

In the Matter of the Vacation of Third Street the Recorder read the Notice being a copy of the notices ~~XXXX~~ posted and affidavit of the Recorder showing that they had been posted according to Law at the following places  
One on the bulletin board in the Court House

One at the entrance to the City Hall

One on the Old Cataract Hose House all being in plain view of the public,

A remonstrance filed by A.R.Jacobs Pres. of the Oregon City Mnfg. Company, was read and on motion the mater was laid over to a meeting of the council to be held on Dec 5th 1923 at 7.0,clock,P.M. at the council Chamber,

*on the advice of the City Clerk*

There being no further business the Council adjourned,

Respectfully

City Recorder

Oregon City Oregon,  
Dec 5th 1923

The City Council of Oregon City Oregon met in Regular session on the above date at the council chamber at 7,Oclock P.M. with Mayor Shannon in the chair. Roll call showed the following present, Roake. Cameron, Greaves, VanAukin. Mount, Krassig, Metzner, Beatie,  
The minutes of the previous sessions were read and approved,

A Communication from J.F.Spigir asking that permission be granted to erect a garage on sixth street east of Jackson street . the matter was refered to the city engineer and street committee, to report back at the next meeting of the council.

A petition from Adam Kilmer asking permission to pave a part of Fourteenth Stree under the supervision of the City Engineer was read and on motion Permission was granted

A communication from the Oregon Contract Co, asking that a warrant for 80% of the cost of Fifth Street be paid at this time, Cameron moved that a Warrant be ordered drawn for the amount asked , motion prevailed and so ordered,

The Report of The City recorder was read and ordered placed on file

Report of the Finance Committee, Oregon City Ore, Dec 5th 1923

To the Hon Mayor, and City council: Gentlemen: we your Finance committee beg leave to report that we have examined the following claims against the city and find them correct in the amounts herein stated and we recomend that warrants be drawn on there respective funds in payment thereof,

Health & Police		
W.B.Mays	Nov Salary	125.00
Jerry Hemingway	Same	100.00
C.A.Warren	same	100.00
M.C.Strickland	same	40.00
A.L.Beatie	Acct Wood same P.C.Poplin	27.00
H.W.Meier	putting in wood jail	2.25
Miller Parker Co	car service poouce dept	2.00
Telephone Co	calls	.95
H.W.Meier	putting in Wood	2.75
Jones Drug Co	Supplies	2.35
City Attorney		
Wm.Stone	Nov Salary	90.00
City Engineer		
J.R.Stafford	Nov Salary	175.00

City Recorder			
C.W.Kelly	Nov Salary	25.00	
M.J.Kelly	same	90.00	
Huntley Drug Co	supplies	1.00	
Mult.Lodge #1	Oct & Nov Rent	40.00	
Telephone Co	calls	45	
Banner Courier	Check books	33.60	
Hugh R Robertson Co	Not Audit	25.00	
Arc & Incandescent			
P.R.L.&.P.Co	Oct & Nov Lights Oct	428.57	
same	Nov Lights	629.96	1058.53
<del>PRINTING</del>			
Printing			
Banner Courier	Fifth St Notice	6.95	
same	Supplies, Sewer 15 & 16 & Streets	109.55	
same	Rsolution Imp Logus st	2.40	
Same	Tax Levy ordinance	7.30	
Same	Mayors Proclamation	5.80	
Enterprise Co	Books Recorders office	119.15	
Miscellaneous			
Crane & Co	Hydrant	42.20	
Enterprise	election supplies	24.05	
Streets & Roades			
E.W.Scott	Now salary	120.00	
John Fisher	same	90.00	
W.Clark	same	90.00	
O.C.Sand & Gravel Co	Gravel	1.45	
7th St Garage	supplies	5.65	
Geo Rosenbaum	Iron grate	1.50	
Union Oil Co	gas book	20.00	
Eleisman	Rock	184.50	
Frank Bush & Sons	supplies	90	
M.H.Long	fixing sewer	18.20	
F H Cross	1/2 doz brooms	5.40	
A.D.Kern	repairing streets	241.98	
Harry Berdine	Work and material streets	83.10	
Fire Dept			
WM.PREIBE,	Nov Salary	125.00	
G.W.Warner	same	120.00	
R.Elliott	same	115.00	
E.Surfus	same	100.00	
Herbert Thomas.	same	25.00	
O.C.Laundry	Laundry	4.64	
A.LBeate	Wood by Poplin	24.00	
Portland Gas Co	gas	3.31	
Pacific Telephone Co	Phone	3.60	
7th Street Garage	gas	5.94	
Con Preister	sawing Wood	2.25	
Jones Drug Co	supplies	2.61	
W.Young	call service	1.00	
R Doolittle	same	1.00	
E Quinn	same	2.00	
Ray Turner	same	1.00	
J Bingham	same	1.00	
S.Hair	same	2.00	
H.Seiler	same	1.00	
J. Beaulieu	same	1.00	
A Robacker	same	1.00	
A.Cox	same	1.00	
CEMETERY.			
Walter Brandt	sexton	28.00	
<del>WHITE XXXXXX</del> Telephone Co	<del>XXXXXXX</del> Phone	2.55	

