

158737

ORDINANCE NO. 158737

An Ordinance authorizing the acceptance of property appropriated, condemned and vested in the City of Portland, as plaintiff in the Circuit Court of the State of Oregon for the County of Multnomah, Case No. A8201-00098, in connection with the N Going Street Noise Mitigation Project, designating and assigning certain property as public street area and accepting an easement for wall and drainage purposes, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. Right-of-way was required for the N Going Street Noise Mitigation Project.
2. Purchase of several parcels of private property was necessary for the construction of the project.
3. Property owners, Thomas J. Alton, Gayle P. Alton, Carl W. Spitznagel, Douglas S. Wetter, Benjamin Franklin Federal Savings & Loan Association, refused to grant the required property under the terms proposed by the City.
4. That the City Attorney continued negotiations on behalf of the City for acquisition of the property, and commenced condemnation proceedings to acquire the property.
5. That the City has been granted a judgment by the Circuit Court of the State of Oregon for the County of Multnomah, Case No. A8201-00098 and compensation has been delivered to Thomas J. Alton, Gayle P. Alton, Carl W. Spitznagel, Douglas S. Wetter, Benjamin Franklin Federal Savings & Loan Association.
6. The property granted by the Court to the City should now be officially accepted for the purposes hereinafter described.

NOW, THEREFORE, the Council directs:

- a. The following described property is hereby accepted, designated, and assigned as public street area:

R/W #4032-16-1

A parcel of land in Section 21, T1N, R1E, W.M., Multnomah County, Oregon, more particularly described as follows:

Beginning at the northwest corner of Lot 10, Block 1, Ethel Lynn Addition, said point being the true point of beginning; thence N 89°56'31" E, 50.00 feet; thence S 00°13'00" W, 4.02 feet; thence S 85°55'91" W, 50.15 feet; thence N 00°13'00" E, 7.84 feet to the true point of beginning, reserving to Grantor an easement to maintain, construct and reconstruct a lateral sewer line to N Going Street.

- b. That the following described easement is hereby accepted for wall and drainage purposes:

R/W #4032-16-2

A parcel of land in Section 21, T1N, R1E, W.M., Multnomah County, Oregon, more particularly described as follows:

Beginning at the northwest corner of Lot 10, Block 1, Ethel Lynn Addition; thence S 00°13'00" W, 7.84 feet to the true point of beginning; thence N 85°55'91" E, 50.15 feet; thence S 00°13'00" W, 8.00 feet; thence S 85°55'91" W, 50.15 feet; thence N 00°13'00" E, 8.00 feet to the true point of beginning.

- c. The Auditor shall record a certified copy of this Ordinance and return one copy of the recorded Ordinance to the Right-of-Way Acquisition Section, Bureau of Transportation Engineering.

Section 2. The Council declares an emergency exists because a delay in accepting, designating, and assigning the property as street area and accepting the easement for wall and drainage purposes might cause confusion as to the property's status; therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, **JUL 10 1986**

Commissioner Margaret D. Strachan
Phyllis Redman:mwp.2
June 17, 1986

Jewel Lansing

Auditor of the City of Portland

By

Doris E. O'Brien
Deputy

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
BOGLE	<u> </u>	<u> </u>
LINDBERG	<u> ✓ </u>	<u> </u>
SCHWAB	<u> ✓ </u>	<u> </u>
STRACHAN	<u> ✓ </u>	<u> </u>
CLARK	<u> ✓ </u>	<u> </u>

FOUR-FIFTHS CALENDAR	
BOGLE	<u> </u>
LINDBERG	<u> </u>
SCHWAB	<u> </u>
STRACHAN	<u> </u>
CLARK	<u> </u>

Calendar No. **1380**

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Filed JUL 1 1986

JEWEL LANSING
Auditor of the CITY OF PORTLAND

By Edna Cervino
Deputy

INTRODUCED BY

Commissioner Margaret Strachan

NOTED BY THE COMMISSIONER

Affairs

Finance and
Administration

Safety

Utilities MDS/JP

Works

BUREAU APPROVAL

Bureau:
Transportation Engineering

Prepared By: PLN Date: 6-17-86
Phyllis Redman:mwp

Budget Impact Review:

☐ Completed ☒ Not required

Bureau Head: Richard O. Schmidt
Richard O. Schmidt, Chief

CALENDAR

Consent ✓ Regular

NOTED BY

City Attorney

City Auditor

City Engineer Approved:
Richard O. Schmidt, P.E.

By: Richard E. Johnson