



COUNCIL RESOLUTION NO. 5421

RESOLUTION ANNEXING PORTIONS OF THE RIGHT-OF-WAY OF HOWARD AVENUE AND NORTH PARK AVENUE TO THE CITY OF EUGENE (AREAS IDENTIFIED AS A PORTION OF THE HOWARD AVENUE RIGHT-OF-WAY BETWEEN RIVER ROAD AND NORTH PARK AVENUE AND A PORTION OF THE NORTH PARK AVENUE RIGHT-OF-WAY BETWEEN MAXWELL ROAD AND HOWARD AVENUE (ASSESSOR'S MAP NOS. 17-04-13 AND 17-04-14))

PASSED: 7:0

REJECTED:

OPPOSED:

ABSENT: Evans

CONSIDERED: September 9, 2024



RESOLUTION NO. 5421

RESOLUTION ANNEXING PORTIONS OF THE RIGHT-OF-WAY OF HOWARD AVENUE AND NORTH PARK AVENUE TO THE CITY OF EUGENE (AREAS IDENTIFIED AS A PORTION OF THE HOWARD AVENUE RIGHT-OF-WAY BETWEEN RIVER ROAD AND NORTH PARK AVENUE AND A PORTION OF THE NORTH PARK AVENUE RIGHT-OF-WAY BETWEEN MAXWELL ROAD AND HOWARD AVENUE (ASSESSOR'S MAP NOS. 17-04-13 AND 17-04-14))

The City Council of the City of Eugene finds that:

A. An annexation application was submitted by the City of Eugene on July 22, 2024, in accordance with the provisions of Section 9.7810 of the Eugene Code, 1971, ("EC") for annexation to the City of Eugene of street right-of-way identified as that portion of the Howard Avenue right-of-way between River Road and North Park Avenue and that portion of the North Park Avenue right-of-way between Maxwell Road and Howard Avenue (Assessor's Map Nos. 17-04-13 and 17-04-14)).

B. The area proposed to be annexed is depicted on the map attached as Exhibit A to this Resolution. The legal description of the right-of-way proposed to be annexed is attached to this Resolution as Exhibit B.

C. The City's Planning Director has submitted a written recommendation that the application be approved based on the criteria of EC 9.7825. The Planning Director's Findings and Recommendation are attached to this Resolution as Exhibit C.

D. On August 9, 2024, a notice containing a description of the street right-of-way to be annexed and the Planning Director's preliminary recommendation was mailed to the applicant, owners and occupants of properties located within 500 feet of the perimeter of the areas to be annexed, and the River Road Community Organization. The notice advised that the City Council would consider the Planning Director's full recommendation on the proposed annexation on September 9, 2024.

E. After considering the Planning Director's recommendation, the City Council finds that the application should be approved.


NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EUGENE, a Municipal Corporation of the State of Oregon, as follows:

Section 1. Based on the above findings and the Planning Director's Findings and Recommendation which are attached as Exhibit C and are adopted in support of this Resolution, it is ordered that the street right-of-way identified as that portion of the Howard Avenue right-of-way between River Road and North Park Avenue and that portion of the North Park Avenue right-of-way between Maxwell Road and Howard Avenue (Assessor's Map Nos. 17-04-13 and 17-04-14)), and which is more particularly described in the attached Exhibit B, is annexed to the City of Eugene.

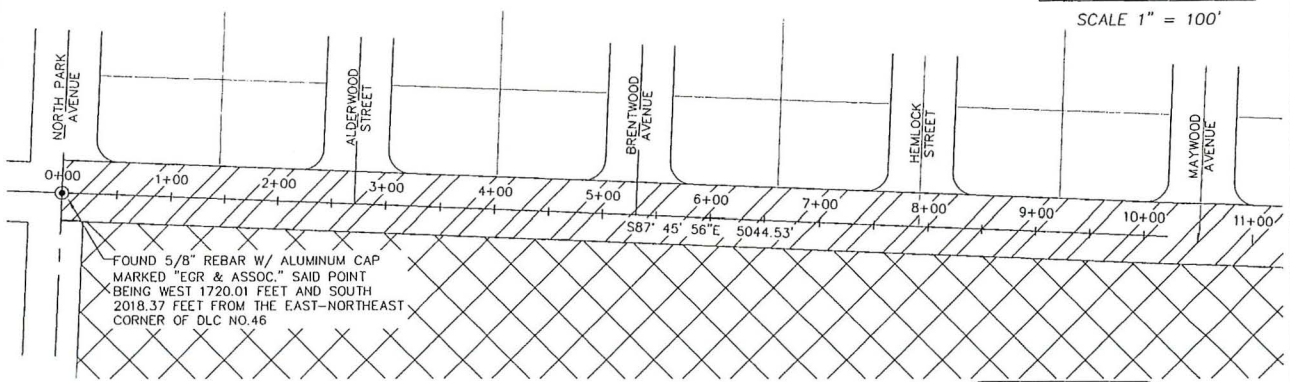
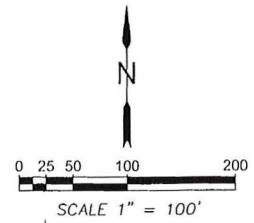
Section 2. This Resolution is effective immediately upon its passage by the City Council. The annexation shall become effective in accordance with State law.

