

ORDINANCE NO. 149039

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 5, BROADWAY 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 Lot 12, Block 5, BROADWAY ADDITION to the City of Portland, Multnomah County, Oregon and being a portion of that property described in that deed to Clifford L. Arntson recorded December 11, 1952 in Book 1574, Page 269 of Multnomah County Record of Deeds; the said parcel being described as follows:

PARCEL I

Beginning on the North line of said property at a point 12.68 feet West of the Northeast corner of said property; thence East along said North line 12.68 feet to said Northeast corner; thence South along the East line of said property 20.05 feet; thence Northwesterly along a 44.5 foot radius curve left having a central angle of 30°56'45" (the long chord of which forms an angle of 32°16'34" when measured counter clockwise from said East line, a distance of 23.74 feet) an arc distance of 24.03 feet to the point of beginning, containing 102 square feet, more or less.

(2) That it is necessary and expedient to acquire, for the construction of street improvements at N.E. 33rd and Broadway Streets, a temporary easement for work area for four years duration or the duration of the construction project, whichever is sooner, described as a parcel of land lying in Block 5, BROADWAY ADDITION to the City of Portland, Multnomah County, Oregon; the said parcel being described as follows:

PARCEL II

Beginning on the West line of N.E. 33rd Avenue at a point 34 feet South of the South line of N.E. Broadway; thence North along said West line 34 feet to said South line; thence West along said South line 111 feet; thence South at right angles to said South line 3 feet; thence East parallel with said South line 68 feet; thence Southeasterly in a straight line to the point of beginning.

Except therefrom Parcel 1, leaving a net area of 898 square feet, more or less.

(3) 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.

(4) That the State of Oregon, pursuant to that certain Interstate Transfer Project, N.E. 33rd and Broadway Streets, 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.

(5) 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.

(6) 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 lying in Lot 12, Block 5, BROADWAY ADDITION to the City of Portland, Multnomah County, Oregon and being a portion of that property described in that deed to Clifford L. Arntson recorded December 11, 1952 in Book 1574, Page 269 of Multnomah County Record of Deeds; the said parcel being described as follows:

PARCEL I

Beginning on the North line of said property at a point 12.68 feet West of the Northeast corner of said property; thence East along said North line 12.68 feet to said Northeast corner; thence South along the East line of said property 20.05 feet; thence Northwesterly along a 44.5 foot radius curve left having a central angle of 30°56'45" (the long chord of which forms an angle of 32°16'34" when measured counter clockwise from said East line, a distance of 23.74 feet) an arc distance of 24.03 feet to the point of beginning, containing 102 square feet, more or less.

PARCEL II

And a temporary easement for four years or the duration of the construction project, whichever is sooner described as a parcel of land lying in Block 5, BROADWAY ADDITION to the City of Portland, Multnomah County, Oregon; the said parcel being described as follows:

Beginning on the West line of N.E. 33rd Avenue at a point 34 feet South of the South line of N.E. Broadway; thence North along said West line 34 feet to said South line; thence West along said South line 111 feet; thence South at right angles to said South line 3 feet; thence East parallel with said South line 68 feet; thence Southeasterly in a straight line to the point of beginning.

Except therefrom Parcel 1, leaving a net area of 898 square feet, more or less.

(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.

ORDINANCE No.

(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 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 Streets improvements may proceed on schedule and within budgetary limitations; legal counsel is hereby authorized, in accordance with all applicable laws 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.

(f) That all funds required for the acquisition of the property described herein have been budgeted by the Portland Development Commission in payment for any and all such property and shall be made by and through the Portland Development Commission.

Section 2. The Council declares:

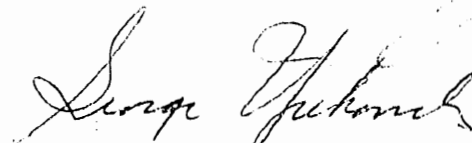
That an emergency exists because it is necessary that no undue delay be encountered in order to acquire the necessary easements for the purpose of constructing the street improvements at the intersection of N. E. 33rd and Broadway Streets in the City of Portland; therefore, this ordinance shall be in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

Passed by the Council, **JAN 16 1980**

Commissioner Lindberg
January 7, 1980
RCIrelan/fg


Mayor of the City of Portland

Attest:


Auditor of the City of Portland

Calendar No. 155

ORDINANCE No. 149039

Title

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Filed JAN 11 1980

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

Gordon Powell
Deputy

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Ivancie	/	
Jordan	/	
Lindberg	/	
Schwab	/	
McCready	/	

FOUR-FIFTHS CALENDAR	
Ivancie	
Jordan	
Lindberg	
Schwab	
McCready	

INTRODUCED BY
Commissioner Lindberg

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration
Safety
Utilities
Works <i>ML/SA</i>

BUREAU APPROVAL
Bureau:
Prepared By: <i>RCIrelan/fg</i> Date: <i>1/7/80</i>
Budget Impact Review:
<input type="checkbox"/> Completed <input type="checkbox"/> Not required
Bureau Head:

NOTED BY
City Attorney <i>[Signature]</i>
City Auditor
City Engineer