

ORDINANCE NO. 971

AN ORDINANCE ANNEXING INTO THE CITY OF STAYTON TERRITORY OWNED BY THE CITY OF STAYTON AT 2635 E PINE ST, TERRITORY OWNED BY THE NORTH SANTIAM SCHOOL DISTRICT, TERRITORY OWNED BY THE SANTIAM WATER CONTROL DISTRICT, AND VARIOUS STREET RIGHTS OF WAY AND AMENDING THE CITY OF STAYTON ZONING MAP FROM MARION COUNTY URBAN TRANSITIONAL TO VARIOUS CITY OF STAYTON ZONING AND DECLARING AN EMERGENCY.

WHEREAS, on December 2, 2013 the Stayton City Council adopted Resolution 906 initiating annexation of the Territories described above, all of which are larger than one acre in area;

WHEREAS, these annexations were initiated because of the need to clarify jurisdiction of the Stayton Police Department due to the opening of the Stayton Municipal Court on July 1, 2014.

WHEREAS, the Stayton City Charter requires that annexation of territory of one acre or more requires approval of the electors of the City;

WHEREAS, the Stayton Planning Commission held a public hearing on the proposed annexations on December 30, 2013 and recommended to the City Council that the Territories be annexed;

WHEREAS, the Stayton City Council held a public hearing as required by law on the proposed annexations on January 21, 2014 whereupon the Stayton City Council adopted Resolution 890 containing findings and conclusions in support of its decision and referring the annexations to the electors of the City of Stayton measures to approve the proposed annexations;

WHEREAS, on May 20, 2014, a majority of the electors of the City of Stayton voted in the affirmative regarding the measures to approve the proposed annexations; and

WHEREAS, it is appropriate that an emergency be declared as to the enactment of this Ordinance as it is necessary for the proper functioning of the Stayton Municipal Court and the preservation of the public peace, health and safety.

NOW THEREFORE, the City of Stayton ordains:

Section 1. Pursuant to ORS 222.125, the Stayton City Council hereby proclaims the annexation into the City of Stayton, Oregon, the following Territories the legal descriptions of which are described in Exhibits 1 through 7, which are attached hereto and by reference incorporated herein:

- A. The northern portion of the Shaff Road right of way, west of Cascade Highway to Marion County Assessor's Map 091W04D Lot 1200, approximately 1.3 acres of land (Exhibit 1);
- B. The Cascade Highway right of way, north of Shaff Road to the center of Mill Creek, approximately 3.0 acres of land (Exhibit 2);
- C. The Fern Ridge Road right of way, north of Marion County Assessor's Map 091W011A Lot 300 and Map 091W11BA Lot 100, east to the Highway 22 right

of way, approximately 2.7 acres of land (Exhibit 3);

- D. The E Jefferson Street right of way, adjacent to the Jefferson Place subdivision, approximately 1.4 acres of land (Exhibit 4);
- E. That portion of the Stayton Middle School property north of Mill Creek, identified as a portion of Marion County Assessor's Map 091W04D Lot 100, approximately 37 acres of land (Exhibit 5);
- F. That portion of Wilderness Park that is in Township 9 Range 1 West, Section 11, identified as the eastern portion of Marion County Assessor's Map 091W11C Lot 1400, approximately 17 acres of land (Exhibit 6);
- G. The property at 2365 E Pine St, identified as Marion County Assessor's Map 091W11AC Lot 100, approximately 4.4 acres of land (Exhibit 7).

A legal description of each territory to be considered for annexation and a map showing the Territory is attached hereto as Exhibits 1 through 7 and incorporated herein by reference.

- 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 changes, and a copy of this Ordinance. This notice shall be mailed within ten (10) 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, provide to the 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 transmit to the Secretary of State a copy of Resolution 906, an abstract of the results of the May 20 election 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 this Ordinance
- 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 territories being annexed.
- Section 6.** The Stayton Official Zoning Map is hereby amended to include the annexed territories as shown on the zoning maps in Exhibits 1 through 7 attached hereto and incorporated herein by reference.
- Section 7.** Upon adoption by the Stayton City Council and the Mayor's signing, this Ordinance shall become effective on July 1, 2014.


ADOPTED BY THE STAYTON CITY COUNCIL this 16th day of June, 2014

CITY OF STAYTON

Date: 6-16, 2014

By: 
A. Scott Vigil, Mayor

Date: 6-16, 2014

Attest: 
Keith D Campbell, City Administrator

APPROVED AS TO FORM:


