MEETING OF JANUARY 13, 1964

COUNCIL CHAMBER 990th MEETING

The nine hundred nineth regular meeting of the Council of Milwaukie was held on the thirteenth day of January, 1964.

The meeting was called to order by Mayor Joseph M. Bernard, Jr.

The invocation was given by Rev. Dockter of the Evangelical United Brethern Church, 27th Street, Milwaukie.

Those present were: Mayor Joseph M. Bernard Jr.; Councilmen Walter Freeman, Charles Renard and Robert Richmond; City Manager Max Thompson, Attorney John O. Sheldahl and Clerk Ellen Martin. Absent: Councilman Theron Sedgwick.

The minutes of the nine hundred eighty-ninth regular meeting of the Council, held on the ninth day of December, 1963, were approved as written.

The minutes of a special meeting of the Council, held on the twentieth day of December, 1963, were approved as written.

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Mr. Richard Jones, representing the Jr. Chamber of Commerce in Milwaukie, came before the Council and requested that the week of January 19 to January 25, 1964 be declared Junior Chamber of Commerce Week. It was moved by Renard and seconded by Freeman that the week of January 19 to January 25 be Junior Chamber of Commerce week and that the Mayor proclaim it as such. Motion carried and so ordered.

Mr. Lester Hunter, representing Waverly Country Club, came before the Council and requested that something be done about the intersection of Waverly Drive with River Road. Manager Thompson reported that investigation is being made to ascertain if or not Waverly Drive is a public road, and that the plan is to change its intersection with River Road to a straight intersection to be located as nearly as possible to extend into Milport Road in Milwaukie Industrial Park.

A request for recommendation for liquor license renewal was laid before the Council by Beverly J. Andreson. Manager Thompson reported that the Police Chief had reported favorably on her place of business. It was moved by Richmond and seconded by Renard that the Council recommend a liquor license renewal as follows:

Candlelight Pizza, 1921 River Road, Beverly Andreson, RMBA (Retail Malt Beverage Class A.)

Motion carried and so ordered.

Bids for furnishing the City with gasoline and fuel oil were read by the City Manager as follows:

	Gasoline	+	Fuel Oil
Shell Oil Co.	$0.2342		$0.1127
Richfield Oil Corp.	.2186		$0.1017
Diamond Fuel			.1085
Texaco Inc.	.2169		.1087
Standard Oil	.2261		
Milwaukie Oil (Shell)			.1140
Union Oil	.2241		.1150
Tidewater Oil Co.	.2174		.1099

It was moved by Renard and seconded by Richmond that the City accept the bid of Texaco Inc. for gasoline @$0.2169 and that the Mayor by authorized to sign the contract. Motion carried and so ordered.

It was moved by Freeman and seconded by Richmond that the City accept the bid of Diamond Fuel Co. for furnace oil @ $0.1085 and that the Mayor be authorized to sign the contract. Motion carried and so ordered.

The question of reading Ordinance Number 994 for its second reading was discussed. Attorney Sheldahl recommended that inasmuch as "Uniform Housing Code" was being contemplated for adoption by the City, that Ordinance No. 994 not be read at this time.

Councilman Freeman reported that he had attended a "Citizens' Committee" meeting at which the matter of selling the Jr. High grounds was discussed. Mr. Freeman reported that there were citizens there who felt that the property should be obtained by the City and kept as a park. Mr. Freeman made suggestion and showed a proposed plot plan whereby a portion of the land could be used by vacating a portion of Harrison Street thus adjoining the Jr. High property with the Library property for park purposes. There was discussion on this question by the Council took no action on the matter.

A letter from the Milwaukie Planning Commission, in which they made recommendation for a new zone and zone changes as follows, was read.

The south 65 feet of Lots 1, 2, 3, and all of Lot 4, Block 41, Minthorn Addition, from zone 3-R-1 to Commerical Zone.

The north 350 feet of Tract "B" Cogswell First Addition. from zone 3-R-1 to zone 3-R-2 SPECIAL.

Tax Lots 140 and 141, Whitcomb D.L.C. a new zone, to be 3-R-2 SPECIAL.

It was moved by Renard and Seconded by Freeman that the Council accept the recommendation of the Planning Commission for the two zone changes. After discussion the recommended changes were voted upon separately with the following results.

On the change of zone for Lots in Minthorn Addition from zone 3-R-1 to Commercial zone. Ayes: Renard, Richmond and Bernard. Nays: Freeman. The motion carriedrand was so ordered.

On the change of zone for the north 350 feet of Tract "B" Cogswell's First Addition. Ayes: Freeman, Renard and Bernard. Nays: Richmond. The motion carried and so ordered.

Ordinance Number 998 was taken up and read for its first reading. It was moved by Richmond and seconded by Renard that Ordinance Number 998 be passed to its second reading. Motion carried and so ordered.

There was considerable discussion on the question of the recommended zone for Tax Lots 140 and 141 Whitcomb D.L.C. Mr. Schuyler Southwell talked in favor of the zone. Mr. Lester Hunter, Mr. L.C. Meyers and Mr. Ralph Klein, objected to the property being zoned anything other than 3-R-1 zone.

A motion to accept the recommendation of the Planning Commission was made and withdrawn. A motion that the Council initiate proceedings to zone the property was tabled. It was moved by Freeman and seconded by Renard that this question be referred back to the Planning Commission. Upon being put to a vote the result was as follows: Ayes: Freeman, Renard and Bernard. Nays: Richmond. The motion carried and was so ordered.

