

RESOLUTION NO. 1312

A RESOLUTION ANNEXING CERTAIN PROPERTY INTO THE CITY OF PRINEVILLE

The Prineville City Council (“Council”) makes the following findings:

BACKGROUND:

The City of Prineville (“City”) has filed a petition to annex into the City real property owned by the City, described on Exhibit A attached hereto, a.k.a. Tax Map 14-15-36B, Tax Lot 001200 and shown on Exhibits B and C attached hereto, hereafter referred to as (the “Property”):

LEGAL CRITERIA AND FINDINGS:

I. OREGON REVISED STATUTES

A. ORS 222.111, Authority and Procedure for Annexation.

(1) When a proposal containing the terms of annexation is approved in the manner provided by the charter of the annexing city or by ORS 222.111 to 222.180 or 222.840 to 222.915, the boundaries of any city may be extended by the annexation of territory that is not within a city and that is contiguous to the city or separated from it only by a public right of way or a stream, bay, lake or other body of water. Such territory may lie either wholly or partially within or without the same county in which the city lies.

FINDING: The Property is contiguous to the Prineville City limits, is located within the City’s Urban Growth Boundary, which has been acknowledged to be suitable for urban development and is developed with sufficient transportation infrastructure to serve urban uses. City services are not available to the Property, the Property is part of the City’s wastewater treatment facility. The Property is designated for residential use but is proposed to be zoned Park Reserve as residential development is not appropriate in this area since it is within the City’s wastewater treatment facility.

In addition to the statutory criteria of ORS Chapter 222, the City finds that the proposed annexation meets the judicially imposed “reasonableness” test set forth in *Portland General Elec. Co. v. City of Estacada*, 194 Or. 145, 291 P.2d 1129 (1952) and the cases following it (citations omitted). Although the question of reasonableness is based on a case by case analysis, the reasonableness factors identified by the Oregon courts include:

- whether the contiguous territory represents the actual growth of the city beyond its city limits;
- whether it is valuable by reason of its adaptability for prospective town uses;
- whether it is needed for the extension of streets or to supply residences or businesses for city residents; and
- whether the territory and city will mutually benefit from the annexation.

DLCD v. City of St. Helens, 138 Or App. 222, 227-28, 907 P.2d 259 (1995).

The present annexation satisfies the reasonableness factors because the property is owned by the City and used for a public purpose. The Property is contiguous to the City and the annexation will benefit the City by bringing a portion of the City's treatment facility under City jurisdiction.

(2) A proposal for annexation of territory to a city may be initiated by the legislative body of the city, on its own motion, or by a petition to the legislative body of the city by owners of real property in the territory to be annexed.

FINDING: The present proposal was initiated by the City on its own motion as the property owner of the territory to be annexed.

(3) The legislative body of the city shall submit, except when not required under ORS 222.120, 222.170 and 222.840 to 222.915 to do so, the proposal for annexation to the electors of the territory proposed for annexation and, except when permitted under ORS 222.120 or 222.840 to 222.915 to dispense with submitting the proposal for annexation to the electors of the city, the legislative body of the city shall submit such proposal to the electors of the city. The proposal for annexation may be voted upon at a general election or at a special election to be held for that purpose.

FINDING: The present annexation is being conducted pursuant to and meets the requirements for annexation under ORS 222.125 because the City is the landowner of the territory proposed for annexation and there are no electors residing on the territory proposed for annexation.

B. ORS 222.125, Annexation by consent of all owners of land and majority of electors; proclamation of annexation.

The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation. [1985 c.702 §3; 1987 c.738 §1]

FINDING: The City is the sole owner of the territory to be annexed and there are no electors residing within the territory to be annexed. The above statute does not require a hearing on the annexation.