David A. Rhoten, City Attorney

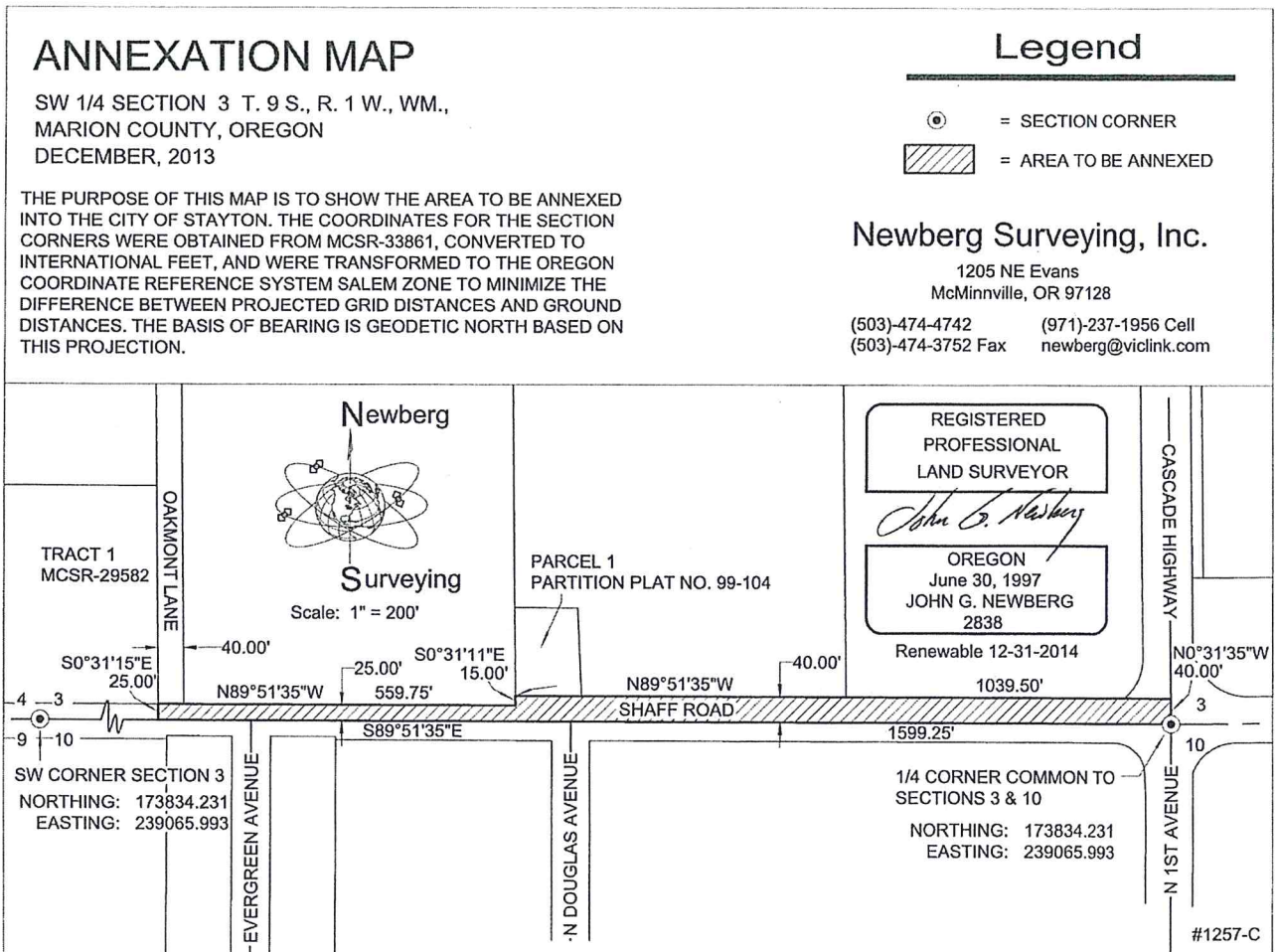
EXHIBIT 1

Legal Description, Map of Territory Annexed and New Zoning Assigned: Shaff Road Right of Way, West of Cascade Highway (1.3 acres)

Legal Description

That certain tract of land located in Marion County, Oregon and which is legally described as follows:

Beginning at the quarter corner on the south line of Section 3, T9S, R1W, Willamette Meridian, Marion County, Oregon, thence North $00^{\circ} 31' 35''$ West 40.00 feet along the centerline of the existing Cascade Highway to a point on the prolongation of the north margin of Shaff Road; thence North $89^{\circ} 51' 35''$ West 1039.50 feet, more or less, along the north margin of Shaff Road to the Southwest corner of Parcel 1 of Partition Plat 99-104; thence South $00^{\circ} 31' 11''$ East 15.00 feet; thence continuing along the north margin of Shaff Road North $89^{\circ} 51' 35''$ West 559.75 feet, more or less, to the intersection with the east boundary of Tract 1 of MCSR-29582; thence South $00^{\circ} 31' 15''$ East 25.00 feet to the south line of said Section 3; thence South $89^{\circ} 51' 35''$ East 1599.25 feet, more or less, to the place of beginning.



Ordinance No. 971

Annexation & Zoning Map Amendment – Street Rights of Way, Stayton Middle School, Wilderness Park and Pine St Reservoir
Exhibit 1

Zoning Map



EXHIBIT 2

Legal Description, Map of Territory Annexed and New Zoning Assigned: Cascade Highway Right of Way, North of Shaff Road to Mill Creek, 3 acres

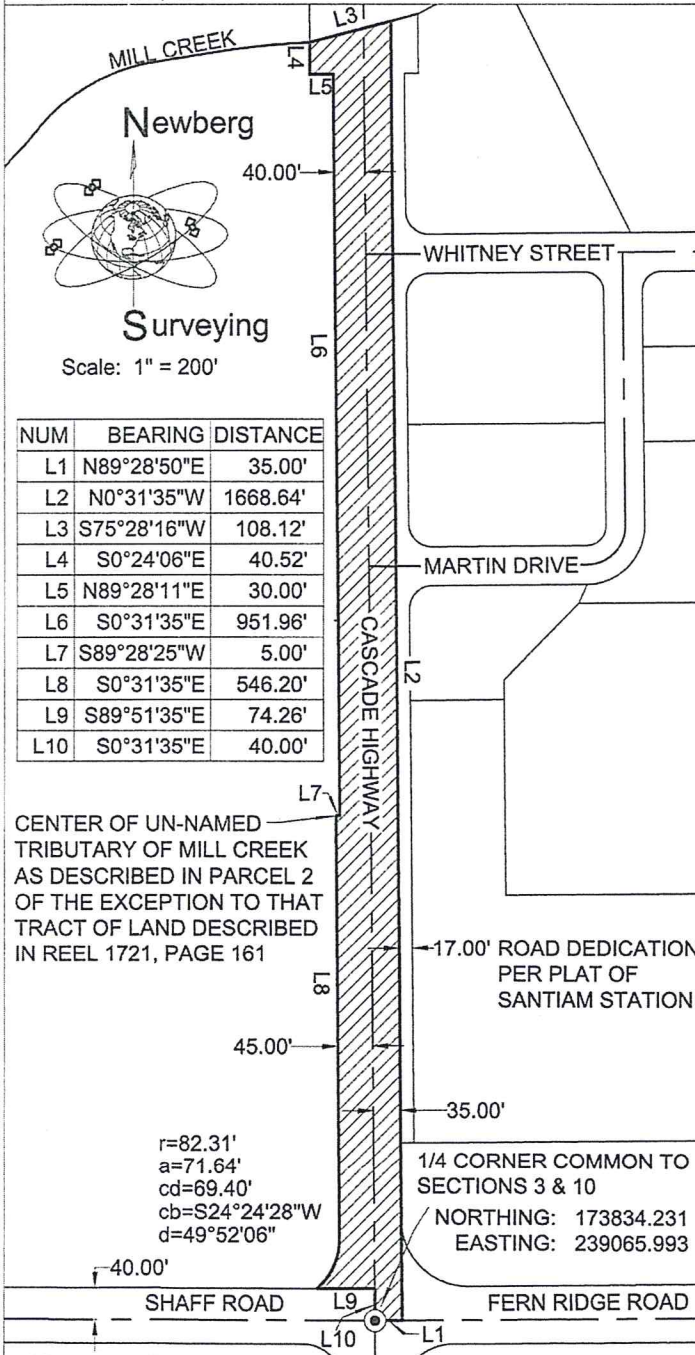
Legal Description

That certain tract of land located in Marion County, Oregon and which is legally described as follows:

Beginning at the South quarter corner of Section 3, T. 9S. R. 1W., Willamette Meridian, Marion County, Oregon, said place of beginning being in the centerline of the Cascade Highway; thence North 89° 28' 50" East 35.00 feet along the south line of Said Section 3 to a point, said point being on the prolongation of the west boundary of the SANTIAM STATION Subdivision; thence North 00° 31' 35" West parallel to and 35.00 feet from said centerline and along the west boundary of said SANTIAM STATION Subdivision a distance of 1668.64, more or less, to a point in the center of Mill Creek; thence South 75° 28' 16" West 108.12 feet, more or less, along the center of Mill Creek to the intersection with the west boundary of the Cascade Highway; thence South 00° 24' 06" East 40.52 feet to an angle point in said west boundary; thence North 89° 28' 11" East 30.00 feet to an angle point in said west boundary, said point being 40.00 feet from centerline; thence South 00° 31' 35" East 951.96 feet, more or less, to the center of the unnamed tributary of Mill Creek as described in Parcel 2 of the exception to that tract of land described in Reel 1721, Page 161, Marion County Deed Records; thence South 89° 28' 25" West 5.00 feet along the center of said creek; thence South 00° 31' 35" East 546.20 feet, more or less, along the west boundary of said Parcel 2 to the intersection with the north margin of Shaff Road; thence 71.64 feet along a 82.31 foot radius curve, concave to the northwest, chord bearing South 24° 24' 28" West 69.40 feet along the north margin of Shaff Road; thence South 89° 51' 35" East 74.26 feet to the centerline of the Cascade Highway; thence South 00° 31' 35" East 40.00 feet to the place of beginning.

