

1 IN THE CIRCUIT COURT OF THE STATE OF OREGON  
2 FOR THE COUNTY OF MULTNOMAH

3 CITY OF PORTLAND, a municipal corporation, )

NO. A8605-02886

4 Plaintiff, )

5 vs. )

STIPULATED JUDGMENT

6 GEORGE S. OKITA; CHIYO OKITA; )  
7 JACK W. BROWN and MEAD M. )  
8 LOFLAND, dba TRANSCO PROPERTIES; )  
9 DIARMUID F. O'SCANNLAIN; )  
10 BARCLAYSAMERICAN/BUSINESS CREDIT )  
11 INC., a Connecticut corporation; )  
12 TRANSCO INDUSTRIES, INC., an )  
13 Oregon corporation, and )  
14 CONTINENTAL PRODUCT CORPORATION, )

15 Defendants. )

16 Based upon the stipulation by and between plaintiff and defendants and the  
17 record herein, the court finds as follows:

- 18 1. The allegations in paragraphs 1, 2, 3, 4 and 6 of plaintiff's complaint  
19 are true.
- 20 2. The true value of the property described in plaintiff's complaint,  
21 together with all damages to defendants' remaining property is the  
22 sum of \$30,000.00.
- 23 3. The claim against Diarmuid O'Scannlain herein has been dismissed for  
24 the reason that he claims no interest in the property described herein.

25 Based upon the findings and the record herein,

26 **IT IS HEREBY ORDERED AND ADJUDGED** as follows:

- 1. Plaintiff shall deposit into court the sum of \$3,200.00 which, together  
with plaintiff's previous deposit of \$26,800.00 represents the true  
value of the real property described in plaintiff's complaint, together

1 with all damages to the remaining property owned by defendants.

- 2 2. The property described in Exhibit "A" attached hereto is hereby  
3 appropriated, condemned and vested in plaintiff.
- 4 3. Plaintiff shall use the real property described in Exhibit "A" within 10  
5 years from the date of this judgment and in the event it is not so  
6 used, the right of repurchase may be exercised with respect to the  
7 real property as provided in ORS 35.385 to 35.415.
- 8 4. The money deposited herein by plaintiff shall be distributed in  
9 accordance with law in a supplemental proceeding.
- 10 5. There shall be no costs or attorney fees to any party.

11 DATED this 15th day of July, 1986.

12  
13 /s/ CHARLES S. CROOKHAM  
14 CIRCUIT JUDGE

**EXHIBIT "A"****Parcel 1**

Title in fee simple to a tract of land in Section 23, T1N, R2E, W.M., Multnomah County, Oregon described as follows:

Beginning at the intersection of the southerly line of NE Airport Way, 80.0 feet wide, with the easterly line of that parcel of land described in that certain contract between George S. Okita and Chiyo Okita and Transco Properties, a partnership consisting of Jack W. Brown and Mead M. Lofland, recorded December 1, 1980, in Book 1487, Page 103, Multnomah County Deed Records; thence S 01°27'27" W along said easterly line, 84.34 feet; thence N 73°33'43" W, 94.80 feet; thence N 16°26'17" E, 81.0 feet to a point on the southerly line of said NE Airport Way; thence along the arc of a 5686.996 foot radius non-tangent curve left (long chord bears S 73°55'47" E, 73.0 feet) a distance of 73.0 feet to the Point of Beginning.

**Parcel 2**

A temporary construction easement on the following described property for one year or until construction is completed whichever is earlier for the original construction of the NE 132nd Avenue, NE Airport Way Pump Station Project:

A 20.0 foot wide strip of land lying adjacent to, parallel with and westerly and southerly of the above described parcel of land.

ORDINANCE NO. **158932**

An Ordinance authorizing the acceptance of a tract of land and a temporary construction easement 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. A8605-02886, in connection with the NE 132nd Avenue, NE Airport Way Pump Station Project, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. A tract of land was required for construction of a pump station in connection with the NE 132nd Avenue, NE Airport Way Pump Station Project; the north six feet (6') of said tract of land has been designated as street area for future widening of NE Airport Way.
2. A temporary construction easement was needed for one year or until the original construction of the NE 132nd Avenue, NE Airport Way Pump Station Project is completed, whichever is earlier.
3. The property owner, Transco Properties, a partnership consisting of Jack W. Brown and Mead M. Lofland, refused to grant the required property under the terms proposed by the City.
4. That the City Attorney, authorized by Ordinance No. 158374, passed by Council April 9, 1986, and Ordinance No. 158433, passed by Council April 30, 1986, 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. A8605-02886, and compensation of \$30,000 has been delivered.
6. The property granted by the Court to the City should now be officially accepted for the purposes hereinafter described.

NOW, THEREFORE, the City Council directs:

- a. The following described tract of land is hereby accepted and assigned to the Bureau of Environmental Services:

R/W #4080-1

A tract of land in Section 23, T1N, R2E, W.M., Multnomah County, Oregon, described as follows:

Beginning at the intersection of the southerly line of NE Airport Way, 80.0 feet wide, with the easterly line of that parcel of land described in that certain contract between George S. Okita and Chiyo Okita and Transco Properties, a partnership consisting of Jack W. Brown and Mead M. Lofland, recorded December 1, 1980, in Book 1487, Page 103, Multnomah County Deed Records; thence S 01°27'27" W along said easterly line, 84.34 feet; thence N 73°33'43" W, 94.80 feet; thence N 16°26'17" E, 81.0 feet to a point on the southerly line of said NE Airport Way; thence along the arc of a 5686.996 foot radius non-tangent curve left (long chord bears S 73°55'47" E, 73.0 feet) a distance of 73.0 feet to the Point of Beginning.

EXCEPTING therefrom the northerly 6.0 feet.

- b. The following described tract of land is hereby accepted as public street area:

R/W #4080-2

The northerly 6.0 feet of the following described tract of land:

A tract of land in Section 23, T1N, R2E, W.M., Multnomah County, Oregon, described as follows:

Beginning at the intersection of the southerly line of NE Airport Way, 80.0 feet wide, with the easterly line of that parcel of land described in that certain contract between George S. Okita and Chiyo Okita and Transco Properties, a partnership consisting of Jack W. Brown and Mead M. Lofland, recorded December 1, 1980, in Book 1487, Page 103, Multnomah County Deed Records; thence S 01°27'27" W along said easterly line, 84.34 feet; thence N 73°33'43" W, 94.80 feet; thence N 16°26'17" E, 81.0 feet to a point on the southerly line of said NE Airport Way; thence along the arc of a 5686.996 foot radius non-tangent curve left (long chord bears S 73°55'47" E, 73.0 feet) a distance of 73.0 feet to the Point of Beginning.

- c. The following described tract of land is hereby accepted for temporary construction purposes until completion of the original construction of the NE 132nd Avenue, NE Airport Way Pump Station Project, or until June 6, 1987, whichever is earlier:

**ORDINANCE No.**

R/W #4080-3

A 20.0 foot wide strip of land lying adjacent to, parallel with, and westerly and southerly of the following described tract of land:

A tract of land in Section 23, T1N, R2E, W.M., Multnomah County, Oregon, described as follows:

Beginning at the intersection of the southerly line of NE Airport Way, 80.0 feet wide, with the easterly line of that parcel of land described in that certain contract between George S. Okita and Chiyo Okita and Transco Properties, a partnership consisting of Jack W. Brown and Mead M. Lofland, recorded December 1, 1980, in Book 1487, Page 103, Multnomah County Deed Records; thence S 01°27'27" W along said easterly line, 84.34 feet; thence N 73°33'43" W, 94.80 feet; thence N 16°26'17" E, 81.0 feet to a point on the southerly line of said NE Airport Way; thence along the arc of a 5686.996 foot radius non-tangent curve left (long chord bears S 73°55'47" E, 73.0 feet) a distance of 73.0 feet to the Point of Beginning.

- d. 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.
- e. The Auditor shall mail copies of the recorded Ordinance to:

Transco Properties  
Attn: Mr. Jack Brown  
PO Box 20429  
Portland OR 97230

and

Mr. and Mrs. George Okita  
4527 NE 135th Avenue  
Portland OR 97230

Section 2. The Council declares that an emergency exists because a delay in accepting the tract of land and the temporary construction easement conveyed to the City by the Court might cause confusion as to the City's rights; therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, **AUG 27 1986**

Commissioner Dick Bogle  
Phyllis I. Redman:mwp.4  
August 12, 1986

**Jewel Lansing**  
Auditor of the City of Portland  
By *Doris E. O'Leary*  
Deputy

Calendar No. **1746**

ORDINANCE No. **158932**

Title

An Ordinance authorizing the acceptance of a tract of land and a temporary construction easement 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. A8605-02886, in connection with the NE 132nd Avenue, NE Airport Way Pump Station Project, and declaring an emergency.

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
BOGLE	✓	
LINDBERG	✓	
SCHWAB	✓	
STRACHAN	✓	
CLARK	—	

FOUR-FIFTHS CALENDAR	
BOGLE	
LINDBERG	
SCHWAB	
STRACHAN	
CLARK	

Filed **AUG 22 1986**

**JEWEL LANSING**  
Auditor of the CITY OF PORTLAND

By *Nancy Deindorf*  
Deputy

INTRODUCED BY

Commissioner Dick Bogle

NOTED BY THE COMMISSIONER

Affairs

Finance and Administration

Safety

Utilities

Works

*Dick Bogle*

BUREAU APPROVAL

Bureau:  
Environmental Services

Prepared By: *PRW* Date: 8-12-86  
Phyllis Redman:mwp

Budget Impact Review:

Completed  Not required

Bureau Head: *John Lang*  
John Lang Administrator *PLS.*

CALENDAR

Consent  Regular

NOTED BY

City Attorney

City Auditor

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

By: *B. O. Schmidt*