At the hour of eight (8:00) o'clock p.m. the City Manager opened the bids for the purchase of Lots 14, 15, 16, Block 12, Quincy Addition as follows:

John Rein	for Lots 14, 15, 16	$4,510.00
Gilbert & Emma Jones	for Lot 16 only	2,050.00
Kenneth & Robert Waymire	for Lots 14, 15	5,100.00
Mary E. Herricke	for Lots 14, 15, 16	4,750.00
Paul Ross	for Lots 14, 15, 16	7,100.00

It was moved by Freeman and seconded by Renard that the bids of Kenneth and Roberta Waymire for Lots 14 and 15 @ $5,100.00 and the bid of Gilbert and Emma Jones for Lot 16 @ $2,050.00 be accepted and that the Mayor be authorized to execute the deeds for the same. Motion carried and so ordered.

Mayor Bernard announced that the Council would meet at 7:30 o'clock on Friday, January 17, prior to the special meeting of the Planning Commission.

Ordinance Number 999 was taken up and read for its first reading. It was moved by Richmond and seconded by Freeman that Ordinance No. 999 be passed to its second reading. Motion carried and so ordered.

It was moved by Richmond and seconded by Freeman that the following transcribed Resolutions be adopted:

RESOLUTION NUMBER 1-1964

WHEREAS, the City of Milwaukie, by appropriate statutory procedure, has heretofore annexed the following described tracts of real property, to-wit:

A portion of the J. D. Garrett D.L.C., described as follows: Beginning at a point 387.12 feet west, 2184.03 feet south of the northeast corner of the J.D. Garrett D.L.C. in Sections 31 and 32, T. 1 S., R. 2 E., of the W.M.; thence West 328.56 feet; thence south 132.27 feet, thence East 328.56 feet; thence North 132.27 feet to the place of beginning. ALSO beginning at a point 387.12 feet west 2051.76 feet south of the northeast corner of the J. D. Garrett D.L.C., Sections 31 and 32, T. 1S., R. 2E., of the W.M., thence West 328.56 feet; thence South 132.27 feet; thence East 328.56 feet; thence North 132.27 feet to the place of beginning. EXCEPT for that parcel conveyed to Charles Nunes Jr. and Ada L. Nunes, husband and wife, recorded August 24, 1962, in Book 609, page 320 Deed Records, described as West 108.39 feet; thence South 97.72 feet; thence East 108.39 feet; thence North 97.72 feet to the place of beginning; EXCEPTING THEREFROM the east 10 feet of even width, and TOGETHER with an easement for roadway purposes over said east 10 feet. ALSO the following: Part of the John D. Garrett D.L.C. in Section 31, T. 1S., R. 2E., of the W.M., more particularly described as beginning 387.12 feet west and 2316.30 feet south of the northeast corner of said claim; thence West 328.56 feet; thence South 132.27 feet; thence East 328.56 feet; thence North 132.27 feet to the place of beginning.

Part of the J. D. Garrett D.L.C. #38 in Section 31, T. 1S., R. 2E. of the W.M. described as:

Beginning at a point 1044.24 feet West and 535.6 feet South of the Northeast corner of the J.D. Garrett D.L.C. which beginning point is southwest corner of that tract of land conveyed to O. L. Fisher et al be deed recorded May 23, 1949 in Book 419 at page 358 Clackamas County Records; running thence East along said South line 300.0 feet to the southeast corner of said Fisher tract; running thence South 72.6 feet to a point; running thence west parallel with the south line of the aforementioned Fisher Trace 300.0 feet to the east line of a 30 foot road way; running thence North along said east line 72.6 feet to the point of beginning, in the County of clackamas and State of Oregon.

A part of the Lot Whitcomb D.L.C. in the County of Clackamas and State of Oregon, more particularly described as follows, to-wit:

Beginning at the southwest corner of the Wm. Meek D.L.C. in T. 1S., R. 1E., W.M., thence South 30°40' West 37.70 feet to an iron pipe set at the northwast corner of a tract of land conveyed to Lottie Chase Smith in Clackamas County Deed Book 120, page 430, thence South 19° 44' east tracing the easterly line of said Smith tract 384.75 feet to an iron pipe set on the North line of P.E.P.Co. right of way; thence continuing Southerly along the east line of said Smith tract 30.05 feet to an iron pipe set in the southerly right of way line of the P.E.P.Co. right of way, said iron pipe being the true point of beginning of the tract to be described; from said true point of beginning running thence South 34° 47' west along the easterly line of said Smith tract 43.05 feet to an iron pipe; thence continuing South 34° 47' west 100.00 feet to the low water mark of the Willamette River; thence north 82°01' East 110 feet; thence North 30° 31' east 107.83 feet to an iron pipe; thence continuing North 36° 31'east 30 feet, more or less, to a point in the Southerly right of way line of said P.E.P.Co. right of way; thence Northwesterly tracing said southerly right of way line of the P.E.P.Co. right of way to the iron pipe marking the true point of beginning.

Beginning at a point in the South Boundary of the John D. Garrett Donation Land Claim, in T. 1 and 2. S. of R. 2E., of the W.M., 30 chains North 89°22' West of the Southeast corner of said D.D.C.; thence North 0°33' East 905.56 feet tracing the East line of that tract of land conveyed by Nancy Long to John Hagenburger, recorded in Book G on page 79 of the Deed Records of Clackamas County, State of Oregon, to a point in the center of a ditch and the place of beginning of the tract of land here described: thence North 0° 33' East 772.56 feet to the south line of the Right-of-way of the Southern Pacific Railroad Company; thence Northwesterly, following along the said South line of said right-of-way 790 feet; thence South 27° 29' 30" West 187.10 feet; thence South 44°24'30" East 647.35 feet; thence South 35° 11' 50" West 213 feet to a

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point in the center of said ditch; thence South 48° 51' 30" East 570.1 feet tracing the center of said ditch to the place of beginning, containing 8.54 acres of land, more or less, being the same land as described in that certain Warranty Deed dated and acknowledged the 31st day of December, 1924, and recorded the 2nd day of January, 1925, in Book 177, page 306 of the Deed Records of Clackamas County, State of Oregon.

