

COUNCIL AGENDA



JULY 8, 1998

LEBANON CITY COUNCIL

JULY 8, 1998

7:30 p.m.

A G E N D A

Lebanon School District Board Room
485 South Fifth Street

NO NOON SESSION

CALL TO ORDER/FLAG SALUTE

ROLL CALL

INTRODUCTION AND SWEARING IN OF POLICE CHIEF MIKE HEALY

PRESENTATION TO RETIRED POLICE CHIEF WALTER RICHMOND

APPROVAL OF MINUTES

- 1) MINUTES OF THE JUNE 24, 1998 CITY COUNCIL MEETING

PUBLIC HEARING

- 2) ANNEXATION OF A CERTAIN PROPERTY A-98-3 (RUFF PROPERTY)

Presented by: Mr. Douglas Parker, City Planner

Approval/Denial of ORDINANCE

- 3) ANNEXATION OF A CERTAIN PROPERTY A-98-1 (THAYER PROPERTY)

Presented by: Mr. Douglas Parker, City Planner

Approval/Denial of ORDINANCE

4) ANNEXATION OF A CERTAIN PROPERTY A-98-2 (LOPEZ PROPERTY)

Presented by: Mr. Douglas Parker, City Planner

Approval/Denial of ORDINANCE

5) ANNEXATION OF A CERTAIN PROPERTY A-98-4 (VINE STREET PROPERTIES)

Presented by: Mr. Douglas Parker, City Planner

Approval/Denial of ORDINANCE

6) ANNEXATION OF A CERTAIN PROPERTY A-98-5 (LUND PROPERTIES)

Presented by: Mr. Douglas Parker, City Planner

Approval/Denial of ORDINANCE

7) VACATION OF 7TH AND TANGENT RIGHT-OF-WAY

Presented by: Mr. Jim Ruef, Director of Public Works

Approval/Denial of ORDINANCE

LEGISLATIVE ACTION

8) HIGHWAY 20/AIRPORT ROAD SIGNAL AGREEMENT

Presented by: Mr. Jim Ruef, Director of Public Works

Approval/Denial by MOTION

9) STREET CLOSURE REQUEST FOR ASH AND SHERMAN STREETS

Presented by: Mr. Joseph A. Windell, City Administrator

Approval/Denial by MOTION

Lebanon City Council
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10) PARKING TIME LIMITS IN CITY PARKING LOTS

Presented by: Mr. Tom McHill, City Attorney

Approval/Denial of ORDINANCE

EXECUTIVE SESSION

As per ORS 192.660(1)(d) To conduct deliberations with persons designated by the Council to carry on labor negotiations.

CITIZEN COMMENTS

ADJOURNMENT

AGENDA ITEM 1

**MINUTES
LEBANON CITY COUNCIL
JUNE 24, 1998**

MEMBERS PRESENT Mayor Bob Smith; Councilors: Floyd Fisher, Ron Miller, Wayne Rieskamp, Ken Toombs, Stan Usinger

STAFF PRESENT Joseph Windell, City Administrator; Tom McHill, City Attorney; Judy Wendland, Finance Director; Walt Richmond, Chief of Police; Jim Ruef, Director of Public Works

CALL TO ORDER, FLAG SALUTE, ROLL CALL

The regular meeting of the Lebanon City Council was called to order by Mayor Smith at 7:30 P.M., June 24, 1998 in the Lebanon School Board Room at 485 S. Fifth Street. Roll Call was taken with five members present. Councilor John Richard was absent.

APPROVAL OF MINUTES

1. MINUTES OF JUNE 10, 1998

The Minutes of the Lebanon City Council Meeting of June 10, 1998 were approved as written.

PUBLIC HEARING

2. STATE OF OREGON REVENUE SHARING LEGISLATION

Mayor Smith opened the Public Hearing at 7:32 P.M.

Finance Director Wendland stated that every year the State of Oregon requires the City to hold a public hearing and then to adopt two specific pieces of legislation, one a resolution and the other an ordinance, in order to receive the annual revenue sharing which is basically beer and wine taxes. The City receives between \$60,000 and \$70,000 each year which is used as General Fund revenue.

There being no comments, Mayor Smith closed the Public Hearing at 7:34 P.M.

City Attorney McHill read the following resolution by title:

A RESOLUTION CERTIFYING THE CITY OF LEBANON PROVIDES MUNICIPAL SERVICES FOR ELIGIBILITY IN RECEIVING STATE SHARED REVENUE PAYMENTS

A motion was made by Councilor Toombs, seconded by Councilor Rieskamp and passed unanimously that:

The Resolution certifying the City of Lebanon provides municipal services for eligibility in receiving State shared revenue payments be passed.

City Attorney McHill read the following ordinance by title:

AN ORDINANCE DECLARING THE CITY OF LEBANON'S ELECTION TO RECEIVE STATE REVENUES

A motion was made by Councilor Rieskamp, seconded by Councilor Toombs and passed unanimously by roll call that:

The Ordinance declaring the City of Lebanon's election to receive State revenues be passed.

LEGISLATIVE ACTION

3. INTRA-FUND TRANSFERS IN THE 1997-98 BUDGET

Finance Director Wendland stated that this last year, for the first time, the City was able to receive Title XIX money to offset the cost of a Senior Services program. Under another program the City has been receiving Title XIX money that goes directly to Dial-A-Bus. In each situation a certain amount of money is sent and the City is asked to send part of that back. In prior grants the City was always required to budget the net amount that the City was allowed to keep. In the situation of the Title XIX that is going in for the Senior Center the City is required to budget 100% of the money received, then also budget the amount that is sent back to the State.

City Attorney McHill read the following resolution by title:

A RESOLUTION AUTHORIZING CERTAIN INTRA-FUND TRANSFERS IN THE 1997-98 BUDGET

A motion was made by Councilor Miller, seconded by Councilor Usinger and passed unanimously that:

The Resolution authorizing certain intra-fund transfers in the 1997-98 budget be passed.

4-6 ADOPTION OF THE 1998-99 CITY OF LEBANON BUDGET

Finance Director Wendland explained that the changes in the budget are "housekeeping changes." The one difference, discussed at the June 10, 1998 Council Meeting, was the elimination of the Public Relations position from the General Fund and with the Councilors' consensus, changed that to: Finance Department Accounting Software, \$4,000; Library Book Budget, \$6,500; and part of Planning Computer, \$700, totaling \$11,200. Ms Wendland stated the only other item of significance was that of \$15,000 to the Senior Center budget for emergency repairs.

City Attorney McHill read the following resolution by title:

A RESOLUTION ADOPTING THE CITY OF LEBANON'S BUDGET AND MAKING APPROPRIATIONS FOR FISCAL YEAR 1998-99

A motion was made by Councilor Usinger, seconded by Councilor Rieskamp and passed unanimously that:

The Resolution adopting the City of Lebanon's budget and making appropriations for fiscal year 1998-99 be adopted.

City Attorney McHill read the following resolution by title:

A RESOLUTION LEVYING TAXES FOR THE CITY OF LEBANON'S BUDGET FOR FISCAL YEAR 1998-99

A motion was made by Councilor Rieskamp, seconded by Councilor Toombs and passed unanimously that:

The Resolution levying taxes for the City of Lebanon's budget for fiscal year 1998-99 be adopted.

Mayor Smith adjourned the regular order of business of the Lebanon City Council and convened as the Lebanon Urban Renewal District at 7:40 P.M.

City Attorney McHill read the following resolution by title:

A RESOLUTION ADOPTING THE LEBANON URBAN RENEWAL BUDGET AND MAKING APPROPRIATIONS FOR FISCAL YEAR 1998-99

A motion was made by Councilor Toombs, seconded by Councilor Miller and passed unanimously that:

The Resolution adopting the Lebanon Urban Renewal budget and making appropriations for fiscal year 1998-99 be adopted.

City Attorney McHill read the following resolution by title:

A RESOLUTION LEVYING TAXES FOR THE LEBANON URBAN RENEWAL BUDGET FOR FISCAL YEAR 1998-99

A motion was made by Councilor Miller, seconded by Councilor Usinger and passed unanimously that:

The Resolution levying taxes for the Lebanon Urban Renewal budget for fiscal year 1998-99 be adopted.

Mayor Smith adjourned the meeting of the Lebanon Urban Renewal District and convened the meeting as the Northwest Lebanon Urban Renewal District.

City Attorney McHill read the following resolution by title:

A RESOLUTION ADOPTING THE NORTHWEST LEBANON URBAN RENEWAL BUDGET AND MAKING APPROPRIATIONS FOR FISCAL YEAR 1998-99

A motion was made by Councilor Usinger, seconded by Councilor Miller and passed unanimously that:

The Resolution adopting the Northwest Lebanon Urban Renewal budget and making appropriation be adopted.

Mayor Smith adjourned the meeting of the Northwest Lebanon Urban Renewal District and reconvened the meeting as the City of Lebanon

7. AUTHORIZE SHORT-TERM BORROWING BY MUNICIPAL CORPORATIONS

Finance Director Wendland stated two proposals were received, one from Key Bank at 4.5% interest (fixed) with loan payment of \$750 - total estimate for 12 months \$36,000; and one from Bank of America at 4% interest (indicative) with loan payment of \$850 - total estimate for 12 months \$32,000. Bank of America does not guarantee an interest rate in their proposal.

City Attorney McHill read the following resolution by title:

A RESOLUTION OF THE CITY OF LEBANON, OREGON AUTHORIZING THE ISSUANCE, SALE, EXECUTION AND DELIVERY OF TAX AND REVENUE ANTICIPATION NOTES, SERIES 1998, IN AN AMOUNT NOT TO EXCEED \$800,000, AND RELATED MATTERS.

A motion was made by Councilor Rieskamp, seconded by Councilor Fisher and passed unanimously that:

The Resolution of the City of Lebanon, Oregon authorizing the issuance, sale, execution and delivery of tax and revenue anticipation notes, Series 1998, in an amount not to exceed \$800,000 and related matters, be adopted.

8. DECLARING CITY PROPERTY SURPLUS

Police Chief Richmond stated that in addition to the list of surplus property given to the Councilors in their packets, a list containing computer equipment was submitted by Public Works Director Ruef. With the Councilors adopting the resolution authorizing the sale of this surplus property, Staff may sell the property at a public auction on Saturday, June 27, 1998 through a State surplus sale or sealed bid. Mr. Ruef stated that the AST Bravo LC 486/33 computer is still

operational, but not adequate for City use and he will call a couple of other agencies who might be able to use it i.e. Boys and Girls Club, etc. It would then be given to them before going to auction.

City Attorney McHill explained that the additional list submitted by Kathy Goss to Mr. Ruef would be an addition to Exhibit "A" and it would not be necessary to amend the resolution.

City Attorney McHill read the following resolution by title:

A RESOLUTION AUTHORIZING THE SALE OR DISPOSAL OF CITY OWNED PERSONAL PROPERTY

A motion was made by Councilor Miller, seconded by Councilor Toombs and passed unanimously that:

The Resolution authorizing the sale or disposal of City owned personal property be adopted.

BOARD APPOINTMENTS

9. APPROVAL OF CIP COMMITTEE BOARD MEMBER

Mayor Smith announced that Jack Smalley has been appointed to the CIP Committee Board of Directors.

10. APPROVAL OF LIBRARY ADVISORY BOARD MEMBERS

Mayor Smith announced that the four-year appointments of Lois Rands and Evon Bergstrom to the Library Advisory Board have been approved.

MONTHLY BOARD MINUTES

11. MINUTES OF THE MAY 13, 1998 LEBANON PUBLIC LIBRARY ADVISORY BOARD MEETING

12. MINUTES OF THE MAY 20, 1998 SENIOR SERVICES ADVISORY BOARD MEETING

At 7:48 P.M. Mayor Smith announced that the Lebanon City Council was moving into Executive Session as authorized under: ORS 192.660(1)(a) *To consider the employment of a public officer, employee, staff member or individual agent.*

Mayor Smith stated it was expected that official action after the Executive Session would be taken so the meeting would resume after the Executive Session.

At 8:34 P.M. the Lebanon City Council reconvened to the regular session.

Mayor Smith stated it was the Councilors' opinion that the City Administrator's base salary remain the same, that two months performance pay be given and the car allowance be increased \$100 making a total car allowance of \$400 per month.

A motion was made by Councilor Toombs, seconded by Councilor Rieskamp and passed unanimously that:

The City Administrator, Joseph Windell's base salary remain the same, be given two months performance pay (equal to two months regular salary) and his car allowance be increased from \$300 to \$400 per month.

ADJOURNMENT

There being no further business, Mayor Smith adjourned the meeting of the Lebanon City Council at 8:37 P.M.

Recorded by Dorothy Nicholson, Secretary

Robert G. Smith, Mayor

ATTEST:

Joseph A. Windell, City Recorder

AGENDA ITEM 2



CITY OF LEBANON

MEMORANDUM

TO: Jim Ruef
Public Works Director

DATE: June 30, 1998

FROM: Doug Parker
City Planner *DP*

SUBJECT: Annexation and Zoning of a Certain Property
A-98-3 (Ruff Property)

On May 20, 1998 the Planning Commission conducted a public hearing regarding a proposed annexation, initiated per property owner's request and requesting Residential Mixed Density (RM) zoning upon annexation for Tax Lot 2000, Assessor's Map 12-2W-10CD. The Planning Commission staff report is included for review including the legal descriptions and an annexation map.

Upon conclusion of the public hearing, the Planning Commission recommended to the City Council that the annexation proposal and requested zoning be approved.

At this time, it is appropriate for the City Council to conduct a public hearing regarding the proposed annexation, and if approved, adopt a bill for an ordinance annexing and zoning the property.

**CITY OF LEBANON
PLANNING COMMISSION STAFF REPORT**

ANNEXATION REQUEST

NATURE OF REQUEST: Annexation of a 15,400 square foot parcel containing a house and a detached garage.

APPLICANT: Dennis and Donna Ruff

PROPERTY LOCATION: 786 W. Oak Street. Southeast corner of the intersection 9th and Oak Streets. Assessor's Map 12-2W-10CD, Tax Lot 2000.

ZONE DESIGNATION: Residential Mixed Density (RM) - upon annexation

COMP PLAN DESIGNATION: Mixed Density Residential

INTRODUCTION

The applicant proposes to annex this property into the city in order to obtain sewer service. The existing on-site septic system is showing indications of failure and the applicants want to hook up to city sewer service prior to septic system failure. The property is stubbed to provide sewer service. Attachment "A" is the annexation request submitted by the applicant.

SITE DESCRIPTION

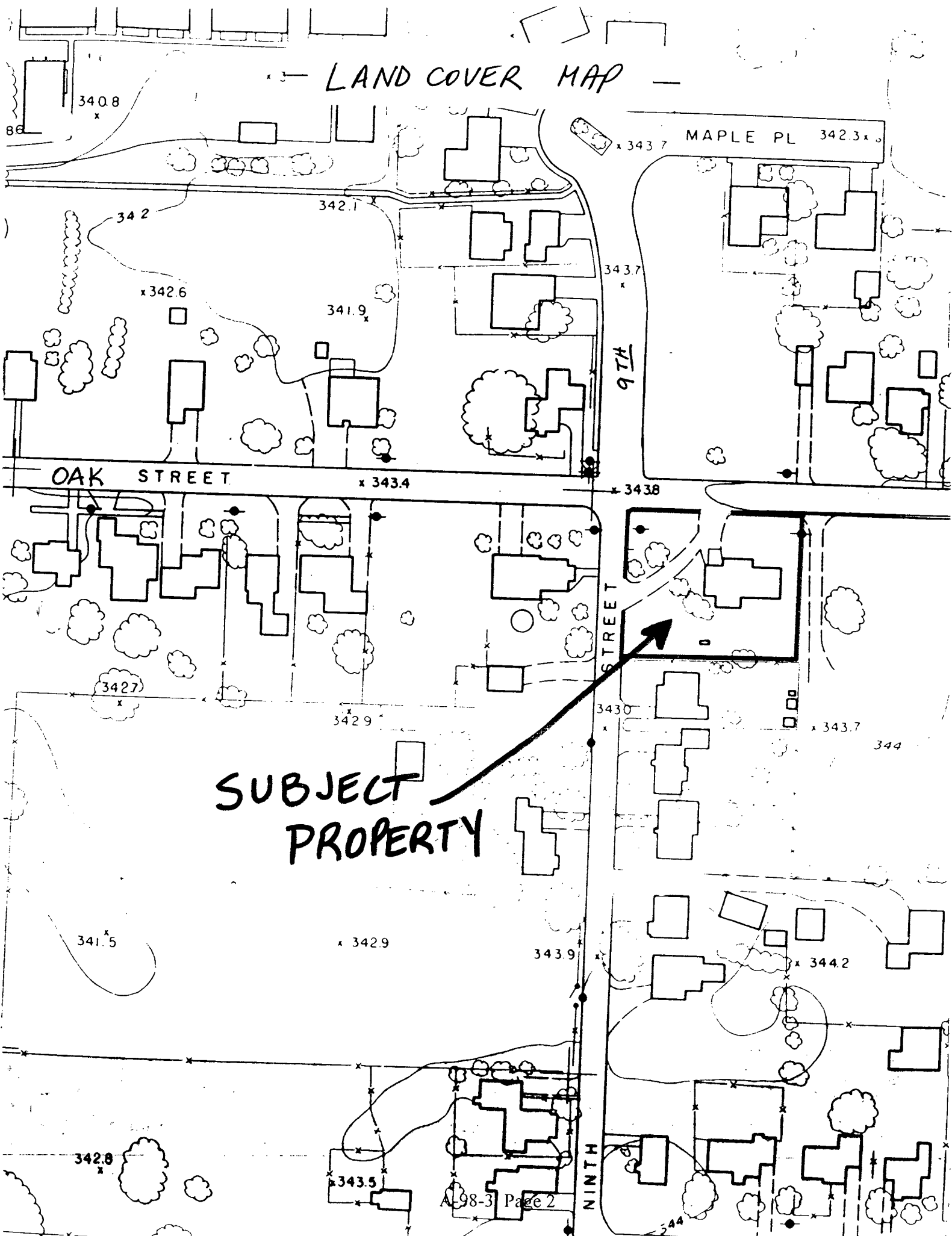
The subject property is located at the southeast corner of the intersection of Oak and 9th Streets and contains a house and a detached garage. A gravel driveway cuts across the northwest corner of the property providing street access to both Oak and 9th Streets. A large redwood tree is on the site near the house. Oak Street, a designated arterial and truck route that is improved to full city standards abuts the north property line. The subject property currently has city water service from a previous special services district connection and the property is stubbed with a sewer service lateral (but not connected) from Oak Street. A storm drainage catch basin is located on 9th just south of Oak Street. 9th Street is a gravel public street that is full of deep potholes in a substandard 40 foot right-of-way - neither the county or the city assume maintenance of this poor condition roadway.

Surrounding uses include single family dwellings to the south, west and northwest and northeast. To the due north across Oak Street is a vacant corner lot with zero lot line homes under construction on the property farther north. To the east is a church and church parking lot.

PLANNING AND ZONING CONSIDERATIONS

The Comprehensive Plan Map identifies the designation of the subject property as Mixed Density Residential which assigns a Residential Mixed Density zoning upon annexation. City of Lebanon Resolution No. 11 for 1982, a Resolution Establishing an Annexation Policy, contains the factors and conditions that the City considers in evaluating an annexation request. Lebanon Zoning Ordinance Section 4.020 lists the development opportunities, standards and requirements for the Residential Mixed Density (RM) zone.

