

# EUGENE CITY COUNCIL

## AGENDA ITEM SUMMARY



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Public Hearing: An Ordinance Providing for Withdrawal of Annexed Properties from the Lane Rural Fire District, the River Road Park & Recreation District, and the River Road Water District

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Meeting Date: February 22, 2011  
Department: Planning and Development  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 2  
Staff Contact: Bill Almquist  
Contact Telephone Number: 541-682-5437

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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 When properties are withdrawn from special districts upon annexation to the City, the City assumes responsibility for providing services (e.g. fire protection, water service) formerly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 Lane Rural Fire District, the River Road Park & Recreation District, and the River Road 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 2011 batch contains the two annexations approved in 2010 (for a total of six tax lots):

- Kirk Giudici and Jade Elms—195 Lindner Lane; (City File A 10-01, Effective May 24, 2010)
- Airport Industrial Properties—29536, 29538, 29540, 29548, and 29550 Airport Road; (City File A 10-02, Effective November 3, 2010)

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 B) 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. This delay would

mean that the properties will remain on the tax roll of the special service districts that no longer provide services to the property for more than a year. Approving the withdrawal ordinance prior to March 31, 2011, will result in the withdrawals taking effect on July 1, 2011, and those properties being included on the City tax roll immediately thereafter. Council action on the ordinance is scheduled for February 28, 2011.

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 and 2) 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 28, 2011.

### **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 28, 2011.

### **SUGGESTED MOTION**

None at this time. A suggested motion will be provided at the time of City Council deliberations and action scheduled for February 28, 2011.

### **ATTACHMENTS**

- A. Vicinity Map of Subject Properties
- B. Draft Ordinance, including Exhibits 1 and 2 (legal descriptions and maps of properties).

