

1194
(EXTENSION) 29262

Aud. Form 7A

Ordinance No. 29262

An Ordinance adopting the report of the City Engineer in the matter of the proposed opening, laying-out and establishing of Union Avenue from the south line of the Lewis Love Donation Land Claim to the southerly line of Columbia Slough Road.

making an assessment of the benefits and damages set forth in said report.

The City of Portland does ordain as follows:

Section 1. Whereas, the Council of the City of Portland deeming it expedient to open, lay-out and establish Union Avenue from the south line of the Lewis Love Donation Land Claim to the southerly line of Columbia Slough Road

did, on the 1st day of July 1914, direct the City Engineer to survey the same, and to mark the boundaries thereof, and to make a plat of such survey, and a written report containing a full and perfect description of such proposed change and of the boundaries thereof, a description of the portion of each lot or tract of land to be appropriated for the same, a description of each lot or tract of land benefited by such change, the amount of damages sustained by, and benefits accruing to, the respective owners of such lots or tracts of land, and the names of the owners or parties interested in all property affected by such change; and the City Engineer having made such survey, plat and report and filed such plat and report in the office of the Auditor of the City of Portland on the 15th day of July 1914, and the said plat and report being satisfactory to the Council, now therefore, said plat and report of the City Engineer are hereby approved and adopted by the Council of the City of Portland, of which report of said City Engineer the following is a copy, to-wit:

29262

Portland, Oregon,
July 10, 1914.

To the Mayor and Council
of the City of Portland.
Gentlemen:

In pursuance of Resolution No. 7971 adopted by the City Council on July 1, 1914, directing me to survey a proposed opening, laying-out and establishing of Union Avenue from the south line of the Lewis Love Donation Land Claim to the southerly line of Columbia Slough Road, in the City of Portland and to make a plat of the same and a written report thereof, I have made such a survey and plat, which plat is filed herewith and for identification is marked "Proposed opening, laying-out and establishing of Union Avenue", and I make this my written report as follows:

A full and complete description of such proposed street is as follows:

Commencing at a point where the south line of the Lewis Love Donation Land Claim is intersected by the west line of Union Avenue; and running thence north $0^{\circ} 14' 30''$ east along the west line of Union Avenue, as laid out in Loves Addition, and a northerly extension thereof, to the southerly line of Columbia Slough Road; thence south $67^{\circ} 27' 40''$ east, along the southerly line of said Road, 85.13 feet to a point; thence southerly, 80 feet distant from and parallel to the west line of the proposed opening, laying-out and establishing of Union Avenue, as above described, to the south line of the Lewis Love Donation Land Claim; thence east, 80 feet, to the place of beginning.

A full and complete description of the portions of each lot or tract of land benefited by such opening, laying-out, establishing or change, and the amount of the damages sustained and the amount of the benefits accruing to each lot or tract of land are as hereinafter specified.

The several parcels of land which are in part or all appropriated by said proposed opening, laying out and establishing or change, and the damages, benefits, amount of damages over benefits, amount of benefits over damages, others than owners having interest and reputed owners are as follows:

Description of entire tract	Portion taken for street	Portion remaining	Damages sustained	Proportional share of special benefits accruing	Amount of damages over such benefits	Amount of such benefits over damages	Others than owners having interest	Reputed Owner
Parcel No. 1	85,106 Sq.ft. (see map attached)	none	\$1.00 by P.R. & P. Co.	none	\$1.00	none	Portland Railway Light & Power Co. by reason of a right of way obtained by the Portland, Vancouver and St. Johns R.R. Co. June 30, 1905, by judgment No. 34,745 received in the Circuit Court.	Heirs of Lewis Love as follows: Fred H. Love, Green C. Love; Lewis F. Love; Mary A. Stafford; Wm. King; Hazel King, Lewis F. Love; John A. Love; Ulysses G. Love; Chas. J. Love; Frank P. Love; James Shepherd; Thelma Shepherd; Henry Shepherd; Melinda Shepherd; Pearl Shepherd.
			1.00 by O-W R.R. & N. Co.	none	1.00	none	Oregon-Washington Railroad and Navigation Company, by reason of a right of way obtained by said O-W R. & N. Company by judgment No. 36533, Nov 19 1906, secured in the Circuit Court.	
Parcel No. 2	6,321 Sq.ft. (see map attached)	none	1.00 by O-W R & N Co.	none	1.00	none	Oregon-Washington Railroad and Navigation Company, by reason of a right of way obtained by said O-W R & N Company by judgment No. 36533, Nov. 19, 1906, secured in the Circuit Court.	Heirs of Lewis Love as follows: Fred H. Love, Green C. Love; Lewis F. Love; Mary G. Stafford; William King; Hazel King; Lewis F. Love; John A. Love; Ulysses G. Love; Charles A. Love; Frank P. Love; James Shepherd; Henry Shepherd; Melinda Shepherd; Pearl Shepherd; Thelma Shepherd.

