

ORDINANCE NO. 4612

An Ordinance annexing to the City of McMinnville the following described area and territory and withdrawing said area and territory from the McMinnville Rural Fire Protection District:

A parcel of land approximately 4.88 acres in size located west of McDonald Lane and north of 30th Street and is described as Tax Lots 200, 500, and 600, Section 9, T. 4 S., R. 4 W., W.M.

RECITALS

That Leonard Johnson is the owner of the tract of land described in Exhibit "A," which is attached hereto and by this reference incorporated herein and has either petitioned or consented to the annexation of said territory to the City of McMinnville; and

That said area and territory described in Exhibit "A" is a part of the McMinnville Rural Fire Protection District; McMinnville Rural Fire Protection District has no liabilities or indebtedness; and the City of McMinnville, Oregon, is furnishing fire protection to the McMinnville Rural Fire Protection District under a contract between said municipalities; and

That pursuant to Ordinance 4357, the Planning Director of the City of McMinnville, Oregon, caused notice of a public hearing on the request of said annexation and withdrawal from the McMinnville Rural Fire Protection District to be published not less than five days nor more than fifteen days before the hearing. In addition, written notice of the requested change was mailed to all owners of property within three hundred feet of the exterior boundary of the subject property not less than twenty days nor more than thirty days before the hearing. Proof of publication and written notice is on file in the Planning Department office; and

That said public hearing was held on the 14th day of March 1996, at 7:30 p.m. before the McMinnville Planning Commission in the McMinnville School District Board Room in the City of McMinnville, Oregon, at which time all interested persons thus appearing were invited to be heard on the question of the annexation of said area and territory herein first described; and

THE CITY OF McMINNVILLE ORDAINS AS FOLLOWS:

Section 1. That based on the evidence received by the Planning Commission at the public hearing held on March 14, 1996 as regards the area and territory herein described, the Council adopts the findings as contained in the record for the annexation request and bases its approval on the McMinnville Comprehensive Plan and the applicable City and state statutes, all of which are evidenced in the record.

Section 2. That inasmuch as the owners of and one hundred percent of the electors living within the area and territory described and designated herein have consented in writing to the annexation of said contiguous area and territory, and the consent is on file in the Planning Director's office in the City of McMinnville, Oregon, and no objection to the proposed annexation having been made, IT IS HEREBY ORDERED, DECLARED, AND PROCLAIMED

that the area and territory herein described be and the same is hereby annexed to the City of McMinnville, Yamhill County, State of Oregon.

Section 3. That the Recorder of the City of McMinnville, Yamhill County, Oregon, is hereby authorized and directed to make and submit to the Secretary of State of the State of Oregon, the Assessor of Yamhill County, State of Oregon, and the County Clerk of Yamhill County, State of Oregon, a certified copy of the following documents:

- (a) A copy of this ordinance.
- (b) A copy of written consent of landowners and electors of said area and territory.

Section 4. That the area and territory hereinabove referred to is withdrawn from the McMinnville Rural Fire Protection District subject to the annexation becoming final.

Section 5. That this ordinance shall be subject to the terms and conditions of Ordinance No. 3823, entitled "Initiative and Referendum," for a period of thirty days.

First Reading - Read and passed by the Council this 9th day of April 1996 by the following votes:

Ayes: Hughes, Massey, Payne, Tomcho, Windle

Nays: Kirchner

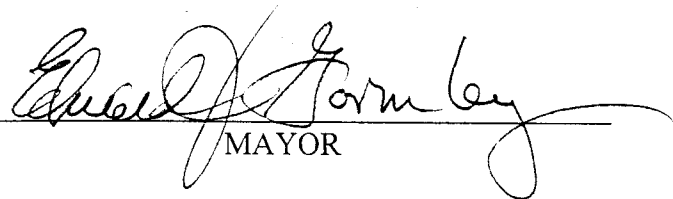
Second Reading - Read and passed by the Council this 23rd day of April 1996 by the following votes:

Ayes: Hughes, Massey, Payne, Tomcho, Windle

Nays: Kirchner

Abstentions: \_\_\_\_\_

Approved this 23rd day of April 1996.

  
MAYOR

Attest:

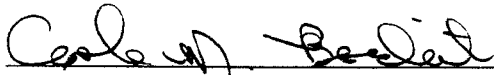
  
RECORDER

EXHIBIT "A"

Being a tract of land in the James T. Hembree Donation Land Claim No. 46 in the Southwest 1/4 of Section 9, Township 4 South, Range 4 West, Willamette Meridian, Yamhill County, Oregon and being Lots 1, 2, 3, 4, and 5, Tract 12, WESTERN INCREASING INCOME ESTATES, an unrecorded plat in Yamhill County, Oregon and being more particularly described as follows:

Beginning at the Southwest corner of Lot 5, Tract 5, which is 64.72 feet South 00°44' West, 473.89 feet East and 103.64 feet North from an iron pipe at the Northeast corner of the John G. Baker Donation Land Claim No. 48 in said Township and Range; thence East along the south line of said Lot, a distance of 424.28 feet; thence North 585.63 feet to the Northeast corner of Lot 1; thence West 369.35 feet to the Northwest corner of Lot 1; thence South 585.63 feet to the place of Beginning of this description and containing 5.7 acres, more or less.