

ORDINANCE NO. 198112

An Ordinance authorizing continuance of negotiations for the purchase of Lots 8 and 9, Delmar Shaver's Addition to East Portland, in the City of Portland, County of Multnomah, Oregon, the commencement of condemnation proceedings therefor if necessary, authorizing institution of procedures to obtain immediate possession thereof, and ordaining necessity thereof, fixing the amount estimated to be the just compensation for the taking thereof, 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 to acquire Lots 8 and 9, Delmar Shaver's Addition to East Portland, in the City of Portland, County of Multnomah, Oregon, for use by the Portland City Water Bureau for expansion of equipment and maintenance storage facilities, and to eliminate and prevent the development or spread of slums or blight for the protection and preservation of the public health, safety, morals and welfare, as lying within the First Elliott Urban Renewal Area and in accordance with an Urban Renewal Plan approved by the Council on September 13, 1972, all as described in that certain Cooperation Agreement entered into by and between the City of Portland and the Portland Development Commission February 5, 1973; that, according to the terms and provisions of that said Cooperation Agreement, Portland Development Commission is undertaking the acquisition of such property for and on behalf of the Council, and has advised the Council, and the Council hereby finds, that the sum of \$27,500 is the estimated amount of just compensation which is necessary for the acquisition of said real property; that the owners of said property have not agreed to sell said property for said amount of money, though the Commission has attempted to obtain agreement thereon; that it is therefore necessary to institute legal action to effect the acquisition of said property; that the building and construction plans and contracts advantageously available to the City for redevelopment in the Project Area as defined in the said Cooperation Agreement require possession of the subject property without delay; and that legal action should be authorized, and funds created and warrants authorized for the prosecution thereof and acquisition of the said property; and that the acquisition of both possession of and title to said property, and the dispossession of any occupants thereof, will all be accomplished in conformity with the Federal Relocation Assistance and Real Property Acquisition Policies Act of 1970; now, therefore, Portland Development Commission through its legal counsel is hereby authorized and directed to continue negotiations in behalf of the City of Portland for the acquisition of Lots 8 and 9, Delmar Shaver's Addition to East Portland, in the City of Portland, County of Multnomah, Oregon.

ORDINANCE No.

Section 2. In the event the owners of said property refuse to sell said property for the sum of \$27,500 then legal counsel to the Development Commission is authorized to commence condemnation proceedings on behalf of the City by filing action as authorized by the Charter of the City of Portland and 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 or in the proceeds thereof; said condemnation proceedings shall be prosecuted with all reasonable diligence to carry them to final judgment, and shall include all steps necessary to obtain immediate possession of the premises to be acquired, including the deposit into court of the City's warrant in the sum of \$27,500 in accordance with Oregon Revised Statutes 35.265 (1) (3).

Section 3. The Mayor and Auditor hereby are authorized and directed to draw and deliver a warrant payable to Department of Judicial Administration, Circuit Court Division in the amount of \$27,500 for deposit into court to enable immediate possession of the said property by the City; and warrants in such further sums as may be ordered by any court in which legal action is pending for the acquisition of said property; any or all of said warrants to be charged to Water Bureau Construction Fund (5900.780) and delivered by the Auditor to the Portland Development Commission for deposit into court in connection with such legal action.


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 acquisition of possession and title to the property described in Section 1 hereof may be had as soon as possible; 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, MAR - 7 1973

Commissioner Anderson
March 2, 1973
MCR/fg


Mayor of the City of Portland

Attest:


Auditor of the City of Portland

Calendar No. 651

ORDINANCE NO. 133142

Title

THE COMMISSIONERS VOTED AS FOLLOWS

| | Yeas | Nays |
|-------------|------|------|
| Anderson | 1 | |
| Ivancie | 1 | |
| McCready | 1 | |
| Schwab | 1 | |
| Goldschmidt | 1 | |

FOUR-FIFTHS CALENDAR

| | |
|-------------|--|
| Anderson | |
| Ivancie | |
| McCready | |
| Schwab | |
| Goldschmidt | |

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Filed MAR 2 1973

GEORGE YERKOVICH

Auditor of the CITY OF PORTLAND

By Robert M. Vance
Deputy

Commissioner Anderson

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| DRAWN BY |
| MCR/fg |
| Date March 2, 1973 |

NOTED BY THE COMMISSIONER

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|----------------------------|
| Affairs |
| Finance and Administration |
| Safety |

Utilities

Works

Haystack

City Attorney

W. R. X

NOTED BY THE CITY AUDITOR

W. R. X

APPROVED

Date

By

City Engineer

Date

By