The foregoing Resolution adopted the 9th day of September, 2024.



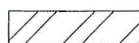

City Recorder

LAND ANNEXATION HOWARD AVENUE (COUNTY ROAD 1072)
 SE $\frac{1}{4}$ & SW $\frac{1}{4}$ SEC. 14 AND SW $\frac{1}{4}$ SEC. 13, T17S, R4W, W.M.
 LANE COUNTY, OREGON



FOUND 5/8" REBAR W/ ALUMINUM CAP
 MARKED "EGR & ASSOC." SAID POINT
 BEING WEST 1720.01 FEET AND SOUTH
 2018.37 FEET FROM THE EAST-NORTHEAST
 CORNER OF DLC NO.46

LEGEND

-  - AREA TO BE ANNEXED
-  - CITY LIMITS

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

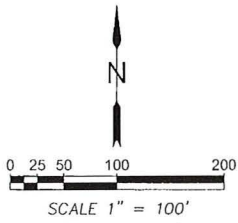
James W. Colton 2023/12/11

OREGON
 January 12, 1999
 JAMES W. COLTON
 58758
 RENEWAL DATE: DEC. 31, 2023

PROJECT NO. 900347
DATE: NOVEMBER 2023
REVISED :
SHEET 1 OF 5
CITY OF EUGENE
PUBLIC WORKS ENGINEERING
99 E. BROADWAY, SUITE 400, EUGENE, OR.
HOWARD AVENUE ANNEXATION



LAND ANNEXATION HOWARD AVENUE (COUNTY ROAD 1072)
 SE 1/4 & SW 1/4 SEC. 14 AND SW 1/4 SEC. 13, T17S, R4W, W.M.
 LANE COUNTY, OREGON

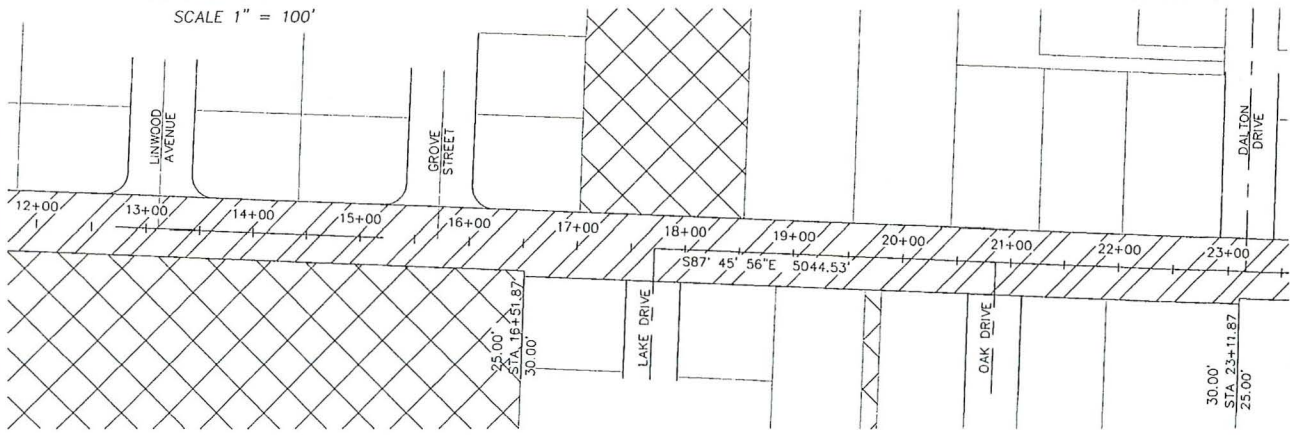


REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

James W. Colton 7/21/23 (12/11)

