

- * Authorize settlement of condemnation law suit for acquisition of property necessary to relocate parking from the site for the Chinese Classical Garden. (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The Council authorized negotiation and condemnation, if necessary, for property necessary to relocate parking in order to allow construction of the Chinese Classical Garden.
2. When negotiations proved unsuccessful, the City Attorney's Office initiated condemnation proceedings and obtained immediate possession of the property through court order in City of Portland v. Summit Properties, et al, Circuit Court No. 9806-04656.
3. Subsequent negotiations were undertaken and the property owner has now agreed to a settlement of the litigation.
4. It is appropriate to settle the condemnation action against the fee owner of the property for the total sum of \$1,400,000, which takes into account the appraised value of the property, other offers previously received by the owners for the property, the risks of litigation and potential for payment of attorney fees.
5. Funds from the Portland Development Commission (PDC) and the Classical Chinese Garden Trust were forwarded to make the initial payment of \$1,100,000 to the property owner at the time of immediate possession. The balance of the funds due to the property owner will also be provided from available funds in PDC's and the Classical Chinese Garden Trust's respective adopted budgets.

NOW, THEREFORE, the Council directs:

- a. The City Attorney's Office is authorized to enter into a Stipulated Judgment or other document to settle the above referenced litigation upon payment by the City of \$1,400,000 as full payment for the real property described in that litigation, provided that the fee owner shall retain the responsibility for reaching agreement or court determination to apportion the purchase price between the fee owner and the lessee.

Section 2. The Council declares that an emergency exists because delay in the proceeding will delay the property owner from obtaining the purchase price of the property to which it is entitled; therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council,

APR 14 1999

Mayor _____
Linda Meng:pk
April 5, 1999

GARY BLACKMER

Auditor of the City of Portland

By: *Britta Olson*
Chief Deputy

479 -

Agenda No.

ORDINANCE NO.

173240

Title

*AUTHORIZE SETTLEMENT OF CONDEMNATION LAW SUIT FOR ACQUISITION OF PROPERTY NECESSARY TO RELOCATE PARKING FROM THE SITE FOR THE CHINESE CLASSICAL GARDEN. (Ordinance)

INTRODUCED BY	DATE FILED: APR 09 1999
CITY ATTORNEY'S OFFICE	Gary Blackmer Auditor of the City of Portland
NOTED BY COMMISSIONER	
Affairs	By: <u>Gary Kershner</u> Deputy
Finance and Administration <i>VK BA</i>	For Meeting of: _____
Safety	
Utilities	
Works	
BUREAU APPROVAL	ACTION TAKEN:
Bureau: <i>City Attorney</i>	
Prepared by LMeng Date 04/01/99	
Budget Impact Review:	
<input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not Required	
Bureau Head: <i>Linda Meng</i>	

AGENDA		FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
Consent	X	Regular		YEAS	NAYS
NOTED BY		Francesconi	Francesconi	S	
City Attorney		Hales	Hales		
City Auditor		Saltzman	Saltzman		
City Engineer		Sten	Sten		
		Katz	Katz		