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The following Ordinance was presented, and read, 0

ORDINANCE NO. \_\_\_\_\_ of the ordinances of Oregon City, Oregon, entitled "An Ordinance vacating all that portion of Third Street for its full width from the easterly line of Main Street to the westerly side line of the railroad right of way of the Southern Pacific Company as the same extends northerly and southerly across said Third Street, all in Oregon City, Oregon.

The City of Oregon City does ordain as follows:

That, WHEREAS the owners of all the real property immediately adjoining the portion of Third Street herein-after described and of the premises in the blocks next adjacent to said adjoining property, the accessibility to which will be lessened by the vacation of said street, have petitioned the Mayor and council of said city to vacate all that portion of said Third Street for its full width, from the easterly line of Main Street to the westerly side line of the railroad right of way of the Southern Pacific Company as the same extends northerly and southerly across said Third Street in Oregon City, Oregon; and

WHEREAS, each of the aforesaid owners of said property in his own name and for the parcel of real estate owned by him affected as aforesaid, has expressly consented to the vacation of such street; and

WHEREAS, the petition for the vacation of said portion of said street and consent thereto have been submitted to the said council of Oregon City, have been considered by said body and are now on file in the records of said city; and

WHEREAS, said petition and consent contain the names of all persons to be particularly affected by the vacation of said street, and have been filed with said city in the office of the city recorder thereof thirty (30) days previous to the consideration of this ordinance; and

WHEREAS, notice of the pendency of said petition has been and was given by posting and setting up of said notice in three of the most public places within said city of Oregon City for the full period of thirty (30) days previous to the consideration of this ordinance, and proof of the posting of said notices has been regularly made and filed in the office of the city recorder of said city; and

WHEREAS, the matter of the vacation of said portion of said street having thereafter and in accordance with said petition and notice, come on for hearing before said council, and opposition having been made to the vacation of said portion of said Third Street, and the hearing and consideration of the said entire matter thereon having been continued until the next regular meeting of said council; and

WHEREAS, the objectors not having consented to the said vacation during the interim, but the petitioners having produced and presented to and filed with the city council of said city, by deposit of the same in the office of the city recorder of said city, the petition of two-thirds of the property holders of lawful age in said city of Oregon City requesting the vacation of said portion of said Third Street as in said original petition and notice given; and

WHEREAS, said petition for the vacation of said portion of said Third Street, together with said notice and the said petition of two-thirds of the property holders of lawful age in said city having thereupon come on for hearing before said city council, and the said city council having carefully considered the same, finds that said property holders' petition contains the signatures of two-thirds of the property holders in said town of lawful age; and

WHEREAS, it appears that the said portion of said street sought to be vacated extends from a connection with Main Street on the west, for a distance of 176.8 feet approximately, easterly, and includes the full width of said Third Street between said Main Street and said westerly boundary of said railroad right of way; and

