

SPECIAL MEETING OF AUGUST 30, 1950

Cont'd.

As the first order of business council proceeded to open the bids for the improvement of 33rd, 34th, and 35th Streets. Bids were checked by Mr. Runyan of the firm of Stevens and Koon, and read as follows:

C.D. Dennis and Sons	\$ 14,980.00
D.S. Ruffner	14,972.50
D.E. Johnson	10,232.00
George Kirkpatrick	11,515.00

It was moved by Mr. Frady and seconded by Mr. Taylor that the contract for the improvement of 33rd, 34th, and 35th Streets be awarded to Delbert E. Johnson on the basis of his bid for the same in the total sum of \$10,232.00 and that upon the delivery of an approved performance bond that the Mayor be authorized to execute a contract with the said Delbert E. Johnson for said improvement. Motion carried unanimously.

Moved by Mr. Frady and seconded by Mr. Taylor that the firm of Stevens and Koon be employed as supervising engineers for the improvement of 33rd, 34th, and 35th Streets, on the basis of \$500.00 per month. Motion carried unanimously and so ordered.

It was moved by Mr. Frady, and seconded by Mr. Norbeck that the town-site of Garthwick, according to the duly recorded plat thereof, in Clackamas County, Oregon, be tendered service at our disposal plant when completed, at a cost to them of \$14,400.00, which sum could be paid in installments with unpaid balance bearing interest 2% per annum; plus a monthly service charge per user, not greater than the service charge per user to the citizens of Milwaukie, which service charge has been estimated at \$0.50 per month per water service connection. Motion carried unanimously and so ordered.

It was moved that the Mayor be authorized to accept \$12,000.00 for the property lying east of the International Harvester north site and north of Harvest Drive, except 40 feet to be reserved for street purposes, from Bayly Manufacturing Company or its agents; and to execute and deliver to said Bayly Manufacturing Company a proper deed to convey the same when said sum has been received. Motion carried and so ordered.

It was moved by Taylor and seconded by Norbeck that Elva Jones be paid the sum of \$200.00 for the interseptor sewer easement through her property, a proper conveyance of the same having been heretofore received, and that a warrant be issued for the same. Motion carried and so ordered.

On motion duly made and carried, the meeting adjourned.

E.W. Kirkpatrick, Acting Recorder.

MEETING OF SEPTEMBER 25, 1950

COUNCIL CHAMBERS

757th MEETING

The seven hundred fifty-seventh regular meeting of the Council was held on the twenty-fifth day of September, 1950

The meeting was called to order by Mayor Sperr

Present: Mayor Sperr, Councilmen Taylor, Mullan and Norbeck; Attorney Kirkpatrick, Treasurer Dillery and Recorder Martin. Absent: Councilman Frady.

The minutes of the seven hundred fifty-sixth regular meeting of the Council, held on the eleventh day of September, 1950, were read and approved as read.

MEETING OF SEPTEMBER 25, 1950 (Cont'd)

A representative from the Christian Church at 28th and Harrison Streets, appeared before the Council and stated that the Church was desirous of hanging a bell in the belfry, in the near future, and asked if it was necessary to have a special permit for the same. It was moved by Norbeck and seconded by Mullan that a revocable permit be granted the Christian Church for installation of a bell. The motion carried and was so ordered.

Mr. Morris, of Western Door and Plywood Co. came before the Council and asked for a routing over city streets for the purpose of hauling logs to their plant at 31st Street north of Harrison Street. Mr. Morris stated that while most of the logs would be eight and one half to seventeen feet long, there may occasionally be a longer one. It was moved by Norbeck and seconded by Mullan that a revocable permit be granted Western Door and Plywood Co. to haul logs over the following route; Jackson Street from McLoughlin Blvd. to 21st Street; 21st Street from Lake Road to Harrison Street, Harrison Street from 21st Street to 31st Street; 31st Street from Harrison Street to their plant, provided that their loads shall conform to all State regulations as to loads, weights and bindings. Motion carried and so ordered.

