

RESOLUTION NUMBER 10, 1950

A RESOLUTION DECLARING THE NECESSITY OF AN EASEMENT OVER CERTAIN LANDS FOR USE IN THE CONSTRUCTION OF AN INTERCEPTING SEWER NORTHERLY FROM A POINT ON JEFFERSON STREET WEST OF McLOUGHLIN BOULEVARD TO THE SOUTHERLY LINE OF PROPERTY NOW OWNED BY THE CITY OF MILWAUKIE LYING BETWEEN JOHNSON CREEK AND COUNTY ROAD NO. 887; SUCH INTERCEPTING SEWER TO BE USED IN CONNECTION WITH A SEWAGE TREATMENT PLANT NOW BEING CONSTRUCTED ON LAND NOW OWNED BY THE CITY OF MILWAUKIE.

WHEREAS A SEWAGE TREATMENT PLANT is now being constructed on land now owned by the City of Milwaukie, which lies between Johnson Creek and County Road No. 887, commonly known as River Road:

AND WHEREAS it is necessary that an intercepting sewer be constructed to convey the sewage of the City of Milwaukie to said SEWAGE TREATMENT PLANT:

AND WHEREAS, the engineers employed by the City of Milwaukie have determined that for such purpose it is necessary for the City of Milwaukie to obtain easement over a strip of land 10 feet in width, over the following described parcels of real property situate in the County of Clackamas and State of Oregon, bounded and described as follows:

Engineer's C.L. Station 0-00 to Station 1-32.89 said strip being described as follows:

A parcel of land lying in the Lot Whitcomb D.L.C. in T.W.P. 1S, R.1 E, W.M. and being a portion of that certain tract of land conveyed by deed to Howard E. and Lillian C. Rose as described in Vol. 355 Page 20 Clackamas County record of deeds. Said parcel being described as follows:

Beginning at a point on the South line of said Rose Property, said point being 933.53 Ft. North and 590.68 feet west of the S.W. Corner of Block #28, Milwaukie, Clackamas County, Oregon; thence N. 30 deg. 27' W, a distance of 32.63 feet; thence N 2 deg. 20' N a distance of 103.58 feet to a point on the North line of said Rose property, thence S. 43 deg. 40' W. along the North line of said Rose property a distance of 13.90 feet; thence S 2 deg. 20' E, a distance of 96.42 feet; thence S. 30 deg. 27' E. a distance of 33.15 feet to a point on the South line of said Rose property; thence N. 70 deg. 45' E along the South line of said Rose property a distance of 10.19 feet to the point of beginning.

Engineer's C.L. Station 1-32.89 to Station 1-97.21 Said strip being described as follows:

A parcel of land lying in the Lot Whitcomb D.L.C. in T.W.P. 1 S, R.1 E, W.M. and being a portion of that certain tract of land conveyed by deed 1/9th interest to Virgil D. and Lucile O. Lawrence as described in Vol. 327 page 151, Clackamas County, Record of Deeds. Said parcel being described as follows:

Beginning at a point on the North line of said Lawrence property, said point being 933.53 feet North and 590.68 feet West of the S.W. corner, Block #28, Milwaukie, Clackamas County, Oregon; thence S. 30 deg. 27' E. a distance of 64.32 feet to a point on the South line of said Lawrence property; thence S. 70 deg. 45' W. along the South line of said Lawrence property, a distance of 10.19 feet; thence N. 30 deg. 27' W. a distance of 64.32 feet to a point on the North line of said Lawrence property; thence N. 70 deg. 45' E. along the North line of said Lawrence property a distance of 10.19 feet to the point of beginning.

(Note: The First National Bank has controlling interest in this road but eight other people besides them has the right to use it. Road is 60 feet wide at right angles to sides)

Engineer's C.L. Station 1-97.21 to Station 4-32.85; said strip being described as follows:

A parcel of land lying in the Lot Whitcomb D.L.C. in T.W.P., 1 S. R. 1 E. W.M. and being a portion of that certain tract of land conveyed by deed to Security Savings and Trust Co. as described in Vol. 223 Page 462, Clackamas County record of Deeds; said parcel being

described as follows:

Beginning at a point on the North line of said Security Savings and Trust Co. property, said point being 878.08 feet North and 558.08 feet West of the S.W. corner of Block #28, Milwaukie, Clackamas County, Oregon, thence S. 30 deg. 27' E. a distance of 231.86 feet; thence S. 27 deg. 24' W. a distance of 8.64 feet to a point on the Northerly Right-of-way line of the Portland Railway Light and Power Co. R.R.; thence along said Northerly R.R. railway line on the arc of a 509.06 foot radius curve left (the long cord of which leans N. 58 deg. 45' 30" W. 10.02 feet a distance of 10.02 feet; thence N. 27 deg. 24' E. a distance of 2.45 feet; thence N. 30 deg. 27' W. a distance of 228.32 feet to a point on the North line of said Security Savings and Trust Co. property; thence N. 70 deg. 45' E. along the North line of said Security Savings and Trust Co. property; a distance of 10.19 feet to the point of beginning.

