

RESOLUTION NO. 12-24

A RESOLUTION REGARDING ANNEXATION PROPOSAL NO. AN 12-02 AND REFERRING TO THE LEGAL VOTERS OF OREGON CITY THE QUESTION OF APPROVING ANNEXATION PROPOSAL NO. AN 12-02

WHEREAS, the owner of certain real property adjacent to the City of Oregon City, more fully identified in the legal description attached hereto as Exhibit 'A' to this Resolution, proposed in Annexation Proposal No. AN 12-02 that their property be annexed to the City to comply with Water Environment Services, Clackamas County, requirements to connect a failing septic system to city sanitary services; and

WHEREAS, the City of Oregon City City Commission, Oregon, reviewed the proposal during a public hearing and found that it can comply with all applicable legal requirements; and

WHEREAS, Chapter I, section 3 of the Oregon City Charter of 1982, as amended, requires voter approval of annexations such as the one proposed; and

WHEREAS, the identified property is currently in Clackamas County Rural Fire Protection District # 1 (CCFD#1); and

WHEREAS, if annexation is approved by the legal voters of Oregon City, CCFD#1 will continue to provide fire protection service to the identified property; and

WHEREAS, the identified property is currently within the Clackamas County Service District for Enhanced Law Enforcement; and

WHEREAS, the identified property is currently served by the Oregon City water distribution system; and

WHEREAS, the identified property is not currently within the Tri-City Service District and must petition for annexation into said District with the concurrence of the City; and

WHEREAS, if annexation is approved by the legal voters of Oregon City, the Oregon City Police Department will be responsible for police services to the identified property;

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

Section 1. That the annexation proposal, AN 12-02, should be sent to the voters for decision and that, should the legal voters of Oregon City approve the measure submitted to them below, the property described in Exhibit 'A' should be annexed to the City of Oregon City.

Section 2. An election is called in and for the City of Oregon City, to be held November 6, 2012, in the manner designated by the Clackamas County Clerk, who shall conduct the election. At that election, the following question shall be submitted to the electors:

Shall 0.3 acres adjacent to Leroy Lane and south of Holcomb Boulevard be annexed into the Oregon City city limits?

Section 3. The City Commission adopts the following ballot title to describe the measure to be placed before the voters at the Tuesday, November 6, 2012 election:

MEASURE No. _____

CAPTION: MEASURE APPROVING ANNEXATION OF 0.3 ACRES INTO OREGON CITY.

QUESTION: Shall 0.3 acres adjacent to Leroy Lane and south of Holcomb Boulevard be annexed into the Oregon City city limits?

SUMMARY: Annexation is the legal process to bring property into the city limits. Because of a failing septic system, Peter and Elizabeth Jacobsen, the applicants and property owners have asked the city to bring one 0.3 acre parcel of land adjacent to Leroy Lane and south of Holcomb Boulevard into the city limits. The legal description of the property is T2S R2E Section 29DC Tax Lot 3300.

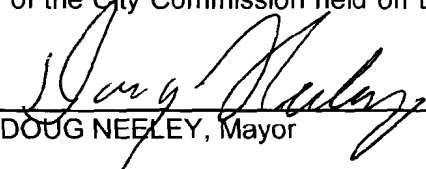
The annexation area is located within Oregon City's Urban Growth Boundary and is contiguous to property already located in the city limits. The property is currently zoned County R-8.5 and will retain its R-8.5 designation should annexation be approved. No development of the subject property is proposed. The City Commission has concluded that the proposal meets all state, regional and City requirements for annexation into the City and services can be adequately provided to the property.

Section 4. The Notice of Ballot Title, as set forth in Exhibit 'B,' is hereby approved and the City Recorder is hereby authorized and directed to take all measures necessary for the holding of the election on the measure described in this resolution.

If the legal voters of Oregon City approve the annexation, the identified territory shall be withdrawn from the Clackamas County Service District for Enhanced Law Enforcement on the date the annexation becomes effective.

If the legal voters of Oregon City approve the annexation, the City Commission will concur with Tri-City Service District's annexation of the subject properties into their district in the enacting City ordinance accepting the City voter's approval.

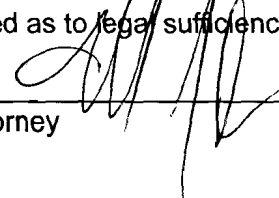
Approved and adopted at a regular meeting of the City Commission held on the 1st day of August, 2012.



