

RESOLUTION NO. 18594 - 7

RESOLVED BY THE COUNCIL that an act to amend the
Charter of the City of Portland, Oregon, entitled

"An Act to amend an Act of the Legislative Assembly of the State of Oregon entitled, 'An Act to incorporate the City of Portland, Multnomah County, State of Oregon, and to provide a charter therefor and to repeal all acts or parts of acts in conflict therewith,' filed in the office of the Secretary of State January 23, 1903, and as subsequently amended by the legislature and by the people of the City of Portland from time to time, by inserting therein a new section numbered Section 343, authorizing the issuance and sale of serial bonds not exceeding \$3,170,000.00 with interest not exceeding five per cent, except as herein further authorized, for the purpose of paying from the proceeds thereof the cost of widening, altering, extending, improving and changing of the grade of BURNSIDE STREET from the center line of Third Street to the center line of Park Street to a width not to exceed 110 feet, and to widen the intersecting streets south of Burnside Street as follows: Third Street from the center line of Ash Street to the center line of Burnside Street to a width of 100 feet; and also a triangular parcel from the southwest corner of Third and Burnside Streets to eliminate the jog; Fourth Street and Fifth Street from the center line of Ankeny Street to the center line of Burnside Street to a width of not less than 80 feet, by appropriating land on the east side of said streets; Sixth Street from the center line of Ankeny Street to the center line of Burnside Street to a width of not less than 110 feet, by appropriating a triangular parcel on the east side of said Sixth Street; Broadway from the center line of Ankeny Street to the center line of Burnside Street to a width of not less than 110 feet, by appropriating a triangular parcel on the east side of said Broadway; UNION AVENUE from the center line of Going Street to the center line of Lincoln Street to a width of 80 feet; and to open and extend a new street on the northerly side of the Southern Pacific Company's right of way from the center line of Union Avenue to the center line of Division Street to a width of 80 feet; JEFFERSON STREET from a line 208.7 feet west of the west line of Stout Street to the center line of Chapman Street, as laid out south of Jefferson Street to a width not to exceed 90 feet, and from the center line of Chapman Street as laid out south of Jefferson Street to the center line of 14th Street, to a width of 80 feet; CHAPMAN STREET from the center line of Jefferson Street to the south line of Taylor Street to a width of 80 feet, and from a line 40 feet south of the south line of Taylor Street to the south line of Alder Street to a width not to exceed 90 feet, and to cut a triangular portion from the northwest corner of Jefferson

and Chapman Streets, 50 feet on Jefferson Street and 50 feet on Chapman Street, and to make certain changes in the grades on parts of said Jefferson Street and Chapman Street; EAST MORRISON STREET from the center line of Grand Avenue to the center line of East 12th Street to a width of 64 feet; FOSTER ROAD from the center line of 72nd Street Southeast to the center line of 82nd Street Southeast to a width of 80 feet; EAST 82ND STREET NORTH from the center line of Sandy Boulevard to the center line of Prescott Street to a width not to exceed 100 feet; EAST BROADWAY from the center line of Union Avenue to the center line of Sandy Boulevard to a width of 80 feet, including such additional widening as may be necessary between the center line of East 22nd Street North and the center line of East 25th Street North to eliminate the jogs at East 24th Street North and East Broadway; EAST BURNSIDE STREET from the center line of East 13th Street North to the center line of East 32nd Street North to a width of 80 feet; fixing the percentage of cost to be paid from the proceeds of said bond issue and providing that the balance of the cost shall be paid from a special assessment on the property benefited by said improvements and granting power to the Council to so do in the manner provided by the charter and charter ordinances for widening, altering and/or improving streets, and further authorizing the issuance of additional bonds in an amount to cover any deficit resulting from appeals, and providing that all bonds issued shall not be counted in calculating the limited indebtedness fixed by the Charter or the Constitution of the State of Oregon,"

be and the same is hereby submitted to the voters of the City of Portland, Oregon, at the general municipal election to be held in the City of Portland, Oregon, on Tuesday, the sixth day of November 1928, for their adoption or rejection, and each voter who votes upon said proposed act shall vote "yes" or "no" in answer to the following question: "Shall the Charter be so amended?"