C. ORS 222.177, Filing of annexation records with Secretary of State.

When a city legislative body proclaims an annexation under ORS 222.125, 222.150, 222.160 or 222.170, the recorder of the city or any other city officer or agency designated by the city legislative body to perform the duties of the recorder under this section shall transmit to the Secretary of State:

(1) A copy of the resolution or ordinance proclaiming the annexation.

(2) An abstract of the vote within the city, if votes were cast in the city, and an abstract of the vote within the annexed territory, if votes were cast in the territory. The abstract of the vote for each election shall show the whole number of electors voting on the annexation, the number of votes cast for annexation and the number of votes cast against annexation.

(3) If electors or landowners in the territory annexed consented to the annexation under ORS 222.125 or 222.170, a copy of the statement of consent.

(4) A copy of the ordinance issued under ORS 222.120 (4).

(5) An abstract of the vote upon the referendum if a referendum petition was filed with respect to the ordinance adopted under ORS 222.120 (4). [1985 c.702 §4; 1987 c.737 §7; 1987 c.818 §10]

FINDING: The City will submit the necessary documents to the Secretary of State following Council approval of this Resolution.

D. ORS 222.180, Effective date of annexation.

(1) The annexation shall be complete from the date of filing with the Secretary of State of the annexation records as provided in ORS 222.177 and 222.900. Thereafter the annexed territory shall be and remain a part of the city to which it is annexed. The date of such filing shall be the effective date of annexation.

(2) For annexation proceedings initiated by a city, the city may specify an effective date that is later than the date specified in subsection (1) of this section. If a later date is specified under this subsection, that effective date shall not be later than 10 years after the date of a proclamation of annexation described in ORS 222.177. [Amended by 1961 c.322 §1; 1967 c.624 §15; 1973 c.501 §2; 1981 c.391 §5; 1985 c.702 §12; 1991 c.637 §9]

FINDING: The present annexation request was initiated by the City as property owner and will be complete as of the date of filing with the Secretary of State.

II. OREGON ADMINISTRATIVE RULES

A. OAR 660-014-0060, Annexation of Lands Subject to an Acknowledged Comprehensive Plan.

A city annexation made in compliance with a comprehensive plan acknowledged pursuant to ORS 197.251(1) or 197.625 shall be considered by the commission to have been made in accordance with the goals unless the acknowledged comprehensive plan and implementing ordinances do not control the annexation. [Stat. Auth.: ORS Ch 196 & 197]

FINDING: The City of Prineville's Comprehensive Plan has been acknowledged by the Land Conservation and Development Commission pursuant to ORS 197.251 and 197.625. Therefore, the present annexation request is considered to be made in accordance with the statewide planning goals and the goals need not be directly applied to this decision.

III. CITY OF PRINEVILLE CODE

A. Chapter 153, Land Development; Section 153.034, Zoning of Annexed Areas.

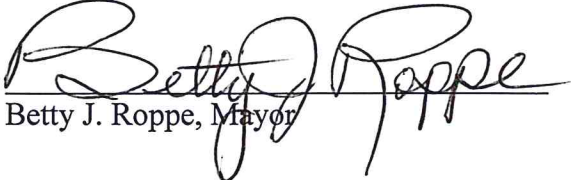
An area annexed to the City shall, upon annexation, assume the zoning classification determined by the City to be in compliance with the Comprehensive Plan; the determination shall be made by the City Council upon receipt of a recommendation relative thereto from the City Planning Commission.

FINDING: The Planning Commission considered the present annexation request at its March 21, 2017, meeting and recommended approval to the City Council. Based on the ownership of the property, use of the property as part of the City's Wastewater Treatment Facility, its location adjacent to the Crooked River and the current Crook County zoning of Exclusive Farm Use (EFU2), the Planning Commission recommended the zoning classification for the Property be Park Reserve (PR).

