided by law for the vacation of said area, and that final action should now be taken thereon and such vacation should 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 the vacation of said street area will not injuriously affect the market value of any of the property abutting said area but will be beneficial thereto; that the consent of the owners of all the property adjacent or abutting the street



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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 such vacation and a hearing thereon duly and regularly had, and the Council does now find and determine that no objections or remonstrances were made or filed and that the public interest will not be prejudiced by such vacation, or any part thereof, but such vacation will enhance the public interest, safety, welfare and convenience, all of which 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, to wit:

All that portion of S. E. 58th Avenue and S. E. 59th Avenue which lies between the south line of Tabordale to the south line of S. E. Ash Street.

Section 3. This vacation is made upon the following conditions, to wit:

- (a) That the said School District pay to the City of Portland the sum of \$1158.00, and credited to the Sidewalk Rotary Account, 7055, for the reconstruction of the sidewalks, curbs and intersections at the north terminus of said streets to be vacated.
- (b) That the said School District shall pay to the City of Portland the cost of posting, advertising, and other administrative costs incidental to this vacation.
- (c) 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 hereby is 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; 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

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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 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 hereafter reconstructed, renewed, replaced and/or enlarged. 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.

Passed by the Council, JUL 16 1952

*Wm. A. Bonner*  
PRESIDENT OF THE COUNCIL AND ACTING

Mayor of the City of Portland

*Will Gibson*

Attest:

Auditor of the City of Portland



THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Bean	/	
<del>Boody</del> Bennett	/	
Bowes	/	
Peterson	/	
Lee	—	

FOUR-FIFTHS CALENDAR	
Bean	
Bennett	
Bowes	
Peterson	
Lee	

Calendar No. 3516  
3769

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Title

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JUL 2-1952

Read 1 & 2 &

Passed to Third Reading JUL 16 1952

Filed JUN 28 1952

*Will Gibson.*  
Auditor of the CITY OF PORTLAND

By R. S. IVEY  
Deputy

INTRODUCED BY	
Order of Council	
DRAWN BY	
AGB:11	
Date	June 25, 1952
NOTED BY THE COMMISSIONER	
Affairs	
Finance	
Safety	
Utilities	
Works	
City Attorney	AGB
NOTED FOR CITY AUDITOR	
RSI	
JHL	
APPROVED	
Date	
By	Chief Civil Engineer
Date	
By	City Engineer