

ORDINANCE No. 95660

An Ordinance authorizing cooperation of the City with School District No. 1 in a joint project for the expansion and development of certain school and park properties, providing for the purchase of certain properties for park and playground purposes (Playground No. 146), and for title insurance therefor; providing for conveyance by the City of certain properties to School District No. 1, authorizing the drawing and delivery of warrants, and declaring an emergency.

The City of Portland does ordain as follows:

Section 1. The Council finds that the City of Portland and School District No. 1 are engaged in a cooperative project for the purpose of expansion and development of Playground No. 146 on the part of the City, and development of the projected Franklin Elementary School on the part of School District No. 1; that certain park property located in said Playground No. 146 along S. E. Division St. and particularly described hereinbelow is required by said School District as a site for said elementary school; that certain other properties now privately owned and particularly described hereinbelow adjoining the easterly boundary of said park is not only of equal but of superior useful value to the public for park and playground purposes in comparison with that portion of said park and playground area required for school purposes; that it is in the best interests of the City of Portland that said park area required for school purposes be conveyed to the School District and that the said area along the eastern boundary of said playground now in private ownership be acquired by the City as a part of said Playground No. 146, the City to be reimbursed by the School District for the cost of said addition to the park area plus the cash difference in the amount that the reasonable value of the property to be conveyed to the School District exceeds the reasonable value of said property to be acquired for park purposes; that options have heretofore been obtained for said private properties required for park purposes so that all of said properties can be obtained for the total amount of \$8,052.00, said figure including cost of title insurance; that the reasonable value of the park property required for school purposes is in the amount of \$18,000, which is \$9,948 in excess of the reasonable value of said property to be acquired for park purposes; that provision should now be made for payment for said private properties to be purchased for park purposes, and for conveyance by the City to the School District of said park property required for school purposes,

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upon the reimbursement by the School District to the City of Portland of the cost of the additional park area in said amount of \$8,052 plus payment of the excess in cash value of the park property conveyed to the School District over that obtained for park area in said amount of \$9,948, the total amount to be paid by the School District to the City in this transaction accordingly being \$18,000; now, therefore the Mayor and Auditor hereby are authorized to draw and deliver warrants in the following sums to the following payees, chargeable to the Public Recreational Areas Fund (5600.780), upon terms and conditions as indicated below:

- (a) In the amount of \$1400.00 payable to Walter and Lois Scheeff, husband and wife, 2735 S. E. 58th Avenue, upon execution and delivery to the City Auditor of a good and sufficient warranty deed approved as to form by the City Attorney conveying to the City title to the following described property, free and clear of all liens and encumbrances and with revenue stamps attached in the amount of \$1.65; provided that grantors shall enjoy one year occupancy in accordance with terms of the option:

The West 100 feet of the following described property to-wit: Beginning at a point in the center line of SE Division Street 1250.7 feet Easterly from the Northwest corner of the Joshua Witten Donation Land Claim in Section 7, Township 1 South of Range 2 East of the Willamette Meridian; thence South 8° 18' West parallel to the West line of said Donation Land Claim, 882 feet to the Southwest corner of tract conveyed to Walter C. Pelham et ux by deed recorded November 22, 1947 in Book 1223 at page 63, Deed Records, which is the true point of beginning; thence continuing South 0° 18' West 100 feet; thence North 89° 38' East parallel to the center line of SE Division Street 252 feet more or less to the West line of SE 58th Avenue; thence North 0° 12' East along said West line 100 feet to the Southeast corner of Pelham Tract; thence South 89° 38' West along said South line 252 feet more or less to the true point of beginning, in the City of Portland, County of Multnomah and State of Oregon

- (b) In the amount of \$2500.00 payable to Henry and Anna O. Dahl, husband and wife, 2801 S. E. 58th Avenue upon execution and delivery to the City Auditor of a good and sufficient warranty deed approved as to

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form by the City Attorney conveying to the City title to the following described property, free and clear of all liens and encumbrances with revenue stamps attached in the amount of \$2.75; provided that grantors shall enjoy one year occupancy in accordance with terms of the option:

