

ANNEXATION OF SURROUNDED PROPERTIES ELECTION  
RES. 4-1959

RESOLUTION NO. 4, 1959

A RESOLUTION PROVIDING FOR THE CALLING OF A SPECIAL ELECTION TO BE HELD IN THE CITY OF MILWAUKIE, COUNTY OF CLACKAMAS, AND STATE OF OREGON, FOR THE PURPOSE OF SUBMITTING TO THE LEGAL VOTERS OF THE CITY OF MILWAUKIE FOR THEIR ADOPTION OR REJECTION AN AMENDMENT TO THE CITY CHARTER WHICH WOULD ACCOMPLISH THE ANNEXATION OF LAND AND TERRITORY NOW SURROUNDED BY THE CORPORATE LIMITS AND BOUNDARIES OF SAID CITY WHICH HAS NOT HERETOFORE BEEN ANNEXED TO SAID CITY, ALL AS PROVIDED BY ORS 222.750.

WHEREAS, the City Council of the City of Milwaukie, Oregon, has determined that there exists within the corporate limits of said city and completely surrounded by the boundaries of said city certain tracts of land and territory which are not a part of the city of Milwaukie, Oregon, and which have never been heretofore annexed to the city of Milwaukie, Oregon, and,

WHEREAS, the tracts of land and territory hereinabove referred to are described as follows:

STATE POLICE AND HIGHWAY DEPTS.

A tract of land lying in Section 25, T. 1 S., R. 1 E., W.M.

Beginning at a concrete monument 12"X 12"X 12" being the initial part of Tracts 1 to 9 inclusive of Milwaukie Industrial Park as recorded in Clackamas County RECORD OF TOWNPLATS in Volume 29, Page 12, from point of beginning thence South 10° 23' 50" west 61.10 feet to a point and true point of beginning of the tract to be described; thence north 89° 07' 20" East 449.85 feet; thence continuing north 89° 07' 20" East 150.66, to a point of curve; thence on a curve to the right having a radius of 40 feet, a central angle of 89° 52' 40" for a distance of 62.75 feet; thence South 1° west 207.49 feet to a point; thence on a curve to the right having a radius of 1107.0 feet, a central angle of 7° 54' 15.2.66 feet; thence south 89° 05' 50" West 710.37 feet to the easterly boundary of Highway 99E (McLoughlin Blvd.); thence North along the easterly boundary of Highway 99 E. to the place of beginning.

BONNIE VIEW ACRES

BLOCK 2, LOT 6, Except the E'ly. 94.58 feet.

" 2, " 5, Except the westerly 75 feet

" 2, Lots 4, 3, 2,

BLOCK 1, Lot 7

" 1, Lot 4, Except the W'ly 50 feet

" 1, Lots 1, 2, 3, Except the E'ly 75 feet of the W'ly 100 feet, of each lot. *said lot*

BLOCK 4, Lots 1, 2, 3, Except the E'ly 231.15 feet of each lot.

" 4, Lots 4, 5, 6.

" 4, Lot 7, Except the W'ly. 72 feet.

" 4, Lots 8, 9, 10, 11, 12, 13.

BLOCK 3, Lots 2, 3, 4, 5.

" 3, Lot 6, Except the E'ly 73.8 feet.

" 3, Lots 7, 8, 9, 10, 11, 12, 13, 14.

BLOCK 6, Lots 1 to 16 inclusive.

BLOCK 5, Lots 3, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18.

BLOCK 8, Lots 5 to 17 inclusive

" 8, Lot 18, Except the South  $\frac{1}{2}$  thereof.

BLOCK 7, Lots 1 to 13 inclusive.

BLOCK 10, Lots 1 to 8 inclusive

BLOCK 9, Lots 6, 7, 8, 9, 10, 11.

" 9, Lots 12, 13, Except the S'ly 128 feet thereof.

~~BLOCK 10, Lots 12, 13, Except the S'ly 128 feet thereof.~~

BLOCK 11, Lots ~~1, 2,~~ 3, 4, 12.

BLOCK 12, Lot 1 Except the N'ly 150 feet.

" 12, Lots 3, 4, 5.

