

SPECIAL MEETING

COUNCIL CHAMBERS

JULY 31, 1961

A special meeting of the Council of Milwaukie was held on the thirty-first day of July, 1961, for the purpose of a hearing on the Area "C" sewer assessment and on the annexation of territories as described in Ordinance Number 845, and such other business necessary to come before the Council at this time.

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The meeting was called to order by Mayor Earl Clay.

Present at the meeting were Mayor Earl Clay; Councilmen James Howard, Charles Renard, E. H. Aebi and Theron Sedgwick; City Manager Leonard Mullan, City Attorney John O. Sheldahl and Clerk Ellen Martin.

The Mayor opened the hearing on the Ardenwald Area "C" sewers and called for objection to the assessment thereon.

Mr. Fred Bay, Jr., owner of Tax Lot 66, Campbell D.L.C. stated that three laterals had been laid from the lateral in the street to his property line, that he had use for only one, that he did not intend to use the other two and asked to be excused from paying for them. Mr. Carl Rinke, Engineer from Stevens and Thompson, was present and stated that the laterals had been requested and that their (Stevens & Thompson) engineer was in possession of the signed requests. Mr. Bay stated that he did not request the laterals and did not know if his tenant did or not. Manager Mullan reported that the property was a large tract and that when buildings were placed thereon the laterals would be necessary. It was moved by Howard and seconded by Aebi that the assessment for the three laterals to Tax Lot 66, Campbell D.L.C. be not excused. The vote was as follows: Ayes: Howard, Aebi and Clay. Nays: Renard and Sedgwick. Motion carried and so ordered.

Mr. Alton Jaeger, owner of Tax Lot 2 of Lot 15 and Tax Lot 2 of Lot 16, Rockwood Acres, objected to the square foot assessment. Mr. Jaeger stated that he had been obliged to lay 100 extra feet of sewer in 36th Street, north of Harvey Street, in order that this property could be served by the sewer in Harvey Street, and that the trunk line in Rockwood Street was not accessible to the property, and requested that his property be taken out of the assessment district. It was moved by Sedgwick and seconded by Aebi that Tax Lot 2 of Lot 15 and Tax Lot 2 of Lot 16 Rockwood Acres be not assessed for the trunk line. A called vote showed the following result: Ayes: Renard, Aebi, Sedgwick and Clay. Nays: Howard. Motion carried and so ordered.

Mrs. Earl Taylor made objection to the square foot assessment stating that their property could not be served by the trunk line as the Jaeger sewer in 36th Street was serving their property and that this service had been part of the consideration when they sold the property to Jaeger for Orchard Acres Addition. It was moved by Renard and seconded by Aebi that the Taylor property, Tax Lot 3 of Lot 14 and Tax Lot 1 of Lot 15 Rockwood Acres, be excused from the square foot assessment. A called vote showed the following result: Ayes: Howard, Renard, Aebi, Sedgwick and Clay. Nays: None. Motion carried and so ordered.

Mayor Clay declared the hearing on the Ardenwald Area "C" sewers temporarily closed in order to open the hearing on an annexation of territories as described in Ordinance Number 845.

Mayor Clay then opened the hearing on annexation pursuant to Ordinance Number 845, and called for objection to the same. Dr. W. W. Schafer made inquiry as to whether or not the City now has enough police and firemen to protect this property. Dr. Schafer also asked who instituted this annexation. Mr. Fred C. Baker, owner of the largest tract of land to be annexed, answered Dr. Schafer, and explained why he wants his land annexed to Milwaukie. Dr. Schafer laid a petition before the Council, stating that the signers objected to a piece-meal annexation, and requesting that the people of Milwaukie be given an

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an opportunity to vote on this question. The petition was signed by sixteen persons including Dr. Schafer. There was no other citizen present who questioned the annexation or made objection to the same.

The Mayor declared the hearing closed. Ordinance Number 847 was taken up and read for its first reading. It was moved by Howard and seconded by Sedgwick that Ordinance Number 847 be passed to its second reading. Motion carried and so ordered.

The Mayor declared the hearing on the Ardenwald Area "C" sewers re-opened.