Engineer's C.L. Station 4-52.89 to Station 5-86.37; said strip being described as follows:

A parcel of land lying in the Lot Whitcomb D.L.C. in T.W.P. 1 S, R 1 E W.M. and being a portion of that certain tract of land conveyed by deed to Ralph E. and Frederica E. Klein as described in Vol. 332 Page 269, Clackamas County, Record of Deeds; said parcel being described as follows:

Beginning at a point on the south line of said Klein property; said point being 563.83 feet North and 368.00 feet West of the S.W. corner, Block #28, Milwaukie, Clackamas County, Oregon, thence N 34 deg. 34' W, a distance of 19.72 feet; thence N 47 deg. 49' W, a distance of 103.21 feet; thence N 27 deg. 24' E. a distance of 3.22 feet to the Southerly Right-of-way line of the Portland Railway Light and Power Co. R.R.; thence along said Southerly R.R. Right-of-way line on the Arc of 489.06 radius curve left (the long chord of which bears N 58 deg. 45' 30" W, 10.02 feet) a distance of 10.02 feet; thence S 27 deg. 24' W a distance of 11.59 feet; thence S 47 deg. 49' E a distance of 109.79 feet; thence S 34 deg. 34' E. a distance of 19.42 feet to a point on the South line of said Klein property; thence N 50 deg. 45' E along the South line of said Klein property a distance of 10.03 feet to the point of beginning.

Engineer's C.L. Station 5-86.37 to Station 6-04.10 etc. said strip being described as follows:

A parcel of land lying in the Lot Whitcomb D.L.C. in T W P, 1 S, R. 1 E. W.M. and being a portion of that certain tract of land conveyed by deed to Margaret C. and William R. Davis as described in Vol. 342 Page 290, record of Deeds for Clackamas County, said parcel being described as follows:

Beginning at a point on the South line of said Davis property; said point being 546.95 feet North and 356.37 feet West of the S.W. corner of Block #28 Milwaukie, Clackamas County, Oregon; thence S. 80 deg. 40' W along the South line of said Davis property a distance of 11.05 feet; thence N 34 deg. 34' W a distance of 14.96 feet to a point on the North line of said Davis property; thence N 50 deg. 45' E along the North line of said Davis property a distance of 10.03 feet; thence S 34 deg. 34' E a distance of 20.50 feet to the point of beginning.

Engineer's C.L. Station 6-04.10 to Station 7-45.61 etc. said strip being described as follows:

A parcel of land lying in the Lot Whitcomb D.L.C. in T W P, 1 S, R 1 E, W.M. Clackamas County, Oregon and being a portion of that certain tract of land conveyed by deed to W.J. Eastman as described in Vol. 314 Page 636, Clackamas County, record of deeds; said parcel being described as follows:

Beginning at a point on the North line of said Eastman property, said point being 546.95 feet North and 356.37 feet West of the S.W. corner of Block #28 Milwaukie, Clackamas County, Oregon; thence S 34 deg. 34' E a distance of 141.51 feet to a point on the South line of said Eastman property; thence S 80 deg. 40' W along the south line of said Eastman property, a distance of 11.05 feet; thence N 34 deg. 34' W, a distance of 141.51 feet to a point on the North line of said Eastman property; thence N.80 deg. 40' E, a distance of 11.05 feet to the point of beginning.

Lavagetto - Barberis

A parcel of land lying in the Donation Land Claims of Lot Whitcomb and William Meek in T. 1 S. R. 1 E., W.M. and being a portion of that certain tract of land conveyed by deed to Cleto A. and Louise C. Lavagetto and Celeste and Lena Barberis as described in Vol. 330 Page 218, Clackamas County, record of deeds; said parcel being described as follows:

Beginning at a point on the West right-of-way line of Clackamas County Road No. 887, said point being South 14 deg. 34' East a distance of 3.48 feet from the most Northerly corner of the said Lavagetto and Barberis property; thence South 14 deg. 34' East a distance of 12.95 feet along the west right-of-way line of said road; thence South 36 deg. 00' West a distance of 33.37 feet; thence South 13 deg. 01' East a distance of 76.31 feet; thence South 41 deg. 41' West a distance of 382.55 feet; thence South 2 deg. 39' East a distance of 67.63 feet more or less to a point on the south line of said Lavagetto and Barberis property; thence South 43 deg. 21' West a distance of 13.90 feet along the South line of said Lavagetto and Barberis property; thence North 2 deg. 39' West a distance of 81.37 feet; thence North 41 deg. 41' East a distance of 381.45 feet; thence North 13 deg. 01' West a distance of 75.69 feet; thence North 36 deg. 00' East a distance of 46.15 feet to the point of beginning.

To-UNKNOWN (Probably Scott Estate)

A parcel of land lying in the Wm. Meek D.L.C. #50 in T. 1 S. R. 1 E., W.M.; said parcel being described as follows:

Beginning at a point on the East right-of-way line of Clackamas County Road No. 887, said point being South 21 deg. 00' East 145.0 feet from the most Northerly corner of a tract of land heretofore conveyed to Clackamas County by deed recorded in Vol. 185 Page 115, Clackamas County, Record of Deeds; thence North 80 deg. 14' East a distance of 6.22 feet; thence North 13 deg. 30' East a distance of 24.41 feet; thence South 25 deg. 30' West a distance of 27.37 feet to the point of beginning.

