

ORDINANCE NO. 1934
MILWAUKIE, OREGON

AN ORDINANCE OF THE CITY OF MILWAUKIE ANNEXING A CERTAIN TRACT OF LAND LOCATED ON HILL STREET INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE AND WITHDRAWING THE TRACT FROM TERRITORY OF CLACKAMAS COUNTY R.F.P.D. # 1, CLACKAMAS COUNTY SERVICE DISTRICT FOR ENHANCED LAW ENFORCEMENT, AND CLACKAMAS COUNTY SERVICE DISTRICT NO. 5 FOR STREET LIGHTS, AND ASSIGNING COMPREHENSIVE PLAN AND ZONING DESIGNATIONS FOR THE ANNEXED PROPERTY.

WHEREAS, the City received written consent from a majority of the electors in the territory proposed to be annexed and all the owners of land in the territory proposed to be annexed, as required by ORS 222.125; and

WHEREAS, the tract of land is contiguous to the City and can be served by city services; and

WHEREAS, the City Council dispenses with submitting the question of the proposed annexation to the electors of the City for their approval or rejection as provided for in ORS 222.125; and

WHEREAS, the City Planning Commission and City Council have held the public hearing in accord with ORS 222.120, Metro Code 3.09.045, and Milwaukie Municipal Code Sections 1502 & 1011.4; and

WHEREAS, the tract of land lies within the territory of Clackamas R.F.P.D. # 1; and

WHEREAS, the tract of land lies within the territory of Clackamas County Service District for Enhanced Law Enforcement; and

WHEREAS, the tract of land lies within the territory of Clackamas County Service District No. 5 For Street Lights; and

WHEREAS, the City conducted public meetings and mailed notice of the public meetings as required by law; and

WHEREAS, a report was prepared as required by law, and the City Council having considered the report, does hereby favor the annexation of the subject tract of land and withdrawal from the districts based on findings and conclusions attached hereto as Exhibit A; and

WHEREAS, the annexation and withdrawals are not contested by any necessary party; and

WHEREAS, the City considered a Plan Change from County Low Density Residential to City Low Density and a zone change from County R-10 to City R-7 as a part of the proceeding as provided for in Milwaukie Municipal Code 1502.1;

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

- Section 1: The tract of land, described in Exhibit B and depicted on Exhibit C, the annexation area map, is annexed to the City of Milwaukie.
- Section 2: The tract of land annexed by this ordinance and described in Section 1 is withdrawn from Clackamas R.F.P.D. # 1, Clackamas County Enhanced Sheriff's Patrol District, and the Clackamas County Service District No. 5 For Street Lights.
- Section 3: Upon annexation the tract of land is hereby assigned a City Comprehensive Plan designation of Low Density Residential and a zoning designation of R-7.
- Section 4: The findings and conclusions attached as Exhibit A are adopted. The City shall immediately file a certified copy of this ordinance with Metro and other agencies required by Metro Code Chapter 3.09.050 (g) and ORS 222.005. Except as provided in Section 3 above, the annexation and withdrawals shall become effective upon filing of the annexation records with the Secretary of State as provided by ORS 222.180.

Read the first time on August 3, 2004, and moved to second reading by 4:0 vote of the City Council.

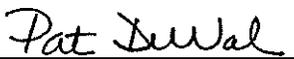
Read the second time and adopted by the City Council on August 3, 2004. .

Signed by the Mayor on August 4, 2004.


James Bernard, Mayor

ATTEST:

APPROVED AS TO FORM:
Ramis, Crew, Corrigan & Bachrach, LLP


Pat Duval, City Recorder


Gary Finestone
City Attorney

Exhibit A
Findings of Fact in Support of Annexation

Findings of Fact

1. A petition to annex the site to the City of Milwaukie was submitted by one hundred percent of owners and a majority of registered voters in accordance with Milwaukie Municipal Code 19.1502.2. The applicant is proposing to annex the following lots of the Hollywood Park plat to the City of Milwaukie:
 - A. Block 6, lots 10 and 11;
 - B. Block 7 lots 2 (including the easterly 25 feet of lot 1), 3, 4, 5, 6, and 7.

