ORDINANCE NUMBER 850

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, PURSUANT TO THE PROVISIONS OF CHAPTER 511, OREGON LAWS 1961; ACCEPTING WRITTEN CONSENTS OF LANDOWNERS IN SUCH TERRITORY TO SAID ANNEXATION; DETERMINING THAT AT LEAST TWO-THIRDS OF SAID CONSENTING LANDOWNERS ALSO OWN AT LEAST TWO-THIRDS OF THE LAND IN THE SAID CONTIGUOUS TERRITORY AND OWN REAL PROPERTY THEREIN REPRESENTING AT LEAST TWO-THIRDS OF THE ASSESSED VALUE OF THE REAL PROPERTY IN THE SAID CONTIGUOUS TERRITORY; FIXING A DAY FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ON THE QUESTION OF SUCH ANNEXATION; DIRECTING PUBLICATION AND POSTING OF NOTICE OF SUCH HEARING; AND DECLARING AN EMERGENCY.

THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

SECTION 1. That the City of Milwaukie, Oregon, by and through its legislative body, hereby does propose to annex the following territory contiguous to its present boundary, the legal description of which is as follows:

1. Beginning at the most southerly corner of the plat of KELLOGG CREEK ACRE TRACTS in the center of Kellogg Creek in Section 1, T.2 S., R.1 E. of the W.M.

2. Thence following the southeasterly boundary of said Plat and the northeasterly extension thereof to an intersection with the northeasterly boundary of Lake Road;

3. Thence following said last mentioned road boundary South 67°0' East 1100.00 feet, more or less, to a point that is North 67° 0' West 200.00 feet distant from the southwest corner of TRACT 7 of WHITTON TRACTS;

4. Thence North 264.56 feet;

5. Thence North 67°0' West 200.00 feet;

6. Thence North 253.0 feet;

7. Thence East 200.00 feet, more or less, to the southeast corner of Tax Lot #30 of the Joseph Kellogg D.L.C.;

8. Thence North along the east boundary of said Tax Lot to the northeast corner thereof in the south boundary of the plat of MINTHORN ADDITION TO THE CITY OF PORTLAND

9. Thence East along the said boundary of MINTHORN ADDITION to intersect the east boundary of the Joseph Kellogg D.L.C. or the west boundary of the John D. Garrett D.L.C.

10. Thence South along the last mentioned D.L.C. boundary to the most northerly corner of Tax Lot #98 of the John D. Garrett D.L.C.;

11. Thence along the northeasterly boundary of said Tax Lot 98 to the northeast corner thereof;

12. Thence following the east boundary of said Tax Lot 98, and the southerly extension thereof South 0° 07' East 1085.00 feet, more or less, to the southwesterly boundary of Lake Road;

13. Thence following said last mentioned Road boundary North 68°30' West 90.00 feet, more or less, to the most easterly corner of Tax Lot 53 of the Joseph Kellogg D.L.C.;

14. Thence Southwesterly along the southeasterly boundary of said Tax Lot 53 to the most southerly corner thereof;

15. Thence Northwesterly along the southwesterly boundary of said Tax Lot 53 to the most westerly corner thereof;

16. Thence Southwesterly 200.00 feet,more orless,along the southwesterly extension of the northwesterly boundary of said Tax Lot #53 to the most southerly corner of Tax Lot #51-4 of the Joseph Kellogg D.L.C.

17. Thence Northwesterly along the southwesterly boundary of said Tax Lot 51-4 to the most westerly corner thereof in the southeasterly boundary of S.E. Vernie Ave.

18. Thence following the said S.E.Vernie Avenue boundary and the southwesterly extension thereof to the northeasterly boundary of Tax Lot # 50 of the Joseph Kellogg D.L.C.

19. Thence Northwesterly along the said northeasterly boundary of Tax Lot # 50, 43.0 feet to the most northerly corner thereof in the southeasterly boundary of Tax Lot #17 of the Joseph Kellogg D.L.C.

20. Thence Southwesterly along the southeasterly boundary ofsaid Tax Lot 17 to the center of Kellogg Creek;

21. Thence down stream along the center of Kellogg Creek 1700.0 feet,more or less, to the most southerly corner of KELLOGG CREEK ACRE TRACTS, the place of beginning of the description herein.