The particular descriptions of the above parcels, numbered 1 and 2, are respectively as follows:

Parcel No. 1 - A parcel or tract of land 30 feet in width extending from the south line of the Lewis Love Donation Land Claim to the south line of Columbia Slough Road and lying between two lines respectively 15 feet east of and 15 feet west of the center line of the proposed opening, laying-out and establishing of Union Avenue as above described. There is saved, excepted and reserved from the appropriation of said land, easement and right of way, (and the opening, laying-out and establishing of said street on and over said land, easement and right of way, and such opening, laying-out and establishing of said street, do not include the taking or appropriation of) the railway tracks and street railway tracks, and all appliances and appurtenances connected therewith and the operation thereof, including all poles and wires now on such land, easement and right of way owned by the Portland Railway, Light & Power Company. And such opening, laying-out and establishing of said street on such land, easement and right of way, is subject to all the rights of said Portland Railway Light & Power Company, its successors and assigns, therein and thereover, including the rights of said Portland Railway, Light & Power Company, its successors and assigns forever, to lay, relay, construct and reconstruct tracks and erect poles, and to string wires thereon and thereover, and to carry and conduct electric energy on such wires for the operation of its and their cars and railway and street railway, and to maintain and keep in good order, condition and repair all tracks, poles, wires and lines of wires now, as well as those hereafter constructed or erected on said land, easement and right of way, and to run and operate cars thereon and as a part of its and their railway and street railway systems not inconsistent with the use, occupation and improvement of said land, easement and right of way as a street.

The appropriation of said parcel or tract of land to public use is subject to the right of the Oregon-Washington Railroad and Navigation Company, or its assigns, to continue forever to own, use and operate its franchises and railways or its right of way over said land, as above described, not inconsistent with the use, occupation and improvement of said right of way as a street, said right of way as a street to be at a grade sufficiently high above said railway to permit of the same free and unobstructed operation of trains as at present.

Parcel No. 2: All that parcel or tract of land 100 feet in width, lying northerly of and adjacent to the north line of block 3, Love's Addition, and the north line of Winchell Street as laid out in El Fovar, that lies within the boundaries of the proposed opening, laying-out, and establishing of Union Avenue, as above described, except that portion thereof embraced in Parcel No. 1. The appropriation of said parcel or tract of land to public use is subject to the same reservation to the Oregon-Washington Railroad & Navigation Company, or its assigns, as hereinbefore provided for with reference to parcel No. 1.

The appropriation of the above parcels, No. 1 and No. 2, being subject to the existing rights of the O. W. R. & N. Co. and the O. W. R. R. & N. Co., only nominal damages are sustained by reason of the proposed opening, laying-out and establishing of change of Union Avenue, as above described:

	S U M M A R Y			
	Damages	Benefits	Excess damages	Excess benefits
O. W. R. & N. Co.,	1.00	none	1.00	none
O. W. R. R. & N. Co.	2.00	"	2.00	"
Heirs of Lewis Love,	0.00	"	0.00	"
Surveying & Advertising,	22.00		22.00	
Total	25.00		25.00	

The owners of the property benefited by the proposed opening, laying out and establishing of Union Avenue, as above described have voluntarily contributed the money to pay for the damages sustained, and for the surveying and advertising of the proposed Union Avenue, which, in the form of a certified check for \$25.00 is heresby enclosed.

APPROVED

Respectfully submitted,

JUL 14 1914

ROBERT G. DIECK

City Engineer

Philip H. H. H. H.

City Engineer

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Passed the Council. JUL 29 1914

~~Submitted to the Mayor~~

~~Approved~~

H. R. ALBEE

MAYOR OF THE CITY OF PORTLAND

ATTEST:

A. L. BARRER
Auditor of the City of Portland.

~~Mayor~~

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