
Inalienability of Public Places

Charter Amendment Submitted to the Voters by the Council

RESOLUTION NO. 23694

Adopted July 21, 1948

AN ACT

To amend an Act of the Legislative Assembly of the State of Oregon entitled: "An Act to incorporate the City of Portland, Multnomah County, State of Oregon, and to provide a charter therefor, and to repeal all acts or parts of acts in conflict therewith," approved by the Governor and filed in the office of the secretary of state January 23, 1903, as subsequently amended by said Legislative Assembly and by the people of the City of Portland from time to time and as recodified, arranged and annotated, pursuant to Ordinance No. 76832 by amending Section 1-107 so as to permit street vacations within a distance of 2000 feet from any meander line of any navigable water or 1000 feet from any railroad depot or terminal yard, when necessary for use by the United States, the State of Oregon or any governmental agency or political subdivision of either the United States or the State of Oregon for a public purpose other than street use.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF PORTLAND, OREGON:

Section 1. Section 1-107 of the Act of the Legislative Assembly of the State of Oregon entitled: "An Act to incorporate the City of Portland, Multnomah County, State of Oregon, and to provide a charter therefor, and to repeal all acts or parts of acts in conflict therewith," approved by the Governor and filed in the office of the secretary of state January 23, 1903, as subsequently amended by said Legislative Assembly and by the people of the City of Portland from time to time and as recodified, arranged and annotated, pursuant to Ordinance No. 76832 is hereby amended to read as follows:

Section 1-107. **INALIENABILITY OF PUBLIC PLACES.** The title, rights and interest of the city of Portland in and to all water front, wharf property, land under water and made land built upon same, or any lands on the water side of the high water or meander lines of navigable waters as established by the original United States surveys and conformed to by the original plats of the city of Portland, and all landings, wharves, docks, highways, bridges, avenues, streets, alleys, lanes, parks and all other public places, and like property that it may now own or hereafter may acquire, are hereby declared to be inalienable. The rights of the city therein shall not be divested or vacated for a distance of two thousand feet from any meander line of any navigable water, or one thousand feet from any railroad depot or terminal yard; provided, that at a greater distance than specified above from any such meander lines and railroad terminal, streets may be vacated on proceedings prescribed elsewhere in this charter, except that the ordinance of vacation shall require for its passage a vote of at least four-fifths of all the members of the council. But whenever the city shall own all the property abutting upon both sides of any part of a street, and such part of the street shall be necessary for the use of such property of the city for a public purpose the street may be vacated in the manner else-

where provided in the charter or ordinances of the city of Portland or the laws of the state of Oregon in force at the time for the vacation of streets; provided, however, that the right herein granted shall only be exercised when such vacation shall not interfere with any improvement, proposed by the commission of public docks or with access to the water front or any transportation terminal; and provided further, to the end that railroad terminal development may be permitted, the council be and it is hereby empowered to vacate in the manner provided by sections 362 to 364, inclusive, of the charter of 1903 as amended June 7, 1909, now retained as charter ordinances, and in the manner prescribed by law, and prescribe and fix the terms and conditions upon which said vacation shall be made, all of the following described streets, or parts of streets, in the city of Portland, Oregon, to-wit:

Broadway, North, and North 7th street, from the north line of Johnson street to the southwesterly line of North Front street.

North 8th street, from the south line of Marshall street to the southwesterly line of North Front street.

East 20 feet of North 8th street, from the south line of Kearney street extended to the south line of Marshall street.

West 20 feet of North Park street, from the south line of Kearney street to the south line of Marshall street.

North Park street, from the south line of Marshall street to the southwesterly line of North Front street.

North 10th street, from the north line of Lovejoy street to the southwesterly line of North Front street.

North 10th street, from the north line of Johnson street to the south line of Lovejoy street.

North 13th street, from the north line of Raleigh street to the southwesterly line of North Front street.

North 15th street, from the north line of Thurman street to a line drawn from the intersection of the east line of North 15th street with the south line of Upshur street to the intersection of the north line of Upshur street with the southwesterly line of Terminal street.

North 16th street, from the north line of Thurman street to the north line of Upshur street.

Versteeg street, from a line 30 feet northeasterly from and parallel to the southwesterly line of Sherlock avenue to a line 100 feet southwesterly from and parallel to said southwesterly line of Sherlock avenue.

Kearney street, from the east line of North 9th street to the east line of North Park street.

Lovejoy street, from the east line of North 9th street to the east line of North Park street.

