

ORDINANCE NO. 149148

An Ordinance authorizing commencement of condemnation proceedings for the acquisition of a parcel of land and the acquisition of a temporary easement, located in Block 6, BROADWAY ADDITION and Lot 13, FERNWOOD ADDITION, to the City of Portland, Multnomah County, Oregon, for the construction of street improvements at N.E. 33rd and Broadway Streets, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

(1) That it is necessary and expedient to acquire, for the construction of street improvements at S.E. 39th and Stark Streets, a parcel of land lying in Lots 11 and 12, Block 6, BROADWAY ADDITION and Lot 13, FERNWOOD ADDITION to the City of Portland, Multnomah County, Oregon, more particularly described as follows:

PARCEL I

A parcel of land lying in the S.W. 1/4 of Section 25, Township 1 North, Range 1 East, W.M., Multnomah County, Oregon and being a portion of that property described in that deed to General Petroleum Corporation of California, recorded June 24, 1937 in Book 404, Page 357 and in that deed to Socony Mobil Oil Company, Inc., recorded August 7, 1963 in Book 2180, Page 590 of Multnomah County Record of Deeds; the said parcel being the East 10 feet of said property.

ALSO beginning on the South line of said property at a point 28.04 feet West of the Southeast corner of said property; thence Northeasterly along an 18 foot radius curve left having a central angle of 90° 07' (the long chord of which forms an angle of 45° 03' 30" when measured counter clockwise from said South line, a distance of 25.48 feet) an arc distance of 28.31 feet to a line parallel with and 10 feet West of the East line of said property; thence South along said parallel line to said South line; thence West along said South line to the point of beginning.

The parcel of land to which this description applies contains 1670 square feet, more or less.

PARCEL 2 - Temporary Easement for four (4) years or duration of the project, whichever is sooner, for a work area.

A parcel of land lying in the S.W. 1/4 of Section 25, Township 1 North, Range 1 East, W.M., Multnomah County, Oregon and being a portion of that property described in that deed to General Petroleum Corporation of California, recorded June 24, 1937 in Book 404, Page 357 and in that deed to Socony Mobil Oil Company, Inc., recorded August 7, 1963 in Book 2180, Page 590 of Multnomah County Record of Deeds; the said parcel being that portion of said property lying Easterly of the following described line:

Beginning on the South line of said property at a point 47 feet West of the Southeast corner of said property; thence North at right angles to said South line 3 feet; thence East along a line parallel with said South line 18.96 feet; thence Northeasterly along a 15 foot radius curve left having a central angle of $90^{\circ} 07'$ (the long chord of which forms an angle of $45^{\circ} 03' 30''$ when measured counter clockwise from said parallel line, a distance of 21.23 feet an arc distance of 23.59 feet to a line parallel with and 13 feet West of the East line of said property; thence North along said parallel line to the North line of said property.

ALSO the West 53 feet of the East 66 feet of the North 3 feet of said property.

EXCEPT therefrom Parcel 1.

ALSO EXCEPT therefrom that portion occupied by the existing pump island.

The parcel of land to which this description applies contains 697 square feet, more or less.

(2) That it is necessary that the City have the right to possession of the property and the easement in order that the construction of the street improvements at N.E. 33rd and Broadway Streets may stay on schedule and within budgetary limitation, and that provisions for the establishment of a fund for deposit into court

as a condition for possession, if necessary, be made on that account.

(3) That the State of Oregon, pursuant to that certain Interstate Transfer Project, N.E. 33rd and Broadway Street, Agreement No. 6360 entered into by and between the City of Portland and the State of Oregon, by and through the Department of Transportation, Highway Division, has carried on negotiations for the purchase of such property and easements with the present owners and they have refused to sell.

(4) That it is necessary that special legal counsel representing the City of Portland pursuant to that certain agreement authorized by Ordinance No. 147323 of the City of Portland, be authorized and directed to make a binding offer to the owners of the said property for the purchase of the parcel and the easement described herein, in the amount of the approved appraisal and estimated value arrived at by the Highway Division, Department of Transportation, State of Oregon pursuant to the said Agreement No. 6360.

(5) That it is necessary that the said legal counsel be authorized, in the event that satisfactory agreement cannot be reached with the owners of the property for the acquisition and use thereof, to institute condemnation proceeding to acquire the property and the use thereof.

NOW THEREFORE, the Council directs:

(a) Special legal counsel hereby is authorized and directed to make a binding offer to the owners of the parcel of land described above.

(b) In the event that no satisfactory agreement can be reached with the owners of the property as to the purchase price thereof, legal counsel is directed to commence and prosecute to final determination such proceedings as may be necessary to acquire title to the property.

(c) That upon the trial of any suit or action is instituted to acquire the property or any interest therein, legal counsel is hereby authorized to make

ORDINANCE No.

such stipulation, agreement or admission as in their judgment may be in the best interests of the City.

(d) That upon the final determination of any such proceedings, the deposit of funds and payment of judgment conveying title to the property to the City is hereby authorized pursuant to and subject to the terms of the said Agreement No. 6360.

(e) That the City hereby finds it necessary to obtain and maintain immediate and continuing possession of such property in order that the construction of the N. E. 33rd and Broadway street improvements may proceed on schedule and within budgetary limitations; legal counsel is hereby authorized, in accordance with all applicable law and regulations to take appropriate steps to acquire immediate possession of such property, in the event that such possession is not obtained and maintained by agreement with the owners.

Section 2. The Council declares:

That an emergency exists because it is necessary that no undue delay be encountered in order to acquire the necessary easements for the purpose of constructing the street improvements at the intersection of N. E. 33rd and Broadway in the City of Portland; therefore, this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, FEB 13 1980

Commissioner Lindberg
February 7, 1980

Attest:


Mayor of the City of Portland


Auditor of the City of Portland

Calendar No. 553

ORDINANCE NO. 149118

Title

An Ordinance authorizing commencement of condemnation proceedings for the acquisition of a parcel of land and the acquisition of a temporary easement, located in Block 6, BROADWAY ADDITION and Lot 13, FERNWOOD ADDITION, to the City of Portland, Multnomah County, Oregon, for the construction of street improvements at N. E. 33rd and Broadway Streets, and declaring an emergency.

THE COMMISSIONERS VOTED AS FOLLOWS:

	Yeas	Nays
Ivancie	1	
Jordan	1	
Lindberg	1	
Schwab	1	
McCreedy	1	

FOUR-FIFTHS CALENDAR

Ivancie	
Jordan	
Lindberg	
Schwab	
McCreedy	

Filed

FEB 8 1980

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By

James J. O'Brien
Deputy

INTRODUCED BY

Commissioner Lindberg

NOTED BY THE COMMISSIONER

Affairs

Finance and
Administration

Safety

Utilities

Works

ML/ST

BUREAU APPROVAL

Bureau:

Prepared By:

Date:

Budget Impact Review:

☐ Completed

☐ Not required

Bureau Head:

NOTED BY

City Attorney

City Auditor

City Engineer

ST