ANNEXATION MAP

SW 1/4 & SE 1/4 SECTION 3 T. 9 S., R. 1 W., WM.,
 MARION COUNTY, OREGON
 JANUARY, 2014



THE PURPOSE OF THIS MAP IS TO SHOW THE AREA TO BE ANNEXED INTO THE CITY OF STAYTON. THE COORDINATES FOR THE SECTION CORNERS WERE OBTAINED FROM MCSR-33861, CONVERTED TO INTERNATIONAL FEET, AND WERE TRANSFORMED TO THE OREGON COORDINATE REFERENCE SYSTEM SALEM ZONE TO MINIMIZE THE DIFFERENCE BETWEEN PROJECTED GRID DISTANCES AND GROUND DISTANCES. THE BASIS OF BEARING IS GEODETIC NORTH BASED ON THIS PROJECTION. THE RIGHT-OF-WAY ANGLE POINTS SHOWN WERE CALCULATED FROM MCSR-37982 AND REEL 1721, PAGE 161.

Legend

- = SECTION CORNER
- = AREA TO BE ANNEXED

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

John G. Newberg
 OREGON
 June 30, 1997
 JOHN G. NEWBERG
 2838

Renewable 12-31-2014

Newberg Surveying, Inc.

1205 NE Evans
 McMinnville, OR 97128

(503)-474-4742 (971)-237-1956 Cell
 (503)-474-3752 Fax newberg@viclink.com

#1257-G

Zoning Map

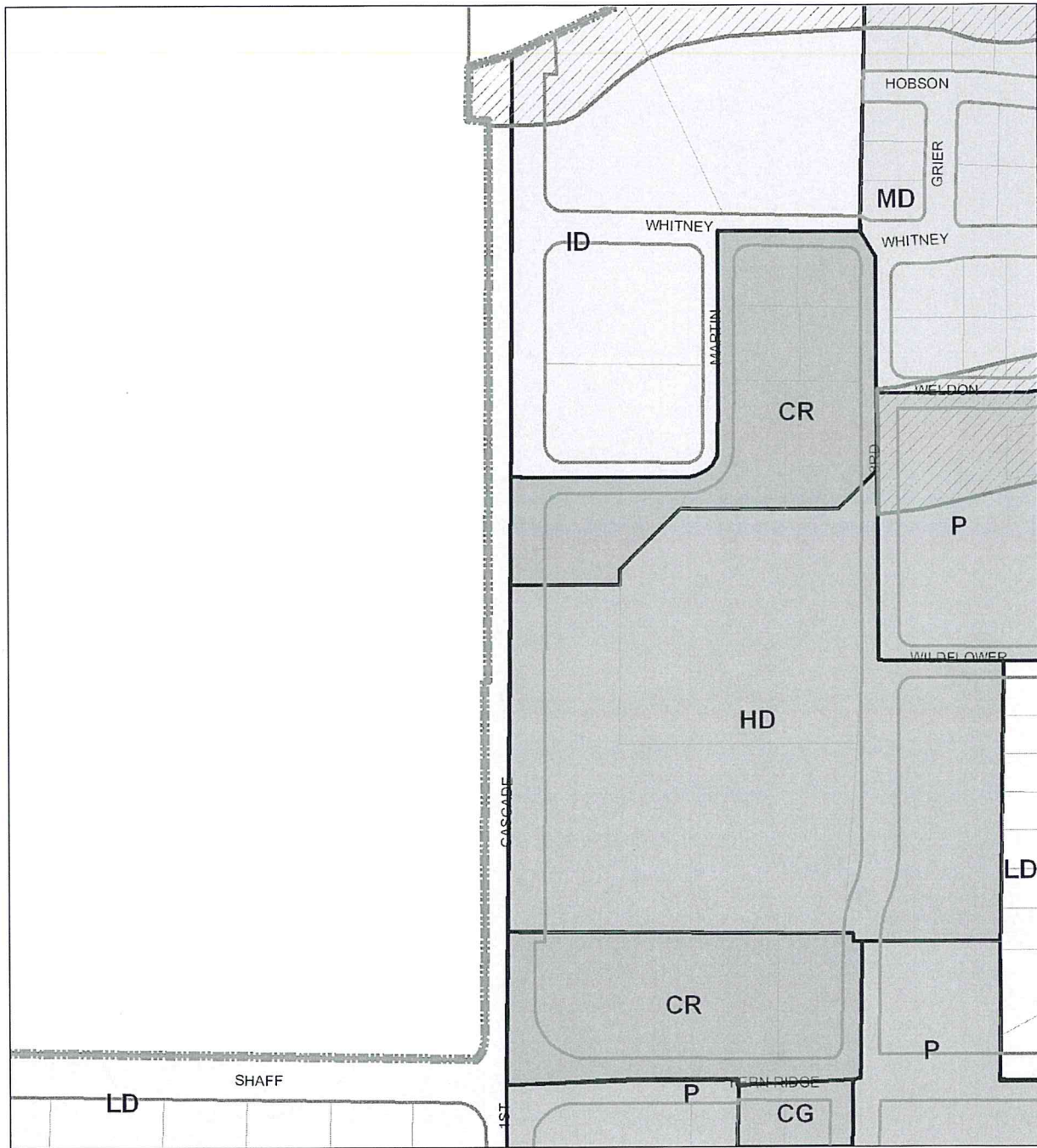


EXHIBIT 3

Legal Description, Map of Territory Annexed and New Zoning Assigned: Fern Ridge Road Right of Way, West of Route 22, 2.7 acres

Legal Description

That certain tract of land located in Marion County, Oregon and which is legally described as follows:

Beginning at a point on the South line of Section 2, T9S, R1W, Willamette Meridian, Marion County Oregon, said point being North 89° 31' 01" East 1294.26 feet from the Southwest corner of said Section and being the northeast corner of that tract of land previously annexed in Ordinance No. 282 dated April 6, 1953; thence South 00° 27' 01" West 25.00 feet along the east line of said land described in Ordinance No. 282 to the south margin of Fern Ridge Road; thence North 89° 31' 01" East 525.98 feet along the south margin of Fern Ridge Road to an angle point; thence South 00° 28' 59" East 35.00 feet to an angle point; thence North 89° 31' 02" East 599.86 feet, more or less, to the southerly margin of the North Santiam Highway (OR 22), said point being 95 feet from centerline; thence North 63° 24' 45" West 477.96 feet, more or less, to a point that is 100 feet from centerline and at an iron rod at the southeast corner of that tract of land described in Resolution No. 497, dated August 25, 1992; thence following along the boundary of that tract of land described in Resolution No. 497 the following courses: South 27° 11' 10" West 64.94 feet to an iron rod; thence South 89° 31' 01" West 454.10 feet to an iron rod; thence South 00° 29' 10" East 100.00 feet, more or less, to an angle point on the South line of Section 2; thence South 89° 31' 01" West 215.58 feet to the point of beginning.