OREGON
 January 12, 1999
 JAMES W. COLTON
 58756

RENEWAL DATE: DEC. 31, 2023



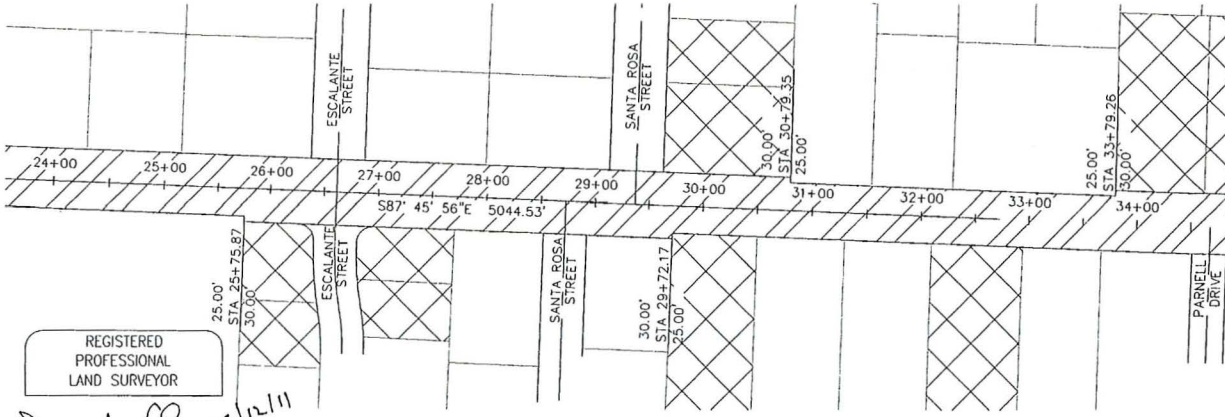
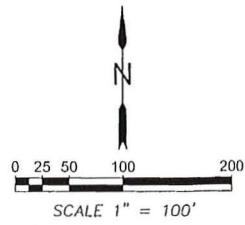
LEGEND

- AREA TO BE ANNEXED
- CITY LIMITS

PROJECT NO. 900347
DATE: NOVEMBER 2023
REVISED :
SHEET 2 OF 5
CITY OF EUGENE
PUBLIC WORKS ENGINEERING
99 E. BROADWAY, SUITE 400, EUGENE, OR.
HOWARD AVENUE ANNEXATION



LAND ANNEXATION HOWARD AVENUE (COUNTY ROAD 1072)
 SE $\frac{1}{4}$ & SW $\frac{1}{4}$ SEC. 14 AND SW $\frac{1}{4}$ SEC. 13, T17S, R4W, W.M.
 LANE COUNTY, OREGON



REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

James W. Colton 2015/12/11

OREGON
 January 12, 1989
 JAMES W. COLTON
 58756
 RENEWAL DATE: DEC. 31, 2023

LEGEND

-  - AREA TO BE ANNEXED
-  - CITY LIMITS

CITY OF EUGENE	PROJECT NO. 900347
PUBLIC WORKS ENGINEERING	DATE: NOVEMBER 2023
99 E. BROADWAY, SUITE 400, EUGENE, OR.	REVISED :
HOWARD AVENUE ANNEXATION	SHEET 3 OF 5



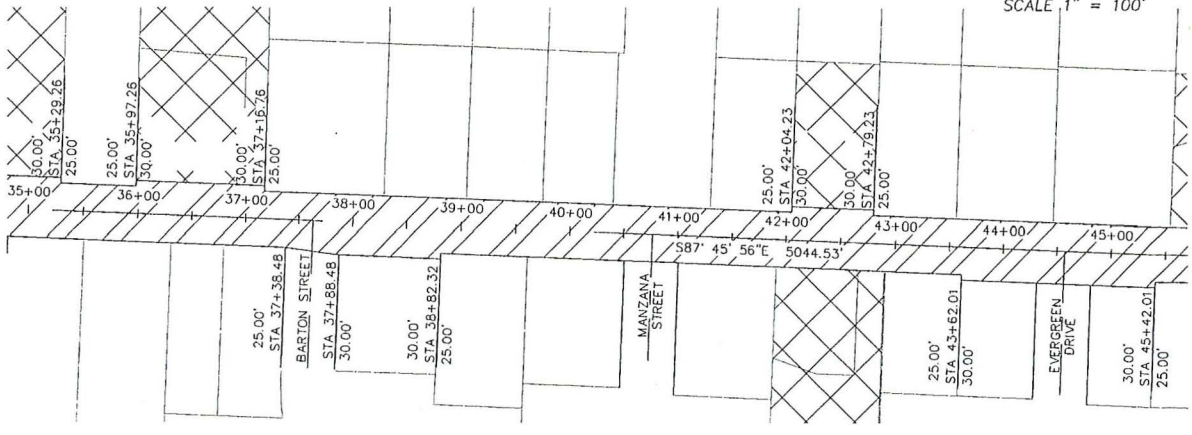
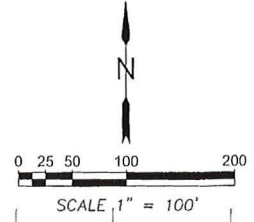
REGISTERED
PROFESSIONAL
LAND SURVEYOR

