

## ORDINANCE No. 93491

An Ordinance providing for the purchase of tract of land in Gabriel Park Estate for park and playground purposes, (Playground No. 8), for the sum of \$1,500.00, reserving to the seller a limited right of occupancy, authorizing payment of title insurance premium, authorizing drawing and delivery of warrants, and declaring an emergency.

The City of Portland does ordain as follows:

Section 1. It appearing to the Council that certain property in Gabriel Park Estate in the County of Multnomah, State of Oregon, is desired by the City for park and playground purposes (Playground No. 8), and may be had for the reasonable cash price of \$1,500.00, said property being described as follows:

Commencing at the quarter section corner between Sections 17 and 20, Township 1 South, Range 1 East of the Willamette Meridian; thence North 89°07' West on the North line of said Section 20, 1482.58 feet to a point; thence South 0°04' East 20.00 feet to an old iron pipe driven in the South boundary line of said County Road No. 572 (Hoffman Road) and in the fence line on the East line of tract described in deed from Margaret Gabriel, single, Anna Fuez and John Fuez, her husband, to Anton Radmilovich and Mary Radmilovich, husband and wife, dated September 21, 1928, recorded October 13, 1928 in Deed Book 1157 at page 334, for the point of beginning of the tract to be described; thence South 0°04' East 435.66 feet to an iron pipe driven in said fence line; thence North 89°07' West parallel to said North line of Section 20, 100 feet to an iron pipe; thence North 0°04' West 435.66 feet to an iron pipe driven in the South line of said County Road No. 572; thence South 89°07' East on the South boundary line of said road 100.00 feet to the place of beginning, except that portion lying Northerly of the North line of Lot 4 in Block 4, Gabriel Park Estate extended Easterly to the East line of the above described property, in the County of Multnomah, State of Oregon;

that there now exists a contract of sale of said property between L. B. Hill and Bess M. Hill, husband and wife, the owners of said property, as vendors, and LeRoy W. Weaver and Jacqueline L. Weaver, husband and wife, as vendees, and that the sum of \$10.00 has been paid by the City to said LeRoy W. Weaver and Jacqueline L. Weaver for an option thereon; said amount to be credited against the purchase

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price of said property; that the aforesaid price to be paid for said property is satisfactory to all parties and that said option should be exercised; that the purchase price to be paid by the City is to be divided between the other parties aforesaid so that 70% thereof shall be paid to L. B. Hill and Bess M. Hill and the remaining 30% to LeRoy W. Weaver and Jacqueline L. Weaver; now, therefore, the Mayor and Auditor hereby are authorized to draw and deliver warrants, chargeable to the appropriation Public Recreational Areas Fund (5600.780), as follows:

1. To L. B. Hill and Bess M. Hill, 2804 N. E. 41st Avenue, Portland, Oregon, a warrant in the amount of \$1,050.00;
2. To LeRoy W. Weaver and Jacqueline L. Weaver, 4048 S. W. Vermont, Portland, Oregon, a warrant in the amount of \$440.00;
3. To Commonwealth, Inc., a warrant in the amount of \$20.75 in payment of title insurance on said property.

Said warrants shall be delivered upon the following terms and conditions:

- (a) That said L. B. Hill, Bess M. Hill, LeRoy W. Weaver, and Jacqueline L. Weaver first execute and deliver to the City Auditor a good and sufficient warranty deed, approved as to form by the City Attorney, conveying to the City title to the above described property free and clear of all liens and encumbrances, with revenue stamps thereon in the amount of \$1.65.
- (b) That the City shall be furnished a policy of title insurance showing that the City is obtaining unencumbered fee title to said property, premium for said title insurance to be paid by the City as above provided.

Section 2. The aforesaid grantors have planted an orchard upon the said property; that said orchard does not interfere with the immediate use of said property by the City, and that it is just and reasonable that said grantors may continue to use the orchard thereon for a limited time; now, therefore, LeRoy W. Weaver and Jacqueline L. Weaver hereby are permitted to use the orchard on the above described property for a period not to exceed four (4) years from December 31, 1950, and collect the produce thereof without payment of rentals therefor.

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Section 3. Inasmuch as this ordinance is necessary for the immediate preservation of the public health, peace and safety of the City of Portland in this: In order that transactions like the above should be expedited without unnecessary delay; therefore, an emergency hereby is declared to exist and this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, JAN 31 1951

*Dorothy McCullough Lee*  
Mayor of the City of Portland  
*Will Gibson.*

Attest:

Auditor of the City of Portland

Calendar No. 493

# ORDINANCE No. 93491

Title

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### THE COMMISSIONERS VOTED AS FOLLOWS:

	Yeas	Nays
Bean	/	
Bennett	/	
Bowes	/	
Peterson	/	
Lee	/	

### FOUR-FIFTHS CALENDAR

Bean	
Bennett	
Bowes	
Peterson	
Lee	

Filed FEB 5 1951

*Phill Sibson*  
Auditor of the CITY OF PORTLAND

By **ROBT T. MCCOY**  
Deputy

INTRODUCED BY
Order of Council

DRAWN BY
FJ:vm
Date 1-25-51

NOTED BY THE COMMISSIONER
Affairs
Finance
Safety
Utilities
Works
City Attorney MCR

NOTED FOR CITY AUDITOR
FSI
JHL

APPROVED
Date
By Chief Civil Engineer
Date
By City Engineer