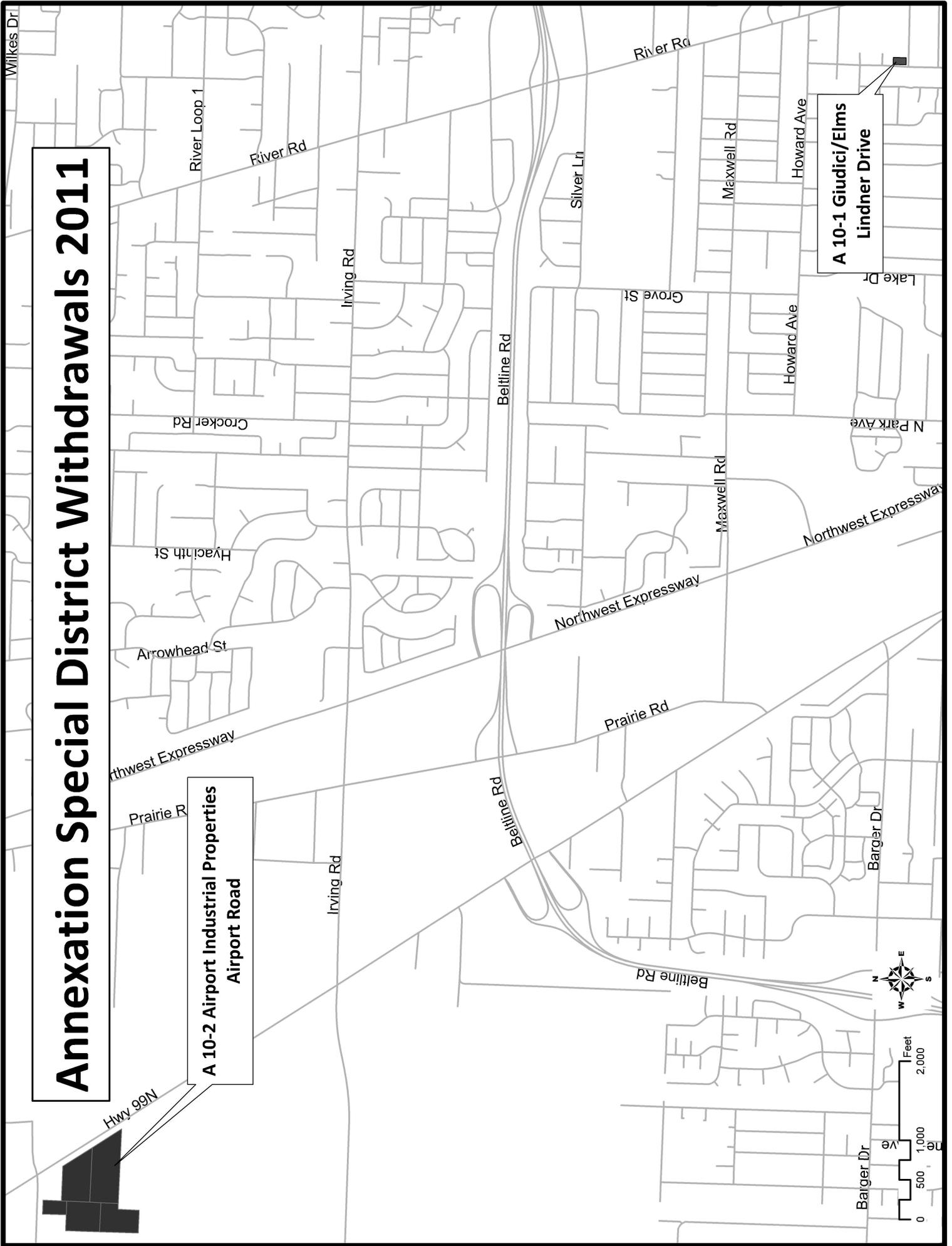
### **FOR MORE INFORMATION**

Staff Contact: Bill Almquist, Assistant Planner  
Telephone: 541- 682-5437  
Staff e-mail: bill.j.almquist@ci.eugene.or.us

# Annexation Special District Withdrawals 2011

A 10-2 Airport Industrial Properties  
Airport Road

A 10-1 Giudici/Elms  
Lindner Drive



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

**AN ORDINANCE PROVIDING FOR WITHDRAWAL OF ANNEXED PROPERTIES FROM THE LANE RURAL FIRE DISTRICT, THE RIVER ROAD PARK & RECREATION DISTRICT, AND THE RIVER ROAD WATER DISTRICT.**

**The City Council of the City of Eugene finds that:**

**A.** Notice of the proposed withdrawal of real property contained in the Lane Rural Fire District, the River Road Park & Recreation District, and the River Road Water District (“the Districts”) which have been annexed to the City, was published in the Register-Guard on February 8 and 15, 2011, and posted in four public places in the City of Eugene for a period of two successive weeks prior to the hearing date.

**B.** The Notice provided that a public hearing was set for February 22, 2011, 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 territory in Lane County, Oregon, annexed to the City of Eugene by Resolution of the Eugene City Council, is withdrawn from the Lane Rural Fire District, effective July 1, 2011:

File Name/Number: Airport Industrial Properties (A 10-2)

Site Address: 29536, 29538, 29540, 29548, and 29550 Airport Road

Assessor's Map: 17-04-09-20; Tax Lots: 1500, 1700, 1800, 2000, 2100

Location: West of Highway 99, south of Airport Road, and more particularly described on Exhibit 1 attached to this Ordinance and incorporated herein by reference.

Annexation Approved: October 12, 2010, by Eugene Council Resolution No. 5015

Annexation Effective: November 3, 2010

**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 River Road Park & Recreation District and from the River Road Water District, effective July 1, 2011:

File Name/Number: Kirk Giudici and Jade Elms (A 10-1)

Site Address: 195 Lindner Lane

Assessor's Map: 17-04-13-33; Tax Lot: 7100

Location: West of River Road, east of Evergreen Drive, north of Lindner Lane, and more particularly described on Exhibit 2 attached to this Ordinance and incorporated herein by reference.

Annexation Approved: May 24, 2010, by Eugene Council Resolution No. 5006

Annexation Effective: May 24, 2010

**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, 2011.

**Approved by the Mayor this**

\_\_\_\_\_ day of February, 2011.

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**City Recorder**

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**Mayor**

**Legal Description of Affected Territory to be Annexed**

Lot 1, Lot 3, Lot 4, Lot 6, and Lot 7, K & L INDUSTRIAL PARK, as platted and recorded as Instrument No. 2002-043085, Lane County Oregon Plat Records, in Lane County, Oregon.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Michael Dahrens*

OREGON  
JULY 11, 2000  
MICHAEL R. DAHRENS  
60052

RENEWAL DATE: 12/31/2011

# Airport Industrial Properties (A 10-2)



 Area Proposed for Withdrawal



### Legal Description

BEGINNING at a point on the Northerly right-of-way of Lindner Lane, said point being 25.00 feet from, when measured at right angles to, the centerline of said Lindner Lane, said point also being 224.13 feet North and 246.89 feet East of the initial point of KIRCHOFF ADDITION SUBDIVISION, as platted and recorded in Book 13, Page 19, Lane County Oregon Plat Records; thence following along said northerly right-of-way, South 89°34'30" West 88.30 feet to a point on the easterly right-of-way of Evergreen Drive, said point being 25.0 feet from, when measured at right angles to, the centerline of said Evergreen Drive; thence leaving the northerly right-of-way of said Lindner Lane, and following along the easterly right-of-way of said Evergreen Drive, North 0°04'00" West 162.23 feet; thence leaving said easterly right-of-way, North 89°16'00" East 88.30 feet; thence South 0°04'00" East 162.66 feet to the Point of Beginning, containing 14,314 square feet, more or less, all within the southwest quarter of Section 13, Township 17 South, Range 4 West of the Willamette Meridian, Eugene, Lane County, Oregon.

