

ORDINANCE NO. 263

AN ORDINANCE APPROVING THE ANNEXATION OF "OLD WIRELESS LANE" AND A PORTION OF SOUTHWEST BOULEVARD INTO THE CITY OF COOS BAY, COOS COUNTY OREGON, AND ZONING THE PROPERTY SO ANNEXED SINGLE FAMILY AND DUPLEX RESIDENTIAL (R-2)

The City of Coos Bay ordains as follows:

Section 1. Findings.

(a) Required Consents.

(1) On November 15, 1997, a petition for annexation of certain real property contiguous to the City of Coos Bay commonly known as "Old Wireless Lane," more particularly described in "Exhibit A" which is attached hereto and incorporated herein by reference, and for amending the City of Coos Bay Comprehensive Plan and Coos Bay Ordinance No. 93 to allow for such annexation was filed by William Warnken, Shirley Warnken, Duane Wright, Joyce Wright, and L. Charles Gault, owners of Tax Lots 900, 1000, 1100, 1200, 1300, and 1400, all located in T26 R13 S3 DB, Coos County, Oregon.

(2) On August 5, 1998, the Coos County Board of Commissioners adopted Resolution 98-07-064L, consenting to the annexation in the City of Coos Bay the following described real property owned by Coos County and located within the territory described in Exhibit A, and more particularly described as a tract of land:

Beginning at a point on the east right-of-way line of Southwest Blvd. located N 89° 59' E a distance of 173.26 feet from the center of Section 3, Township 26 South, Range 13 West, W.M., Coos County, Oregon, said point also being located on the center E-W quarter section line of said Section 3 and the south line of Gov. Lot 3; thence along said east right-of-way line S 16° 10' W a distance of 59.03 feet; thence, S 33° 43' W a distance of 145.90 feet; thence, N 89° 54' E a distance of 75.00 feet to a point located S 40° 09' E a distance of 232.71 feet from the center of Section 3; thence, S 0° 06' W a distance of 200.00 feet; thence, leaving the east right-of-way line S 89° 54' W a distance of 60.00 feet to the west right-of-way line of Southwest Blvd.; thence, northerly along said right-of-way line N 0° 06' E a distance of 26.50 feet; thence, N 15° 31' 27" W a distance of 35.00 feet; thence, N 44° 27' W a distance of 54.90 feet; thence, S 89° 54' W a distance of 42.50 feet to the center N-S quarter section line of Section 3; thence, along said quarter section line N 0° 07' E a distance of 87.20 feet; thence, N 33° 43' E a distance of 189.50 feet; thence, N 16° 10' E a distance of 21.39 feet to the center E-W quarter section line of Section 3; thence, along said quarter section line N 89° 59' E a distance of 62.48 feet to the point of beginning, containing 35,385 sq. ft. and all lying within the Northwest Quarter of the Southeast Quarter of Section 3, Township 26 South, Range 13 West of the Willamette Meridian, Coos County, Oregon.

RETURN TO: Deputy Recorder
City of Coos Bay
500 Central Avenue
Coos Bay OR 97420

(3) On July 16, 1998, the following named persons, comprising not less than fifty percent of the electors residing in the territory to be annexed, filed with the City Council of the City

of Coos Bay written consent to the annexation of the territory into the City of Coos Bay: George Curtis, Patricia A. Curtis, Leslie D. Gault, Linda Sue Gault and Mark A. Wright.

(d) Compliance with Coos Bay Ordinance No. 93, Chapter 5.20.

(1) Upon receipt of the petition of annexation by the above-mentioned property owners and request by the signatories of the petition to amend the City of Coos Bay Comprehensive Plan to include the territory within the City of Coos Bay urban growth boundary and to change the zoning designation for the territory to be annexed from EFU to R-L, the City Council of the City of Coos Bay, pursuant to Coos Bay City Ordinance No. 93, Chapter 5.20, set December 9, 1997, 7:00 p.m. in the City Council Chambers of the City of Coos Bay as the date, time and place for a public hearing before the Planning Commission.

(2) Hearing was held before the Planning Commission on December 9, 1997. After consideration of the file, evidence and testimony, if any, for and against the proposed amendment to the City of Coos Bay Comprehensive Plan and rezoning of the above-described territory, the Planning Commission voted to recommend that the City Council approve Comprehensive Plan Amendment 97-76 including the territory proposed to be annexed within the City of Coos Bay urban growth boundary and recommending identifying the territory on the City of Coos Bay Comprehensive Plan map as low density residential (R-L), and to recommend to the City Council that the territory be zoned Single Family and Duplex Residential (R-2), which recommendations have been received and considered by the City Council.

(3) Notice of the adoption of Resolution 98-19, amending the City of Coos Bay Comprehensive plan to include the above-described property within the City of Coos Bay urban growth boundary and to change the zoning designation for the property from EFU to R-L, and adoption of Coos Bay Ordinance No. 263 annexing the above-described property and zoning the property Single Family and Duplex Residential (R-2), was published according to the requirements of Coos Bay Ordinance No. 93, Chapter 5.3, Section (2)(2).

(4) Coos Bay Ordinance No. 93, setting forth the additional procedures for annexation under the City of Coos Bay Land Development Ordinance and the procedures for zoning real property located within the City of Coos Bay, has been complied with.

(e) Amendment of City of Coos Bay Comprehensive Plan. Upon consideration of the Planning Commission's recommendation for amending the City of Coos Bay Comprehensive Plan to include the above-described property within the City of Coos Bay urban growth boundary and for changing the zoning designation for the property to be annexed from EFU to R-L, and upon consideration of the file, evidence and testimony, if any, for and against such action, the City Council of the City of Coos Bay adopted Resolution 98-19 on August 18, 1998, amending the City of Coos Bay Comprehensive Plan to include the above-described property within the City of Coos Bay urban growth boundary and to change the zoning designation for the property to be annexed from EFU to R-L.