CRYSTAL LAKE PARK, ETC.

Beginning at an iron pipe that is 1253.74 feet north and 1228.35 feet East of the Southwest corner of Section 25, T. 1 S., R. 1 E., W.M. which is in the Easterly right-of-way boundary of the Southern Pacific, Beaverton-Willsburg railroad; thence north 87° 45' East 263.27 feet to an iron pipe; thence north 16° 46' East 98.77 feet to an iron pipe; thence north 34° 44' East 114.9 feet to an iron pipe; thence north 40° 14' East 127.3 feet to an iron pipe in the westerly boundary of the Southern Pacific right-of-way which point is also the City limit boundary of the City of Milwaukie, Oregon; thence Southwesterly following the City limit line to a point in the north boundary of Lot 1, Block 3 Brownell Acres; thence south 87° 46' 30" West along the northerly boundary of Brownell's acres and the westerly extension thereof, which is also the north boundary line of the City of Milwaukie, to the easterly right-of-way boundary of the Southern Pacific Beaverton-Willsburg Branch R.R.; thence Northeasterly along said right-of-way boundary to the point of beginning of the tract herein described.

FLOSS ACRES

- BLOCK 1, Lot 1 Except the E'ly 65 feet
- " 1, Lot 2, Except the southerly 60 feet.
- " 1, Lots 5 and 6, except the south one half thereof
- " 1, Lots 16 and 18
- " 2, Lots 2 and 3
- " 2, Lot 4, except the easterly 87.32 feet
- " 2, The East 36.25 feet of Lot 10
- " 2, Lot 11 Except the E'ly 60 feet.
- " 2, Lot 13, Except the W'ly 34 feet
- " 2, Lot 14
- " 2, The W'ly 34 feet of Lot 16
- " 2, The E'ly 25 feet of Lot 17

A tract of land located in Section 35, Township 1 S, R.1 E, W.M. and being more particularly described as follows:

Beginning at a point in the center line of Kellogg Creek which point is also the southeast corner of a tract of land conveyed to Dora Quant by deed recorded in Volume 55, Page 430, RECORD OF DEEDS for Clackamas County, Oregon; thence tracing the south boundary of said tract of land as follows, North 89° 05' West 795.4 feet to the true point of beginning of the tract herein described; thence North 60° 52' West 291.6 feet to the Willamette River; thence with the meanders of the right bank of said river upstream to the northerly boundary of Robertsons Addition, a townplat recorded in Book 1, Page 25, RECORD OF TOWNPLATS for Clackamas County, Oregon; thence following the northerly boundary of said plat and the easterly extension thereof, South 89° 05' East 510.0 feet more or less to the true place of beginning of the tract herein described.

*Beaverton Robertsons Addition, and City of Milwaukie - do of Grace Co.*

ROBERTSON ADDITION

Block 2, Lots 8,10,12.

Vacated 3rd Street between Blocks 2 and 3

Block 3, Lots 2 and 4

" 3, North  $\frac{1}{2}$  of Lots 5 and 6

" 3, Lots 10 and 12

BLOCK 4, Lots 5,6 and north 12 feet of 8

" 5, Lots 1,2,3,4,5,6,7,8,9.

" 7, Lots 1,3,5,7.

" 8, Lots 1,2,3,4,6,9.

" 9, Lots 9 and 11

BLOCK 10, Lot 1 Except the E'ly 37.96 ft. X 50 Ft. X 54.77 X 52.75

" 10, Lot 3 Except the E'ly 54.77 Ft. X 50 Ft. X 71.58 Ft. X 52.75 Ft.

" 10, Lot 5 Except the E'ly 71.58 Ft. X 50 Ft. X 88.39 Ft. X 52.75 Ft.

" 10, Lots 2,4,6,7,8,9,10,11,12.

BLOCK 11, Lots 10, 12 and North  $\frac{1}{2}$  of Lot 4

BLOCK 12, Lot 1 and Southern Pacific Company's right of way through Lots 3,5,7,9,11.

BLOCK 13, Lots 1,3,5, and North  $\frac{1}{2}$  of 7

" 13, Southern Pacific R.R. right-of-way through Lots 2,4,6,8,10,12.