____ Yes, I vote for the amendment.

____ No, I vote against the amendment.

Said amendment hereby submitted reads as follows:

AN ACT

To amend an Act of the Legislative Assembly of the State of Oregon entitled, "An Act to incorporate the City of Portland, Multnomah County, State of Oregon, and to provide a charter therefor and to repeal all acts or parts of acts in conflict therewith," filed in the office of the Secretary of State January 23, 1903, and as subsequently amended by the legislature and by the people of the City of Portland from time to time, by inserting therein a new section numbered Section 343, authorizing the issuance and sale of serial bonds not exceeding \$3,170,000.00 with interest not exceeding five per cent, except as herein further authorized, for the purpose of paying from the proceeds thereof the cost of widening, altering, extending, improving and changing of the grade of BURNSIDE STREET from the center line of Third Street to the center line of Park Street to a width not to exceed 110 feet, and to widen the intersecting streets south of Burnside Street as follows: Third Street from the center line of Ash Street to the center line of Burnside Street to a width of 100 feet; and also a triangular parcel from the southwest corner of Third and Burnside Streets to eliminate the jog; Fourth Street and Fifth Street from the center line of Ankeny Street to the center line of Burnside Street to a width of not less than 80 feet, by appropriating land on the east side of said streets; Sixth Street from the center line of Ankeny Street to the center line of Burnside Street to a width of not less than 110 feet, by appropriating a triangular parcel on the east side of said Sixth Street; Broadway from the center line of Ankeny Street to the center line of Burnside Street to a width of not less than 110 feet, by appropriating a triangular parcel on the east side of said Broadway; UNION AVENUE from the center line of Going Street to the center line of Lincoln Street to a width of 80 feet; and to open and extend a new street on the northerly side of the Southern Pacific Company's right of way from the center line of Union Avenue to the center line of Division Street to a width of 80 feet; JEFFERSON STREET from a line 208.7 feet west of the west line of Stout Street to the center line of Chapman Street, as laid out south of Jefferson Street to a width not to exceed 90 feet, and from the center line of Chapman Street as laid out south of Jefferson Street to the center line of 14th Street, to a width of 80 feet; CHAPMAN STREET from the center line of Jefferson Street to the south line of Taylor Street to a width of 80 feet, and from a line 40 feet south of the south line of Taylor Street to the south line of Alder Street to a

width not to exceed 90 feet, and to cut a triangular portion from the northwest corner of Jefferson and Chapman Streets, 50 feet on Jefferson Street and 50 feet on Chapman Street, and to make certain changes in the grades on parts of said Jefferson Street and Chapman Street; EAST MORRISON STREET from the center line of Grand Avenue to the center line of East 12th Street to a width of 84 feet; FOSTER ROAD from the center line of 72nd Street Southeast to the center line of 82nd Street Southeast to a width of 80 feet; EAST 82ND STREET NORTH from the center line of Sandy Boulevard to the center line of Prescott Street to a width not to exceed 100 feet; EAST BROADWAY from the center line of Union Avenue to the center line of Sandy Boulevard to a width of 80 feet, including such additional widening as may be necessary between the center line of East 22nd Street North and the center line of East 25th Street North to eliminate the jogs at East 24th Street North and East Broadway; EAST BURNSIDE STREET from the center line of East 15th Street North to the center line of East 32nd Street North to a width of 80 feet; fixing the percentage of cost to be paid from the proceeds of said bond issue and providing that the balance of the cost shall be paid from a special assessment on the property benefited by said improvements and granting power to the Council to so do in the manner provided by the charter and charter ordinances for widening, altering and/or improving streets, and further authorizing the issuance of additional bonds in an amount to cover any deficit resulting from appeals, and providing that all bonds issued shall not be counted in calculating the limited indebtedness fixed by the Charter or the Constitution of the State of Oregon.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF PORTLAND, OREGON:
THE CITY OF PORTLAND DOES ORDAIN AS FOLLOWS:

Section 1. That an Act of the Legislative Assembly of the State of Oregon entitled, "An Act to incorporate the City of Portland, Multnomah County, State of Oregon, and to provide a Charter therefor, and to repeal all acts or parts of acts in conflict therewith," filed in the

office of the Secretary of State January 23, 1903, as subsequently amended by the legislature and by the people of the City of Portland from time to time, be and the same is hereby further amended by inserting therein a new section to be numbered Section 343, which new section shall read as follows:

Section 343. STREET WIDENING BONDS.

