

ORDINANCE NO. 149904

An Ordinance authorizing commencement of condemnation proceedings for the acquisition of a parcel of land described as Lot 3 except the West 10' in N. E. Union Avenue and the South one-half of Lot 2 except the West 10' in N. E. Union Avenue, Block 22, LINCOLN PARK, City of Portland, County of Multnomah, State of Oregon, for the construction of off-street parking in conjunction with the Union Avenue Redevelopment Project, and declaring it 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 off-street parking in conjunction with the Union Avenue Redevelopment Project a parcel of land lying in Block 22, LINCOLN PARK in the City of Portland, Multnomah County, Oregon, more particularly described as follows:

PARCEL I

The South 1/2 of Lot 2, Block 22, LINCOLN PARK, EXCEPT the West 10 feet in N. E. Union Avenue, City of Portland, County of Multnomah and State of Oregon;

PARCEL II

Lot 3, EXCEPT the West 10 feet thereof in N. E. Union Avenue, Block 22, LINCOLN PARK, in the City of Portland, County of Multnomah and State of Oregon.

- (2) That it is necessary that the City have the right to possession of the property in order that the construction of the off-street parking may stay on schedule and within budgetary limitation and that provisions for the establishment of a fund for deposit into court as a condition of possession, if necessary, be made on that account.
- (3) That the State of Oregon, pursuant to an 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 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 said property for the purchase of the parcel described herein in the amount of the approved appraisal, an estimated value arrived at by the Highway

Division, Department of Transportation, State of Oregon, pursuant to 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.

Section 2. The Council declares:

That it is in the best interests of the City that no further delay be encountered in the condemnation proceedings necessary to effect the

construction of off-street parking necessary to the Union Avenue
Redevelopment Project therefore an emergency exists and this Ordinance
shall be in force and effect from and after its passage by the Council.

Passed by the Council,

Mayor of the City of Portland

Attest:

Auditor of the City of Portland

ORDINANCE No.

ORDINANCE NO. 1000

1980

Passed by the Council,

JUN 26 1980

Commissioner Lindberg

RCI

June 19, 1980

George Fehonich
Auditor of the City of Portland

Calendar No. 2305

ORDINANCE No. 149904

Title

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

FOUR-FIFTHS CALENDAR	
Ivancie	
Jordan	
Lindberg	
Schwab	
McCready	

Filed JUN 20 1980

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By *George Yerkovich*
Deputy

INTRODUCED BY
Commissioner Lindberg

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

BUREAU APPROVAL	
Bureau:	
Prepared By: RCI	Date: 6/19/80
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