

AN ORDINANCE PROVIDING FOR THE 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 Ella Davis; Ralph C. Christensen and Evelyn Christensen; Ida R. Martin; Dan Birkemeier and Evelyn Birkemeier, husband and wife; T.W. Loder and Bess M. Loder, husband and wife; Fred Byron and Betty Byron, husband and wife; G.E. Coppom and Daphne Coppom, husband and wife; Howard E. Berry and Mary Ellen Berry, husband and wife; Fred J. Epeneter and Lois A. Epeneter, husband and wife; Bessie Virginia Keyser; Harvey C. Pershin and Janice R. Pershin, husband and wife; Shelby F. Thompson; S.S. Pierce and Leona M. Pierce, husband and wife; Earl L. Lovell and Viola Lovell, husband and wife; J.O. Moore and Roxie M. Moore, husband and wife; Harry S. Sannerud and Lulu M. Sannerud, husband and wife; Joseph P. Hosely and E.E. Hoesly, husband and wife; Delbert E. Johnson and Leona E. Johnson, husband and wife; A.C. Wherry and Emma L. Wherry, husband and wife; Ralph H. Erlandson and Patricia H. Erlandson, husband and wife; Edward J. Busch and Cecilia K. Busch, husband and wife; Anita L. Rude and Julian E. Rude, husband and wife; LeRoy R. Fox and June Fox, husband and wife; Alvin R. Johnson and Edith Johnson, husband and wife; Beryl H. LaFollette LaMar et al; J.O. Schneibel and Eleanor Schneibel, husband and wife, Harold M. Finlay and Melva D. Finlay, husband and wife; D.M. Steeves and Ruby L. Steeves, husband and wife; Esther Ott Sheets; Ludwig Heisler and Elizabeth Heisler, husband and wife; P.J. Beedle and Ida H. Beedle, husband and wife; Edwin J. Heisler and Kathryn Stella Heisler, husband and wife; James W. Reid and Margaret F. Reid, husband and wife; Harry S. Sannerud and Lulu M. Sannerud, husband and wife; Morris K. Leow, Gordon Woo and Bey K. Leow. Dan F. Eastman and Frances M. Eastman, husband and wife.

to the annexation of the following described territories and to the territories lying within the following described boundaries, 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 writing, said territories being situated in the County of Clackamas and the State of Oregon, and more particularly described as follows, to-wit:

The south 1/6th of Block Seven, (7) GLOVERLAND, according to the duly recorded Plat thereof, said tract being in dimensions 93.73 feet, north and south, and 74.42 feet, east and west, ALSO the south half of the following: Part of the Hector Campbell and wife D.L.C., in Section 30, T.1S., R.2 E. W.M. adjoining the above described real property on the East, described as: Beginning at a point which is 179.10 feet West and 371.54 feet South of the Northeast corner of a 40 acre tract of land deeded by W. Dunbar, J. Downey and W.A. Currie and wife to the Silverton and Portland Land and Investment Company on November 20, 1890, said deed being recorded in Book 40, page 14, Deed Records, on December 1, 1890; thence South 187.46 feet; thence West 149.10 feet; thence North 187.46 feet; thence East 149.10 feet to the place of beginning, being in the County of Clackamas and State of Oregon.

Lot Two (2), Block One (1), BIRKEMEIER ADDITION TO MILWAUKIE HEIGHTS, according to the duly recorded plat thereof, EXCEPT the south 100 feet thereof, parallel with the south line of said lot and also EXCEPT the northerly portion of said lot conveyed to Alfred Allen by deed recorded March 21, 1910, in Book 114, page 535, Clackamas County Deed Records, said Allen tract being all that part of Lot 2, Block 1, lying north of the south line of Lot 1, Block 2, extended through Lot 2, Block 1.

The south 100 feet of the following described tract, the northerly boundry of which is parallel to the northerly boundary of Lake Road: *-being a portion of*
Tax Lot 38 of the Joseph Kellogg D.L.C. as recorded in Book 420 on Page 538, more particularly described as follows:

Beginning at the southeast corner of the Lot Whitcomb D.L.C. No. 38 in Section 1, T. 2 S., R. 1 E. of the W.M., thence North along the east line of the said Lot Whitcomb D.L.C. 33.66 chains to a stake; thence East 11.14 chains to a stake which

marked the northwest corner of that certain tract of land conveyed to Charles A. Quall et ux by deed recorded October 14, 1930 in Book 208 Page 322, Deed records; thence South 994.2 feet along the west line of the said Quall tract, thence East along the south line of that certain tract of land conveyed to Robert R. Kimbro and Vesta Kimbro by deed recorded July 16, 1935 recorded in Book 228 Page 191 Record of Deeds, a distance of 185.3 feet to the east line of said Quall tract; thence South along the east line of said Quall tract 116 feet to a pipe at the place of beginning of the tract herein described, thence continuing South 264.56 feet to the Northerly right-of-way line of Lake Road; thence north 71° 30' West 78.29 feet along said right-of-way line to a pipe; thence north 18° 30' east 44.83 feet to a point; thence North 211.60 feet on a line parallel with and 60 feet west of the east line of the Quall property to a pipe; thence South 76° 30' West 61.70 feet to the true point of beginning.