This description drawn on the 28th day of August, 1961.

PURSUANT TO THE PROVISIONS OF CHAPTER 511, OREGON LAWS, 1961.

SECTION 2. That the City Council of the City of Milwaukie does hereby elect to dispense with and hereby does dispense with submitting the question of the annexation of siad contiguous territory to the registered voters of the City of Milwaukie,Oregon.

SECTION 3. That the consents in writing of the following named landowners in the said contiguous territory, said landowners being:

RODERICK C. BLATCHFORD and MILDRED M. BLATCHFORD,husband and wife; WALTER J. MANNING, HOWARD E. MANNING, LOIS ANN MANNING, HERBERT A.MANNING,heirs of JOSEPH A.MANNING; VICTOR SCHUNK and RUBY K. SCHUNK, husband and wife; RICHARD C. SMELSER and CAROL C. SMELSER,husband and wife; WILLIAM O. SPEIGHT and ELLEN JANE SPEIGHT, husband and wife; AMBROSE CALCAGNO and BARBARA M. CALCAGNO, husband and wife; JOHN V. CARGNI and MELITA CARGNI,husband and wife; AUGUST A. CASONOVA and VIRGINIA H. CASONOVA, husband and wife; FRANCISCO CASONOVA and MARY CASONOVA, husband and wife; GEORGE N. CORTI and M. CARITA CORTI, husband and wife; ROSS ENYART and BESSIE L. ENYART, husband and wife; WALDO STORK and CLARA LUCILLE STORK, husband and wife; MARY V. WELLS; ERNEST J, ZANNI and ANGELINE D. ZANNI, husband and wife; ALDON H. JARVIS and JEAN P. JARVIS, husband and wife; GEORGE H. COVELL and ARWID W. BERTMAN, Chairman and Clerk of SCHOOL DISTRICT No.1 C; EDWARD J. SCHACHTEL and KATHERINE SCHACHTEL, husband and wife; JAMES D. PIEPER and DOROTHY D. PIEPER, husband and wife; ANDREW S. ORLANDO and KATHLEEN K. ORLANDO, husband and wife; JAMES R. MORRISON and EVELYN MORRISON, husband and wife; C.R.MOE, an unmarried man; MILWAUKIE LUTHERAN CHURCH, by M.R.PAULSON, President, ELMER BERG, Secretary, E.S.BERGSTROM, NEAL ERNEST, members of the Church Council; GEORGE M. LoPIPARO and LENA M. LoPIPARO, husband and wife; MARTIN MARTINSON and SIGNE MARTINSON, husband and wife; NAOMI (KIDD) BERGENSGORD and ERNEST W.KIDD, mother and son; SAM J. AMATO and VIRGINIA M. AMATO, husband and wife; H.F.HILLER and MARY HILLER, husband and wife

TO THE ANNEXATION to said City of their lands located within said contiguous territory are hereby accepted as the same have been placed on file with the City Council of the City of Milwaukie, Oregon, and with the Recorder of said City.

SECTION 4. That the City Council has determined and hereby does determine that the landowners in said contiguous territory who have so consented in writing to the annexation of their lands as hereinabove set forth comprise more than two-thirds of the landowners within said contiguous territory, and that they also own at least two-thirds of the lands in the said contiguous territory and of real property therein representing at least two-thirds of the assessed value of all real property in the said contiguous territory.

SECTION 5. That the City Council of the City of Milwaukie, Oregon, hereby fixes the 15th day of September 1961, at the hour of 8:00 o'clock P.M. Pacific Daylight Time, 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 said City may appear and be heard upon the question of such annexation.

SECTION 6. That notices of the time and place of such 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 so fixed for public hearing, and that the City Recorder cause to be posted in at least 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 7. Inasmuch as this Ordinance is innediately 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 sanitary developments, immediately conserve and stabelize the value of property within the City, prevent and lessen the congestion on streets and accompanying noises, 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 28th day of August, 1961

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

City Council this 28th day of August, 1961.

Signed by the Mayor this 29 day of August, 1961.

Earl M. Clay

Earl M. Clay, Mayor
City of Milwaukie, Oregon.

ATTEST:

R. E. Osborne

R.E.Osborne, Recorder.