Lovejoy street, from the west line of North 8th street to the east line of North 7th street.

Marshall street, from the west line of North 10th street to the west line of North 9th street.

Marshall street, from the east line of North 9th street to the east line of North 7th street.

Northrup street, from the east line of North 9th street to the southwesterly line of North Front street.

Northrup street, from the east line of North 12th street to the west line of North 9th street.

Overton street, from the east line of North 12th street to the west line of North 9th street.

Overton street, from the east line of North 9th street to the southwesterly line of North Front street.

Pettygrove street, from the east line of North 12th street to the west line of North 9th street.

Raleigh street, from the east line of North 13th street to the west line of vacated North 12th street.

Savier street, from 100 feet west of the west line of North 13th street to the southwesterly line of North Front street.

Upshur street, from the east line of North 17th street to a line drawn from the intersection of the east line of North 15th street and the south line of Upshur street to the intersection of the north line of Upshur street and the southwesterly line of Terminal street.

Vaughn street and North 18th street, from the west line of North 17th street, to a line drawn from the intersection of the east line of North 18th street with the south line of Vaughn street to the intersection of the north line of Vaughn street with the extension of the west line of North 18th street.

York street and North 20th street, from a line 30 feet northeasterly from and parallel to the southwesterly line of Sherlock avenue to a line drawn from the intersection of the south line of York street and the east line of North 20th street to the intersection of the north line of York street and the west line of North 20th street.

Reed street, from a line 30 feet northeasterly from and parallel to the southwesterly line of Sherlock avenue to a line drawn across said Reed street from a point on the south line thereof 100 feet distant, at right angles, from the southwesterly line of Sherlock avenue to a point on the north line of said Reed street, 60 feet distant, at right angles, from the southwesterly line of Sherlock avenue.

Southwesterly 30 feet of Sherlock avenue, from the west line of North 19th street, extended, to the southeasterly line of Colton street, extended.

Quimby street, from the west line of North 10th street to the southwesterly line of North Front street.

All that portion of North 14th street between the southwesterly line of North Front street and a line drawn perpendicular to North Front street from the southeast corner of block 17, Watson's Addition.

All that portion of Thurman street between the southwesterly line of North Front street and a line drawn perpendicular to North Front street from a point on the south line of Thurman street 20 feet east of the east line of North 14th street.

All that portion of Sherlock avenue, Blackistone street and Lumber street that lies between a line 10 feet northeasterly from and parallel to the southwesterly line of Sherlock avenue and a line drawn parallel to Sherlock avenue, from the intersection of the east line of Blackistone street with the south line of Lumber street and extending from the southeasterly line of Nicolai street, extended, to the west line of North 21st street, extended.

The said streets above named are hereby described by reference to the official quarter section maps of the city of Portland prepared pursuant to ordinances of said city which maps are a part of the records of said city.

Whenever it shall become necessary for the future development of terminal facilities in the city of Portland to construct overhead viaducts, the council is hereby empowered by a four-fifths vote of all the members thereof, to vacate, in the manner provided by said charter ordinances, the said street areas over which viaducts shall be constructed, upon such terms and conditions as the council shall prescribe, notwithstanding said areas may be within two thousand feet distant from any meander line of any navigable river or one thousand feet from any railroad depot or terminal yard.

But replatting of streets wherever situated in such manner that new ground is dedicated or acquired without additional cost to the city of equal area with that vacated, and affording

equal way and access to the same terminus, shall not be deemed within the prohibition of this act.

Whenever it shall become necessary or in the public interest to vacate street areas or a portion thereof for use by the United States, the State of Oregon or any governmental agency or political subdivision of either the United States or the State of Oregon for a public purpose other than street use, the Council hereby is empowered by a four-fifths vote of all the members thereof, to vacate, in the manner provided by this charter, by charter ordinance or by applicable state law, the said street areas or portion thereof needed for such public purpose, upon such terms and conditions as the Council shall prescribe, notwithstanding said area may be within two thousand feet distance from any meander line of any navigable water or of one thousand feet from any railroad depot or terminal yard.

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The ballot title adopted for the foregoing measure is as follows:

AN ACT to amend the Charter of the City of Portland so as to permit street vacations within a distance of 2000 feet from any meander line of any navigable water or 1000 feet from any railroad depot or terminal yard when necessary or in the public interest for use by the United States, the State of Oregon, or political subdivision or any governmental agency of either, for a public purpose other than street use.

Shall the Charter be so amended?

504 Yes. I vote for the amendment.

505 No. I vote against the amendment.