The annexation area also includes the Hill Street right-of-way from the city limits east to the Hollywood Avenue right-of-way.

2. The annexation includes the withdrawal of all county and special district services other than water, which shall continue to be provided by Clackamas River Water.
3. The existing land use pattern in the area and adjoining city lands support amending the Milwaukie Comprehensive Plan Land Use Map by designating the annexation area as Low Density.
4. The existing land use pattern in the area and adjoining city lands support amending Milwaukie Zoning Map by zoning the annexation area as R-7 Residential.
5. The annexation application has been processed and notice provided in accordance with Milwaukie Municipal Code 1500, Metro Code, and the Oregon Revised Statutes.
6. The request for Comprehensive Plan and Zoning Map amendments were processed in accordance with Milwaukie Comprehensive Plan Chapter 2 and Municipal Code Title 19.900 and 19.1011.4.
7. The Planning Commission conducted a public hearing on June 9, 2004, and heard and considered all testimony.
8. Annexations are governed by the Urban Growth Management Boundary Agreement between the City and Clackamas County. The annexation area is located within Dual Interest Area A as described in the agreement.
9. The annexation is in the public the interest as follows:

- A. It is consistent with the city urban service agreement with Clackamas County.
 - B. It will lead to the long-term elimination of existing septic systems thereby reducing potential public health risks associated with failed septic systems.
 - C. It will result in construction of new housing, thereby helping to meet market demand and increase the city stock of modern housing.
 - D. It will contribute to the city's tax base and help cover general fund expenses.
 - E. Fees collected at the time of permitting will contribute to funds that cover the cost of providing park, street, sewer, and stormwater improvements.
 - F. The annexation facilitates the efficient use of land and utilities by taking advantage of existing investments in streets and water service.
10. The annexation is consistent with the following applicable plan and code provisions:
- a. Metro Code 3.0 Local Government Boundary Changes.
 - b. Milwaukie Comprehensive Plan Chapter 2 Plan Review and Amendment Process.
 - b. Milwaukie Comprehensive Plan Chapter 4 Land Use, Residential Land Use & Housing Element.
 - c. Milwaukie Comprehensive Plan Chapter 5 Public Facility Element.
 - d. Milwaukie Municipal Code 19.900 Amendments.
 - e. Milwaukie Municipal Code 19.1500 Boundary Changes.

Exhibit B
Legal Description

A tract of land in the Northeast one-quarter of the Southeast one-quarter of Section 30, Township 1South, Range 2 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, said tract being a portion of Blocks 6 and 7 of the duly filed plat of Hollywood Park, along with a portion of Hill Street (C.R. 2327, being 40.00 feet in width), as disclosed by said plat, said tract being more particularly described as follows:

Beginning at the Northwest corner of Lot 11 of said Block 6; thence East, along the North line of said Lot 11 and of Lot 10 of said Block 6, a distance of 179.00 feet to the Northeast corner of said Lot 10; thence South, along the East line of said Lot 10, a distance of 100.00 feet to a point on the South line of said Block 6; thence East, along said South line, a distance of 176.00 feet to the Southeast corner of said Block 6; thence south along the Southerly extension of the East line of said Block 6 and the East line of Said Block 7, a distance of 140.00 feet to the Southeast corner of Lot 7 of said Block 7; thence west, along the South line of said Lot 7 and of Lots 6,5,4,3,2,and 1 of said Block 7, a distance of 387.50 feet to a point on a line being 25.00 feet West of and parallel with the East line of said Lot 1; thence North, along said parallel line and the Northerly extension thereof, a distance of 140.00 feet to a point on the South line of said Block 6; thence East, along said South line, a distance of 32.50 feet to the Southwest corner of Lot 11 of said Block 6; thence North, along the West line of said Lot 11, a distance of 100.00 feet to the point of beginning.

