

CITY OF NEWPORT

ORDINANCE NO. 2158

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

Summary of Findings:

1. A request to annex real property into the City of Newport was filed by Dennis Anderson, owner of the parcel of land identified as Tax Lot 00500 of Lincoln County Assessor's Tax Map 11-11-20-AB and addressed as 4263 South Coast Highway. Concurrent with annexation, the real property will be withdrawn from the Lincoln County Library District, Newport Rural Fire Protection District, and Seal Rock Water District and the Newport Zoning Map will be amended to apply I-1/"Light Industrial" zoning to the entire parcel.
2. 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 September 9, 2019, 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 property owner's request.
3. The City Council of the City of Newport, after provision of the required public notification, held a public hearing on October 7, 2019, on the requested annexation and withdrawal, and the zoning of the property to be annexed.
4. The City Council made a determination after considering the recommendation of the Planning Commission, and the evidence and argument presented at the public hearing and in the record, that the application 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 (illustrated in Exhibit "A") is hereby annexed to and incorporated within the City of Newport, Oregon:

That portion of the North one-half of Section 20, Township 11 South, Range 11 West of the Willamette Meridian in Lincoln County, Oregon and being within the tract of land conveyed to

David W. Osborne and Shirley A. Osborne, husband and wife, recorded January 3, 1977, in Book 71, Page 801, and January 3, 1978 in Book 83, Page 207 Deed Records of Lincoln County, Oregon described as follows:

Beginning at the Brass cap set for the North  $\frac{1}{4}$  corner of Section 20, Township 11 South, Range 11 West of the Willamette Meridian, Lincoln County, Oregon, said brass cap being in the location as shown on CS #10,451, Lincoln County Survey Records; thence South  $10^{\circ}43'50''$  West, (South  $10^{\circ}42'19''$  East) for a distance of 845.91 feet to a  $\frac{1}{2}$ " iron rod, said point being the true point of beginning of the following described parcel; thence South  $89^{\circ}57'21''$  East (East) 141.09 (141.42) feet, more or less to the northeast corner of the Vernon H. Stocker tract described in deed Recorded November 8, 1948 in Book 129, Page 387 Deed records for Lincoln County, Oregon; thence South  $0^{\circ}01'51''$  West, 132.44 feet (South 132.44') along said Stocker tract to the North line of the Vernon H. Stocker tract (Parcel Two) as described in Deed Recorded November 7, 1966 in Book 272, Page 404, Deed Records, Lincoln County, Oregon; thence South  $87^{\circ}38'17''$  East, 366.13 feet (357.46' M/L) to the former U.S. Spruce Production Railroad right of way; thence North  $0^{\circ}01'45''$  East, 337.84 feet (North  $0^{\circ}58'05''$  East, 336.14') along the West right of way line; thence South  $64^{\circ}01'43''$  West, 159.13 feet (South  $64^{\circ}01'43''$  West, 156.06 feet); thence North  $74^{\circ}12'58''$  West, 64.31 feet; thence North  $72^{\circ}29'35''$  West, 49.52 feet; thence South  $83^{\circ}43'12''$  West, 8.35 feet; thence South  $68^{\circ}10'05''$  West, 10.00 feet; thence North  $74^{\circ}23'26''$  West, 54.12 feet; thence South  $89^{\circ}06'03''$  West, 47.77 feet; thence North  $65^{\circ}21'35''$  West, 55.55 feet to the East right of way line of said Highway 101; thence South  $25^{\circ}07'06''$  West (South  $25^{\circ}00'32''$  West), 204.66 feet along said right of way to the point of beginning.

B. **Withdrawal.** The property annexed to the City of Newport, as described in Section 1 (A) above, is hereby withdrawn from the Lincoln County Library District, Newport Rural Fire Protection District, and Seal Rock Water 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, Rural Fire Protection District, and Seal Rock Water District and further elects to assume such liability to the Seal Rock Water District in the manner provided by ORS 222.520(2)(a).

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 property annexed to the City of Newport by designating the subject property described in Section 1(A) with an I-1/"Light Industrial" zone designation.

**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.

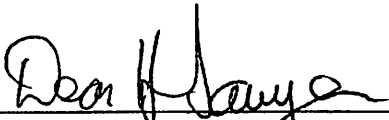
**Section 3.** In accordance with ORS 222.005, a copy of this ordinance shall be provided, by certified mail, to public utilities and telecommunication carriers operating within the city no later than 10 working days after passage of the ordinance.

**Section 4.** Once this ordinance is effective, copies of the document shall be forwarded to the Lincoln County Assessor and Oregon Department of Revenue in accordance with ORS 222.010 and ORS 308.225.

