

ORDINANCE NO. 481

AN ORDINANCE AMENDING ORDINANCE NO. 481, AS AMENDED BY ORDINANCE NO. 559, AND AS FURTHER AMENDED BY ORDINANCE NO. 624 SO AS TO CHANGE THE BOUNDARIES OF CERTAIN ZONES ESTABLISHED BY SAID ORDINANCE NO. 481 AS SO AMENDED BY ADDING THERETO CERTAIN TERRITORIES ANNEXED TO THE CITY OF MILWAUKIE, OREGON SINCE THE ENACTMENT OF SAID ORDINANCE NO. 481.

THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. That Ordinance No. 481, including the official zoning map which accompanies said Ordinance and which is on file in the office of the City Recorder, as the said Ordinance and Zoning Map are amended by Ordinances No. 559 and No. 624, be and the same hereby ~~is~~ further amended so as to include within the boundaries of Zone 1, also known as Commercial Zone, established by said Ordinance No. 481 and accompanying official Zoning map, as amended by Ordinances No. 559 and No. 624, the following territory annexed to the City of Milwaukie, Oregon, since the enactment of said Ordinance No. 481, said territory so annexed being bounded and described as follows:

*Commercial Zone*

Section 2. That Ordinance No. 481, including the official zoning map which accompanies said Ordinance and which is on file in the office of the City Recorder, as the said Ordinance and Zoning Map are amended by Ordinances No. 559 and No. 624, be and the same hereby ~~is~~ further amended so as to include within the boundaries of Zone 2, also known as Industrial Zone, established by said Ordinance No. 481 and accompanying official zoning map, as amended by Ordinance No. 559, the following territory annexed to the City of Milwaukie, Oregon, since the enactment of said Ordinance No. 481, said territory so annexed being bounded and described as follows, to wit:

*Industrial Zone*

Section 3. That Ordinance No. 481, including the official Zoning Map which accompanies said Ordinance and which is on file in the office of the City Recorder, as the said Ordinance and Zoning Map are amended by Ordinances No. 559 and No. 624, be and the same is hereby further amended so as to include within the boundaries of the 3-R-1 Single Family Residential Zone established by said Ordinance No. 481 and accompanying official Zoning Map, as amended by Ordinance No. 559, the following territory annexed to the City of Milwaukie, Oregon, since the enactment of said Ordinance No. 481, said territory so annexed being bounded and described as follows, to wit:

*3-R-1 Zone*

Section 4. That the City Recorder be, and she is hereby directed to make such changes on the official Zoning Map which now accompanies Ordinance No. 481 as amended that will reflect the changes in zone boundaries effected by this ordinance, and she is further directed to indicate on said map over her signature and official title the date upon which such changes were made.

Section 5. Inasmuch as this ordinance is necessary for the immediate preservation of the public health, peace and safety of the City of Milwaukie and the inhabitants thereof, in this, that it is urgently and immediately necessary to protect and preserve the minimum requirements for the general welfare established by Ordinance No. 481, to protect and preserve property values and vested rights, and to preserve the public credit, an emergency is hereby declared and adjudged to exist and this ordinance shall take effect and be in full force and effect from and after its passage and signing by the mayor.

Read the first time this 29th day of October, 1956

Read for the second time and passed by the City Council this 12th day of November, 1956.

Signed and approved by the Mayor this 11 day of November, 1956 .

Leonard B. McEllan  
Mayor of the City of  
Milwaukie, Oregon

COMMERCIAL TRACT

TRACT NO. 1

Being a part of the Wm. Meek D.L.C. No. 50 in T. 1 S., R. 1 E., of S.M. Clackamas County, Oregon, bounded and described as follows; to-wit:

