

ORDINANCE NUMBER 845

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

THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

SECTION 1. The Consents of SOUTHERN PACIFIC COMPANY; JOE BOCCI and MARY BOCCI, husband and wife, and GUIDO BOCCI, an unmarried man; RAYMOND E. SNIDER and JOYCE E. SNIDER, husband and wife; CESARE BOCCI and GIUSEPPINA BOCCI, husband and wife; ROSE GREER; JACOB A. WEBER and LENA WEBER, husband and wife; FORREST K. BARTHOLOMEW and SARAH L. BARTHOLOMEW, husband and wife; GEORGE EIVERS, ^{and Ruth M. Eivers, husband and wife;} FRED C. BAKER and INEZ BAKER, husband and wife and FRED E. WEBER, an unmarried man

TO THE ANNEXATION OF

S.P.R.R. That portion of the Southern Pacific Company's main line right-of-way described as follows:

All that portion of Southern Pacific Company's main line right-of-way, being 60 feet in width, described as:

Beginning at the southeasterly end of the 750 foot long portion of said right-of-way which was described in and annexed to the City of Milwaukie by Ordinance No. 813, passed by the Council of the City of Milwaukie and signed by the Mayor on September 12, 1960; thence running southeasterly to the intersection thereof with the southeasterly line of Harmony Road, said strip of right-of-way being 4474 feet, more or less, in length.

Joe Bocci THE NORTHERLY 10 FEET OF THE FOLLOWING DESCRIBED PROPERTY.

Guido Bocci Beginning at a point in the south boundary of the John D. Garrett D.L.C. in Township 1 and 2 South of Range 2 East of the W.M., 30 chains North 89°22' West of the southeast corner of said Donation Land Claim; thence North 0°33' East 905.86 feet tracing the east line of that tract of land conveyed by Nancy Long to John Hagenburger, recorded in Book G on Page 79 of the Deed Records of Clackamas County, State of Oregon, to a point in the center of a ditch and the place of beginning of the tract of land here described; thence North 0° 33' east 772.56 feet to the south line of the right-of-way of the Southern Pacific Railroad Company; thence Northwesterly, following along the said south line of said right-of-way, 790 feet; thence South 27° 29' 30" West 187.10 feet; thence South 44° 24' 30" East 647.35 feet; thence South 35° 11' 30" West 213 feet to a point in the center of said ditch; thence South 48° 51' 30" East 570.1 feet tracing the center of said ditch to the place of beginning, containing 8.54 acres of land, more or less, being the same land as is described in that certain Warranty Deed, dated and acknowledged the 31st day of December, 1924, and recorded the 2nd day of January, 1925, in Book 117, at page 306 of the Deed Records of Clackamas County, State of Oregon.

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Raymond Snider THE NORTHERLY 10 FEET OF THE FOLLOWING DESCRIBED PROPERTY.

Part of the John D. Garrett D.L.C., in Section 31, T.1 S., R.2 E. of the W.M., and Section 6, T.2 S., R.2 E., of the W.M., described as beginning at the northwest corner of that certain tract of land conveyed to Oscar Cash and Emma Cash, his wife, by deed recorded in Book 98 at page 315, Deed Records, being the same property conveyed to A. Meyer by deed recorded in Book 104, page 165, Deed Records; which beginning point is located north 0° 55' west 1687.1 feet from a point on the south line of said John D. Garrett D.L.C., which is 1986 feet west of the southeast corner of said claim; and which beginning point is on the south side of the Southern Pacific Company's right-of-way; and which beginning point is also south 0° 55' West 11.20 feet from an iron pipe at the northwest corner of a tract conveyed to Benedetto Bocci and Luigi Bocci, by deed recorded in Book 177, page 306, Deed records; from said beginning point south 63° 20' east on south line of said Southern Pacific Company's right-of-way 90 feet; thence south 64° 05' east along the south side of said right-of-way 206 feet to an iron pipe at the northwest corner of a tract of land conveyed to Cesare Bocci by deed recorded in Book 172, page 640, Deed Records; thence south 0° 55' west along the west line of said Cesare Bocci tract, 793 feet to the center of Minthorn Springs Creek; thence in a ~~northwesterly~~ northwesterly direction along the center of said creek 310.90 feet, more or less, to a point on the east boundary of said tract of land

