

MEETING OF AUGUST 11, 1958

925th MEETING

The nine hundred twenty-fifth regular meeting of the Council of Milwaukie was held on the eleventh day of August, 1958.

The meeting was called to order by Mayor Mullan.

Present: Mayor Mullan; Councilmen Clay, Mortensen and Roberts; Manager Burdick, Attorney Sheldahl and Clerk Martin. Absent: Councilman Klein.

The minutes of the nine hundred twenty-fourth regular meeting of the Council, held on the fourteenth day of July, 1958 were approved as written.

The minutes of a special meeting of the Council, held on the sixteenth day of July, 1958, were approved as written.

Manager Burdick presented the Engineer's report of the routes and estimated costs of sewers and trunk line sewer, serving Ardenwald, Cole Addition and Walnut Park Addition. It was moved by Roberts and seconded by Clay that the Council accept the Engineer's report and that the following Resolution be adopted.

RESOLUTION NUMBER 14-1958

A RESOLUTION DECLARING THE INTENTION OF THE COUNCIL OF THE CITY OF MILWAUKIE, OREGON, TO CONSTRUCT SANITARY SEWERS IN ARDENWALD, COLE ADDITION AND WALNUT ADDITION.

WHEREAS, the Council of the City of Milwaukie, Oregon, deems it expedient and necessary to construct sanitary sewers along
36th AVENUE, from Roswell Avenue to Sherett Avenue
ROCKVORST ROAD, from Roswell Avenue to 28th Street

MINUTES OF MEETING OF AUGUST 11, 1958

28th AVENUE, from Roswell Avenue to VanWaters Avenue
 28th STREET, from Van Waters Avenue to Sherrett Avenue
 28th PLACE, from Roswell Avenue to Van Waters Avenue
 29th AVENUE, from Roswell Avenue to Sherrett Avenue
 30th AVENUE, from Roswell Avenue to Van Waters Avenue and from
 Sherrett Street southerly a distance of 150 feet
 31st AVENUE, from Roswell Avenue to Van Waters Avenue and from
 Sherrett Street southerly a distance of 150 feet
 32nd AVENUE, from Roswell Avenue to Sherrett Avenue
 VAN WATERS AVENUE, from 28th Street to 32nd Avenue
 SHERRETT STREET from 28th Street to 32nd Avenue

and to construct a TRUNK LINE SEWER along

SHORT STREET, from Beta Street to Stubb Street
 STUBB STREET, from Short Street to the Easterly right-of-way
 line of the Southern Pacific Railroad Company
 Northerly along the easterly right-of-way line of the Southern
 Pacific Railroad Company to Roswell Avenue
 ROSWELL AVENUE, from the easterly right-of-way line of the
 Southern Pacific Railroad Company to 36th Avenue.

AND WHEREAS, the Council of the City of Milwaukie, Oregon has
 required from the City Engineer, plans and specifications for appropriate
 improvement to accomplish the above and an estimate of the cost of the
 work to be done,

AND WHEREAS, the City Engineer has heretofore filed such plans,
 specifications and estimated in the office of the City Recorder,

BE IT THEREFORE RESOLVED by the Council of the City of Milwaukie,
 Oregon, that the above mentioned plans, specifications and estimates of
 the City Engineer now on file with the City Recorder are found to be
 satisfactory and are hereby approved.

BE IT FURTHER RESOLVED that the Council of the City of Milwau-
 kie, Oregon, does hereby declare its intention and purpose to make such
 improvement, and the location and kind of improvement being as follows:

By the construction of sanitary sewers, and all things neces-
 sary in the construction thereof, all to be done in accordance with
 plans and specifications now on file with the City Recorder, which plans
 and specifications hereby are referred to and made a part of this Resolu-
 tion

Said Sanitary sewers to be constructed along the following
 lines and between the following termini:-

