

RESOLUTION NO. 4-1988

A RESOLUTION INITIATING ANNEXATION OF TERRITORY TO THE CITY OF MILWAUKIE
(AN-88-02)

This matter is before the City Council of the City of Milwaukie hereinafter referred to as Council; and

It appearing that:

- 1) The Council is authorized by ORS 199.490(2)(B) to initiate an annexation upon receiving consent in writing from a majority of the electors registered in the territory proposed to be annexed and written consent from owners of more than half the land in the territory proposed to be annexed.
- 2) The Council has received the necessary "consent" from the single owner involved and therefore meets the so-called "double majority" annexation requirements listed above.

NOW THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MILWAUKIE AS FOLLOWS:

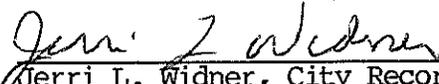
- 1) that the Council by this resolution approves, based on the attached findings (Exhibit "C") the proposed annexation with the boundaries described in Exhibit "A" and depicted in Exhibit "B" attached hereto:
- 2) that the City Recorder is hereby directed to file certified copies of the statements of consent and this Resolution with the Portland Metropolitan Area Local Government Boundary Commission at once.

Introduced and adopted by the City Council of the City of Milwaukie on
February 2, 1988.



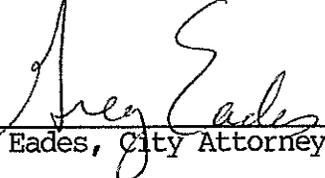
Roger Hall, Mayor

ATTEST:



Terri L. Widner, City Recorder

Approved as to form:



Greg Eades, City Attorney

EXHIBIT "A"

1S 1E 36CD, TAX LOT #1600
ANNEXATION

Beginning at the most westerly corner of Lot 1, Block 57, Milwaukie Heights, a duly recorded subdivision in Clackamas County, Oregon;

thence northeasterly along the northwesterly line of said Lot 1 to the northwesterly corner of said Block 57;

thence North to the centerline of Kellogg Creek or Kellogg Lake as it existed on July 2, 1902;

thence southeasterly following the centerline or thread of stream of Kellogg Creek to the Southeast corner of Tract D and the Southwest corner of Tract H in Cogswell's First Addition, a duly recorded subdivision, said point also being the most northerly corner of a parcel of land conveyed to Erich P. Reich in Instrument #69-18486, Deed Records;

thence South 29° 41' West (by P.S. 8356) along the northwesterly line of said Reich Tract, 192.54 feet, more or less, to the most westerly corner of said Reich Tract;

thence South 53° 08' East along the southwesterly line of said Reich Tract, 182.0 feet, more or less, to the West right-of-way line of S.E. Oatfield Road;

thence southwesterly along said right-of-way line of S.E. Oatfield Road, 20.0 feet, more or less, to the most northerly northeast corner of Lot 13, Filbert Knoll, a duly recorded subdivision;

thence North 52° 55' West (by plat) along the northerly line of said Filbert Knoll, 180.67 feet to the most northerly corner of said Filbert Knoll;

thence South 28° 13' West, 233.02 feet along the northwesterly line of said Filbert Knoll;

thence South 1° 00' East, 211.35 feet along the west line of said Filbert Knoll to a point;

thence South 88° 39' West, 295.1 feet to a point on the East line of Lot 3, Block 58, Milwaukie Heights, a duly recorded subdivision;

thence North 1° 00' West along the East line of said subdivision, 260.0 feet, more or less, to the Southeast corner of Lot 1, Block 58 of said Milwaukie Heights;