ALL TERRITORIES OR LANDS LYING WITHIN THE FOLLOWING DISTRICT, BOUNDED AS FOLLOWS:

Beginning at the intersection of the south boundary of Lot 5, Block 48, Milwaukie Heights, a Townplat recorded in Volume 4, Page 28, Record of Townplats for Clackamas County, Oregon, with the intersection of the southwesterly boundary of the Portland Traction Company right-of-way; thence Northwesterly along the southwesterly boundary of the right-of-way of said Traction Company to its intersection with the easterly extension of the north boundary of 5th Street of said plat; thence Westerly following the easterly extension and the north boundary of said 5th Street to the southeast corner of Block 39 of said plat and in the northerly extension of the west boundary of 9th Avenue; thence following the west boundary of 9th Avenue, South 210.00 feet to the northeast corner of Lot 7, Block 38 of said plat; thence West 230.0 feet to the ~~corner~~ center of 8th Avenue of said plat; thence South 150.0 feet to the north boundary of Lakewood Lane, also known as 6th Street, of said plat; thence West 30.0 feet to the southeast corner of Block 33 of said plat; thence South 60.0 feet to the northeast corner of Block 34, of said plat; thence East 260.0 feet to the northeast corner of Block 37 of said plat; thence South 560.0 feet to the northeast corner of Lot 9, Block 36 of said plat; thence West 100 feet to the northwest corner of said Lot 9; thence South 100 feet to the southwest corner of Lot 11, Block 36 of said plat; thence East 160.0 feet to the southeast corner of Lot 12, Block 45 of said plat; thence North 150.0 feet to the southwest corner of Lot 6, Block 45 of said plat; thence East 260.0 feet to the southwest corner of Lot 6, Block 46 of said plat; thence North 260.0 feet to the southwest corner of Lot 10, Block 47 of said plat; thence East 100.0' to the southeast corner of said Lot 10; thence North 187.5 feet to a point in the east boundary of Lot 4, Block 47 of said plat, 12.5 feet distant South from the northeast corner thereof; thence East 160.0 feet to the east boundary of 11th Avenue of said plat; thence along the east boundary of said 11th Avenue, North to its intersection with the southwesterly boundary of the Portland Traction Company right-of-way; thence Northwesterly along said right-of-way boundary to a point that is North 1° 18' East 42.95 feet from the southeast corner of Block 48 of said plat; thence continuing along said southwesterly Portland Traction Company boundary, North 33° 10' West 86.7 feet to an iron pipe in the northeasterly boundary of Lot 7, Block 48 of said plat; thence South 81° 09' West 83.17 feet to an iron pipe in the north boundary of Lot 10, Block 48 of said plat; thence South 7° 50' East 101.25 feet to an iron pipe in the south boundary of said Block 48; thence West to the southwest corner of said Block 48; thence North 150 feet to the northwest corner of Lot 8, of said Block 48; thence following the north boundary of Lots 8 and 7 of said Block 48, East to the place of beginning.

All of Block 28, Milwaukie Park, a townplat recorded in Book 6, Page 15, RECORD OF TOWNPLATS, between the west boundary of the East Portland-Oregon City Highway and the east boundary of the Portland Traction Company right of way and streets adjacent thereto.

All of Lots 8, 9, 10, 11 of Block 7, said Milwaukie Park and the streets adjacent thereto.

All of Block 29, said Milwaukie Park, lying North of a line parallel with and 170 feet, measured at right angles to the Joseph Kellogg Claim boundary.

All of Lots 4, 5, 6, 7, 8, 13, 14, 15 and 16 of Block 19, of said Milwaukie Park and the streets adjacent thereto.

All of Lots 10, 11 and 12, Block 9 of said Milwaukie Park

All of Lots 14 and 15, Block 18, of said Milwaukie Park.