Beginning at an iron pipe driven on the Easterly side line of River Road, officially known as Market Road Number 37, Clackamas County, Oregon, said pipe being 135.46 feet North and 297.86 feet West of the City monument marking the intersection of the center lines of Harrison Street with the center line of Front Street in the Town of Milwaukie, Oregon, said point being also N. 70° 47' East 30 feet distant from Engineer's Station 16 plus 25.54 according to the official survey and map of Market Road No. 37, unit No. 2 Clackamas County, Oregon; running thence N. 70° 47' East 236.65 feet to a point in Johnson Creek; thence S. 19° 13' W. 105.0 feet to an iron pipe; thence S. 70° 47' East 237.35 feet to an iron pipe driven on the easterly side line of Market Road No 37, aforesaid; thence Northwesterly tracing the easterly side line on a curve to the left a distance of 105.05 feet to the place of beginning, containing 0.57 acres, more or less, as recorded in Book 236, Page 263, Deed Records of Clackamas County, Oregon

and the following described property, to-wit:

Beginning at the west easterly corner of that certain tract of Land conveyed to Amber R. Richardson by deed recorded in Book 236, page 263, Deed Records, which point is 1303.87 feet North and 40.78 feet west of a City monument placed at the intersection of the center line of Front Street with the center line of Harrison Street in the City of Milwaukie, Oregon, T. 1, S., R. 1, E., of the S.M.; thence running South 52° 20' East 36.3 feet to a point; thence South 10° 21' East 11.22 feet; thence south 75° 47' East 240.3 feet to a point on the easterly side line of River Road; thence northwesterly tracing the easterly line of said road 14.1 feet to the southwest corner of the said Amber R. Richardson tract; thence north 70° 47' East 237.35 feet to the point of beginning, as recorded in Book 236 Page 288, Deed records of Clackamas County Oregon.

TRACT NO. 2.

Beginning at a point of the easterly boundary of the East Portland and Oregon City Highway, also known as Achnoughin Boulevard, as conveyed to Clackamas County, Oregon by Deed recorded April 17th 1934 in Book 224, Page 483, Deed Records, said point being the southwest corner of a tract of land conveyed to Bill F. Peake and Eva May Peake by deed recorded Nov 15, 1947, in Book 399, Page 270, Deed Records; thence north 81° 02' E. on the south boundary of said Peake tract to the southeast corner thereof, which is also the Northeast corner of Block 2, Lewelling Park; thence continuing N. 81° 02' along the projection of the northerly line of said Block 2, Lewelling Park 40.00 feet to the center line of Main Street, Milwaukie, Oregon; thence N. 8° 58' W. on the projection of the center line of said Main Street 150.00 feet to an iron pipe; thence N. 81° 02' E. 495.5 feet to an iron pipe, driven in the west boundary of Streib's First Addition to Milwaukie, Oregon; thence tracing the west boundary of said Streib's Addition and the projection thereof northerly, N. 1° 31' W. 497.75 feet to an iron pipe that is N. 1° 31' W. 110.15 feet distant from a basalt stone set at the northeast corner of said Streib's Addition to Milwaukie; thence N. 89° 56' W. 508.4 feet to the easterly boundary of the aforementioned East Portland and Oregon City Highway; thence S. 1° 42' W. on the easterly boundary of said Highway 93.0 feet; thence N. 79° 18' W. 10.0 feet; thence S. 10° 42' W. on the easterly boundary of said Highway 281.6 feet; thence tracing the easterly boundary of said Highway on a curve to the left 310.0 feet, more or less to the point of beginning, which is a point in the northerly boundary of Block 2, Lewelling Park.

Section 2. That Ordinance No. 481, including the official zoning map which accompanies said Ordinance and which is on file in the office of the City Recorder, as the said Ordinance and Zoning Map are amended by Ordinances No. 559 and No. 624, be and the same is hereby further amended so as to include within the boundaries of Zone 2, also known as Industrial Zone, established by said Ordinance No. 481 and accompanying official zoning map, as amended by Ordinance No. 559 the following territory annexed to the City of Milwaukie, Oregon, since the enactment of said Ordinance No. 481, said territory so annexed being bounded and described as follows, to-wit:-

## TRACT 1

A part of the Donation Land Claims of Lot Whitcomb, Nos. 38 and 41, and William Meek, No. 50, in T. 1 S., R. 1 E., of the W.M. in the County of Clackamas and State of Oregon, described as follows:

Beginning at the Northwest corner of a tract of land in the said D.L.C. of William Meek, conveyed by William Meek and Wife and H.W. Eddy and wife to Nath Luelling by deed dated October 31, 1857, and recorded November 14, 1857 in Book "c", Page 130, Record of Deeds of Clackamas County Oregon, said tract being designated in said deed as "Lot 3d" and locally known as the Nursery lot; thence running South 10° East 122.76 feet to an iron pipe; thence South 88° 31' West 419.1 feet to an iron pipe; thence South 10° 25' West 50.1 feet to an iron pipe; thence South 43° 06' 30" West 374.57 feet to the most easterly corner of a tract conveyed to Louise C. Lavagetto by deed recorded October 21, 1954, in Book 487, Page 464, Deed Records; thence North 19° 44' West 444.35 feet along the easterly line of said Lavagetto tract to the most northerly corner of said Lavagetto tract; thence North 69° 30' East along the southerly line of a 15 foot private roadway in the Plat of Beverly Heights 268.78 feet to an iron pipe; thence North 58° East along said 15 foot private roadway 353.76 feet to an iron pipe at the most northerly corner of that tract conveyed to Cloto A. Lavagetto et al by deed recorded in Book 330, Page 218, Deed Records; thence South 88° 31' East along the easterly line of said Lavagetto tract 321.55 feet to the place of beginning; EXCEPT that portion thereof within the boundaries of the East-side Super highway.

## TRACT 2

Beginning at a concrete monument at the southwest corner of BELLWOOD GARDENS, a Townplot recorded in Volume 10, Page 25, RECORD OF TOWNPLOTS for Clackamas County Oregon; thence North 89° 15' East, 1009.50 feet to the southeast corner of said BELLWOOD GARDENS; thence continuing North 89° 15' East, 282.00 feet to the southeast corner of ROSS & WALKERS ADDITION TO BELLWOOD GARDENS, a Townplot recorded in Volume 11, page 5, said RECORD OF TOWNPLOTS; thence North 8° 04' West 750.00 feet along the east boundary of said ROSS & WALKERS ADDITION TO BELLWOOD GARDENS; thence North 80° 50' East, 30.00 feet to the Southern Pacific Railroad right-of-way; thence North 9° 10' West, following the westerly right-of-way of said Southern Pacific Railroad, to its intersection with the Multnomah County line, which is also the north boundary of Section 25, T. 1 S., R. 1 E., W.M.; thence North 89° 41' West along the north boundary of said Section 25, T. 1 S., R. 1 E., to the northwest corner of said Section 25; thence continuing westerly, along the north boundary of Section 26, T. 1 S., R. 1 E., to its intersection with the west line of the George Mills D.L.C.; thence South 4° 39' East, along the west line of the said George Mills D.L.C., which is also the west line of both THE ADDITION TO BELLWOOD, a Townplot recorded in Volume 6, page 27, said RECORD OF TOWNPLOTS, and said BELLWOOD GARDENS, to the place of beginning, all in the County of Clackamas and State of Oregon, comprising all of the property bounded by the westerly right-of-way of the Southern Pacific Railroad; the north and east lines of said Section 25; and the north line of the City of Milwaukie as shown westerly to the said monument.

Ordinance No. 657 Cont'd.

Section 3. That Ordinance No. 481, including the official Zoning Map which accompanies said Ordinance and which is on file in the office of the City Recorder, as the said Ordinance and Zoning Map are amended by Ordinances No. 559 and No. 624, be and the same is hereby further amended so as to include within the boundaries of the 3-R-1 Single Family Residential Zone established by said Ordinance No. 481 and accompanying official Zoning Map, as amended by Ordinance No. 559, the following territory annexed to the City of Milwaukie, Oregon, since the enactment of said Ordinance No. 481, said territory so annexed being bounded and described as follows, to-wit:

TRACT 1.