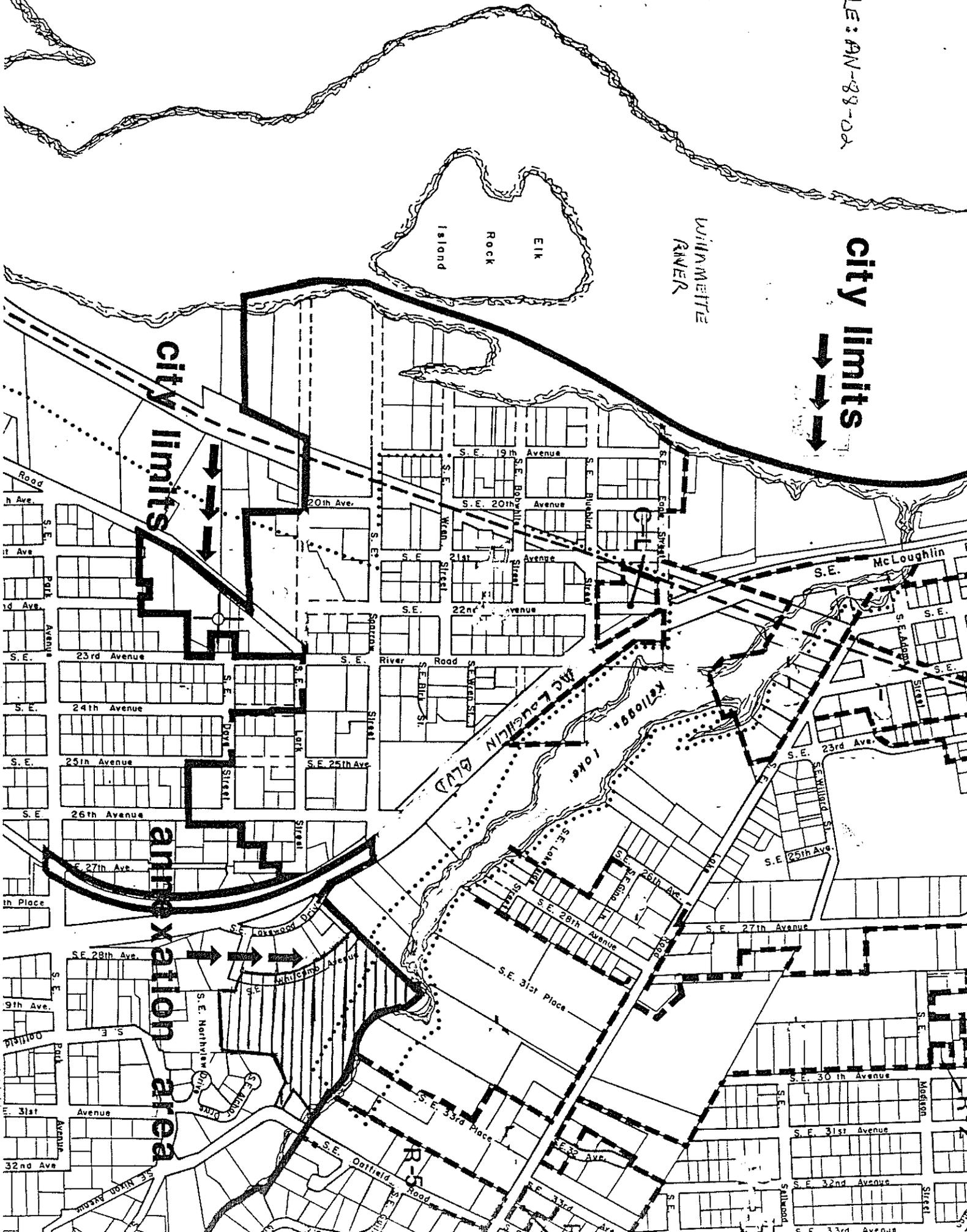
thence North 73° 14' West, 81.0 feet, more or less, to the Southeast corner of Lot 15, Block 55 of said Milwaukie Heights and a point on the westerly right-of-way line of Whitcomb Drive;

EXHIBIT "A"

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thence northerly along the westerly right-of-way line of said Whitcomb Drive and it's northwesterly extension to a point which lies on the northwesterly line of S.E. 26th Avenue and 50.0 feet, more or less, southwesterly of the Southwest corner of Lot 1, Block 57, Milwaukie Heights;

thence northeasterly, 50.0 feet, more or less, to the Southwest corner of said Lot 1, and the point of beginning.



city limits

city limits

annexation area

WILLAMETTE RIVER

Elk Rock Island

McLoughlin Blvd.

McLoughlin Lake

S.E. McLoughlin

S.E. 23rd Ave.

S.E. 25th Ave.