To - CLARENCE F. AND AMBER RICHARDSON

A parcel of land lying in the Wm. Meek D.L.C. #50 in T. 1 S. R. 1 E., W.M. and being a portion of the land of Clarence F. Richardson and Amber R. Richardson as described in Vol. 236 Pages 263 and 264, and Vol. 256 Pages 288 and 490, Clackamas County, record of deeds; said parcel being described as follows:

Beginning at a point on the North line of said Richardson property, said point being South 70 deg. 47' West 40.98 feet from the most Northerly corner of said property; thence South 25 deg. 06' East a distance of 172.11 feet; thence South 13 deg. 30' West a distance of 380.34 feet more or less to a point on the West line of said Richardson property; thence South 25 deg. 30' West a distance of 27.37 feet to the most Southerly corner of said Richardson property; thence North 21 deg. 00' West a distance of 7.61 feet; thence North 13 deg. 30' East a distance of 397.33 feet; thence North 25 deg. 06' West a distance of 169.63 feet to a point on the North line of said Richardson property; thence North 70 deg. 47' East a distance of 10.05 feet to the point of beginning.

BE IT THEREFORE RESOLVED, that the Council of the City of Milwaukie has determined the necessity of and deems it necessary to take and acquire an easement as hereinbefore described over, through and on the parcels of real estate hereinbefore described for the purpose of right-of-way for sewers, and that the Council of the City of Milwaukie cannot agree with the owners thereof as to the price to be paid therefor.

BE IT FURTHER RESOLVED that the City Attorney of the City of Milwaukie be and he hereby is directed to take such proceedings for the acquisition of such property for the use hereinbefore specified, as may be necessary, pursuant to the Charter of the City of Milwaukie and the general laws of the State of Oregon; and that when such proceedings have been instituted, that the City of Milwaukie take possession of said lands and commence to carry through the construction of said sewer for which said land is sought to be appropriated.

BE IT FURTHER RESOLVED that the City Attorney be and he hereby is instructed to proceed with all reasonable diligence to carry such condemnation proceeding to a final judgment.

BE IT FURTHER RESOLVED that when said judgment become final that the amount thereof be promptly paid from the proceeds of the bond issue heretofore sold for the purpose of obtaining funds for the construction of said Sewage Disposal Plant and Intercepting Sewer.

ADOPTED THIS 25th DAY OF SEPTEMBER, 1950.

Fred Sperr, Mayor

ATTEST:

Ellen Martin, Recorder

RESOLUTION NUMBER 11, 1950

WHEREAS the City of Milwaukie is the owner of the hereinafter described tracts of real property, all situate in the City of Milwaukie, County of Clackamas and State of Oregon.

AND WHEREAS, It is necessary in the development of that land adjacent thereto, that the hereinafter described tracts be dedicated for street purposes

BE IT THEREFORE RESOLVED, that the following described tract of land be and it hereby is dedicated to the public for use as a street; and that it be hereafter known as MAIN STREET;-

Beginning at a point on the east line of the East Portland-Oregon City Highway (U.S. Highway 99E) now known as McLoughlin Boulevard, which is the northwest corner of a tract of land conveyed to the City of Milwaukie by the United States of America, acting by and through the Public Housing Administration, by deed recorded in Book 431, page 191 of the Deed Records of Clackamas County, Oregon; running thence southwesterly along the westerly line of said Highway to the most westerly corner of a tract of land conveyed to the City of Milwaukie by deed recorded in Book 415, page 423 (this being the second of two tracts described in said deed); thence N. 89 deg. 42' 20" E. to a point which is 90 feet distant easterly when measured at right angles from the easterly line of said McLoughlin Blvd.; thence N. 10 deg. 23' 50" E. 1,638.55 feet, more or less, parallel with the easterly line of said McLoughlin Blvd. to the northeasterly corner of the tract of land hereinbefore referred to as being described in deed recorded in Book 431, page 191 of the Deed Records of Clackamas County, Oregon; thence 101.67 feet westerly to the point of beginning of the tract herein described.

BE IT FURTHER RESOLVED, That the following described tract of land be dedicated to the public for use as a street and that it hereafter be known as HARVESTER DRIVE

A strip of land 60 feet in width, of which the northwest corner is the southwest corner of a tract of land conveyed by the City of Milwaukie to International Harvester Company by deed recorded in Book 425, page 620 and of which the southwest corner is the northwest corner of another tract of land conveyed by the City of Milwaukie to International Harvester Company, by deed recorded in Book 429, page 228 and extending from the westerly line thereof as thus established due east to the westerly right of way line of the Southern Pacific Company's Tillamook Branch line.

BE IT FURTHER RESOLVED, That the following described tract of land be dedicated to the public for use as a street and that it hereafter be known as CENTURY DRIVE