A part of that certain tract of land in the John D. Garrett D.L.C. in T. 1 and 2, S., R. 2E. of the W.M., in Clackamas County, State of Oregon, described as follows: Starting from a point in the South boundary of the said Donation Land Claim 30 chains North, 89° 22' West from the southeast corner thereof and running thence North 0° 33' East 1678.40 feet, more or less, to the Southerly line of the right-of-way of the O. & C.R.R. CO; thence in a Northwesterly direction following the southerly line of the said right-of-way 790 feet to a point marked by an iron pipe; thence South 27° 29' 30" West 187.1 feet to a point marked by an iron pipe which is the beginning point of the land to be conveyed; thence South 44° 24' 30" East 647.35 feet to a point marked by an iron pipe; thence South 35° 11' 50" West 213 feet to a point marked by an iron pipe; thence North 49° 18' 30" West 600 feet to a point; thence to the place of beginning.

Part of the John D. Garrett D.D.C. in Section 31, T. 1S., R. 2E., of the W.M., and Section 6, T. 2 S., R. 2E., of the W.M., in the County of Clackamas and State of Oregon, described as beginning at the Northwest corner of that certain tract of land conveyed to Oscar Cash and Emma Cash, his wife, by deed recorded in Book 98 at page 315 Deed Records, being the same property conveyed to A. Meyer by deed recorded in Book 104, page 165, Deed Records; which beginning point is located North 0° 55' West 1687.1 feet from a point on the south line of said John D. Garrett D.L.C. which is 1986 feet West of the southeast corner of said Claim; and which beginning point is on the South side of the Southern Pacific Company's right-of-way; and which beginning point is also South 0° 55' West 11.20 feet from an iron pipe at the Northwest corner of a tract conveyed to Benedetto Bocci and Luigi Bocci, by deed recorded in Book 177, page 306, Deed Records; from said beginning point South 63°20' East on south line of said Southern Pacific Company's right-of-way 90 feet; thence South 64° 05' East along the south side of said right-of-way 206 feet to an iron pipe at the Northwest corner of a tract of land conveyed to Cesare Bocci by deed recorded in Book 172 page 640, Deed Records; thence South 0° 55' West along the West line of said Cesare Bocci tract, 793 feet to the center of Minthorn Springs Creek; thence in a Northwesterly direction along the center of said creek 310.90 feet, more or less, to a point on the East boundary of said tract of land of Benedetto Bocci and Luigi Bocci; thence North 0° 55' East along the East line of said Bocci tract 756.70 feet to the place of beginning.

A part of the John D. Garrett Donation Land Claim in Section 31, T. 1S., R. 2E., of the W.M., in the County of Clackamas and State of Oregon, more particularly described as follows;

Beginning at an iron pipe in the center of the County Road and on the South line of the John D. Garrett Donation Land Claim 1717.70 feet West of the Southeast corner of said Claim; thence from point of beginning North 0° 55' East 1560.70 feet to post on the south line of the Oregon and California right-of-way; thence South 64° 05' East on the south line of said right-of-way 157.35 feet to post thence South 0°55' West parallel with the west line of five (5) acre tract 1494.20 feet to an iron pipe in the center of the County Road and on South line of Garrett Claim; thence South 89° 50' West along the center of South Road and on claim line 142.50 feet to the place of beginning.

Part of the John D. Garrett D.L.C. in T. 1S., R. 2E., of the W.M. in the County of Clackamas and State of Oregon, more particularly described as follows:

3 Beginning at an iron pipe in the center of the County road leading from Portland to Oregon City and on the south line of the John D. Garrett D.L.C. distant 1575.1 feet West of the southeast corner of the said D.L.C., an iron pipe at the southwest corner of a 10 acre tract bears S South 89° 50' West 410.9 feet distant; running thence Easterly 12 feet along center of said County Road to a point, which point is the place of beginning; running thence from said beginning point North 0° 55' East 750 feet to a point, which point is 12 feet Easterly of an iron post set in the South edge of a creek known as the "Minthorn Spring Creek" thence running at right angles and Easterly crossing said creek twice to an iron post which is set 294 feet distant, and being about 15 feet South of said creek; thence South 715 feet to a point in the center of the Foster County Road; thence South 64° 53' West tracing center of said Foster County Road 74.7 feet to a point on the south line of said Garrett D.L.C.; thence South 89° 50' West 239.3 feet to the place of

beginning; said tract being the South half of a 10 acre parcel of land deeded by the State of Oregon to Levi Hathaway, said deed bearing date August 15th, 1907 and recorded by the State in its Records at Salem in Book 35 page 78, and recorded in Clackamas County, State of Oregon on the 25th day of November A.D. 1907.

Part of John D. Garrett D.L.C. in T. 1S., R. 2E., of the W.M., in the County of Clackamas and State of Oregon, more particularly described as follows:

Beginning at an iron pipe in the center of the County Road and on the South line of the John D. Garrett D.L.C. a distance of 1575.1 feet West of the southeast corner of said claim (an iron pipe at the southwest corner of a ten acre tract bears South 89° 50' West 410.9 feet distant); thence from said beginning point North 0° 55' East 1494.2 feet to a post marked "C" on the south line of the Oregon & California right-of-way; thence South 64° 05' East on the south line of said right-of-way 164.7 feet to a post marked "D"; thence South 64° 04' East on the south line of said right-of-way 162.7 feet; thence South 599 feet to an iron post about 15 feet South of Minthorn Spring Creek; thence Westerly 294 feet to a point 12 feet distant from an iron post set in the south edge of said creek; thence South 0° 55' West 750 feet to the center of County Road; thence South 89° 50' West along the center of road and on claim line 12 feet to the point of beginning.