ALL TERRITORIES OR LANDS LYING WITHIN THE FOLLOWING DISTRICT, BOUNDED AS FOLLOWS:

Beginning at the intersection of the south boundary of the Joseph Kellogg Claim with the west right-of-way boundary of the East Portland-Oregon City Highway in Section 1, T.2 S., R.1 E., of the W.M.; thence following the south boundary of said Kellogg Claim, West 650.0 feet, more or less, to the northwest corner of the LeRoy R. and June Fox, husband and wife, tract, recorded in Book 297, Page 389, RECORD OF DEEDS for Clackamas County, Oregon, (hereafter all deed book and pages are RECORD OF DEEDS for Clackamas County unless otherwise stated); thence along the west boundary of the Fox tract, South ~~407~~ 407.0 feet, more or less, to a point in the north boundary of Cable Acres, a townplat recorded in Book 6, Page 23, RECORD OF TOWNPLATS for Clackamas County, Oregon; thence West to the northwest corner of said Cable Acres and in the west boundary of Linden Lane; thence following the west boundary of Linden Lane, South to its intersection with the westerly extension of the south boundary of Lot 2, Cable Acres; thence East following extension and the south boundary of said Lot 2 to the southeast corner thereof and in the east boundary of said Cable Acres; thence following the east boundary of said Cable Acres and the southerly extension thereof, South 1720.0 feet, more or less, to the south boundary of Courtney Avenue; thence East 144.5 feet to a point in the southerly extension of D.M. and Ruby Steeves tract, recorded in Deed book 513, Page 335; thence North along the south extension and the east boundary of said Steeves tract to its intersection with the south boundary of Torbank Avenue; thence following the south boundary of Torbank Avenue, East 145.0 feet, more or less, to the west boundary of the Beryl H. LaFollette LaMar et al, tract, recorded in Deed Book 439, Page 565; thence following the west boundary of said LaFollette LaMar tract and the south extension thereof to the south boundary of Courtney Avenue; thence following the south boundary of Courtney Avenue, and the easterly extension thereof, East to its intersection with the east boundary of the East Portland-Oregon City Highway; thence following the last mentioned highway boundary, North 6° 08' east to a point that is North 86.75 feet distant when measured at right angles to the south boundary of Lot 8, REDWOOD ACRES, a townplat recorded in Book 21, Page 5, RECORD OF TOWNPLATS for Clackamas County, Oregon; thence parallel with the south boundary of said Lot 8, East to the east boundary thereof; thence North 232.89 feet to a point in the east boundary of line of Lot 1, said Redwood Acres; thence parallel with the south boundary of the aforesaid Lot 8, West to its intersection with the northeast boundary of the East Portland-Oregon City Highway; thence following the said Highway boundary North 6° 08' east to its intersection with the southerly extension of the west boundary of the M. Schwarzenbach tract, recorded in Deed Book 267, Page 480; thence following the southerly extension of and the west boundary of last mentioned tract, North to the northwest corner thereof; thence following the North boundary of the said last mentioned tract, East to the southeast corner of the Edwin J. and Kathryn Heisler tract, recorded in Deed Book 435, Page 192; thence Northwesterly along the easterly boundary of the last mentioned tract and the easterly boundary of the Ludwig and Elizabeth Heisler tract, recorded in Book 346, Page 625, RECORD OF MORTGAGES for Clackamas County, Oregon, to the northeasterly corner of the last mentioned tract; thence following the north boundary of the last mentioned tract, West to its intersection with the northeasterly boundary of the East Portland-Oregon City Highway; thence following said Highway boundary, North 6° 08' west 610.0 feet, more or less, to the southwest corner of the Alvine Madenwald (P.J and Ida H. Beedle) tract, recorded in Deed Book 433, Page 302; thence following the south boundary of the last mentioned tract East to the southeast corner thereof; thence following the easterly boundary of the last mentioned tract, North and Northeasterly to the northeast corner thereof; thence Westerly along the north boundary of the last mentioned tract to its intersection with the northeasterly boundary of the East Portland-Oregon City Highway; thence following said Highway boundary, North 6° 08' West to its intersection with the south boundary of the Joseph Kellogg Claim; thence following the Joseph Kellogg Claim Boundary West to the Place of Beginning.

EXCEPTING therefrom Tax Lot 23 in the George Crow Donation Land Claim, as described in Deed Book 502, Page 6.

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 ~~to~~ the the question of the annexation of said territories to the registered voters of the City of Milwaukie, Oregon.

SECTION 3. That the City Council of the City of Milwaukie, Oregon, hereby fixes the 14th day of February 1958, at the hour of eight (8:00) o'clock P.M. in the Council Chamber of the City Hall, 926 Main Street, Milwaukie, Oregon, as the time and place for a public hearing before the Council of the City of Milwaukie, Oregon, at which time and place the registered voters of the said city may appear and be heard upon the question of such annexation.

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 sources 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 27th day of January 1958

Read the second time and unanimously passed by all of the members of the City

Council this 27th day of January 1958

Approved and signed by the Mayor this 27th day of January 1958

ATTEST: R. E. Osborne
Recorder.

Leonard B. Mullan
Leonard B. Mullan, Mayor