

ORDINANCE NO. 151952

An Ordinance authorizing commencement of condemnation proceedings for the acquisition of a parcel of land and a permanent easement located in the Southeast quarter of Section 1, Township 1 South, Range 1 East, W.M., Multnomah County, Oregon in the City of Portland, for construction of street improvements at SE 39th Avenue and Hawthorne 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 at SE 39th Avenue and Hawthorne Boulevard in the City of Portland, County of Multnomah, State of Oregon the following described real property:

PARCEL 1

A parcel of land lying in the SE 1/4 of Section 1, Township 1 South, Range 1 East, W.M., Multnomah County, Oregon and being a portion of the following described tract:

Beginning at the intersection of the East line of SE 39th Avenue with the South line of SE Hawthorne Boulevard, in the City of Portland, and 35 feet South of the center of said SE Hawthorne Boulevard, and running thence South along said East line of SE 39th Avenue 120 feet to a stake; thence East at right angles to said SE 39th Avenue 105 feet to a stake; thence North at right angles to said last line and parallel with said SE 39th Avenue 120 feet to a stake in the South line of said SE Hawthorne Boulevard; thence west along said South line of SE Hawthorne Boulevard 105 feet to the place of beginning; the said parcel being the West 9.5 feet of said tract.

ALSO beginning on the North line of said tract at a point 9.5 feet East of the Northwest corner of said tract; thence South parallel with and 9.5 feet East of the West line of said tract 10.24 feet; thence Northeasterly on a 10 foot radius curve right 15.95 feet to the North line of said tract; thence West along said North line 10.24 feet to the point of beginning.

PARCEL 2 - A Permanent Easement for Slopes.

A parcel of land lying in the SE 1/4 of Section 1, Township 1 South, Range 1 East, W.M., Multnomah County, Oregon and being a portion of the following described tract:

Beginning at the intersection of the East line of SE 39th Avenue with the South line of SE Hawthorne Boulevard, in the City of Portland, and 35 feet South of the center of said SE Hawthorne Boulevard,

and running thence South along said East line of SE 39th Avenue 120 feet to a stake; thence East at right angles to said SE 39th Avenue 105 feet to a stake; thence North at right angles to said last line and parallel with said SE 39th Avenue 120 feet to a stake in the South line of said SE Hawthorne Boulevard; thence West along said South line of SE Hawthorne Boulevard 105 feet to the place of beginning; the said parcel being described as follows:

Beginning on a line parallel with and 2 feet South of the North line of said tract at a point 19.74 feet East of (when measured along said parallel line) the West line of said tract; thence East along said parallel line 35 feet; thence North at right angles to said parallel line 2 feet to the North line of said tract; thence West along said North line to the Northwest corner of said tract; thence South along the West line of said tract to the Southwest corner of said tract; thence East along the South line of said tract to a line parallel with and 11.5 feet East of said West line; thence North along said last mentioned parallel line 109.76 feet; thence Northeasterly in a straight line to the point of beginning.

EXCEPT therefrom Parcel I.

2. That the State of Oregon, pursuant to that certain interstate transfer project agreement No. 6360 entered into by and between the City of Portland and the State of Oregon has carried on negotiations for the purchase of the above-described property with the present owners and they have refused to sell.
3. That it is necessary that special legal counsel representing the City of Portland pursuant to a special counsel agreement pursuant to Ordinance No. 151136 of the City of Portland dated February 24, 1981, be authorized and directed to make a binding offer to the owners of the property for the purchase of the parcel and the easement described therein in the amount of the approved appraisal and estimated value arrived at by the Highway Division, Department of Transportation, State of Oregon, pursuant to said agreement.
4. That it is necessary that said legal counsel be authorized in the event that satisfactory agreement cannot be reached with the owners of the property where the acquisition and use thereof to institute condemnation proceedings to acquire the property and the use thereof.

NOW, THEREFORE, the Council directs:

- a. Special legal counsel here is authorized and directed to make a binding offer to the owners of the parcel 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

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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 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 to the best interest of the City.
- d. That upon the final determination of any such proceedings that 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 said agreement No. 6360.

Section 2. The Council declares that an emergency exists because it is necessary that no undue delay be encountered in acquiring the necessary property and easement for the purpose of making street improvements at the intersection of SE 39th and Hawthorne Boulevard 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, **JUL 15 1981**

Commissioner Mike Lindberg
Vic Rhodes:mh
June 24, 1981

Attest:


Auditor of the City of Portland

Calendar No. **2340**

ORDINANCE No. 151932

Title

An Ordinance authorizing commencement of condemnation proceedings for the acquisition of a parcel of land and a permanent easement located in the southeast quarter of Section 1, Township 1 South, Range 1 East, W.M., Multnomah County, Oregon in the City of Portland, for construction of street improvements at SE 39th Avenue and Hawthorne Boulevard, and declaring an emergency.

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
JORDAN	/	
LINDBERG		--
SCHWAB	/	
STRACHAN	/	
IVANCIE	/	

FOUR-FIFTHS CALENDAR	
JORDAN	
LINDBERG	
SCHWAB	
STRACHAN	
IVANCIE	

Filed JUL 10 1981

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By *George Yerovich*
Deputy

INTRODUCED BY
Commissioner Mike Lindberg

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

BUREAU APPROVAL
Bureau: Street & Structural Engineering
Prepared By: <i>Vic Rhodes</i> Date: <i>6-25-81</i>
Budget Impact Review: <input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not required
Bureau Head: <i>Richard O. Schmidt</i> Richard O. Schmidt, Chief

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

NOTED BY
City Attorney
City Auditor
City Engineer <i>John M. Lang</i> John M. Lang, P.E.
By: