

# EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



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Public Hearing: An Ordinance Providing for Withdrawal of Annexed Properties from the Willakenzie Rural Fire Protection District, the Santa Clara Rural Fire Protection District, and from the Santa Clara Water District

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Hearing Date: January 19, 2010  
Department: Planning and Development  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 1  
Staff Contact: Ann Siegenthaler  
Contact Telephone Number: (541) 682-5452

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## ISSUE STATEMENT

The City Council will hold a required public hearing to consider an ordinance to withdraw annexed land from public service districts.

## BACKGROUND

State law and local code require properties (“territories”) that are annexed to cities to withdraw from special service districts through a separate process after the annexation of those properties becomes effective. When properties are withdrawn from special districts upon annexation to the City, the City assumes responsibility for providing services (e.g. fire protection, water service) formerly provided by the special districts. The special districts affected by this action are the Willakenzie Rural Fire Protection District, the Santa Clara Rural Fire Protection District, and the Santa Clara Water District.

Withdrawals come before the council on an annual basis. Properties annexed during the previous year are batched together to facilitate this process. The 2010 batch contains the three annexations approved in 2009, and one annexation approved in 2008, (for a total of 11 tax lots or portions of tax lots).

In accordance with state law and local code requirements, withdrawals from special districts are reviewed by the council through a public hearing in order to hear any objections to the withdrawals. After the public hearing, the council will be asked to determine whether the withdrawals meet the approval criterion established by state law and local code; the only approval criterion is that the City “*shall determine whether the withdrawal is in the best interest of the city*” (EC 9.7835). The attached ordinance (Attachment A) describes the affected properties and withdraws them from special districts. If the withdrawals are found to be in the City’s best interest, the ordinance should be adopted to make the withdrawals effective.

Withdrawals are time sensitive. State law provides that, if a withdrawal is not approved prior to March 31, the withdrawal does not become effective until July 1 of the following year. If the proposed withdrawals are not effective by July 1, these properties will remain on the tax roll of the special service districts that no longer provide services to the property. Approving the withdrawal ordinance prior to

March 31, 2010, will result in the withdrawals taking effect on July 1, 2010. Council action on the ordinance is scheduled for February 8, 2010.

Public notice of the hearing was published and posted as required by state law and local code requirements, including notice to the affected special service districts. Based on previous years' withdrawals, little or no public testimony is anticipated. Annexation of these properties was initiated by the property owners, and public notice of annexation was provided. The inclusion of these properties on City tax rolls, and withdrawal from special districts taxation was anticipated by the property owners and by special districts as part of the annexation process.

Legal descriptions and maps (Exhibits 1 through 4) showing the location of each annexed property subject to withdrawal are included in the council packet for the public hearing.

### **RELATED CITY POLICIES**

The approval criterion for withdrawal from public service districts following annexation is contained in EC 9.7835, and corresponding statutory provisions at ORS 222.524, which require the council to find that approval of the withdrawal is in the best interest of the City.

### **COUNCIL OPTIONS**

No action is required at this time; however, options will be provided at the time of City Council deliberations and action scheduled for February 8, 2010.

### **CITY MANAGER'S RECOMMENDATION**

As this is the public hearing for this item, no recommendation is suggested at this time. A recommendation will be provided for the City Council deliberations and action scheduled for February 8, 2010.

### **SUGGESTED MOTION**

None at this time. A suggested motion will be provided at the time of City Council deliberations and action scheduled for February 8, 2010.