65°16'30" East tracing the southwesterly line of said right-of-way 332.78 feet, the true place of beginning of the tract of land to be described; thence continuing South 65°16'30" East tracing the southwesterly line of said right-of-way 477.88 feet to an iron rod driven in the center of the Foster County Road; thence tracing the center of of said road, South 29°53' West 16.4 feet to an iron rod; thence along the center of said Road, South 82°38' West 381.3 feet to an iron rod driven in an angle of said road; thence along the center of said road South 63°44' West 37.60 feet; thence in a Northerly direction a distance of 285 feet, more or less, to the true place of beginning, containing 1.49 acres, more or less.

Geo Eivers A TRACT (located on the Northwest corner of Railroad and Stanley Avenues in Milwaukie, Oregon) in the J.D. Garrett D.L.C. in Section 31, T. 1 S., R. 2 E., County of Clackamas and State of Oregon, described as follows:

Commencing at the Northeast corner of said D.L.C.; then West along the North line of said Claim 1074.25 feet to an iron pipe; thence South 2904 feet to a stake, which is the Northeast corner of Lot 10 in a private plat on file with the State Land Board; thence West 290 feet to a point; thence South 916.8 feet to a point on the Southern Pacific Railroad right-of-way; thence Southeast along said right-of-way 320 feet; thence North 1052 feet to the point of beginning.

Baker-Webber Part of the J.D. Garrett and wife D.L.C. #38, in T. 1 S., R. 2 E., of W.M., and part of the Southwest quarter of Section 32, in T. 1 S., R. 2 E., of W.M., and part of the north half of the Northwest quarter of Section 5 in T. 2 S., R. 2 E., of W.M., described as follows:

Beginning at the Northeast corner of the Joseph P. Eagon D.L.C., which is 1320.00 feet East of the Northwest corner of Section 5, in T. 2 S., R. 2 E., of W.M.; thence South on the east line of the said Eagon D.L.C., 190.80 feet more or less, to the center of the Foster and Milwaukie County Road and to the true point of beginning of the tract herein described; thence from said true point of beginning run Easterly in the center of said Foster and Milwaukie County Road 1320.00 feet, more or less, to the North and South center line of Section 5, in T. 2 S., R. 2 E., of W.M.; thence North along said center line of said Section 5, in T. 2 S., R. 2 E., of W.M., and the center line of Section 32, in T. 1 S., R. 2 E., of W.M., 1650.20 feet more or less, to the Southeast corner of a certain tract of land described in Book 152 of deeds at Page 179, records of Clackamas County, Oregon; thence Westerly along the Southerly line of those tracts of land conveyed by deeds in Book 152, Page 179, and Book 178, Page 249, of said deed records, 2500 feet, more or less, to a point on the Westerly right of way line of the H. Loncoy County Road; thence Southerly along said Westerly right of way line of the most Easterly road of two roads commonly referred to as Longcoy Road, to a point of intersection with the Northerly right-of-way line of the Foster and Milwaukie County Road; thence Easterly along the said Northerly right-of-way line of the Foster and Milwaukie Road to the true point of beginning.

65°16'30" East tracing the southwesterly line of said right-of-way 332.78 feet, the true place of beginning of the tract of land to be described; thence continuing South 65°16'30" East tracing the southwesterly line of said right-of-way 477.88 feet to an iron rod driven in the center of the Foster County Road; thence tracing the center of said road, South 29°53' West 16.4 feet to an iron rod; thence along the center of said road, South 82°38' West 381.2 feet to an iron rod driven in an angle of said road; thence along the center of said road South 63°44' West 37.60 feet; thence in a Northerly direction a stance of 285 feet, more or less, to the true place of beginning, containing 1.49 acres, more or less.

Geo Eivers A TRACT (located on the Northwest corner of Railroad and Stanley Avenues in Milwaukie, Oregon) in the D. Garrett D.L.C. in Section 31, T.1 S., R.2 E., County of Clackamas and State of Oregon, described as follows:
Commencing at the Northeast corner of said D.L.C.; then West along the North line of said Claim 1074.2 feet to an iron pipe; thence South 290 1/4 feet to a stake, which is the Northeast corner of Lot 10 in a private plat on file with the State Land Board; thence West 290 feet to a point; thence South 916.8 feet to a point on the Southern Pacific Railroad right-of-way; thence Southeast along said right-of-way 320 feet; thence North 105 feet to the point of beginning.

Webber Part of the J.D. Garrett wife D.L.C. #38, in T. 1 S., R. 2 E., of W.M., and part of the Southwest quarter of Section 32, in T. 1 S., R. 2 E., of W.M., and part of the north half of the Northeast quarter of Section 5 in T. 2 S., R. 2 E., of W.M., described as follows:

Beginning at the Northeast corner of the Joseph P. Eagon D.L.C., which is 1320.00 feet East of the Northeast corner of Section 5, in T.2 S., R. 2 E., of W.M.; thence South on the east line of said Eagon D.L.C., 190.80 feet more or less, to the center of the Foster and Milwaukie County Road and to the true point of beginning of the tract herein described; thence South 290 feet more or less, to the center of said Foster and Milwaukie County Road 1320.00 feet, more or less, to the North and South center line of Section 5, in T. 2 S., R. 2 E., of W.M.; thence North along said center line of Section 5, in T. 2 S., R. 2 E., of W.M.; thence to the Southeast corner of a certain tract of land described in Book 152 of deeds at Page 179, records of Clackamas County, Oregon; thence Westerly along the Southerly line of those tracts of land conveyed in Book 152, Page 179, and Book 178, Page 249, of said deed records, 250 feet more or less, to a point on the Westerly right of way line of the H. Longcoy road; thence Southerly along said Westerly right of way line of the most Easterly road commonly referred to as Longcoy Road, to a point of intersection with the Easterly right-of-way line of the Foster and Milwaukie County Road; thence Easterly along the said Northerly right-of-way line of the Foster and Milwaukie Road to the true place of beginning.

TO THE CITY OF MILWAUKIE, CLACKAMAS COUNTY, OREGON, which are contiguous to the present boundaries of the City of Milwaukie, Oregon, and of which they are the sole owners, said properties being situated in the County of Clackamas and State of Oregon, 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 submitting the question of the annexation of the territory to the registered voters of the City of Milwaukie, Oregon.

Pacific Daylight Time

SECTION 3. That the City Council of the City of Milwaukie, Oregon hereby fixes the 31st day of July 1961, at the hour of 8:30 o'clock P.M. ~~Daylight saving time~~, 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 such hearing be published in the MILWAUKIE REVIEW, a newspaper of general circulation in Milwaukie, Oregon, once each week for two successive weeks prior to said date fixed for public hearing, and that the City Manager cause public notice to be posted in four public places within the City of Milwaukie, Oregon, said notice to show the time and place of said public hearing, and be posted 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, Oregon, and the inhabitants thereof, in this, that the result of the enactment of this Ordinance will be to place valuable and extensive property upon the tax rolls, provide the City with new sources of revenues, accelerate sanitary development and preserve the public credit, therefore, an emergency is hereby declared to exist and this ordinance shall take effect from and after its passage and signing by the Mayor.

Read the first time this 10th day of July 1961

Read the second time and unanimously passed by all of the members of the Council _____ this 10th day of July 1961.

Approved and signed by the Mayor this 10th day of July 1961

Earl M. Clay
Earl M. Clay, Mayor

ATTEST:
H. E. Osborne
Recorder.