

ORDINANCE NUMBER 1485

AN ORDINANCE OF THE CITY OF MILWAUKIE ORDERING THE IMPROVEMENT OF PORTIONS OF SE 40TH AVENUE AND SE WISTER STREET AND REPEALING ORDINANCE NO. 1401.

WHEREAS, the City has received a sufficient petition for the improvement of portions of SE 40th Avenue and SE Wister Street, and

WHEREAS, the Public Works Director has prepared preliminary plans and specifications for construction of the improvement, and

WHEREAS, the Council has adopted Resolution No. 2-1981 declaring its intention to make the improvement, and

WHEREAS, the Council has heard objections to the improvement at a hearing held on April 7, and

WHEREAS, Ordinance No. 1401 provides for a development moratorium in this area due to a lack of water distribution capacity and this improvement would eliminate that problem, and

WHEREAS, the Council finds that the improvement is necessary and that the total costs should be assessed to the properties benefited by the improvement,

NOW, THEREFORE, THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. All objections to the proposed improvement are overruled.

Section 2. The improvement of the following streets is ordered:

- (a) SE 40th Avenue from the intersection of its centerline with the centerline of SE Edison Street, formerly SE International Way, 559.90 feet southerly,
- (b) SE Wister Street from the intersection of its centerline with the centerline of SE 40th Avenue 330.00 feet easterly and
- (c) A utility and emergency access right-of-way construction parallel with and ten (10) feet each side of a line commencing at the centerline of SE 40th Avenue, 509.90 feet southerly of the intersections of the centerlines of SE 40th Avenue and SE Edison Street, prolonged southeasterly to a point on the east line of Tax Lot 5200, 1-1E-36DA, located 121.58 feet southerly of the northeast corner of said Tax Lot 5200.

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Section 3. The improvement shall include grading, subbase, base material, asphaltic concrete surfacing, portland cement curbs, storm drains, water and sanitary sewers, underground utilities, street lighting, right-of-way acquisition and all other necessary appurtenances. The construction shall conform substantially to the preliminary plans and specifications on file with the City Recorder.

Section 4. The total cost of the improvement will be assessed to the following benefited properties, according to the method adopted by Resolution No. 2-1981 or as modified by the Council: Tax Lots 100 (NW 100 feet and southerly 100 feet), 200, 300, 401, 1600, 1700, 1800, 1900, 5100 and 5200, Township 1 South, Range 1 East, Section 36DA.

Section 5. The City Manager is directed to proceed with the construction of these improvements without delay.

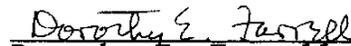
Section 6. Ordinance No. 1401 is repealed.

Read the first time on April 7, 1981, and moved to second reading by unanimous vote of the City Council.

Read the second time and adopted by the City Council on April 7, 1981.

  
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Joy Burgess, Mayor

ATTEST:

  
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Dorothy E. Farrell, City Recorder

Approved as to form:

  
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Greg Eades, City Attorney