ANNEXATION MAP

SW 1/4 SECTION 2 T. 9 S., R. 1 W., WM.,
 NW 1/4 SECTION 11 T. 9 S., R. 1 W., WM.,
 MARION COUNTY, OREGON
 DECEMBER, 2013

THE PURPOSE OF THIS MAP IS TO SHOW THE AREA TO BE ANNEXED INTO THE CITY OF STAYTON. THE COORDINATES FOR THE SECTION CORNERS WERE OBTAINED FROM MCSR-33861, CONVERTED TO INTERNATIONAL FEET, AND WERE TRANSFORMED TO THE OREGON COORDINATE REFERENCE SYSTEM SALEM ZONE TO MINIMIZE THE DIFFERENCE BETWEEN PROJECTED GRID DISTANCES AND GROUND DISTANCES. THE BASIS OF BEARING IS GEODETIC NORTH BASED ON THIS PROJECTION. MCSR 37982 WAS USED TO CALCULATE THE ANGLE POINTS.

Legend

-  = SECTION CORNER
-  = AREA TO BE ANNEXED

Newberg Surveying, Inc.

1205 NE Evans
 McMinnville, OR 97128
 (503)-474-4742 (971)-237-1956 Cell
 (503)-474-3752 Fax newberg@viclink.com

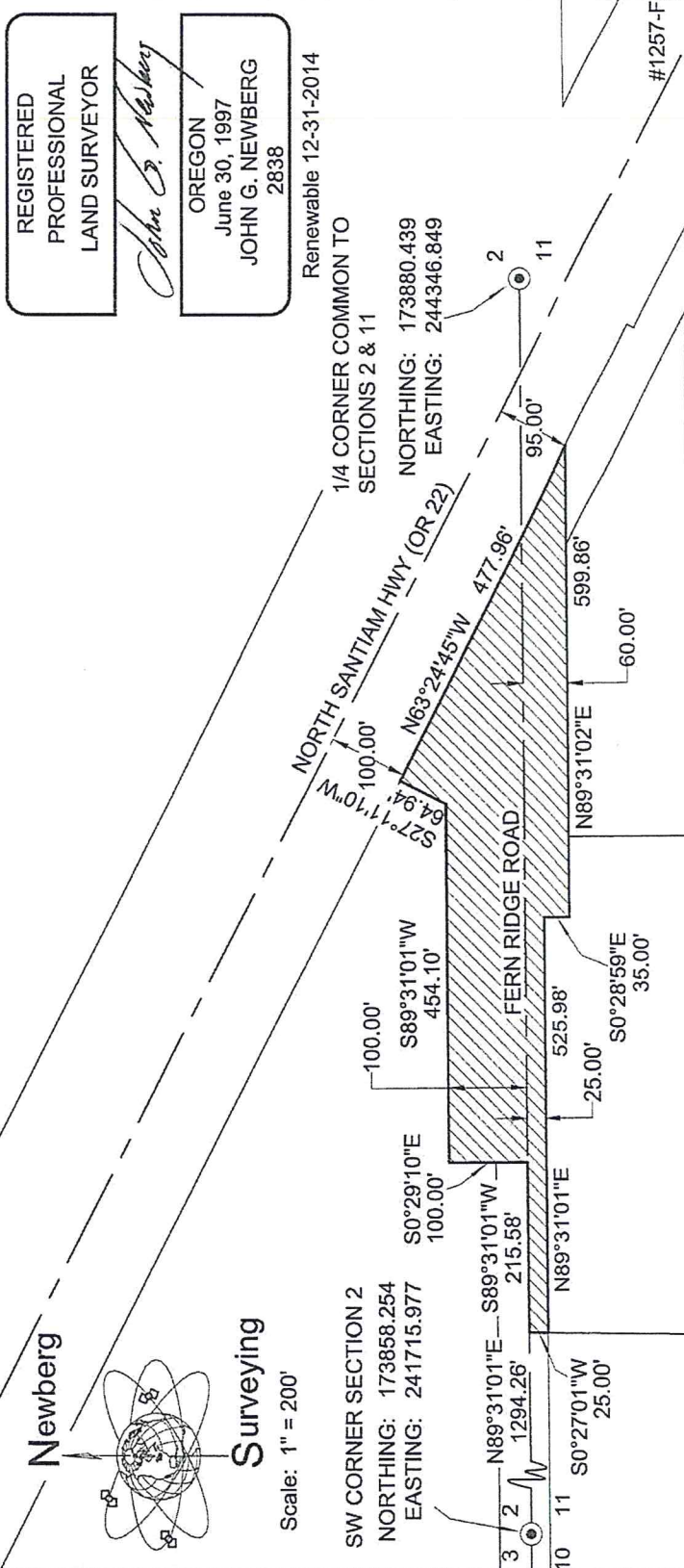
Newberg



Surveying

Scale: 1" = 200'