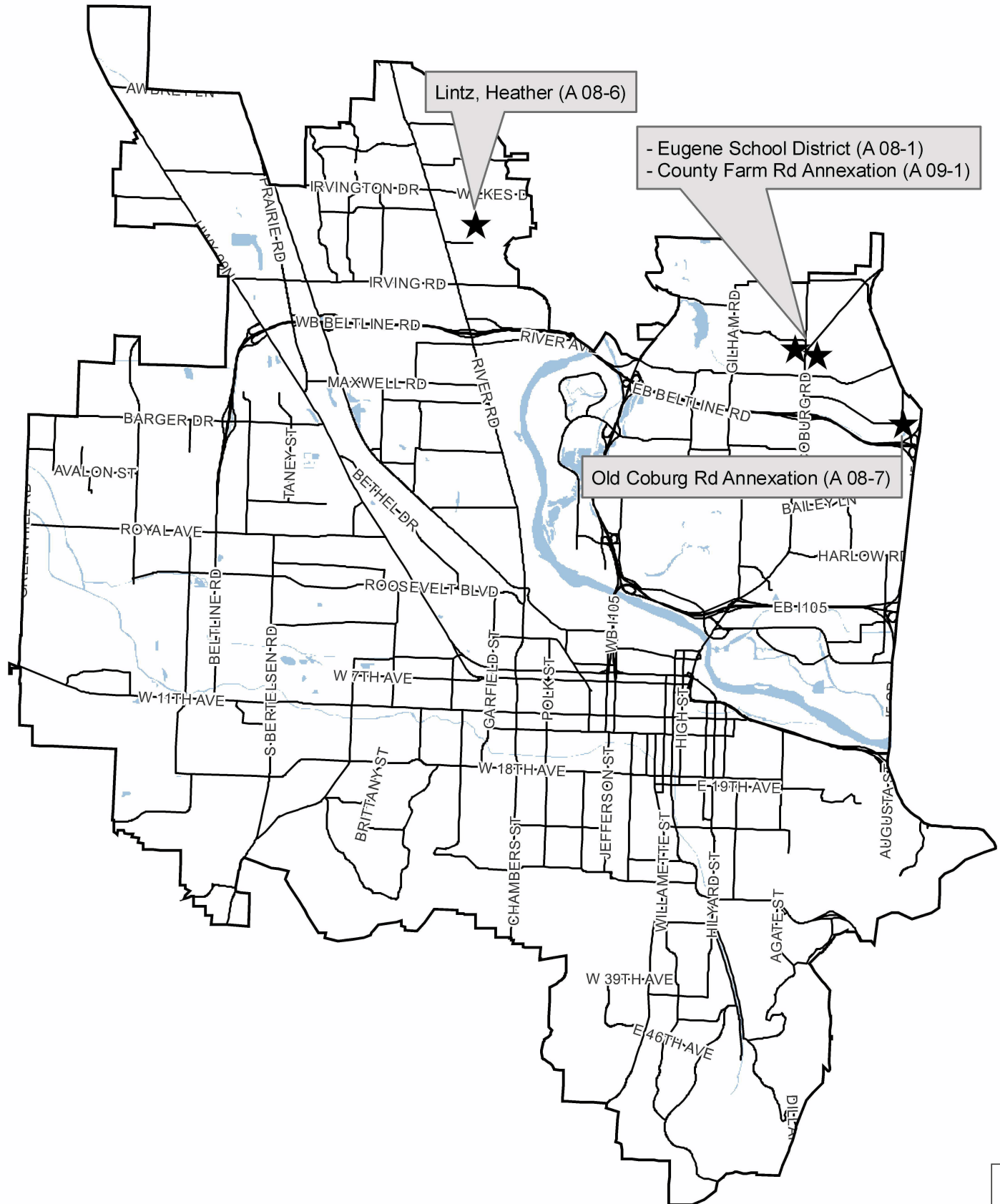
### **ATTACHMENTS**

- A. Vicinity Map
- B. Ordinance, including Exhibits 1 through 4 (legal descriptions and maps of properties).

### **FOR MORE INFORMATION**

Staff Contact: Ann Siegenthaler, Associate Planner  
Telephone: (541) 682-5452  
Staff e-mail: [ann.siegenthaler@ci.eugene.or.us](mailto:ann.siegenthaler@ci.eugene.or.us)

# Location of Properties



Caution: This map is based on imprecise source data, subject to change, and for general reference only.



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE PROVIDING FOR WITHDRAWAL OF ANNEXED PROPERTIES FROM THE WILLAKENZIE RURAL FIRE PROTECTION DISTRICT, THE SANTA CLARA RURAL FIRE PROTECTION DISTRICT, AND FROM THE SANTA CLARA WATER DISTRICT.

The City Council of the City of Eugene finds that:

A. Notice of the proposed withdrawal of real property contained in the Willakenzie Rural Fire Protection District, the Santa Clara Rural Fire Protection District, and from the Santa Clara Water District ("the Districts") which have been annexed to the City, was published in the Register-Guard on January 4 and 11, 2010, and posted in four public places in the City of Eugene for the same period of time.

B. The Notice provided that a public hearing was set for January 19, 2010, at 7:30 p.m., in the Council Chambers, City Hall, in Eugene, Oregon, to allow the City Council to hear objections to the withdrawals and to determine whether the withdrawals are in the best interest of the City.

C. The City is willing to assume the liabilities and indebtedness previously contracted by the Districts proportionate to the parts of the Districts that have been annexed to the City upon the effective date of the withdrawals as provided in ORS 222.520.

D. The withdrawals of the annexed territories from the Districts are consistent with adopted City policies, and are in the best interest of the City.