LAND COVER MAP

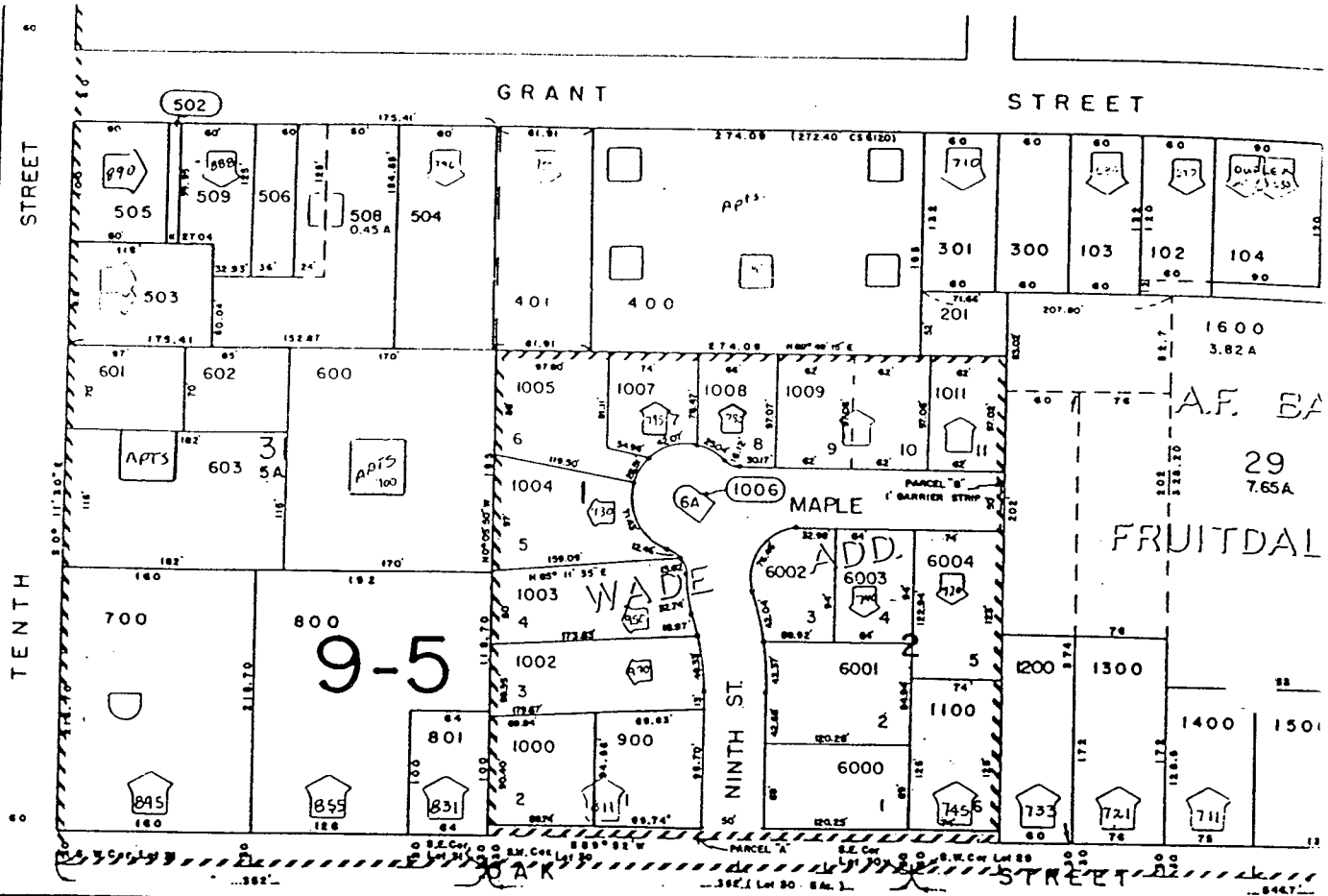


**SUBJECT
PROPERTY**

ASSESSOR'S MAP

LINN
 Map 12 2W 10CA

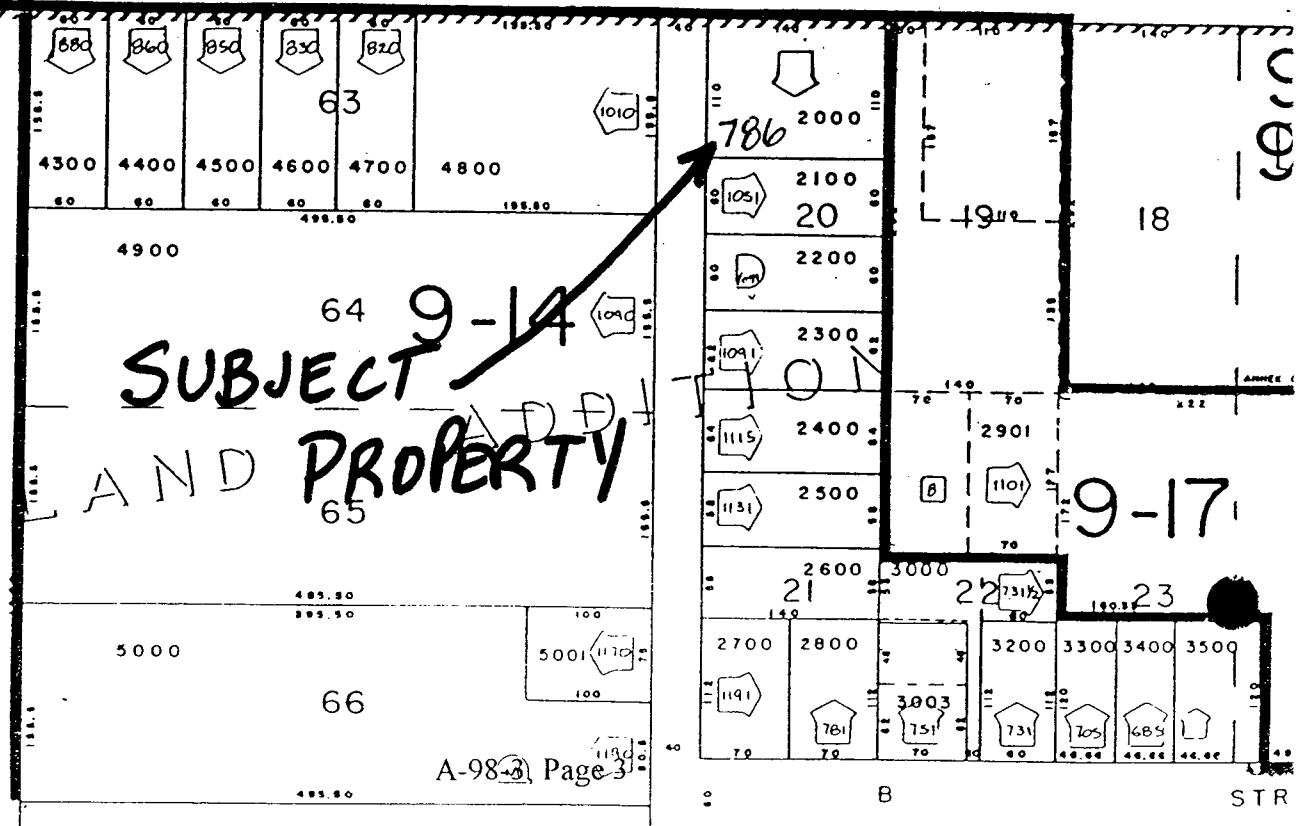
12 2W



7

SUBJECT PROPERTY

HYLAND



STAFF COMMENTS

1. The legal description which describes the entire annexation area has been submitted. The petition to annex is included as Attachment "A".
2. Because the 9th Street right-of-way (ROW) is only 40 feet wide, 5 feet of additional ROW is necessary from each side of 9th Street in order to establish a minimum 50 foot ROW. Therefore, as a condition of annexation approval, 5 feet of ROW dedication to expand the width of 9th Street is required.
3. After city sewer service connection, the existing septic system must be abandoned according to the procedures required by the Linn County Environmental Health Department.

RELEVANT CRITERIA

1. City Annexation Policy, Section 1, requires *proof that urban services are available or can be made available to serve the property considered for annexation and that the additional demands that would be placed on those services will not overburden their present capacities.*
2. City Annexation Policy, Section 2, states that *public rights of way necessary for the safe and efficient movement of traffic, bicycles and pedestrians shall be provided with the annexation and without obligation to the City of Lebanon.*
3. City Annexation Policy, Section 3, specifies that *parties involved in seeking the annexation or who may be included in the annexation shall initiate a program to upgrade any urban services and/or public facilities within the area considered for annexation that do not meet standards as may be established by the City of Lebanon.*
4. City Annexation Policy, Section 4, states that *no annexation shall be considered that does not conform with the Lebanon Comprehensive Plan and its goals and policies.*
5. City Annexation Policy, Section 5, states that *it shall be the burden of proof of the applicant that a public need exists for the proposed annexation and that the annexation is in the public's interest.*
6. Urbanization Element of the Comprehensive Plan, Phased Growth Program, Policy #1 (page 4-P-1) states that *. . . the City shall maintain a compact growth pattern that expands the city limits incrementally in an orderly and efficient manner within the service capabilities of the City.*
7. Public Facilities and Services element of the Comprehensive Plan, General Policy #2 (page 8-P-1) states that *the city shall consider impacts on community facilities before . . . annexation requests are approved.*

RECOMMENDATION

Unless the public hearing identifies hitherto unknown reasons why the proposed annexation would be to the detriment of surrounding properties, the neighborhood or the city, staff recommends that the Planning Commission recommend to the City Council that the proposed annexation be approved along with the dedication of 5 feet of property for the full length of the property adjacent to 9th Street.

PROPOSED FINDINGS

1. The proposed annexation complies with City Annexation Policy, Section 1, in that urban services are or can be made available to serve the property.
2. The proposed annexation complies with City Annexation Policy, Section 2, in that Oak Street has adequate ROW and as a condition of approval, the applicants will be providing 5 feet of additional ROW for 9th Street.
3. The proposed annexation complies with City Annexation Policy, Section 3, in that city utility lines are located at Oak Street adjacent to the property.
4. The proposed annexation complies with City Annexation Policy, Section 4, in that the existing property development complies with Zoning Ordinance and Comprehensive Plan policies pertaining to the property and zoning.
5. The proposed annexation complies with City Annexation Policy, Section 5, in that it is in the public's best interest to provide City services to existing homes and to avoid surface water contamination problems due to failing septic systems.
6. The proposed annexation complies with Comp. Plan Urbanization Element, Phased Growth Program, Policy #1, (page 4-P-1) in that it would be an orderly and efficient expansion of city limits within city service capabilities.
7. The proposed annexation complies with Comp. Plan Public Facilities and Services Element, General Policy #2, (page 8-P-1) in that the annexation will not result in an adverse impact on community facilities.

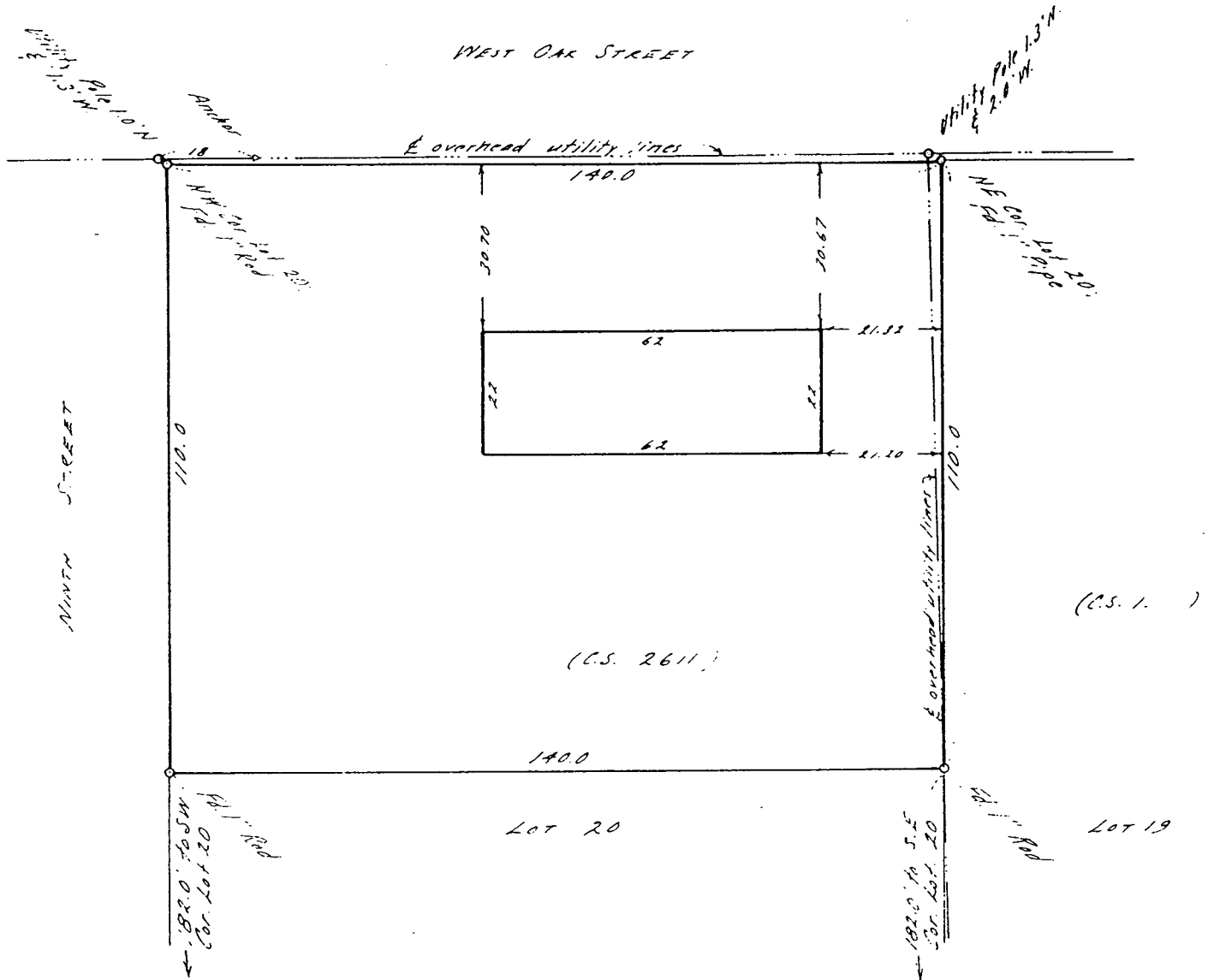
JAMES F. UDELL
UDELL ENGINEERING & SURVEYING
63 E. ASH STREET
LEBANON, OREGON 97355
PHONE (541) 451-5125
FAX (541) 451-1366

ANNEXATION LEGAL FOR DENNIS RUFF

A portion of Lot 20 of Hyland Addition in Section 10, Township 12 South, Range 2 West of the Willamette Meridian, Linn County, Oregon, more particularly described as follows:

Beginning at a 1 inch iron rod, said iron rod being the point of intersection of the Southerly right-of-way of Oak Street and the Easterly right-of-way of Ninth Street and also being the Northwest corner of Lot 20 of Hyland Addition in Section 10, Township 12 South, Range 2 West of the Willamette Meridian, Linn County, Oregon; thence, following said Easterly right-of-way of 9th Street, in a Southerly direction 110.00 feet to a 1 inch iron rod; thence, leaving said Easterly right-of-way in an Easterly direction and parallel to the Southerly right-of-way of Oak Street, 140.00 feet to a 1 inch iron rod lying on the Easterly boundary of said Lot 20; thence, following said Easterly boundary of Lot 20 in a Northerly direction and parallel to the Easterly right-of-way of 9th Street, 110.00 feet to a 1 inch iron pipe lying on the Southerly right-of-way of Oak Street, said iron pipe also being the Northeast corner of said Lot 20; thence, following said Southerly right-of-way of Oak Street in a Westerly direction 140.00 feet to the point of beginning.

Portion of Lot 20, Hyland Addition
 Lebanon, Linn County, Oregon
 Scale: 1" = 30'
 January 7, 1972
 Orris A. Carnegie, County Surveyor
 By: Frank Howe



Address: 786 West Oak Street, Lebanon, Oregon.

Description: Lot 20, HYLAND ADDITION to the City of Lebanon, Linn County, Oregon; EXCEPTING therefrom the Southerly 182 feet of even width.

Certificate: I certify that the herein described property was surveyed under my immediate supervision and that the improvements shown were found to be on the premises in question and that they do not overlap or encroach on the property adjacent thereto.

SECTION IV

ANY IMPROVEMENTS THAT ARE NEEDED TO COME UP TO CITY CODE ON SAID PROPERTY WILL BE DONE

SECTION III

ON THE NORTH SIDE OF THE LOT IS WEST OAK STREET. THERE ARE CURBS AND SIDE WALKS ALREADY IN. ON THE WEST SIDE IS 9TH STREET. THIS IS AN UNAPPROVED ROADWAY.

SECTION II

THE DWELLING AND PROPERTY INVOLVED HAVE CITY SERVICES AVAILABLE. THE HOUSE IS PRESENTLY ON CITY WATER FROM THE ORIGINAL WATER DISTRICT OF GRAND PRAIRIE. A SEWER TRAILER IS PRESENT ON THE NORTH EAST CORNER OF THE LOT. THIS RESIDENCE PRESENTLY OCCUPIED BY TWO PEOPLE.

SECTION I

DENNIS J. KUFF
786 W OAK ST.
LEBANON (REGION)
97355
ATTACHMENT "A"

SECTION IV
A PUBLIC NEED TO ADDRESS INTO THE CITY
IS KEPTED DO TO THE FACT THAT THE DRAIN
FIELD ON MY SEPTIC SYSTEM IS DYING.
THIS COULD CAUSE PRIVATE & PUBLIC HEALTH
CONDITIONS

A BILL FOR AN ORDINANCE ANNEXING AND)	
ZONING PROPERTY FOLLOWING HEARING AND)	ORDINANCE BILL NO. ____
UPON THE WRITTEN CONSENT FILED WITH)	for 1998
THE CITY COUNCIL BY LANDOWNERS IN)	
SAID AREA PURSUANT TO ORS 222.120 AND)	ORDINANCE NO. _____
ORS 222.170		

WHEREAS, there has been submitted to the City of Lebanon written requests for annexation to the City signed by more than one-half of the landowners who also own more than one-half of the land in the contiguous territory described in Exhibit "A", which real property represents more than one-half of the assessed value of all real property in the contiguous territory to be annexed; and

WHEREAS, City Council has elected to dispense with submitting the question of the proposed annexation to the electors of the City, initiating the annexation of the territory pursuant to ORS 222.120 calling a hearing and directing that notice be given as required by ORS 222.120(3); and

WHEREAS, after conducting the hearing and considering all objections or remonstrances with reference to the proposed annexation, the City Council finds that this annexation is in the best interest of the City and of the contiguous territory;

NOW, THEREFORE, the City of Lebanon ordains as follows:

Section 1. Annexation Area. The following contiguous territory described in Exhibit "A" and incorporated herein by this reference is hereby proclaimed to be annexed to the City of Lebanon and zoned as indicated in accordance with the Lebanon Zoning Ordinance No. 1773, and given the zoning of Residential Mixed Density (RM).

Section 2. Record. The City Recorder shall submit to the Oregon Secretary of State a copy of this Ordinance. The City Recorder shall also send a description by metes and bounds or legal subdivision, and a map depicting the new boundaries of the City within ten (10) days of the effective

date of this annexation to the Linn County Assessor, Linn County Clerk, and the State Department of Revenue.

Passed by the Council by a vote of _____ for and _____ against and approved by the Mayor this _____ of July, 1998.

Robert G. Smith, Mayor

ATTEST:

Joseph A. Windell, City Recorder

Exhibit "A"

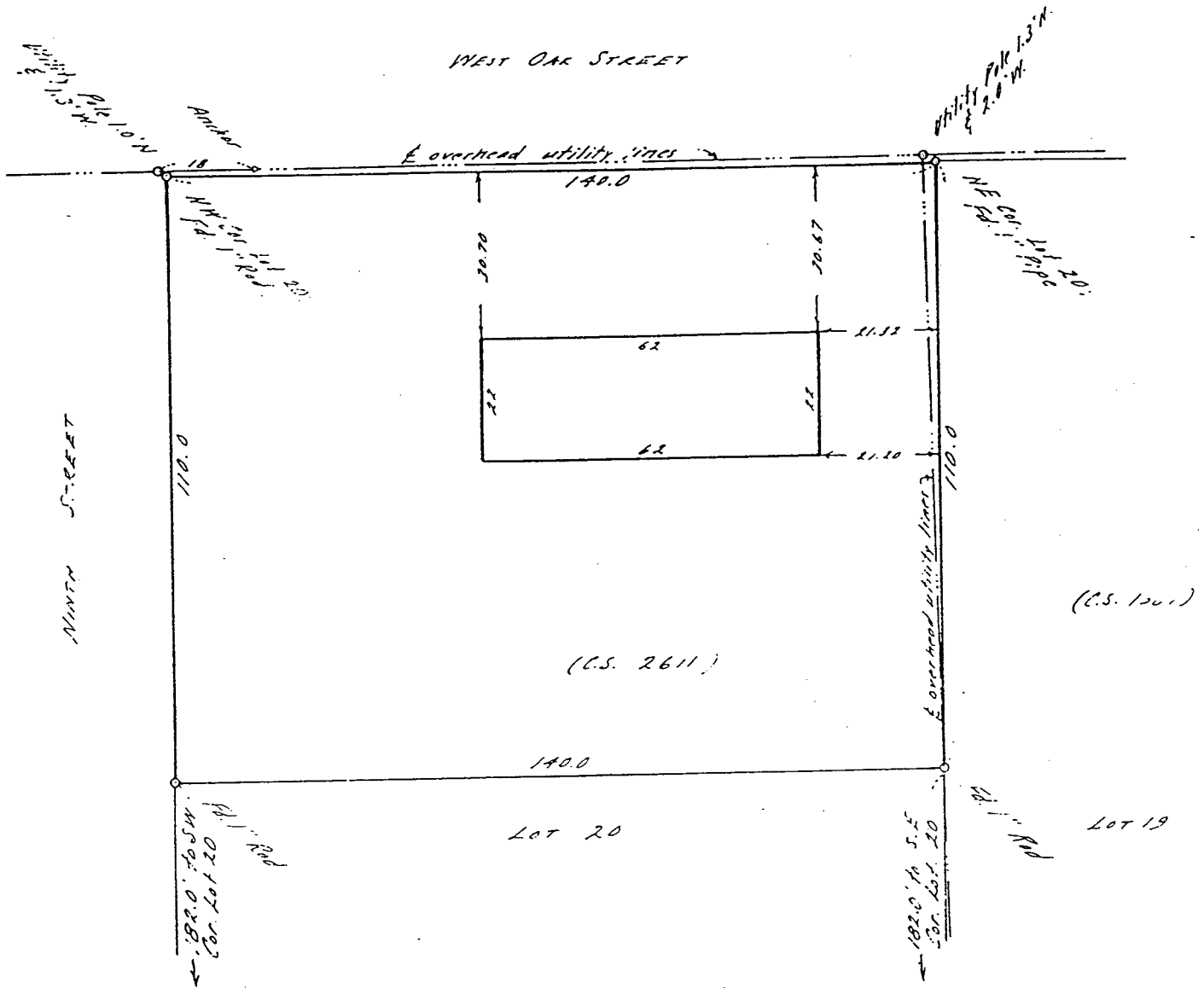
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Address: 786 West Oak Street, Lebanon, Oregon.

