

Oral Agreement Terms Provide Five-Foot Setback, New Fence

(Continued from Page 1)

Meanwhile, Boyce reportedly shaved a foot from each unit to reach a five-foot setback and ordered cyclone fencing to be installed along the side lot lines at a height of four feet. These, it is understood, are the terms of an oral agreement reached with the two adjoining property owners, who agreed in return to withdraw their objections.

No written agreement among the three parties has been reported as yet, however.

Meanwhile, the units are still at least five feet short of the required setback, Bashaw told the planners.

Variance Permitted
The zoning ordinance permits a variance when "hardship amounting to the practical confiscation of the property" would otherwise result.

Bashaw pointed out that since the units were built on solid concrete blocks the cost of moving them back another five feet would appear to be prohibitive.

He said the situation would thus qualify for consideration of a variance. "If the buildings are permitted to remain," he said, "it should be sanctioned by law."

He said that City Manager Robert A. Duff, currently out of town, had asked him to make the request.

Under normal procedure, if the variance were approved by the planners their recommendation would go before the city council for further consideration by that body.

The fate of the court action remains uncertain. Wilkes based his objection to the park requirement in the proposed subdivision ordinance on a recent decision in Multnomah county in which a circuit judge upheld such a requirement.

Judge James W. Crawford held that it was an exercise of police power for regulation rather than of the power to tax. Hence, he said, no compensation was necessary for the property taken.

Seized by Power
"If residential property can be seized by police power for park purposes," Wilkes told the planners, "then business property can be seized by police power for parking purposes."

"If this is to become the policy of Medford, then suitable portions of each downtown block can be seized, cleared off, paved and the off-street parking problem solved. As Judge Crawford states, since this is an exercise of police power no compensation need to be paid."

"I think you surely can see this is a dangerous policy," he said, "and it certainly has no place in a subdivision ordinance."

City officials are reportedly still considering a list of 20 changes, mostly of a technical nature, recommended recently by "four leading surveyors" interested in the proposed ordinance.

Request Refused
Following a lengthy public hearing, the planners turned down a request by George Porter and others that several tracts along Berrydale ave. just off North Pacific highway be rezoned from single family to limited light industrial.

A primary consideration in this decision was the inadequacy of Berrydale at its present width and state of improvement to accommodate commercial traffic. Also considered were the potential danger to school children resulting from this traffic since no sidewalks exist, and the question of sewage disposal.

The commission approved a request by Nick Gier to rezone his property on North Pacific highway from single family to light industrial to accommodate a trailer court and sales agency.

A request for a change from single and two-family to limited commercial for the Drive-In Cleaners to permit a pick-up point on East Jackson st. was denied. Two petitions from property owners and a letter from Ward I Councilman Ed Hall was presented in opposition.

Amendment Presented
An amendment to the zoning ordinance that would permit erection of single signs in residential areas to advertise undeveloped subdivisions was presented to the planners by Bashaw. A public hearing on the proposal was called for the Jan. 12 meeting. Hearings on sign variance requests for the Mont Crest and Brookhurst subdivisions were continued pending the action on the amendment.

limits of the zoning ordinance is to be sought.

A one-year variance for a Big Y Market billboard on Crater Lake highway was approved.

A public hearing was called for Jan. 12 on the rezoning from single family to commercial for lots at the southeast corner of Crater Lake ave. and Roberts rd. and west of Crater Lake between Covina ave. and McAndrews rd.

Hearings on that date were also called for the Eagles property on Biddle rd., for which a change from single family to commercial has been requested, and for property at the northeast corner of Crater Lake and Reddy aves., where a change from single family to multiple family has been asked.

The planners agreed to include on the Jan. 12 agenda the continued hearing on rezoning the Luther M. Davis property on Barnett rd. at Bear creek from single family to limited commercial to permit a motel and filling station.

This site is at the proposed location of a freeway interchange, and action has been deferred previously pending a decision on zoning policy for interchange areas.

The commission asked further study by city officials of the proposed dedication and subdivision of a street south of Spring st. and east of Crater Lake ave. and the proposed dedication of Swing lane.

Proposal Continued
Consideration of the proposal by Dr. L. Dow Inskip to dedicate a dead-end street across his El Mar addition property was continued to the next meeting. Dr. Inskip reportedly proposes to dedicate a 60-foot right of way to include 40 Oriental Plain trees and to rearrange property lines along each side to form lots larger than those originally platted.

The street would run north from Hillcrest rd. and stop 10 feet short of Capital ave. opposite the city reservoir. Dr. Inskip said he hoped by making it a dead-end to protect children and pets and prevent hot-rodders from passing through.

Since the trees are reportedly only 30 feet apart, the street would have to be substandard in width.

New Plat Suggested
Planning Technician Ned Langford, at City Manager Duff's request, has recom-

mended that the existing plat be vacated and that a new subdivision plat be submitted. The recommendation includes the advisability of preserving the trees if possible.

The city's street tree committee is reportedly interested in their preservation too.

The planners granted final approval to the Hillcrest Memorial Park cemetery plat, to be situated on North Phoenix rd. about 1 1/2 miles southeast of Medford.

Tentative approvals were granted to Mark Goldy's proposed subdivision on Crater Lake ave. at Bucksport rd., and to Grandview Unit No. 2 subject to vacation of the Rogue Valley Heights Extension plat.

16-Year-Old Girl Weighing 14 Pounds Dies

Vine Grove, Ky. — (UPI) — Funeral services were held today for Wanda Sue Hardy, 16, whose tragically tiny body seemed to have been made up almost entirely of heart and courage.

Never in her life did Wanda Sue weigh more than 20 pounds, and at death she weighed just 14 pounds.

She was born an apparently normal, healthy child, but at 10 months contracted whooping cough. The disease left her blind in one eye, and by the time she was 3 she was almost sightless.

She almost stopped growing, and did not gain any weight after that time.

Friendly Child
Doctors said her condition could have been congenital, or my have been the result of a blood vessel bursting in her brain during a whooping cough spasm.

Although she could not be very active, Wanda Sue was always a friendly, cheerful child.

Her father, James Hardy, is a civilian employee at nearby Ft. Knox.

The little girl required almost constant care, which put a heavy load on her parents, unable to afford nursing help. Mrs. Hardy was with her almost every minute, except for several occasions when the strain brought on a breakdown and forced her to go to a hospital.

plies were available. It was just a little more difficult than usual to get them.

Until the end of the week, for example, there was virtually no passenger car travel. But anyone who wanted food could get it by trudging waist-deep through the snow to the city's main business area.

Police, Red Cross and civil defense personnel were kept busy bringing supplies to people who could not get out for them. While many neighborhood grocery stores had to close because of a lack of deliveries, supermarkets in the downtown section operated as usual.

A tavern owner reported that at the height of the snow-siege, "business was twice as good as any warm summer day." He attributed his good fortune to the fact that his was one of the few establishments in the area which kept a path open from the street, where pedestrians found it easier going than on the walks to his door.

Although many industries were shuttered, along with all schools in the city, the snow provided work for many. Police and firemen were kept busy directing emergency service for 18 to 20 hours a day. And the regional unemployment office channeled jobless workers to snow shoveling chores at \$2 an hour.

It's hard to estimate the cost of the storm to the city. Mayor Vincen Corsall Monday night asked the Common Council for an extra \$20,000 to help handle the snow expenses.

Oswego Residents Not Wishing for White Christmas

Oswego, N.Y. — (UPI) — No one here is dreaming of a white Christmas.

With nearly a season's worth of snow already on the ground all the melodic sentimentality in the world would have a hard time getting anyone to wish for any more. The 65 inches of snow began falling on Dec. 7.

For a while it brought normal life to a standstill in this northern New York community. And although normalcy is slowly returning it will be a long time before any one will forget this particular Dec. 7 and its aftermath.

The snow, piled into huge drifts by winds and packed into solid walls 15 feet high by plows, brought hardship and some danger to the 23,000 residents of this community at the southeastern bend of Lake Ontario. But no real crisis developed.

Despite the tons of snow which fell between Sunday and Thursday, all but the sick or elderly managed to get in and out of their homes with little trouble. Food and sup-

Medco Train, Car Involved in Crash

Dimitri James Bolton, 53, of 527 Spencer st., Medford, yesterday escaped injury when the car he was operating was struck by a Medford corporation train on Vilas rd., according to state police.

Police said Bolton was traveling east on Vilas rd., and noticed the train too late to stop to avoid hitting the engine broadside. He attempted to cross the tracks before the train crossed the road, police said, and the engine struck the right rear of the car, spinning it around.

Engineer was Floyd Lenn Hickman, 35, of 3 West Sixth st., Eagle Point.

A car operated by Kenneth Earl Fields, 30, of 806 East Fifth st., Jacksonville, went out of control and down an embankment on Hanley hill about 8:30 p.m. yesterday, police said. He was not injured.