BASED UPON the above findings, the City of Prineville hereby resolves as follows:

1. The Property described in Exhibit 'A' and shown in Exhibit 'B' & 'C' is hereby annexed into the City of Prineville.
2. The Property is hereby rezoned to Park Reserve (PR) from the current Crook County zone of Exclusive Farm Use (EFU2), which zoning is in compliance with City policy concerning the rezoning of annexed properties for compatibility with the existing uses and/or previous Crook County zoning designations.
3. The City Manager or his designee shall submit to the Oregon Secretary of State the necessary documents showing the Property has been annexed into the City of Prineville.
4. This Resolution becomes effective immediately.

Approved by the City Council on the 14th day of April, 2017.


Betty J. Roppe, Mayor

ATTEST:


Lisa Morgan, City Recorder

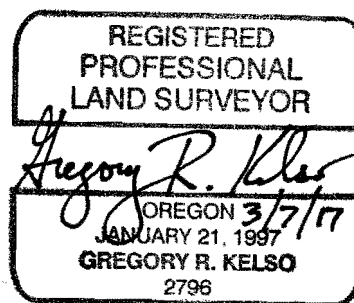
Kelso Land Surveying, LLC

765 NW Third Street, Prineville, OR 97754 - (541) 420-8057 phone - greg@crestviewcable.com

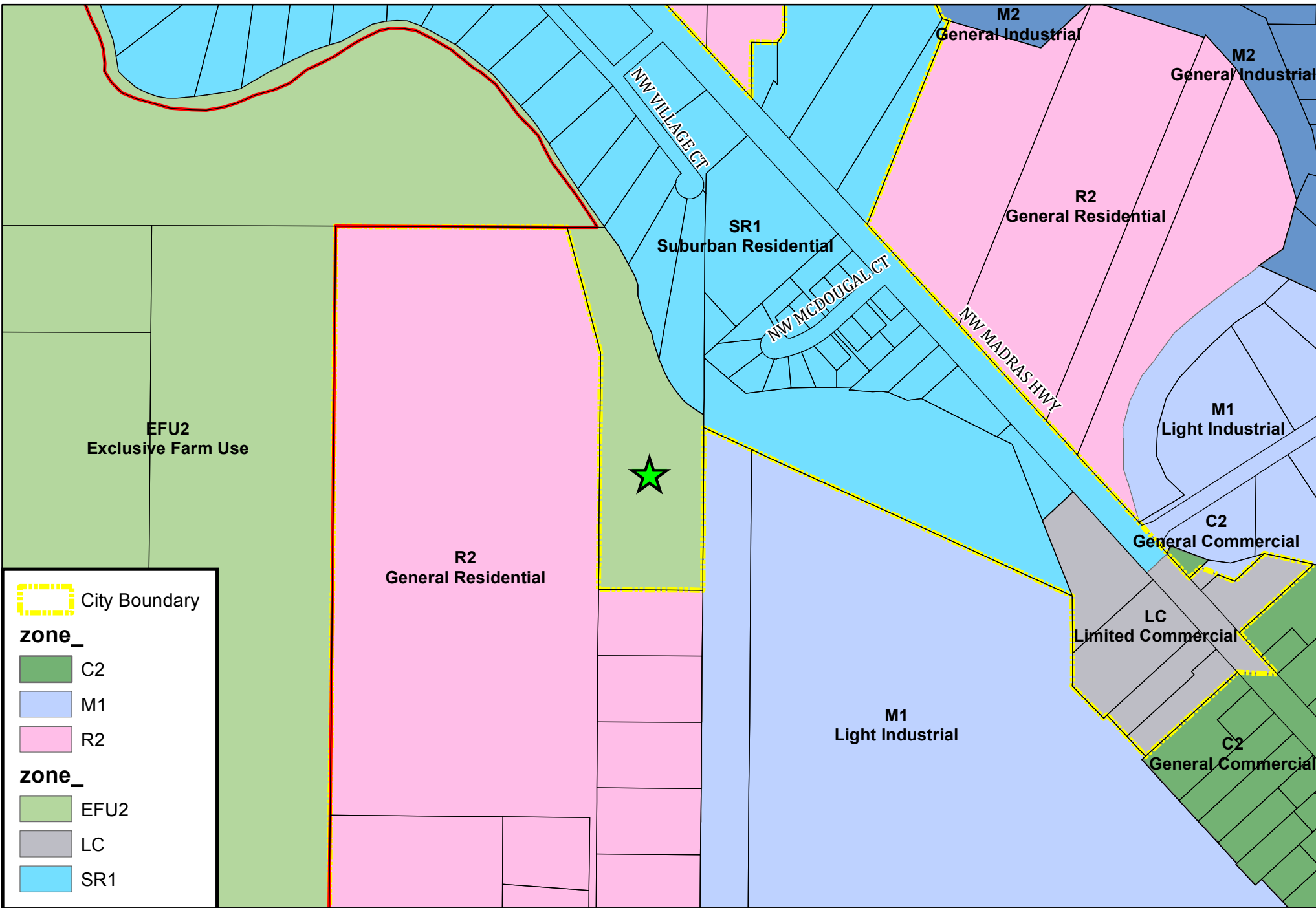
A PARCEL OF LAND LOCATED IN THE SE1/4NW1/4 OF SECTION 36, T.14S., R.15E., W.M., CROOK COUNTY, OREGON