That for a long time prior to the filing of the said petition to vacate same, the said area sought to be vacated has been and now is obstructed at and entirely across its easterly boundary line by a concrete wall approximately twenty (20) feet in height which supports a fill constituting the railroad grade as well as the railroad track of the Southern Pacific Company, as the same is operated and passes northerly and southerly across the full width of said Third Street; that said concrete wall and fill, which it supports, are of a thickness easterly and westerly at the base thereof, of 49 feet 6 inches; that said fill and railroad grade abut directly against another fill approximately 30 feet in thickness easterly and westerly, making a continuous fill of a total thickness of 79 feet 6 inches extending in a northerly and southerly direction entirely across and obstructing said Third Street; and

That the easterly limits of said fill abut against a rock bluff 125 feet 6 inches in height, which bluff is entirely inaccessible, and

That there is no practical or safe way of constructing a crossing, either for vehicles or pedestrians, over the said railroad tracks of the Southern Pacific Company at said location, for the reason that a grade crossing would be necessary, and same would be wholly unsafe as trains run over said tracks in a northerly and southerly direction continuously by day and by night throughout the entire year; and

That by reason of such fact the present policy of the Public Service Commission of the state of Oregon, and to whom all such crossings must be submitted for approval, will not permit of the construction of a grade crossing at such location under such circumstances. That there is at present an overhead crossing of said railroad track approximately 400 feet southerly of said Third Street and forming a connection with said Main Street, and there is also an under crossing of said railroad in process of construction located approximately 600 feet northerly of said Main Street at and connecting with Fifth Street in said Oregon City, which said Fifth Street opens into Main Street on the west, and onto a highway known as the Bluff Highway on the east of said railroad track, running southerly to the southerly limits of said Oregon City, which said two crossings afford all necessary means of ingress and egress to and from said Main Street and said highway and all of the property described in said petition and affected by said vacation, and

That the portion of said Third street sought to be vacated is entirely closed to any travel whatsoever, and to the public, is a mere cul de sac or

blind alley 176 feet 8 inches easterly and westerly by 60 feet 7 inches northerly and southerly lying between lots numbered four (4) and five (5) in block twenty-eight (28) in Oregon City on the north, and lots numbered one (1) and eight (8) in block twenty-nine (29) in said Oregon City on the south, Main Street on the east, and the aforesaid construction on the west, so that the said portion of Third street so sought to be vacated affords no means of ingress or egress to or from any real property in Oregon City, Oregon, with the exception of the aforesaid property; and

WHEREAS, the petition for the vacation of said portion of said street contains the names of the persons to be particularly affected thereby and is in all other respects in conformity with the laws of the state of Oregon concerning the vacation of streets within incorporated cities and towns; and

WHEREAS, the city council of said city being now fully advised in the premises, finds that justice requires the granting of the petition for the vacation of said portion of said Third street, and that the said portion of said street so described in said petition shall be vacated, reserving only to said city certain rights hereinafter set forth, NOW, THEREFORE

OREGON CITY DOES FURTHER ORDAIN AS FOLLOWS:

Section 1. That all of that portion of Third street for its full width and extending from the easterly line of Main street to the westerly side line of the railroad right of way of the Southern Pacific Company, as said right of way extends northerly and southerly across said Third street, all in Oregon City, Oregon, be and the same is hereby vacated and forever closed to any use or travel thereof as a street or highway.

Such vacated area shall be subject to and there is hereby reserved to the city of Oregon City therein and thereon the right to lay, construct, operate and maintain the present water and sewer pipes, as well as new and other water and sewer pipes, conduits for the carrying of wires, also all other necessary appliances, and apparatus within the limits, but under the surface of said vacated area at a sufficient depth so as not to interfere with the use of the surface of said vacated area, or within any reasonable use of said vacated area

including the soil underneath the same, by the industries and property owners to whom the title shall pass on account of such vacation, and provided further, that if any such industries or property owners shall make any excavation or excavations in said vacated area the said water and sewer pipes, conduits and, or other apparatus and appliances, as now or hereafter maintained or installed by said city of Oregon City, shall be duly preserved, safeguarded and protected at the expense of the industry or property owner making such excavation.

