

ACCEPTANCE

Portland, Oregon, _____ November 2, 1961

RAY SMITH
Auditor of the City of Portland,
Room 202, City Hall
Portland 4, Oregon
Dear Sir:

This is to advise the City of Portland, Oregon, that I hereby accept the terms and provisions of Ordinance No. 114315 vacating all that portion of S.E. Insley Street between the east line of S.E. 46th Avenue and the west line of S.E. 47th Avenue, under certain conditions,

and in consideration of the benefits to be received thereunder by me I hereby agree to abide by and perform each and all of the terms and provisions thereof applicable to me.

Very truly yours,

Harry H. Eggers

Harry H. Eggers

[CORPORATE
SEAL]

* *Reta V. Eggers*

Reta V. Eggers

5346 S.E. 46th Avenue
Address

Approved as to form:

Alexander H. Brown

City Attorney

*When an acceptance is required from a firm or corporation the Acceptance must be signed by an officer of the firm or corporation stating his or her official title, and corporations must affix the corporate seal.

MAY-31-62

98807

- VII B

6.50

RECEIPT

Nº 104909

OFFICE OF
SI COHN, COUNTY CLERK
MULTNOMAH COUNTY, OREGON

RECORDING DEPARTMENT

NAME

City Auditor

FILE NO.

DOCUMENT

PARTIES

*C.C.**Ord # 114315
Public**6.50**5/31/62**Book 2118**Page 363*

County Clerk's Office, Multnomah County, Oregon

CIRCUIT COURT DEPARTMENT

LITIGATION ACCOUNT

No 2207

Reg. No. *misc.*

Portland, Oregon, *May 31* 196*2*

RECEIVED OF *Wm. Smith, Auditor of the City of Portland*
Two and 50/100 DOLLARS

Plaintiff	\$	
Defendant	\$	
Bail	\$	
<i>Surgeon fee</i>	\$	<i>2.50</i>
	\$	
Total . . .	\$	<i>2.50</i>

Waiving a portion
of S. E. Ansley St.
Ord. # 114315
In the above entitled case.

SI COHN,
County Clerk,

By *[Signature]* Deputy

ORDINANCE NO. 114315

An Ordinance vacating all that portion of S.E. Insley Street between the east line of S.E. 46th Avenue and the west line of S.E. 47th Avenue, under certain conditions.

WHEREAS, it appears to the Council that on June 19, 1961, Harry H. Eggers and Reta V. Eggers, 5346 S.E. 46th Avenue, Portland 6, Oregon, filed with the City Auditor a petition for the vacation of all that portion of S.E. Insley Street between the east line of S.E. 46th Avenue and the west line of S.E. 47th Avenue in the City of Portland, County of Multnomah, State of Oregon, under the applicable provisions of ORS 271.010 to and including 271.230, and also filed with the Auditor the consents in writing of all owners of property abutting upon the portion of said street to be vacated, and of 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 successive weeks that said petition, together with any objections remonstrances or claims 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 at a regular meeting to be held at 9:30 A.M., October 11, 1961, in the Council Chambers of the City Hall in the city of Portland; that said notice was first published in the City's official newspaper, to-wit: the Daily Journal of Commerce on September 8, 1961, and said Auditor within five days after said first publication further published said matter by posting three notices headed "Notice of Street Vacation" in three conspicuous places in the area of said street proposed to be vacated in the places therein described and designated as follows:

<u>Location</u>	<u>Object to which attached</u>
At the intersection of the east line of S.E. 46th Avenue and the south line of S.E. Insley Street	On a stake
On the north line of S.E. Insley Street approximately midway between S.E. 46th Avenue and S.E. 47th Avenue	On a stake
At the approximate intersection of the south line of S.E. Insley Street and the west line of S.E. 47th Avenue	On a post

AND WHEREAS, said matter came on regularly for hearing on October 11, 1961, and no one appeared to object thereto and no objection or remonstrance, nor any claims for damage were

filed or made against the same, and

WHEREAS, the Council finds that the petition for said street vacation has been investigated by the City Engineer who recommends that the vacation be granted subject to certain conditions set forth in his report dated August 25, 1961, and

WHEREAS, the Council finds that the reason for this vacation is for general residential purposes, the same as the adjacent ground and particularly for residential yard purposes to increase the yard area for residence, and