The Council of the City of Portland is hereby authorized, in the name and under the corporate seal, to issue and dispose of bonds of the City of Portland, Oregon, in an amount not exceeding \$3,170,000.00 except as herein-after further authorized, and of such denominations and form as the Council may determine, with interest coupons attached. Said bonds shall be signed by the Mayor and countersigned by the Auditor. Each of said bonds shall have the signature of the Mayor and the Auditor engraved thereon. The City of Portland, Oregon, by each of said bonds, shall be held and considered in substance and effect to undertake and promise, in consideration of the premises, to pay to the bearer of each of said bonds, at the expiration of the time specified therein, the sum named therein, in Gold Coin of the United States of America, together with interest thereon, in like Gold Coin, at the rate mentioned in said bond, which interest shall be payable half-yearly. Said bonds shall be known as "Street Widening Bonds" and the same shall be numbered beginning with number one and running consecutively throughout the total issue authorized hereby. Said bonds shall be issued serially. At the time of providing for the issuance of said bonds the Council shall, subject to the provisions hereof, fix the rate of interest to be paid, which rate shall not exceed five per cent per annum. The date for redemption for said bonds shall not be less than three years nor more than thirty years from the date of such bonds, and a portion of said bonds shall be redeemed each year, beginning with the third year from the date thereof, but bonds designated for redemption in any one year shall not exceed ten per centum of all of the bonds authorized by this section, based upon the par value thereof. Such bonds, before sale, shall be advertised not less than two weeks, and shall be sold to the highest responsible bidder, but not for less than par and accrued interest. The Council, before advertising a sale of said bonds, may provide that

the competition in bidding shall be partially or wholly upon the rate of interest, and in that case the rate shall be fixed according to the bid of the successful bidder and the award shall be made upon the bid which is most advantageous to the city. The Council shall have the right to reject any and all bids and proceed to readvertise when bids are not satisfactory. The proceeds from the sale of such bonds shall be expended by the Council in paying the expense of advertising, issuing and selling of said bonds, and in paying either 66-2/3 per cent, 60 per cent or 50 per cent, as the case may be, of the cost of all lands, rights of way, easements, improvements, and/or other rights necessary for the purpose of widening, extending, altering, improving and/or changing of the grade of the following named streets:-

Burnside Street from the center line of Third Street to the center line of Park Street to a width not to exceed 110 feet; and to widen the intersecting streets south of Burnside Street, as follows- Third Street from the center line of Ash Street to the center line of Burnside Street to a width of 100 feet, and also a triangular parcel from the southwest corner of Third and Burnside Streets to eliminate the jog; Fourth Street and Fifth Street from the center line of Ankeny Street to the center line of Burnside Street to a width of not less than 80 feet, by appropriating land on the east side of said streets; Sixth Street from the center line of Ankeny Street to the center line of Burnside Street to a width of not less than 110 feet, by appropriating a triangular parcel on the east side of said Sixth Street; Broadway from the center line of Ankeny Street to the center line of Burnside Street to a width of not less than 110 feet, by appropriating a triangular parcel on the east side of said Broadway;

Union Avenue from the center line of Going Street to the center line of Lincoln Street to a width of 80 feet; and to open and extend a new street on the northerly side of the Southern Pacific Company's right of way from the center line of Union Avenue to the center line of Division Street to a width of 80 feet;

Jefferson Street from a line 208.7 feet west of the west line of Stout Street, to the center line of Chapman Street, as laid out south of Jefferson Street, to a width not to exceed 90 feet; and from the center line of Chapman Street, as laid out south of Jefferson Street, to the center line of 14th Street, to a width of 80 feet;

Chapman Street from the center line of Jefferson Street to the south line of Taylor Street to a width of 80 feet; and from a line 40 feet south of the south line of Taylor Street to the south line of Alder Street to a width not to exceed 90 feet; and to cut a triangular portion from the northwest corner of Jefferson and Chapman Street, 50 feet on Jefferson

Street and 50 feet on Chapman Street; and to make certain changes in the grades on parts of said Jefferson Street and Chapman Street;

East Morrison Street from the center line of Grand Avenue to the center line of East 12th Street to a width of 84 feet;

Foster Road from the center line of 72nd Street Southeast to the center line of 82nd Street Southeast to a width of 80 feet;

East 82nd Street North from the center line of Sandy Boulevard to the center line of Prescott Street to a width not to exceed 100 feet;

East Broadway from the center line of Union Avenue to the center line of Sandy Boulevard to a width of 80 feet; including such additional widening as may be necessary between the center line of East 22nd Street North and the center line of East 25th Street North to eliminate the jogs at East 24th Street North and East Broadway;

East Burnside Street from the center line of East 13th Street North to the center line of East 32nd Street North to a width of 80 feet.

