

ORDINANCE NO. 134510

An Ordinance authorizing continuance of negotiations for purchase of Lot 8 and portions of Lots 4 and 5, Block K, Greenway, authorizing the City Attorney to commence condemnation proceedings for acquisition thereof and to incur expenses in connection therewith not to exceed \$500, authorizing the drawing and delivery of warrants, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds that it is necessary and expedient to purchase Lot 8 and portions of Lots 4 and 5, Block K Greenway, for a tank site for the Bureau of Water Works; that the Real Estate Agent for the City has carried on negotiations for the purchase of said property, but the present owners have refused to sell under the terms proposed by the City; that it is necessary that immediate possession of said property be acquired in order that the construction of a needed water tank may proceed without unnecessary delay; that in order to obtain such immediate possession it is necessary that the City Attorney be authorized and directed to commence condemnation proceedings to acquire the said property at the earliest possible date unless agreement for its purchase is first obtained; now, therefore, the City Attorney is hereby authorized and directed to continue negotiations on behalf of the City of Portland for the acquisition of Lot 8 and portions of Lots 4 and 5, Block K, Greenway, more particularly described as follows:

All of Lots 4 and 5 and 8, Except that portion of said Lot 5 lying west of the west line of said Lot 8, if extended northerly, and those portions of said Lots 4 and 5, conveyed by Raymond T. Bolger and Mary E. Bolger, to the City of Portland, a municipal corporation, for street purposes, by deed recorded October 13, 1949, in Book 1363, page 595, Deed Records; all in Block "K", Greenway, according to the amended plat of Blocks "J" to "P", Greenway, recorded in Book 360, page 62, Plat Records, within the corporate limits of the City of Portland, County of Multnomah and State of Oregon.

Section 2. In the event the owners of said property described in Section 1 hereof refuse to sell to the City for the compensation tendered by the City, the City Attorney hereby is authorized to commence condemnation proceedings by filing action under the general laws of the State of Oregon for the appropriation of the property against the owners or any parties claiming any interest in said property. The City Attorney shall prosecute said condemnation proceedings with all reasonable diligence to carry them to final judgment and shall take all steps necessary to obtain immediate possession, and in connection

therewith to incur such expenses as may be found necessary in the prosecution of said action, not to exceed the sum of \$500, such expenses to be paid on requisition of the proper authority, and the Mayor and Auditor hereby are authorized to draw and deliver a warrant or warrants for the amount of expenses incurred as hereinabove authorized, to be charged to the Water Construction Fund (5900.780),

Section 3. In order that the City may obtain immediate possession of said property, the Mayor and Auditor hereby are authorized and directed to draw and deliver the following warrants, said warrants to be drawn against and charged to Water Construction Fund (5900.780), and delivered to Leo V. Nuttman, Deputy City Attorney, for deposit with the Clerk of the Court of Multnomah County:

a. Warrant payable to the Clerk of the Court of Multnomah County for the benefit of Raymond T. Bolger and Mary E. Bolger for the amount of the purchase price of said property, plus City's pro rata share of property taxes as of the date of acquisition or possession, whichever comes first, as determined by the Court;

b. Warrant payable to the Clerk of the Court of Multnomah County for the benefit of Title Insurance Company of Oregon to cover cost of preliminary title report and title insurance in the amount of the purchase price, as determined by the Court.

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: In order that there may be no unnecessary delay in acquiring the needed property for public use; 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.

ORDINANCE No.

Passed by the Council, MAY 10 1972

Neil H. Beck
MEMBER OF THE COUNCIL

Mayor of the City of Portland

Attest:

Serge Yefimov

Auditor of the City of Portland

Mayor Schrunk
LVN:jw 5/4/72

Calendar No. 1395

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Title

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THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Anderson	1	
Goldschmidt	1	
Ivancie	1	
McCready	1	
Schrunk		1

FOUR-FIFTHS CALENDAR	
Anderson	
Goldschmidt	
Ivancie	
McCready	
Schrunk	

INTRODUCED BY
Mayor Schrunk

DRAWN BY
LVN:jw
Date May 4, 1972

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration TDS AMT
Safety
Utilities
Works

City Attorney AMT

NOTED BY THE CITY AUDITOR
MC

APPROVED
Date
By City Engineer
Date
By

Filed MAY 5 1972

GEORGE YERKOVICH Auditor of the CITY OF PORTLAND By Gordon Crand Deputy