Mr. Carr, of Western Door and Plywood Co. came before the Council with regard to a private driveway which they expect to use to haul their logs from the river. At the present time this driveway is being torn up for the laying of intercepting sewer to the disposal plant. It was agreed that Mayor Sperr, Contractor P.S. Lord and Mr. Carr would view the driveway and decide how the re-paving was to be done.

It was moved by Norbeck and seconded by Taylor that a permit be granted the Milwaukie Medical Laboratories to run a wire for intra-communication system from their office in the Hoesly Cldg. to the offices of Drs. Remly Wheelwright and Sweemy, provided that said wire does not interfere with any present franchise holder. Motion carried and so ordered.

3 R-2 Spec. Zone. A letter, from the Planning Commission, recommending that Ordinance 481 be amended to provide that certain areas in Milwaukie be changed from 3R-1 to "3R-2 Special" was read. It was moved by Taylor and seconded by Mullan that the following area be changed from zone 3 R-1 to Zone "3R-2 Special" with the understanding that the amendment to Ordinance 481 shall specify that before permit shall be granted to build any multiple residence for more than two family (duplex) in size, the applicant for the permit must present a signed statement of 2/3 of the property owners, within a radius of 200 feet from the proposed building, that they have no objection to the erection of such structure.

Beginning at about 100 feet west of the southwest corner of the intersection of 28th and Harrison Streets, thence southwesterly to the northwesterly intersection of 27th and Washington Streets, thence easterly along the northerly side of Washington Street to Robert's Re-Plat of J.R.W. Sellwood's Addition, thence southerly along the north-easterly side of Elmer Street to the northeasterly corner of Elmer and Oak Streets, thence northeasterly along Oak Street to Campbell Street, thence northwesterly along Campbell Street to the southerly side of Monroe Street, thence westerly along the said side of Monroe Street a distance of approximately 400 feet, thence northerly to Harrison Street thence westerly along Harrison Street to the place of beginning.

ALSO, Beginning at the north City Limits line where the same crosses the easterly boundary of 32nd Street, thence southerly along the east side of 32nd Street to the northerly line of the property now owned by P. & C. Tool Co. thence along the northerly and easterly boundary lines of said P. & C. Tool Company's property to Llewellyn Street, thence westerly along Llewellyn Street to 32nd Street, thence southerly along 32nd Street to Lot 1 Block 1 Leo's First Addition, thence easterly along the northerly line of Lots 1 and 2 Block 1 Leo's First Addition, thence southerly along the easterly line of Lot 2 Block 1 Leo's First Addition, to Harrison Street, thence easterly along the northerly side of Harrison Street to a point approximately 200 feet east of the easterly boundary of 34th Street, thence northerly on a line from said point to the north city limit line, thence westerly along the city limit line to the place of beginning. Motion carried and so ordered.

It was moved by Taylor and seconded by Sperr that the Council approve the following Zone change in Kellogg Park as recommended by the Planning Commission:

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TO BE CHANGED TO INDUSTRIAL ZONE:

All that part of Kellogg Park which lies on the east side of McLoughlin Blvd. which is not now in the Industrial Zone, except the following described property which is to be zoned as a park and remain in its natural state for such use with one exception which is also described as an exception and is to remain in 3R-1 Zone.

Situated in the County of Clackamas and State of Oregon, to-wit:

Beginning at a point on the westerly line of the right-of-way of Southern Pacific Company, (Tillamook Branch), which is 50 feet distant north when measured on a line due north and south from the southerly line of a tract of land conveyed to the City of Milwaukie by the United States of America, acting by and through War Assets Administration, by deed recorded in Book 415, page 243 of Deed Records of Clackamas County Oregon, thence southerly on a curve following the said westerly right-of-way line of said Southern Pacific Company to the southeasterly corner of said tract conveyed to the City of Milwaukie, thence south 88 deg. 15' 20" West a distance of 801.43 feet to a stone marked with a cross; thence north 2 deg. 25' 40" West for 110.48 feet to a cross on a concrete monument; thence due north 89.52 feet to a point; thence due east 140.0 feet; thence due South 50.00 feet; thence due East 263.39 feet to a point; thence due South 100 feet more or less, to a point which is 50.00 feet distant north, when measured due North and South, from the southerly line of said tract of land conveyed to the City of Milwaukie by deed recorded in Book 415, page 243; thence North 88 deg. 16' 20" E. 400 feet, more or less to the point of beginning, excepting therefrom a tract of land described as follows: Beginning at the concrete monument, heretofore referred to, running thence due north 19.52 feet; thence N. 88 deg. 16' 20" East 100.00 feet to a point; thence S 2 deg. 25' 40" E. 130 Feet, more or less, to the southerly line of said tract conveyed to City of Milwaukie by deed recorded in Book 415, Page 243; thence S. 88 deg. 16' 20" W. to a stone marked with a cross, and hereinbefore referred to; thence N. 2 deg 25' 40" W. a distance of 110.48 feet to the point of beginning, together with easement for ingress and egress thereto and therefrom to 23rd Street, Milwaukie, Oregon.

The above described tract, including the land excepted, containing approximately two acres. Motion carried and so ordered.

It was moved by Taylor and seconded by Norbeck that acting Manager Sperr be authorized to issue permit to move the Schade house from 2035 Harrison Street to 1125 25th Street. Motion carried and so ordered.

The matter of an existing garage at 2626 Washington Street, which had been repaired in excess of repairs called for in Ordinance No. 481, was discussed. It was moved by Taylor and seconded by Norbeck that the Recorder write Mr. Bob Hemstreet, the contractor, a letter stating that in view of the fact that the garage was built in violation of Ordinance 481, that he show cause why the garage should not be removed. Motion carried and so ordered.

It was moved by Norbeck and seconded by Taylor that Ordinance Number 480 be amended to provide for a building inspector and a charge of fee for permit in an amount adequate to provide for salary for the inspector. Motion carried and so ordered.

It was moved by Mullan and seconded by Norbeck that the following resolution be adopted:

RESOLUTION NUMBER 10, 1950

A RESOLUTION DECLARING THE NECESSITY OF AN EASEMENT OVER CERTAIN LANDS FOR USE IN THE CONSTRUCTION OF AN INTERCEPTING SEWER NORTHERLY FROM A POINT ON JEFFERSON STREET WEST OF McLOUGHLIN BOULEVARD TO THE SOUTHERLY LINE OF PROPERTY NOW OWNED BY THE CITY OF MILWAUKIE LYING BETWEEN JOHNSON CREEK AND COUNTY ROAD NO. 887; SUCH INTERCEPTING SEWER TO BE USED IN CONNECTION WITH A SEWAGE TREATMENT PLANT NOW BEING CONSTRUCTED ON LAND NOW OWNED BY THE CITY OF MILWAUKIE.

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WHEREAS A SEWAGE TREATMENT PLANT is now being constructed on land now owned by the City of Milwaukie, which lies between Johnson Creek and County Road No.887, commonly known as River Road:

AND WHEREAS it is necessary that an intercepting sewer be constructed to convey the sewage of the City of Milwaukie to said SEWAGE TREATMENT PLANT:

AND WHEREAS, the engineers employed by the City of Milwaukie have determined that for such purpose it is necessary for the City of Milwaukie to ob- easement over a strip of land 10 feet in width, over the following described parcels of real property situate in the County of Clackamas and State of Ore- gon, bounded and described as follows:

Engineer's C.L. Station 0-00 to Station 1-32.89 said strip being describ- ed as follows:

A parcel of land lying in the Lot Whitcomb D.L.C. in T.W.P.1S,R.1 E,W.M. and being a portion of that certain tract of land conveyed by deed to Howard E. and Lillian C. Rose as described in Vol. 355 Page 20 Clackamas County record of deeds. Said parcel being described as follows:

Beginning at a point on the South line of said Rose Property, said point being 933.53 Ft. North and 590.68 feet west of the S.W. Corner of Block #28, Milwaukie, Clackamas County, Oregon; thence N.30 deg. 27' W, a distance of 32.63 feet; thence N 2 deg. 20' N a distance of 103.58 feet to a point on the North line of said Rose property, thence S. 43 deg.40' W. along the North line of said Rose property a distance of 13.90 feet; thence S 2 deg. 20' W. a dist- ance of 96.42 feet; thence S.30 deg. 27' E. a distance of 33.15 feet to a point on the South line of said Rose property; thence N.70 deg. 45' E along the South line of said Rose property a distance of 10.19 feet to the point of beginning.

Engineer's C.L. Station 1-32.89 to Station 1-97.21 Said strip being des- cribed as follows:

A parcel of land lying in the Lot Whitcomb D.L.C. in T.W.P. 1 S, R.L E. W.M. and being a portion of that certain tract of land conveyed by deed 1/9th intrest to Virgil D. and Lucile O. Lawrence as described in Vol. 327 page 151, Clackamas County, Record of Deeds. Said parcel being described as follows:

Beginning at a point on the North line of said Lawrence property, said point being 933.53 feet North and 590.68 feet West of the S.W. Corner, Block # 28, Milwaukie, Clackamas County, Oregon; thence S.30 deg.27' E. a distance of 64.32 feet to a point on the South line of said Lawrence property; thence S.70 deg. 45' W. along the South line of said Lawrence property, a distance of 10.19 feet; thence N. 30 deg. 27' W. a distance of 64.32 feet to a point on the North line of said Lawrence property; thence N.70 deg 45' E along the North line of said Lawrence property a distance of 10.19 feet to the point of beginning.

(Note: The First National Bank has controlling intrest in this road but eight other people besides them have the right to use it. Road is 60 feet wide at right angles to sides)

Engineer's C.L. Station 1-97.21 to Station 4-32.85; said strip being des- cribed as follows:

A parcel of land lying in the Lot Whitcomb D.L.C. in T.W.P., 1 S. R. 1 E. W.M. and being a portion of that certain tract of land conveyed by deed to Sec- urity Savings and Trust Co. as described in Vol. 223 Page 462, Clackamas County record of Deeds; said parcel being described as follows:

Beginning at a point on the North line of said Security Savings and Trust Co. property, said point being 878.08 feet North and 558.08 feet West of the S.W. corner of Block # 28, Milwaukie, Clackamas County, Oregon, thence S.30 deg. 27' E. a distance of 231.86 feet; thence S. 27 deg. 24' W. a distance of 8.64 feet to a point on the Northerly Right-of-way line of the Portland Railway Light and Power Co. R.R.; thence along said Northerly R.R. railway line on the arc of A 509.06 foot radius curve left (the long cord of which leans N.58 deg. 45' 30" W. 10.02 feet a distance of 10.02 feet; thence N. 27 deg. 24' E a dis- tance of 2.45 feet; thence N.30 deg. 27' W. a distance of 228.32 feet to a point on the North line of said Security Savings and Trust Co. property; thence N. 70 deg. 45' E. along the North line of said Security Savings and Trust Co. pro- perty; a distance of 10.19 feet to the point of beginning.

Engineer's C.L. Station 4-52.90 to Station 5-86.37; said strip being describ- ed as follows:

A parcel of land lying in the Lot Whitcomb D.L.C. in T.W.P. 1 S, R 1 E W.M. and being a portion of that certain tract of land conveyed by deed to Ralph E. and Frederica E. Klein as described in Vol 332 Page 269, Clackamas

