

## ORDINANCE No. 100841

An Ordinance authorizing the purchase of additional acreage to establish a new west side golf course, authorizing the execution and delivery of earnest money agreements and purchase money mortgages upon certain terms and conditions, making a transfer of funds as a temporary loan to the Public Recreational Areas Fund, authorizing the drawing and delivery of warrants, and declaring an emergency.

The City of Portland does ordain as follows:

Section 1. The Council finds that Ordinance No. 100716, passed by the Council July 15, 1954, authorized an agreement to be entered into for the purchase of approximately 103 acres to be used for a west side golf course to replace the West Hills Golf Course which will be lost at the time of construction of the new zoo; that said ordinance contemplated purchases of additional property in order to obtain sufficient land for such golf course; that written offers have been obtained through the efforts of A. D. Newman Company, Realtors, from the owners of five parcels totaling approximately 65.71 acres and adjoining on the south the aforesaid 103 acres; that the average price of said parcels is approximately \$1249 and that the purchase price may be paid by the City over a period extending into six fiscal years with no interest to be due on deferred payments; that this will give the City sufficient land for a golf course; that the price for said property is reasonable and that the City should enter into earnest money agreements for the purchase of the aforesaid five parcels of land on the following terms as incorporated in the offers of the sellers:

Parcel A. All of Tax Lot 20 in Section 26, T. 1 S., R. 1 W., W. M., in the County of Washington, State of Oregon, containing approximately 9.766 acres.

Owners: ALMA E. ELIANDER SHERQUIST and THOR SHERQUIST, wife and husband, Route 1, Box 217, Beaverton, Oregon.

Purchase Price: \$1250 per acre, exact acreage to be determined by a survey at seller's expense, said purchase price to be paid as follows:  
\$1220 upon execution of an earnest money agreement,  
\$1220 on or before October 19, 1954 if title is satisfactory to the City, and  
\$490 on or before January 19, 1955 and every three months thereafter with any

## ORDINANCE No. 100841

remaining balance to be paid on or before  
October 19, 1959,

Possession shall be delivered to the City on April 1,  
1955 or June 30, 1955 at the option of the City.

Parcel B. All of that part of Tax Lot 9 in Section 26, T. 1 S., R. 1 W., W. M., in the County of Washington, State of Oregon, lying north of a line extended west from a point 1349.5 feet south of the N. E. corner of the Kuhn Tract as first described in that certain deed from C. C. Isom and Helen M. Isom to Edward Kuhn and Josephine Kuhn, recorded October 27, 1943 in Book 223, Page 397, Deed Records of Washington County, Oregon, said part of Tax Lot 9 containing approximately 10.18 acres.

Owner: MINNIE A. COMSTOCK, a widow.

Purchase Price: \$1250 per acre, exact acreage to be determined by a survey at seller's expense and the sum of \$420 to be deducted from the total purchase price computed on said basis, said reduced purchase price to be paid as follows:

\$1235 upon execution of earnest money agreement,

\$1230 on or before October 19, 1954 if title is satisfactory to the City, and

\$490 on or before January 19, 1955 and every three months thereafter with any remaining balance to be paid on or before October 19, 1959.

Possession shall be delivered to the City on April 1, 1955 or June 30, 1955 at the option of the City.

Parcel C. All that part of Tax Lot 9A in Section 26, T. 1 S., R. 1 W., W. M., in the County of Washington, State of Oregon, lying north of a line extended west from a point 1349.5 feet south of the N. E. corner of the Kuhn Tract as first described in that certain deed from C. C. Isom and Helen M. Isom to Edward Kuhn and Josephine Kuhn, recorded October 27, 1943, in Book 223, Page 397, Deed Records of Washington County, Oregon, said part of Tax Lot 9A containing approximately 8.6 acres.

Owners: DUDLEY R. SCOTT and NAOMI E. SCOTT, husband and wife, Route 2, Box 261, Tigard, Oregon.

Purchase Price: \$1450 per acre, exact acreage to be determined by a survey at seller's expense, said purchase price to be paid as follows:

## ORDINANCE No. 100841

\$1247 upon execution of earnest money agreement,  
 \$1247 on or before October 19, 1954, if title is satisfactory to the City, and \$5700 to be paid on behalf of owners on or before October 19, 1954 for the purpose of satisfying the mortgage now on said property, any additional amount needed to pay said mortgage in full to be paid by the seller prior to said payment by the City, and  
 \$213 to be paid on or before January 19, 1955 and every three months thereafter with any remaining balance to be paid on or before October 19, 1959.

Possession shall be delivered to the City on April 1, 1955 or June 30, 1955 at the option of the City.

Parcel D. The North 1349.5 feet of that certain parcel of land identified as Tax Lot 7 in Section 26, T. 1 S., R. 1 W., W. M., in the County of Washington, State of Oregon, containing approximately 17.10 acres.

Owners: EDWARD KUHN and JOSEPHINE KUHN, husband and wife.

Purchase Price: \$1250 per acre, exact acreage to be determined by a survey at seller's expense, said purchase price to be paid as follows:  
 \$2137.50 upon execution of earnest money agreement,  
 \$2137.50 on or before October 19, 1954 if title is satisfactory to City, and  
 \$855 on or before January 19, 1955 and every three months thereafter with any remaining balance to be paid on or before October 19, 1959.