James W. Colton 2025/12/11



OREGON
January 12, 1999
JAMES W. COLTON
58756

RENEWAL DATE: DEC. 31, 2023

LAND ANNEXATION HOWARD AVENUE (COUNTY ROAD 1072)
SE $\frac{1}{4}$ # SW $\frac{1}{4}$ SEC. 14 AND SW $\frac{1}{4}$ SEC. 13, T17S, R4W, W.M.
LANE COUNTY, OREGON



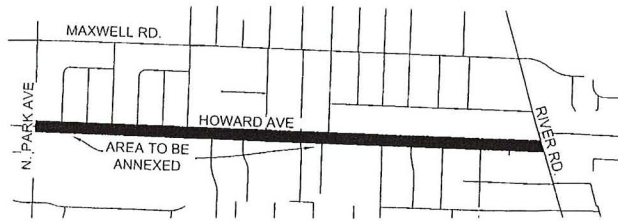
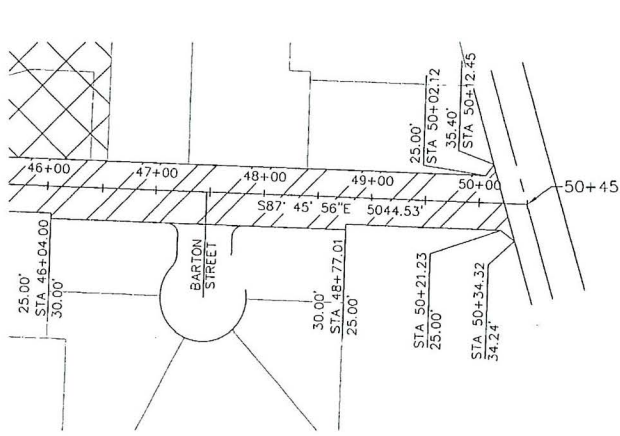
LEGEND

-  - AREA TO BE ANNEXED
-  - CITY LIMITS

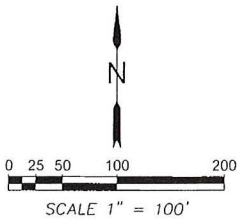
CITY OF EUGENE	PROJECT NO. 900347
PUBLIC WORKS ENGINEERING	DATE: NOVEMBER 2023
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HOWARD AVENUE ANNEXATION	SHEET 4 OF 5



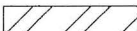

LAND ANNEXATION HOWARD AVENUE (COUNTY ROAD 1072)
 SE $\frac{1}{4}$ & SW $\frac{1}{4}$ SEC. 14 AND SW $\frac{1}{4}$ SEC. 13, T17S, R4W, W.M.
 LANE COUNTY, OREGON



VICINITY MAP
 NOT TO SCALE



LEGEND

-  - AREA TO BE ANNEXED
-  - CITY LIMITS

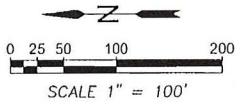
REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

James W. Colton 2023/12/11
 OREGON
 January 12, 1999
 JAMES W. COLTON
 58756
 RENEWAL DATE: DEC. 31, 2023