Legal description

A parcel of land located in the Southeast one-quarter Northwest one-quarter (SE1/4NW1/4) of Section 36, Township 14 South, Range 15 East, W.M., Crook County, more particularly described as follows: Beginning at the South one-quarter corner of said Section 36, thence North 00°25'12" East along the North-South centerline of said Section 36 a distance of 2617.46 feet, more or less, to the Northeast corner of that parcel of land conveyed to Lotta G. Montgomery in Deeds Book 54 at Page 309, recorded April 24, 1944, Records of Crook County, Oregon, said point being the True Point of Beginning of this legal description; thence North 89°56'11" West along the North line of said parcel conveyed to Montgomery a distance of 370.00 feet; thence North 00°25'12" East along the Westerly line of that parcel of land conveyed to Clarence Y. Simpson in Deeds Book 55 at Page 38, recorded March 3, 1945, Records of Crook County, Oregon a distance of 845.00 feet, said point marked by a 5/8" iron rod; thence North 15°04'48" West along said Westerly line a distance of 457.91 feet to the North line of said SE1/4NW1/4 of Section 36, said point marked by a 5/8" iron rod; thence South 89°49'35" East along said North line a distance of 108.92 feet, more or less, to the center of the Crooked River, said point also being on the Southwesterly line of the plat of Riverland Village Unit One, recorded May 19, 1976, Records of Crook County, Oregon; thence South 31°04'08" East along the centerline of the Crooked River and the Westerly line of said Riverland Village Unit 1 a distance of 361.53 feet; thence South 18°20'48" East along the centerline of the Crooked River and the Westerly line of said Riverland Village Unit 1 a distance of 203.26 feet; thence South 53°13'48" East along the centerline of the Crooked River and the Westerly line of said Riverland Village Unit 1 a distance of 160.36 feet, more or less, to the North-South centerline of said Section 36; thence South 00°25'12" West along said North-South centerline a distance of 688.67 feet, more or less, to the True Point of Beginning, containing 8.64 acres, more or less.



RENEWS 6/30/17



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Exhibit 'B'