The West 100 feet of the following described property to-wit: The South 98 feet of the following: Beginning at a point in the center line of Division Street as now laid out and established 1250.70 feet Easterly from the Northwest corner of the Joshua Witten Donation Land Claim in Section 7, Township 1 South of Range 2 East of the Willamette Meridian; thence South 0°18' West parallel to the West line of said Donation Land Claim, 832.00 feet to the point of beginning of the tract to be described; thence continuing South 0°18' West 248.00 feet; thence North 89°38' East parallel to the center line of Division Street 252 feet more or less, to a point in the West line of SE 58th Avenue as now laid out and established; thence North 0°12' East along said West line of SE 58th Avenue, 248 feet; thence South 89°38' West parallel to the center line of Division Street, 251.50 feet to the true point of beginning of this description, in the City of Portland, County of Multnomah, State of Oregon

- (c) In the amount of \$1400.00 payable to Ray E. and Sibyl R. Hyde, husband and wife, 2819 S. E. 58th Avenue, upon execution and delivery to the City Auditor of a good and sufficient warranty deed approved as to form by the City Attorney conveying to the City title to the following described property, free and clear of all liens and encumbrances and with revenue stamps attached in the amount of \$1.65; provided that grantors shall enjoy one year occupancy in accordance with terms of the option:

Beginning on the South line of that certain tract of land conveyed to J. W. Gray by instrument recorded March 11, 1907 in Deed Book 387 at page 92 of the records of Multnomah County, Oregon, at a point 31.02 feet East of the Southwest corner of said tract, thence North parallel to the West line of said Gray tract 50 feet;

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thence East parallel to the South line of said Gray tract 60.98 feet; thence South parallel to the West line of said Gray tract 50 feet to the South line of said tract; thence West along said South line 68.98 feet to the place of beginning, in the City of Portland, County of Multnomah, State of Oregon.

- (d) In the amount of \$700.00 payable to Joseph C. and Luella L. Fossati, husband and wife, 2827 S. E. 58th Avenue, upon execution and delivery to the City Auditor of a good and sufficient warranty deed approved as to form by the City Attorney conveying to the City title to the following described property, free and clear of all liens and encumbrances and with revenue stamps attached in the amount of \$1.10:

The West 100 feet of the following described property, to-wit: The North 58 feet of the following described property: Commencing at a point in the center line of SE Division Street, 1250.70 feet Easterly from the Northwest corner of the Joshua Witten Donation Land Claim, said corner being in Section 6 in Township 1 South of Range 2 East of the Willamette Meridian; thence South 0°18' West parallel with the West line of said claim 1354 feet to a point being the point of beginning of the tract to be described herein; thence North 89°38' East 250 feet more or less to a point on the West line of SE 58th Avenue; thence North along the West line of said Avenue 174 feet to a point which is the Southeast corner of tract conveyed to J. W. Gray by deed recorded March 11, 1907 in Book 387 at page 92; thence West tracing the South line of the Gray tract, 250 feet more or less to the Southwest corner of the Gray tract; thence South 0°18' West 174 feet to the point of beginning, in the City of Portland, County of Multnomah, State of Oregon.

- (e) In the amount of \$700.00 payable to J. Calvin and Lucille Burnham, husband and wife, 2835 S.E. 58th Avenue upon execution and delivery to the City Auditor of a good and sufficient warranty deed approved as to form by the City Attorney conveying to the City title to the following described property, free and clear of all liens and encumbrances and with revenue stamps attached in the amount of \$1.10:

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The West 100 feet of the South 58 feet of the North 116 feet of the following described property, to-wit: Commencing at a point in the center line of S. E. Division Street, 1250.70 feet Easterly from the Northwest corner of the Joshua Witten Donation Land Claim, said corner being in Section 6, Township 1 South of Range 2 East of the Willamette Meridian; thence South 0°18' West parallel with the West line of said claim 1354 feet to a point being the point of beginning of the tract to be described herein; thence North 89°38' East 250 feet, more or less, to a point on the West line of S. E. 58th Avenue; thence North along the West line of said Avenue, 174 feet to a point which is the Southeast corner of a tract conveyed to J. W. Gray by deed recorded March 11, 1907 in Book 387, page 92, thence West tracing the South line of the Gray tract, 250 feet, more or less, to the Southwest corner of the Gray tract; thence South 0°18' West 175 feet to the point of beginning, in the City of Portland, County of Multnomah, State of Oregon.

