COMMISSIONER OF PUBLIC AFFAIRS

MATTERS REFERRED

No	_	Nep.	2	_1917
SUBJECT				
ATTENTION OF	Mr.	W. P.	LaRoche	
REPORT (WRITTEN VERBAL DIRECT PREPARE)		Single-physics	4.	

Attached was referred to you for opinion in July, 1916. You will notice importance of deciding this question immediately. Will you please advise me as to your opinion regarding the issue.

Yours very truly,

Commissioner of Public Affairs
Firland parking.

PLEASE RETURN THIS SLIP PROPERLY FILLED OUT AS SOON AS SUBJECT IS ANSWERED

February 27, 1917.

TO THE COUNCIL

Gentlemen:

I attach herewith correspondence regarding parking strip on East 72d Street, commonly known as Firland.

I respectfully recommend consideration of report of Mr. James O. Convill, Superintendent of Parks, under date of February 25th.

Yours very truly,

Commissioner of Public Affairs

Park ordered on file

February 26, 1917.

Honorable Geo. L. Baker, Commissioner of Public Affairs.

Dear Sir:

The City Attorney's office has ruled that the City of Portland is not liable for the improvement of the Firland Farking strip. However, I wish to call your attention to the following facts:

The City of Portland, through its authorized Council and Park Board some four years ago, guaranteed the people abutting on these park blocks that the same would be properly parked out and beautified. This has never been practicable due to the fact that there is no curbing around the property. It is absolutely incumbent upon the city to make good on this ancient promise at some time and these people know that work is going on on Ainsworth Avenue, Omaha street and other places promised long after their work has been started. It is true that the old council and the old park board made these promises, yet taxpayers and property owners do not always see the difference. I therefore feel that the city is morally bound to go ahead with this work without further delay.

I have taken the matter up with the City Engineer's office and am told by the Division of Highways and Bridges that a plank curb will cost from fifteen to twenty cents per lineal foot and that a concrete curb around the property will cost from twenty-five to twenty-eight cents per lineal foot. The Fark Bureau will be able to go ahead with this work at such time as this curb is put in. However, it would not be economy to try to do anything until it is in, as due to the muddy condition of the streets teamsters often drive over the park area and the edges are always full of weeds, rubbish, etc. A week seldom goes by without some interested person out there coming to us and asking why the work is not started. Will you kindly bring this to the attention of the Council so that I may have some definite answer to give them.

Sincerely yours,

Signed James O. Convill
Superintendent of Farks

February 9, 1917.

Mr. George L. Baker, Commissioner of Public Affairs, Portland, Oregon.

Dear Sir:

In your letter of the 1st inst., you ask to be advised as to the city's policy with reference to permanent improvements of park strip in the center of East 72d Street, north of Foster Road, commonly known as Firland. In reply thereto I beg to advise as follows:

It has been the consistent ruling of this office that the City is not liable for the improvement of such strips, but that such improvement may be made and assessed to the abutting property owners. However, the Council has been advised, in several instances, that the city may properly assume the cost of paying for the improvment of such park strips out of its General Fund or Park Fund. To quote from an opinion from this office under date of March 23, 1915, addressed to Mr. Robert G. Dieck, Commissioner of Public Works, relative to certain strips designated as "Park" in Omaha Avenue from Killingsworth Avenue to Portland Boulevard:

"We think, however, that it would be entirely proper, in view of the practice heretofore adopted, for the city to assume the beautifying and preservation of these strips as park strips, and pay for the same out of the Park Fund. These strips are different from park strips on the sides of streets, between the roadway and the sidewalk, and the adjoining property owners can scarcely be expected to beautify and care for these strips as they do strips between the roadway and the sidewalk."

The language quoted is squarely applicable to the matter concerning which you have asked to be advised as above stated.

Very truly yours.

Signed W. P. LaRoche City Attorney

February 1st. 1917.

Honorable Geo. L. Baker, Commissioner of Public Affairs.

Dear Sir:

In July 1916, this office addressed a communication to you concerning certain park property on East 72nd Street, north of the Foster Road, commonly known as Firland. In this communication we asked concerning the City's policy regarding this strip with reference to permanent improvements such as pavement, etc., which information would probably come from the City Attorney's office.

This Bureau, some three or four years ago, made certain promises to the residents of that neighborhood concerning the improvement of this strip and since there was no reason for refusing to make good on these promises of a previous administration, we also told them that such improvements would be made as soon as possible. Not having heard from the City Attorney's office concerning these improvements, we put the matter of the building of the curbs in our annual budget which was cut out by the 1916 Budget Committee. Since that time I have, myself, taken it up with the Bureau of Highways and Bridges and by looking in the records as closely as I can, with their assistance, it appears to me that the city will be obliged to pay at least part of this improvement. Be that as it may, the time has arrived when it is absolutely necessary for us to clean up this area if we expect any further support in park movements from this neighborhood.

The only possible substitute for the permanent curb is one constructed of plank which is sometimes put in pending the final improvement. I have taken this matter up with the City Engineer's office and am told that such a plank curb would cost between fifteen and twenty cents, while the permanent cement curb would cost from twenty-five to twenty-eight cents, per foot. In my judgment, the question of the permanent improvement should be threshed out before the Council at this time, and if the city is to put in the permanent curb, it should certainly avail itself of this opportunity to make the permanent improvement. Otherwise, it will be necessary for us to put in a plank substitute in order to carry on our summer work.

Trusting that this will receive your early consideration, I am,

Sincerely yours.

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James O. Convill
Signed Superintendent of Parks

Mr. W. P. LeRoche. City Attorney. City Hall.

Dear Sir:

Will you please note attached letter from Park
Superintendent, James O. Convill, asking information regarding central parking strip called Firland. I would appreciate
receiving your opinion regarding the features involved.

Yours very truly,

Commissioner of Public Affairs

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Mr. W. P. LeHecke, Oity Afterney, Otty Hall.

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Superintendent, James D. Convill Seting information required ing control parents outling entries outling for separation to control parents outling outlines appeared to the factors involved.

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