

## ORDINANCE NO. 134966

An Ordinance providing for the compromise settlement of Circuit Court Case No. 381232, City v. Raymond T. and Mary E. Bolger, condemnation to acquire property for a water tank site, authorizing dismissal of said case and withdrawal of funds deposited with the court, authorizing the drawing and delivery of warrants to purchase said property for \$45,200 plus cost of title insurance, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds that Ordinance No. 134510, passed by the Council May 10, 1972, authorized the City Attorney to file Circuit Court Case No. 381232 against Raymond T. Bolger and Mary E. Bolger, a condemnation to acquire property for a water tank site at 2757 SW Talbot Road; that said ordinance was amended by Ordinance No. 134689, passed by the Council June 7, 1972, to set the purchase price at \$40,000, which amount was deposited with the court; that defendants have offered to settle said case for \$45,200 plus cost of title insurance; that due to the uncertainties of trial, expense of witness fees and other costs, the offer of compromise should be accepted, the case should be dismissed and the funds deposited with the court should be withdrawn; now, therefore, the City Attorney hereby is authorized and directed to accept on behalf of the City the defendants' offer of settlement, to move for dismissal of Circuit Court Case No. 381232, and to withdraw the funds previously deposited with the court.

Section 2. The purchase of Lot 8 and portions of Lots 4 and 5, Block K, Greenway, hereby is authorized, said property being 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.

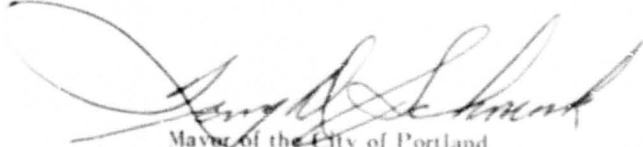
## ORDINANCE No.

Section 3. 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 Title Insurance Company, 425 SW Fourth Avenue, Portland, Oregon 97204, for deposit in Escrow No. 500389, with sufficient escrow instructions, approved as to form by the City Attorney:

- a. Warrant in the amount of \$45,200, payable to Title Insurance Company, Escrow Department.
- b. Warrant in the amount of \$304, payable to Title Insurance Company, as payment for the preliminary title report and title insurance policy, and the required escrow fee.

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.

Passed by the Council, JUL 26 1972

  
Mayor of the City of Portland

Attest:

  
Auditor of the City of Portland

Mayor Schrunk  
LVN:jw 7/21/72

Calendar No. 2268

ORDINANCE No. 134966

Title

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

FOUR-FIFTHS CALENDAR	
Anderson	
Goldschmidt	
Ivancie	
McCready	
Schrunk	

Filed JUL 21 1972

GEORGE YERKOVICH  
Auditor of the CITY OF PORTLAND

By A. Leonard Bishop  
Deputy

INTRODUCED BY
Mayor Schrunk

DRAWN BY
LVN:jw
Date July 21, 1972

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

City Attorney <u>NR</u>
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NOTED BY THE CITY AUDITOR
<u>GC</u>
<u>MC</u>

APPROVED
Date
By
City Engineer
Date
By