ORDINANCE NUMBER 685

AN ORDINANCE PROVIDING FOR PROCEDURE WITHOUT ELECTION TO ANNEX CERTAIN TERRITORIES CONTIGUOUS TO THE PRESENT BOUNDARIES OF THE CITY OF MILWAUKIE, CLACKAMAS COUNTY, OREGON, FIXING A DAY FOR PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MILWAUKIE, OREGON ON THE QUESTION OF SUCH ANNEXATION, ~~AND~~ DIRECTING PUBLICATION OF NOTICE OF SUCH HEARING. and declaring an emergency

THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. The Consents in writing of Robert W. Sutton and Helen E. Sutton, husband and wife; Jacob Gorsek and Theresa Gorsek, husband and wife; Sally J. Edwards; Ben B. Edlefsen and Lydia Edlefsen, husband and wife; Carl Ray McQueeney and Frances Marie McQueeney, husband and wife; Mary Elezabeth Buzan; Roe D. Buzan and Harriette B. Buzan;husgand and wife; Roy A. Schomer and Nora Schomer, husband and wife; Gordon A. Morterud and Gertrude P. Morterud; husband and wife; Ernest W. Barrett and Ardus C. Barrett, husband and wife; George R. Allen and Mildred B. Allen, husband and wife; Charles B. Bussey and Margaret L. Bussey, husband and wife; David H.Packard and Louise I. Packard, husband and wife; Ernest H. Abei; Doris M. Cooper; Edith M.McEachern; Erma Kleinhans; Monroe Sweetland and Lillie M. Sweetland, husband and wife; Fred Spring and Maida Spring, husband and wife; David L.Hawkins and Frances A. Hawkins, husband and wife; Harold MacDonald Jr. and Mary C. MacDonald, husband and wife; Winifred G. Fisher; Harry W. Carson and Freda Carson, husband and wife; Milwaukie Grange No. 268,Alfred M.Badger,R.S.Chaney, J.F.Transue, Margaret E. Shearer,Trustees; Robert J. Dunlap and Betty I. Dunlap, husband and wife; LaVern E. Coleman and Margaret S.Coleman, husband and wife; Thomas G. Shaw and Lucile M. Shaw, husband and wife; Helen Wade Jauncy; Miles A. Drum and Annabelle Drum, husband and wife; Milla L.Levy; Leland H. Leighton and Naomi E. Leighton, husband and wife; Otto F. and Hilda E. Keller; husband and wife; Kenneth Birkemeier and Marjorie Birkemeier, husband and wife; Floy B. Phillips and Gentry L. Phillips, husband and wife; L.A. Wheelwright and LaVera B. Wheelwright, husband and wife; Vern R. Camplan and Helen L. Camplan, husband and wife; Harriet Saremal; Roy V. Leonard and Grace Leonard, husband and wife; Letha Hodge; Robert W. Gould and LaVaughn Gould, husband and wife; Dorothy Saremal; Harvey C. Pershin and Janice R. Pershin, husband and wife; Julius Frei and Martha M. Frei, husband and wife; Portland Traction Company, E.E. Vonderahe, Vice-President;

George D. Arntjen and Ethel Arntjen, husband and wife; Ernestine Maroma; Carl Maskey;

to the annexation of the following described territories to the City of Milwaukie, Oregon, which are contiguous to the present boundaries of the City of Milwaukie,Oregon, and of which they are the sole owners of record respectively, of the tracts comprising said territories set forth in their respective consents in wirting, said territories being situated in the County of Clackamas and the State of Oregon, and more particularly described as follows, to-wit:-

All that portion of Lots 6,8,10,and 12, Block 1, Robertson's Addition, lying west of the Portland Electric Power Co. (Portland Traction Co) holdings, in the County of Clackamas and State of Oregon; That part of Lots 1 and 3 lying west of Portland Traction Company's property in Block 2 Robertson's Addition and Lot 5, Block 2 Robertson's Addition; Lots 2,4,6, Block 2, Robertson's Addition; Lots 7 and 9 Block 2 Robertson's Addition; Lot 11, Block 2 Robertson's Addition,in the County of Clackamas and State of Oregon together with a ten foot strip described as follows: Beginning at the southeast corner of Lot 11, Block 2 of said Robertson's Addition, thence south 10 feet;thence west 100 feet to a point 10 feet south ofthe southwest corner of said Lot 11; thence North 10 feet to the southwest corner of said Lot 11; thence East along the south line of said Lot,100 feet to the point of beginning; The north 10 feet of Lot 1, Block 3, Robertson's Addition in the County of Clackamas State of Oregon together with vacated 3rd Street lying between said Lot 1 and Lot 11 Block 2, Robertson's Addn