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County, Record of Deeds; said parcel being described as follows:

beginning at a point on the south line of said Klein property; said point being 563.83 feet North and 368.00 feet West of the S.W. corner, Block #28, Milwaukie, Clackamas County, Oregon; thence N 34 deg. 34' W, a distance of 19.72 feet; thence N 47 deg. 49' W, a distance of 103.21 feet; thence N 27 deg. 24' E, a distance of 3.22 feet to the southerly right-of-way line of the Portland Railway Light and Power Co R.R.; thence along said Southerly R.R. Right-of-way line on the Arc of 489.06 radius curve left (the long chord of which bears N58 deg 45' 30" W, 10.02 feet) a distance of 10.02 feet; thence S 27 deg 24' W a distance of 11.59 feet; thence S 47 deg. 49' E a distance of 109.79 feet; thence S 34 deg. 34' E, a distance of 19.42 feet to a point on the South line of said Klein property; thence N 50 deg. 45' E along the South line of said Klein property a distance of 10.03 feet to the point of beginning.

Engineers C.L. Station 5-86.37 to Station 6-04.10 etc. said strip being described as follows:

A parcel of land lying in the Lot Whitcomb D.L.C. in T W P, 1 S, R. 1 E, W.M. and being a portion of that certain tract of land conveyed by deed to Margaret C. and William R. Davis as described in Vol. 342 Page 290, record of Deeds for Clackamas County, said parcel being described as follows:

Beginning at a point on the South line of said Davis property; said point being 546.95 feet North and 356.37 feet West of the S.W. corner of Block #28 Milwaukie, Clackamas County, Oregon; thence S. 80 deg. 40' W along the South line of said Davis property a distance of 11.05 feet; thence N 34 deg. 34' W a distance of 14.96 feet to a point on the North line of said Davis property; thence N 50 deg. 45' E along the North line of said Davis property a distance of 10.03 feet; thence S 34 deg. 34' E a distance of 20.50 feet to the point of beginning.

Engineers C.L. Station 6-04.10 to Station 7-45.61 etc. said strip being described as follows:

A parcel of land lying in the Lot Whitcomb D.L.C. in T W P, 1 S, R 1 E, W.M. Clackamas County, Oregon and being a portion of that certain tract of land conveyed by deed to W.J. Eastman as described in Vol 314 Page 636, Clackamas County, record of deeds; said parcel being described as follows:

Beginning at a point on the North line of said Eastman property, said point being 546.95 feet North and 356.37 feet West of the S.W. corner of Block # 28 Milwaukie, Clackamas County, Oregon; thence S 34 deg. 34' E a distance of 141.51 feet to a point on the South line of said Eastman property; thence S 80 deg. 40' W along the south line of said Eastman property, a distance of 11.05 feet; thence N 34 deg. 34' W, a distance of 141.51 feet to a point on the North line of said Eastman property; thence N 80 deg. 40' E, a distance of 11.05 feet to the point of beginning.

Lavagetto - Barberis

A parcel of land lying in the Donation Land Claims of Lot Whitcomb and William Meek in T. 1 S. R. 1 E., W.M. and being a portion of that certain tract of land conveyed by deed to Cleto A. and Louise C. Lavagetto and Celeste and Lena Barberis as described in Vol. 330 Page 218, Clackamas County, record of deeds; said parcel being described as follows:

Beginning at a point on the West right-of-way line of Clackamas County Road No 887, said point being South 14 deg. 34' East a distance of 3.48 feet from the most Northerly corner of the said Lavagetto and Barberis property; thence South 14 deg. 34' East a distance of 12.95 feet along the west right-of-way line of said road; thence South 36 deg. 00' West a distance of 33.37 feet; thence South 13 deg. 01' East a distance of 76.31 feet; thence South 41 deg. 41' West a distance of 382.55 feet; thence South 2 deg. 39' East a distance of 67.63 feet more or less to a point on the south line of said Lavagetto and Barberis property; thence South 43 deg 21' West a distance of 13.90 feet along the South line of said Lavagetto and Barberis property; thence North 2 deg. 39' West a distance of 81.37 feet; thence North 41 deg. 41' East a distance of 381.45 feet; thence North 13 deg. 01' west a distance of 75.69 feet; thence North 36 deg. 00' East a distance of 46.15 feet to the point of beginning.

