

an Ordinance providing for the extension and widening of East Morrison Street from a line 75.91 feet east of the east line of Garrisons Subdivision to the east line of East Twentieth Street, and declaring an emergency.

The City of Portland does Ordain as follows:

Section 1. The Council finds, and does hereby declare that the public interest requires the extension and widening of East Morrison Street from a line 75.91 feet east of the east line of Garrisons Subdivision to the east line of East Twentieth Street, and for that purpose the following property is required:

A portion of lot 5, block 7, in Garrisons Subdivision in East Portland, bounded and described as follows:

Commencing at a point on the west line of said lot 5, 10 feet north of the southwest corner of said lot 5; and running thence east 10 feet distant from and parallel to the south line of said lot 5, 47.18 feet to a point; thence northwesterly on a line forming an angle with the last course of $80^{\circ} 23'$ a distance of 80.88 feet to a point on the west line of said lot 5 that is 25.29 feet south of a point on the east line of East Twentieth Street, where an easterly extension of the north line of East Morrison Street will intersect; thence south 17.61 feet to the place of beginning, containing 415 square feet.

Portions of lots 5 and 6, block 7, in Garrisons Subdivision in East Portland, bounded and described as follows:

Commencing at a point 10 feet north of the southwest corner of said lot 5; and running thence east, 10 feet distant from and parallel to the south line of said lot 5, 47.18 feet to a point; thence in a southeasterly direction along a line forming an angle with the last course $159^{\circ} 32'$ a distance of 33.74 feet to a point in the east line of lot 6, 1.80 feet south of the northeast corner of said lot 6; thence south along the east line of said lot 6, a distance of 38.92 feet to a point; thence westerly along a line forming an angle with the last course of $90^{\circ} 3'$ a distance of 38.01 feet to a point; thence northwesterly 43.93 feet in a straight line to a point in the west line of said lot 6, which is 25.76 feet south of the northwest corner of said lot 6; thence north along the west line of said lot 5 and the west line of said lot 6, a distance of 35.76 feet to the place of beginning, containing 3520 square feet.

A portion of lot 7, block 7, Garrisons Subdivision in East Portland, bounded and described as follows:

Commencing at the northeast corner of said lot 7; and running thence south, along the east line of said lot 7, a distance of 5.36 feet to a point; thence northwesterly in a straight line a distance of 15.34 feet to a point in the north line of said lot 7 that is 14.32 feet west of the northeast corner of said lot 7; thence east 14.32 feet to the place of beginning, containing 38 square feet.

A Portion of the Portland Lone Fir Cemetery, bounded and described as follows:

Commencing at the southwest corner of the Portland Lone Fir Cemetery; and running thence north along the west line of said Lone Fir Cemetery 16.60 feet; thence along a line which forms an angle with the last course of $68^{\circ} 58' 50''$, a distance of 15.88 feet to a point which is the beginning of a curve; thence along a curve to the left to which the last course is tangent (said curve having a radius of 175 feet), a distance of 62.52 feet to the south line of Lone Fir Cemetery 75.91 feet east of the southwest corner of said Lone Fir Cemetery; thence tangent to last mentioned course, west along the south line of said Lone Fir Cemetery, 75.91 feet to the place of beginning, containing 397 square feet.

A parcel or tract of land, bounded and described as follows:

Commencing at the southwest corner of the Portland Lone Fir Cemetery; and running thence east along the south line of said cemetery 75.91 feet; thence south, parallel to the east line of Garrigons subdivision in East Portland, 21.00 feet to the north line of East Morrison Street, as laid out in Tilton's Addition; thence west along the north line of said East Morrison Street 75.91 feet to the east line of Garrigons subdivision in East Portland; thence north 21.00 feet to the place of beginning, containing 1594 square feet.

A portion of lot 6, block 7, Garrigons Subdivision in East Portland, bounded and described as follows:

Commencing at the southeast corner of said lot 6; and running thence north along the east line of said lot 6, a distance of 9.28 feet to a point; thence westerly along the line of a fence forming an angle with the last course of $89^{\circ} 57'$ a distance of 39.01 feet to a point; thence southeasterly to a point on the south line of said lot 6 that is 14.32 feet westerly of the southeast corner of said lot 6; thence easterly 14.32 feet to the place of beginning, containing 243 square feet.