NOW, THEREFORE,

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The following territories in Lane County, Oregon, annexed to the City of Eugene by Resolution of the Eugene City Council, are withdrawn from the Willakenzie Rural Fire Protection District, effective July 1, 2010:

File Name/Number: Eugene School District 4J (A 08-1)  
Site Address: None available  
Assessor's Map: 17-03-16-22; Tax Lot: portion of 102  
Location: East side of Coburg Road, north of Kinney Loop, south of Game Farm Road, and more particularly described on Exhibit 1 attached to this Ordinance and incorporated herein by reference.  
Approved: October 13, 2008 by Eugene Council Resolution No. 4948  
Effective: November 5, 2008

<u>File Name/Number:</u> Old Coburg Road Annexation (A 08-7)		
<u>Site Address:</u>	<u>Assessor's Map:</u>	<u>Tax Lot:</u>
89255 Old Coburg Road	17-03-16-41	400
89295 Old Coburg Road	17-03-16-41	500
89297 Old Coburg Road	17-03-16-41	600

89317 Old Coburg Road	17-03-16-41	700
89350 Old Coburg Road	17-03-16-41	800
89344 Old Coburg Road	17-03-16-41	900
89326 Old Coburg Road	17-03-16-41	1002
89385 and 89375 Old Coburg Road	17-03-15-00	portion of 900

Right-of-Way: 3.19 acre section of the Old Coburg Road right-of-way contiguous to property described above.

Location: East of Coburg Road, west of I-5 between Chad Drive and North Game Farm Road, along Old Coburg Road, and more particularly described on Exhibit 2 attached to this Ordinance and incorporated herein by reference.

Approved: February 23, 2009 by Eugene Council Resolution No. 4965

Effective: March 9, 2009

File Name/Number: County Farm Road (A 09-1)

Site Address: None available

Assessor's Map: 17-03-17-11; Tax Lot: 800

Right-of-Way: .65 acre section of the southern portion of Park View Drive right-of-way contiguous to the property described above.

Location: West of County Farm Road, south of Park View Drive, and more particularly described on Exhibit 3 attached to this Ordinance and incorporated herein by reference.

Approved: May 11, 2009 by Eugene Council Resolution No. 4975

Effective: May 20, 2009

**Section 2.** The following territory in Lane County, Oregon, annexed to the City of Eugene by Resolution of the Eugene City Council, is withdrawn from the Santa Clara Rural Fire Protection District, and from the Santa Clara Water District, effective July 1, 2010:

File Name/Number: Heather Lintz (A 08-6)

Site Address: 484 and 490 River Loop #1

Assessor's Map: 17-04-11-11; Tax Lot: 8300

Location: South and east of River Loop #1, north of Grizzly Avenue, and more particularly described on Exhibit 4 attached to this Ordinance and incorporated herein by reference.

Approved: October 12, 2009 by Eugene Council Resolution No. 4988

Effective: November 4, 2009

**Section 3.** The City Recorder is requested to forward a copy of this Ordinance to the above referred Districts.

**Passed by the City Council this**

\_\_\_\_\_ day of February, 2010.

**Approved by the Mayor this**

\_\_\_\_\_ day of February, 2010.

\_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor

**LEGAL DESCRIPTION FOR ANNEXATION PURPOSES**  
(Tax Map 17-03-16-22, Tax Lot 102)

**SITUATED** in Lane County, State of Oregon in the Northwest  $\frac{1}{4}$  of Section 16, Township 17 South, Range 3 West of the Willamette Meridian and described as follows:

**BEING** a portion of Parcel 2 of Land Partition Plat Number 2001-P1450 as platted and recorded March 1, 2001 in the Land Partition Plat Records of Lane County, State of Oregon, the perimeter boundary of which portion is more particularly described as follows:

**BEGINNING** at an angle point in the current city limits line of the City of Eugene as said angle point lies at the intersection of the southwest line of Parcel 1 of said Partition with the northeasterly extension of that certain northwest line of Parcel 2 that has a bearing and distance of South  $40^{\circ} 41' 57''$  West 649.34 Feet as shown on said Partition Plat, which **POINT OF BEGINNING** lies South  $49^{\circ} 18' 52''$  East 160.09 Feet from the most westerly corner of said Parcel 1;