(f) Approval of Annexation without Election or Hearing Pursuant to ORS 222.125. Having received the written consent of all the owners of land in the territory to be annexed and the written consent of not less than fifty percent of the electors residing in the territory to be annexed, such consents having been filed with the City Council of the City of Coos Bay, the City Council of the City of Coos Bay finds, pursuant to ORS 222.125, that no election to approve the annexation and no public hearing before the City Council pursuant to ORS 222.120 need be held, that the annexation of the territory complies with the City of Coos Bay Comprehensive Plan and that the territory should be annexed into the City of Coos Bay.

(g) Approval of Annexation without Election or Hearing Pursuant to ORS 222.125. Having received the written consent of all the owners of land in the territory to be annexed and of not less than fifty percent of the electors residing in the territory to be annexed, such consents having been filed with the City Council of the City of Coos Bay, the City Council of the City of Coos Bay finds, pursuant to ORS 222.125, that no election to approve the annexation and no public hearing before the City Council pursuant to ORS 222.120 need be held regarding the annexation of the real property described in Exhibit A, that annexation of the property complies with the City of Coos Bay Comprehensive Plan and that the property should be annexed into the City of Coos Bay.

(h) Determination of Zoning of Area Subject to Annexation. Upon consideration of the Planning Commission's recommendation for a zoning designation of the territory, and upon consideration of the file, evidence and testimony, if any, for and against assigning a zoning designation to the territory of Single Family and Duplex Residential (R-2), the City Council of the City of Coos Bay makes the following findings:

- (1) The territory subject to annexation contains six parcels ranging in size from 0.15 acres to 0.50 acres;
- (2) Five of the six parcels contain single family or duplex residential dwellings;
- (3) All parcels in the territory subject to annexation have had residential-type uses for approximately seventy-nine years;
- (3) The territory subject to annexation have historically been built and committed to residential use, and no other use of the area can reasonably occur;
- (4) Pursuant to City of Coos Bay Ordinance 93, Chapter 5.14, the territory should be zoned Single Family and Duplex Residential (R-2).

Section 2: Annexation of Property Into City of Coos Bay. The real property contiguous to the City of Coos Bay and described "Exhibit A" is hereby annexed to and made a part of the City of Coos Bay.

Section 3: The real property described "Exhibit A" is hereby zoned Single Family and Duplex Residential (R-2).

The foregoing ordinance was enacted by the City Council of the City of Coos Bay this 18th day of August, 1998, by the following vote:

Yes:	Mayor Verger and Councilors Joe Benetti, Jeff McKeown, Cindi Miller, Don Spangler, Kevin Stufflebean, and Judy Weeks.
No:	None
Absent:	None

Joanne Verger
Mayor of the City of Coos Bay
Coos County, Oregon

ATTEST:

Joyce Jansen
Deputy Recorder of the City of Coos Bay
Coos County, Oregon

State of Oregon)
County of Coos)
City of Coos Bay)

On this 19th day of August , 1998, before me appeared Joanne Verger, to me personally known, who, being duly sworn, did say that she, Joanne Verger, was the Mayor for the City of Coos Bay, an Oregon municipal corporation, and Joyce Jansen, Deputy Recorder of the City of Coos Bay, and that the foregoing instrument was signed and sealed on behalf of the City of Coos Bay by the authority of the members of the City Council for the City of Coos Bay, and did acknowledge the foregoing instrument to be the free act and deed of the City of Coos Bay.

Notary Public for Oregon
My commission expires _____

"Exhibit A"

Legal Description for Old Wireless Lane Annexation

Beginning at a point on the east right-of-way line of Southwest Blvd. located N 89° 59' E a distance of 173.26 feet from the center of Section 3, Township 26 South, Range 13 West, W.M., Coos County, Oregon, said point also being located on the center E-W quarter section line of said Section 3 and the south line of Gov. Lot 3; thence, along said east right-of-way line S 16° 10' W a distance of 59.03 feet; thence, S 33° 43' W a distance of 145.90 feet; thence, N 89° 54' E a distance of 75.00 feet to a point located S 40° 09' E a distance of 232.71 feet from the center of Section 3; thence, N 89° 54' E a distance of 300 feet; thence, S 0° 06' E a distance of 12.5 feet; thence, N 89° 54' E a distance of 116.4 feet to the low water line of Coal Bank Slough; thence, southerly along said low water line S 29° 32' 45" W a distance of 201.36; thence, leaving said low water line S 89° 54' W a distance of 17.5 feet; thence, S 0° 06' E a distance of 12.5 feet; thence, S 89° 54' W a distance of 300 feet to the east right-of-way line of Southwest Blvd.; thence, leaving said east right-of-way line S 89° 54' W a distance of 60.00 feet to the west right-of-way line of Southwest Blvd.; thence, northerly along said right-of-way line N 0° 06' E a distance of 26.50 feet; thence, N 15° 31' 27" W a distance of 35.00 feet; thence, N 44° 27' W a distance of 54.90 feet; thence, S 89° 54' W a distance of 42.50 feet to the center N-S quarter section line of Section 3; thence, along said quarter section line N 0° 07' E a distance of 87.20 feet; thence, N 33° 43' E a distance of 189.50 feet; thence, N 16° 10' E a distance of 21.39 feet to the center

E-W quarter section line of Section 3; thence, along said quarter section line N 89° 59' E a distance of 62.48 feet to the point of beginning; containing 107,100 sq. ft. and all lying within the Northwest Quarter of the Southeast Quarter of Section 3, Township 26 South, Range 13 West of the Willamette Meridian, Coos County, Oregon.