

MEETING OF AUGUST 27, 1951

COUNCIL CHAMBER

779th MEETING

The seven hundred seventy-ninth regular meeting of the Council was held on the twenty-seventh day of August 1951.

The meeting was called to order by Mayor Sperr

Present: Mayor Sperr; Councilmen Taylor, Mullan, Klein and Norbeck; Attorney Kirkpatrick and Recorder Martin. Absent: Manager Telford.

The minutes of the seven hundred seventy-eighth regular meeting of the Council, held on the thirteenth day of August, 1951, were approved as written.

The minutes of a special meeting of the Council, held on the fourteenth day of August, 1951, were approved as written.

The minutes of a special meeting of the Council, held on the sixteenth day of August, 1951, were approved as written.

Mr. Harold E. Sellwood came before the Council with regard to his deeding all or parts of Lots 7-8-12-13-14-18-19 Block 15 Quincy Addition, to the City. The deed for this transfer of property was recorded July 27, 1934, and was to have been in exchange for improvement assessments against other property in Quincy Addition, owned by Mr. Sellwood, for the improvement of 34th and 35th Streets. It appears that the City did not at that time fulfill their part of the agreement by not improving the above named streets, and have just now made the improvements. On the grounds mentioned, Mr. Sellwood requested that he now be excused from paying improvement assessments on Lots 3-4-5-8-10-11 Block 14 Quincy Addition. There being no record of the agreement between Sellwood and the City in 1934, the Council had asked for some proof of such agreement. Mr. Sellwood laid before the Council the following sworn statement.:

This is to certify that I, W. J. Dell do hereby swear under oath that I was a member of the City Council of Milwaukie during the year of 1934, and that I, and Bill Sanders, who was also a member of the Council, met H. E. Sellwood and W. Clover on 35th Street in Quincy Addition to Milwaukie, and agreed to grade and gravel all of 35th Street and 34th Street from Wister to Selwood Streets, and in consideration of said work the City of Milwaukie was to receive a deed to Lots for opening of Streets. I further state that the City Council agreed to the transaction and that the City received a deed to the several Lots and that work was started to fix the streets.

(Signed) W. J. Dell (Seal)

Subscribed and sworn to this 25th day of August, 1951

(Signed) E. R. Nelson
Notary Public of Oregon
My commission expires Feb. 6, 1953

There was also convincing proof in the fact that the records of the City do not show where the City had paid to Mr. Sellwood any moneys for the purchase of the lots and parts of lots deeded to the City for the purpose of opening Stanley, Edison and Chemeteka Streets through Block 15 to Minthorn Addition. It appeared that the City did owe an obligation to Mr. Sellwood in this matter. It was moved by Klein and seconded by Norbeck that, in the event the action can be legally done, the assessments for the improvement of 34th and 35th Streets be waived on Lots 3-4-5-8-10-11 Block 14 Quincy Addition and that this cost of assessments, absorbed by the City, be paid from the State Tax Street Fund. The motion passed with the following results: Ayes: Mullan, Klein and Norbeck. Nays: Taylor. The motion was carried and so ordered.

Mr. S. M. Mayhew, of the State Highway Commission, came before the Council and stated that the access road from Road A. southerly paralleling 99E was now complete and asked the Council to accept the same. It was moved by Taylor and seconded by Klein that the City of Milwaukie accept the access road on the east side of McLoughlin Blvd. running from A Avenue southerly to the present termination of pavement of same, provided said road is approved by the City Engineer. Motion carried and so ordered.

STANLEY EDISON CHEMETEKA WISTER

MEETING OF AUGUST 27, 1951 (Cont'd)

Mr. P.L.Crooks Jr and Mr.Mitchel, of P.L.Crooks Co. came before the Council and offered to purchase a piece of land in Kellogg Park Industrial area lying south of A Avenue west of McLoughlin Blvd.and east of Johnson Creek. The matter of a twelve foot width strip of land along the west side of the highway (McLoughlin Blvd) being sought by the Highway Dept. was discussed. Mr. Crooks stated that if they could not have access to the highway they would not be interested in purchasing the property. It was decided that the matter be tabled until the next meeting of the Council, in order that some investigation could be made.

Mr. Ted Witt came before the Council and again brought a bag of charred sawdust, stating that the sawdust was still falling on his property. There was considerable discussion. Fire Chief Stevens reported that when he and the State Fire Marshal had made investigation at the Western Door & Plywood Plant, they had found the charred sawdust to be not a fire hazard. Mr. Telford was not present to report what was being done in Portland under similar circumstances. Mr. Howard Hamlin, who was present at the meeting stated that during the summer months when the wind blew from the north, his property was out of line of the smoke but that during the winter when the wind came from the southwest, the smoke and sawdust were a very real nuisance and that he and his neighbors wanted something done before another winter had set in. Mayor Sperr assured Mr. Witt and Mr. Hamlin that a thorough investigation would be made, and every effort put forth to eliminate this nuisance.

Mr. Richard Groener came before the Council and made a request that the side streets as well as Main Street be swept. Superintendent Hofmann stated that the men did not have time to go along the side streets to sweep. The Council agreed that the side streets should be swept as least a block off of Main St.