AND WHEREAS, the above described real properties lie within the boundaries of the Milwaukie Rural Fire Protection District, a fire protection district in the County of Clackamas and State of Oregon, duly organized and existing under and by virtue of the laws of the State of Oregon.

NOW THEREFORE BE IT HEREBY RESOLVED BY THE CITY COUNCIL Of the City of Milwaukie, Oregon, that it does hereby elect to cause the withdrawal from the said Milwaukie Rural Fire Protection District, all that part of said Rural Fire Protection District hereinabove described and heretofore incorporated in and annexed to the City of Milwaukie, Oregon.

BE IT FURTHER RESOLVED by the City Council of the City of Milwaukie, that by virtue of the foregoing and by virtue of the provisions of Chapter 401, Oregon Laws, 1957, the 10th day of February, 1964 is hereby fixed as the date, the hour of 8:10 o'clock Pacific Standard Time is hereby fixed as the time, and the Council Chamber of the City Hall, 926 Main Street, Milwaukie, Oregon, is hereby fixed as the place, for a public hearing to be held by the Council of the City of Milwaukie, Oregon, to hear objections to the withdrawal of the above described tracts of real property from the Milwaukie Rural Fire Protection District and to determine whether such withdrawal is for the best interests of the City of Milwaukie, Oregon, and

BE IT FURTHER RESOLVED THAT THE City Recorder of the City of Milwaukie, Oregon, be and he hereby is ordered and directed to cause a notice of the date, time and place and purpose of said hearing to be published once each week for two successive weeks prior to the date of such hearing, in the MILWAUKIE REVIEW, a newspaper of general circulation in said City, and that he further cause notices of the date, time, place and purpose of said hearing to be posted in four public places within the City of Milwaukie, for a like period of time.

ADOPTED THIS 13th DAY OF JANUARY, 1964.

Joseph M. Bernard Jr.

Joseph M. Bernard, Jr., Mayor
CITY OF MILWAUKIE, OREGON

ATTEST:

R. E. Osborne

R. E. Osborne, Recorder.

Motion carried and so ordered.

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6.

RESOLUTION NUMBER 2-1964

WHEREAS, the City of Milwaukie, by appropriate statutory procedure, has heretofore annexed the following described tracts of real property, to-wit:

LOTS 9 to 16, inc., 33 to 40 inc.BLOCK 45, MINTHORN ADDITION TO THE CITY OF PORTLAND

A portion of the J. D. Garrett D.L.C., described as follows: Beginning at a point 387.12 feet west, 2184.03 feet south of the northeast corner of the J. D. Garrett D.L.C. in Sections 31 and 32, T. 1S., R. 2E., of the W.M.; thence West 328.56 feet; thence south 132.27 feet; thence East 328.56 feet; thence North 132.27 feet to the place of beginning. ALSO beginning at a point 387.12 feet west 2051.76 feet south of the northeast corner of the J. D. Garrett D.L.C., Section 31 and 32, T. 1S., R. 2E., of the W.M., thence West 328.56 feet; thence South 132.27 feet; thence East 328.56 feet; thence North 132.27 feet to the place of beginning. EXCEPT for that parcel conveyed to Charles Nunes Jr. and Ada L. Nunes, husband and wife, recorded August 24,1962, in Book 609, page 320 Deed Records described as West 108.39 feet; thence South 97.72 feet; thence East 108.39 feet; thence North 97.72 feet to the place of beginning; EXCEPTING THEREFROM the east 10 feet of even width, and TOGETHER with an easement for roadway purposes over said east 10 feet. ALSO the following: Part of the John D. Garrett D.L.C. in Section 31, T. 1S., R. 2E., of the W.M., more particularly described as beginning 387.12 feet west and 2316.30 feet south of the northeast corner of said claim; thence West 328.56 feet; thence South 132.27 feet; thence East 328.56 feet; thence North 132.27 feet toethe place of beginning.

Part of the J. D. Garrett D.L.C. #38 in Section 31, T. 1S., R. 2E., of the W.M. described as:

Beginning at a point 1044.24 feet West and 535.6 feet South of the Northeast corner of the J.D. Garrett D.L.C. which beginning point is the southwest corner of that tract of land conveyed to O.L. Fisher et al by deed recorded May 23, 1949 in Book 419 at page 358 Clackamas County Records; running thence East along said South line 300.00 feet to the southeast corner of said Fisher tract; running thence South 72.6 feet to a point; running thence West parallel with the south line of the aforementioned Fisher Trace 300.0 feet to the east line of a 30 foot roadway; running thence North along said east line 72.6 feet to the point of beginning, in the County of Clackamas and State of Oregon.

AND WHEREAS, the above described real properties lie within the boundaries of the Wichita Zoning District a zoning district in the County of Clackamas and State of Oregon, duly organized and existing under and by virtue of the laws of the State of Oregon.

NOW THEREFORE BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Milwaukie, Oregon, that it does hereby elect to cause the withdrawal from the said Wichita Zoning District, all that part of said Zoning District hereinabove described and heretofore incorporated in and annexed to the City of Milwaukie, Oregon.