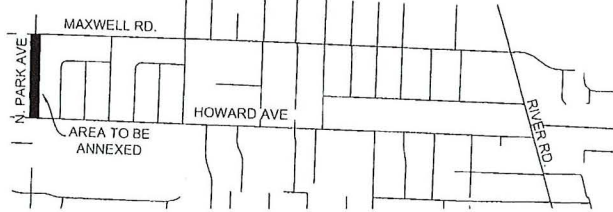
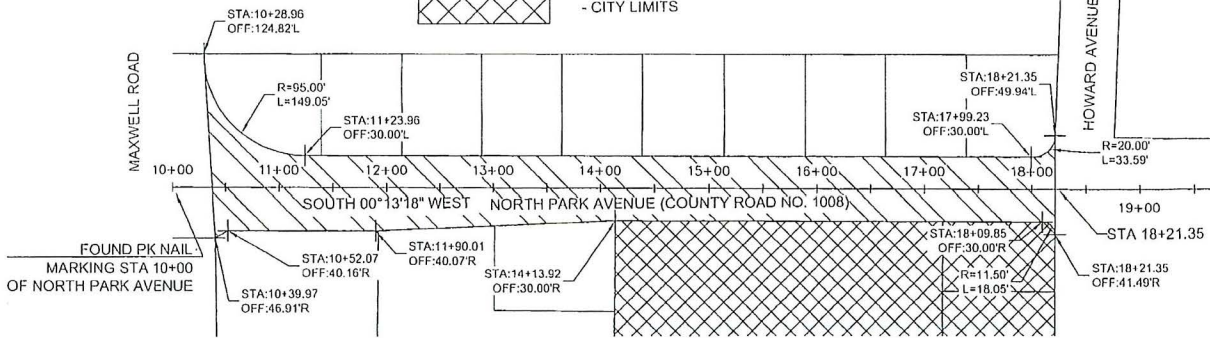
CITY OF EUGENE	PROJECT NO. 900347
PUBLIC WORKS ENGINEERING	DATE: NOVEMBER 2023
99 E. BROADWAY, SUITE 400, EUGENE, OR.	REVISED :
HOWARD AVENUE ANNEXATION	SHEET 5 OF 5



LAND ANNEXATION NORTH PARK AVENUE (COUNTY ROAD 1008)
 NW 1/4, SW 1/4, SEC. 14, T17S, R4W, W.M.
 LANE COUNTY, OREGON



LEGEND	
	- AREA TO BE ANNEXED
	- CITY LIMITS



VICINITY MAP
 NOT TO SCALE

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR
JWC 2024/5/14
 OREGON
 January 12, 1999
 JAMES W. COLTON
 58756
 RENEWAL DATE: DEC. 31, 2025

CITY OF EUGENE	PROJECT NO.
PUBLIC WORKS ENGINEERING	DATE: MAY 2024
180 WEST 8TH AVENUE, STE 200, EUGENE, OR	REVISED:
NORTH PARK AVENUE ANNEXATION	SHEET 1 OF 1



Howard Avenue (County Road No. 1072)
 Legal Description for Annexation
 Park Avenue to River Road

A strip of land variable in width lying on both sides of the centerline of Howard Avenue, County Road No. 1072, in the SW1/4 and the SE1/4 of Section 14 as well as the SW1/4 of Section 13, all within Township 17 South, Range 4 West, of the Willamette Meridian, Lane County, Oregon; the centerline and widths in feet being described as follows:

Beginning at a point that marks the Centerline Station 0+00.00, said station being a found 5/8" Rebar with an aluminum cap marked "EGR & Assoc." that was previously set is County Survey File No. 43423. Said point bears West 1720.01 feet and South 2018.37 feet of a found Lane County brass cap marking the East-Northeast corner of the J. McCabe Donation Land Claim (DLC) No. 46, Township 17 South, Range 4 West, of the Willamette Meridian; thence from the point of beginning run South 87°45'56" East 5044.53 feet to the centerline of River Road, said point being Centerline Station 50+44.53 and there ending, all within Lane County, Oregon.

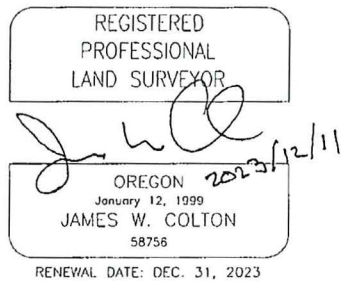
The widths in feet of the strip of land herein described are as follows:

<u>STATOIN TO STATION</u>	<u>WIDTH ON NORTHERLY SIDE OF CENTERLINE</u>
0+00.00 30+79.35	30.00 feet
30+79.35 33+79.26	25.00 feet
33+79.26 35+29.26	30.00 feet
35+29.26 35+97.26	25.00 feet
35+97.26 37+16.76	30.00 feet
37+16.76 42+04.23	25.00 feet
42+04.23 42+79.23	30.00 feet
42+79.23 50+05.12	25.00 feet
50+05.12 50+12.45	25.00 feet tapering on a straight line to 35.40 feet
<u>STATOIN TO STATION</u>	<u>WIDTH ON SOUTHERLY SIDE OF CENTERLINE</u>
0+00.00 16+51.87	25.00 feet
16+51.87 23+11.87	30.00 feet
23+11.87 25+75.87	25.00 feet
25+75.87 29+72.17	30.00 feet
29+72.17 37+38.48	25.00 feet
37+38.48 38.82.32	30.00 feet
38+82.32 43+62.01	25.00 feet
43+62.01 45+42.01	30.00 feet
45+42.01 46+04.00	25.00 feet

46+04.00 48+77.01	30.00 feet
48+77.01 50+21.23	25.00 feet
50+21.23 50+34.32	25.00 feet tapering on a straight line to 34.24 feet.