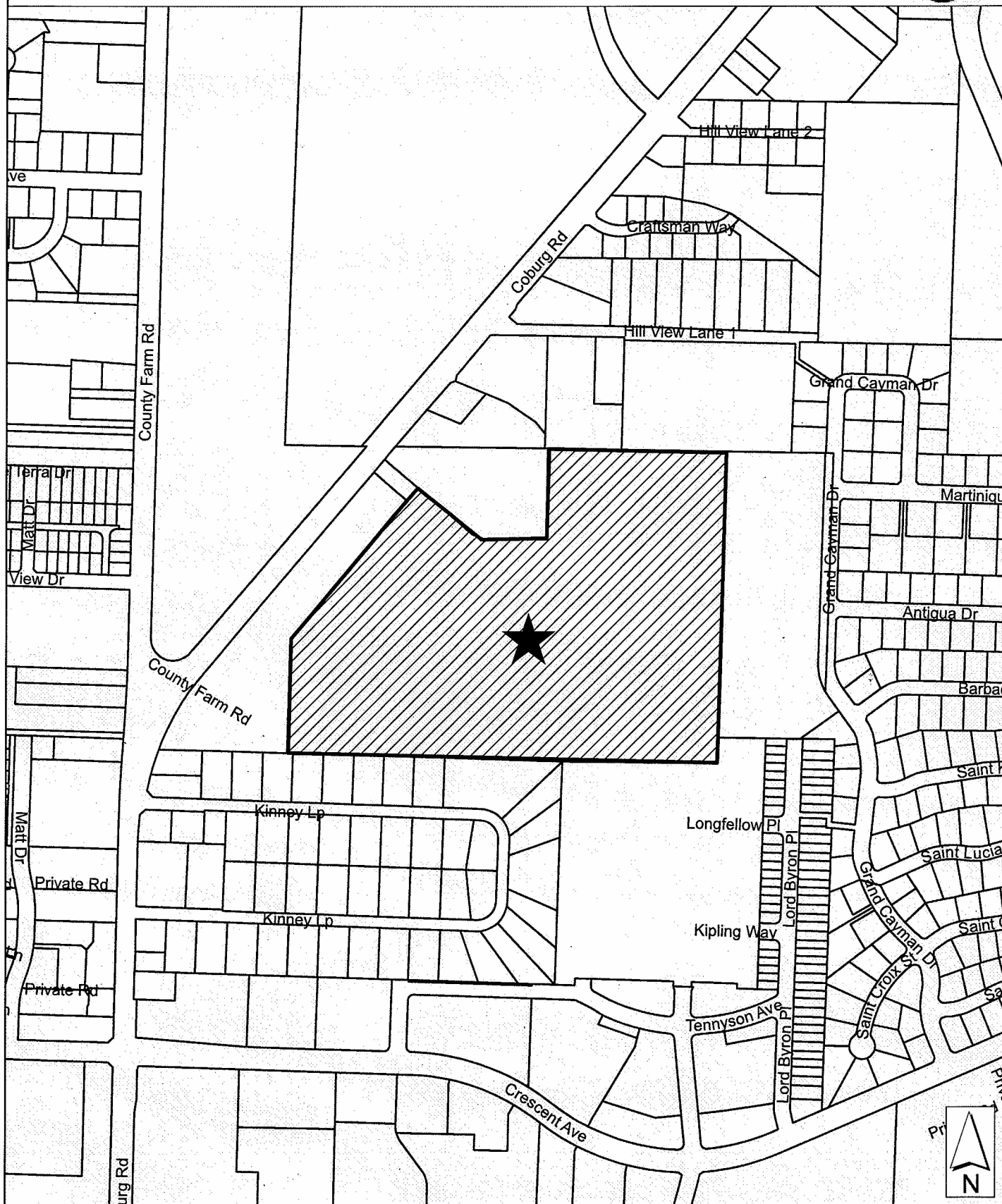
**THENCE**, leaving said **POINT OF BEGINNING** and along the said current city limits line of the City of Eugene, the following two numbered courses: (1) along said northeasterly extension and northwest line of Parcel 2, **SOUTH  $40^{\circ} 41' 57''$  WEST 769.34 FEET** and (2) along the west line of said Parcel 2, **SOUTH  $01^{\circ} 57' 20''$  WEST 396.04 FEET** to a point on the north line of the "Kinney-White Tracts" as depicted on the survey by Francis E. Waggoner that was filed as County Survey File Number 6360 in the Office of the County Surveyor of Lane County, State of Oregon; **THENCE**, leaving said city limits line and along last said north line the following one numbered course: (3) **SOUTH  $87^{\circ} 59' 50''$  EAST 991.57 FEET** to the northeast corner of said "Kinney-White Tracts" as said corner is common with an angle point in the general west line of Parcel 2 of Land Partition Plat Number 92-P0188 as platted and recorded January 14, 1992 in the Land Partition Plat Records of Lane County, State of Oregon; **THENCE** along said general west line of Parcel 2 the following one numbered course: (4) **SOUTH  $89^{\circ} 13' 25''$  EAST 550.37 FEET** to an angle point in said line; **THENCE** continuing along said general west line and along the line that was defined in Case Number 80756 of the Circuit Court of the State of Oregon for Lane County the following one numbered course: (5) **NORTH  $01^{\circ} 53' 31''$  EAST 1107.81 FEET**; **THENCE**, leaving said line as defined in Case Number 80756, along the following one numbered course: (6) **NORTH  $89^{\circ} 13' 09''$  WEST 550.56 FEET** to the Easterly Northeast Corner of the Charles H. Bogart Donation Land Claim Number 80 in Township 17 South, Range 3 West of the Willamette Meridian; **THENCE**, leaving said Donation Land Claim corner, along the following one numbered course: (7) **NORTH  $89^{\circ} 01' 26''$  WEST 89.12 FEET** to the northeast corner of Parcel 1 of said Land Partition Plat Number 2001-P1450; and **THENCE** along the east, south and southwest lines of said Parcel 1 the following three numbered courses: (8) **SOUTH  $00^{\circ} 58' 34''$  WEST 325.00 FEET**; (9) **NORTH  $89^{\circ} 01' 26''$  WEST 210.92 FEET** to a point of tangent curvature to the right; (10) along said tangent curve to the right, having a radius center that lies North  $00^{\circ} 58' 34''$  East 100.00 Feet, a central angle of  $39^{\circ} 42' 34''$ , a long chord of North  $69^{\circ} 10' 09''$  West 67.93 Feet, an arc distance of 69.31 FEET to a point of tangent line; and (11) along said tangent line **NORTH  $49^{\circ} 18' 52''$  WEST 240.34 FEET RETURNING** to the **POINT OF BEGINNING** and **CONTAINING 31.71 Acres** more or less.