SW CORNER SECTION 2
 NORTHING: 173858.254
 EASTING: 241715.977



REGISTERED PROFESSIONAL LAND SURVEYOR

John G. Newberg

OREGON
 June 30, 1997
 JOHN G. NEWBERG
 2838

Zoning Map

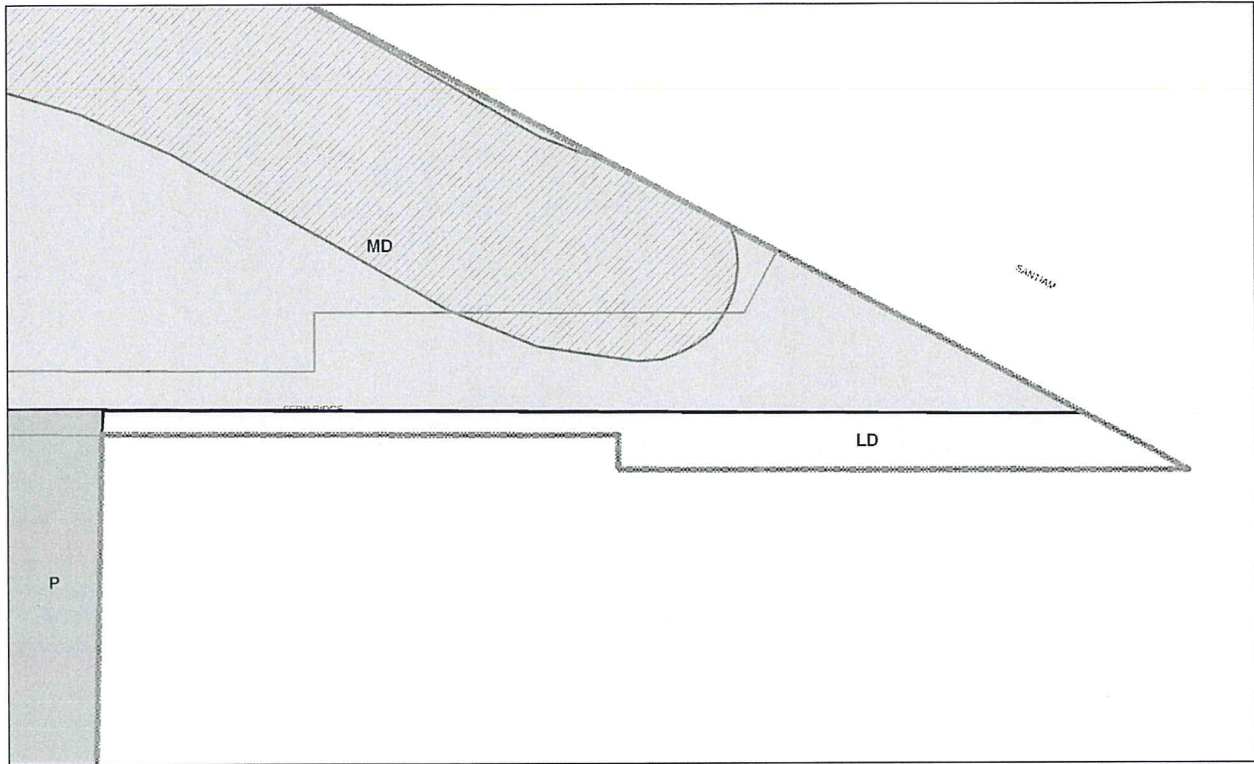


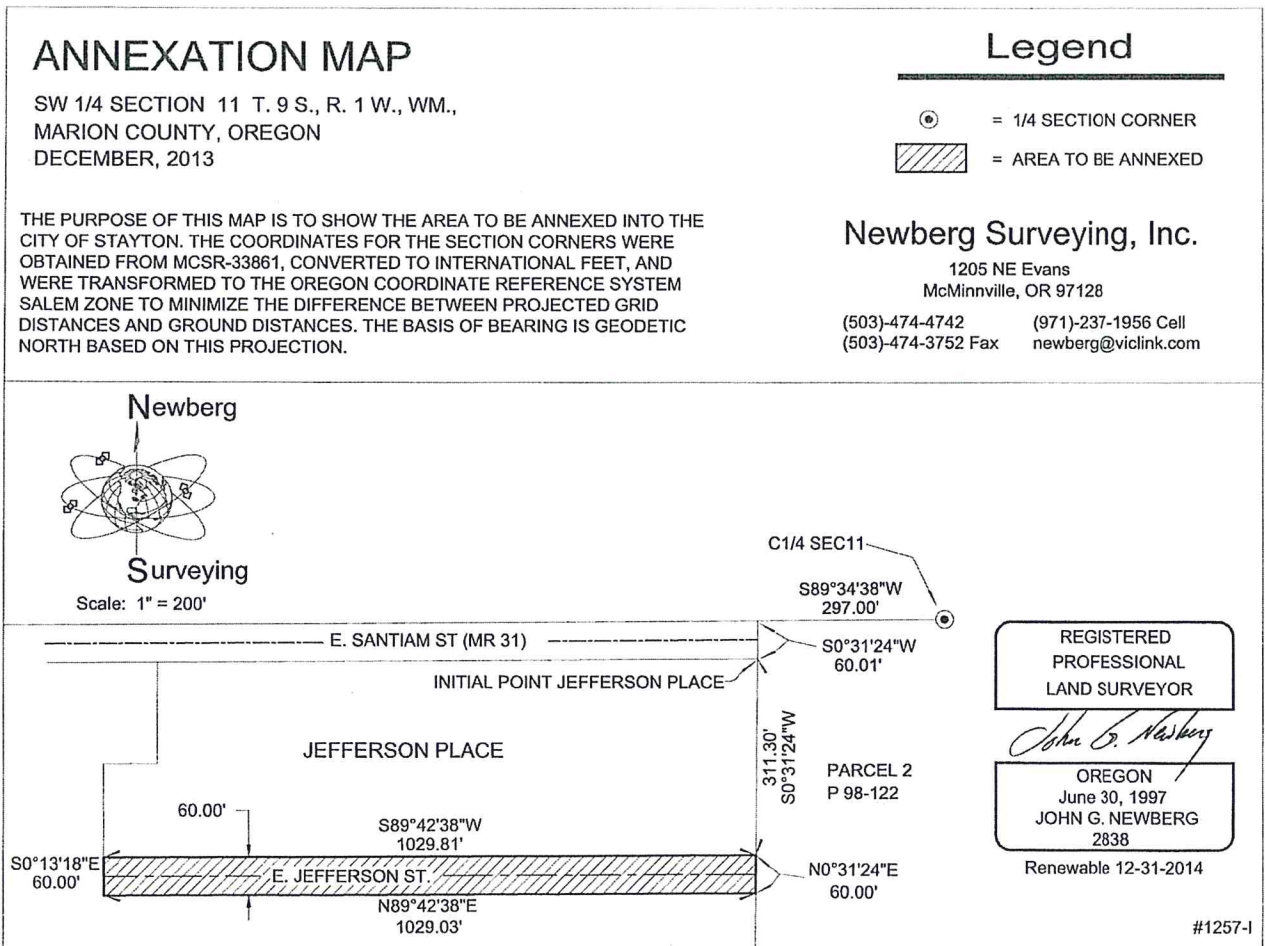
EXHIBIT 4

Legal Description, Map of Territory Annexed and New Zoning Assigned: E Jefferson St Right of Way, 1.4 acres

Legal Description

That certain tract of land located in Marion County, Oregon and which is legally described as follows:

Beginning at a point on the northerly right-of-way of East Jefferson Street which bears South 89° 34' 38" West 297.00 feet and South 0° 31' 24" West 371.31 feet from the Center 1/4 Corner of Section 11, Township 9 South, Range 1 West, Willamette Meridian, Marion County, Oregon; thence South 89° 42' 38" West along the Northerly right-of-way of East Jefferson Street 1029.81 feet to the Southwest corner of Lot 23 Jefferson Place Subdivision; thence South 0° 13' 18" East 60.00 feet to the Southerly right-of-way of East Jefferson Street; thence North 89° 42' 38" East 1029.03 feet to the Westerly boundary of Parcel 2 Partition 98-122; thence North 0° 31' 24" East 60.00 feet to the point of beginning, containing 1.4 Acres +/-.



