

128737

AUD 50-25-640
12-68-3M

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RECEIVED

ACCEPTANCE

MAR 27 10 15 PM 1969

RAY SMITH, AUDITOR
CITY OF PORTLAND, ORE.

Portland, Oregon, March 20, 1969

RAY SMITH

Auditor of the City of Portland,
Room 202, City Hall
Portland, Oregon 97204

Dear Sir:

This is to advise the City of Portland, Oregon, that I hereby accept the terms and provisions of Ordinance No. 128737, passed by the Council March 19, 1969, vacating all that portion of S. W. Mill Street lying between S. W. 10th Avenue and S. W. 11th Avenue, and also all that portion of S. W. Montgomery Street lying between S. W. 10th Avenue and S. W. 11th 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,

[CORPORATE
SEAL]

PORTLAND STATE UNIVERSITY

* By Malcolm McMinn
Malcolm McMinn, Director
Facilities Planning and Operations

P. O. Box 751, Portland, Oregon 97207

Approved as to form:

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.

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Very truly yours,

[CORPORATE
SEAL]

PORTLAND DEVELOPMENT COMMISSION

By *[Signature]*

John B. Kenward, Executive Director

1700 S. W. 4th Avenue, Portland, Ore. 97201

Approved as to form:

[Signature]
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.

ORDINANCE NO. 128737

An Ordinance vacating all that portion of S.W. Mill Street lying between S.W. 10th Avenue and S.W. 11th Avenue, and also all that portion of S.W. Montgomery Street lying between S.W. 10th Avenue and S.W. 11th Avenue, under certain conditions.

The City of Portland ordains:

Section 1. The Council finds that by Resolution No. 30435, adopted by the Council January 9, 1969, proceedings were initiated for the vacation of all that portion of S.W. Mill Street lying between S.W. 10th Avenue and S.W. 11th Avenue, and also all that portion of S.W. Montgomery Street lying between S.W. 10th Avenue and S.W. 11th Avenue, hereinafter more particularly described; that the purpose of said vacation is to provide area for building construction for Portland State University; that pursuant to ORS 271.130 the Council fixed a time and place for public hearing before the Council, 9:30 A.M., February 26, 1969, in the Council Chambers of the City Hall, in the City of Portland; 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 matter came on regularly for hearing and no objections were made or filed thereto and it is in the public interest that said streets be vacated; that said vacation will not interfere with any improvement proposed by the Commission of Public Docks nor with reasonable access to the water front or transportation terminal, as evidenced by letters of consent from both the Port of Portland and the Dock Commission, made a part of Council Calendar No. 778 (1969); now, therefore, the following described property hereby is vacated upon the following conditions:

All that portion of S.W. Mill Street lying between S.W. 10th Avenue and S.W. 11th Avenue, also all that portion of S.W. Montgomery Street lying between S.W. 10th Avenue and S.W. 11th Avenue, in the City of Portland, County of Multnomah, State of Oregon.

(a) That Portland Development Commission make all necessary arrangements for paying the costs of abandonment of an existing 2-inch diameter water main in S.W. Mill Street and for transferring the water service to 1176 S.W. Mill Street to a new location in S.W. 11th Avenue, all as required by the Chief Engineer, Bureau of Water Works.

(b) That Portland Development Commission make all necessary arrangements for payment of costs of reconstructing and closing the intersections of S.W. Mill and S.W. Montgomery Streets with S.W. 10th Avenue and S.W. 11th Avenue as required by the City Engineer.

(c) 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, with the exception of a 2-inch diameter water main in S.W. Mill Street for which no easement shall be reserved, and also subject to the condition and understanding that the easements herein reserved to the City for maintenance of existing sewers are of a temporary nature and at such time as street areas, in which the extensions of said existing sewers are vacated and utilized by the University, or when the City engineer finds it in the best interest of the City to abandon said sewers Portland State University agrees to accept the responsibility of maintaining the sewers as abandoned; 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 upon the written consent of the City Engineer and the owner of the utility, and 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.

Section 2. Portland State University and Portland Development Commission 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.

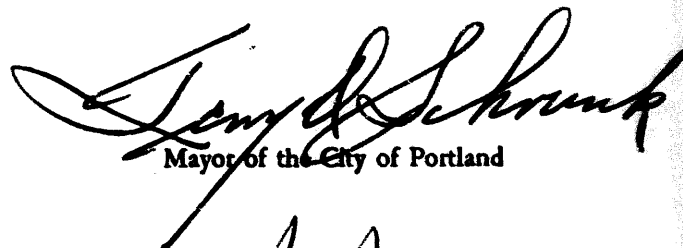
Section 3. The City Auditor shall at the expense of Portland State University and Portland Development Commission

ORDINANCE No.

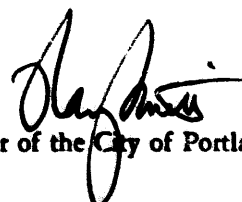
file in the appropriate records of Multnomah County, and the assessor, and the surveyor of Multnomah County, a certified copy of this ordinance and the acceptance thereof, and any map, plat or other record which may be required by law.

Passed by the Council, MAR 19 1969

Order of Council
MCR:sh
March 6, 1969


Mayor of the City of Portland

Attest:


Auditor of the City of Portland

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

FOUR-FIFTHS CALENDAR	
Bowes	
Earl	
Grayson	
Ivancie	
Schrunk	

Calendar No. **1168**
~~1078~~

ORDINANCE No. 128737

Title

An Ordinance vacating all that portion of S.W. Mill Street lying between S.W. 10th Avenue and S.W. 11th Avenue, and also all that portion of S.W. Montgomery Street lying between S.W. 10th Avenue and S.W. 11th Avenue, under certain conditions. 14 ✓

MAR 12 1969

PASSED TO THIRD READING MAR 19 1969

Filed MAR 7 1969

RAY SMITH
Auditor of the CITY OF PORTLAND
By *Robert Kyle*
Deputy

INTRODUCED BY
Order of Council

DRAWN BY
MCR:sh
Date March 6, 1969

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration
Safety
Utilities
Works

City Attorney <i>MR</i>

NOTED FOR CITY AUDITOR
<i>RA</i>

APPROVED
Date
By
City Engineer
Date
By