

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Action: 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

Meeting Date: February 28, 2011
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 5
Staff Contact: Bill Almquist
Contact Telephone Number: 541-682-5437

ISSUE STATEMENT

The City Council is scheduled to take action on this request to withdraw previously annexed properties from special districts.

BACKGROUND

The City Council held the required public hearing on this item on February 22, 2011. Public testimony was received from one individual, Dale Weigandt, superintendent of River Road Park & Recreation District, who stated he is opposed to the annexation of the below-described Lindner Lane property, which is currently served by his district. To clarify, the owners of properties described below were already annexed to the City of Eugene in 2010, following voluntary application by the property owners and subsequent approval by City Council. State law and local code requires that properties (or “territories”) that are annexed to cities be withdrawn from special service districts through a separate process. When properties are withdrawn from special districts following annexation to the City, the City assumes responsibility for providing services (e.g. fire protection, water service, etc.) formerly provided by the special districts. The special districts affected by action in this particular case are Lane Rural Fire District, River Road Park & Recreation District, and 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)

The council is 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). If the council finds that the withdrawals are in the City's best interest, the council is asked to adopt the ordinance (Attachment B), which provides for

the withdrawal from special service districts of these annexed properties. Maps and legal descriptions of the properties to be withdrawn are also provided as exhibits to the ordinance.

As a reminder, withdrawals are time sensitive. State law provides that, if a withdrawal is not approved by 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 by 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.**

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

The City Council may consider the following options:

1. Approve the withdrawals by ordinance;
2. Approve the withdrawals by ordinance with specific modifications as determined by the City Council;
3. Deny the withdrawals by ordinance.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends adoption of the ordinance as drafted, providing for withdrawal of all listed territories by March 31, 2011.

SUGGESTED MOTION

I move that the City Council adopt 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.

ATTACHMENTS

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

FOR MORE INFORMATION

Staff Contact: Bill Almquist, Assistant Planner

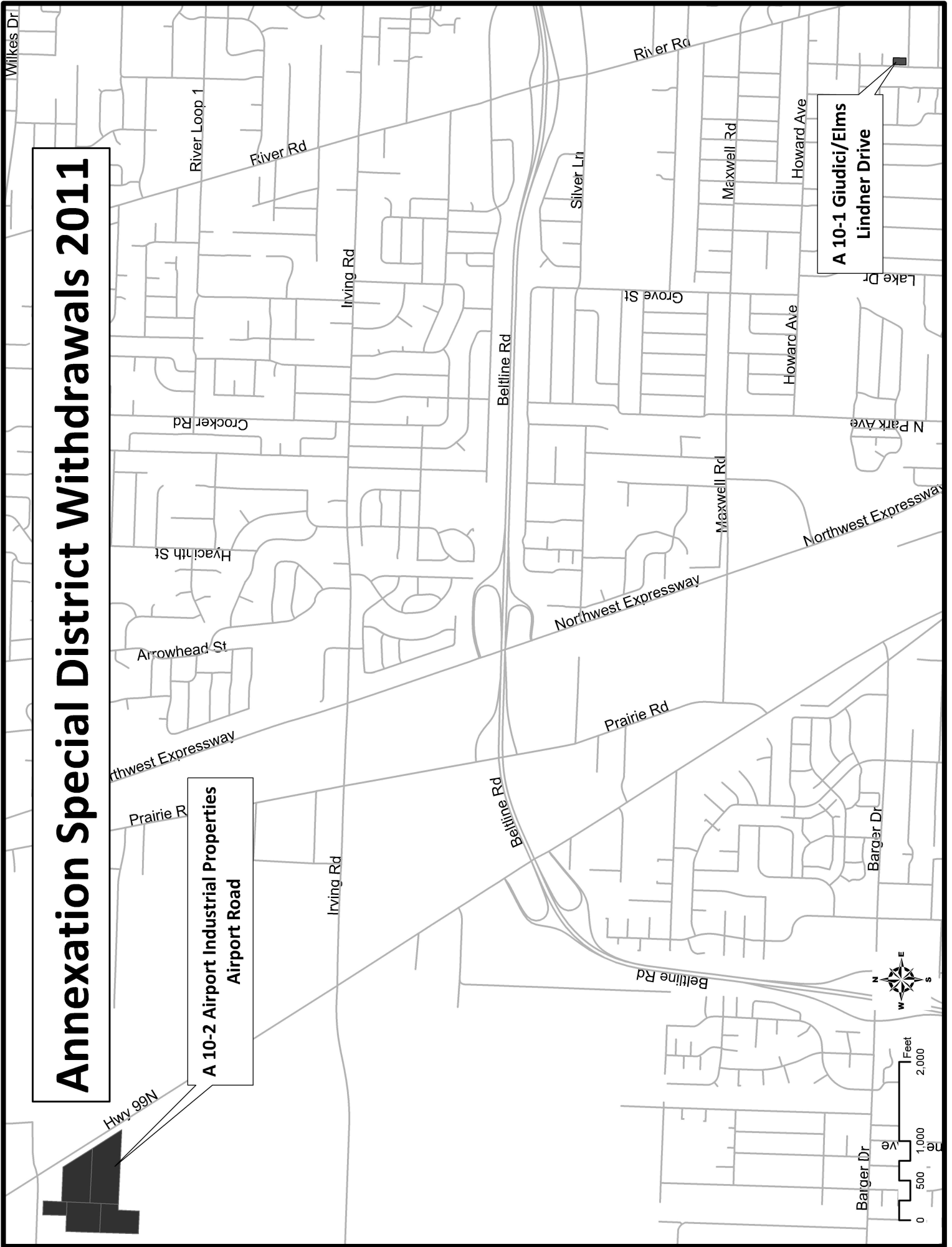
Telephone: 541-682-5437

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.