Larson Elected President of Safety Council

C. D. (Swede) Larson, Pierce Freight Lines, Medford, has been elected president of the Medford Safety Council for 1959.

Other officers named include Ralph Matthews, transportation officer, Medford public schools, vice president; and Rudy Traut and Greg Orr, members of the board of directors.

Russ Jamison and Capt. Clyde Fichtner, Medford police department, were reelected secretary and treasurer, respectively.

The council recently endorsed the National Safety Council's position that holiday office parties should be kept "dry."

Cites Several Examples
Berry Bigham, current president, has cited "several examples" of firms in this area that have pledged themselves to "dry up" their Christmas parties.

The council noted that drinking drivers were involved in more than 50 per cent of the 273 Christmas holiday accidents in Oregon last year. These accidents resulted in 111 injuries and five deaths, the council said.

The real traffic menace during the holidays, council spokesmen stated, is the "social drinker." They indicated that business parties are the source of many automobile accidents at this time of year.

The council's new officers are to be installed at the annual awards banquet, tentatively scheduled for Jan. 16.

The committee for the banquet includes Capt. Fichtner, Elliott Becken, Sheriff-elect Joe Walsh, Ireen Grigsby and William Bell.

Holiday Program Set at Gold Hill

Gold Hill — The annual Christmas program for Gold Hill schools will be held at 7:30 p.m. Thursday, Dec. 18, school officials have announced.

The Patrick school program will be divided into two parts with the first grade impersonating Santa Claus' helpers, and the second and third graders depicting the Christmas story in scenes and music.

The reader will be Donald Sizemore and the soloist will be Carol Rosecrans.

The play, "Christmas at Whitman's Mission, 1845," will be presented at 9:30 a.m. Thursday and again during the program that night.

Participating in the morning production of the play will be Greg Appien, Toni Morrow, Barbara Schatz, Bob Turner, Steve Wakeman, Judy Fisher, Glenda Callahan and Linda Mitchell. In the evening production, the cast will include Ogden Kellogg, Karen Patterson, Loraine Hicks, Ronny Brown, Sherman Kiger, Penny Flenner and the Misses Fisher, Callahan and Mitchell.

About 85 fourth through eighth graders will take part in a processional and sing Christmas carols and other holiday favorites. The chorus is composed of members of music classes at Hanby school. The Hanby school band also will participate.

The Gold Hill Parent Teacher association will furnish refreshments following the program.

Hamarskjold Eyes MidEast Mission

United Nations, N. Y. — (UPI) — Secretary-general Dag Hamarskjold today planned a new trouble-shooting mission to the Middle East to calm the latest border flare-up between Israel and the United Arab Republic.

The Security Council, discussing Israel's charge of UAR "aggression" for the second day, decided late Monday to turn the case over to the Palestine Truce Observation Commission with Hamarskjold's help.

Hamarskjold will take on his new Middle East mission in connection with his custom of spending Christmas with the UN Emergency Force on duty in the Gaza Strip, along the southern border of Israel with the United Arab Republic.

Impersonation of Daughter-in-Law Leads To Arrest

Ventura, Calif. — (UPI) — A 54-year-old woman was jailed here today for impersonating her daughter-in-law, apparently in a bold attempt to break up her son's marriage.

Police were investigating the possibility that the younger woman might have been kidnaped.

Scientist Kills Student Suspected Of Coveting Wife

Berkeley, Calif. — (UPI) — A scientist who befriended and housed a student from Germany killed the University of California junior today because he suspected him of having had a love affair with his wife.

John W. Hampton, 31, a Ph.D. research scientist for an oil company, told police he had carefully planned to kill Wolfgang Ludwig Marx, 26. He had resigned from job effective today.

About midnight, Hampton said he finished his fifth martini of the night, put a .22 caliber pistol in his belt, and went stalking the campus for Marx, who had a room in Hampton's home. After searching in coffee shops and all-night bookstores he found his victim working on an experiment in a third floor physics laboratory in LeConte hall.

Aimed for Heart
"We recognized each other," Hampton told police. "We were face to face. I was about eight feet from him. My gun was under my belt. I cocked it and shot Marx, aiming for his heart. I cannot recall how many shots I fired. After he fell to the floor I walked forward and fired at his head."

A LeConte hall janitor saw Hampton fleeing after the slaying. A half hour later the scientist returned to the building and was captured in a light-well where he was trying to recover the pistol, thrown there after the shooting.