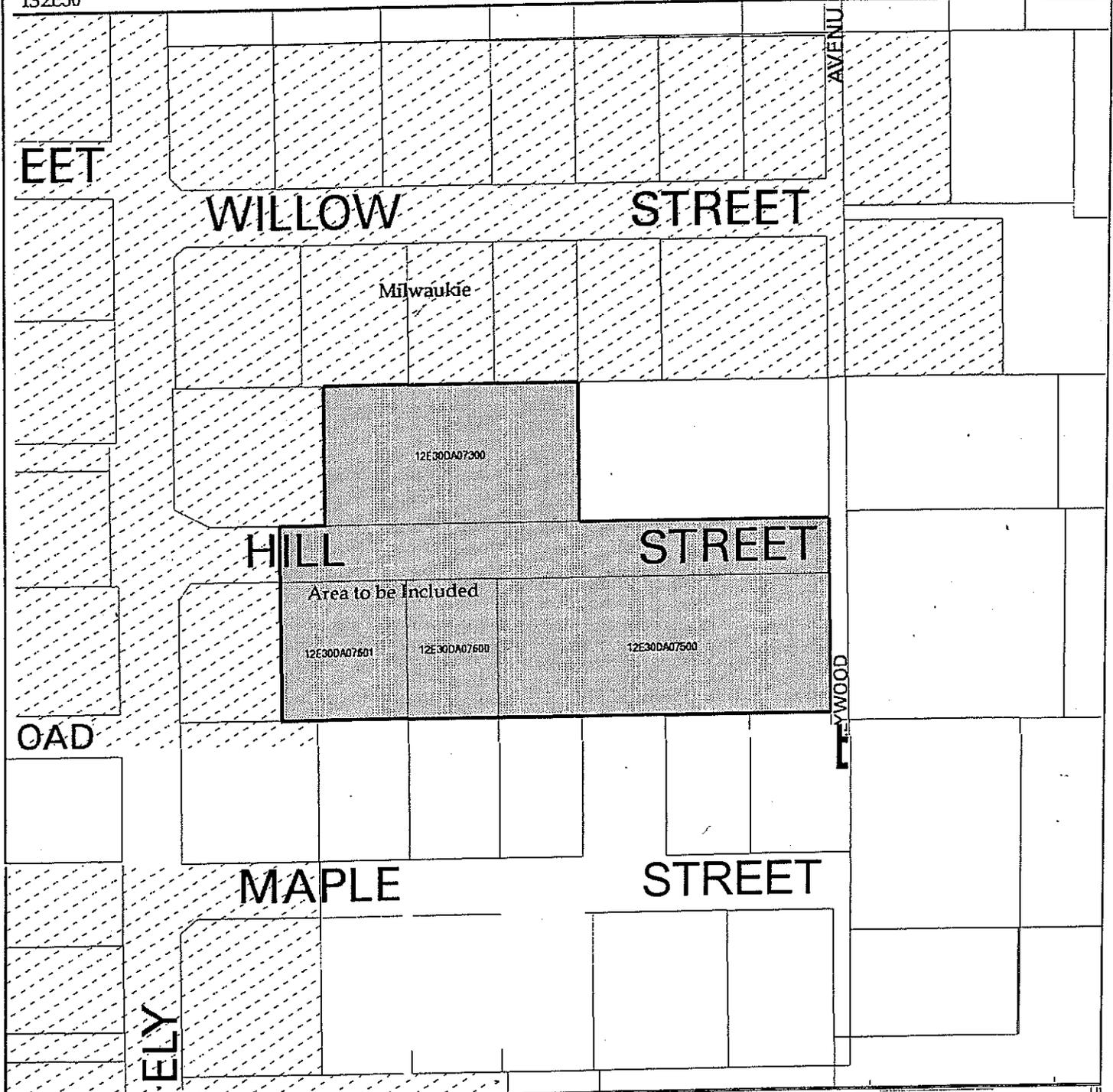
EXHIBIT C

Proposal No. AN 04-01

1S2E30

Annexation to the City of Milwaukie

Clackamas Co.




600 NE Grand Ave.
Portland, OR 97232-2736
Voice 503 797-1742
FAX 503 797-1909
Email drc@metro-region.org

METRO

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-  County lines
-  City
-  Annexation boundary
-  Urban Growth Boundary

Proposal No. AN 04-01
CITY OF MILWAUKIE
Figure 1

Scale: 1" = 100'

