

CITY OF NEWPORT

ORDINANCE NO. 2095

AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF NEWPORT,
WITHDRAWING THE ANNEXED TERRITORY FROM THE LINCOLN COUNTY
LIBRARY DISTRICT AND NEWPORT RURAL FIRE PROTECTION DISTRICT AND
ESTABLISHING ZONING FOR THE ANNEXED TERRITORY

Summary of Findings:

1. On July 7, 2014 the Newport City Council initiated the annexation of city owned territory surrounding the Big Creek Reservoirs along with adjoining portions of Big Creek Road and directed staff to amend the Newport Zoning Map to adopt a zone designation for the annexed territory of P-1/"Public Structures (Newport File No. 1-AX-14/2-Z-14). The annexation includes approximately 323 acres of land.
2. Territory subject to the annexation includes all, or a portion of, real property identified by the Lincoln County Assessor's Office as Tax Lots 201, 600 and 900 of Assessor's Map 10-11-33 and Tax Lot 100 of Assessor's Map 10-11-34.
3. The territory to be annexed was brought into the Newport Urban Growth Boundary (UGB) with a "Public" Comprehensive Plan designation in 2014 for the purpose of streamlining the land use processes that will apply to future development and redevelopment of the City's domestic water storage and distribution system, and to facilitate a future reservoir trail project. That UGB expansion included 350 acres of public and privately owned land. Only the publically owned property is being annexed at this time. The UGB amendment was approved by the City of Newport on May 6, 2013 (Ord. #2050) and by Lincoln County on April 16, 2014 (Ord. #476). The Department of Land Conservation and Development accepted the city and county decisions on July 10, 2014.
4. After the City Council initiated the annexation process in July of 2014, the proposal was placed on hold until Lincoln County legalized the alignment for Big Creek Road. This is because there are several locations where the legal description for the annexed area follows the boundary of Big Creek Road. Lincoln County completed the legalization process in September of 2015.
5. The Planning Commission of the City of Newport, after providing the required public notification, including the notification to the Department of Land Conservation & Development, held a public hearing on March 28, 2016, for the purpose of reviewing the proposed requests and providing a recommendation to the City Council. The Planning Commission public hearing was held in accordance with the appropriate provisions of the Newport Zoning Ordinance and, after due deliberation and consideration of the proposed changes, the Planning Commission voted to recommend that the City Council approve the annexation.
6. The City Council of the City of Newport, after provision of the required public notification, held a public hearing on May 2, 2016, on the requested annexation and withdrawal, and the zoning of the property to be annexed.

10-11-33 TL 201, 601, Pm 900
10-11-34 TL 100, Pm of

7. After considering the recommendation of the Planning Commission and the evidence presented at the public hearing and in the record, the City Council determined that the proposal complies with the applicable criteria and voted to approve the requested annexation, withdrawal, and zoning designation.

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

Section 1. ANNEXATION, WITHDRAWAL, AND ZONING

A. Annexation. The following described territory, graphically depicted on Exhibit "A" to this ordinance, is hereby annexed to and incorporated within the City of Newport, Oregon:

