ORDINANCE NO. 20637

An Ordinance authorizing and directing the Mayor and Auditor of the City of Portland to draw warrants upon the Park and Boulevard Fund in payment of the amount of damages assessed by the jury in the matter of the appropriation of certain real property for park purposes, and declaring an emergency.

WHEREAS, The City of Portland has been unable to agree with B. G. Whitehouse and C. J. Reed, Trustees of the estate and property of John Green, deceased, under and by virtue of the terms and provisions of the last will and testament of said John Green, deceased, and The D. P. Thompson Company, a corporation, and H. C. Leonard, the owners of the real property hereinafter described, concerning the price to be paid for the following described real property for park purposes, to-wit:

Commencing at a point in the center line of County Road No. 433 where the same is intersected by an Easterly extension of the South line of Block lettered "X", Tabor Heights, in the County of Multnomah, State of Oregon, as shown on the recorded plat thereof; thence West along said Easterly extension and South line of Block lettered "X" and along the center of County Road No. 545, to the Northwest corner of Lot Six (6) in Belmont Park in said County and State, as the same formerly appeared on the recorded plat of said Belmont Park, which is the point of intersection in the center line of said County Road No.545 of the West boundary line of said Lot Six (6), with the center line of said County Road No. 545, there marked by an iron post; thence South and along the West boundary line of said Lot Six (6) to the center of Belmont Avenue at an iron post; thence following the courses and distances as set and established by the several iron posts in the center of Belmont Avenue and Summit Avenue, along the West side of said tract to a point Seventy-two (72) feet North of

the South boundary line of the Samuel Nelson Donation Land Claim in Multnomah County, Oregon; thence South a distance of Seventy-two (72) feet to the South boundary line of the Samuel Nelson Donation land claim; Thence east along said South boundary line of the Samuel Nelson Land Claim in said County and State, to an iron post where the center line of County Road No. 433, if projected Southerly would intersect said South boundary line of said Samuel Nelson Donation Land Claim; thence Northerly from said point of intersection Two Hundred Fifty-two (252) feet to an iron post in the center of said County Road No. 433; thence Westerly Two Hundred Fifty-six and Two Tenths (256.2) feet; thence Northerly Five Hundred Forty-two (542) feet; thence Easterly Two Hundred Fifty-six and Two Tenths (256.2) feet to an iron post in the center of said County Road No. 433; thence Northerly along the center line of said County Road No. 433, as the same is now located, laid out and established, to the point of intersection with the Easterly extension of the South line of Block lettered "X" Tabor Heights, hereinbefore described and the place of beginning, containing Twenty and Fifty-nine One Hundredths (20.59) acres of land, more or less, all situated in the City of Portland, County of Multnomah and State of Oregon.

AND WHEREAS, the City of Portland instituted condemnation proceedings in the Circuit Court of the State of Oregon for the County of Multnomah for the appropriation for park purposes of the real property above described, which proceedings resulted in a general verdict for defendants B. G. Whitehouse and C. J. Reed, as Trustees of the property and estate of John Green, deceased, and The D. P. Thompson Company, a corporation, and H. C. Leonard, in the sum of Forty-six Thousand Five Hundred Dollars, ($46,500.00) which verdict was segregated and divided among said defendants as follows:

To B. G. Whitehouse and C. J. Reed, as Trustees of the property and estate of John Green, deceased, the sum of Fifteen Thousand Five Hundred Dollars ($15,500.00); to The D. P. Thompson Company, a corporation, the sum of Fifteen Thousand, Five Hundred Dollars ($15,500.00); to H. C. Leonard, the sum of Fifteen Thousand Five Hundred Dollars ($15,500.00);

AND WHEREAS, said verdict appears to be the equivalent of the reasonable value of the real property above described,

NOW, THEREFORE, the City of Portland does ordain as follows:

Sec. 1. That the Mayor and Auditor of the City of Portland be and they hereby are authorized and directed to draw warrants on the Park and Boulevard Fund of the City of Portland, as follows, to-wit:

One warrant in the sum of $15,500.00 in favor of B. G. Whitehouse and C. J. Reed, Trustees of the property and estate of John Green, deceased; one warrant in the sum of $15,500.00 in favor of The D. P. Thompson Company, a corporation; and one warrant in the sum of $15,500.00 in favor of H. C. Leonard; and to tender and deposit the same in the Circuit Court of the State of Oregon, for the County of Multnomah, in the condemnation proceeding wherein the City of Portland is plaintiff and B. G. Whitehouse and C. J. Reed, as Trustees of the estate and property of John Green, deceased, under and by virtue of the terms and conditions of the last will and testament of said John Green, deceased; and The D. P. Thompson Company, a corporation; and H. C. Leonard; and Arthur W. Chance and K. B. G. Chance, are defendants.

Sec. 2. Inasmuch as this Ordinance is necessary for the immediate preservation of the public health, peace and safety of the City of Portland in this, that the real property above described is necessary to afford proper park facilities for the City of Portland; that warrants in the amount of the verdict rendered in said proceedings must be tendered in Court before

the judgment of condemnation is entered therein; therefore, an emergency is hereby declared, and this ordinance shall go into force and effect from and after its approval by the Mayor.

Passed by the Council January 12, 1910, by the following vote:

Ayes 13

Nays None

A. L. Barbur
Auditor, City of Portland.

Submitted to the Mayor January 13, 1910.

Approved, January 17th, 1910.

Joseph Simon
Mayor.