Lot 3 Block 3 and the south 40 feet of Lot 1, Robertson's Addition; The south one half of Lots 5 and 6 Block 3,and Lots 7 and 8 Block 3, Robertson's Addition; Lots 9 and 11,Block 3, Robertson's Addition; Lots 1,2,3;4, Block 4 Robertson's Addition; Lots 7,9,11, Block 4, Robertson's Addition; Lots 10,11,12, Block 5, Robertson's Addition; All of Lot 8, except a strip 12 feet in width along the entire north side of said Lot, all of Lots 10 and 12, except the portion of said Lot 12, in the southwest corner thereof conveyed to Clackamas County by instrument recorded in Book 158,page 354, Deed Records all in Block 4, Robertson Addn. in the County of Clackamas and State of Oregon; Lots 1,2,3,4,5,6,7,8,9,10,11,12, Block 6 Robertson Addition. The east 10 feet of vacated 5th Avenue if Fits 2 & 4 and East ½ of vacated 5th Ave. Lot 6; Lots 7,9,11, Block 15 and South 30 feet of Lot 5 Block 15,Robertson's Addition; Lots 7,8,10,12, Block 6 Robertson's Addition and east ½ of vacated 5th Ave. Tax Lot 118, Whitcomb D.L.C. being a part of Section 35,36. 0.23 Acres, Vol.329 Page 232 and more particularly described as follows:

Part of the Lot Whitcomb D.L.C. # 38 in Sections 35 and 36 T. 1 S.,R.1 E. W.M., more particularly described as follows: Beginning on the south line of 4th Street in [illegible] Pacific Company right-of-way, Robertsons Addn.

Lots 9,10,11,12, Block 7 Robertson Addn. Lots 6,8 Block 7, Robertson's Addn. Lots 2 & 4, Block 7, Robertson's Addition. Lot 11, Block 8 Robertson's Addn; Lot 12, Block 8 Robertson Addn, Lots 8 & 10, Block 8,Robertson Addn; Lot 7,Block 8 Robertson Addn. Lot 5, Block 8 Robertson Addn; Lots 10 & 12, Block 9, Robertson Addn; Lots 5,6,7,8 Block 9, Robertson Addn; Lots 1 & 3 , Block 9, Robertson Addn; Lots 2 & 4, Block 9 Robertson Addn; Lots 7 to 12 inclusive, Block 14, Robertson Addn; Lots 5 & 6 Block 14 Robertson Addn; Part of vacated 4th Street west of Lot 6; Lots 1, 3 and the north 20 feet of Lot 5 , Block 15 Robertson Addn and all of the grantor's right,title and interest in and to the West 60 feet of the formerly dedicated street known as Fifth Avenue, beginning at the Northwest corner of Block 15, Robertson; thence South 120 feet following the east line of said Block 15, Robertson, thence Easterly 60 feet to a point 120 feet south of the south line of Fifth Street; thence northerly 120 feet to the South line of Fifth Street; thence Westerly 60 feet to the place of beginning, in the County of Clackamas and State of Oregon; Lots 2,4,6,8,10,12, Block 15 Robertson Addn; Lots 1 to 10 inclusive, in Block 24, Lots 1 to 10 inclusive in Block 25 and Lots 1 to 5 inclusive in Block 27, Robertson, and those portions of Lots 2,4 and 6 in Block 16, in Road subdivision lying Westerly of the right-of-way of the Beaverton and Willsburg Railway Co.,together with those portions of vacated 1st,2nd and 3rd Avenues adjacent to that portion of said Block 16 acquired by the Beaverton and Willsburg Railroad Co. a corporation, by deed recorded July 9, 1909, in Deed Record 109 at Page 609, and excepting any part of said vacated 3rd Street lying within the right of way of said Railroad.; Lots 11 and 12, Block 24, Lots 11 and 12,Block 25 and Lot 6, Block 27, all in Robertson Addn, That part of 3rd Avenue now vacated lying between Lot 11, Block 24 and the westerly line of that tract of land conveyed to the Beaverton and Willsburg Railroad Co. by deed recorded July 9, 1909 in Book 109 page 609 Deed Records all in the plat of Robertson's Addition; All of Block 4 Birkemeier Addition, lying westerly of the Portland Traction Company right-of-way; Lot 1, Block 3 Birkemeier Addition to Milwaukie Heights; Part of Lot 1.Block 3. Birkemeier Addn described as fol-