EXCEPT: All the portion of right of way within the existing right of way of North Park Avenue and River Road.

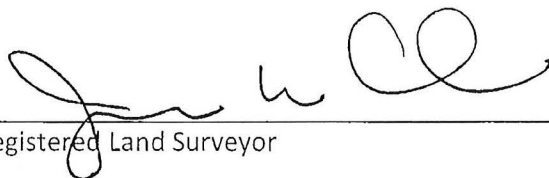
Bearings are based on the Oregon Coordinate System NAD83(91) – South Zone.



Certification of Description

Pursuant to EC 9.7810(7), Annexation Application Requirements, I hereby certify the metes and bounds description of the real property proposed for annexation closes; and the map outlining the boundary is a true representation of the description.

Signature:


Registered Land Surveyor

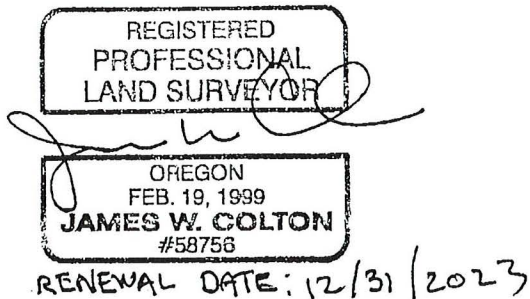
Print Name:

JAMES W. COLTON

Date:

12/11/2023

Seal:



**ROAD ANNEXATION
LEGAL DESCRIPTION
NORTH PARK, COUNTY ROAD NO. 1008**

All of Hawthorn Road, County Road Number 1008, between the north margin of Howard Avenue and the south margin of Maxwell Road in Northwest 1/4 of the Southwest 1/4 (NW1/4, SW1/4) of Section 14, Township 17 South, Range 4 West of the Willamette Meridian, the same being dedicated in the plat of HAWTHORN PLACE, Volume 12, page 25, Lane County Plat Records in Lane County Oregon, and through subsequent dedications, which is a strip of land variable feet in width lying on each side of the following described centerline:

Beginning at Centerline Station SP2 10+00.00 (POB), said Centerline Station being a found PK nail marking the intersection of Maxwell Road (County Road Number 1009) with said North Park Avenue at Maxwell centerline station M2 121+46.00 (POT); thence South 00°13'18" West, 1,224.29 feet to Centerline Station SP2 22+24.29 (EOP), and there ending, all in Lane County, Oregon.

The sidelines in feet of the strips of land herein described are as follows:

STATION	TO	STATION	WIDTH ON WEST SIDE OF CENTERLINE
L 10+00.00 POT		L 10+39.97 POT	46.91 feet
L 10+39.97 POT		L 10+52.07 POT	46.91 feet on a straight line to 40.16 feet
L 10+52.07 POT		L 11+90.01 POT	40.16 feet on a straight line to 40.07 feet
L 11+90.01 POT		L 14+13.92 POT	40.07 feet on a straight line to 30.00 feet
L 14+13.92 POT		L 18+09.85 POT	30.00 feet
L 18+09.85 POT		L 18+21.35 POT	Along the arc of a 11.50 foot radius curve to the right, a distance of 18.06 feet to 41.49 feet

STATION	TO	STATION	WIDTH ON EAST SIDE OF CENTERLINE
L 10+00.00 POT		L 10+28.96 POT	124.82 feet
L 10+28.96 POT		L 11+23.96 POT	Along the arc of a 95.00 foot radius curve to the left, a distance of 149.05 feet to 30.00 feet
L 11+23.96 POT		L 17+99.23 POT	30.00 feet
L 17+99.23 POT		L 18+21.35 POT	Along the arc of a 20.00 foot radius curve to the left, a distance of 31.36 feet to 49.94 feet

The bearings used herein are based on the Oregon Coordinate Reference System (OCRS), Eugene Zone, NAD 83 (CORS2011) EPOCH 2010.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 12, 2005
JEREMY ADRIAN SHERER
61284

RENEWS: 6/30/2022

Certification of Description

Pursuant to EC 9.7810(7), Annexation Application Requirements, I hereby certify the metes and bounds description of the real property proposed for annexation closes; and the map outlining the boundary is a true representation of the description.