Read first time at a regular meeting of the City Council held on the 5th day of December 1923, and ordered published, and to come up for second reading and final passage at a special meeting of the City Council to be held on December 14th, 1923 at the council chamber at 7:30 o'clock P. M.

C. W. KELLY, City Recorder.

Metzner moved that this be declared the first reading and that the same be ordered published and to come up for second reading and final passage at a special meeting to be held in the Council chamber at December 14th, 1923, at 7.30 o'clock P.M. Cameron seconded the motion and the vote resulted as follows: Ayes, Roake, Cameron, Greaves, VanAukin, Mount, Krassig, Metzner, (7) Noes, Beatie. Motion prevailed and so ordered

The following persons were appointed by the Mayor to act as Judges and clerks for the Election to be held on December 18th, 1923

Ward 1—Mrs. Burt Baxter, Mrs. Ella M. Scouton, Mrs. J. J. Cooke, Mrs. J. C. Sawyer, Mrs. Frank Moore.

Ward 2—John Bowland, Nan Chapman, Mrs. H. B. Carthage, Mrs. J. E. Jack, Mrs. Izetta Albright.

Ward 3—Elver Cooper, Mrs. Henry Stahl, Mrs. George Griffith, Mrs. Fred Greenman, Mrs. A. Amrine.

Ward 4—Mrs. M. Younce, Mrs. E. W. Scott, John Lewellen, Olivia Fox and Nellie Aldridge.

Polls for the special election will open at 9 a. m., December 18, and will close at 7 p. m. The following polling places have been designated:

Ward 1—Cataract hose house, precincts 1, 2 and 3.

Ward 2—Council chamber, precincts 4 and 5.

Ward 3—Griffiths garage, 12th and Madison streets, precincts 6, 7 and 8.

Ward 4—Building next to Eberly's store, precincts 9, 10 and 11.

Resolution, resolved that be hereby given that there will be held in Oregon City Oregon on the 18th day of December 1923 a Special City Election for the purpose of electing Three Commissioners to serve for one year, as provided by the New Charter adopted Dec 6th 1923. On Motion the Resolution was unanimously Adopted, and the same ordered published

There being no further business the Council adjourned to meet in special session on Dec 12, th 1923 at 7.30, o'clock P.M.P

Respectfully

City Recorder

Oregon City Oregon  
Dec 12th 1923

The City Council of Oregon City, Oregon met in special session on the above date at the council chamber at 7.30, o'clock P.M. with Mayor Shannon in the chair. Roll call showed the following present Cameron, VanAukin, Mount. Metzner, Beatie, (5) absent Greaves, Roake, Krassig.

The Mayor stated that the purpose of the meeting was to consider the final passage of certain ordinances and to consider any other business that may come before the council.

THERE being no objections filed to the acceptance of Logus Street between Molalla Ave. and Warren Street.

A resolution and Notice declaring the assessment was read and on motion was Adopted and ordered published.

Objection was filed by H.S. Goldman to the proposed assessment of 34ft of lot 8, in Oregon City for the improvement of Fifth Street from Water Street to R.R. Ave. after consideration by the council the objection was overruled.

An Ordinance declaring the assessment for the improvement of 5th St from Water St. to R.R. Ave. was read first time and ordered published and to come up for second reading and final passage at a meeting to be held on the 26th day of December 1923 at 7.30, o'clock, P.M

The petition of Mr J.F. Spigel to erect a garage on sixth street just east of Jackson. on motion was denied.

On Motion it was voted that the City Recorder draw a warrant in favor of Harry Berdine for 80% of the cost of Logus Street

An Ordinance declaring the annual Tax levy for 1924 was read and on motion was laid over to the meeting to be held on Dec 14th 1923

There being no further business the council adjourned

C.W. Kelly  
City Recorder