

Ordinance No 21492

An Ordinance authorizing and directing the Mayor and Auditor to draw warrants on the Park and Boulevard Fund in payment of the amount of damages assessed by the Jury on account of the appropriation of certain real property for park purposes, and declaring an emergency.

WHEREAS, The City of Portland has been unable to agree with William Hayhurst and Elizabeth Hayhurst and Elizabeth Klippel concerning the price to be paid for the following described real property for park purposes, to-wit:

All of lot or tract lettered "G" in Mount Tabor Park, Multnomah County, State of Oregon (now within the corporate limits of the City of Portland), and also a parcel of land in Section 5, Township 1 South, Range 2 East of the Willamette Meridian in Multnomah County, Oregon, bounded and described as follows: Beginning at a point 20 chains East and 10 chains North of the South-west corner of the D D Prettyman Donation Land Claim; thence South, 89 degrees East, 417.5 feet; thence North, 1 degree 2 minutes West, 417.5 feet; thence North, 89 degrees West, 417.5 feet; thence South, 1 degree 2 minutes East, 417.5 feet to the place of beginning, containing four (4) acres, the whole of the real property hereinabove described containing approximately five (5) acres; and,

WHEREAS, The City of Portland instituted condemnation proceedings for the appropriation of the real property above described for park purposes, which proceedings resulted in a verdict for all of the defendants in the sum of \$14,500.00, of which the sum of \$2,368.62 was awarded to Elizabeth Klippel in payment of a certain mortgage held against said real property by said Elizabeth Klippel, and the balance of said total amount, to-wit: the sum of \$12,131.38

was awarded to the owners of said land, William Hayhurst and Elizabeth Hayhurst, his wife; and,

WHEREAS, it appears that the said sum represents the reasonable value of said property, now therefore,

THE CITY OF PORTLAND DOES ORDAIN AS FOLLOWS:

Section 1: That the Mayor and Auditor of the City of Portland be and they are hereby authorized and directed to draw warrants on the Park and Boulevard Fund of the City of Portland as follows: One warrant in the sum of \$12,131.38 in favor of William Hayhurst and Elizabeth Hayhurst, and one warrant in the sum of \$2,368.62 in favor of Elizabeth Klippel; and the Mayor and Auditor are hereby further authorized and directed to present to and tender the said warrants in the Circuit Court of the State of Oregon, for the County of Multnomah, in the condemnation proceedings in which the City of Portland is plaintiff, and the said William Hayhurst and Elizabeth Hayhurst and Elizabeth Klippel are defendants.

Section 2: Inasmuch as this ordinance is necessary for the immediate preservation of the public health, peace and safety of the City of Portland and the inhabitants thereof in this; That the real property above described is necessary to afford proper park facilities for the City of Portland; that a warrant in the amount of the verdict rendered in said proceedings must be tendered in court before the judgment of condemnation is entered therein, therefore, an emergency is hereby declared and this ordinance shall go into force and effect from and after its approval by the Mayor.

Passed the Council June 23d 1910 by the following vote:

Ayes Nine

Nays None

A L Barbur

Auditor of the City of Portland

Submitted to the Mayor, June 24th, 1910

Approved June 30th, 1910

Joseph Simon, Mayor