

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



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

Meeting Date: January 22, 2013
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 4
Staff Contact: Becky Taylor
Contact Telephone Number: 541-682-5437

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 When properties are withdrawn from special districts upon annexation to the City, the City assumes responsibility for providing services (e.g. fire protection, water service) formerly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 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 2012 batch contains the three annexations approved in 2012 (for a total of five 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. 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, 2013, will result in the withdrawals taking effect on July 1, 2013, and those properties being included on the City tax roll immediately thereafter. Council action on the ordinance is scheduled for January 28, 2013.

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 A, B, and C) 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 City 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 January 28, 2013.

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 January 28, 2013.

SUGGESTED MOTION

None at this time. A suggested motion will be provided at the time of City Council deliberations and action scheduled for January 28, 2013.

ATTACHMENTS

A. Draft Ordinance, including Exhibits A, B, and C (legal descriptions and maps of properties).

FOR MORE INFORMATION

Staff Contact: Becky Taylor, Associate Planner

Telephone: 541-682-5437

Staff email: becky.g.taylor@ci.eugene.or.us

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR WITHDRAWAL OF ANNEXED PROPERTIES FROM 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 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 January 8 and 15, 2013, 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 January 22, 2013, at 7:30 p.m., in Harris Hall at the Lane County Public Service Building 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 River Road Park & Recreation District and from the River Road Water District, effective July 1, 2013:

File Name/Number: W. Dickinson Properties / A 11-1

Site Address: 925 River Road

Assessor's Map: 17-04-24-24; Tax Lots: 7701 and 7800

Location: East of River Road, north of McClure Lane, south of Oakleigh Lane, and more particularly described on Exhibit A attached to this Ordinance and incorporated herein by reference.

Annexation Approved: January 23, 2012, by Eugene Council Resolution #5052

Annexation Effective: January 26, 2012

File Name/Number: Satterwhite Family Trust / A 12-1

Site Address: 189 and 201 Crocker Lane

Assessor's Map: 17-04-25-21; Tax Lots: 2600 and 2801

Location: West of River Road, north of Crocker Lane, south of Hansen Lane, and more particularly described on Exhibit B attached to this Ordinance and incorporated herein by reference.

Annexation Approved: July 23, 2012, by Eugene Council Resolution #5066

Annexation Effective: July 30, 2012

File Name/Number: Robert and Jacqueline Getty

Site Address: Audel Avenue (no street number applicable)

Assessor's Map: 17-04-23-20; Tax Lot: 122

Location: West of Lake Drive, south of Howard Avenue, east of N. Park Avenue, and more particularly described on Exhibit C attached to this Ordinance and incorporated herein by reference.

Annexation Approved: July 23, 2012, by Eugene Council Resolution #5068

Annexation Effective: July 30, 2012

Section 2. The City Recorder is requested to forward a copy of this Ordinance to the above referred Districts.

Passed by the City Council this

28th day of January, 2013.

Approved by the Mayor this

____ day of January, 2013.

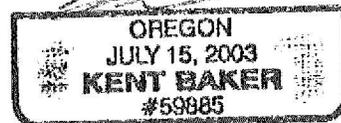
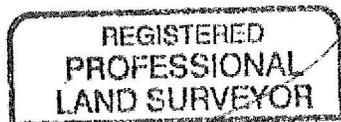
City Recorder

Mayor

Legal Description of Affected Territory to be Annexed

(Tax Lot #7701)

Commencing at the Southwest corner of the Benjamin Davis Donation Land Claim No. 45; thence East 4843.4 feet to a point on the easterly right-of-way line of River Road; thence along the easterly right-of-way line of River Road, parallel to and 30.00 feet from the centerline, North 17°00'00" West 365.94 feet to the intersection of the easterly right-of-way line of River Road with the northerly right-of-way line of McClure Lane; thence along the northerly right-of-way line of McClure Lane, East 155.10 feet; thence leaving the northerly right-of-way line of McClure Lane and running North 136.00 feet to the **POINT OF BEGINNING** of this tract of land; thence continuing North 89.90 feet; thence East 60.00 feet; thence South 89.90 feet; thence West 60.00 feet to the point of beginning, in Lane County, Oregon