Section 2. The City Attorney is hereby authorized and directed to institute an action or actions for condemnation of said property for said purposes, provided, however, that before such action or actions be instituted, negotiations

shall be conducted as required by law with the owners of said property for the acquisition thereof, without suit or action in court, and the City Engineer is hereby authorized and directed immediately, to conduct such negotiations and report to the Council, such report to show the prices at which said parcels of property may be obtained without suit or action, - such prices to be without prejudice, either to the persons making the same, or to the City in any suit or action which may thereafter be instituted.

Section 3. The City Engineer is hereby directed, within ten days from the date of the beginning of any such suit or action, to view such property and make a report to the Council of the value thereof, and of the rights and interest of the several persons having interest therein as may be reported by the City Attorney on an examination of the title, it being contemplated and intended that the Council shall thereupon provide a fund and draw a warrant thereon in favor of said person or persons for the sum or sums found by the City Engineer, or such greater sum as may be deemed proper security for the owners, it being intended that such funds shall be provided by appropriation from the General Fund, such appropriation to be made by way of an advancement, the same to be returned by the levy and collection of assessments for benefits, which assessments shall be made in the manner provided by law for street improvements as follows, to-wit: The Council shall by resolution require of the City Engineer a plan for an appropriate extension of said street with a statement of the property to be acquired therefor and an estimate of the probable cost thereof, and said City Engineer shall file such plan, statement and estimate in the office of the Auditor of the City of Portland. If the Council shall find the same satisfactory, it

shall approve the same and shall determine the boundaries of the district benefited and to be assessed for said street extension and shall by resolution declare its purpose of making said extension, describing the same and defining the boundaries of the assessment district to be benefited and assessed therefor, all of which may be done in one resolution. Upon the passage of said resolution by the Council, the Auditor of the City of Portland shall give notice of such extension by publishing such notice and resolution for ten consecutive publications in the City Official Newspaper, and the City Engineer shall, within five (5) days from the first publication of said resolution, cause to be conspicuously posted at each end of the line of said contemplated street extension a notice headed "NOTICE OF STREET EXTENSION" in letters of not less than one inch in length, and said notice shall contain, in legible characters, a copy of said resolution and the date of its adoption, and the Engineer shall file with the Auditor an affidavit of the posting of said notice, stating therein the date when and the places where the same were posted, and within thirty (30) days from the date of the first publication of said notice herein required to be published the owners of three-fifths or more in area of the property within such assessment district may make and file with the Auditor a written objection to or remonstrance against said proposed extension, and said objection or remonstrance shall be a bar to any further proceedings in the making of such extension for a period of Six (6) months, unless the owners of one-half or more of the property affected as aforesaid shall subsequently petition therefor; provided that if any such objection, remonstrance or petition shall be signed by the agent or attorney of any property owner, there shall be filed with the Auditor within the time

provided for such remonstrance or petition the written authority for such agent or attorney to sign any such remonstrance or petition, otherwise the signature shall be disregarded; and if no such objection or remonstrance be made or filed with the Auditor within the time above designated, or if any remonstrance filed is not legally signed by the owners of three-fifths or more of the property affected, the Council shall be deemed to have acquired jurisdiction to order the extension of said ^{East} Morrison Street to be made, and the Council may thereafter and within three months from the date of the final publication of said resolution by ordinance provide for making said extension, which ordinance shall conform in all particulars with said plan and statement of said Engineer. Whenever the necessary property for said street extension has been acquired, the City Engineer shall certify to the Auditor a statement in detail showing the cost of acquiring the necessary property for said street extension, and the Auditor shall apportion the cost thereof upon the lots, parts of lots or parcels of land benefited thereby and within the assessment district. The consideration for the land, including cost and expense of condemnation (if a condemnation be found necessary) and a sum not exceeding five per cent of the consideration for the land as the cost of advertising, engineering and superintendence, shall be deemed to be the cost of such street extension. When the Auditor has ascertained what he may deem a just apportionment of said cost in accordance with the special and peculiar benefits derived by each lot, or part thereof, or parcel of land, the same shall be a proposed assessment and the Auditor shall give notice of the same by