Description: Lot 20, HYLAND ADDITION to the City of Lebanon, Linn County, Oregon; EXCEPTING therefrom the Southerly 182 feet of even width.

Certificate: I certify that the herein described property was surveyed under my immediate supervision and that the improvements shown were found to be on the premises in question and that they do not overlap or encroach on the property adjacent thereto.

AGENDA ITEM 3



CITY OF LEBANON

MEMORANDUM

TO: Jim Ruef
Public Works Director

DATE: June 30, 1998

FROM: Doug Parker *DP*
City Planner

SUBJECT: Annexation and Zoning of a Certain Property
A-98-1 (Thayer Property)

On May 20, 1998 the Planning Commission conducted a public hearing regarding a proposed annexation, initiated per property owner's request and requesting Residential Mixed Density (RM) zoning upon annexation for Tax Lot 3200, Assessor's Map 12-2W-15CD. The Planning Commission staff report is included for review including the legal descriptions and an annexation map. This annexation is in support of future residential development.

Upon conclusion of the public hearing, the Planning Commission recommended to the City Council that the annexation proposal and requested zoning be approved.

At this time, it is appropriate for the City Council to conduct a public hearing regarding the proposed annexation, and if approved, adopt a bill for an ordinance annexing and zoning the property.

**CITY OF LEBANON
PLANNING COMMISSION STAFF REPORT**

ANNEXATION REQUEST

NATURE OF REQUEST: Annexation of the vacant southern 2/3 (or 30,743 square feet) portion of an approximately 1 acre lot containing a house.

APPLICANT: Olivia Thayer

PROPERTY LOCATION: Northwest of the intersection of 9th Street and Walker Road. Assessor's Map 12-2W-15CD, Tax Lot 3200.

ZONE DESIGNATION: Residential Mixed Density (RM) - upon annexation

COMP PLAN DESIGNATION: Mixed Density Residential

INTRODUCTION

The applicant proposes to annex this property into the city in support of a 4-lot residential subdivision. Public infrastructure (street) improvements will accompany the proposed subdivision - these developments will be discussed in detail in the subdivision staff report.

SITE DESCRIPTION

The parent parcel is approximately 1.08 acres in size and contains an older house near Wassom Street in the northern 1/3 of the property. The subject property that is proposed for annexation and subsequent subdivision and residential development consists of the southern 2/3 of the property abutting Walker Road representing an area approximately 2/3 of an acre or 30,743 square feet. The subject property is a vacant, open field with cottonwood and ash trees as well as blackberry brambles and tall, thick grass.

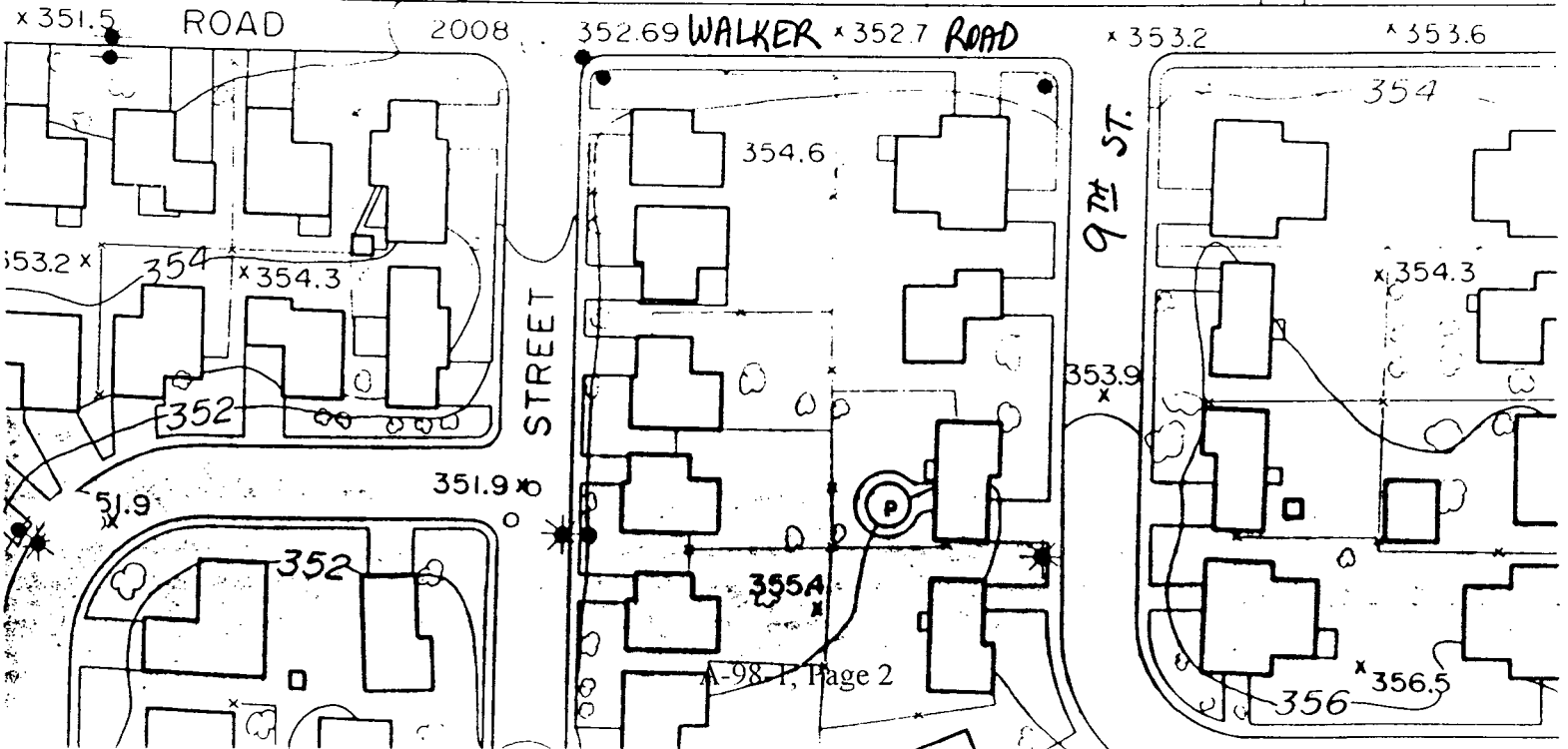
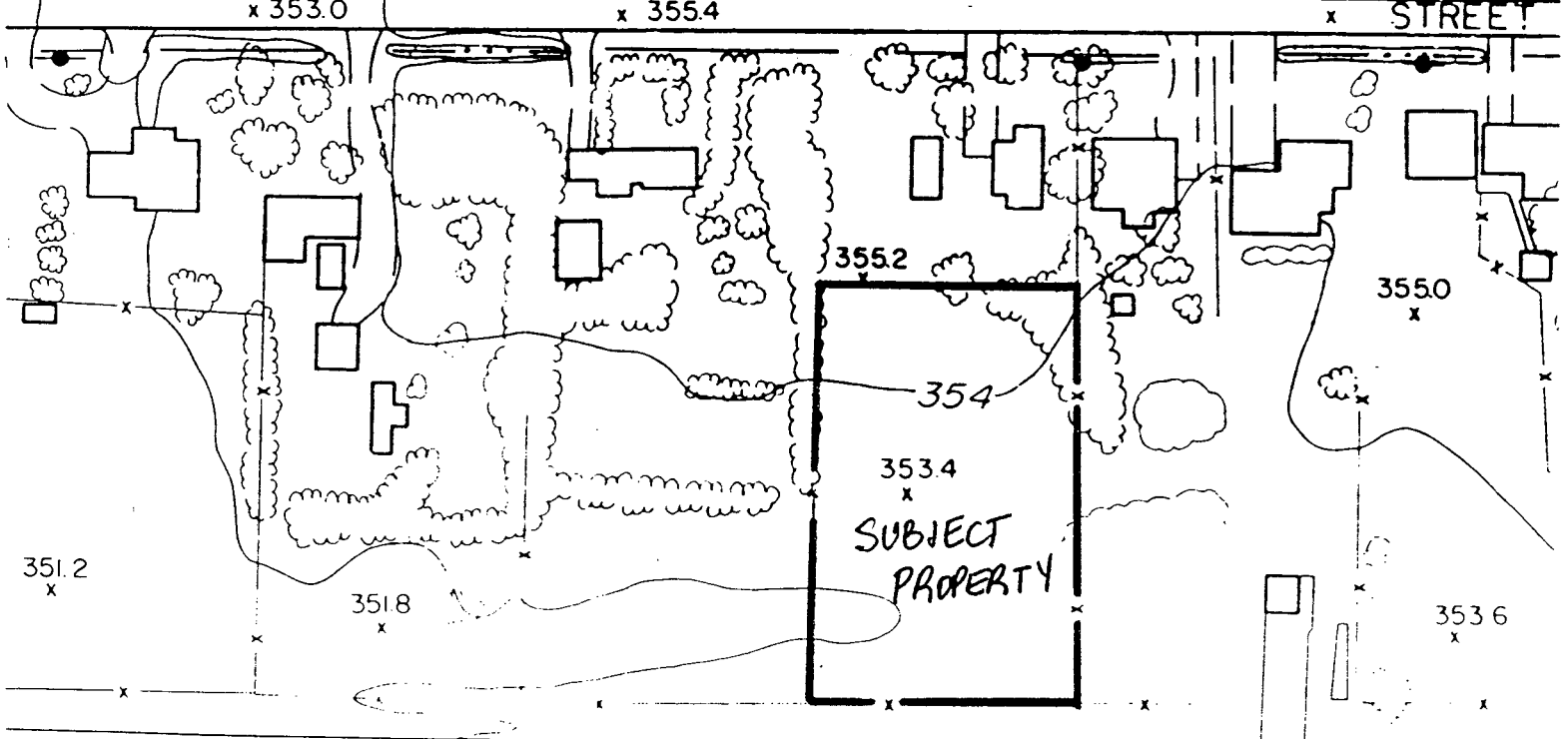
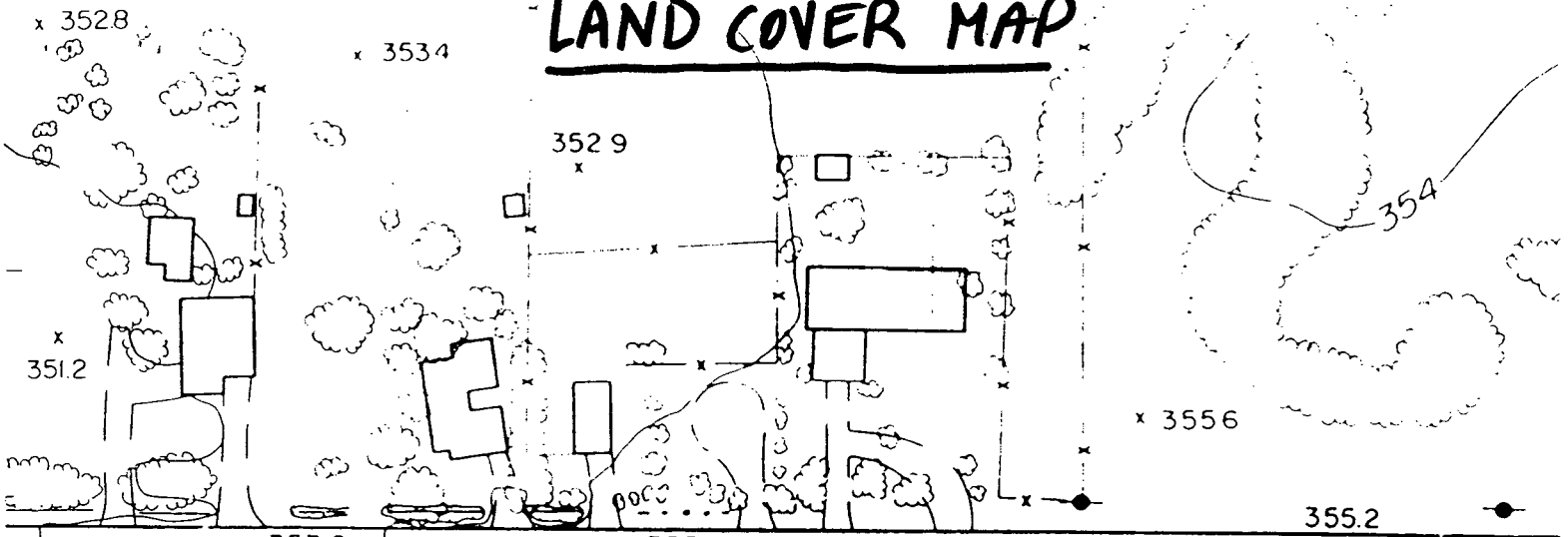
Walker Road is a designated arterial that has been improved as a city standard half street improvement on the south side. City utility services located in the Walker Road right-of-way include a 12" water line, a 12" sanitary sewer, and a 24" storm drainage line. A fire hydrant is located across the street at the southeast corner of the intersection of 9th Street and Walker Road.

Other large, open fields are located to the immediate east and west. To the north are the backyards of single family dwellings abutting Wassom Street. Single family dwellings and duplexes are located on the south side of Walker Road. A telephone utility substation is located two properties to the east, also on the north side of Walker Road.

PLANNING AND ZONING CONSIDERATIONS

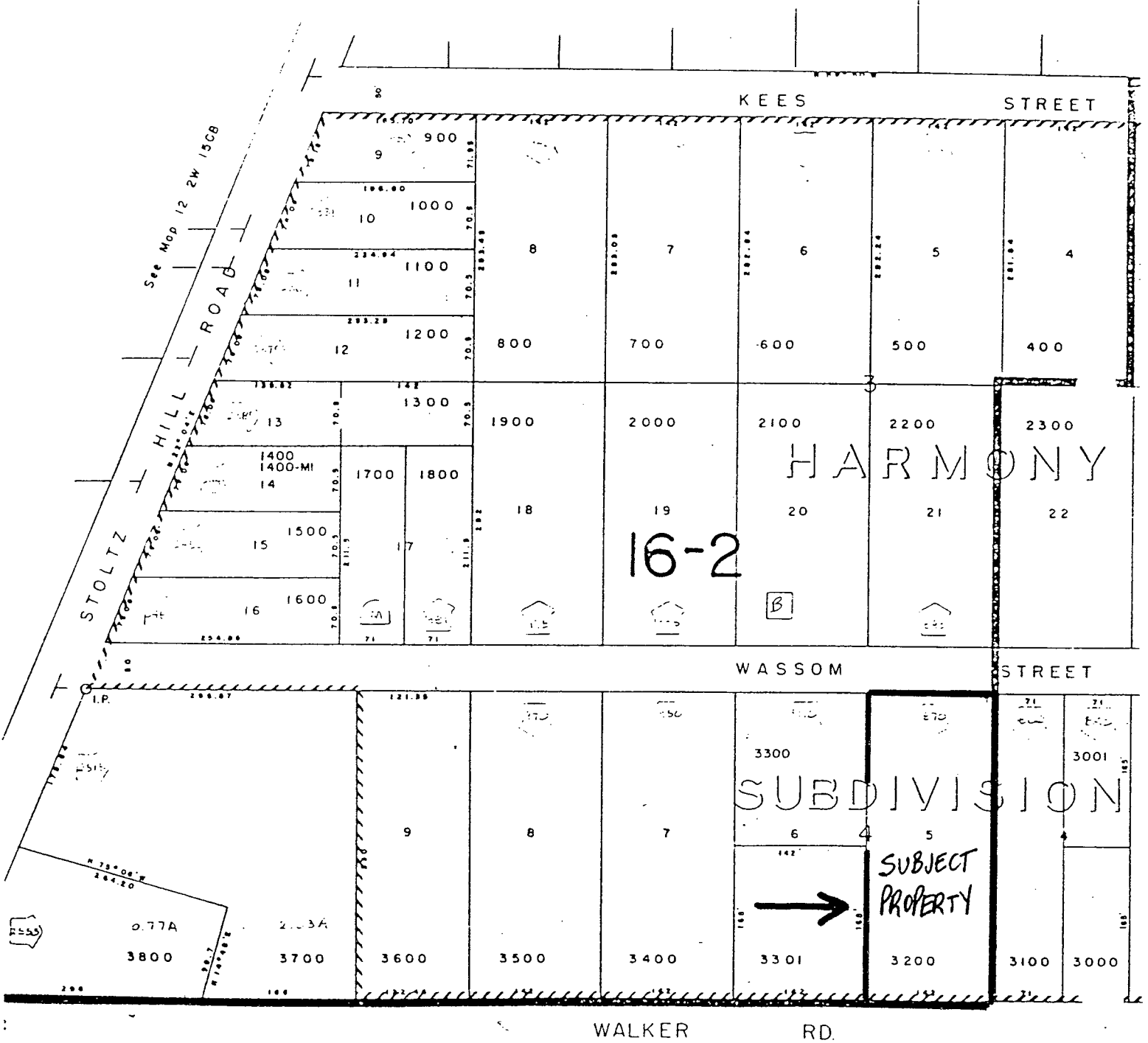
The Comprehensive Plan Map identifies the designation of the subject property as Mixed Density Residential which assigns a Residential Mixed Density zoning upon annexation. City of Lebanon Resolution No. 11 for 1982, a Resolution Establishing an Annexation Policy, contains the factors and conditions that the City

LAND COVER MAP



ASSESSOR'S MAP

See Map 12 2W 15CA



See Map 12 2W 22BB

See Map 12 2W 22BA

considers in evaluating an annexation request. Lebanon Zoning Ordinance Section 4.020 lists the development opportunities, standards and requirements for the Residential Mixed Density (RM) zone.

STAFF COMMENTS

1. The legal description and a map describing the entire annexation area has been submitted.

RELEVANT CRITERIA

1. City Annexation Policy, Section 1, requires *proof that urban services are available or can be made available to serve the property considered for annexation and that the additional demands that would be placed on those services will not overburden their present capacities.*
2. City Annexation Policy, Section 2, states that *public rights of way necessary for the safe and efficient movement of traffic, bicycles and pedestrians shall be provided with the annexation and without obligation to the City of Lebanon.*
3. City Annexation Policy, Section 3, specifies that *parties involved in seeking the annexation or who may be included in the annexation shall initiate a program to upgrade any urban services and/or public facilities within the area considered for annexation that do not meet standards as may be established by the City of Lebanon.*
4. City Annexation Policy, Section 4, states that *no annexation shall be considered that does not conform with the Lebanon Comprehensive Plan and its goals and policies.*
5. City Annexation Policy, Section 5, states that *it shall be the burden of proof of the applicant that a public need exists for the proposed annexation and that the annexation is in the public's interest.*
6. Urbanization Element of the Comprehensive Plan, Phased Growth Program, Policy #1 (page 4-P-1) states that . . . *the City shall maintain a compact growth pattern that expands the city limits incrementally in an orderly and efficient manner within the service capabilities of the City.*
7. Public Facilities and Services element of the Comprehensive Plan, General Policy #2 (page 8-P-1) states that *the city shall consider impacts on community facilities before . . . annexation requests are approved.*

RECOMMENDATION

Unless the public hearing identifies hitherto unknown reasons why the proposed annexation would be to the detriment of surrounding properties, the neighborhood or the city, staff recommends that the Planning Commission recommend to the City Council that the proposed annexation be approved.