Beginning at the Southeast corner of the Southwest quarter of Section 33, Township 10 South, Range 11 West, of the Willamette Meridian, in Lincoln County, Oregon; thence west along the South line of said Section 33, a distance of 20 chains, to the Southeast corner of that tract of land conveyed to Tonia K. Warren, by deed, recorded July 18, 2000, in mf405-0166, Microfilm Records for Lincoln County Oregon, thence continuing west along said South line of Section 33, a distance of 7 chains, to the Southwest corner of said Warren Tract; thence north along the West line of said Warren Tract, a distance of 10 chains, to the Northwest corner of said Warren Tract, said Northwest corner of the Warren Tract lying on the South line of the North half of the Southwest quarter of said Southwest quarter of Section 33, and said Northwest corner of the Warren Tract also being the True Point of Beginning; thence continuing north along the north extension of said West line of the Warren Tract, a distance of 720 feet, more or less, to its intersection with the easterly annexation line established by City of Newport, Oregon Ordinance No. 966, approved by the City Council on May 6th, 1974 and adopted by the Mayor on May 6th, 1974; thence northeasterly along said easterly annexation line, a distance of 880 feet, more or less, to the most southerly corner of that tract of land conveyed to Robert N. Etherington and Winifred K. Etherington, husband and Wife, and Robert C. Etherington and Linda A. Etherington, husband and wife, by deed, recorded March 17, 2011, in DOC 2011-02743, Book of Records for Lincoln County, Oregon, said point also being at center line station 58+86.99 on the north line of Big Creek Road Legalization Survey per filed survey number 20411 at the Lincoln County Surveyor's office; thence northeasterly along said survey 20411 to the approximate center line station of 69+35 at the intersection with the southwest corner of that property described in DV 211-0263, Book of Records for Lincoln County; thence northerly along the west line of that property described in DV 211-0263, 136 feet more or less to a point on the south line of the northwest quarter, northwest quarter, Section 33; thence easterly along said south line 40.00 feet; thence northeasterly along the northerly line of that property described in said DV 211-0263 48.5 feet more or less, to the most southerly corner of that property described in Doc. 2008-11669; thence North 34°48'50" West, 181.37 feet to a 1" iron pipe; thence South 86°02'00" West, 85.42 feet to a 1" iron pipe; thence North 25°57'30" West, 106.87 feet to a 1" iron pipe; thence North 46°31'25" East, 192.76 feet to a 1" iron pipe; thence South 34°48'50" East, 335.48 feet, more or less to a point on the northerly line of said DV 211-0263; thence North 45°00'00" East along the northerly line thereof, 102 feet, more or less to a point on the West line of the Northeast quarter of said Section 33; thence north along said West line of the Northeast quarter of Section 33, a distance of 280 feet, more or less, to its intersection with a line that is 480.00 feet north of and parallel to the South line of said Northeast quarter of Section 33; thence east along said line that is 480.00 feet north of and parallel to the South line of the Northeast quarter of Section 33, a distance of 2570 feet, more or less, to its intersection with a line that is 85.00 feet west of and parallel to the East line of said Section 33; thence north along said line that is 85.00 feet west of and parallel to the East line of Section 33, a distance of 340 feet, more or less, to its intersection with a line that is 820.00 feet north of and parallel to said South line of the Northeast quarter of Section 33; thence east along said line that is 820.00 feet north of and parallel to the South line of the Northeast quarter of Section 33, a distance of 85 feet, more or