DOUG NEELEY, Mayor

Attested to this 1st day of August 2012:


for Kelly Bergayne, Asst. City Recorder
for Nancy Ide, City Recorder

Approved as to legal sufficiency:


City Attorney

CERTIFICATION OF LEGAL DESCRIPTION AND MAP

I hereby certify that the description of the property included within the attached petition (located on Assessor's Map 22E 29DC) has been checked by me and it is a true and exact description of the property under consideration, and the description corresponds to the attached map indicating the property under consideration.

NAME Mary Neigel
TITLE Cartographer II
DEPARTMENT Assessment + Tax
COUNTY OF Clackamas
DATE 05.07.2012

2 2 E 2 9 DC 03300

Exhibit "A"

Real property in the County of Clackamas, State of Oregon, described as follows:

Part of the George Abernethy Donation Land Claim No. 58, in Section 29, Township 2 South, Range 2 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as:

Beginning at an angle point on the South boundary of the George Abernethy Donation Land Claim No. 58 in Township 2 South, Range 2 East of the Willamette Meridian, which is South 04°19' West 13.80 chains from the Southeast corner of the Hiram Straight Donation Land Claim in said Section 29; thence North 80°30' West along South line of said Donation Land Claim, 1004.00 feet, more or less, to the Southeast corner of a tract of land conveyed to George Taves in Book 169, Page 199, Clackamas County, Oregon Records, which point is the true point of beginning of the tract herein described; thence North along the East line of the said Taves tract, 150.00 feet to an iron pipe and angle thereof; thence Southeasterly on a prolongation of the Northeasterly line of the said Taves tract to a point in the South line of the said Abernethy Donation Land Claim; thence North 80°30' West along South line of said Donation Land Claim to the true point of beginning.

Together with a right-of-way for road purposes as conveyed by instrument recorded May 19, 1945 in Book 344, Page 352.

Note: This legal description was created prior to January 1, 2008.

Tax Parcel Number: 00563376

MN

05-07-2012

S. R.2E. W.M.
ITY

CANCELLED
1300
101
102
200
700
2801
1890

2 2E 29DC

APPROX.
1/16 COR.

16750

Eng Sta.
102

O.C. 54-Res

P 2 2E 29DB

1994-184

LERoy LANE

16750

NOTE:

TLS 500, 600, 3300,
& 3400 ACCESSED
FROM LEROY LANE

62-92

NEBLAND
MARKET RD.

500
0.52 Ac.
16765

3300
0.36 Ac.
16770

600
1.20 Ac.
13720

62-02

3400
0.90 Ac.
16780

R-8.5

879

20

R-D

TO CITY BY
B.O. 92-140

SCOPE

2 2E 29DD

16900

MAP
SEE

JGLESBY ROAD

800
2.31 Ac.
13660

CREEK

FU-10

541°30'E
85.6'
516°30'E
526.40'

133'

EXHIBIT B

NOTICE OF BALLOT TITLE – REFERRAL BY CITY COMMISSION

NOTICE IS HEREBY GIVEN that the City Recorder of Oregon City has received a proposal from the Oregon City Commission to expand the City’s boundaries by approximately 0.3 acres in the northeast side of the City, adjacent to Leroy Lane and south of Holcomb Boulevard. The City Recorder has determined that the proposal contains only one subject, as required by section 1(2)(d), Article IV of the Oregon Constitution.

NOTICE IS FURTHER GIVEN that the Oregon City Commission has submitted the following ballot title for the proposal:

BALLOT TITLE

MEASURE No. _____

CAPTION: MEASURE APPROVING ANNEXATION OF 0.3 ACRES INTO OREGON CITY

QUESTION: Shall 0.3 acres adjacent to Leroy Lane and south of Holcomb Boulevard be annexed into the Oregon City city limits?

SUMMARY:Annexation is the legal process to bring property into the city limits. Because of a failing septic system, Peter and Elizabeth Jacobsen, the applicants and property owners have asked the city to bring one 0.3 acre parcel of land adjacent to Leroy Lane and south of Holcomb Boulevard into the city limits. The legal description of the property is T2S R2E Section 29DC Tax Lot 3300.

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NANCY IDE, City Recorder