

ACCEPTANCE

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GEORGE YERKOVICH, AUDITOR
CITY OF PORTLAND, ORE.

Portland, Oregon, May 6, 1971

GEORGE YERKOVICH

Auditor of the City of Portland,

Room 202, City Hall

Portland, Oregon 97204

Dear Sir:

subject to the provisions of Ordinance No. 132913 (June 24, 1971)

This is to advise the City of Portland, Oregon, that I hereby accept the terms and provisions of Ordinance No. 132640, passed by the Council May 5, 1971, vacating certain portions of S.W. Park Avenue, S.W. West Park Avenue, S.W. Hall Street, S.W. Harrison Street, S.W. Montgomery Street, and S.W. Mill Street, initiated by the City Council for and on behalf of Portland State University, 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, STATE OF OREGON, acting by and through the STATE BOARD OF HIGHER EDUCATION on behalf of PORTLAND STATE UNIVERSITY

[CORPORATE
SEAL]

J. I. Hunderup
J. I. Hunderup, Vice Chancellor for
Facilities Planning
P.O. Box 3175, Eugene, Oregon
Address

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. 132610

An Ordinance vacating certain portions of S.W. Park Avenue, S.W. West Park Avenue, S.W. Hall Street, S.W. Harrison Street, S.W. Montgomery Street, and S.W. Mill Street, initiated by the City Council for and on behalf of Portland State University, under certain conditions.

The City of Portland ordains:

Section 1. The Council finds that by Resolution No. 30857, adopted by the Council January 27, 1971, proceedings were initiated for the vacation of certain portions of S.W. Park Avenue, S.W. West Park Avenue, S.W. Hall Street, S.W. Harrison Street, S.W. Montgomery Street, and S.W. Mill Street, in the City of Portland, County of Multnomah, State of Oregon; that the purpose of said vacation is for campus expansion through Master Plan implementation as adopted by the University and the Development Commission; that pursuant to ORS 271.130, the Council fixed a time and place for public hearing before the City Council, to-wit: 9:30 A.M., Wednesday, March 17, 1971 in the Council Chamber of the City Hall in the City of Portland, Oregon, at which time and place said hearing was held; that said hearing was continued until April 21, 1971 so that a report from the Port of Portland Commission could be included; that the City Auditor published notice in certain places in area proposed to be vacated, all in accordance with the provisions of ORS 271.110; that said matter came on regularly for hearing and any objections made or filed thereto were heard and considered and overruled and by this ordinance are specifically overruled; and the Council finds that said vacation is in the public interest and that said area should be vacated; that said vacation will not interfere with any improvement proposed by the Port of Portland Commission nor with any reasonable access to the waterfront or transportation terminal, as advised by the Commission; nor with any improvement or use proposed by the Oregon State Highway Department, and the consents necessary have been received; that by letter dated March 15, 1971, to the Commissioner of Public Works, the City Engineer recommends vacation of said property under certain conditions and restrictions hereinafter set forth; now, therefore, the following described street areas hereby are vacated upon the following conditions:

That portion of S.W. Park Avenue lying between the north line of S.W. College Street and the south line of S.W. Market Street.

That portion of S.W. West Park Avenue lying between the north line of S.W. College Street and the south line of S.W. Montgomery Street.

That portion of S.W. Hall Street lying between the east line of S.W. West Park Avenue and the west line of S.W. Broadway.

That portion of S.W. Harrison Street lying between the east line of S.W. West Park Avenue and the west line of S.W. Park Avenue.

That portion of S.W. Montgomery Street lying between the east line of S.W. West Park Avenue and the west line of S.W. Broadway.

That portion of S.W. Mill Street lying between the east line of S.W. West Park Avenue and the west line of S.W. Broadway.

(a) Streets shall not be closed in such a manner as to prohibit access for maintenance of computer control signal cables.

(b) Portland State University or Portland Development Commission shall pay any costs of relocation of said computer control signal cables necessitated by reconstructions of streets.

(c) Existing hydrants, water mains and other facilities for providing water for fire fighting purposes shall not be removed or disconnected until plans for providing water supplies necessary for fire fighting are submitted to and approved by the Fire Marshal of the City.