PROPOSED FINDINGS

1. The proposed annexation complies with City Annexation Policy, Section 1, in that urban services are available to serve the property.
2. The proposed annexation complies with City Annexation Policy, Section 2, in that adequate existing public right-of-way is provided.

3. The proposed annexation complies with City Annexation Policy, Section 3, in that public infrastructure improvements (half street improvement) will be required upon development.
4. The proposed annexation complies with City Annexation Policy, Section 4, in that the property development proposal complies with Zoning Ordinance and Comprehensive Plan policies pertaining to the property and zoning.
5. The proposed annexation complies with City Annexation Policy, Section 5, in that a public need exists for housing.
6. The proposed annexation complies with Comp. Plan Urbanization Element, Phased Growth Program, Policy #1, (page 4-P-1) in that it would be an orderly and efficient expansion of city limits within city service capabilities.
7. The proposed annexation complies with Comp. Plan Public Facilities and Services Element, General Policy #2, (page 8-P-1) in that the annexation will not result in an adverse impact on community facilities and in fact the proposed development will result in enhancing local community facilities (Walker Road).

JAMES F. UDELL
ENGINEERING / SURVEYING
63 E. ASH STREET
LEBANON, OREGON 97355
Phone (541) 451-5125
Fax (541) 451-1366

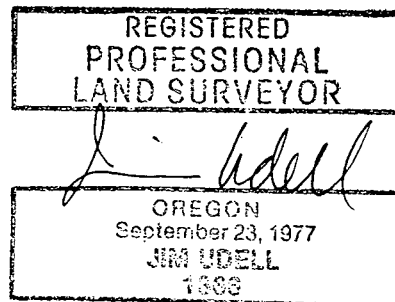
**LEGAL DESCRIPTION
FOR
ANNEXATION TO THE CITY OF LEBANON**

**ANNEXATION LEGAL
12-2W-15CD T.L.3200**

A portion of Lot 5, Block 4 of Harmony Subdivision in Section 15, Township 12 South, Range 2 West of the Willamette Meridian, Linn County, Oregon. More particularly described as follows:

Beginning at the Southeast corner Lot 5 Block 4 of Harmony Subdivision as recorded in Linn County Record of Subdivision Plats, said corner lying on the Northern right-of-way of Walker Road; thence leaving said Northern right-of-way and following the East Line of said Lot 5, North $0^{\circ}00'30''$ West 216.50 feet to a point; thence, leaving said East line Lot 5, West 142.00 feet to a point on the West line of said Lot 5; thence, following said West line of Lot 5, South $0^{\circ}00'30''$ East 216.50 feet to the Southwest corner of said Lot 5, said point lying on the Northerly right-of-way of Walker Road, thence following the South line of said Lot 5, said South line running along the Northerly right-of-way of Walker Road, East 142.00 feet to the point of beginning.

I, *J. Udell*, hereby certify this closes in accordance with ORS.



ANNEXATION MAP

T.L. 2100

T.L. 2200

T.L. 2300

(59')

589°59'34"E 213.00'
(EAST 213.00')CS. 2372

WASSOM STREET

(142.00')

(71.00')

T.L. 3200

T.L. 3100

T.L. 300

113.50'

113.50'

LOT 5

142.00'

LOT 7

LOT 6

T.L. 3300

LOT 4

(S0°00'30"E 330.00')CS. 2372

216.50'

ANNEXATION AREA
0.706 AC.

216.50'

(S0°00'30"E 330.00')CS. 2372

BLK 4

HARMONY

SUBDIVISION

T.L. 3301

T.L. 3001

(142.00')CS. 2372

(EAST 142.00')CS. 2372

(70.99')CS. 17812

(70.99')CS. 178

BASIS OF BEARING

(WEST 426.00')CS. 2372

WALK

10TH ST.

(60')

T.L. 6800

T.L. 1800

9TH ST.

(60')

T.L. 700

T.L. 2100

T.L. 2200

BLK 3

T.L. 2300

(50')

HARMONY

S89°59'34"E 213.00'
(EAST 213.00')CS. 2372

WASSOM STREET

SUBDIVISION

(142.00')

(71.00')

T.L. 3100

T.L. 3001

LEGEND:

- MONUMENT FOUND AS
- MONUMENT SET 5/8" ROD WITH PLASTIC STAMPED: JIM UDELL
- I.R. IRON ROD
- I.P. IRON PIPE
- G.P.S. GLOBAL POSITIONING

- FD. FOUND
- C.S. COUNTY SURVEY
- () DATA OF RECORD REFERENCE SURVEY

PROPERTY ADDRESS

870 WASSOM ST.
LEBANON, OR. 97355

PROPERTY OWNER

OLIVIA THAYER
195 HIATT ST.
ALBANY, OR. 97321

SURVEYOR

JAMES F. UDELL
UDELL ENGINEERING & SURVEYING
63 E. ASH ST.
LEBANON, OR. 97355
(541) 451-5125

LOT 3

FD. 1/2" I.R.
CS. 17812

LOT 6

T.L. 3300

142.00'

T.L. 3200

ANNEXATION AREA

0.700 AC.

LOT 4

BLK 4

(S0°00'30"E 330.00')CS. 2372

103.00'

71'

71'

LOT 2

90.16'

30.00'

LOT 3

90.16'

30.00'

(S0°00'30"E 330.00')CS. 2372

103.00'

56'

56'

LOT 1

15.33'

20.00'

LOT 4

15.33'

20.00'

113.50'

113.50'

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113.50'

T.L. 3301

(142.00')CS. 2372

(EAST 142.00')CS. 2372

BASIS OF BEARING
(WEST 426.00')CS. 2372

(70.99')CS. 17812

(70.99')CS. 17812

WALKER ROAD

T.L. 6800

ENGINEER
8072

SURVEYOR
1366

JAMES F. UDELL
ENGINEERING & SURVEYING
63 EAST ASH ST.
LEBANON, OREGON
97355
PH. (541) 451-5125
FAX (541) 451-1366

T.L. 1800

9TH ST.

(60')

T.L. 700

DIRECTOR, CITY

A BILL FOR AN ORDINANCE ANNEXING AND)
ZONING PROPERTY FOLLOWING HEARING AND)
UPON THE WRITTEN CONSENT FILED WITH)
THE CITY COUNCIL BY LANDOWNERS IN)
SAID AREA PURSUANT TO ORS 222.120 AND)
ORS 222.170)

ORDINANCE BILL NO. ____
for 1998
ORDINANCE NO. _____

WHEREAS, there has been submitted to the City of Lebanon written requests for annexation to the City signed by more than one-half of the landowners who also own more than one-half of the land in the contiguous territory described in Exhibit "A", which real property represents more than one-half of the assessed value of all real property in the contiguous territory to be annexed; and

WHEREAS, City Council has elected to dispense with submitting the question of the proposed annexation to the electors of the City, initiating the annexation of the territory pursuant to ORS 222.120 calling a hearing and directing that notice be given as required by ORS 222.120(3); and

WHEREAS, after conducting the hearing and considering all objections or remonstrances with reference to the proposed annexation, the City Council finds that this annexation is in the best interest of the City and of the contiguous territory;

NOW, THEREFORE, the City of Lebanon ordains as follows:

Section 1. Annexation Area. The following contiguous territory described in Exhibit "A" and incorporated herein by this reference is hereby proclaimed to be annexed to the City of Lebanon and zoned as indicated in accordance with the Lebanon Zoning Ordinance No. 1773, and given the zoning of Residential Mixed Density (RM).

Section 2. Record. The City Recorder shall submit to the Oregon Secretary of State a copy of this Ordinance. The City Recorder shall also send a description by metes and bounds or legal subdivision, and a map depicting the new boundaries of the City within ten (10) days of the effective

date of this annexation to the Linn County Assessor, Linn County Clerk, and the State Department of Revenue.

Passed by the Council by a vote of _____ for and _____ against and approved by the Mayor this _____ of July, 1998.

Robert G. Smith, Mayor

ATTEST:

Joseph A. Windell, City Recorder

JAMES F. UDELL
ENGINEERING / SURVEYING
63 E. ASH STREET
LEBANON, OREGON 97355
Phone (541) 451-5125
Fax (541) 451-1366

**LEGAL DESCRIPTION
FOR
ANNEXATION TO THE CITY OF LEBANON**

**ANNEXATION LEGAL
12-2W-15CD T.L.3200**

A portion of Lot 5, Block 4 of Harmony Subdivision in Section 15, Township 12 South, Range 2 West of the Willamette Meridian, Linn County, Oregon. More particularly described as follows:

Beginning at the Southeast corner Lot 5 Block 4 of Harmony Subdivision as recorded in Linn County Record of Subdivision Plats, said corner lying on the Northern right-of-way of Walker Road; thence leaving said Northern right-of-way and following the East Line of said Lot 5, North 0°00'30" West 216.50 feet to a point; thence, leaving said East line Lot 5, West 142.00 feet to a point on the West line of said Lot 5; thence, following said West line of Lot 5, South 0°00'30" East 216.50 feet to the Southwest corner of said Lot 5, said point lying on the Northerly right-of-way of Walker Road, thence following the South line of said Lot 5, said South line running along the Northerly right-of-way of Walker Road, East 142.00 feet to the point of beginning.

I, *J. Udell*, hereby certify this closes in accordance with ORS.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

J. Udell
OREGON
September 23, 1977
JIM UDELL
1366

ANNEXATION MAP

BLK 3

T.L. 2100

T.L. 2200

T.L. 2300

(S0°)

S89°59'34"E 213.00'
(EAST 213.00')CS. 2372

WASSOM STREET

(142.00')

(71.00')

113.50'

T.L. 3200

113.50'

T.L. 3100

T.L. 300

LOT 5

142.00'

LOT 7

LOT 6

T.L. 3300

LOT 4

(S0°00'30"E 330.00')CS. 2372

216.50'

ANNEXATION AREA
0.706 AC.

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BLK 4

HARMONY

SUBDIVISION

T.L. 3301

(142.00')CS. 2372

(EAST 142.00')CS. 2372

(70.99')CS. 17812

T.L. 3000

(70.99')CS. 178

BASIS OF BEARING
(WEST 426.00')CS. 2372

WALKI

10TH ST.

(60')

T.L. 6800

T.L. 1800

9TH ST.

(60')

T.L. 700

AGENDA ITEM 4



CITY OF LEBANON

MEMORANDUM

TO: Jim Ruef
Public Works Director

DATE: June 30, 1998

FROM: Doug Parker *pp*
City Planner

SUBJECT: Annexation and Zoning of a Certain Property
A-98-2 (Lopez Property)

On June 16, 1998 the Planning Commission conducted a public hearing regarding a proposed annexation, initiated per property owner's request and requesting Residential Mixed Density (RM) zoning upon annexation for Tax Lot 500, Assessor's Map 12-2W-15BB. The Planning Commission staff report is included for review including the legal descriptions and an annexation map.

Upon conclusion of the public hearing, the Planning Commission recommended to the City Council that the annexation proposal and requested zoning be approved.

At this time, it is appropriate for the City Council to conduct a public hearing regarding the proposed annexation, and if approved, adopt a bill for an ordinance annexing and zoning the property.

**CITY OF LEBANON
PLANNING COMMISSION STAFF REPORT**

ANNEXATION REQUEST

NATURE OF REQUEST: Annexation of an approximately 0.75 acre parcel containing a house.

APPLICANT: Tony and Valorie Lopez

PROPERTY LOCATION: 1653 S. 12th Street. Southeast corner of the intersection 12th and "F" Streets. Lot 12, Lord's Addition Subdivision. Assessor's Map 12-2W-15BB, Tax Lot 500.

ZONE DESIGNATION: Residential Mixed Density (RM) - upon annexation

COMP PLAN DESIGNATION: Mixed Density Residential

INTRODUCTION

The applicant proposes to annex this property into the city in order to obtain sewer and water service. The existing on-site septic system has failed and requires placement prior to occupancy of the house which is currently vacant while being remodeled. Additionally, the well on the property was required to be abandoned due to contamination. The property has access to city sewer lines along both 12th and "F" Streets and to a water line along 12th Street. Attachment "A" is the annexation request narrative submitted by the applicant.

SITE DESCRIPTION

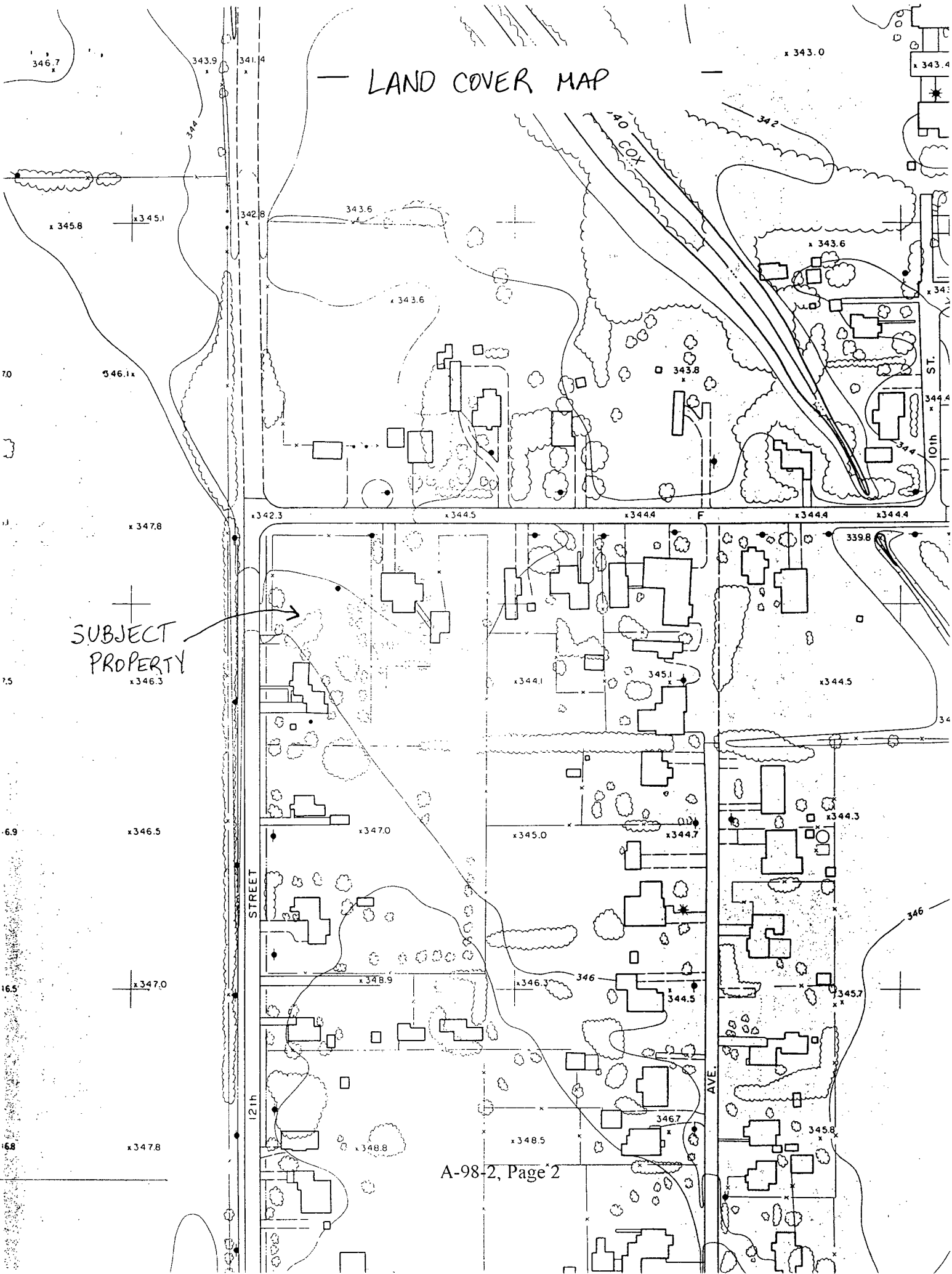
The subject property is located at the southeast corner of the intersection of "F" and 12th Streets and contains a house currently being remodeled. 12th Street, a designated collector that is improved to county standards abuts the west property line. As mentioned above, city sewer lines are located along both 12th and "F" Streets and a water line is located along 12th Street. "F" Street is a hard surface but poorer quality county standard improved road adjacent to the subject property.

Surrounding uses include single family dwellings on very large unannexed lots to the south, southeast, east and northeast. To the due north across "F" Street is an auto junk yard which is located outside of city limits. To the west across 12th Street is a very large vacant agricultural field growing a grass crop.

PLANNING AND ZONING CONSIDERATIONS

The Comprehensive Plan Map identifies the designation of the subject property as Mixed Density Residential which assigns a Residential Mixed Density zoning upon annexation. City of Lebanon Resolution No. 11 for 1982, a Resolution Establishing an Annexation Policy, contains the factors and conditions that the City considers in evaluating an annexation request. Lebanon Zoning Ordinance Section 4.020 lists the development opportunities, standards and requirements for the Residential Mixed Density (RM) zone.

LAND COVER MAP



SUBJECT
PROPERTY

x346.3

STAFF COMMENTS

1. The legal description which describes the entire annexation area has been submitted. The petition to annex is included as Attachment "A".
2. After city sewer service connection, the existing septic system must be abandoned according to the procedures required by the Linn County Environmental Health Department.
3. The applicant will be required to provide non-remonstrance agreements to participate in future street and storm drainage improvements for both 12th and "F" Streets and for waterline improvements to "F" Street.

RELEVANT CRITERIA

1. City Annexation Policy, Section 1, requires *proof that urban services are available or can be made available to serve the property considered for annexation and that the additional demands that would be placed on those services will not overburden their present capacities.*
2. City Annexation Policy, Section 2, states that *public rights of way necessary for the safe and efficient movement of traffic, bicycles and pedestrians shall be provided with the annexation and without obligation to the City of Lebanon.*
3. City Annexation Policy, Section 3, specifies that *parties involved in seeking the annexation or who may be included in the annexation shall initiate a program to upgrade any urban services and/or public facilities within the area considered for annexation that do not meet standards as may be established by the City of Lebanon.*
4. City Annexation Policy, Section 4, states that *no annexation shall be considered that does not conform with the Lebanon Comprehensive Plan and its goals and policies.*
5. City Annexation Policy, Section 5, states that *it shall be the burden of proof of the applicant that a public need exists for the proposed annexation and that the annexation is in the public's interest.*
6. Urbanization Element of the Comprehensive Plan, Phased Growth Program, Policy #1 (page 4-P-1) states that . . . *the City shall maintain a compact growth pattern that expands the city limits incrementally in an orderly and efficient manner within the service capabilities of the City.*
7. Public Facilities and Services element of the Comprehensive Plan, General Policy #2 (page 8-P-1) states that *the city shall consider impacts on community facilities before . . . annexation requests are approved.*

RECOMMENDATION

Unless the public hearing identifies hitherto unknown reasons why the proposed annexation would be to the detriment of surrounding properties, the neighborhood or the city, staff recommends that the Planning Commission recommend to the City Council that the proposed annexation be approved including the conditions found in the staff comments.

PROPOSED FINDINGS

1. The proposed annexation complies with City Annexation Policy, Section 1, in that urban services are or can be made available to serve the property.

2. The proposed annexation complies with City Annexation Policy, Section 2, in that adequate right-of-way is provided for both 12th and "F" Streets.
3. The proposed annexation complies with City Annexation Policy, Section 3, in that city utility lines are located adjacent to the property and the applicant will be required to submit non-remonstrance agreements to participate in future street and water line improvements.
4. The proposed annexation complies with City Annexation Policy, Section 4, in that the existing property development complies with Zoning Ordinance and Comprehensive Plan policies pertaining to the property and zoning.
5. The proposed annexation complies with City Annexation Policy, Section 5, in that it is in the public's best interest to provide City services to existing homes and to avoid surface water contamination problems due to failing septic systems.
6. The proposed annexation complies with Comp. Plan Urbanization Element, Phased Growth Program, Policy #1, (page 4-P-1) in that it would be an orderly and efficient expansion of city limits within city service capabilities.
7. The proposed annexation complies with Comp. Plan Public Facilities and Services Element, General Policy #2, (page 8-P-1) in that the annexation will not result in an adverse impact on community facilities.

