

**ORDINANCE NO. 18-175-05**

**AN ORDINANCE ANNEXING APPROXIMATELY 6.1 ACRES OF LAND COMPRISING THE DAVIS CREEK SITE; AMENDING THE COMPREHENSIVE PLAN MAP AND ASSIGNING CITY ZONING DESIGNATIONS TO PROPERTIES WITHIN THE ANNEXED TERRITORY.**

WHEREAS, the City of John Day (“City”) is the owner of the property identified as Tax Lot 102 and 3100 on Grant County Assessor’s Map 13S-31E-22D and Tax Lot 1404 on Grant County Assessor’s Map 13S-31E-23CB (collectively, the “City Property”); and

WHEREAS, Mid County Cemetery District is the owner of the property identified as Tax Lot 3000 on Grant County Assessor’s Map 13S-31E-22D (the “Cemetery Property”); and

WHEREAS, the City Property and the Cemetery Property are collectively referred to herein as the “Annexed Territory”; and

WHEREAS, the Annexed Territory is located outside of the city limits; and

WHEREAS, the City, with the consent of the other owner of the Annexed Territory, made application under Planning File No. AMD-18-03 to annex the Annexed Territory into the City and change the Comprehensive Plan designation for the Annexed Territory from Suburban Residential (SR) and General Industrial (GI) to Park Reserve (PR); and

WHEREAS, City scheduled a public hearing on October 23, 2018 before the City’s Planning Commission on the proposed annexation and Comprehensive Plan amendment; and

WHEREAS, after considering all the evidence and testimony in the record, and fully deliberating the matter, the Planning Commission recommended that the City Council approve the proposed annexation and comprehensive plan amendment; and

WHEREAS, City scheduled a public hearing before the City Council on November 13, 2018, provided required notice to affected parties, published notice in a local newspaper of general circulation for two consecutive weeks, and posted notice in four public places within the city limits (e.g. John Day City Hall, U.S. Post Office, Grant County Clerk’s Office, and Grant County Library) of such hearing; and

WHEREAS, City Council, after reviewing all relevant materials, evaluating compliance with applicable law, and considering written comments and public testimony, deliberated the matter fully, approved the annexation, and voted to dispense with submitting the question of annexation to the electors of the City; and

WHEREAS, City proclaims the Annexation approved as of January 1, 2019, the effective date of this Ordinance No. 18-175-05 (this “Ordinance”).

NOW, THEREFORE, the City of John Day ordains as follows:

1. Findings. The findings stated above and those contained within the staff report for AMD-18-03 attached hereto as Exhibit A are hereby adopted.

2. Annexed Territory. The properties identified in the attached Exhibit B, legally described in the attached Exhibit C and generally depicted on the attached Exhibit D, including all rights-of-ways within the Annexed Territory are hereby annexed and incorporated into the City.

3. Comprehensive Plan Amendment and Zoning Designation. City hereby amends its Comprehensive Plan Map as shown on the attached Exhibit E. The zoning designations established by the City's Comprehensive Plan Map, as amended, are hereby assigned to the lands within the Annexed Territory. The updated Zoning Map depicting the Annexed Territory is attached as Exhibit F. Land within the Annexed Territory is hereby subject to the City's land use regulations and the permitting requirements.

4. Assessment and Taxation. Land within the Annexed Territory shall be assessed and taxed in the same manner as other similarly situated property within the City as of the effective date of this Ordinance.

5. Notification to Appropriate Agencies and Utilities. The City Recorder will cause notice of the Annexation to be recorded with the Grant County Clerk within sixty (60) days of the date the City Council proclaims the Annexation approved.

The City Recorder will file with the Grant County Assessor and the Oregon Department of Revenue legal descriptions and accurate maps showing the Annexed Territory.

Notification will also be forwarded to the appropriate state agencies, Grant County Clerk, Grant County GIS Department, Grant County Community Development Department, to all utilities subject to notice pursuant to ORS 222.005, and to all other parties entitled to notice.

7. Authorization; Interpretation; Severability; Corrections. The City Manager is authorized to take all actions necessary or appropriate to effectuate the purposes of this Ordinance. All pronouns contained in this Ordinance and any variations thereof will be deemed to refer to the masculine, feminine, or neutral, singular or plural, as the identity of the parties may require. The singular includes the plural and the plural includes the singular. The word "or" is not exclusive. The words "include," "includes," and "including" are not limiting. Any reference to a particular law, statute, rule, regulation, code, or ordinance includes the law, statute, rule, regulation, code, or ordinance as now in force and hereafter amended.