Mr. Ray Bentz, owner of Tax Lot 2 of Lot 2, Block 2, Plimpton Tracts came before the Council and stated that his property fronted on Olson Street and on Hazel Street, that the property is too small to subdivide, and requested that the lineal foot charge be made on one street only. It was moved by Sedgwick and seconded by Aebi that this property be assessed the lineal footage on one street only. Motion carried and so ordered.

Mr. Malcolm Peterson, owner of Lot 3, Block 2 Plimpton Tracts came before the Council and stated that his problem was the same as Mr. Bentz, and requested that his property be assessed lineal footage on one street only. It was moved by Renard and seconded by Sedgwick that Lot 3, Block 2, Plimpton Tracts be assessed for lineal footage on one street only. Motion carried and so ordered.

= Mr. Wm. F. Warner, owner of Tax Lot 2 of Lot 13, Rockwood Acres, stated that his property was now connected to the sewer in 37th Street; that the Area "C" sewer was not available to his property and requested that his property be taken out of the assessment district. Upon investigation the Council learned that Mr. Warner's property was available to the flow line sewer installed in 37th Street in 1948, that at the time the sewer was installed this property was not in the City; that upon annexing his property he was permitted to connect to the 1948 sewer; that he had never paid a sewer assessment on his property. Mr. Warner stated that he was willing to pay the assessment fee on the 1948 sewer. It was moved by Howard and seconded by Sedgwick that Tax Lot 2 of Lot 13 Rockwood Acres be excused from Area "C" sewer assessment. Motion carried and so ordered.

It was moved by Sedgwick and seconded by Aebi that the Recorder be authorized to bill Mr. Warner in the amount of front foot assessment for the 1948 sewer. Motion carried and so ordered.

A letter from Julius and Martha Frei was read. The Frei property is a landlocked portion of Baptist Campbell Tract with a ten foot roadway connecting to Glover Road. It was moved by Sedgwick and seconded by Aebi that this matter be tabled until the next regular meeting of the Council. Motion carried and so ordered.

Objection was made to the lineal footage on Tax Lot 1 of Lot 6, Block 3 of Plimpton Tracts. This portion of Lot 6 is but 6 feet in width. It was determined that the description of the assessed land was not correct. It was moved by Howard and seconded by Aebi that the assessment be re-described, and that if the assessment is correct and legal that it remain. Motion carried and so ordered.

George and Jane Reed, owners of Tax Lot 2 of Lot 3, Block 1 Gloverland, objected to the square foot assessment. It was moved by Clay and seconded by Howard that the assessment remain as is. Motion carried and so ordered.

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Mr. and Mrs. Hahnel, owners of Tax Lot 1, of Lot 3, Block 6, Gloverland, objected to the square foot charge. It was moved by Howard and seconded by Aebi that the assessment be not excused. Motion carried and so ordered.

Margaret E. Roeper, owner of Tax Lot 64 Campbell DLC and Tax Lot 64 of Block 7, Gloverland, objected to the square foot assessment. It was moved by Howard and seconded by Renard that the assessment be not excused. Motion carried and so ordered.

Mr. Frank H. Ransom, owner of Tax Lot 3 of Lot 1, Block 6, Gloverland, protested the assessment, stating that when he purchased the property the house was already connected to the sewer in 40th Street (1948 sewer), that he was told all sewer assessments had been paid. Upon investigation the Council learned that the west 100 feet of Lot 1 Block 6, Gloverland had not been included in the assessment district as this much of the property had paid the assessment on the 1948 sewer in 40th Street, but Tax Lot 3 of Lot 1 was the east 50 feet of said Lot 1 and had never been assessed. It was moved by Howard and seconded by Aebi that the assessment be not excused. Motion carried and so ordered.

It was moved by Howard and seconded by Sedgwick that the Deines-Deering (Garbage Collection) Contract be ratified and consented to and that the Mayor be authorized to indicate the same by his signature thereon. Motion carried and so ordered.

Ordinance Number 847, AN ORDINANCE annexing certain territories contiguous to the present boundaries of the City of Milwaukie, Clackamas County, Oregon and fixing the effective of such annexation, was taken up and read for its second reading and put on its passage with the following result being had. Ayes: Howard, Renard, Aebi, Sedgwick and Clay. Nays: None. Ordinance Number 847 passed the Council and was so declared by the Mayor.

On motion duly made and carried the meeting adjourned.

Ellen Martin
Ellen Martin, Clerk