Signature: _____


Registered Land Surveyor

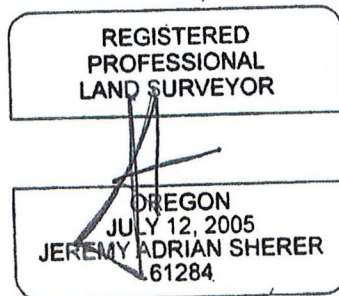
Print Name: _____

JEREMY A. SHERER

Date: _____

5/6/24

Seal:



RENEWS 6/30/2024



**Planning Director’s Findings and Recommendation:
Annexation Request for Howard and North Park
(City File: A 24-11)**

Application Submitted: July 22, 2024
Applicant: Jonathan Patrick, City of Eugene Public Works Engineering; 541-682-6854
Property Included in Annexation Request: Howard Avenue between River Road and North Park Avenue; North Park Avenue between Maxwell Road and Howard Avenue
Zoning: No applicable zoning (public street right-of-way)
Lead City Staff: Brai Black, Assistant Planner, City of Eugene Planning Division; 541-682-5437

EVALUATION:

Based on the information provided by the applicant, the City has determined that this request complies with Eugene Code (EC) Section 9.7805 Annexation - Applicability. As such, it is subject to review and approval in accordance with the requirements, application criteria and procedures of EC 9.7800 through 9.7835. The applicable approval criteria are presented below in bold typeface with findings and conclusions following each.

EC 9.7825(1) The land proposed to be annexed is within the city’s urban growth boundary and is:	
(a) Contiguous to the city limits; or	
(b) Separated from the city only by a public right of way or a stream, bay, lake or other body of water.	
Complies	Findings: The annexation area is within the Urban Growth Boundary and is contiguous to City limits, consistent with subsection (a).
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
EC 9.7825(2) The proposed annexation is consistent with applicable policies in the Metro Plan and in any applicable refinement plans.	
Complies	Findings: Several policies from the <u>Metro Plan</u> provide support for this annexation by encouraging compact urban growth to achieve efficient use of land and urban service provisions within the UGB, including the following policies from the Growth Management section (in <i>italic text</i>):
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<p><i>Policy 1. The UGB and sequential development shall continue to be implemented as an essential means to achieve compact urban growth. The provision of all urban services shall be concentrated inside the UGB. (page II-C-4)</i></p> <p><i>Policy 9. A full range of key urban facilities and services shall be provided to urban areas according to demonstrated need and budgetary priorities. (page II-C-5)</i></p> <p><i>Policy 10. Annexation to a city through normal processes shall continue to be the highest priority. (page II-C-5).</i></p> <p><i>Policy 15. Ultimately, land within the UGB shall be annexed to a city and provided with the required minimum level of urban facilities and services. While the time</i></p>