If any section, subsection, sentence, clause, and/or portion of this Ordinance is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Ordinance.

This Ordinance may be corrected by order of the City Council to cure editorial and/or clerical errors.

[signatures on next page]

This Ordinance was PASSED and ADOPTED by the City Council by a vote of \_\_\_ for and \_\_\_ against and APPROVED by the mayor on this \_\_\_<sup>th</sup> day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Ron Lundbom, Mayor

ATTEST:

\_\_\_\_\_  
Nicholas Green, City Manager

**EXHIBIT A  
STAFF REPORT FOR PLANNING FILE NO. AMD-18-03**

**[attached]**

**EXHIBIT B**  
**LIST OF ANNEXED PROPERTIES**

Tax Lots: Grant County Assessor's Map 13S-31E-22D, Tax Lots 3000, 3001, and 102  
Grant County Assessor's Map 13S-31E-23CB, Tax Lot 1404

**EXHIBIT C**  
**LEGAL DESCRIPTION OF ANNEXED TERRITORY**

**TRACT 1** (*Includes 13S31E23CB T.L. 1404, a portion of 13S31E23CB T.L. 1402 and a portion of NW Valley View Drive*)

T.13S., R.31E., W.M., Grant County, Oregon:

Section 23: That portion of the W1/2W1/2NW1/4SW1/4 and the W1/2W1/2SW1/4NW1/4 lying Southerly of the centerline of NW Valley View Drive.

**TRACT 2** (*13S31E22D T.L. 3100*)

T.13S., R.31E., W.M., Grant County, Oregon:

Section 22: A tract of land situated in the NE1/4NE1/4SE1/4 described as follows:  
Beginning at a point on the east line of said Section 22 where the southerly line of the Rest Lawn Cemetery intersects said Section line, said point being 179.91 feet South and 0.69 feet West of the E1/4 Corner of said Section 22;  
thence N.83°08'55"W., 125.00 feet along the south line of said cemetery tract;  
thence S.00°13'11"W., 496.30 feet (deed record: S.00°13'11"W., 496.10 feet) parallel with the east line of said Section 22 to the south line of the N1/2N1/2SE1/4 said Section 22;  
thence N.89°23'56"E., 124.11 feet (deed record: Easterly), along the south line of said N1/2N1/2SE1/4 to the Southeast Corner thereof;  
thence N.00°13'11"E., along the east line of said Section 22 to the point of beginning.

**TRACT 3** (*13S31E22D T.L. 102*)

T.13S., R.31E., W.M., Grant County, Oregon:

Section 22: That portion of the SE1/4NE1/4SE1/4 lying Northerly of a line 20 feet southerly of the centerline of the Trowbridge Ditch.

**TRACT 4** (*13S31E22D T.L. 3000*)

T.13S., R.31E., W.M., Grant County, Oregon:

Section 22: That certain tract of land situated in the SE1/4NE1/4 and the NE1/4SE1/4 known as the Rest Lawn Cemetery, described as follows: Beginning at a point where the east line of said Section 22 intersects the north fence line which encloses said cemetery, said point being 6.88 feet South and 0.03 feet West of the E1/4 Corner of said Section 22;  
thence N.83°56'49"W., 534.74 feet, along said fence line to the fence corner;  
thence S.03°47'13"W., 164.46 feet, along the west fence line which encloses said cemetery to a point that is 12 feet beyond the fence corner;  
thence S.83°08'55"E., parallel to the south fence which encloses said cemetery to

the east line of said Section 22;  
thence N.00°13'11"E., (deed record: N.00°13'12"E.) 172.77 feet, along said  
section line to the point of beginning.