BLOCK 14, Lots 1,2,3,4.

Vacated 4th Avenue between Blocks 14 and 17

BLOCK 16, Lots 1 to 12 inclusive and vacated 3rd Ave. occupied by S.P.R.R. Co.

right-of-way.

BLOCK 17, Lots 1,3,5,7,9,11.

BLOCK 29, Lots 1,2,3,4.

BLOCK 22, North 10 feet of Lots 5 and 6.

BIRKEMEIER ADDITION TO MILWAUKIE HEIGHTS

Part of Lots 1 and 2, Block 3, Birkemeier Addition to Milwaukie Heights in the County of Clackamas and State of Oregon more particularly described as follows:

Beginning on the south line of said Block 3, 30 feet south 89° 05' East from the southwest corner of said Lot 2, said beginning point also being the southwest corner of a tract conveyed to William Saremal et ux, by deed recorded Oct 28, 1944 in Book 333, Page 740, Deed Records; thence north 0° 35' East along the West line of said Saremal tract to where the west line of the Saremal tract intersects the southwesterly boundary of the tract of land described in that certain conveyance from Clackamas County to Pacific Northwest Public Service Co., recorded June 8, 1932, in Book 216 Page 22, Deed Records; thence North 41° 37' West along said southwesterly boundary to a point on the north line of Block 3; thence North 89° 05' West along the north line of said Lots 2 and 1, 55.15 feet; thence South 100 feet; thence East 10 feet to the northeast corner of a tract conveyed to Vern R. Camplan et ux by deed recorded Dec. 10, 1945, in Book 356, Page 654, Deed Records; thence South along the east line of said Camplan tract 100 feet to the south line of said Block 3; thence south 89° 05' East, along the south line of said Lots 1 and 2, 70 feet to the place of beginning.

Beginning at an iron pipe at the southwest corner of Lot 2 Block 2, Birkemeier Addition to Milwaukie Heights, Clackamas County Oregon; thence following the south boundary of said Lot 2, Block 2, south 89° 05' East 125.00 feet; thence parallel with the west boundary of said Lot 2, Block 2, north 0° 55' East, 50.00 feet; thence parallel with the south boundary of said Lot 2, Block 2, north 89° 05' West 125 feet to a point in the west boundary of said Lot 2, Block 2; thence following the said last mentioned boundary South 0° 55' west 50.00 feet to the place of beginning.

The south 100.00 feet of Lot 1 Block 1, Birkemeier Addition to Milwaukie Heights.  
The south 100.00 feet of Lot 2 Block 1, " " " " " "

Vacated Blocks 39 and 42 and vacated 9th Avenue lying between said Blocks 39 and 42 Milwaukie Heights, also vacated 4th Street also known as Hillcrest Lane.

BLOCK 33, Lots 1,2,3,4. Milwaukie Heights:

Vacated: 8th Avenue lying between Blocks 33 and 38 Milwaukie Heights.

Beginning at an iron pipe at the southwest corner of Lot 2, Block 2, Birkemeier Addition to Milwaukie Heights as recorded in Clackamas County Record of Townplats Volume 8, Page 18; thence south 89° 05' East 229 feet to the East boundary of said Plat; thence North 0° 55' east, 240.00 feet; thence north 89° 05' West 139.00 feet to an iron pipe; thence South 0° 55' west, 40 feet; thence continuing South 0° 55' west, 200.00 feet to a point in the north boundary of Lot 2 Block 1, said Addition; thence following the north boundary of Lot 2, Block 1, said Addition to the point of beginning north 89°, 05' West to the point of beginning.

and,

WHEREAS, the said tracts of land and territory hereinabove described do not comprise an incorporated city or wholly territory belonging to the State of Oregon or the United States of America, and,

*Notes of  
Birkemeier  
Addition to  
Milwaukie  
Heights  
Clackamas  
County  
Oregon*

WHEREAS, the City Council of the City of Milwaukie, Oregon, has determined that it is not for the best interests of the inhabitants of said city, nor the inhabitants of the land and territory so surrounded by the boundaries of said city but not annexed thereto that such tracts of land and territory continue to exist as territory not annexed to and made a part of the city of Milwaukie, Oregon, and,

