

ORDINANCE NO. 4053

An Ordinance rezoning certain property from existing County zone of LDR-9000 (Low-density Residential, 9,000 square foot minimum) to a City zone of R-2 (Single-family Residential) on a parcel of land approximately 1.94 acres in size located off Morgan Lane.

WHEREAS, the Planning Commission received an application for a zone change (ZC 21-79) dated September 7, 1979, on the property described as Tax Lot 2300, Section 28, Township 4 South, Range 4 West, Willamette Meridian; and

WHEREAS, a public hearing was held on October 11, 1979, at 7:00 p.m. before the Planning Commission after due notice had been given in the local newspaper on October 1, 1979, and written notice had been mailed to property owners within 300 feet of the affected property; and

WHEREAS, at said public hearing the testimony of the applicant and surrounding property owners was received and a staff report was presented; and

WHEREAS, the Planning Commission being fully informed about said zone change, and based on the observations and the findings of fact has approved said zone change and has recommended said change to the Council; now, therefore,

THE CITY OF McMinnville Ordains as follows:

Section 1. That the Council adopts the findings and conclusions of the Planning Commission, staff report on file in the Planning Department, and the application filed by Arno Heino.

Section 2. That the property described in Exhibit "A," which is attached hereto and by this reference incorporated herein, shall be rezoned from existing County zone of LDR-9000 (Low-density Residential, 9,000 square foot minimum) to a City zone of R-2 (Single-family Residential), subject to the following condition:

- (a) That before the City Council approves the zone change, five feet of land the entire length of the subject site frontage on Morgan Lane must be dedicated to the City for public right-of-way, and a five-foot utility easement provided adjacent to the Morgan Lane right-of-way.

Section 3. That this ordinance shall be subject to the terms and conditions of Ordinance 3823, entitled "Initiative and Referendum," for a period of thirty days.

Passed by the Council this 6 day of November, 1979, by the following votes:

Ayes: Willoughby, Hamby, Allen, Wilson and Porter

Nays: _____

Approved this 6 day of November, 1979.

Attest:

Margaret E. Kerber
RECORDER

Harmon R. Smith
MAYOR

EXHIBIT A

All that portion of the following described property lying West of the Three Mile Lane Highway:

Part of the Samuel Cozine Donation Land Claim No. 56 and part of the Nehemiah Martin Donation Land Claim No. 83 in Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, described as follows:

Beginning at a point 16.08 chains North and 3.31 1/2 chains West of the Southeast corner of said Cozine Claim; which beginning point is also the Northeast corner of land conveyed by Estella A. Speake to Sam H. Speake by deed recorded September 29, 1953 in Book 171, Page 245, Deed Records; thence North 2°30' West 3.85 chains to the Southwest corner of land conveyed by Rhoda Deaton to Engle and Worth Lumber Company, a corporation, by deed recorded August 7, 1946, in Book 136, Page 854, Deed Records; thence East along the South line of said Engle & Worth Lumber Company tract 13.00 chains to the center of the Yamhill River; thence South 55°56' East following the center line of the Yamhill River to the Northwest corner of tract conveyed by B. A. Kliks to Louise B. Kliks by deed recorded March 5, 1937, in Book 112, Page 276, Deed Records; thence South along the West line of said Louise B. Kliks tract to the Northeast corner of land conveyed by Neil J. Mann to Wallace Townley by deed recorded April 15, 1935, in Book 110, Page 252, Deed Records, thence North 89 1/2° West along the North line of said Townley tract and the North line of land conveyed by Eileen M. Andrews to William M. Ramsey by deed recorded on September 28, 1934, in Book 109, Page 340, Deed Records, 15.68 chains to the place of beginning.

SAVE AND EXCEPT that certain tract of land described in Film Volume 143, Page 1013, Deed Records of Yamhill County, Oregon.