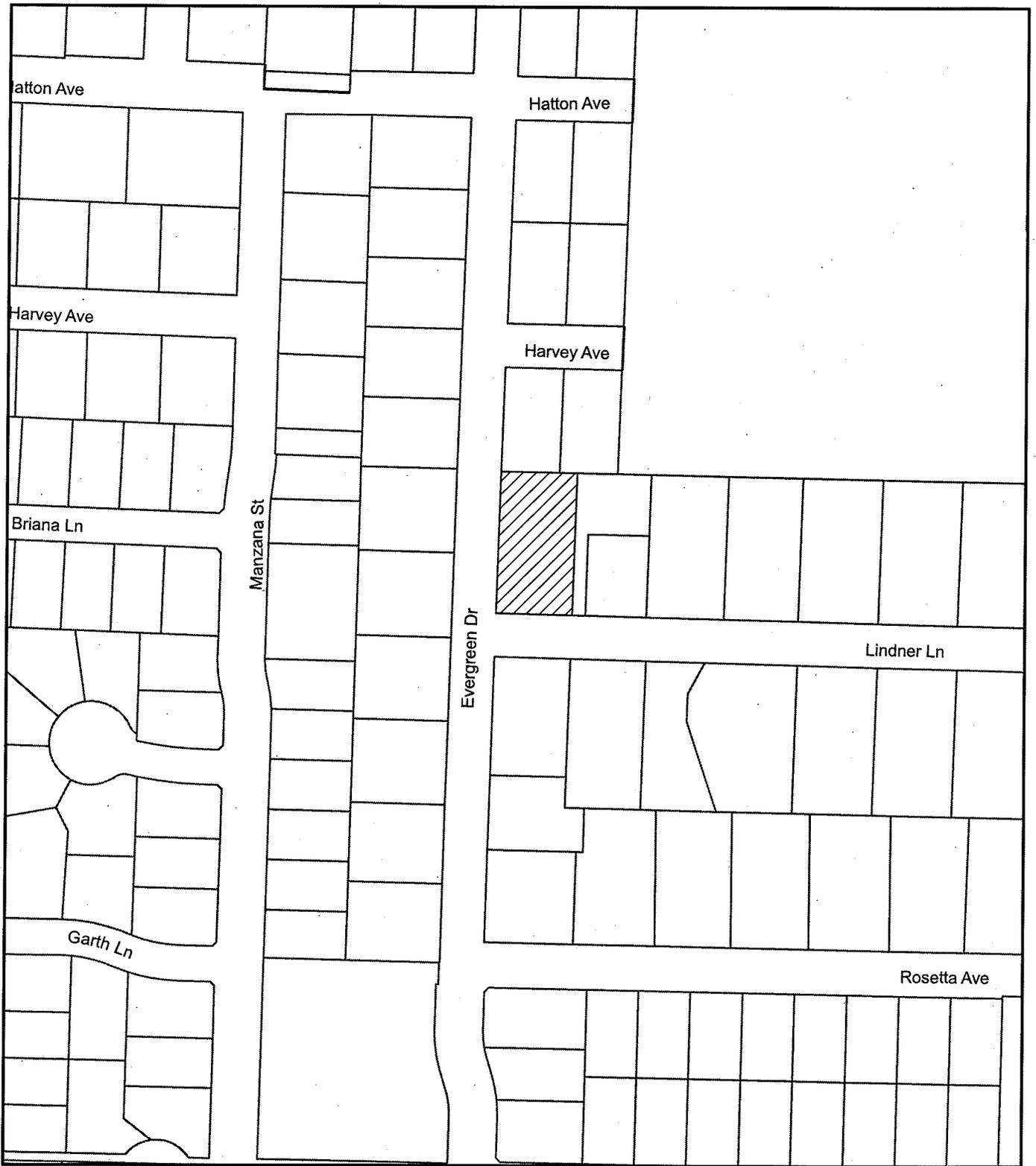
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Scott J. Goebel*

OREGON  
JULY 16, 1987  
SCOTT J. GOEBEL  
2280

EXPIRES: 6/30/2011

# Giudici/Elms (A 10-1)



 Area Proposed for Withdrawal