May 5, 2008  
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

REX A. BETZ  
OREGON  
JULY 20, 1993  
REX A. BETZ  
#2608

Lic. Exp 12/31/2009

Eugene School District (A 08-1)  
17-03-16-22/00102 (portion)



## Annexation Description

For

### Chad Drive & Portion of Tax lot 900, tax map no. 17-03-15-0 and Tax lots 400, 500, 600, 700, 800, 900 & 1002, tax map no. 17-03-16-41

A tract of land located in the Southeast one-quarter of Section 16 in Township 17 South, Range 3 West of the Willamette Meridian being more particularly described as follows

Beginning at the Northwest corner of the Ashley C. Stevens also known as the, A. Landers Donation Land Claim no. 45; thence South 1°58'43" West 20.07 feet along the west line of said DLC #45; thence leaving said DLC line and run, North 88°01'28" West 50.00 feet to the TRUE POINT OF BEGINNING of the herein Annexation Description; thence 1°43'49" East 182.64 feet; thence South 88°18'01" East 50.02 feet to the East right-of-way line of Old Coburg Road; thence North 1°42'28" East 148.20 feet along said east right-of-way line; thence North 58°59'48" East 75.05 feet to the west right-of-way line of North Game Farm Road; thence along said west right-of-way line of North Game Farm Road along a 2914.79 foot radius curve to the left ( the long chord of which bears South 34°06'06" East 384.49 feet) a distance of 384.77 feet; thence leaving said west right-of-way line and run, South 10°32'27" East 126.07 feet; thence South 40°04'00" East 163.32 feet; thence 6°43'00" West 1053.11 feet; thence South 31°32'44" East 22.96 feet; thence South 15°49'37" West 307.21 feet; thence South 83°23'27" West 280.43 feet to the East right-of-way line of Old Coburg Road; thence South 1°58'43" West 180.43 feet; thence North 88°16'01" West 50.00 feet; thence North 1°58'42" East 1363.30 feet; thence North 88°00'58" West 199.99 feet; thence North 1°58'43" East 235.56 feet; thence South 88°00'58" East 200.00 feet; thence North 1°58'43" East 37.50 feet; thence North 88°00'58" West 529.16 feet; thence North 1°58'43" East 136.29 feet; thence South 88°00'58" East 529.16 feet to the true point of beginning, all in Lane County, Oregon.

Containing 19.68± acres or 856835.2± sq.ft.

Also:

Beginning at the Northwest corner of the Ashley C. Stevens also known as the, A. Landers Donation Land Claim no. 45; thence South 1°58'43" West 20.07 feet along the west line of said DLC #45; thence leaving said DLC line and run, North 88°01'28" West 50.00 feet; thence 1°43'49" East 182.64 feet; thence South 88°18'01" East 50.02 feet to the East right-of-way line of Old Coburg Road; thence North 1°42'28" East 148.20 feet along said east right-of-way line; thence North 58°59'48" East 75.05 feet to the west right-of-way line of North Game Farm Road; thence along said west right-of-way line of North Game Farm Road along a 2914.79 foot radius curve to the left ( the long chord of which bears South 34°06'06" East 384.49 feet) a distance of 384.77 feet; thence leaving said west right-of-way line and run, South 10°32'27" East 126.07 feet; thence South 40°04'00" East 163.32 feet; thence 6°43'00" West 1053.11 feet; thence South 31°32'44" East 122.91 feet to the TRUE POINT OF BEGINNING of the herein Annexation description; thence South 33°47'00" East 79.32 feet; thence South 17°18'32" West 93.10 feet; thence South 45°22'13" West 62.77 feet; thence South 83°23'27" West 29.27 feet; thence North 15°49'37" East 210.24 feet to the point of beginning, all in Lane County, Oregon.