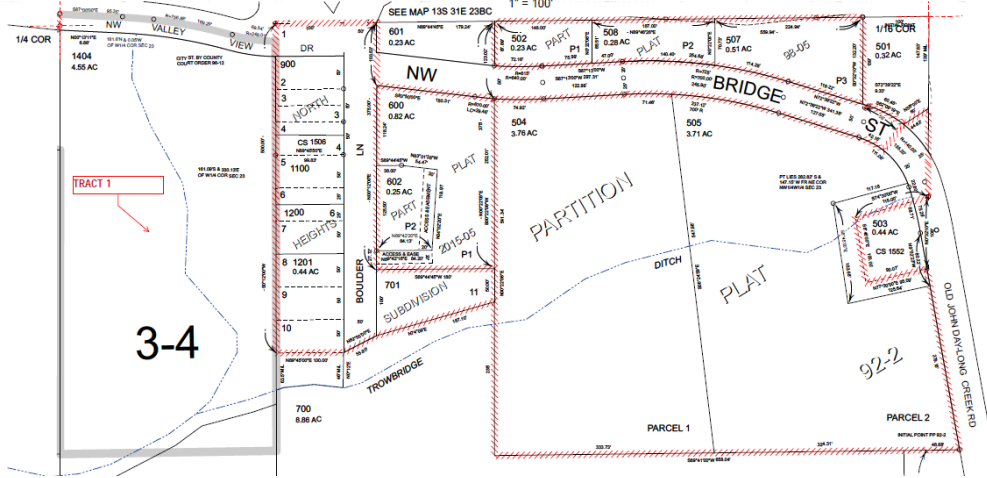
## EXHIBIT D MAP OF ANNEXED TERRITORY

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY



N.W. 1/4 S.W. 1/4 SEC. 23 T. 13S. R. 31E. W.M.  
UNION COUNTY  
1" = 100'

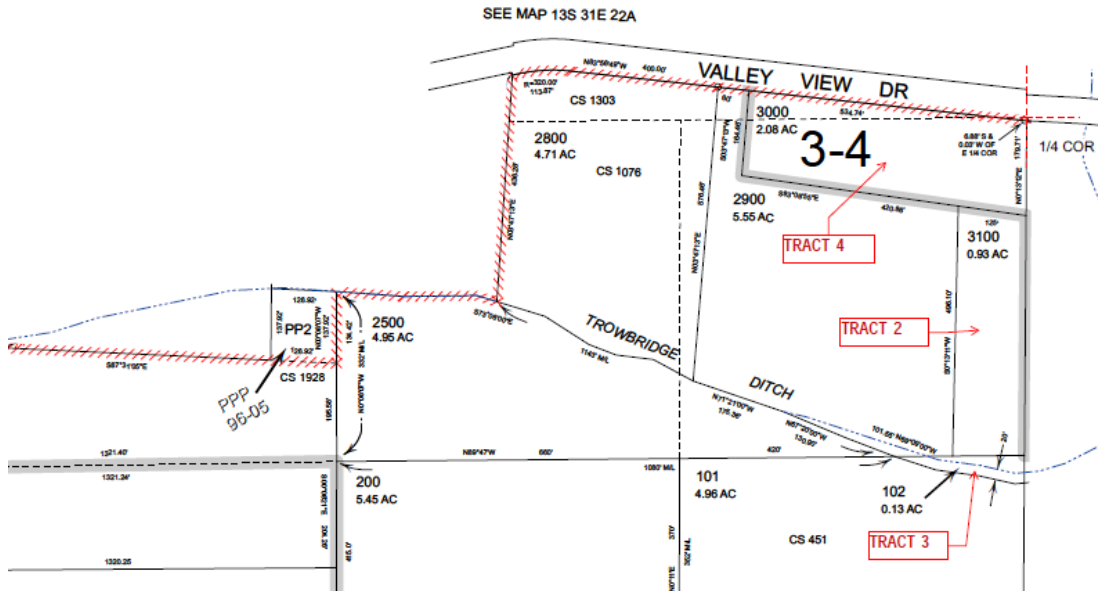
13S31E23CB  
JOHN DAY



- Cancelled
- 100 THRU
- 600
- 605
- 702
- 800
- 1000
- 1300
- 1401
- 1403
- 1405
- 1406
- 1500 THRU
- 1769

S.E. 1/4 SEC. 22 T. 13S. R. 31E. W.M.  
GRANT COUNTY  
1" = 200'

13S31E22D  
JOHN DAY



- Cancelled
- 500
- 600
- 601
- 602
- 603
- 604
- 700
- 800
- 900
- 1000
- 1100
- 1101
- 1200
- 1300
- 1400
- 1500
- 1600
- 1601
- 1700
- 1800
- 1800
- 1901
- 1902
- 1903
- 2000
- 2001
- 2100
- 2101
- 2102
- 2103
- 2200
- 2300
- 2400
- 2600
- 2800
- 2801



**EXHIBIT E  
AMENDED COMPREHENSIVE PLAN MAP**

**[attached]**



City to annex lots 3000 and 1404, which are unincorporated islands within the city limits. City also amends this comprehensive plan map for four properties in order to change the comprehensive plan land use designations from Suburban Residential (SR) (Green) and General Industrial (GI) (Purple) to Park Reserve (PR). The proposed changes are shown in the table, below.