- (f) In the amount of \$700.00 payable to Robert O. and Janet W. Yaconetti, husband and wife, 5705 S. E. Woodward Street upon execution and delivery to the City Auditor of a good and sufficient warranty deed approved as to form by the City Attorney conveying to the City title to the following described property, free and clear of all liens and encumbrances and with revenue stamps attached in the amount of \$1.10:

The West 125 feet of the South 58 feet of the following described property situated in the City of Portland, to-wit: Commencing at a point in the center line of SE Division Street 1250.70 feet Easterly from the Northwest corner of the Joshua Witten Donation Land Claim, said corner being in Section 6 of Township 1 South of Range 2 East of the Willamette Meridian; thence South 0°18' West parallel with the West line of said claim, 1354 feet to a point being the point of beginning of tract to be described herein; thence North 89°38' East 250 feet more or less to a point on the West line of SE 58th Avenue; thence North along the West line of

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said Avenue 174 feet to a point which is the Southeast corner of tract conveyed to J. W. Gray by deed recorded March 11, 1907 in Book 387, page 92; thence West tracing the South line of the Gray tract, 250 feet more or less to the Southwest corner of the Gray Tract; thence South 0°18' West 174 feet to the true point of beginning, in the City of Portland, County of Multnomah, State of Oregon.

- (g) In the amount of \$532.50 payable to James E. and Anita Barnes, husband and wife, 2726 S.E. 58th Avenue, upon execution and delivery to the City Auditor of a good and sufficient warranty deed approved as to form by the City Attorney conveying to the City title to the following described property, free and clear of all liens and encumbrances and with revenue stamps attached in the amount of \$1.10; provided that grantors shall have the right to remove all trees and shrubs from said lands in accordance with terms of the option:

The West 75 feet of the following described property, to-wit: Beginning at the Northwest corner of the Joshua Witten Donation Land Claim, thence East along the North line of the claim and along the center line of SE Division Street 1250.7 feet thence South 0°18' West, parallel with the West line of the claim 832 feet to the true place of beginning; thence South 0°18' West parallel with the West line of the claim, 50 feet; thence North 89°38' East parallel with the center line of SE Division Street, 252 feet to the West line of SE 58th Avenue; thence North 0°12' East along the West line of SE 58th Avenue 50 feet; thence South 89°38' West, parallel with the center line of SE Division Street, 251.5 feet to the true place of beginning, in the City of Portland, County of Multnomah, State of Oregon.

Section 2. Cost of title insurance shall be borne by purchaser and the Mayor and Auditor hereby are authorized and directed to draw and deliver a warrant to Commonwealth, Inc., in the amount of \$119.50 chargeable to the Public Recreational Areas Fund (5600.780), as payment in full for title insurance for all the above described properties.

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Section 3. The Mayor and Auditor hereby are authorized and directed to execute a deed approved by the Commissioner of Public Affairs conveying to School District No. 1 of Multnomah County, Oregon, the following described property:

A parcel of land in the Southeast $\frac{1}{4}$ of Section 6, Township 1 South, Range 2 East of the Willamette Meridian and in Northeast $\frac{1}{2}$ of Section 7, said Township and Range, in the City of Portland, Multnomah County, Oregon, described as:

Beginning at a point on the South line of SE Division Street 250 feet West of the West line of SE 58th Avenue measured along the South line of said SE Division Street; running thence West on the South line of said SE Division Street 327.05 feet; thence South parallel with the West line of said SE 58th Avenue, 280 feet; thence East parallel with the South line of said SE Division Street 327.05 feet; thence North parallel with the West line of said 58th Avenue, 280 feet to the place of beginning,

said deed to be delivered upon the payment to the City of Portland by the School District of the amount of \$18,000.00.

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 this: That the good faith and credit of the City require that there be no unnecessary delay in the payment to optionors of the purchase price of said properties to be acquired by the City for park and playground purposes, and that it is in the public interest that consummation of acquisition of properties for school and park purposes and development be expedited; 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 9 - 1952

Horothy M. Gullough Lee
Mayor of the City of Portland
Will Gibson.

Attest:

Auditor of the City of Portland

Calendar No. 104

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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	

INTRODUCED BY

Order of Council

DRAWN BY

HFA HFA:vm

Date December 31, 1951

NOTED BY THE COMMISSIONER

Affairs

Finance

Safety

Utilities

Works

City Attorney AGB

NOTED FOR CITY AUDITOR

RSI

JHL

APPROVED

Date

By

Chief Civil Engineer

Date

By

City Engineer

JAN 3 1952

Filed.....

Will Gibson.
Auditor of the CITY OF PORTLAND

By..... **ROBT L. McCOY**
Deputy