36th AVENUE, from Roswell Avenue to Sherrett Avenue
 ROCKVORST ROAD, from Roswell Avenue to 28th Street
 28th AVENUE, from Roswell Avenue to Van Waters Avenue
 28th STREET, from Van Waters Avenue to Sherrett Avenue
 28th PLACE, from Roswell Avenue to Van Waters Avenue
 29th AVENUE, from Roswell Avenue to Sherrett Street
 30th AVENUE, from Roswell Avenue to Van Waters Avenue and from
 Sherrett Street northerly a distance of 150 feet
 31st AVENUE, from Roswell Avenue to Van Waters Avenue, and from
 Sherrett Street southerly a distance of 150 feet
 32nd AVENUE, from Roswell Avenue to Sherrett Street
 VAN WATERS AVENUE, from 28th Street to 32nd Avenue
 SHERRETT STREET, from 28th Street to 36th Avenue

AND by the construction of a TRUNK LINE SEWER, and all things necessary
 in the construction thereof, all to be done in accordance with the plans
 and specifications now on file with the City Recorder, which plans and
 specifications are hereby referred to and made a part of this Resolution,

MEETING OF AUGUST 11, 1958 continued

Said TRUNK LINE SEWER to be constructed along the following lines and between the following termini:-

SHORT STREET, from Beta Street to Stubb Street
 STUBB STREET, from Short Street to the Easterly right-of-way line of the Southern Pacific Railroad Company
 Northerly along the easterly right-of-way line of the Southern Pacific Railroad Company to Roswell Avenue
 ROSWELL AVENUE, from the easterly right-of-way line of the Southern Pacific Railroad Company to 36th Avenue

That the Engineer's estimate of the probable cost of such improvement is the sum of EIGHTY-SIX THOUSAND, THREE HUNDRED (\$86,300.00) DOLLARS.

That the district liable to be assessed for the aforesaid improvement is as follows:

Beginning at the intersection of the north boundary of Section 25, T. 1 S., R. 1 E., W.M. with the easterly right-of-way boundary of the Southern Pacific Main Line Railway as originally purchased; thence following the boundary common to Sections 24 and 25, said Township and Range, East to the east boundary of 36th Street, which is also the west boundary of the City of Portland; thence South on the east boundary of said 36th Street and the west boundary of the City of Portland and the southerly extension thereof to the north boundary of Lot 11, Block 1, FLOSS ACRES, a Townplat recorded in Book 16, Page 21, RECORD OF TOWNPLATS, for Clackamas County, Oregon; thence Southwesterly along the north boundary of said Block 1 and the extension thereof to the northeast corner of the William Meek D.L.C. No. 50, T. 1 S., R. 1 E., W.M.; thence along the north boundary of said William Meek Claim, West to its intersection with the east boundary of the Southern Pacific Main Line Railway right-of-way as originally purchased; thence following said railway right-of-way Northwesterly to the place of beginning of the tract herein described.

That the City Engineer's estimate of cost per each front of said property abutting the aforementioned Streets where said sanitary sewers will be laid is the sum of \$2.78.

That the City Engineer's estimate of cost per each square foot of property lying within the hereinabove described territory which will be benefitted by the Trunk Line Sewer, is the sum of \$.013.

That an assessment will be levied on all lots and parcels of land within such proposed improvement district, in proportion to the amount to which each lot or parcel of land will be benefitted.

BE IT FURTHER RESOLVED, that a written remonstrance against said proposed improvement may be filed with the City Recorder on or before the 25th day of August, 1958.

BE IT FURTHER RESOLVED, that the Chief of Police of Milwaukee, shall, within ten days from the passage of this Resolution, give notice of the passage of this Resolution by posting notices headed with the title NOTICE OF SEWER CONSTRUCTION WORK in three conspicuous places along the said above named streets; which said notice shall contain a copy of this Resolution, and shall specify the time in which a remonstrance against said proposed improvement may be filed with the City Recorder.

MEETING OF AUGUST 11, 1958 continued

AND WHEREAS, it is necessary that said improvement be made as soon as possible on account of sewage disposal and drainage conditions in said district; NOW THEREFORE an emergency is declared to exist and this Resolution shall go into full force and effect immediately upon its adoption.

ADOPTED THIS 11th DAY OF August, 1958

Leonard B. Mullan
Leonard B. Mullan, Mayor

ATTEST:

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

Motion carried and so ordered.

A letter from Rader & Kitson, Attorneys for Nase Construction Company, requesting that a portion of the Cul-de-sac in 46th Street in the Plat of Martin Heights, be vacated, was laid before the Council. Proper maps, with descriptions, and a check in the amount of \$35.00 accompanied the request. Nase Construction Company propose to extend Franklin Street easterly to intersect with 46th Street Martin Heights, thereby eliminating the need of the Cul-de-sac. It was moved by Roberts, and seconded by Mortensen that the following Resolution be adopted.