Zoning Map

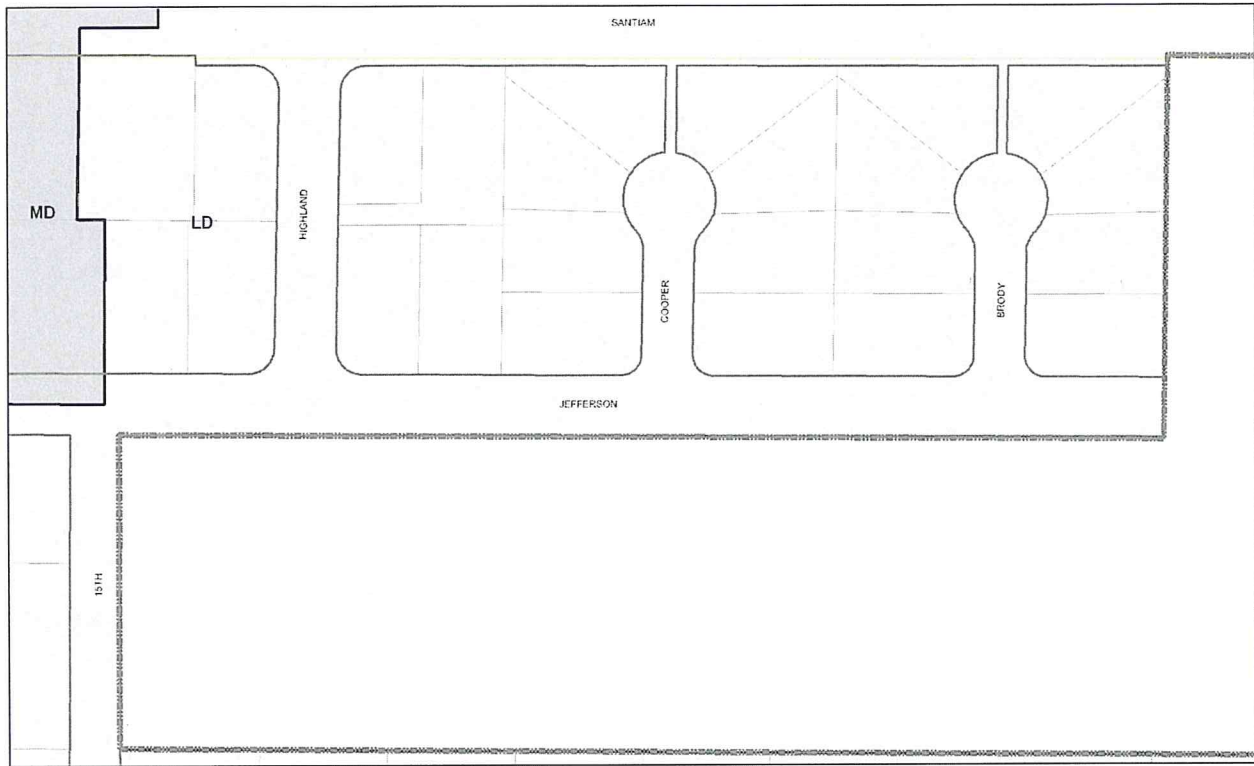


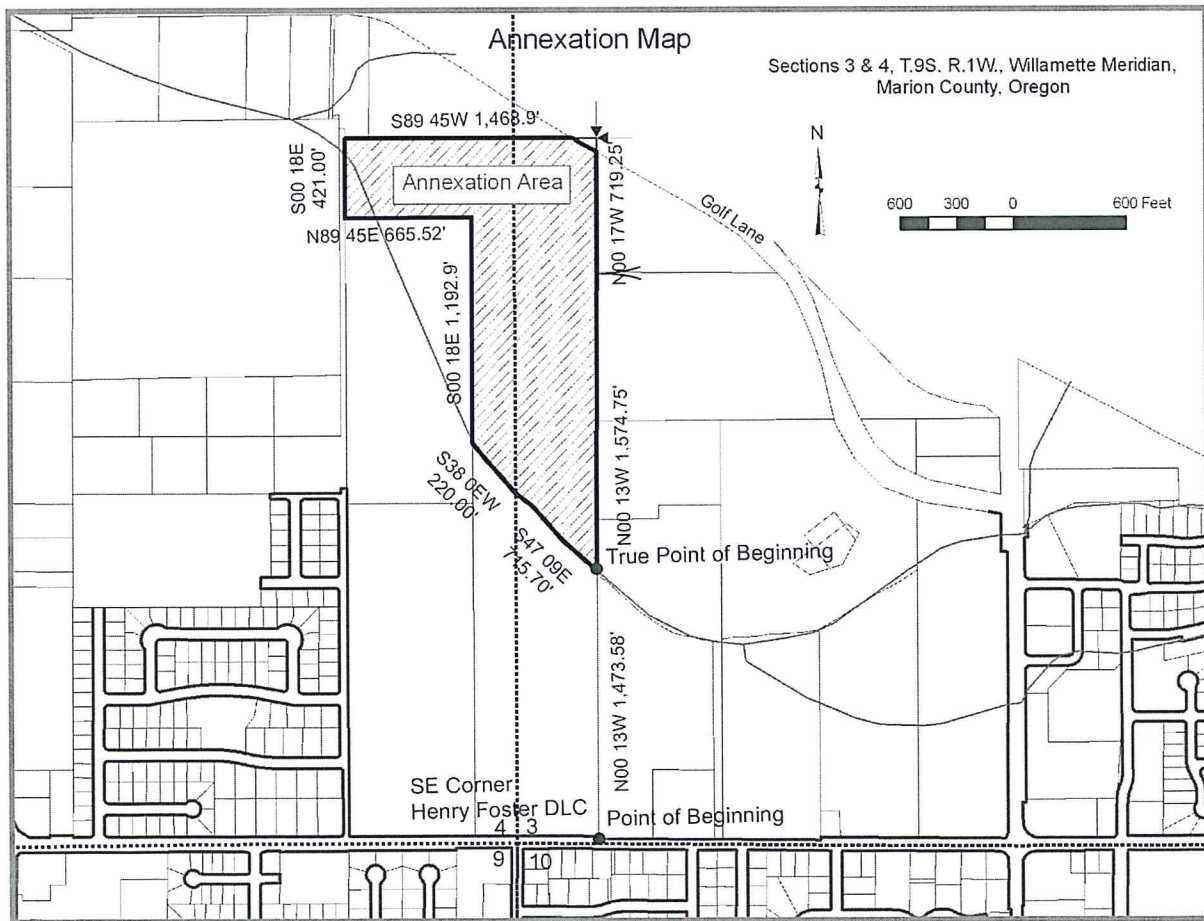
EXHIBIT 5

Legal Description, Map of Territory Annexed and New Zoning Assigned: Stayton Middle School property, north of Mill Creek, 37 acres

Legal Description

That certain tract of land located in Marion County, Oregon and which is legally described as follows:

Beginning at the Southeast corner of the Henry Foster Donation Land Claim and proceeding North 00°13' West 1,473.58 feet to the thread of Mill Creek and the true point of beginning of the territory to be annexed; then proceeding N 00° 13'W 1,574.75 feet; then proceeding N00 °17'W 719.25; then S89 °45'W1,468.9 feet to appoint; then S00 °18'E 421.00 feet to appoint; then N89 °45E 665.52 feet; then S00 °18'E 1,192.9 feet to the thread of Mill Creek; then S38 °00'E 220.00 feet; then S 47 °09'E 715.70 feet to the point of beginning, excepting that portion of the above described included in the right of way of Golf Lane.



