

RESOLUTION NO. 12-25

A RESOLUTION REGARDING ANNEXATION PROPOSAL NO. AN 12-03 AND REFERRING TO THE LEGAL VOTERS OF OREGON CITY THE QUESTION OF APPROVING ANNEXATION PROPOSAL NO. AN 12-03

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 12-03 that their property be annexed to the City of Oregon City to connect properties to city services and allow future development; and

WHEREAS, the City of Oregon City City Commission, Oregon, reviewed the annexation proposal during a public hearing on August 1, 2012 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 within and served by the Clackamas River Water (CRW) District service area; and

WHEREAS, with approval of the annexation, the property will be withdrawn from CRW and future development will be connected to the Oregon City water distribution system; and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 12-03, 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 11.93 acres of industrial land east of Beavercreek Road 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 11.93 ACRES INTO OREGON CITY.

QUESTION: Shall 11.93 acres of industrial land located east of Beavercreek Road be annexed into the Oregon City city limits?

SUMMARY: Annexation is the legal process to bring property into the city limits. Property owner Kenneth Hochhalter has asked the city to bring one 11.93 acre parcel of land located east of Beavercreek Road in to the city limits. The legal description of the property is T3S R2E Section 9A Tax Lot 800.

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 designated as Industrial on the Oregon City Comprehensive Plan land use map. The property is currently zoned County FU-10 and if the annexation is approved, it will be zoned Campus Industrial (CI). No development of the subject property is proposed. Future development of the property would require submittal of a land use application for approval by the City of Oregon City. 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.

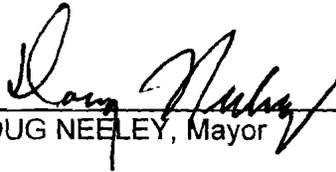
Section 4. The Notice of Ballot Title, as set forth in Exhibit 'B,' is hereby approved and the City Recorder is hereby authorized and directed to take all measures necessary for the holding of the election on the measure described in this resolution.

If the legal voters of Oregon City approve the annexation, the identified territory shall be withdrawn from the Clackamas River Water District when future development of the property occurs.

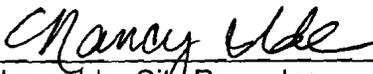
If the legal voters of Oregon City approve the annexation, the identified territory shall be withdrawn from the Clackamas County Service District for Enhanced Law Enforcement on the date the annexation becomes effective.

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 15th day of August, 2012.


DOUG NEELEY, Mayor

Attested to this 15th day of August 2012:


Nancy Ide, City Recorder

Approved as to legal sufficiency:

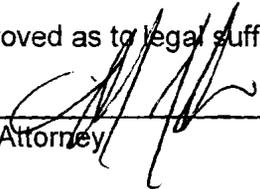

City Attorney

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 11.93 acres on the southeast side of the City. 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 any elector of the City who believes the proposed measure contains more than one subject or who believes the ballot title is insufficient, not concise, or unfair may file a petition for judicial review with the Circuit Court for Clackamas County no later than _____, which is seven business days after this notice.

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 11.93 ACRES INTO OREGON CITY

QUESTION: Shall 11.93 acres of industrial land located east of Beaver Creek Road be annexed into the Oregon City city limits?

SUMMARY: Annexation is the legal process to bring property into the city limits. Property owner Kenneth Hochhalter has asked the city to bring one 11.93 acre parcel of land located east of Beaver Creek Road in to the city limits. The legal description of the property is T3S R2E Section 9A Tax Lot 800.

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 designated as Industrial on the Oregon City Comprehensive Plan land use map. The property is currently zoned County FU-10 and if the annexation is approved, it will be zoned Campus Industrial (CI). No development of the subject property is proposed. Future development of the property would require submittal of a land use application for approval by the City of Oregon City. 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.

NANCY IDE, City Recorder

***PETITION OF OWNERS OF 100 % OF LAND
AND PETITION OF A MAJORITY OF REGISTERED VOTERS***

PETITION FOR ANNEXATION TO THE CITY OF OREGON CITY , OREGON

TO: The City Commission of the City of Oregon City, Oregon:

We, the undersigned property owners of and/or registered voters in the area described below, hereby petition for, and give our consent to, annexation of the area to the City of Oregon City.

The property to be annexed is described as follows:

(Insert Legal Description here OR attach it as Exhibit "A")

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 3 2 E 09A 00800) 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 2
DEPARTMENT Assessment & Tax
COUNTY OF Clackamas
DATE 11.01.2011

EXHIBIT A

3S 2E 09A 00800

Beginning at a basalt stone 16x10x10 marked "X" on top, and set at the Northeast corner of the D.L.C. of Robert Caufield and Jane Caufield, his wife, in T. 3 S., R. 2 E. of the W.M., which corner is also the re-entrant corner of the Washington Williams D.L.C. No. 56, T. 3 S., R. 2 E. of the W.M., running thence West tracing the North boundary of the Robert Caufield D.L.C. 751.4 feet to a point where said line intersects the center of the Oregon City and Clarks Road, known as Market Road No. 11, Clackamas County, Oregon; thence tracing the center of said road South 40° 35' East 70.00 feet to the most westerly corner of the tract of land conveyed to L. Mautz and Blanche Mautz by deed recorded in Book 171, page 259, record of deeds of Clackamas County, Oregon; thence East tracing the North boundary of said tract 1451.64 feet to the re-entrant corner of said tract; thence North tracing the West boundary of said tract 538.3 feet to the Northwest corner of said tract and a point on the South boundary line of a tract conveyed to Roselynn Robbins by deed recorded in Book 147, page 100, Records of Deeds, Clackamas County, Oregon; thence West tracing the South boundary line of Roselynn Robbins land 748.14 feet to a stone set on the East line of a tract of land conveyed to Herbert M. Robbins and Nan D. Robbins by deed recorded in Book 147, page 102, Records of Deeds of Clackamas County, Oregon; thence South tracing the East boundary line of said tract 484.5 feet to the place of beginning, the same being a portion of Section 9, T. 3 S. R. 2 E., of the W.M., in Clackamas County, Oregon. ALSO beginning at a basalt stone 16x10x10 marked "X" on top and set at the northeast corner of the D.L.C. of Robert Caufield and Jane Caufield, his wife, in T. 3 S., R. 2 E. of the W.M., which corner is also the re-entrant corner of the Washington Williams D.L.C. No. 56, in T. 3 S., R. 2 E., of the W.M., running thence West, tracing the North boundary of the Robert Caufield D.L.C. 751.4 feet to a point where said line intersects the center of the Oregon City and Clarks road known as Market Road No. 11, Clackamas County, Oregon; thence tracing the center of said road south 40° 35' East 70 feet for the true point of beginning; thence East tracing the North boundary of property as described in Book 171, page 259, Records of Deeds for Clackamas County, Oregon, a distance of 1454.64 feet to a point; running thence Southwesterly to a point in the Center of Market Road No. 11, which is Southeasterly 115 feet from the place of beginning; thence Northwesterly in the center of said road 115 feet to the place of beginning, in the County of Clackamas and State of Oregon.

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[reg. rev. 3/14/01]

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(MN) 11-01-2011

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