Containing 0.22± acres or 9,536.5 sq.ft.

Total acres within annexation 19.90





**Old Coburg Road Annexation (A 08-7)**  
**17-03-16-41/400, 500, 600, 700, 800, 900, 1002**  
**17-03-15-00/00900 (portion)**

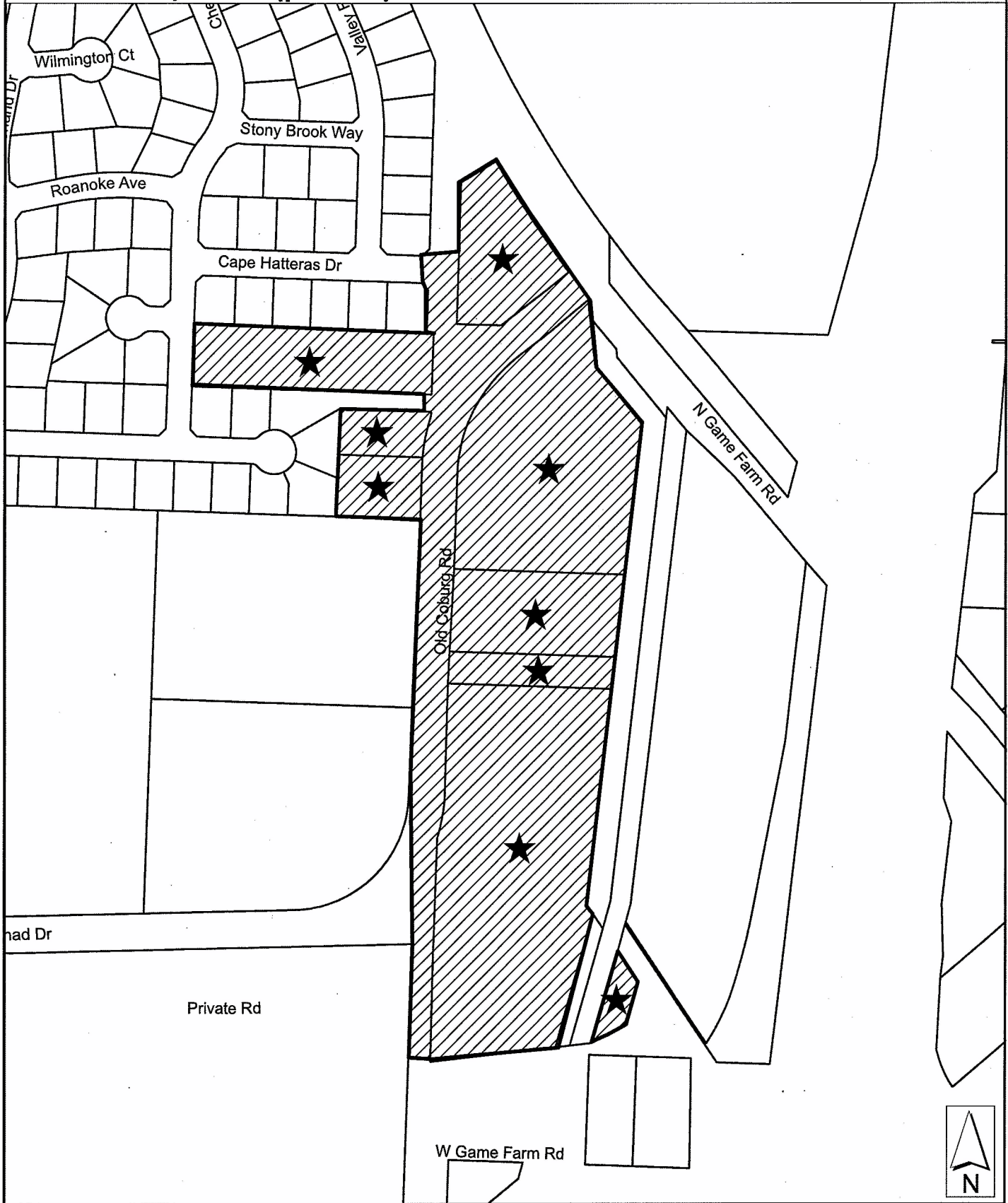


Exhibit 3  
Page 1 of 2

Description of Affected Territory to be Annexed

A parcel of land lying in Section 17, Township 17 South, Range 3 West of the Willamette Meridian, said parcel being more particularly described as follows:

Beginning at a point on the South line of that certain tract of land conveyed to the City of Eugene by deed recorded July 23, 1997, in Reel 2318R, Reception No. 9749395, Lane County Oregon Deed Records, said point of beginning being on the Westerly margin of County Farm Road, said point of beginning also being 1,362.81 feet North and 14.53 feet East of the Southeast corner of the Thomas N. Aubrey Donation Land Claim No. 39, in Township 17 South, Range 3 West of the Willamette Meridian; from the point of beginning run thence along the South line of said Deed No. 9749395, North 88°08'24" West, 797.71 feet to a point on the East line of Park View Estates Phase IV, as platted and recorded in File 75, Slides 966 through 969, Lane County Oregon Plat Records, said last mentioned point also being on the East line of that property described in the corrected City of Eugene Annexation AZ92-1; thence along the East line of said Park View Estates Phase IV and the East line of that property described in said City of Eugene Annexation AZ92-1, North 1°27'08" East, 320.03 feet to the Southwest corner of that property described in City of Eugene Annexation A00-18; thence along the South line of that property described in City of Eugene Annexation A00-18, South 88°07'50" East, 798.03 feet to the Southeast corner of said property described in City of Eugene Annexation A00-18, said Southeast corner also being on the Westerly margin of County Farm Road; thence leaving said South line and running along said Westerly margin, South 1°27'40" West, 264.96 feet; thence continuing along said Westerly margin along the arc of a 5689.58 foot radius curve to the right, the chord of which bears South 1°44'16" West, 54.93 feet, a distance of 54.93 feet to the Point of Beginning, in Lane County, Oregon.

Containing 5.86 acres.

The bearings used in the foregoing description are based on that Boundary Survey for the City of Eugene prepared by Donn Stemm in 1997 and recorded as County Survey File No. 34450 in Lane County Surveyor's Office.

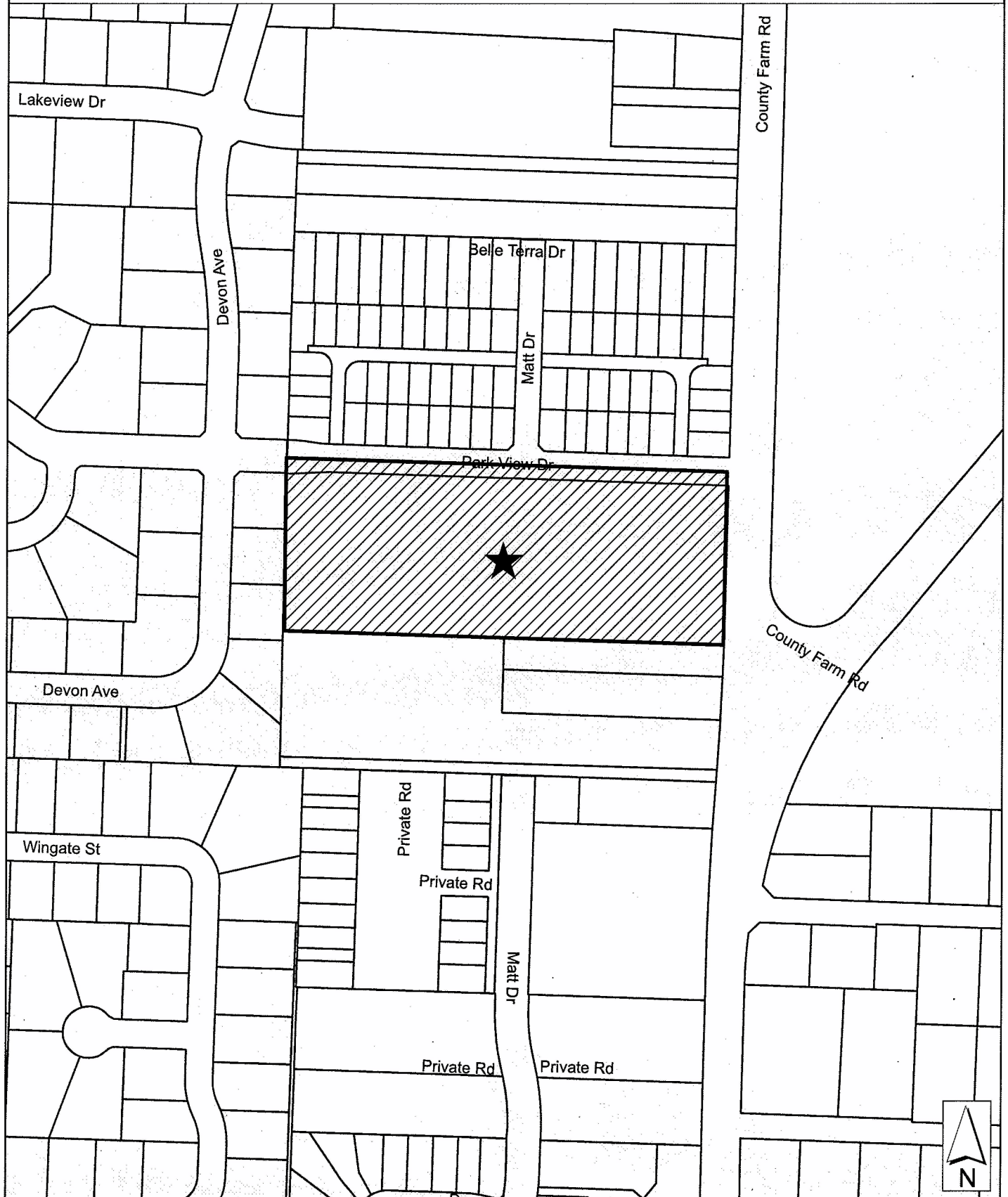
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Michael R. Dahrens*