BE IT FURTHER RESOLVED by the City Council of the City of Milwaukie, that by virtue of the foregoing and by virtue of the provisions of Chapter 401, Oregon Laws, 1957, the 10th day of February, 1964 is be hereby fixed as the date, the hour of 8:20 o'clock Pacific Standard Time is hereby fixed as the time,and the Council Chamber of the City Hall, 926 Main Street, Milwaukie, Oregon, is hereby fixed as the place for a public hearing to be held by the Council of the City of Milwaukie Oregon, to hear objections to the withdrawal of the above described tracts of real property from the Wichita Zoning District and to determine whether such withdrawal is for the best interests of the City of Milwaukie, Oregon, and

BE IT FURTHER RESOLVED THAT THE City Recorder of the City of Milwaukie, Oregon, be and he hereby is ordered and directed to cause a notice of the date, time and place and purpose of said hearing to be published once each week for two successive weeks prior to the date of such hearing, in the MILWAUKIE REVIEW, a newspapaer of general circulation in said City, and that he further cause notices of the date, time, place and purpose of said hearing to be posted in four public places within the City of Milwaukie, Oregon, for a like period of time.

ADOPTED THIS 13th DAY OF JANUARY, 1964.

Joseph M. Bernard, Jr., Mayor
CITY OF MILWAUKIE, OREGON

ATTEST:

R. E. Osborne, Recorder

Motion carried and so ordered.

RESOLUTION NUMBER 3-1964

WHEREAS, the City of Milwaukie, by appropriate statutory procedure, has heretofore annexed the following described tracts of real property, to-wit:

Powers, Tax Lot 40-2 Garrett D.L.C.

Part of the J. D. Garrett D.L.C. #38 in Section 31, T. 1S., R. 2E., of the W.M. described as:

Beginning at a point 1944.24 feet West and 535.6 feet South of the Northeast corner of the J. D. Garrett D.L.C. which beginning point is the southwest corner of that tract of land conveyed to O. L. Fisher et al by deed recorded May 23, 1949 in Book 419 at page 358 Clackamas County Records; running thence East along said South line 300.0 feet to the southeast corner of said Fisher tract; running thence South 72.6 feet to a point; running thence West parallel with the south line of the aforementioned Fisher tract 300.0 feet to the east line of a 30 foot roadway; running thence North along said east line 72.6 feet to the point of beginning, in the County of Clackamas and State of Oregon.

AND WHEREAS, the above described real properties lie within the boundaries of the Wichita Water District, a water district in the County of Clackamas and State of Oregon, duly organized and existing under and by virtue of the laws of the State of Oregon.

NOW THEREFORE BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Milwaukie, Oregon, that it does hereby elect to cause the withdrawal from the said Wichita Water District, all that part of said Water District hereinabove described and heretofore incorporated in and annexed to the City of Milwaukie, Oregon.

BE IT FURTHER RESOLVED by the City Council of the City of Milwaukie, that by virtue of the foregoing and by virtue of the provisions of Chapter 401, Oregon Laws, 1957, the 10th day of February, 1964 is hereby fixed as the date, the hours of 8:30 o'clock Pacific Standard Time is hereby fixed as the time, and the Council Chamber of the City Hall, 926 Main Street, Milwaukie, Oregon, is hereby fixed as the place, for a public hearing to be held by the Council of the City of Milwaukie, Oregon, to hear objections to the withdrawal of the above described tracts of real property from the Wichita Water District and to determine whether such withdrawal is for the best interests of the City of Milwaukie, Oregon, and

BE IT FURTHER RESOLVED THAT THE City Recorder of the City of Milwaukie, Oregon, be and he hereby is ordered and directed to cause a notice of the date, time and place and purpose of said hearing to be published once each week for two successive weeks prior to the date of such hearing, in the MILWAUKIE REVIEW, a newspapaer of general circulation in said City, and that he further cause notices of the date, time, place and purpose of said hearing to be posted in four public places within the City of Milwaukie, Oregon, for a like period of time.

ADOPTED THIS 13th day of January, 1964.

ATTEST:

R. E. Osborne, Recorder

Joseph M. Bernard, Jr., Mayor

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Motion carried and so ordered.

RESOLUTION NUMBER 4-1964

WHEREAS, the City of Milwaukie, by appropriate statutory procedure, has heretofore annexed the following described tracts of real property, to-wit:

Beginning at a point in the South boundary of the John D. Garrett Donation Land Claim in T. 1 and 2 S., of R. 2E., of the W.M., 30 chains North 89° 22' West of the Southeast corner of said D.L.C.; thence North 0° 33' East 905.56 feet tracing the East line of that tract of land conveyed by Nancy Long to John Hagenburger, recorded in Book G on page 79 of the Deed Records, of Clackamas County, State of Oregon, to a point in the center of a ditch and the place of beginning of the tract of land here described; thence North 0° 33' East 772.56 feet to the south line of the Right-of-way of the Southern Pacific Railroad Company; thence Northwesterly, following along the said South line of said right-of-way 790 feet; thence South 27° 29' 30" West 187.10 feet; thence South 44° 24'30" East 647.35 feet; thence South 27° 29' 30" West 570.1 feet tracing the center of said ditch to the place of beginning, containing 8.54 acres of land, more or less, being the same land as is described in that certain Warranty Deed, dated and acknowledged the 31st day of December, 1924, and recorded the 2nd day of January, 1925, in Book 177, page 306 of the Deed Records of Clackamas County State of Oregon.

A part of that certain tract of land in the John D. Garret D.L.C. in T. 1 and 2 S., R. 2E., of the W.M., in Clackamas County, State of Oregon, described as follows: Starting from a point in the South boundary of the said Donation land Claim 30 chains North, 89° 22' West from the southeast corner thereof and running thence North 0° 33' East 1678.40 feet, more or less, to the Southerly line of the right-of-way of the O. & C.R.R.Co; thence in a Northwesterly direction following the souterhly line of the said right-of-way 790 feet to a point marked by an iron pipe; thence South 27°29'30" West 187.1 feet to a point marked by an iron pipe which is the beginning point of the land to be conveyed; thence South 44° 24' 30" East 647.35 feet to a point marked by an iron pipe; thence South 35° 11' 50" West 213 feet to a point marked by an iron pipe; thence North 49° 18' 30" West 600 feet to a point; thence to the place of beginning.

