

RESOLUTION NO. 18-1985

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE
APPROVING A REQUEST FOR ANNEXATION TO THE CITY OF MILWAUKIE
(A-85-02).

WHEREAS, a request has been made for annexation of the
territory described below, and

WHEREAS, annexation of the territory to the City has been
initiated by landowner's statement of consent, and constitutes
a so-called "triple-majority" annexation under ORS 199.490 (2)
and a "minor boundary change" under the Boundary Commission
Law, ORS 199.410 to 199.510,

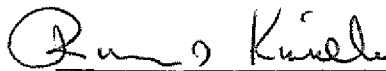
WHEREAS, the part of the territory that lies in the
Clackamas Fire District No. 1 would, by operation of ORS
199.510(1), be automatically withdrawn from that district
immediately upon consummation of the annexation; and

WHEREAS, the part of the territory that also lies in the
Clackamas Water District the Council intends, in the event
the annexation is consummated, to withdraw from the District
by authority of ORS 222.520,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City
of Milwaukie that the Council approves annexation of the
property described on Exhibit A (attached), adopts the findings
listed on Exhibit B (attached) and requests the Boundary
Commission to approve it and effect it as soon as possible;

BE IT FURTHER RESOLVED that the City Recorder is directed
to file certified copies of the statement of consent and of
this Resolution with Portland Metropolitan Area Local Government
Boundary Commission at once.

Introduced and adopted by the City Council on July 16, 1985.



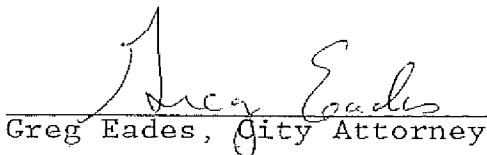
Ronald D. Kinsella, Mayor

ATTEST:



Margaret A. Post, Finance Director

Approved as to form:



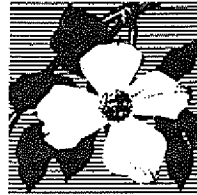
Greg Eades, City Attorney

FREILINGER, ETC.
ANNEXATION
July 31, 1985

A tract of land in Section 6, Township 2 South, Range 2 East, Willamette Meridian;; more particularly described as follows:

Beginning at the southwest corner of Lot 1, Block 4, FREILINGER ADDITION, a duly recorded subdivision in Clackamas County, Oregon; thence southeasterly upstream along the centerline of Kellogg Creek and the southerly lines of Lots 1,2,3 and 4, Block 4 of said FREILINGER ADDITION, 440 feet, more or less; to the west boundary of Ryan Avenue; thence North along the west line of Ryan Avenue, 412.95 feet, to the easterly extension of the north line of Ryan Court; thence West along the easterly extension of and the north line of Ryan Court, 105.46 feet to the southernmost southwest corner of Lot 14, Block 3, of said FREILINGER ADDITION; thence northwesterly along the northerly line of Ryan Court on an arc of a 10 foot radius curve to the right through a central angle of 65°22'30", 11.41 feet; thence continuing northwesterly along the northerly line of Ryan Court on an arc of a 50 foot radius curve to the left through a central angle of 57°55'03", 50.54 feet to the most westerly corner of said Lot 14, Block 3; thence North 36°09'47" East along the northwesterly line of Lot 14, 65.27 feet to the northwest corner of said Lot 14, said point also being an angle point in the East line of Lot 4, FREILINGER ADDITION No. 2, a duly recorded subdivision in Clackamas County, Oregon; thence North 4°57'14" East along the easterly line of said Lot 4, 101.87 feet to the southerly line of S.E. Brae Street; thence North 2°51'06" East across S.E. Brae Street, 50.0 feet to the northerly line of S.E. Brae Street; thence North 87°08'54" West along the northerly line of S.E. Brae Street, 69.37 feet to the southeast corner of Lot 3 in said FREILINGER ADDITION No.2; thence North along the easterly line of said Lot 3, 135.12 feet to the northeast corner of said Lot 3, which is also a point on the south line of BOWMAN TERRACE, a duly recorded subdivision of Clackamas County, and a point on the north line of Tract 7, ATKINSON, a duly recorded subdivision in Clackamas County, Oregon; thence tracing the north line of said Tract 7 West, 585.0 feet, more or less, to the northwest corner of said Tract 7 and the easterly line of Tract 13 in said ATKINSON; thence North 9°30' East tracing the easterly line of said Tract 13, 171.4 feet, more or less, to a point which is 1714.5 feet from the northeast corner thereof; thence North 75°34'20" West along a line which is at right angles to the westerly line of said Tract 13, 215 feet, more or less, to a point which is 50 feet easterly from a point on the westerly line of said Tract 13 which is 1717 feet from the northwest corner thereof and at right angles from said westerly line of Tract 13; thence southwesterly parallel to the westerly line of said Tract 13, 32.0 feet; thence northwesterly at right angles to said westerly line of Tract 13, 50.0 feet to said westerly line of Tract 13; thence South 16°43' West tracing said westerly line of Tract 13; 345.8 feet to the southwest corner of said Tract 13 and point in the north line of Lot 1, Block 11, MILWAUKIE HILLCREST, a duly recorded subdivision in Clackamas County, Oregon; from which point an iron pipe bears North 16°34' East, 41.9 feet; thence South 40°17' West to the centerline of Kellogg Creek as it existed on April 10, 1979; thence southeasterly tracing the centerline of Kellogg Creek, 200 feet, more or less, to a point which is North 49°43' West, tracing the northeasterly line of Aldercrest Drive, 239.4 feet and North 21°40' East, 164.74 feet from an iron bar marking the most southerly corner of Lot 2 in said MILWAUKIE HILLCREST from which point an iron pipe bears South 21°40' West, 20.94 feet distant; thence South 51°06' East, tracing the center of said creek 94.90 feet; thence South 67°18' East, 82.88 feet to a point on the easterly line of said Lot 2, from which point an iron pipe bears South 7°36' West, 20.71 feet; thence continuing to trace the centerline of said creek southeasterly 210.0 feet, more or less, to a point which is North 52°59'20" West, 120.0 feet and North 37°39'20" West, 192.33 feet from the southwest corner of Lot 1, Block 4, of the aforementioned FREILINGER ADDITION; thence continuing to trace the centerline of said creek upstream South 37°39'20" East, 192.33 feet; thence South 52°59'20" East, 120.0 feet to the southwest corner of Lot 1, Block 4, FREILINGER ADDITION and the point of beginning.

CITY OF MILWAUKIE



PLANNING DEPARTMENT
in the City Hall • phone 659-5171

July 19, 1985

EXHIBIT B

ANNEXATION FILE NO. A-85-02

This annexation was approved by the City Council of the City of Milwaukie on July 16, 1985, based on the following findings:

1. The property owners desire annexation in order to receive a full range of City services.
2. Adequate public facilities can be provided to the site including sewer, water, police and fire services.
3. The annexation is compatible with the City's Comprehensive Plan. It allows for logical City growth and all City services can be provided to this site.
4. The annexation satisfies Resolution 5-1985 which requires contiguous property to annex prior to receiving new water and/or sewer service.
5. The annexation will facilitate the development of residential property to meet the housing needs of the area.
6. The City's Dual Interest agreement with Clackamas County is satisfied in that the Land Use designation and zoning will remain the same - Residential R-10, Low Density.
7. The Urban Services policy is complied with by the following:
 - a. The City has provided for the eventual delivery of effective and efficient services to this area through its Future Facilities Plan.
 - b. A majority of the residents and property owners within the territory desire delivery of services by the City.
 - c. The City has initiated a public information process to inform residents and property owners of the need, benefits and costs to deliver City services within this area.
 - d. The City has provided a process for public participation in the implementation of the Urban Services Policy.
8. This annexation meets the requirements of ORS 199.490 (2a&b).