The Council is hereby granted the power to widen, alter and improve said streets in the manner provided by the charter and charter ordinances for widening, altering and/or improving streets. A change of grade may be made and/or a slope easement acquired in and as a part of the proceedings for widening and/or extending said streets or any part thereof.

In making an award of damages for acquiring the property needed under this section, provision may be made, in cases where buildings, trees, shrubbery, fixtures or other improvements are wholly or in part upon the property required by the city and it appears practicable to move such buildings, trees, shrubbery, fixtures or other improvements to the remaining or other property of the owner thereof, that the owner or his assigns shall retain such buildings, trees, shrubbery, fixtures or other improvements and remove the same within a specified time after the award of damages shall have been fixed and the money made ready for payment, provided that if such buildings, trees, shrubbery, fixtures or other improvements be not removed within the time so fixed, or such further time as the Council may allow, then the same shall be regarded as abandoned by the owner, and the City may proceed to make such disposition thereof as it may find suitable and proper.

The Council, in acquiring such property, may provide for the owner or his successors to retain a qualified possession and use of a portion thereof for such time as the Council may fix, such use and possession to be by arceading or such other provision as the Council may specify in the proceedings for acquiring such property.

66-2/3 per cent of the damages allowed and of the cost of carrying out the proceedings herein authorized for the widening, altering and improving of Burnside Street, and said intersecting streets, viz., Third Street, Fourth Street, Fifth Street, Sixth Street and Broadway, including the cost of the street improvement, shall be paid from the proceeds of the sale of said bonds herein authorized, and 33-1/3 per cent of such cost shall be paid from a special assessment for benefits in the manner and as provided by the charter and charter ordinances for the widening, extending, altering and improving of streets. 50 per cent of the damages allowed and of the cost of carrying out the proceedings herein authorized for the widening, altering, extending and improving of Union Avenue, Jefferson Street, Chapman Street, East Harrison Street, Foster Road, East Broadway, and East Burnside Street, including the cost of the street improvement, shall be paid from the proceeds of the sale of said bonds herein authorized and 50 per cent of such cost shall be paid from the special assessment for benefits in the manner and as provided by the charter and charter ordinances for the widening, altering, extending and improving of streets, except as herein otherwise specified. 60 per cent of the damages allowed and of the cost of carrying out the proceedings herein authorized for the widening, extending and improving of East 82nd Street North, including the cost of the street improvement, shall be paid from the proceeds of the sale of said bonds herein authorized and 40 per cent of such cost shall be paid from the special assessment for benefits in the manner and as provided by the charter and charter ordinances for the widening, altering, extending and improving of streets, except as herein otherwise specified.

In calculating the cost and as a part of the cost of acquiring property, easements and/or rights necessary for such widening, altering, improving or changing of the grade of said streets, an amount for engineering, surveying, appraisals, preparation of engineer's reports, advertising and all other necessary incidental expenses in connection therewith in the proceedings of the City Engineer and the Council equal to six per cent of the total damages as finally ascertained and determined by the Council shall be authorized to be paid from the proceeds of said bonds, such payments to be made by a transfer from said fund to the Engineering Rotary Account. Appeals shall be allowed to the Circuit Court of the State of Oregon for Multnomah County and/or to the Supreme Court of the State of Oregon, as provided by the Charter and/or Chapter 294, General Laws of Oregon 1925, by any owner, lessee, mortgagee and/or other

person having an interest in or lien upon the property intended to be appropriated, assessed or damaged. If upon the determination of such appeals judgments are rendered by the court increasing the cost of acquiring property, rights of way, easements, damages or change of ~~grade and/or other rights~~ over the amount allowed by the City Engineer or the Council, or decreasing the assessment of benefits against any property assessed for benefits in such proceeding as fixed by the City Engineer or the Council, the Council is hereby granted further authority to issue and sell additional bonds in the manner and form as above provided up to but not exceeding an amount sufficient to cover such increased cost or deficit as may result from such appeals, and such deficit shall include all costs and expenses taxed on appeals, including the City's expenses for witnesses and other expenses incurred in connection with the said appeals. The amount of all of the bonds authorized by this Act shall not be counted in calculating the limited indebtedness otherwise applicable to the City of Portland fixed by the Charter or the Constitution, but shall be excluded from said limitation.

Adopted by the Council OCT 3 1928

PREPARED-APPROVED
CITY ATTORNEY

Geo R. Frank
Auditor of the City of Portland
By *W. D. Smith* Deputy