publication for ten consecutive insertions in the City Official Newspaper, therein specifying the street extension for which said proposed assessment is apportioned, the whole cost of such extension, the boundaries of the district to be assessed therefor, that said proposed assessment has been apportioned and is on file in the office of the Auditor and subject to examination, and also that any objections to such apportionment made in writing to the Council and filed with the Auditor within twenty (20) days from the first publication of such notice will be heard and determined by the Council before the passage of any ordinance assessing the cost of said extension. It shall also be the duty of the Auditor forthwith to send by mail, post-paid, a notice of the share so apportioned to each lot thereof, or part thereof or parcel of land, stating the time in which objections to such apportionment may be made in writing to the Council and filed with the Auditor, to the owner (if known) of each lot, or part thereof or parcel of land, or to the agent of such owner, directed to the post-office address of such owner or agent when such post-office address is known to him, and if such post-office address be unknown to him, then such notice shall be directed to such owner or agent at Portland, Oregon. After the time specified in said notice has elapsed, the Council shall consider said proposed assessment with all objections made thereto, and it shall have the power at its discretion and without any further notice, to consider, ascertain and determine the amount of the special and peculiar benefits accruing to each lot, or part thereof or parcel of land so assessed by reason of such street extension, and if the amount apportioned by the Auditor to any lot or part thereof or parcel of land shall not be in

just proportion to such benefits, the assessment against such lot or part thereof or parcel of land shall be so reduced or increased by the Council that it shall be in just proportion to such benefits; but in no case shall any such assessment exceed any such benefits. The assessment roll shall then be numbered and the Council shall declare said assessment by ordinance, which shall designate said street extension for which the assessment is levied, the number of the assessment roll and the whole cost of said extension, but such assessment need not be set out at large in said ordinance. Each lot or part thereof or parcel of land shall be deemed to be benefited by such street extension to the full amount of the assessment levied thereon, and no such assessment shall be held invalid by reason of the failure to enter the name of the owner of any lot or part of a lot or parcel of land so assessed, or by a mistake in the name of the owner, or the entry of a name other than the name of the owner, in said assessment, or in any acts or proceedings connected therewith, and no delays, mistakes, errors or irregularities in any act or proceeding in such street extension shall prejudice or invalidate any such assessment, but the same may be remedied by subsequent or amended acts or proceedings. When said assessment has been declared by ordinance, it shall be the duty of the Auditor to enter a statement of said assessment in the Docket of City Liens, furnish a copy of said assessment to the City Treasurer and give notice of said assessment by publishing for five consecutive insertions in the City Official Newspaper, a notice which shall specify said street extension for which said assessment is made, the whole cost of said extension, the boundaries of the district assessed, the number and title of the ordinance declaring the said assessment, that the same is due and payable, the time when said assessment shall bear interest, viz., from the date

of entry in said Lien Docket, and the time when the same shall be delinquent, viz., thirty (30) days from the date of entry in such Lien Docket, and to send by mail to each person whose property is assessed, or to his agent, a notice of said assessment, when the postoffice address of such person or his agent is known to the Auditor, and if such postoffice address be unknown to the Auditor, such notice shall be directed to such person or agent at Portland, Oregon.

Such entry in the Docket of City Liens shall have the same force and effect and shall be collected in the same manner as in cases where street assessments are entered in said docket.

Section 4. Inasmuch as this ordinance is necessary for the immediate preservation of the public health, peace and safety of the City of Portland in that the interests of the public demand the opening of said street, therefore an emergency is hereby declared, and this ordinance shall be in force from and after its passage by the Council.

Passed by the Council SEP 18 1914

H. R. ALBEE
Mayor.

Attest:

A. L. BARBUR
Auditor.