

ORDINANCE NO. 938

AN ORDINANCE ANNEXING INTO THE CITY OF STAYTON CERTAIN REAL PROPERTY LOCATED NORTH OF SHAFF ROAD; AND AMENDING THE CITY OF STAYTON ZONING MAP FROM MARION COUNTY URBAN TRANSITIONAL (UT) TO CITY OF STAYTON LOW DENSITY RESIDENTIAL (LD).

WHEREAS, Roger and Joan Roberts and RJR Properties, Co are a majority of the property owners who also own the majority of the property within the territory and of real property therein representing the majority of the assessed value of all real property in the territory have initiated annexation of that certain real property located north of Shaff Road, more particularly described in Exhibit 1 attached hereto and incorporated herein, and further illustrated on a map shown in Exhibit 2 attached hereto and incorporated herein;

WHEREAS, on September 28, 2010, pursuant to ORS 222.125 and Stayton Municipal Code (SMC) Section 17.12.210, the owners filed with the City of Stayton, Oregon, an annexation application;

WHEREAS, the City of Stayton City Council held a public hearing as required by law on December 6, 2010, whereupon the Stayton City Council adopted Resolution 865 containing findings and conclusions in support of its decision and referring the application to the electors of the City of Stayton a measure to approve the proposed annexation; and

WHEREAS, on May 17, 2011, a majority of the electors of the City of Stayton voted in the affirmative regarding the annexation.

NOW THEREFORE, the City of Stayton ordains:

Section 1. Pursuant to ORS 222.125, the Stayton City Council hereby proclaims the annexation to the City of Stayton, Oregon, of territory North of Shaff Road, the legal description of which is described in Exhibit 1, which is attached hereto and by reference incorporated herein.

Section 2. Pursuant to ORS 222.005 the Stayton City Recorder shall provide by certified mail to all public utilities, telecommunication facilities, and franchise holders operating within the City a written notice of each site address to be annexed as recorded on the Marion County assessment and tax roles, a legal description and map of the proposed boundary change, and a copy of this ordinance. This notice shall be mailed within (10) ten working days of the passage of this Ordinance.

Section 3. Pursuant to ORS 222.010 the Stayton City Recorder shall, within ten (10) days of the passage of this Ordinance, Marion County Clerk, and Marion County Assessor a report of the annexation including a detailed legal description of the new boundaries established by the City.

Section 4. Pursuant to ORS 222.177 the Stayton City Recorder shall, provide to the Oregon Secretary of State, a copy of this Ordinance proclaiming the annexation, and an abstract of the vote showing the whole number of electors voting on the annexation, the number of votes cast for annexation and the number of votes cast against annexation, and a copy of the statement of consent from the applicants.

Section 5. Pursuant to ORS 308.225(2) the Stayton City Recorder shall, provide to the Oregon Department of Revenue, a copy of this Ordinance, containing the legal description and map of the territory being annexed.

Section 6. The Stayton Official Zoning Map is hereby amended to include the annexed territory as Low Density Residential.

Section 7. Upon adoption by the Stayton City Council and the Mayor's signing, this Ordinance shall become effective 30 days after the date of signing.

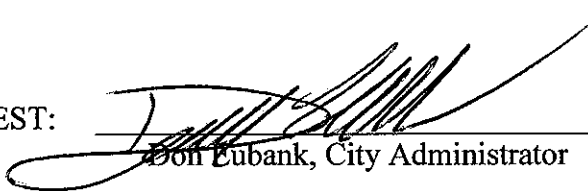
ADOPTED BY THE CITY COUNCIL this 5th day of July 2011.

CITY OF STAYTON

Signed: 7/8, 2011

BY: 
A. Scott Vigil, Mayor

Signed: 7/8, 2011

ATTEST: 
Don Eubank, City Administrator

APPROVED AS TO FORM:


David A. Rhoten, City Attorney

EXHIBIT 1, Annexation Area

An area of land in the Southwest corner of Section 3, Township 9 South, Range 1 West, Willamette Meridian, Marion County, Oregon being more particularly described as follows:

Beginning at a point on the South line of Section 3 and bearing North 89°57'20" East 429.21 feet from a 2-1/2" brass cap marking the Southwest corner of Section 3, Township 9 South, Range 1 West, Willamette Meridian, Marion County, Oregon; thence North 00°33'00" West 1439.20 feet to the centerline of Mill Creek from which a 3/4" iron pipe bears South 00°33'00" East 13.91 feet; thence along the center of said Mill Creek the following courses and distances; South 51°24'59" East 87.70 feet; thence South 47°06'01" East 130.85 feet; thence South 44°25'13" East 89.99 feet; thence South 56°18'23" East 90.51 feet; thence South 63°16'04" East 127.52 feet; thence South 72°21'42" East 94.38 feet; thence South 78°30'50" East 86.92 feet; thence South 82°59'35" East 25.47 feet; thence leaving said centerline South 00°38'08" East 1104.09 feet to the existing city limits per the City of Stayton 1918 proclamation; thence South 89°57'20" West 615.14 feet; thence North 00°33'00" West 30.00 feet to the point of beginning.

EXHIBIT 2, Map of Annexation Area