To-UNKNOWN (Probably Scott Estate)

A parcel of land lying in the Wm. Meek D.L.C. #50 in T. 1 S. R. 1 E., W.M.; said parcel being described as follows:

Beginning at a point on the East right-of-way line of Clackamas County Road No. 887, said point being South 21 deg. 00' east 145.0 feet from the most Northerly corner of a tract of land heretofore conveyed to Clackamas County by deed recorded in Vol 185 Page 115, Clackamas County, Record of Deeds; thence North 80 deg 14' East a distance of 6.22 feet; thence North 13 deg. 30' East a

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distance of 24.41 feet; thence South 25 deg. 30' West a distance of 27.37 feet to the point of beginning.

To- CLARENCE F. AND AMBER RICHARDSON

A parcel of land lying in the Wm. Meek D.L.C. #50 in T. 1 S. R. 1 E., W.M. and being a portion of the land of Clarence F. Richardson and Amber R. Richardson as described in Vol 236 Pages 263 and 264, and Vol 256 Pages 288 and 490, Clackamas County, record of deeds; said parcel being described as follows:

Beginning at a point on the North line of said Richardson property, said point being South 70 deg. 47' West 40.98 feet from the most Northerly corner of said property; thence South 25 deg. 06' East a distance of 172.11 feet; thence South 13 deg. 30' West a distance of 380.34 feet more or less to a point on the West line of said Richardson property; thence South 25 deg. 30' West a distance of 27.37 feet to the most southerly corner of said Richardson property; thence North 21 deg. 00' West a distance of 7.61 feet; thence North 13 deg. 30' East a distance of 397.33 feet; thence North 25 deg. 06' West a distance of 169.63 feet to a point on the North line of said Richardson property; thence North 70 deg. 47' East a distance of 10.05 feet to the point of beginning.

BE IT THEREFORE RESOLVED, that the Council of the City of Milwaukie has determined the necessity of and deems it necessary to take and acquire an easement as hereinbefore described over, through and on the parcels of real estate hereinbefore described for the purpose of right-of-way for sewers, and that the Council of the City of Milwaukie cannot agree with the owners thereof as to the price to be paid therefor.

BE IT FURTHER RESOLVED that the City Attorney of the City of Milwaukie be and he hereby is directed to take such proceedings for the acquisition of such property for the use hereinbefore specified, as may be necessary, pursuant to the Charter of the City of Milwaukie and the general laws of the State of Oregon; and that when such proceedings have been instituted, that the City of Milwaukie take possession of said lands and commence to carry through the construction of said sewer for which said land is sought to be appropriated.

BE IT FURTHER RESOLVED that the City Attorney be and he hereby is instructed to proceed with all reasonable diligence to carry such condemnation proceeding to a final judgement.

BE IT FURTHER RESOLVED that when said judgement become final that the amount thereof be promptly paid from the proceeds of the bond issue heretofore sold for the purpose of obtaining funds for the construction of said Sewage Disposal Plant and Intercepting Sewer,
The motion carried and was so ordered.

It was moved by Norbeck and seconded by Taylor that Attorney Kirkpatrick be directed to draw an Ordinance providing for the assessment for the curb and sidewalk improvement on Harrison Street from 23rd Street to 42nd Street and that he be directed to draw an ordinance providing for the assessment for the curb and sidewalk improvement on Washington Street, Elmer Street Oak Street, Railroad Avenue and East Monroe Street. Motion carried and so ordered.

It was moved by Taylor and seconded by Mullan that Acting Manager Fred Sperr be authorized to negotiate with International Harvester Co. with regard to a sewer to the new International Harvester site and the balance of the City owned property east of McLoughlin Blvd. in Kellogg Park. Motion carried and so ordered.

It was moved by Mullan and seconded by Taylor that I.H. Stevens be paid \$325.00 per month, and that this salary be retroactive to July 1, 1950 and that no over-time be charged in the Fire Department without the approval of the City Manager. Motion carried and so ordered.

On motion duly made and carried the meeting adjourned.

Ellen Martin
Recorder.