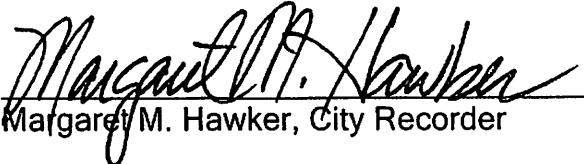
**Section 5.** This ordinance shall take effect 30 days after passage.

Date adopted and read by title only: October 7, 2019.

Signed by the Mayor on October 8, 2019.

  
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Dean H. Sawyer, Mayor

ATTEST:

  
\_\_\_\_\_  
Margaret M. Hawker, City Recorder

**BOUNDARY SURVEY FOR  
DENNIS ANDERSON**  
IN THE NW 1/4 OF THE NE 1/4 AND  
THE NE 1/4 OF THE NW 1/4 OF SECTION 20,  
TOWNSHIP 11 SOUTH, RANGE 11 WEST, WM  
IN LINCOLN COUNTY, OREGON

North 1/4 Corner of Section 20, Township 11 South, Range 11 West of the Willamette Meridian, Lincoln County, Oregon, said brass cap being in the location as shown on CS #10,451, Lincoln County Survey Records

C.S. # 20279  
FILED 24 June 2015  
LINCOLN COUNTY SURVEYOR

**SURVEYOR'S NARRATIVE**

THIS SURVEY WAS DONE TO ESTABLISH THE BOUNDARY OF THAT TRACT OF LAND DESCRIBED IN MICROFILM VOLUME 272-2468 LESS MF 311-0542. THE EXISTING MONUMENTS FOUND ALONG THE EAST SIDE OF HIGHWAY 101 WERE USED FOR THE WESTERN BOUNDARY OF THIS TRACT. THE POINT OF BEGINNING THEN HELD THE DISTANCE FROM THE NORTH QUARTER CORNER OF SECTION 20 FOR THE POINT OF BEGINNING OF THIS TRACT. THE NORTHEAST CORNER OF TAX LOT 1200 WAS THEN FOUND AS SET IN COUNTY SURVEY 6988 AS SHOWN. THE EAST LINE OF THIS TRACT WAS NOT DETERMINED IN THIS SURVEY, THE DISTANCE APPEARS NOT TO GO ALL THE WAY TO THE RAILROAD RIGHT OF WAY AS CALLED FOR IN THE DEED. THE RAILROAD RIGHT OF WAY HAS BEEN MARKED IN 2 DIFFERENT LOCATIONS AS SHOWN ON THE PLAT. THE NORTH LINE OF THIS TRACT WAS NOT SURVEYED, THE POINTS ARE SHOWN AS THEY ARE ON CS 14,934. A TOPCON 5 SECOND TOTAL STATION AND TDS RECON DATA COLLECTOR WERE USED TO GATHER THE DATA IN THIS SURVEY.

**LEGEND**

- FOUND SURVEY MONUMENT AS SHOWN
- SET 5/8" x 30" IRON ROD WITH A PLASTIC CAP "LOOMIS PLS 1908"
- ◇ SET NAIL REFERENCE POINT
- CALCULATED POSITION ONLY
- [ ] RECORD DATA, COUNTY SURVEY
- \* RECORD DATA, COUNTY SURVEY #14934 UNLESS OTHERWISE NOTED
- PROPERTY DEED BOUNDARY
- ▨ EXISTING BUILDING



REGISTERED PROFESSIONAL LAND SURVEYOR

*Del Loomis*  
OREGON  
JULY 23, 1980  
DAVID A. LOOMIS  
2009  
RENEWAL DATE:  
JANUARY 1, 2017

FD 5/8" I. ROD  
SEE CS 10,457

FD 5/8" I. ROD  
SEE CS 10,457

FD 5/8" I. ROD  
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FD 5/8" I. ROD  
SEE CS 10,457

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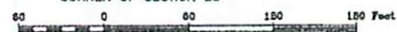
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SURVEY FOR: DENNIS ANDERSON	
LOCATION: 11-11-20-AB-00500	
4263 S. COAST HIGHWAY SOUTH BEACH	
SURVEYED BY: <b>DAVID LOOMIS SURVEYING</b> = DAVID A. LOOMIS LS 1908 = 35 CLOVER STREET SUITE G PO BOX 308 GLENEDEN BEACH, OR, 97388 (541) 764-2928	CHECKED BY: DAL DRAWN BY: DAL SCALE: 1" = 60' DATE: DEC 2008 No. D108-080

