

ORDINANCE NO. 149380

An Ordinance authorizing commencement of condemnation proceedings for the acquisition of a parcel of land and the acquisition of a temporary easement, located in Blocks 5 and 6, MEADOWBROOK in the City of Portland, Multnomah County, Oregon, for the construction of street improvements from S.E. 17th Avenue to S.E. 28th Avenue on S.E. Holgate Boulevard, 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 from S.E. 17th Avenue to S E. 28th Avenue on S.E. Holgate Boulevard, a parcel of land lying in Blocks 5 and 6, MEADOWBROOK, in the City of Portland, Multnomah County, Oregon, more particularly described as follows:

PARCEL I

A parcel of land lying in Lots 1, 2 and 3, Block 6, MEADOWBROOK, Multnomah County, Oregon; the said parcel being described as follows:

Beginning at the intersection of the West line of said Lot 3 with the South line of existing S.E. Holgate Boulevard; thence East along said South line to the East line of said Lot 1; thence South along said East line 31 feet; thence westerly in a straight line to a point on a line parallel with and 30 feet westerly of the easterly line of said Lot 2, said point being 33 feet southerly of (when measured along said parallel line) the southerly line of existing S.E. Holgate Boulevard; thence westerly in a straight line to a point on a line parallel with and 30 feet westerly of the easterly line of said Lot 3, said point being 27 feet southerly of (when measured along said last mentioned parallel line) the southerly line of existing S.E. Holgate Boulevard; thence northerly parallel with and 30 feet westerly of the easterly line of said Lot 3, a distance of 2 feet; thence westerly parallel with and 25 feet southerly of the southerly line of existing S.E. Holgate Boulevard to the westerly line of said Lot 3; thence northerly along said westerly line to the point of beginning.

The parcel of land to which this description applies contains 4,480 square feet, more or less.

PARCEL II

A parcel of land lying in Lots 1 and 2, Block 5, MEADOWBROOK, Multnomah County, Oregon; the said parcel being that portion of said lots lying within the following described tract:

Beginning at the Northeast corner of said Lot 1; thence South along the East line of said Lot 1, a distance of 33 feet to a point, said point being 66.69 feet North of the Southeast corner of said Lot 1; thence West parallel with and 33 feet South of the North line of said Block 5, a distance of 81.34 feet; thence southwestwardly in a straight line to

the West line of Lot 4 of said Block 5 at a point 55.02 feet North of the Southwest corner of said Lot 4; thence North along the West line of said Lot 4, a distance of 44.85 feet to the Northwest corner of said Block 5; thence East along the North line of said Block 5 to the point of beginning.

The parcel of land to which this description applies contains 325 square feet, more or less, outside of the existing right of way.

PARCEL III

A parcel of land lying in the N 1/2 of Lot 7, Block 5, MEADOWBROOK, Multnomah County, Oregon; the said parcel being described as follows:

Beginning on the West line of the East 10 feet of said Lot 7 at a point 1.88 feet North of the South line of the N 1/2 of said Lot 7, thence South along said West line 1.88 feet to the South line of said N 1/2 of Lot 7; thence West along the South line of the N 1/2 of said Lot 7, a distance of 8 feet; thence on an 18 foot radius curve left to the point of beginning.

The parcel of land to which this description applies contains 5 square feet, more or less.

PARCEL IV

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

A parcel of land lying in Lots 1, 2 and 3, Block 6, MEADOWBROOK, Multnomah County, Oregon; the said parcel being that portion of said lots lying southerly of Parcel I and northerly of a line parallel with and 45 feet southerly of the southerly line of existing S.E. Holgate Boulevard.

The parcel of land to which this description applies contains 2,082 square feet, more or less.

PARCEL V

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

A parcel of land lying in Lots 1, 2 and 3, Block 5, MEADOWBROOK, Multnomah County, Oregon; the said parcel being that portion of said lots lying northerly of the following described line:

Beginning on the East line of said Lot 1 at a point 3 feet of the Southeast corner of Parcel 2, thence West parallel with and 36 feet South of the North line of said Block 5, a distance of 111.85 feet; thence southwesterly in a straight line to the West line of Lot 4 of said Block 5 at a point 55.02 feet North of the Southwest corner of said Lot 4.

EXCEPT therefrom Parcel II.

The parcel of land to which this description applies contains 290 square feet, more or less, outside of the existing right-of-way.

PARCEL VI

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

A parcel of land lying in the N 1/2 of Lot 7, Block 5, MEADOWBROOK, Multnomah County, Oregon; the said parcel being described as follows:

Beginning on the West line of the East 10 feet of said N 1/2 of Lot 7 at a point 5.31 feet North of the South line of said N 1/2 of Lot 7; thence South along said West line 3.43 feet to the most northerly corner of Parcel 3; thence southwesterly along the northwesterly line of Parcel 3 to the South line of said N 1/2 of Lot 7; thence West along said South line 82 feet to the Southwest corner of said N 1/2 of Lot 7; thence North along the West line of said Lot 7 to a line parallel with and 3 feet North of the South line of said N 1/2 of Lot 7; thence East parallel with said South line 54 feet; thence North at right angles to said South line 1 foot; thence East parallel to said South line 12 feet; thence South at right angles to said South line 1 foot; thence East parallel with said South line 16 feet; thence on a 15 foot radius curve left to the point of beginning.

EXCEPT therefrom that portion occupied by the existing building.

The parcel of land to which this description applies contains d283 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 on S.W. Holgate Boulevard 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 Agreement, 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 easements 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.

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- (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.

NCW, THEREFORE, the Council directs:

- (a) Special legal counsel hereby is authorized and directed to make a binding offer to the owners of the parcels 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 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.
- (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 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.

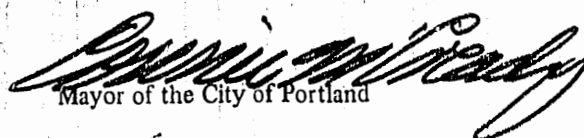
Section 2. The Council declares:

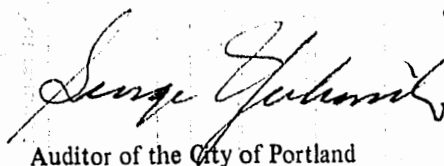
That an emergency exists because it is necessary that no undue delay be encountered in order to acquire the necessary easements for the purpose of constructing the street improvements along S.E. Holgate Boulevard; therefore, this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, **APR 9 1980**

Commissioner Lindberg
March 28, 1980
RCIreland/fg

Attest:


Mayor of the City of Portland


Auditor of the City of Portland

1132
Calendar No. ~~1137~~

ORDINANCE No. 149380

Title

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APR 3 1980

CONTINUED TO APR 9 1980

Filed MAR 28 1980

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By *Gordon*
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/G</i>

BUREAU APPROVAL
Bureau:
Prepared By: Date:
RCIrelan/fg March 28, 1980
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