

ORDINANCE NUMBER 862

AN ORDINANCE PROVIDING FOR 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 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:

A tract of land located partially in the Joseph Kellogg D.L.C. and partly in the John D. Garrett D.L.C. and in Section 31, T. 1 S., R. 2 E., of the W.M. and Section 1, T. 2 S., R. 1 E., of the W.M. and Section 6, T. 2 S., R. 2 E., of the W.M.

For convenience, in the following description, where Tax Lot numbers are mentioned they are the numbers assigned by the Clackamas County Assessor and are valid as of this date, November 8, 1961.

BEGINNING at the northwest corner of the plat of ATKINSON in the Southwest one-quarter of Section 31, T. 1 S., R. 2 E., W.M.

1. Thence following the northeasterly extension of the northwesterly boundary of said plat, N. 21° 00' E. to the northeasterly boundary of Lake Road;
2. Thence following said Lake Road boundary south 69° 00' East 110.00 feet, more or less, to intersect the west boundary of the William Hale and Mary Jane Carter, husband and wife, tract;
3. Thence following the west boundary of the said Carter tract North 320.00 feet;
4. Thence, parallel to Lake Road, south 69° 0' East 267.8 feet to the west boundary of Bisio Avenue.
5. Thence following the west boundary of Bisio Avenue South 320.0 feet to the northeast boundary of Lake Road;
6. Thence following the northeast boundary of Lake Road south 69° 0' East 735.0 feet, more or less, to intersect the northerly extension of the west boundary of Ryan Avenue as dedicated in the plat of ATKINSON
7. Thence South along the northerly extension and the west boundary of said Ryan Avenue to intersect the south boundary of Tract 12 of said ATKINSON
8. Thence West 533.5 feet to the southwest corner of said Tract 12 in the southeast boundary of Tract 13 of said Plat.
9. Thence following the southeasterly boundary of Tract 13, ATKINSON, South 9° 30' west 1090.0 feet, more or less, to the northeast corner of the Oak Lodge Water District tract designated as Tax Lot 4 of Tract 13, ATKINSON;
10. Thence Northwesterly along the northeast boundary of said Oak Lodge Water District tract to the northwest corner thereof, said corner being southeasterly 14.0 feet distant from the southeast boundary of Tract 14, ATKINSON;
11. Thence following the northwest boundary of the said Oak Lodge Water District tract and the southwesterly extension thereof South 15° 0' west 141.05 feet, more or less, to the southwesterly boundary of a 16.05 foot public right-of-way;

12. Thence along the Southwesterly boundary of said right-of-way Northwesterly 150.0 feet, more or less, to the most easterly corner of the James H. and Alice M. Downs tract known as Tax Lot 6 of Tract 14 ATKINSON

13. Thence following the southeast boundary of the said Downs tract Southwesterly to the Southeast corner thereof in the center of Kellogg Creek.

14. Thence down stream Westerly 170.0 feet, more or less, to the most westerly corner of the said Downs tract and being the most westerly corner of Tract 14 ATKINSON;

15. Thence following the northwest boundary of said Tract 14 North 21°0' east 930.0 feet, more or less, to intersect the southeast projection of the southwest boundary of Elsewhere Lane;

16. Thence following the southeast extension of and the southwest boundary of Elsewhere Lane north 69°0' West 325.0 feet more or less to the southeast boundary of Tract 18 ATKINSON;

17. Thence South 21°0' west along the southeast boundary of said Tract 18 to the most southerly corner thereof in the center of Kellogg Creek;

18. Thence downstream 130.00 feet, more or less, to the southwest corner of said plat of ATKINSON;

19. Thence North 21°0' east 27.9 Chains along the northwest boundary of ATKINSON to the place of beginning heretofore mentioned.

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 said 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

MARY

WILLIAM HALE CARTER and JAYNE CARTER, husband and wife; SADIE STRICKLIN and HELEN STRICKLIN, mother and daughter; FLORIN J. BECKER and IONE L. BECKER husband and wife; JOHN J. INSKEEP and BEATRICE INSKEEP, husband and wife; E.E. LaGOOD and ANNE M. LaGOOD, husband and wife; HENRY S. STIMSON and MARY B. STIMSON, husband and wife; JOHN H. FOX and PEARL FOX, husband and wife; FRANK L. PEARSON and CAROL M. PEARSON, husband and wife; ALBERT L. ENGELGAU and MURIEL C. ENGELGAU, husband and wife; JAMES H. DOWNS and ALICE M. PEAKE DOWNS, husband and wife; H.P. KRUEGER and LOLA F. KRUEGER, 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 11th day of November 1961, at the hour of eight (8:45) o'clock P.M. 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.

862

SECTION 6. That notice of the time and place of such hearing be published in the Milwaukie Review, a newspaper 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 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 sanitary developments, immediately conserve and stabilize 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 13 day of November 1961

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

~~13~~ this 13th day of November 1961

Signed by the Mayor this 13th day of November 1961

Earl W. Clay
Earl W. Clay, Mayor

ATTEST:

A. C. Blom
Recorder.