"F" STREET

(60')

(WEST 126.63') R

12TH STREET

LORD'S

ADDITION

A - LORD'S ADDITION

LOT

LOT

12

13

(S0°14'30"E 268.94') R

(NORTH 268.03') R

TO CITY OF

LEBANON

POINT OF BEGINNING

A-98-2, Page 5

(30')

(N89°35'00"E 125.5') R

ANNEXATION MAP AND LEGAL

TONY LOPEZ

A-98-2

LOT 12 OF LORDS ADDITION
LINN COUNTY, OREGON

SCALE: 1" = 30'

APRIL 10, 1998

ANNEXATION LEGAL

AN AREA OF LAND IN THE WM. RALSTON DLC NO. 48 IN TOWNSHIP 12 SOUTH OF RANGE 2 WEST OF THE WILLAMETTE MERIDIAN, LINN COUNTY, OREGON BEING LOT 12 IN LORDS ADDITION TO LEBANON, OREGON DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 12; THENCE NORTH 89°35' EAST ALONG THE SOUTH LINE OF SAID LOT 12 125.50 FEET TO THE SOUTHEAST CORNER OF SAID LOT 12; THENCE NORTH ALONG THE EAST LINE OF SAID LOT 12 268.03 FEET TO THE NORTHEAST CORNER OF SAID LOT 12 AND ALSO BEING ON THE SOUTH LINE OF F STREET; THENCE WEST ALONG THE NORTH LINE OF SAID LOT 12 AND SOUTH LINE OF F STREET 126.63 FEET TO THE NORTHWEST CORNER OF SAID LOT 12; THENCE SOUTH 0°14'30" EAST ALONG THE WEST LINE OF SAID LOT 12 268.94 FEET TO THE POINT OF BEGINNING.

ATTACHMENT "A"₁

Annexation Application

Tony D. and Valorie J. Lopez
1563 12th Street
Lebanon Or 97355

Section 1. Attached you will find a map which describes location of property being proposed for annexation. With it is a description of where city sewer and water services parallel the property on the west side of 12th St. By annexing this property into the City of Lebanon there will not be a problem connecting to existing services. This property has a one family single dwelling on it and should not pose a burden to the present capacities of the existing services.

Section 2. Property being considered for annexation is bordered on two sides by paved public roads. There would be no need to alter either, as good flow of traffic/pedestrians already exists. Neither street is a main artery into the city.

Section 3. Parties involved in seeking the annexation will be happy to cooperate in ways needed to upgrade any urban services or public facilities, which are within the boundaries of the annexation property to meet standards set by the City of Lebanon.

Section 4. Property being considered for annexation would be within the urban growth boundary and does not include any improvements that would not conform to the Lebanon Comprehensive Plan and its goals and policies.

Section 5. The property being considered for annexation is in an area where there have been problems with wells due to ground contamination from faulty septic systems. Present owners, upon purchasing property, had to abandon existing contaminated well. The present septic tank and drainfield have also failed and a new system will be required before this home can be occupied. Property owners feel it would be in the public interest to annex in and connect property to available services.

ATTACHMENT "A"₂

April 8, 1998

PETITION OF CONSENT
TO BE ANNEXED INTO THE
CITY OF LEBANON

We, the undersigned, legal owners of Lord's Addition, Lot #12, do hereby give our full consent on this day, April 8, 1998, to be annexed into the boundaries of the city of Lebanon. The express purpose of this annexation is to provide a healthy and desirable single family dwelling by connecting to existing water and sewer facilities.

Signed: *Sony D. Lopez*

Signed: *Valerie J. Lopez*

A BILL FOR AN ORDINANCE ANNEXING AND)
ZONING PROPERTY FOLLOWING HEARING AND)
UPON THE WRITTEN CONSENT FILED WITH)
THE CITY COUNCIL BY LANDOWNERS IN)
SAID AREA PURSUANT TO ORS 222.120 AND)
ORS 222.170)

ORDINANCE BILL NO. ____
for 1998

ORDINANCE NO. _____

WHEREAS, there has been submitted to the City of Lebanon written requests for annexation to the City signed by more than one-half of the landowners who also own more than one-half of the land in the contiguous territory described in Exhibit "A", which real property represents more than one-half of the assessed value of all real property in the contiguous territory to be annexed; and

WHEREAS, City Council has elected to dispense with submitting the question of the proposed annexation to the electors of the City, initiating the annexation of the territory pursuant to ORS 222.120 calling a hearing and directing that notice be given as required by ORS 222.120(3); and

WHEREAS, after conducting the hearing and considering all objections or remonstrances with reference to the proposed annexation, the City Council finds that this annexation is in the best interest of the City and of the contiguous territory;

NOW, THEREFORE, the City of Lebanon ordains as follows:

Section 1. Annexation Area. The following contiguous territory described in Exhibit "A" and incorporated herein by this reference is hereby proclaimed to be annexed to the City of Lebanon and zoned as indicated in accordance with the Lebanon Zoning Ordinance No. 1773, and given the zoning of Residential Mixed Density (RM).

Section 2. Record. The City Recorder shall submit to the Oregon Secretary of State a copy of this Ordinance. The City Recorder shall also send a description by metes and bounds or legal subdivision, and a map depicting the new boundaries of the City within ten (10) days of the effective

date of this annexation to the Linn County Assessor, Linn County Clerk, and the State Department of Revenue.

Passed by the Council by a vote of _____ for and _____ against and approved by the Mayor this _____ of July, 1998.

Robert G. Smith, Mayor

ATTEST:

Joseph A. Windell, City Recorder

Exhibit "A"

ANNEXATION MAP AND LEGAL

TONY LOPEZ

A-98-2

LOT 12 OF LORDS ADDITION
LINN COUNTY, OREGON

SCALE: 1" = 30'

APRIL 10, 1998

ANNEXATION LEGAL

AN AREA OF LAND IN THE WM. RALSTON DLC NO. 48 IN TOWNSHIP 12 SOUTH OF RANGE 2 WEST OF THE WILLAMETTE MERIDIAN, LINN COUNTY, OREGON BEING LOT 12 IN LORDS ADDITION TO LEBANON, OREGON DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 12; THENCE NORTH 89°35' EAST ALONG THE SOUTH LINE OF SAID LOT 12 125.50 FEET TO THE SOUTHEAST CORNER OF SAID LOT 12; THENCE NORTH ALONG THE EAST LINE OF SAID LOT 12 268.03 FEET TO THE NORTHEAST CORNER OF SAID LOT 12 AND ALSO BEING ON THE SOUTH LINE OF F STREET; THENCE WEST ALONG THE NORTH LINE OF SAID LOT 12 AND SOUTH LINE OF F STREET 126.63 FEET TO THE NORTHWEST CORNER OF SAID LOT 12; THENCE SOUTH 0°14'30" EAST ALONG THE WEST LINE OF SAID LOT 12 268.94 FEET TO THE POINT OF BEGINNING.

ANNEXATION MAP

A-98-2

"F" STREET

(60')

(WEST 126.63') R

12TH STREET

LORD'S

LOT
12

ADDITION

(NORTH 268.03') R

A - LORD'S ADDITION

LOT
13

TO CITY OF

LEBANON

(S0°14'30"E 268.94') R

POINT OF
BEGINNING

A-98-2, Page 8

(30')

(N89°35'00"E 125.5') R

AGENDA ITEM 5



CITY OF LEBANON

MEMORANDUM

TO: Jim Ruef
Public Works Director

DATE: June 30, 1998

FROM: Doug Parker *DP*
City Planner

SUBJECT: Annexation and Zoning of a Certain Property
A-98-4 (Vine Street Properties)

On June 16, 1998 the Planning Commission conducted a public hearing regarding a proposed annexation, initiated per property owner's request and requesting Residential Mixed Density (RM) zoning upon annexation for Tax Lots 3900, 4001 and 4002, Assessor's Map 12-2W-10BC. This annexation also includes, upon City request, the Vine Street right-of-way from west of 12th Street to 14th Street. The Planning Commission staff report is included for review including the legal descriptions and an annexation map.

Upon conclusion of the public hearing, the Planning Commission recommended to the City Council that the annexation proposal and requested zoning be approved.

At this time, it is appropriate for the City Council to conduct a public hearing regarding the proposed annexation, and if approved, adopt a bill for an ordinance annexing and zoning the property.

**CITY OF LEBANON
PLANNING COMMISSION STAFF REPORT**

ANNEXATION REQUEST

- NATURE OF REQUEST:** Annexation of three Tax Lots (actually two buildable parcels) with one containing a house and a public street right-of-way (ROW).
- APPLICANT:** Stacy McBride and Homer Peters
- PROPERTY LOCATION:** 1197 W. Vine Street. North side of Vine Street between 12th and 13th Streets. Assessor's Map 12-2W-10BC, Tax Lots 3900, 4001 and 4002. **And** the Vine Street ROW from its west city limits boundary to approximately 160 feet west of the intersection of 14th Street.
- ZONE DESIGNATION:** Residential Mixed Density (RM) - upon annexation
- COMP PLAN DESIGNATION:** Mixed Density Residential

INTRODUCTION

The applicants propose to annex this property into the city in order to obtain city services. The existing house on Tax Lot 4001 shares a low flow well with the house on the adjacent parcel to the west (Tax Lot 4100). It is unknown what the status is of the on-site septic system serving this parcel. Recent development of zero lot line dwellings on the south side of Vine Street has resulted in water and sewer line improvements along Vine Street adjacent to the subject properties and half street improvements on the south side of the street. The developer who paid for these improvements which benefit the properties on both sides of the street has filed with the City for "cost recovery" on these public improvements which will require that those properties that make private utility line connections to these public improvements to pay their fair share of the improvement costs as if they had been a participant in the project initially or were participating in a local improvement district. A letter has been received by the city from the owner of a large property at the northwest corner of the intersection of 13th and Vine Streets objecting to the annexation of the Vine Street ROW and is included as Attachment "B", this letter does not explain why they are objecting to including the street ROW in the annexation.

SITE DESCRIPTION

The subject properties are located on the north side of Vine Street between 12th and 14th Streets, consist of three different Tax Lots although actually only two buildable parcels with one of the parcels being vacant and the other containing a recently remodeled house. As mentioned above, 12th Street was recently improved as a half street improvement on the south side of the street.

Surrounding uses include single family dwellings to the immediate west, south, east and north. Farther to the west, across 13th Street, is a large vacant corner lot that serves as a pasture for horses and produces a grass or hay crop.

334.8

LAND COVER MAP

335.4

336

3

335.5

THIRTEENTH

TWELFTH

337.1

336.7

335.2

337.0

337.0

336.9

335.8

E 26.500

E 27.000

336

337.6

336.8

VINE ST

337.4

VINI

ANNEXATION AREA

336

335.7

337.4

338.4

338.2

336.6

337.9

ASH PLACE

336.7

338.4

FOURTEENTH STREET

STREET

340

340.5

338.9

337.5

A-98-4, Page 2

337.2

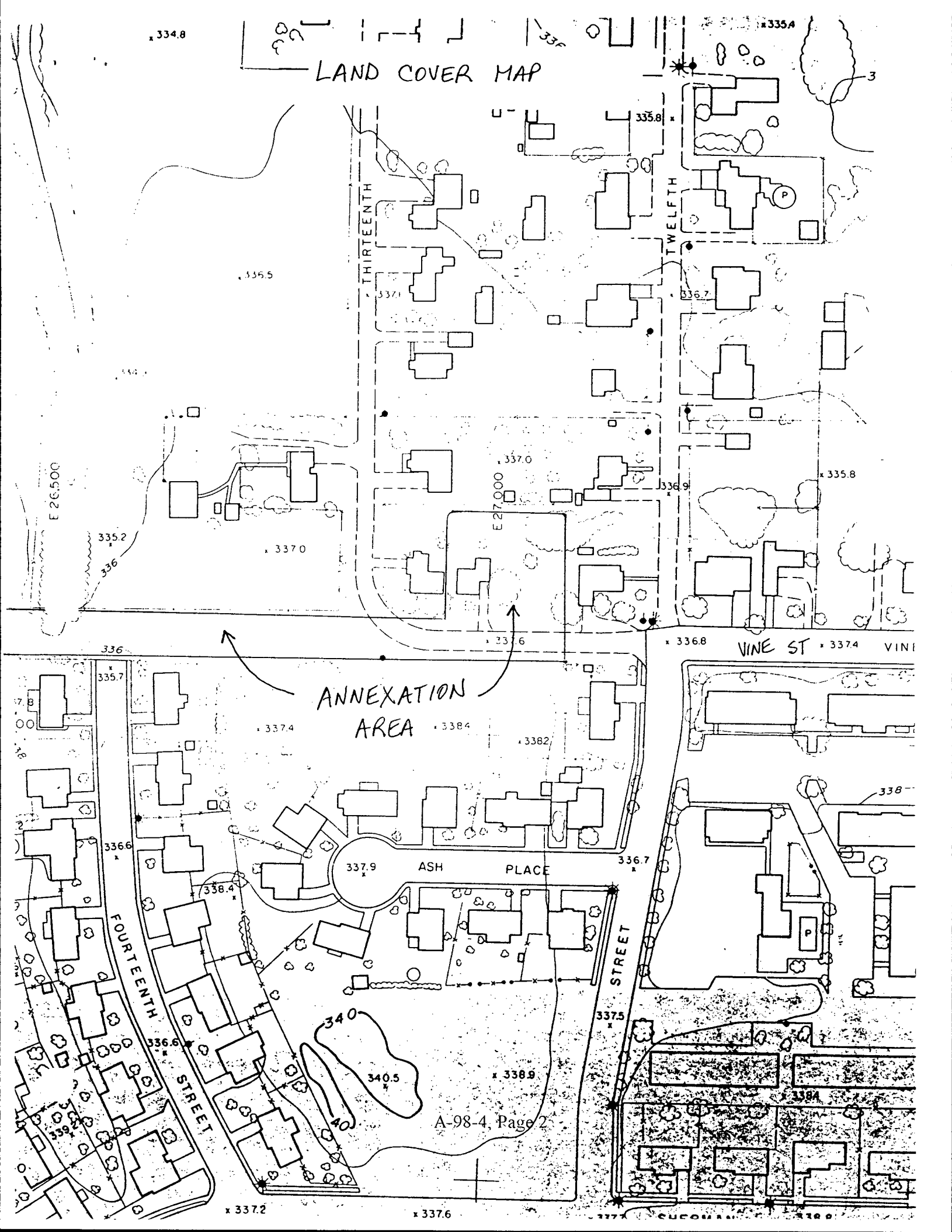
337.6

337.4

338.0

CUCOMAN

338.0



The annexation area is 1.39 acres consisting of the three Tax Lots representing approximately 0.40 acres and the Vine Street ROW representing approximately .99 acres.

PLANNING AND ZONING CONSIDERATIONS

The Comprehensive Plan Map identifies the designation of the subject property as Mixed Density Residential which assigns a Residential Mixed Density zoning upon annexation. City of Lebanon Resolution No. 11 for 1982, a Resolution Establishing an Annexation Policy, contains the factors and conditions that the City considers in evaluating an annexation request. Lebanon Zoning Ordinance Section 4.020 lists the development opportunities, standards and requirements for the Residential Mixed Density (RM) zone.

STAFF COMMENTS

1. The legal description which describes the entire annexation area has been submitted. The petition to annex is included as Attachment "A".
2. Tax Lots 4001 and 4002 are required to be consolidated as a single parcel.
3. After city utility service connections, the existing septic system must be abandoned according to the procedures required by the Linn County Environmental Health Department and any water line connections between Tax Lots 4001 and 4100 must be severed or terminated.
4. The applicants will be required to provide non-remonstrance agreements to participate in future street and storm drainage improvements for Vine Street.

RELEVANT CRITERIA

1. City Annexation Policy, Section 1, requires *proof that urban services are available or can be made available to serve the property considered for annexation and that the additional demands that would be placed on those services will not overburden their present capacities.*
2. City Annexation Policy, Section 2, states that *public rights of way necessary for the safe and efficient movement of traffic, bicycles and pedestrians shall be provided with the annexation and without obligation to the City of Lebanon.*
3. City Annexation Policy, Section 3, specifies that *parties involved in seeking the annexation or who may be included in the annexation shall initiate a program to upgrade any urban services and/or public facilities within the area considered for annexation that do not meet standards as may be established by the City of Lebanon.*
4. City Annexation Policy, Section 4, states that *no annexation shall be considered that does not conform with the Lebanon Comprehensive Plan and its goals and policies.*
5. City Annexation Policy, Section 5, states that *it shall be the burden of proof of the applicant that a public need exists for the proposed annexation and that the annexation is in the public's interest.*
6. Urbanization Element of the Comprehensive Plan, Phased Growth Program, Policy #1 (page 4-P-1) states that *. . . the City shall maintain a compact growth pattern that expands the city limits incrementally in an orderly and efficient manner within the service capabilities of the City.*

7. Public Facilities and Services element of the Comprehensive Plan, General Policy #2 (page 8-P-1) states that *the city shall consider impacts on community facilities before . . . annexation requests are approved.*

RECOMMENDATION

Unless the public hearing identifies hitherto unknown reasons why the proposed annexation would be to the detriment of surrounding properties, the neighborhood or the city, staff recommends that the Planning Commission recommend to the City Council that the proposed annexation be approved along with the conditions found in the staff comments.

PROPOSED FINDINGS

1. The proposed annexation complies with City Annexation Policy, Section 1, in that urban services are or can be made available to serve the property.
2. The proposed annexation complies with City Annexation Policy, Section 2, in that adequate right-of-way is provided for Vine Street.
3. The proposed annexation complies with City Annexation Policy, Section 3, in that city utility lines are located adjacent to the property and the applicants will be required to submit non-remonstrance agreements to participate in future street improvements.
4. The proposed annexation complies with City Annexation Policy, Section 4, in that the existing property development complies with Zoning Ordinance and Comprehensive Plan policies pertaining to the property and zoning.
5. The proposed annexation complies with City Annexation Policy, Section 5, in that it is in the public's best interest to provide City services to existing homes including adequate water supply.
6. The proposed annexation complies with Comp. Plan Urbanization Element, Phased Growth Program, Policy #1, (page 4-P-1) in that it would be an orderly and efficient expansion of city limits within city service capabilities.
7. The proposed annexation complies with Comp. Plan Public Facilities and Services Element, General Policy #2, (page 8-P-1) in that the annexation will not result in an adverse impact on community facilities.

K & D ENGINEERING, Inc.

Engineers • Planners • Surveyors

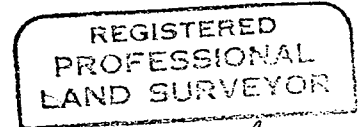
ANNEXATION DESCRIPTION

A-98-4

Commencing at the northwest corner of the Jeremiah Ralston Donation Land Claim No. 49 in Township 12 South, Range 2 West, Willamette Meridian, Linn County, Oregon; thence EAST, along north line of said claim, 10.5263 chains; thence North 89°39' East, along said north claim line, 724.88 feet to a point on the northerly extension of the east right-of-way line of 13th Street (a 50 foot wide right-of-way); thence South 00°17' East, along said east right-of-way line, 1364.66 feet to the northwest corner of that Geddes Tract of land described by deed recorded in Volume MF 811, Page 643 of the Linn County Deed Records on June 28, 1996; thence North 89°39' East 73.1 feet to the northeast corner of said Geddes Tract, which point being on the north line of that Perlenfein Tract described by deed recorded in Volume MF 320, Page 232 of said Deed Records on September 20, 1982, and said point being the TRUE POINT OF BEGINNING of the hereinafter described property; thence North 89°39' East, along the north line of said Perlenfein Tract, 51.55 feet to the northeast corner of said Perlenfein Tract, which point being the northwest corner of that Peters Tract described by deed recorded in Volume MF 481, Page 210 of said Deed Records on September 9, 1988; thence North 89°39' East 94.65 feet to the northeast corner of said Peters Tract; thence South 00°17' East 119.67 feet to the southeast corner of said Peters Tract, which point being on the north right-of-way line of Vine Street (a 60 foot wide right-of-way); thence South 00°17' East 60.00 feet to a point on the south right-of-way line of said Vine Street; thence South 89°39' West, along said south right-of-way line, 719.30 feet to the most northerly northwest corner of Lot 9, Block 4 of "PLETZER'S GREEN", a subdivision of record in Linn County, Oregon; thence North 00°17' West 60.00 feet to a point on the said north right-of-way line of Vine Street; thence North 89°39' East, along said north right-of-way line, 573.10 feet to the southeast of said Geddes Tract; thence North 00°17' West 119.67 feet to the Point of Beginning.

Containing 1.39 acres of land, more or less.

