

ORDINANCE NO. 153064

AN ORDINANCE AUTHORIZING COMMENCEMENT OF CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF THE STUDIO BUILDING PROPERTY IN BLOCK 208, CITY OF PORTLAND, IN THE CITY OF PORTLAND, COUNTY OF MULTNOMAH AND STATE OF OREGON AS PART OF A PERFORMING ARTS FACILITY AND AUTHORIZING SPECIAL LEGAL COUNSEL TO OBTAIN EARLY POSSESSION AND DECLARING AN EMERGENCY.

The City of Portland ordains:

Section 1. The Council finds:

1. The voters of the City of Portland have authorized the issuance of serial general obligation bonds for the renovation, acquisition and construction of performing arts facilities within the City of Portland, and said bonds have been sold.
2. It is necessary and expedient to acquire the following described property (hereinafter "the property") in the City of Portland, Multnomah County, Oregon, for a public use as a part of said performing arts facilities:

Beginning at the Northwest corner of Block 208, City of Portland, Multnomah County, Oregon, said point being the intersection of the Easterly right of way line of Southwest Park Avenue and the Southerly right of way line of Southwest Salmon Street; thence Easterly along said Southerly right of way line of Southwest Salmon Street a distance of 114.62 feet; thence Southerly, parallel with and 114.62 feet Easterly of the Easterly right of way line of said Southwest Park Avenue a distance of 19.99 feet; thence Westerly, parallel with and 19.99 feet Southerly of the Southerly right of way line of said Southwest Salmon Street a distance of 114.62 feet to a point on the Easterly right of way line of said Southwest Park Avenue; thence Northerly along said Easterly right of way line a distance of 19.99 feet to the point of beginning.

Together with all rights appurtenant thereto, including all rights which said property may have in any alleys, streets, easements or rights-of-way abutting or adjoining thereto and all rights of ingress and egress to said property; and

Together with the right to maintain the sky bridge portion of the Studio Building above the alley adjacent to the existing Heathman Hotel Building;

Subject to the existing rights appurtenant to the following described property for the exclusive use and maintenance of the presently existing subsurface sidewalk elevator access tunnel so long as the existing Heathman Hotel Building shall continue to exist but not thereafter:

Beginning at the Northwest corner of Block 208, City of Portland, Multnomah County, Oregon; said point being the intersection of the Easterly right of way line of Southwest Park Avenue with the Southerly right of way line of Southwest Salmon Street; thence Easterly along said Southerly right of way line a distance of 129.57 feet to the true point of beginning.

Thence continuing Easterly along said Southerly right of way line a distance of 70.43 feet to the intersection of said Southerly right of way line with the Westerly right of way line of Southwest Broadway; thence Southerly along said Westerly right of way line a distance of 159.91 feet; thence Westerly, parallel with and 159.91 feet Southerly of the Southerly right of way line of said Southwest Salmon Street a distance of 51.50 feet; thence Northerly parallel with and 51.50 feet Westerly of the Westerly right of way line of said Southwest Broadway a distance of 15.52 feet to a point that is 144.39 feet Southerly of when measured at right angles to the Southerly right of way line of said Southwest Salmon Street; thence Westerly, parallel with and 144.39 feet Southerly of said Southerly right of way line a distance of 18.93 feet to a point that is 70.43 feet Westerly of when measured at right angles to the Westerly right of way line of said Southwest Broadway; thence Northerly, parallel with and 70.43 feet Westerly of said Westerly right of way line a distance of 144.39 feet to the true point of beginning;

And further subject to the existing rights appurtenant to the following described property to enter, use and maintain the existing Paramount Theatre basement so long as the Paramount Theatre shall exist:

All of Block 208 in the City of Portland, Multnomah County, Oregon excepting therefrom the two parcels of property described herein.

3. By Ordinance No. 151131 passed by the Council May 13, 1981, and modified by Ordinance No. 152945 passed by the Council on March 10, 1982, the Council has authorized Williams, Stark, Hiefield & Norville, P.C., to act as special legal counsel to the City for the purpose of acquisition of the property for a performing arts facility.
4. Acquisition of the property above described for a public use as a part of the performing arts facility shall be of benefit to the welfare of the citizens of the City of Portland in that it will provide for greater

cultural opportunities for the citizens of the City of Portland.

5. Special legal counsel for the City should be authorized and directed to negotiate for the purchase of the property with the owners of the property, and make a binding offer to the owners for the purchase of the property in the amount of the estimate of just compensation of the City of Portland.
6. 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 proceedings to acquire the property and the use thereof.
7. That it is necessary that the City have the right to possession of the property by September 1, 1982, in order that the renovation and construction of the property may proceed on schedule and within budgetary limitations.

NOW, THEREFORE, THE COUNCIL DIRECTS:

- a) Special legal counsel is authorized and directed to make a binding offer to the owners of the above-described property.
- b) In the event that no satisfactory agreement can be reached with the owners of the property as to the purchase price thereof, special legal counsel is directed to commence and prosecute to final determination such proceedings as may be necessary to acquire title to the property
- c) In the event that possession is not obtained by agreement with the owners special legal counsel is authorized and directed to take all appropriate steps to acquire possession of the property by September 1, 1982 in accordance with all applicable laws and regulations.
- d) Upon the trial of any suit or action instituted to acquire the property or any interest therein, special legal counsel is authorized to make such stipulation, agreement or admission as in their judgment may be in the best interest of the City.
- e) That upon the final determination of any such proceeding, the deposit of funds and payment of judgment conveying title to the property to the City is hereby authorized.

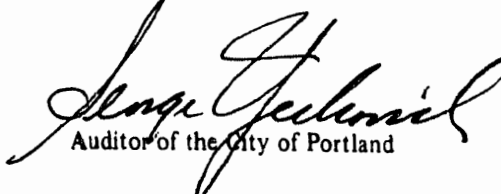
ORDINANCE No.

Section 2. The Council declares that an emergency exists because it is necessary that there be no delay in acquiring the property for the purpose of providing a performing arts facility for the use and benefit of the citizens of the City of Portland; therefore this Ordinance shall be in force and effect from and after its passage.

Passed by the Council, APR '7 1982

Commissioner Mildred Schwab
Patrick C. Harrington:lh
3/30/82

Attest:


Auditor of the City of Portland

Calendar No. 913

ORDINANCE No. 153064

Title

An Ordinance authorizing commencement of Condemnation proceedings for the acquisition of the Studio Building property in block 208, City of Portland, in the City of Portland, County of Multnomah and State of Oregon as part of a Performing Arts facility and authorizing special legal counsel to obtain early possession and declaring an emergency.

INTRODUCED BY
Commissioner Schwab

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration
Safety
Utilities
Works

BUREAU APPROVAL
Bureau: Civic Auditorium
Prepared By: Patrick C. Harrington Date: 3/30/82
Budget Impact Review: <input checked="" type="checkbox"/> Completed <input type="checkbox"/> Not required
Bureau Head: Patrick C. Harrington

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

NOTED BY
City Attorney <i>R. Williams</i>
City Auditor
City Engineer

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

FOUR-FIFTHS CALENDAR	
JORDAN	
LINDBERG	
SCHWAB	
STRACHAN	
IVANCIE	

Filed MAR 31 1982

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By *Gordon Crowell*
Deputy