

WHEREAS, it appears that a misunderstanding or a wrong interpretation may be had concerning the action of the Council on April 25, 1935 under Calendar No. 2068 upon the hearing of remonstrances against the proposed assessment contained in the Engineer's report upon the widening of NE and SE 82nd Avenue between NE Sandy Boulevard and the southerly city limits, said report being pursuant to Resolution No. 21007, and

WHEREAS, since said action the Council has made provision for payment of damages allowed by said report with reference to certain property where it is necessary that certain buildings be moved and the Council has made provision in the budget for the next annual tax levy for sufficient funds to meet all of the damages allowed by said report of the City Engineer, and

WHEREAS, by Section 334 of the Charter it is provided that the Council shall have power and authority to remedy and correct any error, mistake, delay, omission, irregularity or other act, jurisdictional or otherwise, in any of the proceedings for widening or extending a street or highway in said city by suitable action or proceedings; now, therefore, be it

RESOLVED that said motion adopted on April 25, 1935 under Calendar No. 2068 be and the same is hereby remedied and corrected by adding thereto a provision as follows: "Provided, that the portion of said Engineer's report which concerns the property to be taken and the damages to be paid therefor is hereby reserved for further consideration," and

BE IT FURTHER RESOLVED that October 24, 1935, in the Council Chamber, City Hall, Portland, Oregon, at 1:30 o'clock P. M. be and the same are hereby fixed as the time and place for a further hearing upon said Engineer's report concerning the property to be taken and the amount of damages to be awarded therefor and upon all claims and objections that have heretofore been made and filed by persons owning or interested in property so affected and upon any and all additional claims and/or objections which may be made and filed with the Auditor prior to said date, and

BE IT FURTHER RESOLVED that the Auditor give notice of such hearing on October 24, 1935 by causing to be published for a period of ten successive publications in the City Official Newspaper a notice stating that said Engineer's report is on

file in his office subject to examination, giving the date when the same was filed and that a resumption of the hearing thereon, as said report concerns the property to be taken and damages to be awarded therefor, will be had at the time and place above stated when all claims and objections heretofore made or which may hereafter be made by persons owning or interested in property to be taken will be heard, considered and determined, subject to the right of appeal as provided by the charter of this city and statutes of this state, said notice to be first published not less than ten days before said time of hearing, and it shall be the duty of the Auditor at or prior to the date of first publication to send by mail postpaid to each of those designated in the Engineer's report as an owner or interested in property to be taken, a notice stating a brief description of the property in which such person is interested, the amount proposed to be awarded as damages with respect thereto and the time within which written objections or claims may be filed against such proposed appropriation or award, and the date as aforesaid when the Council will hear such report, objections and claims heretofore filed and objections and claims which may be hereafter filed prior to said hearing.

Adopted by the Council

SEP 5 - 1935

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Prepared-Approved
City Attorney



Auditor of the City of Portland

By R. S. IVEY

Deputy