Part of the John D. Garrett D.L.C. in Section 31, T. 1S., R. 2E., of the W.M., and Section 6, T. 2 S., R. 2E., of the W.M., in the County of Clackamas and State of Oregon, described as beginning at the Northwest corner of that certain tract of land conveyed to Oscar Cash and Emma Cash, his wife, by deed recorded in Book 98 at page 315 Deed Records, being the same propoerty conveyed to A. Meyer by deed recorded in Book 104, page 165, Deed Records; which beginning point is located North 0° 55' West 1687.1 feet from a point on the south line of said John D. Garrett D.L.C. which is 1986 feet West of the southeast corner of said Claim; and which beginning point is on the South side of the Southern Pacific Company's right-of-way; and which beginning point is a also South 0°55' West 11.20 feet from an iron pipe at the Northwest corner of a tract conveyed to Benedetto Bocci and Luigi Bocci, by deed recorded in Book 177, page 306, Deed Records; from said beginning point South 63° 20' East on south line of said Southern Pacific Company's right-of-way 90 feet; thence South 64° 05' East along the south side of said right-of-way 206 feet to an iron pipe at the Northwest corner of a tract of land conveyed to Cesare Bocci by deed recorded in Book 172 page 640, Deed Records; thence South 0° 55' West along the West line of said Cesare Bocci tract 793 feet to the center of Minthorn Springs Creek; thence in a Northwesterly direction along the center of said creek 310.90 feet, more or less, to a point on the East boundary of said tract of land of Benedetto Bocci and Luigi Bocci; thence North 0°55' East along the East line of said Bocci tract 756.70 feet to the place of beginning.

A part of the John D. Garrett Donation Land Claim in Section 31, T. 1S., R. 2E., of the W.M., in the County of Clackamas and State of Oregon, more particularly described as follows:

Beginning at an iron pipe in the center of the County Road and on the South line of the John D. Garrett Donation Land Claim 1717.70 feet West of the southeast corner of said Claim; thence from point of beginning North 0° 55' East 1560.70 feet to post on

the south line of the Oregon and California right-of-way; thence South 64° 05' East on south line of said right-of-way 157.35 feet to post thence South 0° 55' West parallel with the west line of five (5) acre tract 1494.20 feet to an iron pipe in the center of the County Road and on South line of Garrett Claim; thence South 89° 50' West along the center of South Road and on claim line 142.50 feet to the place of beginning.

Part of the John D. Garrett D.L.C. in T. 1S., R. 2E., of the W. M. in the County of Clackamas and State of Oregon, more particularly described as follows:

Beginning at an iron pipe in the center of the County road leading from Portland to Oregon City and on the south line of the John D. Garrett D.L.C. distant 1575.1 feet West of the southeast corner of the said D.L.C., an iron pipe at the southwest corner of a 10 acre tract bears South 89° 50' West 410.9 feet distant; running thence Easterly 12 feet along center of said County Road to a point, which point i s the place of beginning; running thence from said beginning point North 0°55' East 750 feet to a point. which point is 12 feet Easterly of an iron post set in the South edge of a creek known as the "Minthorn SpringSCreek", thence running at right angles and Easterly crossing said creek twice to an iron post which is set 294 feet distant, and being about 15 feet South of said creek; thence South 715 feet to a point in the center of the Foster County Road; thence South 64° 53' West tracing center of said Foster County Road 74.7 feet to a point on the south line of said Garrett D.L.C.; thence South 89° 50' West 239.3 feet to the pace of beginning ; said tract being the South half of a 10 acre parcel of land deeded by the State of Oregon to Levi Hathaway, said deed bearing date August 15th, 1907 and recorded by the State in its Records at Salem in Book 35 page 78, and recorded in Clackamas County, State of Oregon on the 25th day of November A.D. 1907.

Part of John D. Garrett D. L. C. in T. 1S., R. 2E., of the W.M., in the County of Clackamas and State of Oregon, more particularly described as follows:

Beginning at an iron pipe in the center of the County Road and on the South line of the John D. Garrett D.L.C. a distance of 1575.1 feet West of the southeast corner of said claim (an iron pipe at the southwest corner of a ten acre tract bears South 89° 50' West 410.9 feet distant); thence from said beginning point North 0°55' East 1494.2 feet to a post marked "C" on the south line of the Oregon ' California right-of-way; thence South 64°05' East on the south line of said right-of-way 164.7 feet to a post marked "D"; thence South 64°04' East on the south line of said right-of-way 162.7 feet; thence South 599 feet to an iron post about 15 feet South of Minthorn Spring Creek; thence Westerly 294 feet to a point 12 feet distant from an iron post set in the south edge of said creek; thence South 0°55' West 750 feet to the center of County Road; thence South 89° 50' West along the center of road and on claim line 12 feet to the point of beginning.

AND WHEREAS, the above described real properties lie within the boundaries of the Clackamas Water District, a water district, in the County of Clackamas and State of Oregon, duly organized and existing under and by virtue of the laws of the State of Oregon.

NOW THEREFORE BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City ofMilwaukie, Oregon, that it does hereby elect to cause the withdrawal from the said Clackamas Water District, all that part of said Water District hereinabove described and heretofore incorated in and annexed to the City of Milwaukie, Oregon.