	<p style="text-align: center;"><i>frame for annexation may vary, annexation should occur as land transitions from urbanizable to urban. (page II-C-5)</i></p> <p>As discussed in this subsection, and further detailed under subsection (3) below, the proposed annexation is consistent with <u>Metro Plan</u> growth management policies. The proposed annexation of these sections of Howard Avenue and North Park Avenue will increase the effectiveness and efficiency of services provided by the City, and the allocation of municipal resources as discussed below.</p> <p>The <u>River Road - Santa Clara Urban Facilities Plan</u> is an adopted refinement plan for the subject street annexation. Regarding applicable policies within the refinement plan, a portion of the street annexation is within the Maxwell/Park Avenue subarea; however, none of those subarea policies are applicable to the request. The City’s proposed street annexation is consistent with the following policy under Section 3.8 Police Protection:</p> <p><i>Policy 1. As annexation occurs, Eugene shall provide for a level of police service comparable to that received in the remainder of the City. (page 3-25)</i></p> <p>Annexation of this section of right-of-way will create clear boundaries for police and other City services, which increases the effectiveness and efficiency of these services and the allocation of municipal resources.</p> <p>The <u>River Road - Santa Clara Neighborhood Plan</u> (RR/SC NP) is the other more recently adopted refinement plan applicable to the subject property. None of the Neighborhood Plan Policies in the “Vision Statement – Land Use” section of the RR/SC NP serve as mandatory approval criteria, but the following policies is relevant to the annexation request:</p> <p><i>Policy 5.5 Public Right-of-Way Management: City and County will continue to cooperatively work towards addressing jurisdictional issues in the right of way, including parking, maintenance, street improvements, and annexation issues.</i></p> <p><i>Policy 17.4 Annexation: Annexation of the River Road and Santa Clara areas will occur only through strict application of state laws and local policies (e.g., ability to extend key urban facilities and services in a timely manner). In each case, Eugene will make every reasonable attempt to provide for annexation only on a voluntary basis and according to prior individual property annexation agreements.</i></p> <p>The requested annexation supports Policy 5.5 by annexing right-of-way and transferring the jurisdictional responsibility to the City of Eugene; thus making annexation more available to adjacent properties and providing clarity on the jurisdictional responsibility for maintenance and future improvements.</p> <p>In alignment with Policy 17.4, this annexation request is both served by key urban facilities (see below) and is a voluntary annexation. Additionally, this annexation will</p>
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		<p>provide contiguity to other unannexed properties that are currently unable to annex and may choose to annex in the future.</p> <p>Therefore, based on the findings above, the proposal is consistent with the applicable policies of the <u>Metro Plan</u> and the applicable refinement plans.</p>
<p>EC 9.7825(3) The proposed annexation will result in a boundary in which the minimum level of key urban facilities and services, as defined in the Metro Plan, can be provided in an orderly, efficient, and timely manner.</p>		
<p>Complies</p>		<p>Findings: Consistent with this criterion, the proposed annexation will result in a boundary in which the minimum level of key urban facilities and services can be provided in an orderly, efficient, and timely manner as detailed below:</p>
<p><input checked="" type="checkbox"/> YES</p>	<p><input type="checkbox"/> NO</p>	<p><u>Wastewater</u> Wastewater facilities owned and maintained by the City currently exist within the right-of-way. The proposed annexation will not necessitate any new wastewater service extensions or affect the ownership and maintenance of the wastewater facilities in place.</p> <p><u>Stormwater</u> There are existing public stormwater systems within Howard Avenue and North Park Avenue. After the annexation process, a jurisdictional transfer will occur to transfer ownership and maintenance responsibility to the City of Eugene.</p> <p><u>Transportation</u> The proposed annexation will not affect the transportation functionality of these sections of Howard Avenue and North Park Avenue, which will continue to operate as key transportation facilities.</p> <p><u>Solid Waste</u> Collection service is provided by private firms. Regional disposal sites are operated by Lane County. The proposed annexation will have no effect on these services.</p> <p><u>Water and Electric</u> Eugene Water and Electric Board (EWEB) currently has overhead power lines within the proposed annexation area and a water line within these sections of Howard Avenue and North Park Avenue. The proposed annexation will have no effect on these facilities.</p> <p><u>Streets</u> Both Howard Avenue and North Park Avenue are classified as minor collector streets and are currently under Lane County jurisdiction. After the annexation process, a jurisdictional transfer will occur to transfer ownership and maintenance responsibility to the City of Eugene.</p> <p><u>Public Safety</u> Police protection will be extended upon annexation consistent with service provision throughout the City. Fire protection will continue to be provided by the Eugene</p>

	<p>Springfield Fire Department. Emergency medical services are currently provided on a regional basis and will also continue in the same manner upon annexation.</p> <p><u>Parks and Recreation</u> Parks and recreation programs are provided on a City-wide basis. The inclusion of the subject area in the City is sufficient evidence to demonstrate the minimum level of this key urban service is met.</p> <p><u>Planning and Development Services</u> Planning and building permit services are already provided for all areas located within the Urban Growth Boundary by the City of Eugene.</p> <p><u>Communications</u> Communications infrastructure and service already exists within the street right-of-way. The proposed annexation will have no effect on these facilities. Any future communication facilities or infrastructure will require a right-of-way permit and approval by the Public Works Maintenance Division of the City of Eugene.</p> <p><u>Public Schools</u> The subject annexation area is within Eugene School District 4J. As access to schools is evaluated on a district wide basis, the annexation area’s location within a school district is sufficient evidence to demonstrate the minimum level of this key urban service is met.</p>
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CONCLUSION:

Based on the above findings, information submitted to date, and the criteria set forth in EC 9.7825, the proposed annexation is consistent with the applicable approval criteria. A map and legal description showing the area subject to annexation are included in the application file for reference. The effective date of the annexation will be set in accordance with State law.

INFORMATIONAL ITEMS:

Approval of this annexation does not relieve the applicant from complying with applicable codes and statutory requirements.