May 12, 1998
 ANNEXATION DESCRIPTION
 (98-54) JRB:ls
 File Ref: nlm/legal/9854 annexation desc #2.doc



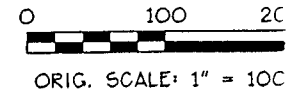
Jack B. Russell
 OREGON
 JACK B. RUSSELL
 1993

EXPIRATION DATE: 12/31/2000

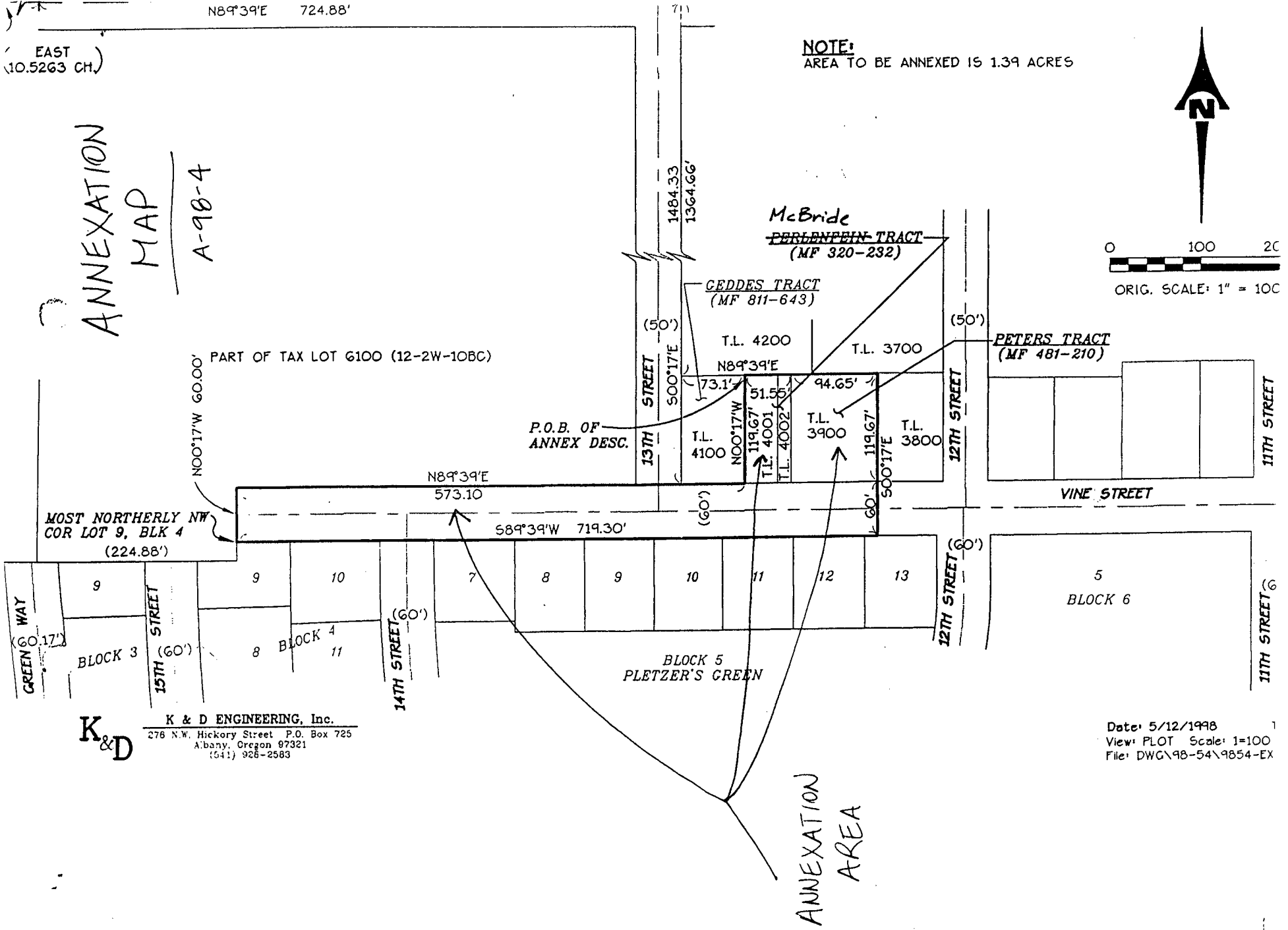
N89°39'E 724.88'

EAST
(10.5263 CH.)

NOTE:
AREA TO BE ANNEXED IS 1.39 ACRES



ANNEXATION
MAP
A-98-4



MOST NORTHERLY NW
COR LOT 9, BLK 4
(224.88')

PART OF TAX LOT 6100 (12-2W-10BC)

McBride
~~PERLENFEIN TRACT~~
(MF 320-232)

GEDDES TRACT
(MF 811-643)

PETERS TRACT
(MF 481-210)

P.O.B. OF
ANNEX DESC.

BLOCK 5
PLETZER'S GREEN

BLOCK 6

K & D
K & D ENGINEERING, Inc.
278 N.W. Hickory Street P.O. Box 725
Albany, Oregon 97321
(541) 926-2583

Date: 5/12/1998
View: PLOT Scale: 1=100
File: DWG\98-54\9854-EX

K & D ENGINEERING, Inc.

Engineers • Planners • Surveyors

May 12, 1998

ATTACHMENT "A"

Mr. Doug Parker, City Planner
City of Lebanon
925 Main Street
Lebanon, OR 97355

RE: PETITION FOR ANNEXATION

Dear Mr. Parker:

We are the owners of the following tax lots and hereby request annexation into the City of Lebanon. Our application and required attachments are enclosed. The application fee of \$300.00 is also enclosed. There are no elector (renters) within the residences.

Sincerely,

Tax Lot 3900 (Map 12-2W-10BC)

Homer B Peters
Homer B. Peters

Dolores G. Peters
Dolores G. Peters

Tax Lots 4001 and 4002 (Map 12-2W-10BC)

~~Michael L. Perlman~~ Stacy M. McBride

~~Dolores D. Perlman~~

~~Tax Lot 4100 (Map 12-2W-10BC)~~

~~Ronald Geddes~~

~~Carol A. Geddes~~

JRB:ls
Attachments
File Ref: nlm/jack/9854 annex petition.doc

RECEIVED
JUN 17 1998

ATTACHMENT "B"

Lucile E Larson
460 Thirteenth Street
Lebanon OR 97355
June 02, 1998

City of Lebanon Planning Commission
City Planning Department
853 Main Street
Lebanon OR 97355

Attention: Douglas Parker, City Planner

Dear Mr. Parker

Thank you for meeting with me Monday, June 1st, and explaining the Annexation A-98-4 (Vine Street Properties) proposal coming before the Planning Commission on Tuesday, June 16th.

I have given this some thought. I do not have any objections to the property owner's request annexing three tax lots identified as TL 4001, 4002, and 3900 located on the north side of Vine Street between 12th Street and 13th Street.

I object to the City's request annexing Vine Street from its west city limits boundary to approximately 160 feet west of the intersection with 14th Street.

Please convey my thoughts to the Planning Commission during the public hearing scheduled for Tuesday, June 16th.

Yours truly,



Lucile E Larson

A BILL FOR AN ORDINANCE ANNEXING AND)	
ZONING PROPERTY FOLLOWING HEARING AND)	ORDINANCE BILL NO. ____
UPON THE WRITTEN CONSENT FILED WITH)	for 1998
THE CITY COUNCIL BY LANDOWNERS IN)	
SAID AREA PURSUANT TO ORS 222.120 AND)	ORDINANCE NO. _____
ORS 222.170)	

WHEREAS, there has been submitted to the City of Lebanon written requests for annexation to the City signed by more than one-half of the landowners who also own more than one-half of the land in the contiguous territory described in Exhibit "A", which real property represents more than one-half of the assessed value of all real property in the contiguous territory to be annexed; and

WHEREAS, City Council has elected to dispense with submitting the question of the proposed annexation to the electors of the City, initiating the annexation of the territory pursuant to ORS 222.120 calling a hearing and directing that notice be given as required by ORS 222.120(3); and

WHEREAS, after conducting the hearing and considering all objections or remonstrances with reference to the proposed annexation, the City Council finds that this annexation is in the best interest of the City and of the contiguous territory;

NOW, THEREFORE, the City of Lebanon ordains as follows:

Section 1. Annexation Area. The following contiguous territory described in Exhibit "A" and incorporated herein by this reference is hereby proclaimed to be annexed to the City of Lebanon and zoned as indicated in accordance with the Lebanon Zoning Ordinance No. 1773, and given the zoning of Residential Mixed Density (RM).

Section 2. Record. The City Recorder shall submit to the Oregon Secretary of State a copy of this Ordinance. The City Recorder shall also send a description by metes and bounds or legal subdivision, and a map depicting the new boundaries of the City within ten (10) days of the effective

date of this annexation to the Linn County Assessor, Linn County Clerk, and the State Department of Revenue.

Passed by the Council by a vote of _____ for and _____ against and approved by the Mayor this _____ of July, 1998.

Robert G. Smith, Mayor

ATTEST:

Joseph A. Windell, City Recorder

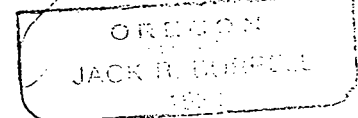
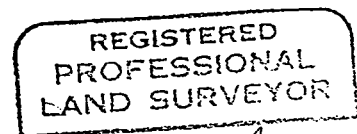
K & D ENGINEERING, Inc.*Engineers • Planners • Surveyors***ANNEXATION DESCRIPTION**

A-98-4

Commencing at the northwest corner of the Jeremiah Ralston Donation Land Claim No. 49 in Township 12 South, Range 2 West, Willamette Meridian, Linn County, Oregon; thence EAST, along north line of said claim, 10.5263 chains; thence North 89°39' East, along said north claim line, 724.88 feet to a point on the northerly extension of the east right-of-way line of 13th Street (a 50 foot wide right-of-way); thence South 00°17' East, along said east right-of-way line, 1364.66 feet to the northwest corner of that Geddes Tract of land described by deed recorded in Volume MF 811, Page 643 of the Linn County Deed Records on June 28, 1996; thence North 89°39' East 73.1 feet to the northeast corner of said Geddes Tract, which point being on the north line of that Perlenfein Tract described by deed recorded in Volume MF 320, Page 232 of said Deed Records on September 20, 1982, and said point being the TRUE POINT OF BEGINNING of the hereinafter described property; thence North 89°39' East, along the north line of said Perlenfein Tract, 51.55 feet to the northeast corner of said Perlenfein Tract, which point being the northwest corner of that Peters Tract described by deed recorded in Volume MF 481, Page 210 of said Deed Records on September 9, 1988; thence North 89°39' East 94.65 feet to the northeast corner of said Peters Tract; thence South 00°17' East 119.67 feet to the southeast corner of said Peters Tract, which point being on the north right-of-way line of Vine Street (a 60 foot wide right-of-way); thence South 00°17' East 60.00 feet to a point on the south right-of-way line of said Vine Street; thence South 89°39' West, along said south right-of-way line, 719.30 feet to the most northerly northwest corner of Lot 9, Block 4 of "PLETZER'S GREEN", a subdivision of record in Linn County, Oregon; thence North 00°17' West 60.00 feet to a point on the said north right-of-way line of Vine Street; thence North 89°39' East, along said north right-of-way line, 573.10 feet to the southeast of said Geddes Tract; thence North 00°17' West 119.67 feet to the Point of Beginning.

Containing 1.39 acres of land, more or less.

May 12, 1998
ANNEXATION DESCRIPTION
(98-54) JRB:ls
File Ref: nlm/legal/9854 annexation dcsc #2.doc



EXPIRATION DATE: 12/31/2000

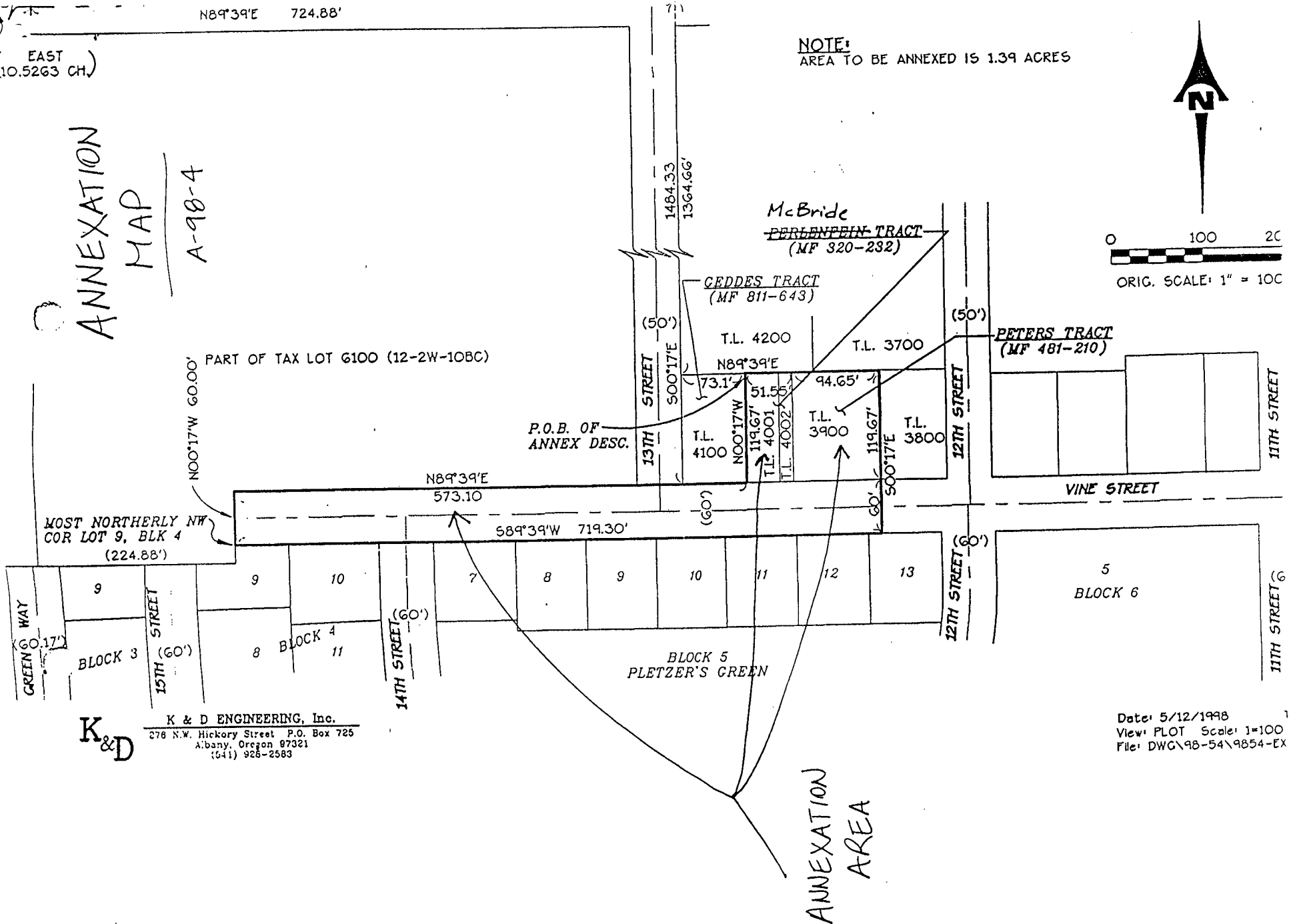
N89°39'E 724.88'
EAST
(10.5263 CH)

ANNEXATION
MAP
A-98-4

NOTE:
AREA TO BE ANNEXED IS 1.39 ACRES



0 100 200
ORIG. SCALE: 1" = 100'



A-98-4, Page 5

K & D

K & D ENGINEERING, Inc.
278 N.W. Hickory Street P.O. Box 725
Albany, Oregon 97321
(541) 926-2583

Date: 5/12/1998
View: PLOT Scale: 1=100
File: DWG\98-54\9854-EX

AGENDA ITEM 6



CITY OF LEBANON

MEMORANDUM

TO: Jim Ruef
Public Works Director

DATE: June 30, 1998

FROM: Doug Parker *DP*
City Planner

SUBJECT: Annexation and Zoning of a Certain Property
A-98-5 (Lund Properties)

On June 16, 1998 the Planning Commission conducted a public hearing regarding a proposed annexation, initiated per property owner's request and requesting Residential Mixed Density (RM) zoning upon annexation for Tax Lots 100 and 200, Assessor's Map 12-2W-15CB. The Planning Commission staff report is included for review including the legal descriptions and an annexation map. This annexation is in support of future residential development.

Upon conclusion of the public hearing, the Planning Commission recommended to the City Council that the annexation proposal and requested zoning be approved.

At this time, it is appropriate for the City Council to conduct a public hearing regarding the proposed annexation, and if approved, adopt a bill for an ordinance annexing and zoning the property.

**CITY OF LEBANON
PLANNING COMMISSION STAFF REPORT**

ANNEXATION REQUEST

NATURE OF REQUEST: Annexation of a 2.82 acre site comprised of two parcels, one containing a house, in support of a proposed residential subdivision.

APPLICANT: Bill Lund

PROPERTY LOCATION: 1020 and 1040 Airport Road, east of the intersection of 12th Street and Airport Road.
Assessor's Map 12-2W-15CB, Tax Lots 100 and 200 .

ZONE DESIGNATION: Residential Mixed Density (RM) - upon annexation

COMP PLAN DESIGNATION: Mixed Density Residential

INTRODUCTION

The applicant proposes to annex this property into the city in support of a 10-lot residential subdivision. Public infrastructure (street and utility line) improvements will accompany the proposed subdivision - these developments will be discussed in detail in the subdivision staff report. The applicant has submitted a narrative that is included as Attachment "A".

SITE DESCRIPTION

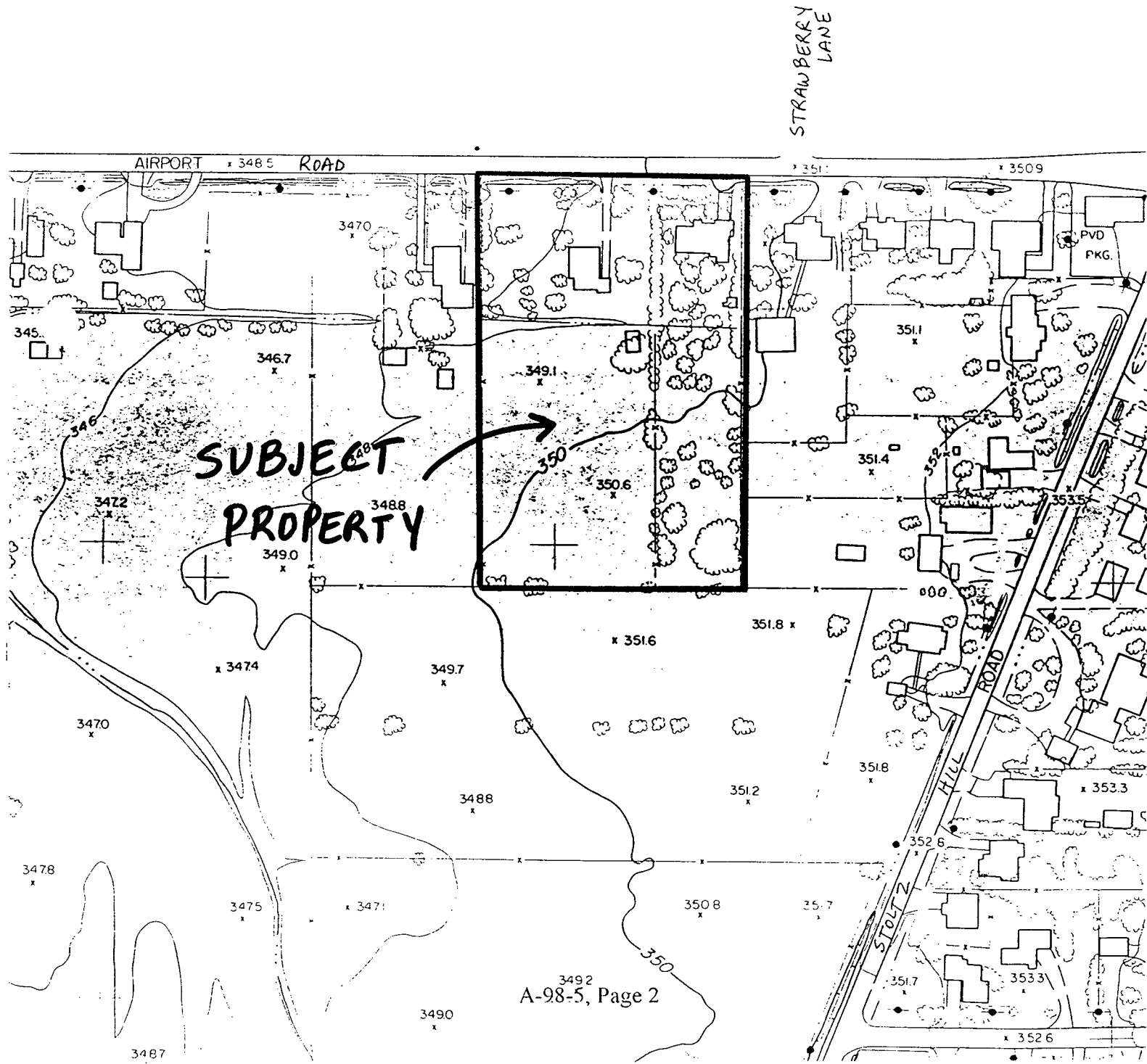
The subject property consists of two parent parcels and is approximately 2.82 acres in size. The subject property is proposed for annexation and subsequent subdivision and residential development. The property is located on the south side of Airport Road east of 12th Street. A house previously on Tax Lot 200 was recently demolished while the house on Tax Lot 100 will remain and be incorporated into the subdivision. This house is currently served by an on-site well and septic system. In addition to having the house removed on Tax Lot 200, much of the landscaping has been removed and the site is being prepared for subdivision development.

