

AV 89581
\$ 2,650⁰⁰
8-14-80

AV 89601
\$ 2,700⁰⁰
8-14-80

AV 89605
\$ 2,750⁰⁰
8-14-80

AV 89623
\$ 2,417⁰⁰
8-14-80

150202

ORDINANCE NO.

150202

An Ordinance accepting four sewer easements for the SW ARNOLD CREEK SANITARY SEWER PROJECT, granted by Frances C. Mauck, Anna M. Ohman, Elijah G. Carey and Clara E. Carey, and Margaret S. Steele authorizing total payment of \$10,517.00, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. Right of way is required for construction of the SW Arnold Creek Sanitary Sewer Project.
2. The Right of Way Acquisition Section in the City Engineer's office was unable to purchase the easements from the above named grantors for the consideration initially offered. Ordinance No. 149732 passed by the Council June 5, 1980 authorized the City Attorney to continue negotiations with the above property owners and to commence condemnation action if necessary to obtain the required easements. Subsequent offers based on independent appraisals were made by the City Attorney's office and were accepted by the above named grantors.
3. That the easements should now be accepted, and payment in the amounts recommended by the City Attorney should now be made.

NOW, THEREFORE, the Council directs:

- a. That the following described easements are hereby accepted for sewer purposes:

A portion of Lot 33, Aldercrest No. 2, Multnomah County, Oregon, being a strip of land 15.0 feet in width, 7.5 feet on each side of the following described centerline:

Beginning at a point on the east line of said Lot 33 being S.13° 47'W. along said east line 177.66 feet from the northeast corner thereof; thence N.63°26'50"W. 70.26 feet; thence N.82°28'50"W. 121.63 feet to a point in the west line of said lot being 110.40 feet southerly from the northwest corner of said lot when measured along said west line.

In addition to the above described perpetual easement there are hereby granted temporary easements for the original construction of said sewer being 10.0 feet in width and lying on each side of and adjacent to the above described perpetual easement. (Granted by Frances C. Mauck).

AND ALSO

A portion of Lots 38 and 42, Aldercrest No. 2 in the City of Portland, Multnomah County, Oregon, being a strip of land 15.0 feet in width lying 7.5 feet on each side of the following described centerline:

Beginning at a point in the north line of said Lot 42 being on the arc of a 686.3 foot radius curve left 88.30 feet (long chord bears N.69°22'08"W. 88.24 feet) from the northeast corner of said Lot 42; thence S.66°43'51"W. 267.55 feet; thence N.84°08'58"W. 4.47 feet to a point in the east line of a tract of land conveyed to John S. Flintoff, etux, by deed recorded April 24, 1972, in Book 852, at Page 1460, Multnomah County Deed Records, being S.15°12'00"W. along said east line, 141.72 feet from the south line of SW Arnold Street and there terminating.

In addition to the above described perpetual easement there is hereby granted a temporary easement for the original construction of said sewer being two strips of land 10.0 feet in width and lying on each side of and adjacent to the above described perpetual easement.

(All easement lines are to be lengthened or shortened to terminate at the grantor's property lines). (Granted by Anna M. Ohman).

AND ALSO

A portion of Lot 38, Aldercrest No. 2, in the City of Portland, Multnomah County, Oregon, described as follows:

Two parcels of land 15.0 feet in width, 7.5 feet on each side of the following described centerlines:

Parcel I - Beginning at a point in the west line of a tract of land conveyed to John S. Flintoff, etux, by deed recorded April 24, 1972, in Book 852, at page 1460, Multnomah County Deed Records being 136.33 feet southerly of the northwest corner of said tract when measured along the west line of said tract; thence N.84°08'58"W. 32.28 feet to manhole #115; thence S.78°58'54"W. 125.98 feet to a point in the west line of said Lot 38 being 166.67 feet southerly from the northwest corner of said lot when measured along said west line, and there terminating.

AND ALSO

Parcel II - Beginning at manhole #115 described in Parcel I above; thence S.14°34'W. 122.96 feet to the south line of Lot 38 being S.76°21'E. along said south line 115.30 feet from the southwest corner of said lot and there terminating.

In addition to the above described perpetual easements there are hereby granted temporary easements 10 feet in width and lying on each side of and adjacent to the above described perpetual easements; EXCEPTING THEREFROM the portions lying within said perpetual easements.

(Easement lines are to be lengthened or shortened to terminate on the grantor's property lines). (Granted by Elijah G. Carey and Clara E. Carey).

AND ALSO

A portion of Lot 5, Aldercrest No. 2, Multnomah County, Oregon, being a strip of land 15.0 feet in width and lying 7.5 feet on each side of the following described centerline:

Beginning on the south line of said Lot 5, at a point 5.48 feet westerly from the southeast corner thereof; thence N.11°57'W. 242.42 feet, more or less, to a point on the north line of said lot, said point lying 68.29 feet westerly from the northeast corner thereof when measured along said north lot line.

In addition to the above described perpetual easement, temporary easements being 10.0 feet in width and lying on each side of and adjacent to the above described perpetual easement. (Granted by Margaret S. Steele).

- b. The Mayor and Auditor to draw and deliver warrants in payment for the above described easements in the amounts and in favor of the following:

Grantor: Frances C. Mauck and William L. Dickson, Attorney
Amount: \$2750.00 Address: Standard Plaza, Portland, Oregon 97204

Grantor: Anna M. Ohman and William L. Dickson, Attorney
Amount: \$2650.00 Address: Standard Plaza, Portland, Oregon 97204

Grantor: Elijah G. Carey and Clara E. Carey and William L. Dickson, Attorney
Amount: \$2700.00 Address: Standard Plaza, Portland, Oregon 97204

Grantor: Margaret S. Steele and William L. Dickson, Attorney
Amount: \$2417.00 Address: Standard Plaza, Portland, Oregon 97204

said warrants to be charged to the General Fund (43300016/490) Appropriations, Contributions and Advances to Improvement Districts, and further directs the Mayor and Auditor to draw and deliver a warrant in the total amount of \$10,517.00 to be credited to General Fund Revenue, said warrant to be drawn against and chargeable to the SW Arnold Creek Sanitary Sewer Fund when created.

- c. The Auditor shall record in the appropriate deed records, documents of title as necessary for purchase of this right of way.

Calendar No. 2898

ORDINANCE No. 150202

Title

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(Dist 4 C-8954)

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 AUG 7 1980

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By Robert Powell
Deputy

INTRODUCED BY
COMMISSIONER MIKE LINDBERG

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

BUREAU APPROVAL
Bureau: Sanitary Engineering
Prepared By: <u>PLN</u> Date: <u>8/4/80</u>
Carl Short/sg
Budget Impact Review:
<input checked="" type="checkbox"/> Completed <input type="checkbox"/> Not required
Bureau Head: <u>Joe P. Niehuser</u>

CALENDAR
Consent <input checked="" type="checkbox"/> Regular <input checked="" type="checkbox"/>

NOTED BY
City Attorney
City Auditor
City Engineer
APPROVED: John M. Lang, P.E.
BY: <u>Joe Niehuser</u>