

ORDINANCE NUMBER 1401

AN ORDINANCE PROVIDING FOR A MORATORIUM ON ANY DEVELOPMENT LOCATED IN THAT GENERAL AREA OF 37TH AVENUE AND WISTER STREETS, CITY OF MILWAUKIE, OREGON, DUE TO THE LACK OF WATER CAPACITY DISTRIBUTION SYSTEM, AND DECLARING AN EMERGENCY.

THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. The City of Milwaukie feels that it has a duty and responsibility to provide adequate domestic water and fire services water in sufficient quantity to provide safe living and use to the residents of the City of Milwaukie.

Section 2. That the area covered by this moratorium does not have sufficient water distribution systems to allow any additional development until a new distribution system can be created.

Section 3. Any additional building or construction in the area covered under this ordinance will put the City beyond providing reasonable domestic service or adequate fire protection in this area.

Section 4. A moratorium is hereby enacted on all applications for construction of any domestic or commercial developments on the property described hereafter.

Section 5. The legal description of the area covered under this ordinance reads as follows:

That area bounded on the North by S.E. Railroad Avenue; on the East by the east line of Donation Land Claim 39; on the South by Pacific Highway East, Cascade Section (Milwaukie Expressway); and S.E. 37th on the West; all located in 1-1E 36DA, City of Milwaukie, County of Clackamas, State of Oregon.

Section 6. This moratorium will remain in full force and effect until properties proposed for development are provided with an adequate water distribution system according to standards set by the Public Works Department of the City of Milwaukie.

Section 7. Severability. If any portion of this ordinance for any reason, should be held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 8. It is hereby adjudged and declared that existing conditions are such that this ordinance is necessary for the immediate preservation of public health, peace, safety, and in the best interests of the inhabitants of the City of Milwaukie, Oregon. Therefore, an emergency is hereby declared to exist, and

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this ordinance shall take effect and be in full force and effect from and after its passage by the Council and signing by the Mayor.

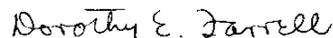
Read the first time this 7th day of August, 1978, and moved to second reading by majority vote of the City Council.

Read the second time and adopted by the City Council this 21st day of August, 1978.

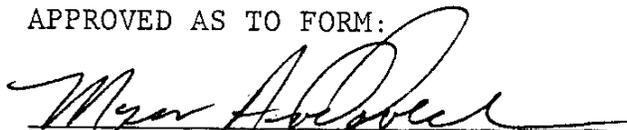
Signed by the Mayor this 21st day of August, 1978.


BILL HUPP, Mayor

ATTEST:


Dorothy E. Farrell, Recorder

APPROVED AS TO FORM:


Myer Avedovech, City Attorney