Airport Road is a designated arterial that is currently improved to county standards but is scheduled to be improved to city standard (minus sidewalks) this year. City water service was installed along the north side of Airport Road a couple of years ago. Subdivision improvements will include the extension of a sewer line from 12th Street for the full length of the property.

PLANNING AND ZONING CONSIDERATIONS

The Comprehensive Plan Map identifies the designation of the subject property as Mixed Density Residential which assigns a Residential Mixed Density zoning upon annexation. City of Lebanon Resolution No. 11 for 1982, a Resolution Establishing an Annexation Policy, contains the factors and conditions that the City considers in evaluating an annexation request. Lebanon Zoning Ordinance Section 4.020 lists the development opportunities, standards and requirements for the Residential Mixed Density (RM) zone.

LAND COVER MAP



STAFF COMMENTS

1. The legal description and a map describing the entire annexation area has been submitted.

RELEVANT CRITERIA

1. City Annexation Policy, Section 1, requires *proof that urban services are available or can be made available to serve the property considered for annexation and that the additional demands that would be placed on those services will not overburden their present capacities.*
2. City Annexation Policy, Section 2, states that *public rights of way necessary for the safe and efficient movement of traffic, bicycles and pedestrians shall be provided with the annexation and without obligation to the City of Lebanon.*
3. City Annexation Policy, Section 3, specifies that *parties involved in seeking the annexation or who may be included in the annexation shall initiate a program to upgrade any urban services and/or public facilities within the area considered for annexation that do not meet standards as may be established by the City of Lebanon.*
4. City Annexation Policy, Section 4, states that *no annexation shall be considered that does not conform with the Lebanon Comprehensive Plan and its goals and policies.*
5. City Annexation Policy, Section 5, states that *it shall be the burden of proof of the applicant that a public need exists for the proposed annexation and that the annexation is in the public's interest.*
6. Urbanization Element of the Comprehensive Plan, Phased Growth Program, Policy #1 (page 4-P-1) states that . . . *the City shall maintain a compact growth pattern that expands the city limits incrementally in an orderly and efficient manner within the service capabilities of the City.*
7. Public Facilities and Services element of the Comprehensive Plan, General Policy #2 (page 8-P-1) states that *the city shall consider impacts on community facilities before . . . annexation requests are approved.*

RECOMMENDATION

Unless the public hearing identifies hitherto unknown reasons why the proposed annexation would be to the detriment of surrounding properties, the neighborhood or the city, staff recommends that the Planning Commission recommend to the City Council that the proposed annexation be approved.

PROPOSED FINDINGS

1. The proposed annexation complies with City Annexation Policy, Section 1, in that urban services are available or can be extended to serve the property.
2. The proposed annexation complies with City Annexation Policy, Section 2, in that adequate existing public right-of-way is provided and additional public right-of way is proposed as part of the proposed subdivision.
3. The proposed annexation complies with City Annexation Policy, Section 3, in that public infrastructure improvements (city utility line and street improvements) will be required upon development.

4. The proposed annexation complies with City Annexation Policy, Section 4, in that the property development proposal complies with Zoning Ordinance and Comprehensive Plan policies pertaining to the property and zoning.
5. The proposed annexation complies with City Annexation Policy, Section 5, in that a public need exists for housing.
6. The proposed annexation complies with Comp. Plan Urbanization Element, Phased Growth Program, Policy #1, (page 4-P-1) in that it would be an orderly and efficient expansion of city limits within city service capabilities.
7. The proposed annexation complies with Comp. Plan Public Facilities and Services Element, General Policy #2, (page 8-P-1) in that the annexation will not result in an adverse impact on community facilities and in fact the proposed development will result in enhancing local community facilities (utility line extensions and street improvements).

 TICOR TITLE INSURANCE

Report No. 242453

LEGAL DESCRIPTION

A-98-5

Beginning at a point on the North line of Donation Land Claim No. 77, a distance of 0.99 chains East from the Northeast corner of the David Watkins Donation Land No. 67 in Township 12 South, Range 2 West of the Willamette Meridian; thence South parallel to the East line of Donation Land Claim No. 67 a distance of 7.00 chains to a one and one-quarter inch pipe; thence West parallel to the North line of said Donation Land Claim 2.86 chains to a one and one-quarter inch pipe; thence North parallel to the East line of said Donation Land Claim 7.00 chains to the North line of said Donation Land Claim; thence East 2.86 chains to the place of beginning.

STATE OF OREGON
County of Linn

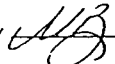
M
R 10
S 10
A 20
O

40
MAY 5 2 14 PM '98

I hereby certify that the attached was received and duly recorded by me in Linn County records.

STEVE DRUCKENMILLER
Linn County Clerk

MF 941
PAGE 752

By  Deputy

GENERAL INFORMATION**APPLICANT**

William J. Lund

OWNERS

William J. Lund, Tax Lot 200

Chester B. Croco, Tax Lot 100

RESIDENTS

Vacant, Tax Lot 200

Chester B. Croco, Tax Lot 100

DESCRIPTION OF PROJECT

A residential development is being proposed for the 2.82-acre site located south of Airport Road between Strawberry Lane and 12th Street. The annexation will allow extension of City services to the proposed site.

PLANNING ACTIONS BEING REQUESTED**ANNEXATION**

The applicant is requesting annexation of the entire 2.82 acres that is made up of Tax Lots 100 & 200 on Map 12-2W-15CB.

Zoning Designation upon Annexation

The applicant is requesting a "RESIDENTIAL MIXED DENSITY ZONE – RM" on all of the property being annexed.

DESCRIPTION OF PROPERTY**DESCRIPTION**

Two tracts of Land totaling 2.82 Acres bounded by Airport Road on the North and residential tracts on the West, South & East. The property touches the City Limits on the South.

EXISTING RESIDENCES

There are two (2) residences, one on each tax lot, in the proposed annexation. The residence located on Tax Lot 200 will be removed for future development. The residence on Tax Lot 100 will remain.

EXISTING USES

The land is essentially vacant at this time, except as previously stated, and the residence on Tax Lot 200 is unoccupied.

May 12, 1998

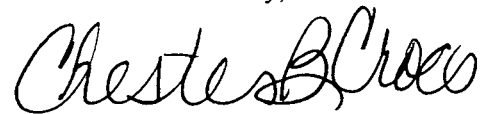
Doug Parker, City Planner
City of Lebanon
925 Main St.
Lebanon, OR 97355

RE: Petition for Annexation
Consent of Elector

Dear Mr. Parker;

I am the owner of Tax Lot 100 on Map 12-2W-15CB and am requesting annexation into the City of Lebanon. Furthermore I give my consent as the elector for the subject property to this annexation. My application and fee have been submitted as required.

Sincerely,



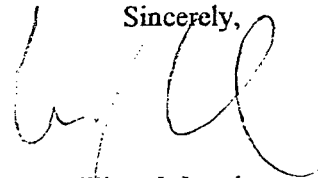
Chester B. Croco

RE: Petition for Annexation
Consent of Elector

Dear Mr. Parker;

I am the owner of Tax Lot 200 on Map 12-2W-15CB and am requesting annexation into the City of Lebanon. The property in question is currently unoccupied. My application and fee have been submitted as required.

Sincerely,



William J. Lund

A BILL FOR AN ORDINANCE ANNEXING AND
ZONING PROPERTY FOLLOWING HEARING AND
UPON THE WRITTEN CONSENT FILED WITH
THE CITY COUNCIL BY LANDOWNERS IN
SAID AREA PURSUANT TO ORS 222.120 AND
ORS 222.170

)
)
)
)
)

ORDINANCE BILL NO. ____
for 1998

ORDINANCE NO. _____

WHEREAS, there has been submitted to the City of Lebanon written requests for annexation to the City signed by more than one-half of the landowners who also own more than one-half of the land in the contiguous territory described in Exhibit "A", which real property represents more than one-half of the assessed value of all real property in the contiguous territory to be annexed; and

WHEREAS, City Council has elected to dispense with submitting the question of the proposed annexation to the electors of the City, initiating the annexation of the territory pursuant to ORS 222.120 calling a hearing and directing that notice be given as required by ORS 222.120(3); and

WHEREAS, after conducting the hearing and considering all objections or remonstrances with reference to the proposed annexation, the City Council finds that this annexation is in the best interest of the City and of the contiguous territory;

NOW, THEREFORE, the City of Lebanon ordains as follows:

Section 1. Annexation Area. The following contiguous territory described in Exhibit "A" and incorporated herein by this reference is hereby proclaimed to be annexed to the City of Lebanon and zoned as indicated in accordance with the Lebanon Zoning Ordinance No. 1773, and given the zoning of Residential Mixed Density (RM).

Section 2. Record. The City Recorder shall submit to the Oregon Secretary of State a copy of this Ordinance. The City Recorder shall also send a description by metes and bounds or legal subdivision, and a map depicting the new boundaries of the City within ten (10) days of the effective

date of this annexation to the Linn County Assessor, Linn County Clerk, and the State Department
of Revenue.

Passed by the Council by a vote of _____ for and _____ against and approved by the
Mayor this _____ of July, 1998.

Robert G. Smith, Mayor

ATTEST:

Joseph A. Windell, City Recorder

TICOR TITLE INSURANCE

Report No. 242453

A-98-5

LEGAL DESCRIPTION

Beginning at a point on the North line of Donation Land Claim No. 77, a distance of 0.99 chains East from the Northeast corner of the David Watkins Donation Land No. 67 in Township 12 South, Range 2 West of the Willamette Meridian; thence South parallel to the East line of Donation Land Claim No. 67 a distance of 7.00 chains to a one and one-quarter inch pipe; thence West parallel to the North line of said Donation Land Claim 2.86 chains to a one and one-quarter inch pipe; thence North parallel to the East line of said Donation Land Claim 7.00 chains to the North line of said Donation Land Claim; thence East 2.86 chains to the place of beginning.

STATE OF OREGON
County of Linn

I hereby certify that the attached
was received and duly recorded
by me in Linn County records.

STEVE DRUCKENMILLER
Linn County Clerk

By *[Signature]* Deputy

M
R 70
S 10
A 20
O

MF 941
PAGE 752

MAY 5 2 14 PM '98

40

AGENDA ITEM 7



CITY OF LEBANON
PUBLIC WORKS DEPARTMENT
MEMORANDUM

TO: Joseph Windell, City Administrator

DATE: July 1, 1998

FROM: Jim Ruef, Director of Public Works

SUBJECT: Vacation of 7th Street Right-Of-Way (ROW)

A trade of property was proposed by the property owner on the northwest corner of Tangent Street and 7th Street. As part of the Hansard Area Improvement project, City staff approached the property owner to acquire a small triangle of property at the corner in order to install a curb access ramp for the sidewalk. The property owner indicated that they would give the City the property we need if the City would vacate a 5 foot wide strip of ROW along their 7th Street frontage. This strip of land is behind the public sidewalk and does not contain any public utilities.

A garage/storage building was built many years ago on this property and extends 3 to 4 feet into this strip of land. This is the main reason the owners would like the vacation to take place. The property owners and City staff have agreed that a public utility and access easement would be retained on the vacated piece.

Unless new information is forthcoming at the Public Hearing, I recommend that City Council vacate this ROW.



CITY OF LEBANON
PUBLIC WORKS DEPT. - COMMUNITY DEVELOPMENT CTR.

MEMORANDUM

TO: James Ruef, Director of Public Works

DATE: June 29, 1998

FROM: Pat Johnson, CIP Project Assistant, for Brenda Stein, Senior Engineer, CIP *Bdg/ppp*

SUBJECT: Vacation of Public Right of Way - 7th Street

Background:

In acquiring property for the Hansard project for sidewalk ramps, the property owners suggested the City vacate a portion of 7th Street in lieu of payment for their property. The City would reserve an easement over the vacated property.

At the May 13th, 1998 meeting, the Council scheduled a public hearing for the July 8, 1998 Council Meeting.

Staff has provided notice of the proposed vacation and the public hearing as required by ORS 271.110.

Recommendation:

After the public hearing to consider facts and opinions from the surrounding residents, I recommend the Council consider approval of the attached ordinance vacating this portion of 7th Street.

A BILL FOR AN ORDINANCE VACATING A)
PORTION OF 7TH STREET RIGHT-OF-WAY)
NORTH OF TANGENT STREET AND)
DECLARING AND EMERGENCY)

ORDINANCE BILL NO. _____
For 1998
ORDINANCE NO. _____

WHEREAS, as a result of a motion by Council, the City of Lebanon has initiated vacation proceedings for a portion of 7th Street right-of-way north of Tangent Street, more particularly described as follows:

The following parcel being adjacent to that property recorded as Lots 1&2, Block 2, Mountain View Addition to Lebanon, Linn County, Oregon and being described as follows:

Beginning at the intersection of the west right-of-way of Seventh Street and the north right-of-way of Tangent Street; thence, N0°21'W a distance of 20.12 feet along the west right-of-way of Seventh Street to the true point-of-beginning; thence S89°39'W a distance of 5.00 feet; thence N0°21'W a distance of 108.88 feet; thence N89°39'E a distance of 5.00 feet; thence S0°21'E a distance of 108.88 feet along the west right-of-way of Seventh Street to the true point-of-beginning.

Containing 544.40 square feet more or less.

WHEREAS, the Council for the City of Lebanon has conducted a public hearing on July 8, 1998, having duly considered the testimony of interested persons and the general public; and

WHEREAS, the City Council finds that notice has been duly given, that the consent of the owners of the requisite area has been obtained, and

WHEREAS, the City Council has determined that the public interests will not be prejudiced by the vacation of such right-of-way,

NOW, THEREFORE, the people of the City of Lebanon do ordain as follows:

Section 1. A portion of Seventh Street right-of-way north of Tangent Street, more particularly described as follows:

The following parcel being adjacent to that property recorded as Lots 1&2, Block 2, Mountain View Addition to Lebanon, Linn County, Oregon and being described as follows:

Beginning at the intersection of the west right-of-way of Seventh Street and the north right-of-way of Tangent Street; thence, N0°21'W a distance of 20.12 feet along the west right-of-way of Seventh Street to the true point-of-beginning; thence S89°39'W a distance of 5.00 feet; thence N0°21'W a distance of 108.88 feet; thence N89°39'E a distance of 5.00 feet; thence S0°21'E a distance of 108.88 feet along the west right-of-way of Seventh Street to the true point-of-beginning.

Containing 544.40 square feet more or less.

is hereby declared vacated, with the following reservation:

Reserving to the City of Lebanon a permanent utility and access easement upon the vacated right-of-way.

Section 2. A certified copy of this Ordinance vacating the above-described right-of-way on any map in regard thereto shall be filed for record with the County Clerk for Linn County.

Section 3. A certified copy of this Ordinance shall be also filed with the County Assessor and the County Surveyor for the County of Linn.

Section 4. Inasmuch as the provisions of this Ordinance are necessary for the immediate preservation of the peace, health, and safety of the people of the City of Lebanon, this Ordinance shall be in full force and effect immediately upon its passage by the Council and approval by the Mayor.

Passed by the Council of the City of Lebanon by a vote of _____ for and _____ against, and approved by the Mayor this _____ day of JULY 1998.

MAYOR

ATTEST:

CITY RECORDER

AGENDA ITEM 8



CITY OF LEBANON
PUBLIC WORKS DEPARTMENT
MEMORANDUM

TO: Joseph Windell, City Administrator

DATE: July 1, 1998

FROM: Jim Ruef, Director of Public Works

SUBJECT: Intergovernmental Agreement for Traffic Signal

The City of Lebanon has agreements with the Oregon Department of Transportation (ODOT) for sharing the maintenance responsibility for all traffic signals on state highways in Lebanon. The responsibilities outlined in these agreements requires ODOT to maintain the signal and the City pays the monthly power bill.

As you know, the traffic signal at Highway 20 and Airport Road was changed to accommodate the extension of Airport Road eastward. Safeway, Inc. paid for the signal modification and the road construction. Attached is a new intergovernmental agreement which outlines the responsibilities and obligations of the City of Lebanon, ODOT, and Safeway for this signal.

I recommend that the Lebanon City Council authorize (by motion) the Mayor and Recorder to sign the attached agreement.



CITY OF LEBANON
MEMORANDUM

TO: Jim Ruef, Director of Public Works

DATE: June 23, 1998

FROM: Jim Clark, City Engineer

J.M. Clark

SUBJECT: Highway 20/Airport Road Signal Agreement

This memo requests council authorize signatures for the attached agreement

Background

Safeway's new store required an upgrade to the existing signal at the intersection of Highway 20 and Airport Road. New hardware and the addition of the East Airport Road leg were the major changes made to the intersection.

The attached agreement updates the existing City/State agreement for this intersection. For the City, the only significant change is adding City responsibility for maintaining pavement over and around the East Airport Road traffic detection loops.

Action Requested

I request a Council motion authorizing the Mayor and city Administrator to sign the agreement.

COOPERATIVE IMPROVEMENT AGREEMENT
PRELIMINARY ENGINEERING and CONSTRUCTION FINANCE

THIS AGREEMENT is made and entered into by and between the STATE OF OREGON acting by and through its Department of Transportation, hereinafter referred to as "State"; the CITY OF LEBANON, acting by and through its Elected Officials, hereinafter referred to as "City"; and SAFEWAY, INC., a corporation authorized to transact business in the State of Oregon, acting by and through its Company Officials, hereinafter referred to as "Company".

RECITALS

1. US 20, also known as the Santiam Highway, is a part of the State highway system under the jurisdiction and control of the Oregon Transportation Commission, a portion of which is routed through the city limits of Lebanon; and Airport Road is a part of the City street system under the jurisdiction and control of City.
2. By the authority granted in ORS 366.770 and 366.775, State may enter into cooperative agreements with the counties and cities for the performance of work on certain types of improvement projects with the allocation of costs on terms and conditions mutually agreeable to the contracting parties.
3. By the authority granted in ORS 366.425, State may accept deposits of money or an irrevocable letter of credit from any person, firm, or corporation for the performance of work on any public highway within State. When said money is deposited, State shall proceed with project. Money so deposited shall be disbursed for the purpose for which it was deposited.
4. By the authority granted in ORS 810.210, State is authorized to determine the character or type of traffic control devices to be used, and to place or erect them upon State highways at places where State deems necessary for the safe and expeditious control of traffic. No traffic control devices shall be erected, maintained, or operated upon any State highway by any authority other than the State, except with its written approval. Traffic signal work on this project shall conform to the current State standards and specifications.
5. This agreement, as it relates to on-going signal maintenance and power, supercedes three previous agreements concerning the traffic signal at US 20 and Airport Road, Agreement Numbers 6840, 7033, and 7288.

TERMS OF AGREEMENT

1. For the purpose of providing acceptable traffic circulation patterns on public highways and roads in the vicinity of a development on property owned by Company and in consideration for the grant of access permit onto State highway facilities, State, City and Company plan and propose to modify an existing traffic signal at the intersection of US 20 and Airport Road and provide a full service access to Company's property located at the northeast corner of the intersection, hereinafter referred to as "project". The location of project is approximately as shown on the sketch map attached hereto, marked Exhibit A, and by this reference made a part hereof. Unless otherwise noted, project will be funded 100 percent by Company with no cost to State or City.
2. This agreement shall become effective upon execution of this agreement by all parties and shall remain in effect for the purpose of ongoing maintenance and power responsibilities for the useful life of the facilities constructed as part of the project.

NOW, THEREFORE, the premises being in general as stated in the foregoing RECITALS, it is agreed by and between the parties hereto as follows:

STATE OBLIGATIONS

1. State shall, at Company expense, review and approve all roadway and traffic signal plans and specifications prior to beginning of work on project.
2. State shall, at Company expense, provide a Certified Signal Inspector to inspect the construction of project to insure all material and workmanship on the project conforms to current State standards.
3. State shall, at Company expense, review and approve signal timing prior to signal turn-on.
4. State shall, at Company expense, perform the signal equipment environmental testing, field testing, and turn-on in accordance with current State procedures.
5. State shall, in accordance with State Approach Road Permit # 04A35725, grant to City a full access, controlled by a traffic control signal at the intersection of Airport Road and US 20.
6. State shall, in accordance with State Approach Road Permit # 04A35724, grant to Company a right-in, right-out only access at a location approximately 261 feet north

of Airport Road, on the condition that Company install a mountable curb median on US 20 from a point 100 feet south of the proposed access to a location 100 feet north of the proposed access. The mountable median curb is to be placed along the easterly side of the south-to-east left-turn lane only.