Zoning Map

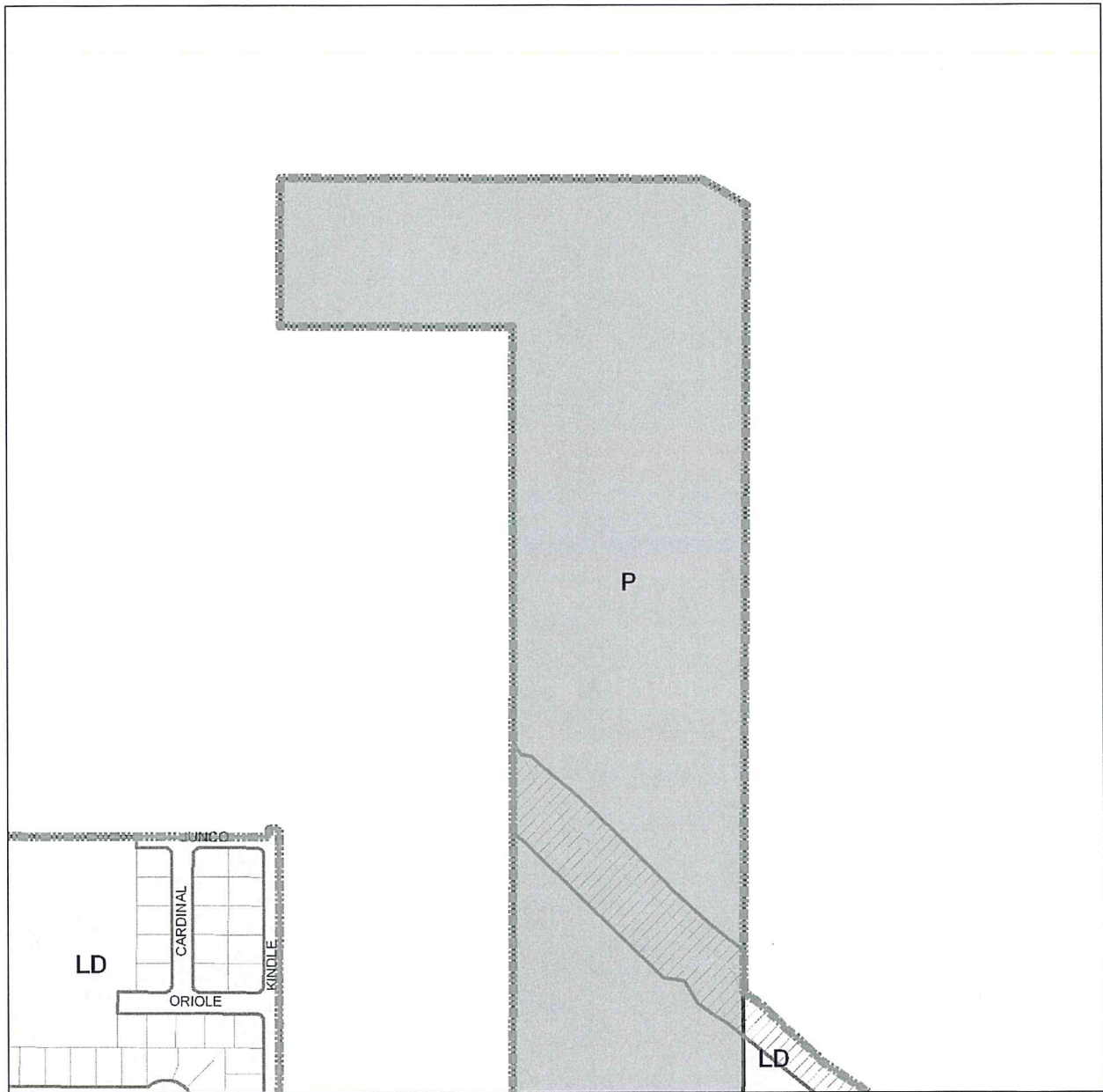


EXHIBIT 6

Legal Description, Map of Territory Annexed and New Zoning Assigned: Portion of Wilderness Park in Section 11, 17 acres

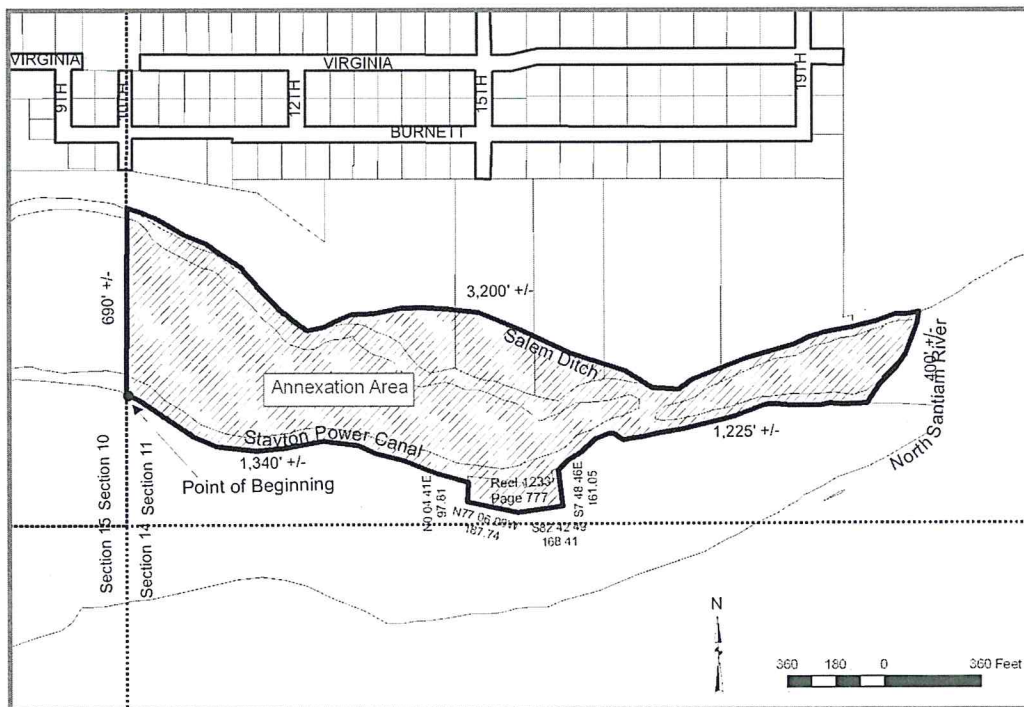
Legal Description

That certain tract of land located in Marion County, Oregon and which is legally described as follows:

Beginning at a point on the line between Section 10 and Section 11, Township 9 South, Range 1 West, Willamette Meridian, Marion County, Oregon such point being on the south bank of the Stayton Power Canal (also known as the Reid Canal); then proceeding northerly 690 feet more or less along the section line to a point on the north bank of the Salem Ditch; then proceeding along the north bank of the Salem Ditch generally easterly and south easterly 3,200 feet more or less to the north bank of the North Channel of the North Santiam River; then generally southwesterly 400 feet more or less along the north bank of the North Channel of the North Santiam River to the south bank of the Stayton Power Canal; then generally westerly along the south bank of the Stayton Power Canal 1,225 feet more or less to the easterly line of that certain tract conveyed to the Santiam Water Control District per Reel 1233, Page 777, Marion County Records; then along said easterly line S 7°48'46"E 161.05 feet, more or less, to the southeast corner thereof; thence S 82°42'49"W 168.41 feet thence along the southerly line thereof; then N 77°06'00"W 187.74 feet to the southwest corner thereof; then N 0°04'41"E 97.81 feet along said westerly line thereof to the southerly bank of the Stayton Power Canal; then generally westerly along the Stayton Power Canal 1,340 feet more or less to the line between Section 10 and Section 11 and the point of beginning.