BE IT FUTHER RESOLVED by the City Council of the City of Milwaukie, that by virtue of the foregoing and by virtue of the provisions of Chapter 401, Oregon Laws, 1957, the 10th day of February, 1964, is hereby fixed as the date, the hour of 8:40 o'clock Pacific Standard Time is hereby fixed as the time, and the Council Chamber of the City Hall, 926 Main Street, Milwaukie, Oregon, is hereby fixed as the place, for a public hearing to be held by the Council of the City of Milwaukie, Oregon, to hear objections to the withdrawal of the above described tracts of real property from the Clackamas Water District and to determine whether such withdrawal is for the best interests of the City of Milwaukie, Oregon, and

BE IT FURTHER RESOLVED THAT THE City Recorder of the City of Milwaukie, Oregon, be and he hereby is ordered and directed to cause a notice of the date, time and place and purpose of said

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hearing, to be published once each week for two successive weeks prior to the date of such hearing, in the MILWAUKIE REVIEW, a newspaper of general circulation in said City, and that he further cause notices of the date, time, place and purpose inf said hearing to be posted in four public places within the City of Milwaukie, Oregon, for a like period of time.

ADOPTED THIS 13th DAY OF JANUARY, 1964.

Joseph M. Bernard Jr.
Joseph M. Bernard, Jr., Mayor
CITY OF MILWAUKIE, OREGON

ATTEST:

R. E. Osborne
R. E. Osborne, Recorder.

Motion carried and so ordered.

RESOLUTION NUMBER 5-1964

WHEREAS, the City of Milwaukie, by appropriate statutory procedure, has heretofore annexed the following described tracts of real property, to-wit:

The South 1/2 of LOTS 7 & 8, BLOCK 33, MILWAUKIE HEIGHTS
LOTS 9, 10, 11, 12, BLOCK 3,, MILWAUKIE HEIGHTS
VACATED WEST 1/2 of 8th Street along LOTS 11 & 9 & So. 1/2 of 7, BLOCK 33, MILWAUKIE HEIGHTS

LOTS 2, 4, 6, 8, BLOCK 37, MILWAUKIE HEIGHTS.

AND WHEREAS, the above described real properties lie within the boundaries of the Oak Lodge Sanitary District No. 1, a Sanitary district, in the County of Clackamas and State of Oregon, duly organized and existing under and by virtue of the laws of the State of Oregon.

NOW THEREFORE BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Milwaukie, Oregon, that it does hereby elect to cause the withdrawal from the said Oak Lodge Sanitary District No. 1, all that part of said Sanitary District hereinabove described and heretofore incorporated in and annexed to the City of Milwaukie,Oregon.

BE IT FURTHER RESOLVED by the City Council of the City of Milwaukie, that by virtue of the foregoing and by virtue of the provisions of Chapter 401, Oregon Laws, 1957, the 10th day of February, 1964 is hereby fixed as the date, the hour of 8:50 o'clock Pacific Standard Time is hereby fixed as the time, and the Council Chamber of the City Hall, 926 Main Street, Milwaukie, Oregon, is hereby fixed as the place, for a public hearing to be held by the Council of the City of Milwaukie, Oregon, to hear objections to the withdrawal of the above described tracts of real property from the Oak Lodge Sanitary District No. 1 and to determine whether such withdrawal is for the best interests of the City of Milwaukie, Oregon, and

BE IT FURTHER RESOLVED THAT THE City Recorder of the City of Milwaukie, Oregon, be and he hereby is ordered and directed to cause a notice of the date, time and place and purpose of said hearing to be published once each week for two successive weeks prior to the date of such hearing, in the MILWAUKIE REVIEW, a newspaper of general circulation in said City, and that he further cause notices of the date, time, place and purpose of said hearing to be posted in four public places within the City of Milwaukie, Oregon, for a like period of time.

ADOPTED THIS 13th DAY OF JANUARY, 1964.

ATTEST:
R. E. Osborne
R. E. Osborne, Recorder

Joseph M. Bernard, Jr., Mayor

Motion carried and so ordered.

It was moved by Richmond and seconded by Renard that Manager Max Thompson be authorized to apply for a "Notary Public Commission" Motion carried and so ordered.

Mr. Boyd Jossy came before the Council and made inquiry as to if or not 21st Street would be extended north from Harrison Street. It was moved by Richmond and Seconded by Renard that the matter of extending 21st Street north of Harrison Street be referred to the Planning Commission. Motion carried and so ordered.

It was moved by Freeman and seconded by Richmond that a revokable permit be granted to St. John School to paint game marks on 26th Street between Monroe and Washington Streets. Motion carried and so ordered.

Manager Thompson read a letter from Oregon Public Utilities Commission with regard to the foot path crossing of the Southern Pacific tracks at Ochoco Street.

Manager Thompson read a letter from Stevens & Thompson Engineers in which they reported that the Adams Street Storm sewer was completed and recommended its acceptance by the City. It was moved by Richmond and seconded by Renard that the Adams Street Storm sewer be accepted. Motion carried and so ordered.

Manager Thompson read reports and bills from Stevens & Thompson for the 28th Street sanitary sewers and the 26th Street lift station as follows:

For Engineering and designing	$295.83
For Engineering on Sewers	227.75

It was moved by Renard and seconded by Richmond that these bills be paid. Motion carried and so ordered.

Manager Thompson read a letter from the Department of Health, Education and Welfare, Regional Office, in which they stated that the final audit, relating to the enlargement of the SewageDisposal Plant, had been made, and that the final payment for their participation in this project in the amount of $8,730.00 was forthcoming and gongratulated Milwaukie on the initiative this City had taken, in the interest of water pollution control.

Manager Thompson explained to the Council, some of the difficulties being encountered because of the way our fire zone is set up in Ordinance No. 551. The Council authorized the City Manager and Fire Chief to make investigation and to present a fire ordinance repealing Ordinance No. 551.

Manager Thompson read a letter from the Oregon Fish Commission with regard to the gate at the outlet of Kellogg Lake, and the debris which collects there. The question was "Who is responsible for the gate?" After discussion the Council took no action on this matter.