7. State shall, upon signal turn-on and proper operation, perform all normal and necessary maintenance of the traffic signal and state highway at the project location, pay all necessary maintenance costs at no expense to City or Company and retain complete jurisdiction and control of the timing established for operation of the traffic signal. The traffic signal controller and cabinet is and shall continue to be the property of State.
8. State hereby grants City and Company the right to enter onto and occupy State highway right-of-way for the construction of the project and performance of any necessary maintenance.
9. State shall, upon execution of this agreement, forward to Company a letter requesting an advance deposit or irrevocable letter of credit in the amount of \$3,000, said amount being equal to the estimated total cost for the review of plans and specifications, construction inspection and testing, and signal timing and turn-on.
10. Upon completion of the project, State shall either send to Company a bill for the amount which, when added to Company's advance deposit, will equal 100 percent of the total State costs for project or State will refund to Company any portion of said advance deposit which is in excess of the total State costs for the project.
11. State shall compile accurate cost accounting records. Company may request a statement of State costs to date at any time by submitting a written request. When the actual total cost of the State's participation has been computed, State shall furnish Company with an itemized statement of State's final costs, including any engineering and contingency items attributable thereto.

CITY OBLIGATIONS

1. City shall maintain the asphaltic concrete pavement surrounding the vehicle detector loops installed in the City streets in such a manner as to provide adequate protection for said detector loops, and shall adequately maintain the pavement markings and signing installed in the City streets in accordance with the plans and specifications.
2. City shall comply with all requirements and conditions of State Approach Road Permit # 04A35725, referenced under State Obligations.

3. Illumination, if any, which may be installed as a part of this project, but independent of the signal, to be constructed at Airport Road and US 20 shall, upon completion of project, become a part of City street lighting network. City shall be responsible for 100% of power and maintenance costs of said illumination.
4. City shall continue to pay for 100% of the power costs for the signal and attached illumination located at the intersection of Airport Road and US 20.
5. If City fails to pay the power in accordance with the terms of this agreement, State, at its option, may pay the power and bill City, seek an injunction to enforce the duties and obligations of this agreement, or take any other action allowed by law.
6. City hereby grants State and Company the right to enter onto and occupy City street right-of-way for the construction of the project and performance of necessary maintenance for the traffic signal equipment and vehicle detector loops.
7. City, by execution of this agreement, does hereby give its consent as required by ORS 373.030(2) to any and all changes of grade within the city limits, if any there be, in connection with or arising out of the project covered by this agreement.
8. City represents that this agreement is signed by City personnel who have been authorized to do so by the City Council.

COMPANY OBLIGATIONS

1. Company shall be responsible for all costs to improve the intersection of Airport Road and US 20, including all pavement widening costs directly associated with project and traffic signal equipment modifications and installation costs per approved plans.
2. Company shall, upon receipt of a letter of request from State, forward to State an advance deposit or irrevocable letter of credit in the amount of \$3,000, said amount being equal to the estimated total cost for the review of plans and specifications, construction inspection and testing, and signal timing and turn-on.
3. Upon completion of the project and receipt from State of an itemized statement of the actual total cost of State's participation, Company shall pay within 30 days any amount which, when added to Company's advance deposit, will equal 100 percent of actual total State costs for the project, including preliminary and construction engineering, and all contingency items attributable thereto. Any portion of said advance deposits which is in excess of the total State costs will be refunded or released to Company.

4. Sidewalks which may be constructed on Highway 20 as a part of this project shall be built to State standards and shall, upon completion of project, become the property of Company, and Company shall have full jurisdiction, maintenance and control over said sidewalks. Sidewalks which may be constructed on Airport Road as a part of this project shall be built to City standards and shall, upon completion of project, be owned by City and shall be maintained by Company according to City's municipal code.
5. Company shall conduct the necessary traffic investigations, identify and obtain all required permits, arrange for and pay all utility costs for relocation or adjustment of any conflicting utility facilities, and perform all preliminary engineering and design work for the project.
6. Company shall prepare traffic signal plans and specifications, and shall lay out the necessary lane lines and channelization, and erect the required directional and traffic control signing for the project.
7. Company shall advertise for bid proposals; award all contracts; pay all contractor costs; furnish all construction engineering, materials testing, technical inspection, and project manager services for administration of the contract for the project; and provide "As Constructed" permanent mylar plans. All design and construction work will be performed by Company to current State Highway Standards, including but not limited to the current Oregon Bicycle and Pedestrian Plan, and City's Standards.
8. Company shall provide conduit and detector loops for the project intersection.
9. Company shall provide the necessary right-of-way and easements for any required, project-related, roadway work and shall furnish all related right-of-way maps and descriptions for said right-of-way. Company shall also dedicate a 21' x 21' triangle of property, beyond current right-of-way, at the northeast quadrant of the intersection of Airport Road and Highway 20 for future radius changes and reconstruction of the traffic signal equipment, as shown on the attached drawing, marked Exhibit B and by this reference made a part hereof.
10. Company shall comply with all requirements and conditions of State Approach Road Permit # 04A35725, referenced under State Obligations.
11. Company shall adequately maintain the asphaltic concrete pavement, any pavement markings, and signing installed in conjunction with the project and in accordance with the plans and specifications, within Company property boundaries.

12. Company shall, indemnify, defend, save, and hold harmless the City, the State of Oregon, Oregon Transportation Commission and its members, Department of Transportation, its officers and employees, from any and all claims, suits, and liabilities which may occur in the performance of this project.
13. Company or its contractor shall obtain and keep in effect during the term of the construction contract Comprehensive or Commercial General Liability Insurance covering bodily injury and property damage. This insurance shall include personal injury coverage, contractual liability coverage for the indemnity provided under this agreement, and products/completed operations liability. Combined single limit per occurrence shall not be less than \$1,000,000, or the equivalent. Each annual aggregate limit shall not be less than \$1,000,000, when applicable.

The liability coverages required for performance of the agreement shall include the State of Oregon, Oregon Transportation Commission and its members, Department of Transportation, its officers and employees, and the City of Lebanon as Additional Insureds but only with respect to Company's activities to be performed under this agreement.

Before this agreement is executed, Company shall furnish to State a Certificate of Insurance for the limits set out above, which is to be in force and applicable to the project.

The insurance coverage shall not be amended, altered, modified or cancelled insofar as the coverage contemplated herein is concerned without at least 30-day prior written notice.

14. Company agrees that the project work contract will be subject to State and City's written approval of the contract.
15. Company represents that this agreement is signed by Company personnel who are authorized to do so by the Company officials.

GENERAL PROVISIONS

1. State, City, and Company all agree and understand that a mutual review of the traffic signal and roadway improvement plans and specifications will be conducted prior to beginning work and that State and City's prior written approval is necessary before beginning of work.
2. City and Company, its consultants or subcontractors, if any, and all employers working under this agreement are subject employers under the Oregon Workers

Compensation Law and shall comply with ORS 656.017, which requires them to provide workers compensation coverage for all their subject workers.

3. This agreement may be terminated by mutual written consent of all parties.

State may terminate this agreement effective upon delivery of written notice to City and Company, or at such later date as may be established by State, under any of the following conditions, but not limited to these conditions.

- a) If City or Company fail to provide services called for by this agreement within the time specified herein or any extension thereof.
- b) If City or Company fail to perform any of the other provisions of this agreement, or so fail to pursue the work as to endanger performance of this agreement in accordance with its terms, and after receipt of written notice from State fail to correct such failures within 10 days or such longer period as State may authorize.
- c) If State fails to receive funding from Company to pay for the work provided by State.
- d) If Federal or state laws, regulations, or guidelines are modified or interpreted in such a way that the work under this agreement is prohibited.

Any termination of this agreement shall not prejudice any rights or obligations accrued to the parties prior to termination.

4. City and Company acknowledge and agree that State and the Oregon Secretary of State's office and the federal government and their duly authorized representatives shall have access to such fiscal records and other books, documents, papers, plans and writings of City and Company that are pertinent to this agreement to perform examinations and audits and make excerpts and transcripts. City and Company shall retain and keep all files and records for a minimum of three years after completion of the project.
5. City and Company shall comply with all federal, state and local laws, regulations, executive orders and ordinances applicable to the work under this agreement, including, without limitation, the provisions of ORS 279.312, 279.314, 279.316, 279.320, and 279.555, which are made a part hereof by this reference. Without limiting the generality of the foregoing, City and Company expressly agree to comply with: (i) Title VI of Civil Rights Act of 1964; (ii) Section V of the Rehabilitation Act of 1973; (iii) the Americans with Disabilities Act of 1990 and ORS 659.425; (iv) all regulations and administrative rules established pursuant to the foregoing laws; and

(v) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations.

6. This agreement and attached exhibits constitute the entire agreement between the parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this agreement. No waiver, consent, modification or change of terms of this agreement shall bind either party unless in writing and signed by all parties and all necessary approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of State to enforce any provision of this agreement shall not constitute a waiver by State of that or any other provision.

IN WITNESS WHEREOF, the parties hereto have set their hands and affixed their seals as of the day and year hereinafter written.

SIGNATURE PAGE TO FOLLOW

The Oregon Transportation Commission on March 7, 1996 adopted Delegation Order 2, which grants authority to branch and region managers to approve and execute agreements for work in work involving day-to-day operations.

APPROVAL RECOMMENDED

By Robert S. Wood
District Manager

Date 3-27-98

By _____
State Traffic Engineer

Date _____

CITY OF LEBANON, by and through its
Elected Officials

By _____

Title _____

By _____

Title _____

Date _____

STATE OF OREGON, by and through its
Department of Transportation

By W. Gaudin
Region Manager

Date 4-8-88

SAFEWAY, INC., by and through its
Company Officials

By [Signature]

Title Senior Real Estate Attorney

Date February 25, 1988

REVIEWED BY STATE

By _____
Assistant Attorney General

Date _____

APPROVED AS TO LEGAL
SUFFICIENCY

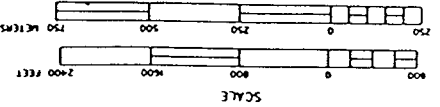
By [Signature]
City Legal Counsel

Date 6/16/98

APPROVED AS TO LEGAL
SUFFICIENCY

By _____
Safeway, Inc. Legal Counsel

Date _____



LEBANON

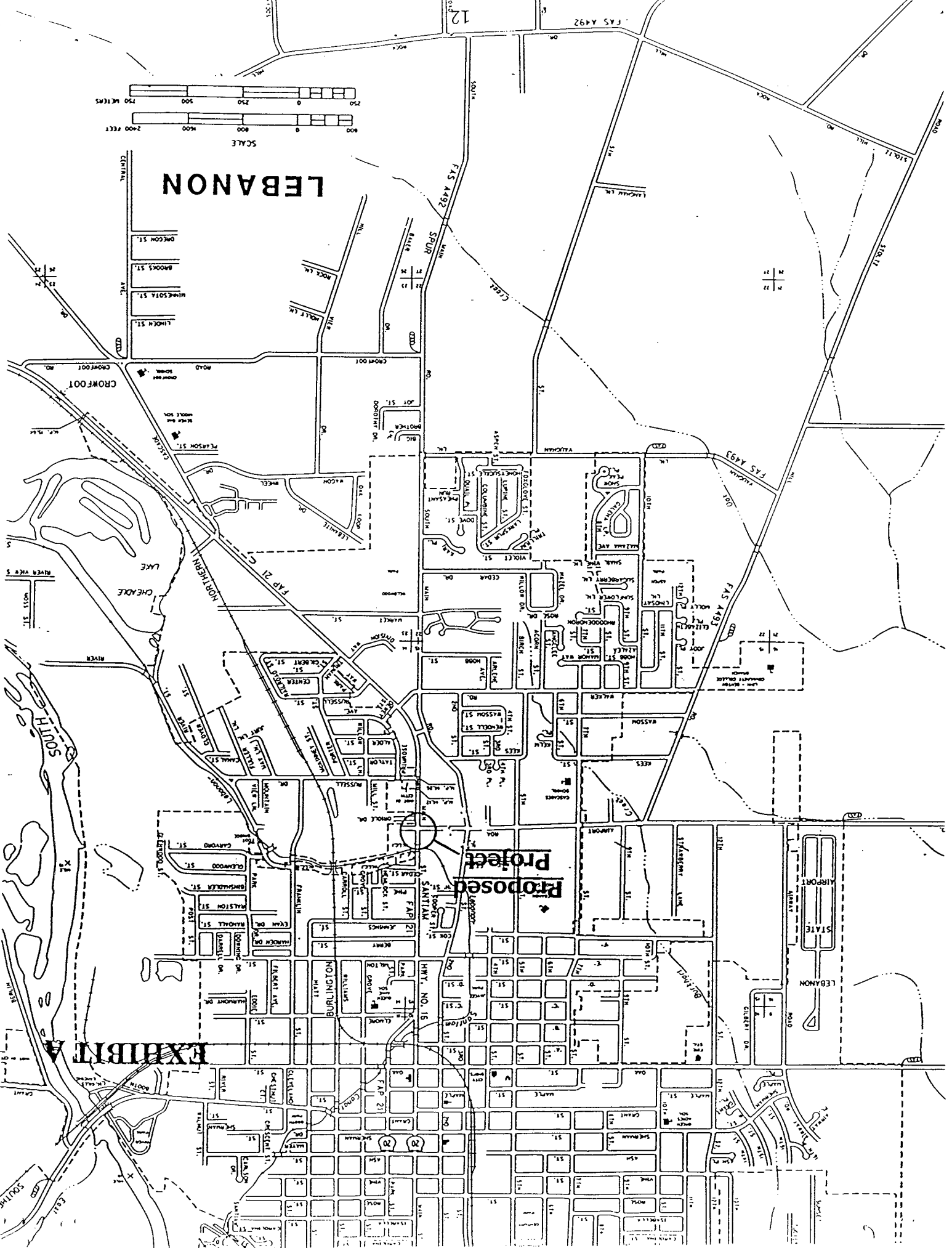


EXHIBIT A

EXHIBIT B

Northeast Quadrant

- EXISTING TRAFFIC SIGNAL POLE
- SAFETY SIGN
- FUTURE TRAFFIC SIGNAL POLE
- 31'x21' (617 S.F.) TRIANGULAR R/W DEDICATION
- FUTURE 35' CURB RADIUS WITH ACCESS RAMPS

AIRPORT ROAD

AIRPORT ROAD

PROPOSAL

SHORT TERM PLAN

- 25' CURB RADIUS
- MAINTAIN EXISTING TRAFFIC SIGNAL POLE LOCATIONS
- ACQUIRE TRIANGULAR R/W DEDICATIONS

LONG TERM PLAN

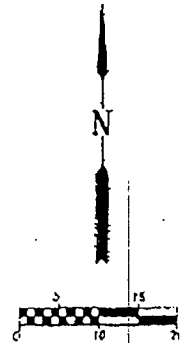
- 35' CURB RADIUS
- REBUILD TRAFFIC SIGNAL
- REBUILD SIDEWALK AND ACCESS RAMPS

R. 25' (3.23' POLE CLEARANCE) FACE OF CURB TO FACE OF POLE

R. 20'

R. 25'

R. 25' (4.28' POLE CLEARANCE) FACE OF CURB TO FACE OF POLE



AGENDA ITEM 9

Lebanon Sidewalk Sale Festival

Retail Trade Committee

Chair: Peter Richard

Willamette Office Systems & The Echelon Group

671 Main Street Lebanon Oregon 97355

541-451-3737 Fax: 541-451-3837

6/24/98

Attention: Joe Windell
City of Lebanon

Dear Joe,

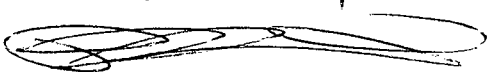
This letter is to request to bring to the City Council on your next meeting. We will be having the Lebanon Sidewalk Sale Festival on Friday, July 17th from 8:00AM to 7:00PM & Saturday, July 18th from 8:00AM to 5:00PM.

We would like to have Ash Street and Sherman Street Closed off between park and second for many of the events we are having for that period of time.

We will have the Police Dare Program and Vehicles, Fire Department, Antique Cars, Entertainment, booths and tables on Ash Street, with Entertainment, music, booths, tables, etc. on Sherman Street.

Since we will be trying to fill up the sidewalks from Vine to Maple with tables and shoppers, please let me know if there is anything else I will need to do.

Thank you,



Peter Richard

Lebanon Downtown SideWalk Sale Festival

July 17 & 18

*Hundreds of merchants lining the streets
Fantastic items and prices.*

Vendors, Crafts, Arts, Food, Entertainment
Tons of stuff to buy.

FRIDAY 17TH 8:30AM TO 7:00PM & SATURDAY 8:30 TO 5:00

**ANTIQUE CARS
FIRE TRUCKS & POLICE CARS
ARTS & CRAFTS
FARMERS MARKET
FOOD VENDORS
BARBECUE & MUCH, MUCH, MORE.....**

ENTERTAINMENT STARTS FRIDAY JULY 17TH: FROM 3:00PM TO 7:00PM

**MUSIC & DANCE PERFORMERS
TACO THE CLOWN
IMPERSONATORS
OTHER ENTERTAINMENT**

For more information or if you would like to be a vendor in the Sidewalk Festival - call
Peter Richard At: 541-451-3737

AGENDA ITEM 10

**OFFICE OF THE CITY ATTORNEY
CITY OF LEBANON
80 E. MAPLE ST.
LEBANON, OREGON 97355**

(541) 451-7419 FAX (541) 258-7575

**TO: JOSEPH A. WINDELL DATE: June 29, 1998
CITY ADMINISTRATOR**

**FROM: THOMAS McHILL
CITY ATTORNEY** 

RE: Parking Time Limits in City Parking Lots

Officer Shanks has contacted me concerning confusion as to the enforcement of parking time limits in the City Lots. As you know, the Council has indicated an increasing interest in the enforcement of parking upon the main streets in the downtown area. The parking officer has emphasized this enforcement, with direction that the parking lots would not be patrolled without further direction.

I understand from Officer Shanks that citizens have raised this enforcement issue. In order to be consistent in the Department's use of discretion, I recommend that the Council consider the attached ordinance which would codify what has been occurring as to enforcement. With the passage of this ordinance, the two hour parking limit would not apply to the parking lots located downtown. After conversations with Office Shanks, it would appear that if concerns arise in parking in the lots (such as an over abundance of overnight parking), the issue can again be visited by the Council.

If the Council wishes for the enforcement officer to enforce the two hour limit in the parking lots, this ordinance should not be considered.

cc: Officer Tim Shanks

A BILL FOR AN ORDINANCE AMENDING) ORDINANCE BILL NO. _____
SECTION 10.24.140A, PARKING TIME LIMITS) for 1998
IN DOWNTOWN AREAS, OF THE LEBANON)
MUNICIPAL CODE AND DECLARING) ORDINANCE NO. _____
EMERGENCY)

THE CITY OF LEBANON ORDAINS AS FOLLOWS:

That Section 10.24.140A of the Lebanon Municipal Code, **Parking Time Limits in Downtown areas**, is hereby amended to read as follows:

Section 1.

A. No person shall stop, stand or park a vehicle for a continuous period of more than two hours, Monday through Saturday, (except holidays) from 8:00 a.m. to 6:00 p.m. on the following streets:

Main Street, east side only, from Vine Street north 324 feet;
Park Street from Oak Street to Vine Street;
Main Street from Oak Street to Vine Street;
Vine Street from Second Street to Park Street, except that area located on the south side of Vine Street from Main Street to Second Street;
Ash Street from Second Street to Park Street;
Sherman Street from Second Street to Park Street;
Grant Street from Second Street to Park Street;
Maple Street from Second Street to Park Street;

B. The penalty for violation of this section shall be a fine of \$25.00.

Section 2.

Inasmuch as the provisions of this Ordinance are necessary for the immediate preservation of the peace, health and safety of the people of the City of Lebanon , an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect immediately upon its passage by the Council and approval by the Mayor.

Passed by the Council of the City of Lebanon by a vote of _____ for and _____
against, and approved by the Mayor this _____ day of _____, 1998.

MAYOR

ATTEST:

City Recorder

EXECUTIVE SESSION

*As per ORS 192.660(1)(d)
To conduct deliberations with persons designated
by the Council to carry on labor negotiations.*