Annexation Map

Section 11, T9S, R1W Willamette Meridian,
Marion County, Oregon



Ordinance No. 971

Annexation & Zoning Map Amendment – Street Rights of Way, Stayton Middle School,
Wilderness Park and Pine St Reservoir
Exhibit 6

Zoning Map

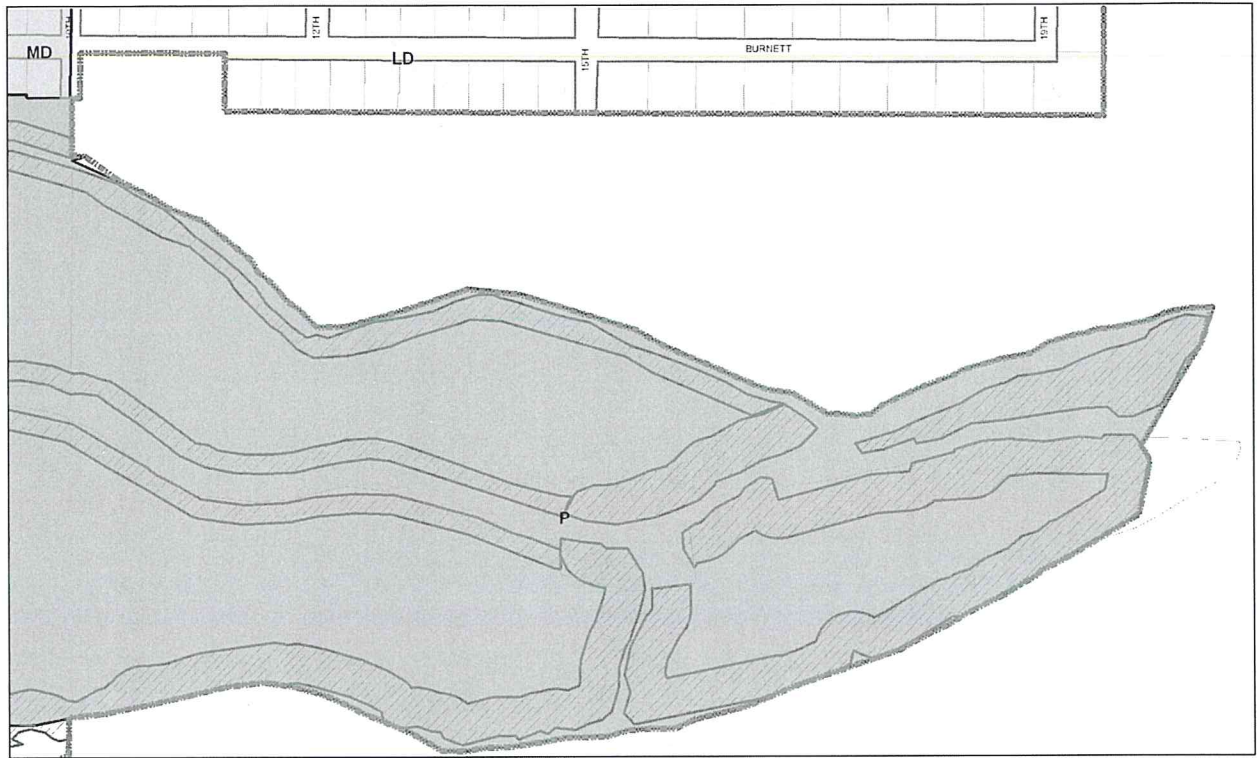


EXHIBIT 7

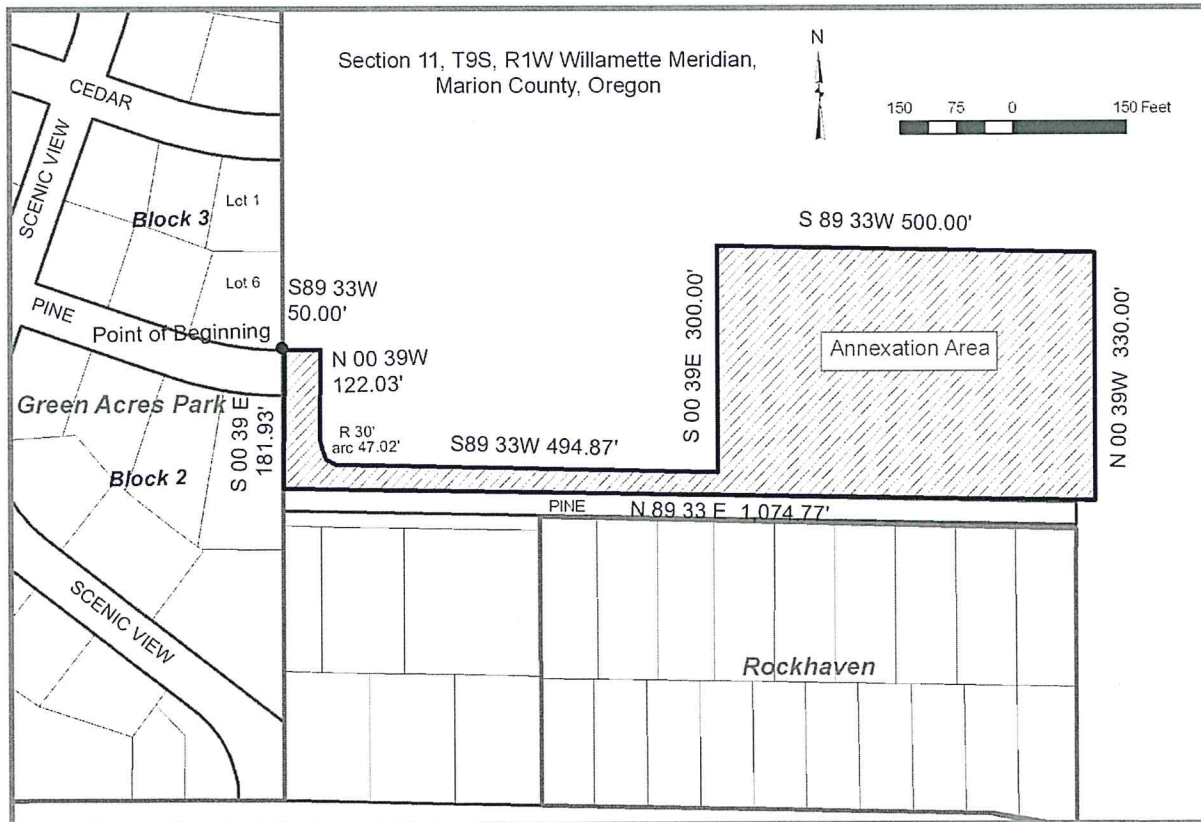
Legal Description, Map of Territory Annexed and New Zoning Assigned: 2365 E Pine St, 4.4 acres

Legal Description

That certain tract of land located in the southwest quarter of the northeast quarter of Section 11 Township 9 South, Range 1 West, Willamette Meridian, Marion County, Oregon and which is legally described as follows:

Beginning at the southeast corner of Lot 6, Block 3 of Green Acres Park Subdivision, and proceeding along the east line of Green Acres Park Subdivision $S00^{\circ} 39'E$ 181.93 feet to a point on the north right of way line of E Pine St.; then $N89^{\circ} 33'E$ 1,074.77 feet; then $N00^{\circ} 39'W$ 330.00 feet; then $S89^{\circ} 33'W$ 500.00 feet; then $S00^{\circ} 39'E$ 300.00 feet; then $S89^{\circ} 33'W$ 494.87 feet; then curving to the right on a 30 foot radius an arc of 47.02 feet; then $N00^{\circ} 39'W$ 122.03 feet; then $S89^{\circ} 33'W$ 50.00 feet to the point of beginning.

Annexation Map



Zoning Map