A part of Lot 2, Waverly Heights, according to the duly recorded Plat thereof described as follows:

Beginning at the southeast corner of said Lot 2; thence along the southerly line of said Lot 2, S. 58° 58' W. 100 feet; thence along a line which bears N. 15° E. to the northerly line of said Lot 2; thence along the northerly line of said Lot 2, N. 64° 22' E. to the northeast corner of said Lot 2; thence along the easterly line of said Lot 2, S. 15° E. 214.4 feet to the place of beginning.

TRACT 2.

All of that part of Block 77, Minthorn Addition to the City of Portland, Oregon which lies north of Railroad Avenue; except Lots 33, 34, and 35 of said Block 77.

Also Lots 10,11,12,13,14,15,16,17 and 18, Block 4 Keil Heights Number 2, and Lots 1,2,3,4,5,6,7,8 and 9, Block 5, Keil Heights Number 2.

TRACT 3.

All of Lot 1, Block 6, Gloverland Addition except the easterly 70 feet thereof

All of Lot 2, Block 6, Gloverland Addition

All of Lot 3, Block 6, Gloverland Addition except the northerly 235.94 feet thereof

All of Lots 40,41,,2,43,44,45,46,47,48,49 and 50,Block 7, Marchbanks.

TRACT 4.

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

A part of the J.D.Garrett D.L.C. in T. 1 S., R. 2 E., of the P.M. more particularly described as follows:

Beginning at a point in the north line of the said Garrett D.L.C. 14.28 chains east of the northwest corner of said D.L.C. said point being the northwest corner of that tract conveyed to Richard Walsh by Deed recorded in Book 138, Page 181, Deed records for Clackamas County; thence South along the west line of said Walsh tract 555.45 feet to the northeast corner of that tract conveyed to Edgar Strauss, et ux, by deed recorded February 27, 1946, in Book 361, Page 461, Deed Records for Clackamas County; thence west along the north line of said Strauss tract 316.55 feet to the west line of a tract conveyed to A.C.Weiderhold by deed recorded April 2, 1936 in Book 231, Page 303, Deed Records for Clackamas County; thence South along the west line of the said Weiderhold Tract 137.55 feet to the southwest corner of the aforementioned Strauss Tract; thence East along the south line of said Strauss Tract 316.55 feet to the southeast corner thereof; thence south along the east line of the aforementioned Weiderhold Tract 693 feet; thence east along the south line of the Walsh tract described in Book 138, Page 181, Deed Records for Clackamas County, 314.16 feet to the east line of said Walsh Tract; thence North along the east line of said Walsh Tract 317.46 feet, more or less, to the southwest corner of the Walsh land described in Book 73, Page 207, Deed Records for Clackamas County; thence East along the south line of the said last mentioned Walsh Tract 344.52 feet to the southeast corner of said Walsh Tract; thence North along the east line of said Walsh Tract 864.54 feet to the southeast corner of that tract conveyed to James S. Morgan et ux, by deed recorded June 28, 1943, in Book 309, Page 327, Deed Records for Clackamas County; thence West along the south line of said Morgan Tract 305.18 feet to the southwest corner of said Morgan Tract; thence N. 29° 34' East 232.91 feet to the north line of John D. Garrett D.L.C. thence West along the north line of said D.L.C. 470 feet more or less to the point of beginning. ALSO, Lot 9 Block 4, Keil Heights, Number 2.

TRACT 5

Lots 1 and 2, Block 11, BONNIE VIEW ACRES, Plat Number 4, Clackamas County, Oregon.

TRACT 6.

Beginning at a point that bears South 89° 17' East, 630.00 feet to the northeast corner of Lot 9, Block 1, KEIL HEIGHTS, a Townplat recorded in Volume 24 on Page 14, Record of Townplats for Clackamas County, Oregon, and South 0° 36' 30" East 555.95 feet along the east boundary of said KEIL HEIGHTS, from the Northwest corner of the John D. Garrett D.L.C. No. 38; thence South 89° 17' East 315.80 feet to the southwest corner of Lot 21, Block 5, MARTIN HEIGHTS, as recorded in Volume 27 on Page 18, said RECORD OF TOWNPLATS; thence North 0° 35' 04" East along a west boundary of said MARTIN HEIGHTS, 309.57 feet; thence North 89° 14' 36" West, 315.42 feet to the east boundary of said KEIL HEIGHTS; thence South 0° 36' 30" West 309.97 feet to the place of beginning.