WHEREAS, the City Council of Milwaukie, Oregon, now deems it expedient and advisable to submit to the legal voters of said city, as provided by Section 222.750, Oregon Revised Statutes, the question of whether or not the Charter of the City of Milwaukie, Oregon, should be amended so as to effect the annexation of said tracts of land and territory so surrounded by the corporate boundaries of said city without the consent of any owner of said property within said territory and without the consent of any resident in the said territory,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, that there shall be submitted in the manner prescribed in this resolution to the legal voters of the city of Milwaukie, Oregon, at a special city election to be held on March 19, 1959, the question of whether or not Chapter 1 of the Charter of the City of Milwaukie, Clackamas County, Oregon, be amended by adding thereto Section 1 (b) to be designated "Further Annexation of Territory Surrounded By City" and to read as follows:

"Section 1 (b). Further annexation of territory surrounded by city.  
That the following described tracts of land and territory,  
to-wit:

2

being tracts of land completely surrounded by the corporate boundaries of the city of Milwaukie, Oregon, are hereby annexed to the City of Milwaukie, Clackamas County, Oregon."

BE IT FURTHER RESOLVED that the election precinct for said special city election shall be and constitute all of the territory included within the corporate limits of the city of Milwaukie, Oregon, and that there shall be one polling place for said special city election, namely in the City Hall, 926 Main Street, Milwaukie, Oregon.

BE IT FURTHER RESOLVED that the following-named persons, all legal voters of Milwaukie, Oregon, be and they are hereby designated and appointed as the chairman and clerks of election, to act as the election board at such polling place on said date, to-wit: Bernice Sperr, chairman, and Gertrude Westerberg, Harriet Saremal, Pearl Sedgwick and Florence Salter, clerks.

BE IT FURTHER RESOLVED that it is not practicable to submit the foregoing measure in the form and by ballot title required by subsection (1) of Section 20 of Article V of Ordinance No. 735 of the City of Milwaukie, Oregon, and that, in order to truly and impartially state the purpose and effect of the measure in question, the measure should be submitted to the voters in the following form and ballot title, to-wit:

"Proposed by the City Council and referred to the legal voters of said city.

PROPOSED AMENDMENT TO THE CITY CHARTER

Shall the Chapter 1 of the Charter of the City of Milwaukie, Oregon, be amended by adding thereto a section to be known as Section 1 (b) and to be designated "Further annexation of territory bounded by city", and to read as follows:

"Section 1 (b). Further annexation of territory surrounded by city.  
That the following described tracts of land and territory, to-wit:

3.

being tracts of land completely surrounded by the corporate boundaries of the city of Milwaukie, Oregon, are hereby annexed to the City of Milwaukie, Clackamas County, Oregon."

BE IT FURTHER RESOLVED that the City Recorder be and he hereby is directed to give at least ten (10) days notice of the special election hereby called by posting notices thereof in three (3) public places within the boundaries of the City of Milwaukie, Oregon, and by publishing said notice once in the official City newspaper. The said notice shall be in the following form:

"NOTICE OF SPECIAL ELECTION

On the 19th day of March, 1959, in the City of Milwaukie, Oregon, from 8:00 o'clock A.M. until 8:00 o'clock P.M., Oregon Standard Time, a special election will be held at which the following measure will be submitted to the legal voters of the city of Milwaukie, Oregon, for their approval or rejection:

'Proposed by the City Council and referred to the legal voters of said city.

being tracts of land completely surrounded by the corporate boundaries of the city of Milwaukie, Oregon, are hereby annexed to the City of Milwaukie, Clackamas County, Oregon.'

The polling place for the said special election will be the City Hall, 926 Main Street, Milwaukie, Oregon.

WITNESS MY HAND this 25<sup>th</sup> day of February, 1959.

R. E. Osborne  
Recorder of the City of Milwaukie,  
Oregon."

Adopted by the Council this 24<sup>th</sup> day of February, 1959

Leonard B. Millan  
Leonard B. Millan, Mayor

ATTEST:

R. E. Osborne  
R. E. Osborne, Recorder.