S.E. 27th Avenue

S.E. 28th Ave.

S.E. 29th Ave.

S.E. 30th Avenue

S.E. 31st Avenue

S.E. 32nd Avenue

S.E. 33rd Avenue

S.E. 31st Place

S.E. 32nd Avenue

S.E. 33rd Avenue

S.E. 30th Avenue

S.E. 31st Avenue

S.E. 32nd Avenue

S.E. 33rd Avenue

Road

h Ave.

st Ave

rd Ave.

S.E. 23rd Avenue

S.E. 24th Avenue

S.E. 25th Avenue

S.E. 26th Avenue

S.E. 27th Ave.

th Place

S.E. 28th Ave.

S.E. 29th Ave.

S.E. 30th Avenue

S.E. 31st Avenue

S.E. 32nd Avenue

S.E. 33rd Avenue

S.E. 31st Avenue

S.E. 32nd Avenue

S.E. 33rd Avenue

S.E. 33rd Avenue

EXHIBIT "C"

FINDINGS:

1. This proposal meets the criteria for a double majority annexation as set forth in ORS 199.490(2)(b).
2. The territory contains 9.2 acres, an assessed value of \$270,690, a single owner (a corporation - First Western Savings Association), and a small residential structure, unoccupied.
3. The property is within an Allocated Water Service Territory of the City making Milwaukie the provider of a major service, water. Milwaukie has a 10" water line transversing the property, which is more than adequate to serve the development proposed. Milwaukie has excess water capacity and is able to easily serve this property.
4. There is a 48" sanitary sewer interceptor crossing this property at the Kellogg Creek side. Milwaukie has an intergovernmental agreement with CSD #1 allowing the City to utilize the interceptor and to treat up to 4 MGD of sewage. Milwaukie presently uses only 3 MGD capacity and is therefore able to accommodate the service needs in this proposal.
5. The property is presently served by Oak Lodge Fire District #51 and will be withdrawn upon annexation. Milwaukie Fire Department has 29 fire personnel, creating a ratio of 1.6 fire employees per 1,000 population. This property is in the "first in" service territory for City Engine #54. Milwaukie operates from two stations and runs two engines, a rescue vehicle, and a reserve engine. The City can effectively, efficiently, and immediately serve this area.
6. Upon annexation, responsibility for police protection will transfer from Clackamas County Sheriff's Department to the City of Milwaukie Police Department. The City Police Department employs 22 full-time officers, including 2 canine units. The City maintains 3-5 patrol cars in its 4.5 square miles of City. The Department has an average emergency response time of 2 minutes and an average non-emergency response time of 3.5 to 5 minutes. The Police Department has indicated that by annexing this property, because it is part of a proposed large project, jurisdictional confusion will be eliminated and more consistent law enforcement can be applied. This property is within an established Milwaukie patrol district.
7. The City of Milwaukie can provide the full range of urban services to this property. The City provides municipal services under one central administration including finance and general administration, planning and zoning, water, sewer, road construction and maintenance, lighting, fire, police, parks and recreation, library, senior/community center, and municipal court. The City can immediately and effectively provide all municipal services to the property now and at full development.

EXHIBIT "C"
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8. The area is within the City/County Dual Interest Area. This action is compatible with the agreement as it does not alter land use or zoning designations.
9. The City's Comprehensive Plan and policies are complied with. Because Milwaukie is a provider of a major service, water, the City requires annexation (Resolution 5-1985). Annexation allows the City to plan, develop, and maintain a timely, orderly, and efficient arrangement of all public facilities and urban services needed to serve the proposed development.

This action supports the goal of the City identifying a logical planning and service area. Annexation is an established process that allows the City to determine the most cost effective means of providing the full range of services needed and requested. It moves the City toward more rational service boundaries by encompassing within City Limits a designated City water service area.

10. The City's Urban Services Policy is complied with:
 - a. Milwaukie acknowledged its role as primary provider of urban services by providing an area outside of its City Limits with a needed service, water.
 - b. Milwaukie can readily and efficiently deliver urban services to the area and will do so through the process of annexation.
 - c. The property owners desire delivery of services by the City of Milwaukie and have submitted a petition to annex.