ORDINANCE NUMBER 733

AN ORDINANCE PROVIDING FOR THE REZONING OF CERTAIN PROPERTY IN THE CITY OF MILWAUKIE, CLACKAMAS COUNTY, OREGON, FROM ZONE 3-R-1 TO COMMERCIAL ZONE, AMENDING ORDINANCE NO. 481 AS AMENDED, AND DECLARING AN EMERGENCY.

THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

SECTION 1. That the written report of the City Planning Commission of the City of Milwaukie, Oregon, embodying its final recommendations after proceedings initiated by it pursuant to Section 9 of Ordinance No. 481, as amended, that said Ordinance No. 481, as amended, be further amended so as to provide that the tract of land hereinafter described be removed from that area of the City zoned as 3 R-1 by said Ordinance and that said tract of land be transferred to and included within the area of said City zoned as the Commercial Zone by said Ordinance No. 481, as amended, be and the same is hereby approved and adopted by the City Council.

SECTION 2. That Ordinance No. 481, as amended, of the City of Milwaukie, Oregon, be and it is hereby further amended so as to remove from the area of said City therein described adn zoned 3 R-1 the following tract of land described as follows, to-wit:

A tract of land located in the Lot Whitcomb Claim No. 38, T 1 S., R. 1 E., of the W.M., and being more particularly described as follows:

Beginning at a point in the north boundary of the Lot Whitcomb Claim that is South 88° 12' West 574.34 feet distant from the northeast corner of said claim, located at the northeast corner of the Cooper tract described in Book 93, page 617, Record of Deeds for Clackamas County, Oregon; thence following the east boundary of said Cooper tract, South 0° 07' East 175.0 feet to the southeast corner thereof; thence following the south boundary of said Cooper tract and parallel with the claim boundary, South 88° 12' West 141.0 feet to the southwest corner of the said Cooper Tract; thence along the west boundary of said Cooper tract, North 0° 07' West 17.41 feet to the southeast corner of the Whipple Tract described in Book 205, page 154, said Record of Deeds; thence following the south boundary of said Whipple tract, South 88° 12' West 56.9 feet to the southwest corner thereof; thence following the west boundary of said Whipple tract, North 0° 07' West to the southeast corner of the Teel tract described in Book 164, page 586, said Record of Deeds; thence following the south boundary of said Teel tract, South 88° 12' West 61.0 feet to a point in the west boundary of the Waters Tract described in Book 225, page 495, said Record of Deeds; thence South 1° 08(East along the east boundary of said Waters tract to an intersection with the north boundary of Railroad Avenue and which intersection is South 88° 12' West 833.66 feet distant and South 1° 08' East 220.0 feet distant from the northeast corner of the aforesaid Whitcomb Claim; thence following the northeasterly boundary of said Railroad Avenue, North 33° 58' West 66.57 feet to a point that is South 88° 12' West 882.83 feet distant and South 1° 08' East 180 feet distant from the northeast corner of said Claim; thence continuing northwesterly along the northeasterly boundary of said Railroad Avenue to a point that is South 88° 12' West

947.83 feet distant and South 1° 08' East 130.0 feet distant from the northeast corner of said claim; thence North 1° 08' East 130.0 feet to the north boundary of the said Whitcomb Claim; thence North 88° 12' East 373.49 feet to the point of beginning of the herein described tract. However, excepting therefrom all portion within Harrison Street.

Also beginning at a one-half inch iron pipe located in the South boundary of Harrison Street in the City of Milwaukie, that is west 574.34 feet distant when measured along the center line of said Harrison and South 30.00 feet distant when measured at right angles to the said center line of Harrison Street, from the northeast corner of aforesaid Whitcomb Claim, from said beginning point thence following the said south boundary of Harrison Street east 75.00 feet to a one-half inch iron pipe; thence at right angles south 180.00 feet to a one-half inch iron pipe; thence West 75.00 feet parallel with the said south boundary of Harrison Street, to a three-quarter inch iron pipe; thence at right angles to the said South boundary of Harrison Street, north 180.00 feet to the place of beginning.

AND

Beginning at a 1/2 inch iron pipe located in the south boundary of Harrison Street in the City of Milwaukie, that is west 499.34 feet distant; when measured along the center line of the said Harrison Street and 30.00 feet distant, when measured at right angles to the said center line of Harrison Street from the northeast corner of the aforesaid Whitcomb Claim; from said beginning point, thence following the south boundary of Harrison Street east 49.00 feet to a 1/2 inch iron pipe; thence at right angles south 180.00 feet to a 1/2 inch iron pipe; thence west 49.00 feet parallel with the said south boundary of Harrison Street to a 3/4 inch iron pipe; thence at right angles to said South boundary of Harrison Street north 180.00 feet to the point of beginning of the tract herein described in the County of Clackamas and State of Oregon. ~~The above described area is comprised of [illegible] Lots [illegible], [illegible], [illegible], [illegible], [illegible], of the 1st Whitcomb D.L.C.~~

SECTION 3. That said Ordinance No. 481 as amended be and it is hereby further amended so as to include within the Commercial Zone established by said Ordinance No. 481, as amended, the tract of land set forth and described in Section 2 of this Ordinance.

SECTION 4. That the City Manager be, and he hereby is directed to make appropriate changes on the Zoning Map of the City of Milwaukie, Oregon, as will reflect thereon the zoning changes accomplished by this Ordinance.

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 accelerate city development 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 13th day of October, 1958.

Read the second time and passed this 10th day of November 1958, by the unanimous vote of all the members of the City Council.

Signed and approved by the Mayor this 10th day of November 1958.

Leonard B. Williams
Mayor of Milwaukie, Oregon

ATTEST:

W. E. Osborne
Recorder, City of Milwaukie, Oregon