TRACT 7.

Beginning at the northwest corner of the John D. Garrett D.L.C. No. 38, Section 21, T. 1 S., R. 2 E. of the S.M. thence tracing the north line of said John D. Garrett D.L.C. South 89° 17' East 1260.23 feet to an iron pipe; thence South 0° 30' West 1068.54 feet to an iron pipe which is the true place of beginning; thence South 0° 30' West 1089.21 feet to an iron pipe in the Northerly boundary of the C.S. Fields Road No. 1438; thence tracing the Northerly boundary of said Fields Road, South 55° 17' East 428.82 feet to an iron pipe which is in the East line of that certain tract of land conveyed to Antonette Gulch by deed recorded in Book 161, page 299, Deed Records of Clackamas County, Oregon; thence North 0° 17' 45" East along the Easterly boundary of the said Antonette Gulch tract 1378.76 feet to an iron pipe, thence North 89° 17' West 349.32 feet more or less to the place of beginning, Excepting therefrom the West 40 feet thereof determined by a line drawn parallel to and 40 feet Easterly from the East line of the tract herein described, in the County of Clackamas and State of Oregon.

TRACT 8.

LOTS 20,21,22,23,24,25,26,27, 28,29,30,31 and 23, BLOCK 82, MINTHORN ADDITION TO THE CITY OF PORTLAND, and  
LOTS 16,17,18,19,20,21,22,23,BLOCK 87, MINTHORN ADDITION TO THE CITY OF PORTLAND.

TRACT 9

Beginning at the northeast corner of Block 77, MINTHORN ADDITION TO THE CITY OF PORTLAND, OREGON, a Townplat recorded in Book 3 on Pages 5 to 11 inclusive, RECORD OF TOWNPLATS for Clackamas County, Oregon.

From said beginning point, thence following the easterly extension of the north boundary of Block 77, east to the northeast corner of Block 78, located in the east boundary of the aforesaid plat of MINTHORN ADDITION; thence following the east boundary of said Plat, North to the northwest corner of the John D. Garrett D.L.C.No. 38, T. 1 S., R. 2 E. of the W.M.; thence following the north boundary of said CLIN, South 89° 18' East to the most northerly northwest corner of MARTIN HEIGHTS, a Townplat recorded in Book 27 on Page 18, said RECORD OF TOWNPLATS; thence following the west boundary of said MARTIN HEIGHTS, South 0° 35' 04" West 116.00 feet to an intersection with the easterly extension of the east and west center line of Block 5, KEIL HEIGHTS No. 2, a Townplat recorded in Book 26 on Page 3, said RECORD OF TOWNPLATS; thence following the easterly extension of and the east and west center line of said Block 5, North 89° 18' West to the east boundary of 42nd Street; thence following the east boundary of 42nd Street, South 0° 45' West 265.00 feet to the northwest corner of Lot 1, Block 4, said Keil Heights No. 2; thence South 89° 18' East 307.20 feet to the northeast corner of Lot 8, said Block 4; thence following the east boundary of said Lot 8, south to the southeast corner thereof; thence following the south boundary of said Block 4, East to the southeast corner of Lot 9, said Block 4 and which is located in the west boundary of said MARTIN HEIGHTS; thence following the west boundary of said MARTIN HEIGHTS, South to the most westerly southwest corner thereof; thence following the south boundary of MARTIN HEIGHTS South 89° 17' East, 315.82 feet to a re-entrant corner in the west boundary of said MARTIN HEIGHTS; thence following the west boundary of said MARTIN HEIGHTS, South 0° 35' 04" West, 693.07 feet to the most southerly southwest corner thereof; thence following the south boundary of said MARTIN HEIGHTS