It was moved by Renard and seconded by Richmond that a Resolution be drawn authorizing the sale of the old Portland Suburban Water office. After discussion the motion was withdrawn, in order that the Councilmen could make further investigation of the property.

The matter of the improvement made on Railroad Avenue, by the County Road Dept. was discussed. It was decided that Mr. Thompson contact the County Road Commission in an effort to have more work done on this section of road. (46th St. to Linwood Ave.)

Manager Thompson suggested that this was a good time to promote some action on the question of a new tax base for the City, which question could be placed on the ballot in the May Primary Election. It was moved by Renard and seconded by Freeman that a committee of five citizens be appointed for this purpose. Motion carried and so ordered. The Mayor stated that he would appoint the committee later.

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Manager Thompson reported that fifteen new street lights had been installed through out the City.

The Health Department report was read and ordered filed.
The Police Chief's report was read and ordered filed.
The Fire Chief's report was read and ordered filed.
The Water Superintendent's report was read and ordered filed.
The Street Superintendent's report was read and ordered filed.

Councilman Renard complimented Manager Thompson on his report of City's business, and laid before the Council a list of unfinished business he recommended to be completed as follows:

Unfinished Business

1. Sidewalk repairs along Main Street
2. Rebuilding of Railroad crossings
3. Shoulders of 32nd Street at North Limits are a disgrace.
4. Baselment hole at 23rd and Harrison Streets
5. Establish park on City property along Johnson Creek, children fishing place.
6. Clean 5th Street - make access to river
7. Order Milwaukie Lumber to remove their building from Jefferson Street
8. Enforce "Litter Bug" law
9. Provide for parking off Main Street for long trucks.
10. Appoint working committee for water front development.

New Business

1. Change meeting day of Council to 1st Monday of the Month
2. Manager's report to show new employees
3. Payroll, show employee under Department
4. Number lines on monthly bill report
5. Settle Civil Service issue
6. Dispense with office of Assistant City Manager.

It was moved by Renard and seconded by Freeman that the following bills be approved and that warrants be drawn for the payment of same. Motion carried and so ordered.

Addressograph-Multigraph Co.	89.40
Abbott & Lind	55.40
American Brush Co.	31.00
American Fire Protection Co.	34.40
American Library Association	6.00
R. K. Bass	10.45
Brooks Products Co.	84.60
Clackamas County	128.50
Don Town	95.50
Edwards Manufacturing Co.	116.71
Enterprise Courier	14.00
W. Frank Fairly Co.	1,000.00
Feenaughty Machinery Co.	3.00
Frances Motor Car Co.	15.60
Franck's Color Center	4.56
G & S Janitor Supply Co.	218.70
Goodyear Rubber & Supply Co.	5.98
Heisler's Car Wash	9.00
Charile Helwig, Inc.	41.02
Herb's Uniform Co.	86.85
Horton Electric	303.34
International Association of Fire Chiefs	44.98
Jack's Digger Service	81.00
Johnston Cement Products	229.50
Kimmel's Hometown Hardware	5.76
Lanson's , Inc.	320.68
Larson's Auto Parts	171.20
Leupold & Stevens Instruments, Inc.	9.53
Linville & Danielson	89.50
Meskey Laboratories	47.40
Mail-Well Envelope Co.	12.69
Martig's Inc.	161.10
Materials For Learning Inc.	1.99
McCready Lumber Yards	30.22
Milwaukie Automotive Service	92.90
Milwaukie Electric	40.80
Milwaukie Hardware	52.22
Milwaukie Lumber Co.	26.32
Milwaukie Transfer & Fuel Co.	223.19

Mitchell Manufacturing Co.	14.40
Multnomah Fuel Co.	41.40
Munnell & Sherrill	120.77
National Fire Protection Association	50.50
National Geographic Society	24.50
Neptune Meter Co.	255.09
New Method Book Bindery, Inc.	19.83
North Clackamas Publishers & Printers Inc.	166.55
Northwest Industrial Laundry Co.	12.00
Northwest Natural Gas Co.	48.36
Olson Bros. Shell Service	76.20
Oregon Fire Chiefs Association	10.00
Oregon City Laundry Co.	49.09
Oregon City Printing & Stationery Co.	130.15
Oregon State Highway Department	1,170.57
Overall Laundry Co.	24.20
Pacific Northwest Bell	320.57
Pacific Waterworks Supply Co., Inc.	9.01
Paulsen & Roles Laboratories	47.32
Peerless Pacific Co.	80.04
Pennzoil Co.	103.33
Perry Pharmacy	12.18
Petty Cash	9.53
Pipneer Mercantile Co.	104.06
Plays, Inc.	51.35
Portland Concrete Pipe & Products Co.	11.31
Portland General Electric Co.	2,797.54
Portland Gravel Co.	97.60
Portland Road & Driveway Co.	398.27
Price-Rite Grocery	2.25
Pump Pipe & PowerCo.	29.94
Roby's TV Service	15.00
Richfield Oil Co.	506.06
Sanderson Safety Supply Co.	17.55
Sanfax Corporation	38.80
Southeast Hardware & Door Co.	23.50
Southern Pacific Co.	30.00
Stevens & Thompson	642.46
R. J. Strasser Drilling Co.	372.65
Street Fund	69.34
Thomas Office Supply	541.46
Tire Sales & Service	75.56
Vanguard Booksellers	17.63
Water Fund	387.30
Waterworks Supplies Co.	530.97
West Chemical Products Inc.	24.75
Western Drug Label Co.	33.25
R. C. Wickam	12.00
Fred Wildy	801.00
L. D. Zimmerman	22.50
Clackamas County	108.00

On motion duly made and carried the meeting was adjourned.

Ellen Martin

Ellen Martin, Clerk.

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