RESOLUTION NUMBER 15-1958

WHEREAS, the following portion of a public street, to-wit: Beginning at a point in the center line of S.E. 46th Avenue as laid out and platted in Martin Heights in Clackamas County, Oregon, which is the point of intersection of tangents in said S.E. 46th Avenue the Southerly tangent having a bearing of N. 60° 38' W., and the Northerly tangent having a bearing of S. 0°, 35' 34" W.; thence S. 29° 30' 38" E. 49.15 feet to a point on the Southerly line of S.E. 46th Avenue and the true point of beginning of the tract herein described; thence along the arc of a curve to the right having a radius of 49.15 feet through a central angle of 97° 12' 26" and having a long chord bearing of N. 70° 54' 20" W. a distance of 83.39 feet, thence along the arc of a curve to the right having a radius of 313.5 feet through a central angle of 13° 30' 30", and having a long chord bearing S. 70° 54' 20" E. a distance of 73.91 feet to the place of beginning.

being a portion of an intersecting public street heretofore dedicated as such in Martin Heights, the plat of which is recorded in Book 27, Page 18 RECORD OF TOWNPLATS, Clackamas County, Oregon, and

WHEREAS, on the 11 day of August, 1958, Rader & Kitson, Attorneys for Nase Construction Company, owners of Vista Cascade, a proposed subdivision, laid before the Council of the City of Milwaukie, Oregon, a petition for the vacation of a portion of 46th Avenue, as shown described, and

WHEREAS, the Council of the City of Milwaukie, Oregon, after due consideration of the interests of the City of Milwaukie, Oregon, and its inhabitants, and after due consideration of the public generally deems it advisable to initiate proceedings to vacate the said portion of 46th Avenue pursuant to the provisions of Section 271.130 Oregon Revised Statutes, and

MINUTES OF AUGUST 11, 1958 continued

WHEREAS, the Council of the City of Milwaukie, Oregon, has ascertained and has determined that the market value of the property abutting upon said portion of 46th Avenue, will be increased rather than decreased by reason of said vacation, and

WHEREAS the Council of the City of Milwaukie, Oregon has been advised that the hereinabove named owners of all the property abutting upon said portion of 46th Ave. have consented to such vacation

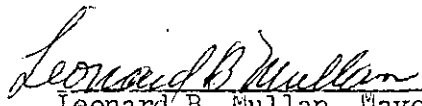
NOW THEREFORE BE IT RESOLVED, by the Council of the City of Milwaukie, Oregon, that by virtue of the foregoing and by virtue of the provisions of Section 271.130, Oregon Revised Statutes, that proceedings be and the same hereby are initiated by the Council of the City of Milwaukie, Oregon, to vacate the following portion of 46th Ave.

Beginning at a point in the center line of S.E. 46th Avenue as laid out and platted in Martin Heights in Clackamas County, Oregon, which is the point of intersection of tangents in said S.E. 46th Avenue the Southerly tangent having a bearing of N. 60° 38' W., and the Northerly tangent having a bearing of S. 0° 35' 34" W.; thence S. 29° 30' 38" E. 49.15 feet to a point on the Southerly line of S.E. 46th Avenue and the true point of beginning of the tract herein described; thence along the arc of a curve to the right having a radius of 49.15 feet through a central angle of 97° 12' 26" and having a long chord bearing of N. 70° 54' 20" W. a distance of 83.39 feet; thence along the arc of a curve to the right having a radius of 313.5 feet through a central angle of 13° 30' 30", and having a long chord bearing S. 70° 54' 20" E. a distance of 73.91 feet to the place of beginning.