Expires 12-31-2011

Exhibit A

Page 2 of 3

Legal Description of Affected Territory to be Annexed

(Tax Lot #7800)

Commencing at the Southwest corner of the Benjamin Davis Donation Land Claim No. 45; thence East 4843.4 feet to a point on the easterly right-of-way line of River Road; thence along the easterly right-of-way line of River Road, parallel to and 30.00 feet from the centerline, North 17°00'00" West 523.42 feet; thence East 20.91 feet to a point being parallel to and 50.00 feet from the centerline of River Road and the **POINT OF BEGINNING** of this tract of land; thence along the easterly right-of-way line of River Road, parallel to and 50.00 feet from the centerline, North 17°00'00" West 78.74 feet; thence leaving the easterly right-of-way line of River Road and running East 203.25 feet; thence South 75.30 feet; thence West 180.23 feet to the point of beginning, in Lane County, Oregon

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 15, 2003
KENT BAKER
#59885

Expires 12-31-2011

W. Dickinson Properties (A 11-1)

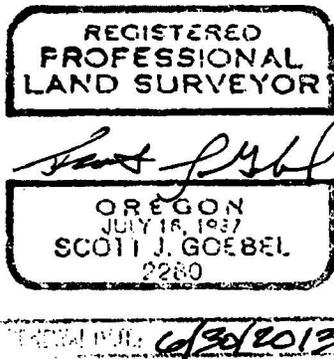


-  Withdrawal Area
-  Eugene City Limits



**LEGAL DESCRIPTION
TAX LOTS 2600 & 2801
MAP #17-04-25 21**

COMMENCING AT THE SOUTHWEST CORNER OF THE L. E. DAVIS DONATION LAND CLAIM NO. 42 IN TOWNSHIP 17 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN; THENCE EAST 3235.32 FEET; THENCE NORTH 8°40' WEST 116.82 FEET TO THE POINT OF INTERSECTION OF RIVER ROAD AND CROCKER LANE; THENCE FOLLOWING ALONG THE CENTERLINE OF CROCKER LANE NORTH 87°55'54" WEST 782.80 FEET; THENCE LEAVING SAID CENTERLINE, NORTH 2°04'06" EAST 20.00 FEET TO THE **TRUE POINT OF BEGINNING**, SAID POINT BEING ON THE NORTHERLY RIGHT-OF-WAY OF SAID CROCKER LANE; THENCE FOLLOWING ALONG SAID RIGHT-OF-WAY, NORTH 87°55'54" WEST 208.70 FEET; THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY, NORTH 2°04'06" EAST 100.00 FEET; THENCE NORTH 87°55'54" WEST 70.00 FEET; THENCE NORTH 2°04'06" EAST 58.55 FEET; THENCE SOUTH 87°55'54" EAST 180.40 FEET; THENCE NORTH 2°04'06" EAST 1.60 FEET; THENCE SOUTH 87°55'54" EAST 98.30 FEET; THENCE SOUTH 2°04'06" WEST 160.15 FEET TO THE **TRUE POINT OF BEGINNING**, CONTAINING 37,345 SQUARE FEET, MORE OR LESS, ALL WITHIN THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 17 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN, LANE COUNTY, OREGON.



Satterwhite Family Trust (A 12-1)



-  Withdrawal Area
-  Eugene City Limits



Exhibit C
Page 1 of 2
Legal Description
Getty Annexation

Lot 8, Block 1, First Addition Audel Estates, as recorded on Book 61, Page 5, Lane County Deeds and Records, Lane County, Oregon

Getty, Robert & Jacqueline (A 12-2)



-  Withdrawal Area
-  Eugene City Limits

