

**ORDINANCE No. 95601**

An Ordinance authorizing the addition to the cost of the S.W. Sunset Boulevard and S.W. Dosch Road sewer system of the amount of \$107.00 as the reasonable value of a certain sewer easement for said project, extending through Tax Lot 95, Section 17, Township 1 South, Range 1 East, Willamette Meridian, which is the subject of pending condemnation litigation, authorizing payment of any excess judgment over \$107.00 to be charged against a specific appropriation, authorizing the drawing and delivery of a warrant, and declaring an emergency.

The City of Portland does ordain as follows:

Section 1. The Council finds that the entire cost of the S.W. Sunset Boulevard and S.W. Dosch Road Sewer System has been determined with the exception of the cost of a certain sewer easement and right of way for said project through Tax Lot 96, Section 17, Township 1 South, Range 1 East, Willamette Meridian; that in order to acquire said sewer easement and obtain immediate possession thereof for construction of said sewer, condemnation proceedings were heretofore commenced by the City of Portland in the Circuit Court pursuant to authority of Ordinance No. 94269, passed by the Council May 25, 1951; that said proceedings are now pending in the case entitled: City of Portland v. J. Wayne Viggers and June M. Viggers, No. 199603; that the amount alleged in the complaint of the City in said cause as the reasonable value of said sewer easement is \$107.00; that in order to avoid delay in the spreading of the assessment for said project and to prevent accumulation of interest on progress payment warrants, provision should now be made for authorization of the addition of said amount of \$107.00 to the cost of the construction of said S.W. Sunset Boulevard and S.W. Dosch Road sewer system, and for payment of any judgment in excess of \$107.00 in said litigation; now, therefore, the Auditor hereby is authorized and directed to add the amount of \$107.00 to the cost of construction of the S.W. Sunset Boulevard and S.W. Dosch Road Sewer System, as the amount allotted for the acquisition of that certain sewer easement and right of way for said project through Tax Lot 96, Section 17, Township 1 South, Range 1 East, Willamette Meridian.

Section 2. The Mayor and the Auditor hereby are authorized to draw a warrant in the amount of \$107.00 chargeable to the fund created for said sewer project, in favor of

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J. Wayne Viggers and June M. Viggers, owners of said Tax Lot 96, in payment for said sewer easement, and the Auditor hereby is directed to deliver said warrant only on direction of the City Attorney.

Section 3. Payment of any amount awarded by judgment of court to said J. Wayne Viggers and June M. Viggers in pending condemnation litigation for said sewer easement (Case No. 199603 in the Circuit Court of the State of Oregon for the County of Multnomah, City of Portland v. Viggers) in excess of said amount of \$107.00 hereby is authorized to be made from the General Fund appropriation, Property for Widening and Rights of Way (4650.680).

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: To avoid any unnecessary delay in spreading of the assessment on said sewer project and to prevent accumulation of interest on progress payment warrants; 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, DEC 26 1951

*Dorothy M. Gullough Lee*  
Mayor of the City of Portland  
*Will Gibson*

Attest:

Auditor of the City of Portland

Calendar No. 6616

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**Title**

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Filed..... **DEC 20 1951** .....

*Will Gibson.*  
Auditor of the CITY OF PORTLAND

By..... **ROB'T L. McCOY** .....

Deputy

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Bean	/	
Bennett	/	
Bowes	/	
Peterson	/	
Lee	/	

FOUR-FIFTHS CALENDAR	
Bean	
Bennett	
Bowes	
Peterson	
Lee	

<b>INTRODUCED BY</b>	
Commissioner Bowes	
<b>DRAWN BY</b>	
HFA	HFA:gn
Date	12/18/51
<b>NOTED BY THE COMMISSIONER</b>	
Affairs	
Finance	
Safety	
Utilities	
Works	Wm. A. Bowes v
City Attorney	AGB
<b>NOTED FOR CITY AUDITOR</b>	
RSI	
JHL	
<b>APPROVED</b>	
Date	
By	<i>Chief Civil Engineer</i>
Date	
By	<i>City Engineer</i>