A part of Lot 1 of Block 3 of Birkemeier Addition to Milwaukie Heights described as follows: Beginning at a point on the South side of said Lot 50 feet East from the southwest corner thereof, thence North 100 feet; thence East 50 feet, thence South 100 feet to the south side of said Lot; thence West on the southerly boundary of said Lot 50 feet to the place of beginning. A part of Lot 1, Block 3, Birkemeier Addition to Milwaukie Heights more particularly described as Beginning on the South line of said Lot 100 feet East of the southwest corner of said Lot, said beginning place being at the Southeast corner of a tract conveyed to Helen L. Camplan by deed recorded 8/21/37 in Book 234 Page 246, Deed Records, thence North on the east line of said Camplan property 100 feet, thence East 10 feet. thence South parallel with the east line, 100 feet to the south line of said Lot; thence West 10 feet to the place of beginning.; Lot 2, Block 3, except the Westerly 30 feet thereof.; Lot 1 except the east 50 feet thereof, Blokc 2, Birkemeier Addition to Milwaukie Heights; The east 50 feet of Lot 1. Block 2, Birkemeier Addition to Milwaukie Heights; Part of Lot 2 Block 2, Birkemeier Addition to Milwaukie Heights, more particularly described as follows: Beginning at the northwest corner of said Lot Block 2; thence South 89° 05' East along the north line of said Lot 2 a distance of 125 feet, thence South 3° 29' West 80 feet; thence South 28° 42' West 78.98 feet to a point on the north line of that tract of land conveyed to Leitmar Keskula et ux by deed recorded April 20, 1955 in Book 494 page 425 Deed Records, thence along the north line of said Keskula tract north 89° 05' West 84 feet more or less to the northwest corner of said Keskula tract and the west line of said Lot 2, Block 2, thence north along said west line 150 feet to the point of beginning, in the County of Clackamas and State of Oregon; A tract of land located in Birkemeier Addition to Milwaukie Heights, a Townplat recorded in Book 8 Page 18, Record of Townplats for Clackamas County Oregon being located in Lot 2, Block 2, more particularly described as follows: Beginning at an iron pipe on the north boundary of Lot 2, Block 2, that is South 89° 05' East 125.0 feet distant from the northwest corner of said Lot 2; thence South 3° 29' West 80.0 feet; thence South 28°42' West 78.97 feet; thence south 89° 05' East 40.30 feet; thence North 0° 55' East 150.00 feet to the point of beginning.; The north half of Lot 1, Block 1, Birkemeier Addition to Milwaukie Heights, the said north half to be determined by a line drawn parallel with and 100 feet from the southerly line of said Lot 1, Block 1

All those portions of Blocks 1,2 and 10 in Robertson's Addition and all those portions of Blocks 39,40,42,49,50 and 51 and that portion of vacated 9th Avenue in Milwaukie Heights, and those portions of Blocks 1,2,3 in Birkemeier's Addition, all as of record in the record of plats of Clackamas County, which lie between the westerly side line of the Portland and Oregon City Super Highway, (99E) and a line parallel with, westerly of and 33 feet distant from the said line of the said highway. Also, That portion of Block 48 of the said Milwaukie Heights which lies between the said line of the said highway and a line described as follows: Beginning at a point in the easterly side line of the said Block 48, south 1° 12' west of the north east corner thereof; thence north 33° 00' west 255.05 feet to a point; thence northwesterly 69 feet more or less to a point on the north line of the said block, 37.45 feet south 88° 48' east of the northwest corner of the said block. ALSO a strip of land 40 feet in width lying between the easterly side line of Block 8 and the westerly side line of Block 28, Milwaukie Heights and extending from the northerly to the southerly lines thereof, ALSO such property rights as we (Portland Traction Co.)may retain in a 40 foot right-of-way across Park Avenue, being a strip of land between a line 15 feet westerly of and parallel with the center line of the track and a line 25 feet easterly of and parallel with the track as laid out and constructed between the north and south line of Park Avenue.

Fri. Lots 19,20,21,22,23,24 Block 68, Minthorn Addition to the City of Portland.

are hereby accepted as the same have heretofore been placed on file with the Recorder of the City of Milwaukie, Oregon.

Section 2. The City Council of the City of Milwaukie,Oregon, does hereby elect to dispense with, and hereby does dispense with submitting the question of the annexation of said terratories to the registered voters of the City of Milwaukie,Oregon.

(ATTACH PRINTED COPY HERE)

Affidavit of Publication

STATE OF OREGON
COUNTY OF CLACKAMAS

I, MONROE SWEETLAND, being first duly sworn, depose and say that I am the owner and publisher, of the MILWAUKIE REVIEW, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; printed and published at Milwaukie, in the aforesaid county and state: that the Notice of Annexation Hearing

a printed copy of which is here-to annexed, was published in the entire issue of said newspaper for 2 successive and consecutive weeks in the following issues October 3, October 10, 1957

Monroe Sweetland

Subscribed and sworn to before me this 20th day of February, 1960.

Lillie M. Sweetland
Notary Public for Oregon

(My Commission expires May 12, 1962)

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Section 4. That notice of the time and place of said hearing be published in the Milwaukie Review, a paper of general circulation in the City of Milwaukie, Oregon, once each week for two successive weeks prior to the said date fixed for public hearing, and that the City Manager cause to be posted in four public places within the City of Milwaukie, Oregon, written notice of said hearing and the time and place thereof for a like period of time.

Section 5. Inasmuch as this ordinance is immediately necessary for the preservation of the public health, peace and safety of the City of Milwaukie and the inhabitants thereof, in this, that the result of the enactment of this ordinance will be to place valuable and extensive real property upon the tax rolls, provide the city with new sourses of tax revenues, accelerate sanitary developments, and preserve the public credit, therefore, an emergency is hereby adjudged and declared to exist and this ordinance shall take effect from and after its passage and signing by the Mayor.

Read the first time this 9th day of September, 1957

Read the second time and unanimously passed by all of the members of ~~the~~ the Council this 30th day of September 1957

Approved and signed by the Mayor this 30th day of September 1957

Leonard B. Mullan
L.B. Mullan, Mayor

ATTEST:
R. E. Osborne
Recorder.