less, to said East line of Section 33; thence north along said East line of Section 33, a distance of 1800 feet, more or less, to the common corner of Sections 27, 28, 33, and 34, said Township 10 South, Range 11 West of the Willamette Meridian; thence east along the North line of said Section 34, a distance of 1280 feet, more or less, to the north-south centerline of the Northwest quarter of said Section 34; thence south along said north-south centerline of the Northwest quarter of Section 34, a distance of 2565 feet, more or less, to a point that is 50.00 feet north of the Southwest corner of the Southeast quarter of said Northwest quarter of Section 34; thence southeasterly, a distance of 680 feet, more or less, to a point, said point being the intersection of two lines, the first being a line that is 170.00 feet south of and parallel to the North line of the Southwest quarter of said Section 34, and the second being a line that is 645.00 feet east of and parallel to the north-south centerline of the Southwest quarter of Section 34; thence northeasterly, a distance of 800, more or less, to a point that is the intersection of two lines, the first being a line that is 550.00 feet north of and parallel to said South line of said Northwest quarter of Section 34, and the second being a line that is 280.00 feet west of and parallel to the East line of said Northwest quarter of Section 34; thence east 280 feet along said line that is 550.00 feet north of and parallel to said South line of the Northwest quarter of Section 34, to a point that is on the East line of the Southwest quarter of Section 34; thence south along the east line of the southwest quarter of Section 34 to the Southeast corner of the northwest quarter of Section 34; thence south along the West line of the Southeast quarter of Section 34, to a point at the southwest corner of that property described in Document 2004-12180 Lincoln County Records; thence South $68^{\circ}48'26''$ East, 424.24 feet, more or less, to a point on the north line of said Big Creek Road Survey number 20411 at approximate center line station 139+21; thence southeasterly along the north line of said Big Creek Road Survey to approximate center line station of 146+00 to the intersection with the southwesterly corner of property described in DV 147-349 Lincoln County Records; thence leaving north line of Big Creek Road, North $06^{\circ}31'40''$ East, 248 feet more or less, along the westerly line of property described in said DV 147-349; thence North $19^{\circ}58'20''$ East, 198.18 feet; thence North $57^{\circ}42'40''$ East, 205.49 feet, more or less to a point on the west line of the northeast quarter, southeast quarter Section 34; thence south along the last said west line 661 feet more or less, to the southeast corner of the northwest quarter, southeast quarter Section 34; thence south along the west line of the southeast quarter, southeast quarter, Section 34 20 feet; thence west along a line that is parallel with and 20 feet south of the south line of the northwest quarter, southeast quarter, Section 34, 170 feet, more or less; thence North along a line parallel with and 170 feet westerly of the west line of the southeast quarter, southeast quarter Section 34, 8'; thence South $53^{\circ}43'$ West, 217 feet, more or less; thence South $08^{\circ}01'$ West, 171 feet; thence South 77° West, 80.00 feet more or less; thence North $04^{\circ}16'$ West, 173 feet; thence North $54^{\circ}06'$ West, 280 feet to a point on the north line of the southwest quarter, southeast quarter, Section 34; thence westerly along the last said north line 600 feet, more or less, to a point on the east line of the southwest quarter, section 34; thence west along the north line of the south half, southwest quarter section 34, 2562 feet, more or less to a point on the east line of said Section 33; thence west along the along the north line of the south half, southeast quarter Section 33, a distance of 2630 feet, more or less, to the East line of said Southwest quarter of Section 33; thence west along the east-west centerline of said Southwest quarter of Section 33, a distance of 910 feet, more or less, to the Northeast corner of that third tract of land conveyed to the City of Newport, by deed, recorded February 21, 1953, in Book 156, Page 409, Deed Volume Records for Lincoln County, Oregon; thence south along the East line of said third City of Newport Tract, a distance of 660 feet, more or less, to the Southeast corner of the third City of Newport Tract, said Southeast corner of said third City of Newport Tract lying on said South line of the North half of the Southeast quarter of said Southwest quarter of Section 33; thence west along said South line of the North half of the Southeast quarter of said Southwest quarter of the Southwest quarter of Section 33, a distance of 400 feet, more or less, to the East line of the Southwest quarter of the Southwest quarter of Section 33; thence west along the South line of the North half of said Southwest quarter of the Southwest Quarter of Section 33, a distance of 458 feet, more or less, to the true point of beginning.

B. Withdrawal. The territory annexed to the City of Newport, as described in Section 1 (A)

above, is hereby withdrawn from the Lincoln County Library District and the Newport Rural Fire Protection District, such withdrawal being deemed to be in the best interest of the City of Newport. The City of Newport also hereby elects to assume the liabilities and indebtedness, if any, against the property so withdrawn from the Lincoln County Library District and Rural Fire Protection District and further elects to assume such liability to the Lincoln County Library District in the manner provided by ORS 222.520(2)(b).

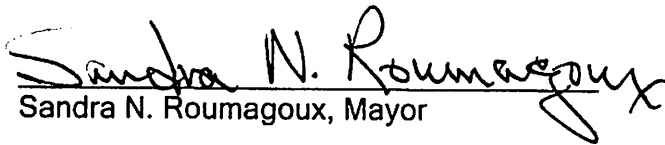
- C. Zoning Ordinance No. 1308 (as amended) adopting the City of Newport Zoning Map is hereby amended to provide for a zone designation on the Zoning Map for the territory annexed to the City of Newport by designating the subject territory described in Section 1(A) above with the zone designation of P-1/"Public Structures."

Section 2. The findings attached as Exhibit "B" are hereby adopted in support of the annexation, withdrawal, and zoning designations as adopted in Section 1.

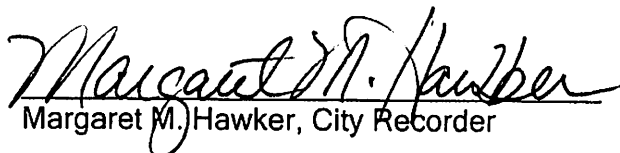
Section 3. This ordinance shall take effect 30 days after passage.

Date adopted and read by title only: May 2, 2016

Signed by the Mayor on May 5, 2016.


Sandra N. Roumagoux, Mayor

ATTEST:


Margaret M. Hawker, City Recorder

Reviewed as to form:


Steven E. Rich, City Attorney