<b><i>Tax Lot</i></b>	<b><i>Owner</i></b>	<b><i>Current Zoning</i></b>	<b><i>Proposed Zoning</i></b>
3000	Mid County Cemetery District	SR - County	PR
1404	City of John Day	SR - County	PR
3100	City of John Day	GI	PR
102	City of John Day	GI	PR

**EXHIBIT F  
UPDATED CITY ZONING MAP**

**[attached]**

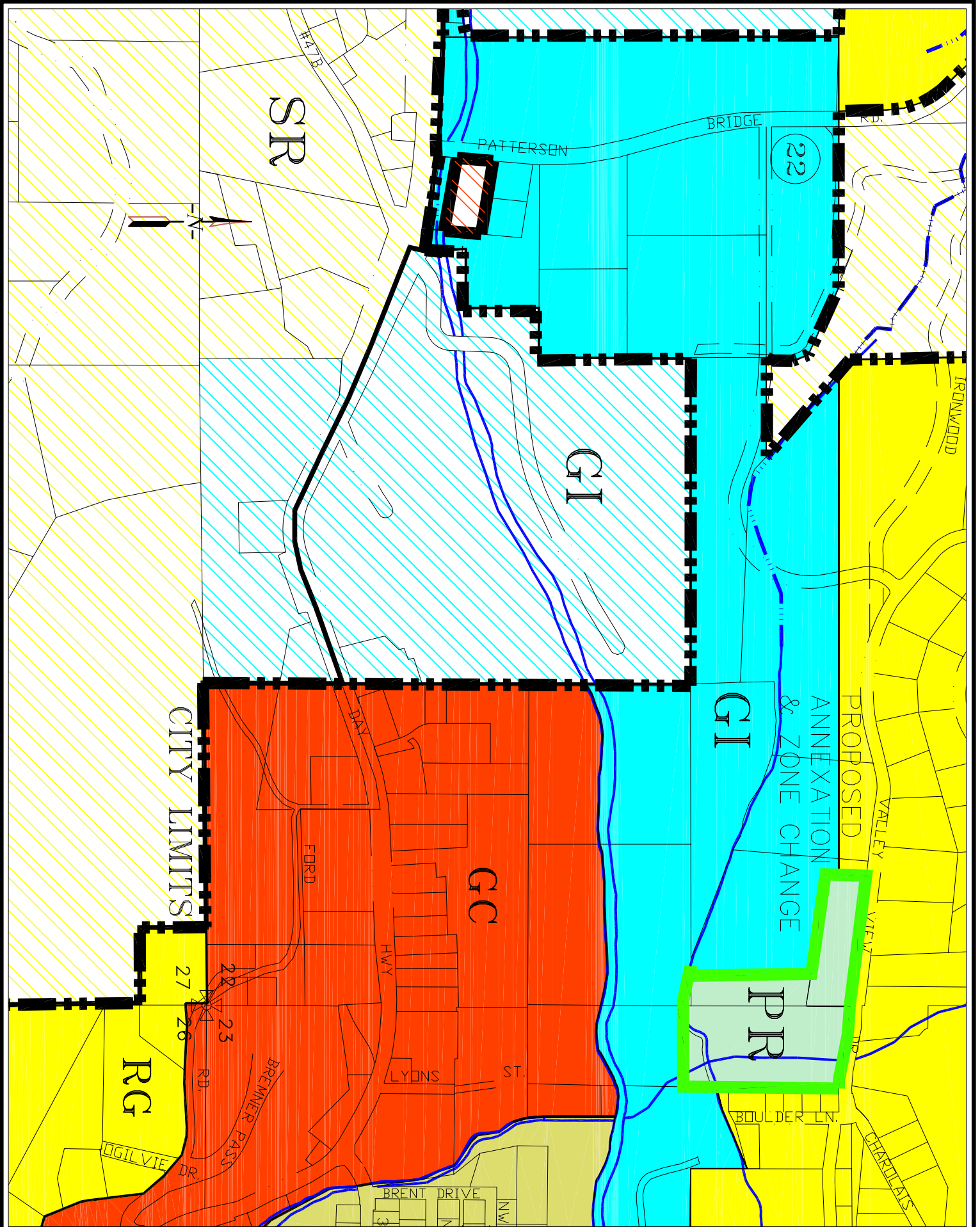


EXHIBIT C PROPOSED ZONING MAP CHANGES