

ORDINANCE NO. 149388

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 4, 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 Block 4, MEADOWBROOK, in the City of Portland, Multnomah County, Oregon, more particularly described as follows:

PARCEL I

A parcel of land lying in Lots 3 and 4, Block 4, MEADOWBROOK, in the City of Portland, Multnomah County, Oregon; the said parcel being described as follows:

BEGINNING on the West line of said Lot 4 at a point 10 feet South of the intersection of said West line with the southerly line of existing S.E. Holgate Boulevard; thence North along said West line 10 feet to said intersection; thence easterly along said southerly line to the East line of said Lot 3; thence South along said East line 9.02 feet; thence westerly in a straight line to the point of beginning.

The parcel of land to which this description applies contains 951 square feet, more or less.

PARCEL II

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

A parcel of land lying in Lots 3 and 4, Block 4, MEADOWBROOK, in the City of Portland, County of Multnomah and State of Oregon, said parcel being described as follows:

BEGINNING on the East line of said Lot 3 at the Southeast corner of Parcel I; thence westerly along the southerly line of Parcel I to the Southwest corner of Parcel I; thence South along the West line of said Lot 4, a distance of 16 feet; thence East at right angles to said West line 3 feet; thence North parallel with the West line of said Lot 4 to a line parallel with and 3 feet southerly to the southerly line of Parcel I; thence easterly parallel with the southerly line of Parcel I to the East line of said Lot 3; thence North along said East line to the point of beginning.

- (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.E. 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.
- (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 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.

ORDINANCE No.

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.

ORDINANCE NO. 149388

CITY OF PORTLAND

4 (31)

AN ORDINANCE AMENDING AN ORDINANCE OF THE CITY OF PORTLAND, OREGON, PASSED FEBRUARY 28, 1979, AS AMENDED, TO CORRECT A CLERICAL ERROR IN THE SEVERANCE OF THE EASEMENT GRANTED TO THE CITY OF PORTLAND FOR THE CONSTRUCTION OF THE STREET IMPROVEMENTS ALONG S.E. HOLGATE BOULEVARD, AND TO REPEAL SAID ORDINANCE.

AMC

APR 9 1980

Passed by the Council, APR 9 1980

Commissioner Lindberg
March 28, 1980
RCIrelan/fg

Carrie M. Priddy
Mayor of the City of Portland

Attest:

Serge Zerkow
Auditor of the City of Portland

1196
Calendar No. ~~1131~~

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Title

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APR 3 1980 142

CONTINUED TO APR 9 1980

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Ivancie	1	
Jordan	1	
Lindberg	1	
Schwab	1	
McCready	1	

5

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:
RCIreland/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 <i>[Signature]</i>
City Engineer

Filed MAR 28 1980

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By *Gordon Crowell*
Deputy

88801