OREGON  
JULY 11, 2000  
MICHAEL R. DAHRENS  
60052

RENEWAL DATE: 12-31-09

**County Farm Road Annexation (A 09-1)**  
**17-03-17-11/00800**

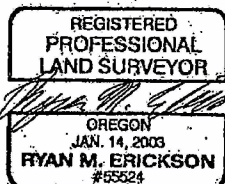


LINTZ  
ANNEXATION DESCRIPTION

THAT PARCEL OF LAND DESCRIBED IN WARRANTY DEED RECORDED 10 APRIL 1998, REEL 2406R, RECEPTION NUMBER 9825986, LANE COUNTY, OREGON DEED RECORDS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERLY RIGHT OF WAY OF RIVER LOOP #1, COUNTY ROAD NO. 18, SAID POINT IS ON THE EAST LINE OF THAT PROPERTY DESCRIBED IN WARRANTY DEED RECORDED 09 DECEMBER 1992, REEL 1810R, RECEPTION NUMBER 9269758, LANE COUNTY, OREGON DEED RECORDS AND IS BY RECORD SOUTH 0°20' EAST 20.00 FEET AND NORTH 89°50' EAST 127.48 FEET FROM A STONE SET FOR THE BEGINNING POINT OF COUNTY ROAD NO. 18 BEING ACCORDING TO COUNTY SURVEY NO. 1451, 42.56 CHAINS SOUTH 89°50' WEST FROM A POINT 20:10 CHAINS SOUTH OF THE NORTHEAST CORNER OF THE L. POINDEXTER DONATION LAND CLAIM NO. 52, TOWNSHIP 17 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN; RUN THENCE ALONG SAID RIGHT OF WAY NORTH 89°50' EAST 102.0 FEET TO THE WEST LINE OF THAT PROPERTY DESCRIBED IN WARRANTY DEED RECORDED 01 DECEMBER 2008, DOCUMENT NUMBER 2008-064304, LANE COUNTY, OREGON DEED RECORDS; THENCE ALONG SAID WEST LINE SOUTH 0°20' EAST 192.52 FEET TO THE NORTH LINE OF THAT PROPERTY DESCRIBED IN BARGAIN AND SALE DEED RECORDED 17 NOVEMBER 1998, REEL 2485R, RECEPTION NUMBER 9891755, LANE COUNTY, OREGON DEED RECORDS; THENCE ALONG SAID NORTH LINE SOUTH 89°50' WEST 102.0 FEET TO THE EAST LINE OF THAT PROPERTY DESCRIBED IN WARRANTY DEED RECORDED 27 APRIL 2009, DOCUMENT NUMBER 2009-022077, LANE COUNTY, OREGON DEED RECORDS; THENCE ALONG SAID EAST LINE AND THE EAST LINE FIRST NOTED ABOVE NORTH 0°20' WEST 192.52 FEET TO THE TRUE POINT OF BEGINNING, IN LANE COUNTY, OREGON.

THIS DESCRIPTION IS FOR ANNEXATION PURPOSES ONLY.



EXPIRES: 12/31/2009



**Lintz, Heather (A 08-6)**  
**17-04-11-11/08300**