It was moved by Taylor and seconded by Klein that the following Resolution be adopted.

x
RESOLUTION NUMBER 8-1951

WHEREAS The City of Milwaukie, by and through its Council has agreed to sell the hereinafter described premises to California Spray-Chemical Corporation, a Delaware Corporation, for the sum of fifteen Thousand and no/100 Dollars.

BE IT THEREFORE RESOLVED, That the Mayor and City Recorder hereby are authorized and instructed to execute a conveyance to the said California Spray-Chemical Corporation of the following described premises, situate in the County of Clackamas and State of Oregon, to-wit:

A tract of land in the Wm.Meek Donation Land Claim in T. 1 S, R, 1 E. of the Willamette Meridian, Clackamas County, Oregon, described as follows:

Beginning at a concrete monument at the northeast corner of a tract of land conveyed by the City of Milwaukie to International Harvester Company by deed recorded in Book 429 at Page 228, Deed Records, running thence south on the east line of said International Harvester Company tract, 388.0 feet to the most northerly northwest corner of a tract conveyed to Northwest Investment Company, by deed recorded May 24, 1951 in Book 441, Page 631, Deed Records; thence east tracing the northerly line of said Northwest Investment Co. tract through the following courses and distances (beginning on center of railroad spur) 26.10 feet; thence easterly 400.23 feet on the arc of a curve to the left having a radius of 458.59 feet and chord bearing North 64 deg. 59' 45" East 387.68 feet; thence North 39 deg. 59' 30" East 120.17 feet; thence northerly 131.20 feet on the arc of a curve to the left having a radius of 458.59 feet and chord bearing North 31 deg. 47' East 130.75 feet to a point in the westerly right of way line of the Southern Pacific Company (Tillamook Branch) said point being the most northerly corner of said Northwest Investment Co. tract; thence northerly 21.18 feet along right of way line on a curve to the left having a radius of 11,409.17 feet and chord bearing North 9 deg. 06' East, to a point in the southerly line of Harvester Avenue; thence west along said southerly line 526.92 feet to a point of beginning. Said tract is subject to easement conveyed by City of Milwaukie to Southern Pacific Company by deed recorded December 29, 1948, in Book 443 Page 471, Deed Records, and right of way for road purposes conveyed by City of Milwaukie to Northwest Investment Company by deed recorded May 24, 1951 in Book 444 at Page 631, Deed Records.

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And that they are further authorized and instructed to deliver said conveyance to the said California Spray-Chemical Corporation upon the payment by it to the City of Milwaukie of the sum of Fifteen Thousand and no/100 Dollars. Motion carried and so ordered.

A letter from Daryl W. Rohrbough, District Maintenance Supt. for the State Highway Department, was discussed. The Council had given their consent for the laying of a curb-sidewalk to Wm. Davis subject to the approval of the Highway Department. Mr. Rohrbough is to be informed to this effect.

It was decided that Ordinances 557-558-559 would not be read at this time.

The matter of paving the driveway at the rear of the City Hall was discussed. It was decided that the pavement would not be put in at this time on account of the cost of same.

Councilman Norbeck explained to the Council that Mr. Transue had offered to paint the streets with traffic paint twice each year, and if the City would furnish the paint and one man for helper, he would do the job for \$350.00 per year. It was moved by Norbeck and seconded by Mullan that the Council recommend to the City Manager that they (The Council) are in favor of hiring Mr. Transue to paint the traffic strips on the streets at a cost not to exceed \$350.00 per year, that it is understood that the City will furnish the paint one man and the templates, and that the school signs be painted immediately. The motion was carried as follows: Ayes: Mullan, Klein and Norbeck. Nays: Taylor. The motion was carried and so ordered.

It was moved by Norbeck and seconded by Taylor that a permit be granted to Ramsay Sign Co. to place an advertising sign board on the west side of McLoughlin Blvd. at Monroe Street provided they do not display advertisements for alcoholic beverages (including beer) or cigarettes. Motion carried and so ordered.

It was moved by Mullan and seconded by Klein that the following bills be approved and that the Recorder be directed to issue warrants for the payment of same.

George Abraham, rental of equipment and operator	\$198.56
" " repair of catch basin, draining water hole	143.75
" " Harvester Drive sewer, to date	6753.33

Motion carried and so ordered.

A letter from Frank Armstrong, protesting the payment of penalty and interest on his curb assessment on the ground that the curb was not up to proper grade, was read. Manager Telford had made a check of this curb and had found that it was not up to specifications. There was no way to learn who was at fault in the matter, the engineer or the contractor. Mr. Armstrong stated that if the curb had been properly put in he would have paid the assessment before the penalty had been added. It was moved by Taylor and seconded by Norbeck that Mr. Armstrong be refunded the amount of the penalty which had been added to his curb assessment for Lots 39-40-41-42 Block 44 Minthorn Addn. Motion carried and so ordered.

On motion duly made and carried the meeting adjourned.

Ellen Martin
Recorder.

MEETING OF SEPTEMBER 10, 1951

COUNCIL CHAMBER

780th MEETING

The seven hundred eightieth regular meeting of the Council was held on the tenth day of September 1951

The meeting was called to order by Mayor Sperr.

Present: Mayor Sperr; Councilmen Taylor, Mullan, Klein and Norbeck; Manager Telford, Attorney Kirkpatrick and Recorder Martin.