City Recorder

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)



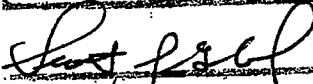
 Area Proposed for Withdrawal



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.

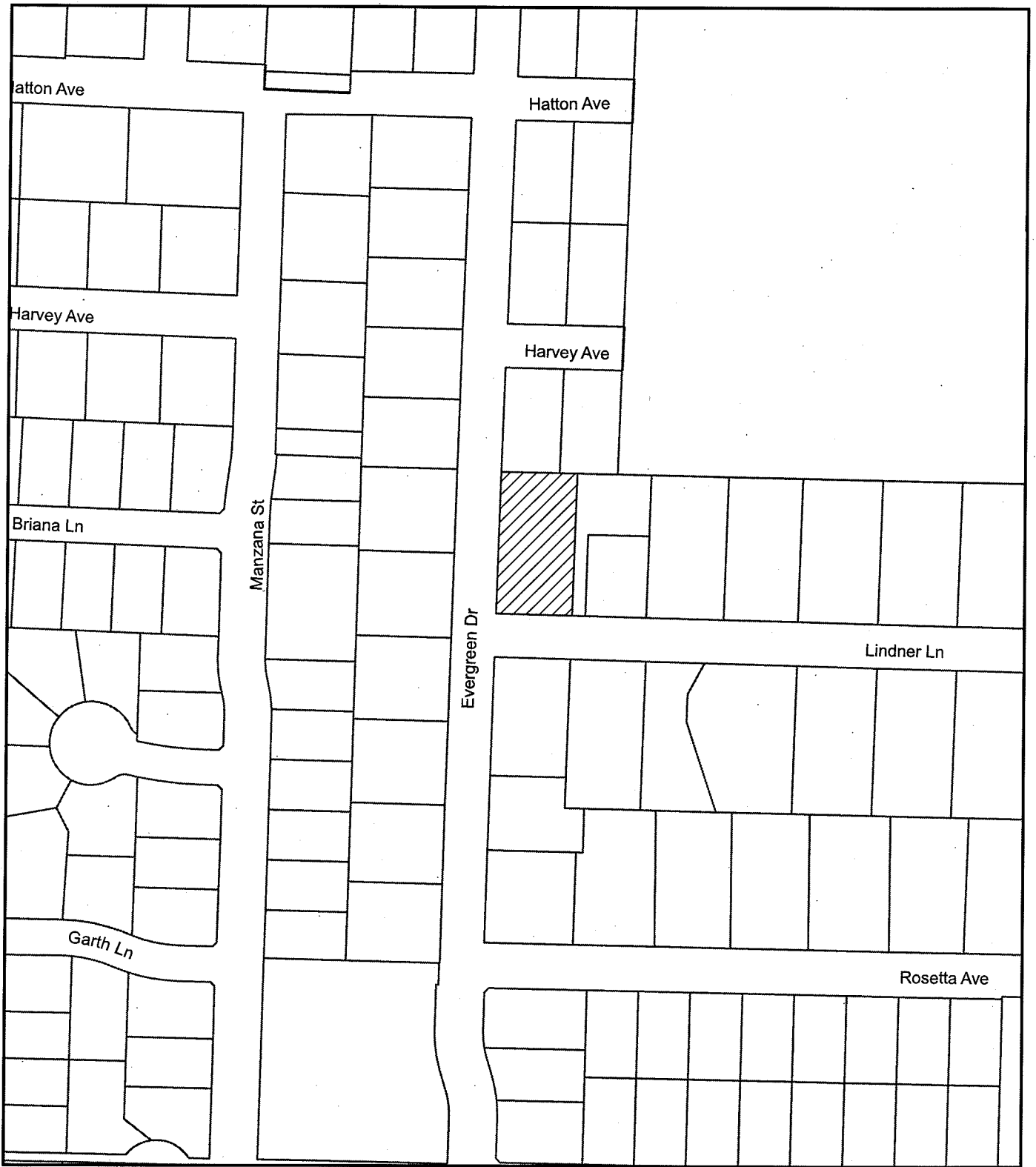
REGISTERED
PROFESSIONAL
LAND SURVEYOR




OREGON
JULY 16, 1987
SCOTT J. GOEBEL
2280

EXPIRES: 6/30/2011

Giudici/Elms (A 10-1)



 Area Proposed for Withdrawal

