

ORDINANCE NO. 120435

An Ordinance vacating a portion of SW Lowell Street east of SW Sixth Avenue, under certain conditions.

The City of Portland ordains:

Section 1. The Council finds that on November 19, 1963, St. Elizabeth Parish, 4112 SW Sixth Avenue, Portland, by Rev. Alfred A. Williams, James D. and Gale S. Rankin, 4112 SW Fourth Avenue, Portland, and State of Oregon, acting by and through the State Board of Higher Education for the University of Oregon Medical School, by H. A. Bork, Vice Chancellor and R. L. Collins, Secretary, 3181 SW Sam Jackson Park Road, Portland, filed a petition for the vacation of a portion of SW Lowell Street east of SW Sixth Avenue; that the purpose of said vacation is to provide area for expansion of church facilities; that said area to be vacated is more particularly described as follows:

All that portion of SW Lowell Street between the east line of SW 6th Avenue extended north and the following described line:

Beginning at the intersection of the south line of SW Lowell Street with the westerly line of SW Homestead Drive; thence northwesterly to a point in the north line of SW Lowell Street at its intersection with the westerly line of Terwilliger Boulevard Park, excepting therefrom a parcel described as follows:

Beginning at the intersection of the south line of SW Lowell Street with the east line of SW 4th Avenue; thence north along the northerly extension of the east line of SW 4th Avenue a distance of 19 feet; thence northerly, westerly and southerly along the arc of a 35-foot radius curve to the left (the long chord of which bears S. $73^{\circ} 33' 39''$ W. 67.14 feet) a distance of 130.04 feet to a point in the south line of SW Lowell Street lying 4.39 feet west of the intersection of the west line of SW 4th Avenue; thence east along the south line of SW Lowell Street a distance of 64.39 feet to the point of beginning.

that said petition has been approved by the Commissioner of Public Works subject to certain conditions set forth hereinbelow; that said petition complies in all respects with the provisions of ORS 271.080 in that it includes the consents of the owners of all abutting property and of not less than two-thirds in area of the real property affected thereby; that pursuant to ORS 271.100 the Council fixed a time and place for public hearing before the Council; that the City Auditor published notice of such hearing in the City official newspaper, namely, Daily Journal of Commerce, once each week for four consecutive weeks, and posted such notice in certain places in area proposed to be vacated, all in accordance with provisions of ORS 271.110; that said petition came on regularly for hearing and no objections were made or filed thereto and it is in the public interest that said street be vacated; now, therefore, that certain street hereinbefore described hereby is vacated under the following conditions:

- a. Petitioners shall pay all costs incidental to said vacation.
- b. Nothing herein contained shall cause or require the removal or abandonment of any sewer, water or 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 with the written consent of the City Engineer and the owner of the 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 of the 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 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.
- c. Petitioners shall file with the City Auditor, in form approved by the City Attorney, a document in writing accepting the terms and conditions of this ordinance.

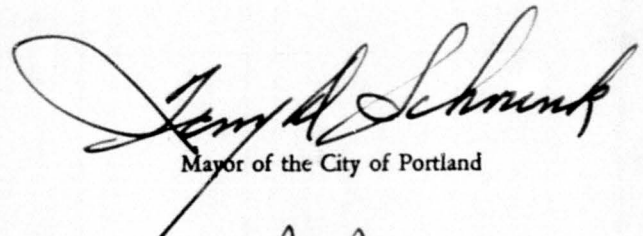
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d. The following-described portion of Lot 1, Block 18, Portland City Homestead shall be dedicated by the petitioner for street use:

Beginning at the northeast corner of said Lot 1; thence southerly along the east line of said Lot 1 a distance of 11 feet; thence northwesterly along the arc of a 15-foot radius curve to the left (the long chord of which bears S. 18° 26' 05" E. 9.49 feet) a distance of 9.65 feet to a point of reverse curve; thence northwesterly along a 35-foot radius curve to the right (the long chord of which bears N. 34° 52' 27" W. 2.44 feet) a distance of 2.44 feet to a point in the north line of said Lot 1; thence east along the north line of said Lot 1 a distance of 4.39 feet to the point of beginning.

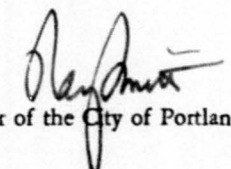
Section 2. The City Auditor shall, at the expense of petitioners, file with the recorder, the assessor, and the surveyor of the county in which said vacation is located, a certified copy of this ordinance and the acceptance thereof, and any map, plat or other record which may be required by law.

Passed by the Council, MAY 26 1965



Mayor of the City of Portland

Attest:



Auditor of the City of Portland

Calenda No.

2138

~~2084~~

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Bean	/	
Bowes	/	
Earl	/	
Grayson	/	
Schrunk	/	

FOUR-FIFTHS CALENDAR	
Bean	
Bowes	
Earl	
Grayson	
Schrunk	

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Title

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MAY 19 1965

Read 1 & 2 &

PASSED TO THIRD READING 9:30 A. M. MAY 26 1965

MAY 14 1965

Filed.....

RAY SMITH

Auditor of the CITY OF PORTLAND

By.....

Deputy

INTRODUCED BY

Order of Council

DRAWN BY

MCR:jw

Date May 14, 1965

NOTED BY THE COMMISSIONER

Affairs

Finance

Safety

Utilities

Works

City Attorney

NOTED FOR CITY AUDITOR

APPROVED

Date

By

City Engineer

Date

By