Hampton said he and his blonde wife, Madeleine, 29, had taken Marx into their home in 1956. "At that time he had an affair with my wife," the scientist said. Marx entered the U.S. Army at the end of that school year, returning three months ago.

Wife Is Hospitalized
"They resumed their affair," Hampton said. He said he bought the gun a short time after Marx returned. Monday night he resolved to kill the student.

When informed by police of the laboratory shooting, Mrs. Hampton gasped "Oh, my God!" and collapsed. She was hospitalized and was unable to confirm or deny her husband's story of her alleged affair with Marx.

The Hamptons have three children.

Surprise Awaits Gift Box Thief
Portland — (UPI) — A thief who stole two gift-wrapped boxes from the 10th Avenue Smoke Shop here Monday will be disappointed if he waits until Christmas to open them up, the shop manager advises.

Both boxes were displays only—and empty.

Australia's crop area extends about 22 million acres and more are being added to it year after year.

The nation's proved oil and gas areas now comprise a combined total of about 125 million acres.

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ulate on the possibility of foul play.

Meanwhile, authorities in Santa Barbara were questioning two men, Augustine Baldonada, 25, Camarillo, Calif., and Luis Estrada Moya, 22, a parole violator of Santa Bar-

bara, about the missing woman. They were booked on suspicion of kidnaping, police said.

At the arraignment Monday, Municipal Judge Richard C. Heaton set Mrs. Elizabeth Duncan's bail at \$50,000. Her

son appeared in court to ask for a bond reduction, but the request was denied.

The man who played the son's part at the "annulment" procedure has been identified only as "Ralph Roe." He was still at large.



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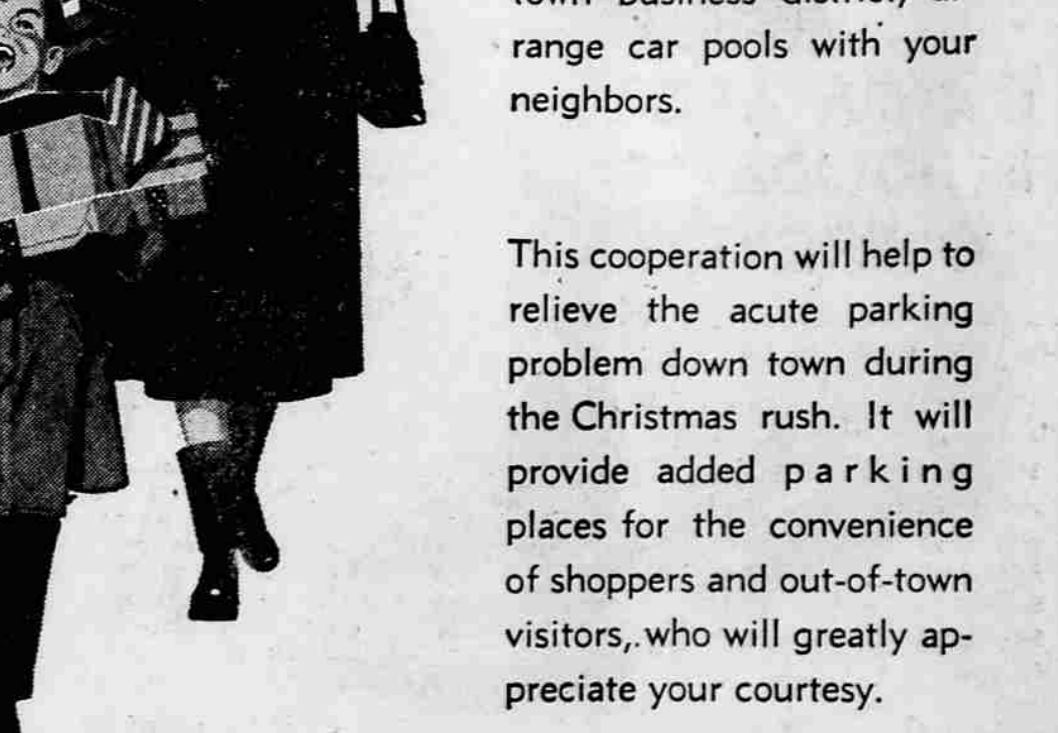
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... if possible, LEAVE YOUR CAR HOME DURING THE NEXT TEN DAYS. If you live very far from the downtown business district, arrange car pools with your neighbors.

This cooperation will help to relieve the acute parking problem down town during the Christmas rush. It will provide added parking places for the convenience of shoppers and out-of-town visitors, who will greatly appreciate your courtesy.



Medford Mail Tribune

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