(d) That should it be found necessary to relocate or alter any water facilities due to construction by Portland State University or Portland Development Commission that such relocation or alteration costs shall be paid by Portland State University or Portland Development Commission.

(e) Streets shall not be closed in such a manner as to prohibit access into the area by emergency vehicles for fire fighting purposes. Plans for street closures shall be approved by the Fire Marshal.

(f) At such time as it is found desirable by the City Engineer to relocate certain sewer lines for continuing service to properties other than those owned by P.S.U., those relocations will be at the expense of P.S.U. or P.D.C. and the balance of the sewer lines within the area will then be abandoned to private ownership and maintenance to P.S.U. or P.D.C.. In the event that sewer relocations are found to be impractical, an alternate solution would be for Portland State University or P.D.C. to contract with the City of Portland to furnish sewer service to the private ownerships via P.S.U. or P.D.C. private lines.

(g) That Portland State University or Portland Development Commission shall pay all costs of intersection reconstruction and street closures as required by the City Engineer.

(h) That Portland State University deed to the City for public purposes those portions of the streets herein vacated which by law will revert to land owned by P.S.U., reserving however, to P.S.U. the right to build structures beneath grade level on such land which would by law revert to Portland State University, it being understood Portland State University or P.D.C. will be responsible for any and all costs of reconstructing or relocating all existing underground utilities which might interfere with such below grade construction.

(i) That upon completion of reconstruction for pedestrian use of the streets herein vacated and the adjacent Park Blocks at the expense of Portland State University or the Portland Development Commission, all future maintenance of walks, roadways, plantings and all things within such area will be by and at the expense of Portland State University or Portland Development Commission.

(j) 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 prior written consent of the City Engineer and the owner of the utility and that any and all contemplated building plans in said vacated area shall be submitted for the approval of 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 hereinafter reconstructed, renewed, replaced and/or enlarged.

(k) The City Auditor shall file with the recorder, the assessor, and the surveyor of the county in which said

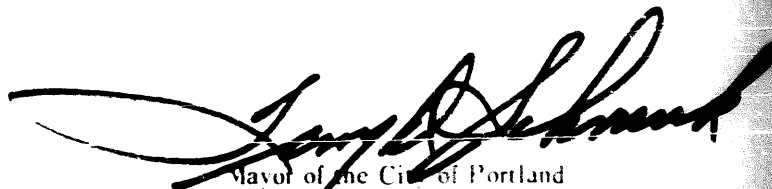
ORDINANCE No.

property 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.

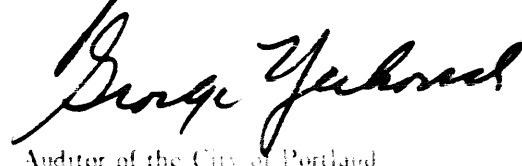
Section 2. Portland State University shall file with the City Auditor in form approved by the City Attorney a document in writing accepting the terms and conditions of this ordinance.

Passed by the Council, MAY - 5 1971

Order of Council
MCR:rf 4/22/71


Mayor of the City of Portland

Attest:


Auditor of the City of Portland

Calendar No.

1679

1600

ORDINANCE No. 132640

Title

An Ordinance vacating certain portions of S.W. Park Avenue, S.W. West Park Avenue, S.W. Hall Street, S.W. Harrison Street, S.W. Montgomery Street, and S.W. Mill Street, initiated by the City Council for and on behalf of Portland State University, under certain conditions.

APR 28 1971

PASSED TO THIRD READING MAY - 5 1971

Filed APR 23 1971

GEORGE YERKOVICH

Auditor of the CITY OF PORTLAND

By

Gordon Cassell
Deputy

INTRODUCED BY

ORDER OF THE COUNCIL

DRAWN BY

MCR:rf

Date 4/23/71

NOTED BY THE COMMISSIONER

Affairs

Finance and
Administration

Safety

Utilities

Works

City Attorney

NOTED BY THE CITY AUDITOR

APPROVED

Date

By

City Engineer

Date

By

THE COMMISSIONERS VOTED
AS FOLLOWS:

	Yeas	Nays
Anderson	/	
Goldschmidt	/	
Ivancie	/	
McCready	/	
Schrunk	/	

FOUR-FIFTHS CALENDAR

Anderson	
Goldschmidt	
Ivancie	
McCready	
Schrunk	