

griffith cross

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 AND DECLARING AN EMERGENCY.)
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ORDINANCE BILL NO. 22
for 1981

ORDINANCE NO. 1848

WHEREAS, a public hearing was held as provided in Ordinance No. 1753, pursuant to the provisions of ORS 222.120; and

WHEREAS, as provided in ORS 222.170, more than half of the landowners of the property described below, who also own more than half of the land in said territory, which represents more than half of the assessed value of all real property in said territory have, prior to the public hearing, consented in writing to the annexation and have filed a statement of their consent with the City Council; and

WHEREAS, a public hearing was held pursuant to Article 8 of the City of Lebanon Zoning Ordinance No. 1428; and

WHEREAS, said real property is contiguous territory to the City of Lebanon; and

WHEREAS, "Findings" have been adopted as of this date; now therefore

THE CITY OF LEBANON ORDAINS AS FOLLOWS:

Section 1. The following described property is hereby annexed to the City of Lebanon, Oregon and zoned CH, Highway Commercial:

PARCEL #1:

Commencing at a point which is 11.13 chains West and 20.48 chains South from the Southeast corner of DLC No. 48 in Township 12 South, Range 2 West of the Willamette Meridian in Linn County, Oregon, and running thence West 16.50 chains to the true point of beginning; thence from true point of beginning North 83 feet; thence East 190 feet; thence South 83 feet; thence West 190 feet to the true point of beginning, EXCEPT that part lying within the County Road.

PARCEL #2:

Beginning at a 5/8 inch iron rod set at the Southwest corner of the property described in Linn County Deed Records, recorded in Book 229, Page 416, said point being described at 1371.75 feet West and 1351.68 feet South of the Southeast corner of the Wm. Ralston Donation Land Claim No. 48, in Township 12 South, Range 2 West of the Willamette Meridian, Linn County, Oregon; and running thence North 395.00 feet to a 5/8 inch iron rod set on top of the South bank of the Lebanon-Santiam Canal; thence continuing North to a point where said line intercepts the center line of said canal; thence following the meanders of the center of the Lebanon-Santiam Canal down stream to the Easterly boundary line of the Santiam Highway; thence Southerly along the Easterly boundary line of said Highway 5.00 chains, more or less; thence East to the point of beginning, all being situated in Linn County, Oregon. EXCEPTING THEREFROM a tract of ground deeded to Ralph L. Whiteis, et ux, by Wesley St. John, et ux, by deed recorded in Volume 205, page 492. AND ALSO EXCEPTING THEREFROM that part lying in the Lebanon-Santiam Canal.

Section 2. The City Recorder is hereby directed to make and submit a copy of this Ordinance to the appropriate state and county officials .

Section 3. 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 by a vote of 5 for and 0 against and approved by the Mayor this 10th day of June, 1981.



Robert Smith
Mayor

ATTEST:

Paul S. Haines
Recorder

STATE OF OREGON)
County of Linn) ss.

I, Paul S. Haines, the duly appointed, qualified and acting Recorder of the City of Lebanon, do hereby certify that the foregoing is a true and exact copy of Ordinance No. 1848, City of Lebanon, as on record in the office of the City Recorder of Lebanon, Linn County, Oregon.

Paul S. Haines
Recorder

525541 1050

June 22, 1981

STATE OF OREGON
County of Linn

COMPARED //

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

Volume: MF 291 Page: 393

At 8:30 O'clock a.m.
Witness My Hand and Seal

DEL W. RILEY
Linn County Clerk

By Draw Helen Hunter
Deputy

City of Lebanon

ADOPTED FINDINGS OF FACT
Annexation 79-8
GRIFFITH/CROSS

Introduction: This case is a request by two property owners to have their lands, located east of Highway 20, near the intersection of Highway 20 and Airport Road, annexed into the City of Lebanon and zoned Highway Commercial.

The relevant criteria are as follows:

1. L.C.D.C. Goals.
2. L.C.D.C. Annexation Rule
3. Lebanon Comprehensive Plan and Map
4. Public Need.
5. Statewide Laws

I. BASIC FACTS

1. Site Description:

A. The site is comprised of approximately 3.6 acres, and is divided into two (2) tax lots which are contiguous territory to the City of Lebanon.

B. The tax lot designations and record owners are as follows:

Map 12-2W-14BC TL 8900 George and Carol Cross

Map 12-2W-14BC TL 9000 John D. Griffith

C. The site currently has two structures located upon it. One is being used as a real estate office, while the other is a dwelling.

2. The site is located adjacent to a very busy section of Highway 20 in the southern end of town.
3. The area is generally urbanized and there are many commercial uses located in the neighborhood, including Lebanon Ford, Darrell's Restaurant, Smith Plan and Glass and others.
4. The site is located within the Lebanon Urban Growth Boundary.
5. The Comprehensive Plan indicates this site as suitable for commercial types of uses.
6. Both applicants filed for annexation on forms provided by the City in a manner prescribed by law.

7. The Planning Commission held a public hearing on August 16, 1979 and made a favorable recommendation for annexation.
8. Utilities Locations:
 - A. Sewer service is located both south and west of the site. There is a 12" line located at Primrose and Alder, and there is an 8" line located at the intersection of Airport Road and Highway 20.
 - B. Water lines are located near the property along Highway 20.
 - C. The site is presently served by telephone and electrical service


II. ULTIMATE FACTS:

1. The site is partially developed for an urban use, and is located within an urban area.
2. The site can be served by all needed urban services, the water and sewer service can be extended to the site with only short extensions.
3. A commercial designation on this property is correct because of the site's location on Highway 20 and because of the nature of the surrounding uses.
4. There is a need for extension of Airport Road to the east of Highway 20 to serve as a direct east-west route in the southern section of the City and extension of this road is vital to safe traffic movement because the existing tie from Russell Drive to Airport Road is inadequate.
5. The agreement offered by the applicants to allow the City to call for Airport Road right-of-way in the future is adequate to protect the rights of the City when utilized with the City's subdivision and zoning ordinances.

III. CONCLUSIONS OF LAW:

1. The proposed annexation is in conformance with L.C.D.C. Goals and Guidelines.
2. The proposed annexation is in conformance with Oregon State Revised Statutes, Chapter 222.
3. The annexation request is in conformance with the L.C.D.C. annexation rule (OAR 660-01-315 (3)).
4. The zoning request is in conformance with the Lebanon Comprehensive Plan Map.

ADOPTED: June 10, 1981.



Mayor