South 89° 14' East 316.41 feet to the most southerly southeast corner thereof; thence following the east boundary of said Plat of MARTIN HEIGHTS, North 0° 30' East, 318.12 feet to a re-entrant corner in the south boundary thereof; thence following the south boundary of said MARTIN HEIGHTS, South 89° 14' East, 10.00 feet to the northwest corner of that certain tract conveyed to School District 1-c on November 17, 1953, recorded in Book 475 on Page 607, Deed Records for Clackamas County, Oregon; thence following the west boundary of said School District tract South to the southwest

corner thereof in the northeast boundary of the S.S.Fields Road No 1438; thence South 55° 17' East, 380.46 feet to the most southerly corner thereof; thence at right angle Southwesterly 60.00 feet to the Southwesterly boundary of said Fields Road located in the Northwesterly boundary of the Southern Pacific Company's right-of-way; thence following said road boundary, northwesterly to an intersection with the southerly extension of the west boundary of Lot 33, said Block 77 in the aforesaid MINTHORN ADDITION; thence following the aforesaid extension and the west boundary of said Lot 33, North to the northwest corner of Lot 33; thence following the east and west center line of said Block 77, East to the east boundary of said Block; thence following the east boundary of said Block, North to the northeast corner of said Block, which is the point of beginning of the tract herein described.

TRACT 10.

Beginning on the North line of Tract No. 3 WAVERLY HEIGHTS, 400.1 feet East, measured on said North line of an iron pipe set at the intersection of said north line with the East line of a 30 foot road along the west line of said Tract, said beginning place being the Northeast corner of a tract described in contract of sale to Leroy B. Staver and wife, recorded January 18, 1941, in Book 276 on Page 309, Deed records for Clackamas County; thence East along the north line of said Tract to the West line of the County Road; thence southerly along the said west line 75 feet; thence West parallel with the North line of said tract 150 feet; thence South parallel with the east line of said Tract 50 feet to a point 125 feet South measured on a perpendicular line from said North line; thence East parallel with and 15 feet distant from said North line, to the East line of said Staver Tract; thence North on said east line 125 feet to the place of beginning, subject to the rights of the public in the portion in the walk on the Northerly line of said Tract No.3

ALSO

Part of Tract 3, Waverly Heights more particularly described as: Beginning on the north line of said Tract 400.1 feet East (measured on said north line) of an iron pipe set at the intersection of said North line with the east line of a 30 foot road along the West line of said Tract, said beginning place being the Northeast corner of a Tract described in contract of sale to Leroy B. Staver and wife, recorded January 18, 1941 in Book 276 Page 309 Deed Records for Clackamas County; thence South on the east line of said Staver tract 125 feet to the true point of beginning of the tract to be described; thence East parallel with the North line of said Tract 3, to the west line of the County Road; thence Southerly along the west line of said County Road 75 feet; thence West to the east line of said Staver Tract, thence North 75 feet more or less to the point of beginning.

Section 4. That the City Recorder be, and she is hereby directed to make such changes on the official Zoning Map which now accompanies Ordinance No. 481 as amended that will reflect the changes in zone boundaries effected by this ordinance, and she is further directed to indicate on said map over her signature and official title the date upon which such changes were made.

Section 5. Inasmuch as this ordinance is necessary for the immediate preservation of the public health, peace and safety of the City of Milwaukie and the inhabitants thereof, in this, that it is urgently and immediately necessary to protect and preserve the minimum requirements for the general welfare established by Ordinance No.481, to protect and preserve property values and vested rights, and to preserve the public credit, an emergency is hereby declared to exist and this ordinance shall take effect and be in full force and effect from and after its passage and signing by the Mayor.

Read the first time this 29th day of October, 1956  
Read the second time and passed by the Council this 12th day of November, 1956  
Signed and approved by the Mayor this 12th day of November, 1956

ATTEST: \_\_\_\_\_  
Recorder.

657 \_\_\_\_\_  
Leonard B. Mullan, Mayor