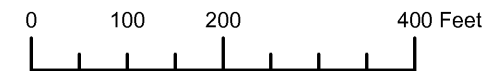
Zoning prior to annexation

Date: 02/21/2017

ANX-2017-100



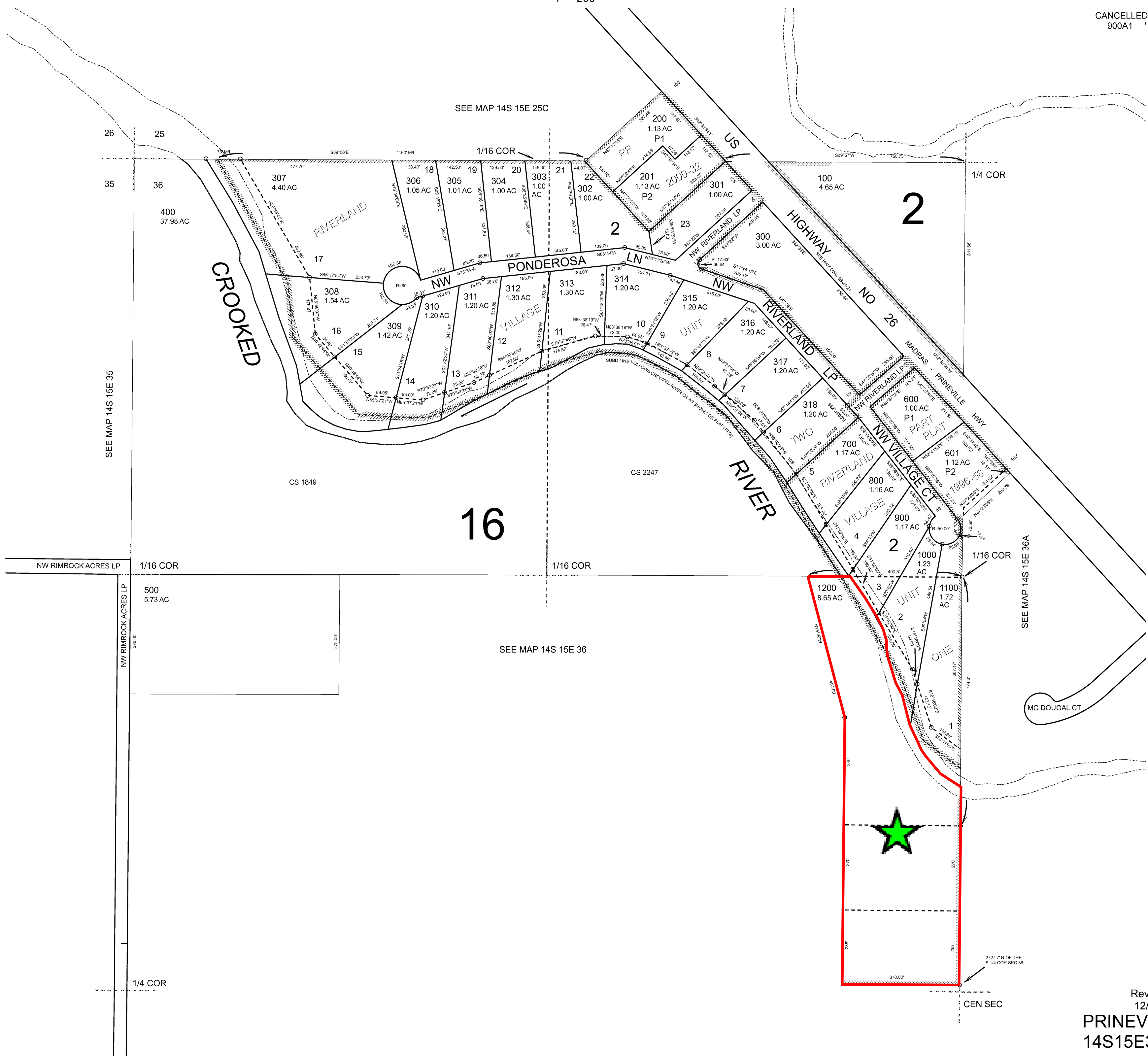
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY



N.W. 1/4 SEC. 36 T.14S. R. 15E. W.M.
CROOK COUNTY
1" = 200'

14S15E36B
PRINEVILLE

CANCELLED:
900A1



Revised: JK
12/29/2009
PRINEVILLE
14S15E36B