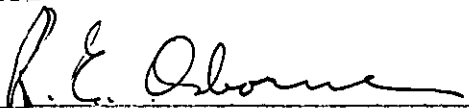
BE IT FURTHER RESOLVED that the City Recorder of the City of Milwaukie, Oregon, be and he is hereby ordered and directed to cause notices of these proceedings and the public hearing to be held thereon to be published and posted as required by the provisions of Section 271.130 and 271.110 Oregon Revised Statutes, and

BE IT FURTHER RESOLVED that the 12th day of September, 1958 be and the same hereby is fixed as the date upon which said public hearing shall be held, and the hour of eight (8:00) o'clock P.M. be and the same is hereby fixed as the time at which the said public hearing shall be held upon said date, and the Council Chamber of the City Hall, 926 Main Street, Milwaukie, Oregon, be and the same hereby is fixed as the place at which said hearing shall be held at said time on said date.

ADOPTED THIS 11 day of August, 1958


Leonard B. Mullan, Mayor

ATTEST:


Recorder

Motion carried and so ordered.

Ordinance Number 726 was taken up and read. It was moved by Mortensen and seconded by Clay that Ordinance Number 726 be passed to its second reading. Motion carried and so ordered.

Mayor Mullan announced that the Council would hold a special meeting of August 12, 1958, for the purpose of reading Ordinance Number 726.

MEETING OF AUGUST 11, 1958 continued

Bids for the construction of sewers in Sellwood Gardens were opened and read as follows:

John Luyben & Son	\$40,051.25
Riverside Const. Co.	39,454.75
P.S.Lord Mech. Cont.	31,714.50
Phoenix-Matthews, Inc.	47,885.55
George W. Lind	38,819.50
Don Thornton	29,653.75
System Construction	33,062.00
Zuber Bros.	31,274.50
Paul Fernending	46,720.50
James Robertson	38,748.50
Atlas Const. Co.	33,090.50

It was moved by Mortensen and seconded by Roberts that the bids be referred to the City Manager and the Engineer for their investigation and analysis and that the contract be awarded to the lowest responsible bidder, and that the Mayor be authorized to sign the contract. Motion carried and so ordered.

A letter, from the Milwaukie Parks Committee, in which they recommended and requested that that portion of Kellogg Lake and the land thereunder, lying within the City limits of Milwaukie, be zoned as Park Zone. It was moved by Roberts and seconded by Mortensen that the request be referred to the Planning Commission. Motion carried and so ordered.

It was moved by Roberts and seconded by Mortensen that the following bills be approved and that warrants be drawn for the payment of same.

VENDOR	TOTAL
Addressograph-Multigraph Corp.	\$ 16.84
P. R. Beedle	5.00
Bell Sand & Gravel	3.00
J. M. Bernard's Garage	88.90
Brooks Products	14.35
Bureau of Water Works	63.75
Geo. F. Cake Co.	49.39
Clackamas /county	34.75
Clackamas Office Machines	2.75
Columbia Equipment Co.	38.75
Bert Crosswhite	10.00
Daily Journal of Commerce	13.20
Ditto, Inc.	44.55
Feenaughty Machinery=	312.00
Charlie Helwig, Inc.	11.85
Kilham Sta. & Printing	35.06
McNaughton's TV & Appliance	1.05
Milwaukie Automotive Service	1 41.70
Milwaukie Hardware	25.06
Milwaukie Review	232.23
Milwaukie Transfer & Fuel Co.	40.00
Milwaukie Volunteer Fire Dept.	60.00
Bernard Muffenbier	79.00
Neptune Meter Co.	213.97
North Clackamas Co. Chamber of Comm.	75.00
Northwest Industrial Laundry Co.	4.08
Olson Bros. Shell Service	221.61
Oregon Blue Print Co.	2.31
Oregon City Printing & Sta. Co.	1. 76
Oregon News Co.	11.60
The Overall Laundry	8.20
Pacific Tel. & Tel. co.	141.95

MEETING OF AUGUST 11, 1958 continued

Parker & Fuhrman	600.00
Pennsalt of Washington Division	93.75
Pioneer Mercantile Co.	21.80
Portland General Electric Co.	1162.44
Portland Road & Driveway	344.37
Power Equipment Co.	3.20
Sutton Manufacturing Co.	1.25
Tidewater Oil Co.	201.53
Western Drug Label Co.	82.75
Waterworks Supplies	534.65
Earl S. Burdick	20.00
	<u>\$ 5,069.40</u>

TOTALS

Motion carried and so ordered.

On motion duly made and carried the meeting adjourned.

Ellen Martin
Ellen Martin, Clerk