WHEREAS, the Council finds that the vacation of the public street area herein described will not injuriously affect the market value of the property abutting or affected by such vacation, but such vacation is in the public interest, and 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 and that final action should now be taken and vacation 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 upon said street area to be vacated, but will be beneficial thereto; that the consent of the owners of all of the property adjacent or abutting the area to be vacated has been obtained in writing, duly acknowledged and filed as hereinabove stated; that the consent of the owners of more than two-thirds in area of all owners of real property affected by said vacation has also been filed; that notice has been duly and regularly given of such vacation and hearing thereon duly and regularly had and the Council found and does now find that the public interest will not be prejudiced thereby, but that said vacation will enhance the public interest and welfare; that the petition for vacation should be granted with conditions as outlined in the City Engineer's report, as hereinafter recited, all of which determinations hereby are made a matter of record:

Section 2. There hereby is vacated the following described property in the city of Portland, county of Multnomah, state of Oregon to wit:

All that portion of S.E. Insley Street between the east line of S.E. 46th Avenue and the west line of S.E. 47th Avenue, all in the city of Portland, Multnomah County, Oregon.

Section 3. This vacation is made contingent and dependent upon the following conditions:

(a) That the petitioners pay all costs incidental to the vacation.

(b) That the vacation is made upon the 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 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, rebuilt and/or enlarged.

(c) That the petitioners deposit the sum of \$900 with the City Treasurer in the Trust Fund Charges and Sidewalk Repair, said amount being the estimated cost of reconstructing the intersection of S.E. 46th Avenue and S.E. 47th Avenue with S.E. Insley Street. Upon completion of this reconstruction by the petitioners, at their expense, and in accordance with plans and specifications furnished by the City Engineer, said sum of \$900 will be refunded.

(d) That the sum of \$1,336 is a fair and equitable Assessment of Special Benefits and the petitioners shall pay the said amount to the City of Portland for this vacation.

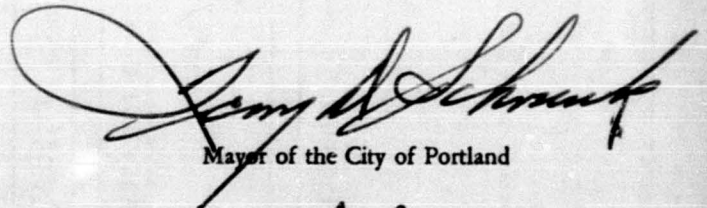
Section 4. The petitioners shall file with the Auditor of the city of Portland an acceptance of this vacation, said acceptance to be approved by the City Attorney as to form, and the Auditor shall file for record with the County Clerk of Multnomah County, State of Oregon, a certified copy of this ordinance and said acceptance thereof, as provided by law, and likewise file

ORDINANCE No.

copies with the County Assessor and the County Surveyor of said county. The filings herein provided shall be at the expense of and shall be paid by said petitioners.

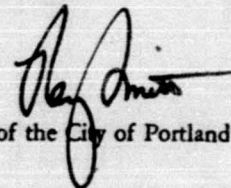
Passed by the Council,

NOV 1 - 1961



Mayor of the City of Portland

Attest:



Auditor of the City of Portland

C-7723

Calendar No. 3462
3608

ORDINANCE No. 114315

Title

An Ordinance vacating all that portion of S. E. Insley Street between the east line of S. E. 46th Avenue and the west line of S. E. 47th Avenue, under certain conditions, and declaring an emergency.

OCT 18 1961

Read 1 & 2 &

PASSED TO THIRD READING NOV 1 - 1961

THE COMMISSIONERS VOTED AS FOLLOWS:

	Yeas	Nays
Bean	1	
Bowes	1	
Earl	1	
Grayson	—	
Schrunk	1	

FOUR-FIFTHS CALENDAR

Bean	
Bowes	
Earl	
Grayson	
Schrunk	

INTRODUCED BY

Order of Council

DRAWN BY

MCR:gm

Date October 13, 1961

NOTED BY THE COMMISSIONER

Affairs

Finance

Safety

Utilities

Works

City Attorney

NOTED FOR CITY AUDITOR

R. Smith
mc

APPROVED

Date

By

City Engineer

Date

By

Filed OCT 13 1961

RAY SMITH

Auditor of the CITY OF PORTLAND

By *R. Smith*

Deputy