Possession shall be retained by the sellers until completion of the payments and sellers shall be liable for the payment of all taxes becoming a lien on said property during said period, subject to the right of the City to obtain possession upon giving three months written notice.

Parcel E. Tax Lot 5 in Section 26, T. 1 S., R. 1 W., W. M., in the County of Washington, State of Oregon, containing approximately 20.45 acres.



## ORDINANCE No. 100841

Owner: PORTLAND TRUST BANK.

Purchase Price: \$1160 per acre, exact acreage to be determined by a survey at seller's expense, said purchase price to be paid as follows:  
\$2375 upon execution of earnest money agreement,  
\$2370 on or before October 19, 1954 if title is satisfactory to the City, and  
\$948 on or before January 19, 1955, and every three months thereafter, with any remaining balance to be paid on or before October 19, 1959.

Possession of said property shall be delivered to the City on October 19, 1954.

that title insurance policies in full amount of purchase price are to be furnished by the sellers at their expense; now, therefore, the Mayor and Commissioner of Public Affairs hereby are authorized and directed to enter into earnest money agreements for the purchase of the above described parcels of land in accordance with the terms indicated and in form approved by the City Attorney, and upon approval by the City Attorney of the title to said parcels and the parcel being purchased from Frank J. Kosmalski and Katheryn Kosmalski and upon satisfactory completion of survey and receipt of a warranty deed from each of said sellers with required revenue stamps attached and in form approved by the City Attorney conveying fee simple title to the City free and clear of all liens and encumbrances, the Mayor and Auditor are authorized to execute and deliver purchase money mortgages, in form approved by the City Attorney, in favor of the respective sellers, including said Frank J. Kosmalski et ux, to secure the payment by the City of all installments of the purchase price due after October 19, 1954.

Section 2. The Mayor and Auditor are authorized to draw and deliver warrants to the persons, at the times, and in the amounts required by the terms of the earnest money agreements and purchase money mortgages authorized to be executed by this ordinance and by Ordinance No. 100716, and in payment of any taxes that might be an obligation of the City upon any of said parcels, provided, however, that all warrants due on or before October 19, 1954 in connection with the five parcels described in Section 1 of this ordinance shall be made payable to and delivered to A. D. Newman Co., Realtors, as requested by the various owners, all of said warrants to be chargeable to the appropriation Public Recreational Areas Fund, Purchase of Land (5600.780).

## ORDINANCE No. 100841

Section 3. In order to make sufficient moneys available in the Public Recreational Areas Fund this fiscal year for the purposes recited in Sections 1 and 2 hereof, including the further payment due this fiscal year to Frank J. Kosmalski and Katheryn Kosmalski, the sum of \$49,000 hereby is transferred as a temporary loan from the General Fund to the Public Recreational Areas Fund, Purchase of Land (5600.780). The temporary loan authorized by this section shall be repaid in such manner and at such time as the Council shall subsequently direct.

Section 4. Upon approval of the aforesaid warranty deeds, the Auditor is directed to record the same and to forward a copy of this ordinance to the Washington County Assessor.

Section 5. 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 offers to sell property needed for new golf course may be accepted without delay and in time to complete surveys and clear title to said parcels before payments become due in October; 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.

A - A.V. 53642 8/13/54 Cont. 7808-A  
 B - A.V. 53641 8/13/54 Cont. 7809-B  
 C- A.V. 53640 8/13/54 Cont. 7810-C  
 D- A.V. 53639 8/13/54 Cont. 7811-D  
 E- A.V. 53640 8/13/54 Cont. 7812-E

Passed by the Council, AUG 11 1954

*Lud L. Peterson*  
 Mayor of the City of Portland

Attest:

*Will Gibson*

Auditor of the City of Portland

Calendar No. 3488

## ORDINANCE No. 100841

### Title

An Ordinance authorizing the purchase of additional acreage to establish a new west side golf course, authorizing the execution and delivery of earnest money agreements and purchase money mortgages upon certain terms and conditions, making a transfer of funds as a temporary loan to the Public Recreational Areas Fund, authorizing the drawing and delivery of warrants, and declaring an emergency.

INTRODUCED BY

Commissioner Earl

DRAWN BY

FJ:edc

Date August 4, 1954

NOTED BY THE COMMISSIONER

Affairs SWE JRF

Finance

Safety

Utilities

Works

City Attorney AGB

NOTED FOR CITY AUDITOR

RSI

JHL

APPROVED

Date

By

City Engineer

Date

By

### THE COMMISSIONERS VOTED AS FOLLOWS:

	Yeas	Nays
Bean	/	
Boody	/	
Bowes	/	
Earl	/	
Peterson	/	

### FOUR-FIFTHS CALENDAR

Bean	ORB
Boody	NAB
Bowes	
Earl	SWE JRF
Peterson	FLP

Filed AUG 4 - 1954

*Will Gibson.*  
Auditor of the CITY OF PORTLAND

By ROBT L. McCOY  
Deputy