

MEMORANDUM

TO: Mayor and City Council

FROM: Eric Mongan, City Planner

SUBJECT: FIRST VOTE OF ORDINANCE ANNEXING A PORTION OF LANE COUNTY ROAD NO. 538 INTO THE CITY OF COTTAGE GROVE (A 2-22)

DATE: January 18, 2023

Background

Council has held a Public Hearing on the proposed Ordinance to annex approximately 900 linear feet of Lane County Road No. 538 (South 6th Street) between Cleveland Avenue and Taft Avenue. It is now appropriate that the Council consider the attached draft Ordinance for the first vote.

Future Actions

By Resolution the City of Cottage Grove will request that the Lane County Board of Commissioners transfer jurisdiction of the referenced section of Lane County Road No. 538 (South 6th Street) to the City of Cottage Grove.

This Ordinance has been available for more than one week prior to this meeting and staff is recommending adoption.


Recommendation

After Council deliberation it is recommended that City Council hold the first vote on the attached Ordinance. The Ordinance was prepared and has been available for at least one week prior to this meeting. This Ordinance could be adopted at one meeting..

Cost:

None


Richard Meyers, City Manager


Eric Mongan, City Planner

ORDINANCE NO. ____

AN ORDINANCE ANNEXING
TO THE CITY OF COTTAGE GROVE (A-2-22)
A PORTION OF LANE COUNTY RD. NO. 538 (SOUTH 6TH STREET) APPROXIMATELY
900 FEET IN LENGTH

WHEREAS, Lane County owns a road (No. 538) in the Northeast $\frac{1}{4}$ of Section 4, Township 21 South, Range 3 West of the Willamette Meridian; and

WHEREAS, the road is within the Cottage Grove Urban Growth Boundary and immediately adjacent to the City of Cottage Grove city limits; and

WHEREAS, Lane County Public Works has applied for annexation of approximately 900 linear feet of Road No. 538 into the City of Cottage Grove city limits, in order to transfer the jurisdiction and maintenance of said portion of Road No. 538 to the City of Cottage Grove; and

WHEREAS, the annexation is in compliance with the standards and criteria listed in Section 18.04.040 of the Cottage Grove Municipal Code.

THE CITY OF COTTAGE GROVE ORDAINS AS FOLLOWS:

Section 1. Purpose. The purpose of this ordinance is to annex a portion of Lane County Road No. 538 into the City of Cottage Grove which is described in Exhibit A and shown on the map in Exhibit B both which are attached to and forming part of this Ordinance.

Section 2. Owner Initiation. The property owner initiated the application to annex the subject parcels on December 28, 2022 pursuant to Section 18.04.080 of the Cottage Grove Municipal Code using the standard procedure in Section 18.04.060 of the Cottage Grove Municipal Code.

Section 3. Standard Procedure. This amendment is in compliance with Section 18.04.060 which provided written notification to the property owners in the annexation area, property owners within 300 feet, any special district, and any neighborhood groups of the proposed annexation. The notice was mailed on Tuesday, January 3, 2023 and provided for a 20 day notice of public hearing. Additionally, and as required, the Notice of Public Hearing was published in the Sentinel on January 13, and January 20, 2023.

Section 4. Criteria, Standards & Conditions. Section 18.04.040 A-D of the Cottage Grove Municipal Code provides that the decision to approve an annexation shall be based on the findings of fact with respect to each of the criteria and standards below:

A. *The property is within the City's urban growth boundary.* The area to be annexed is located in the City's urban growth boundary. This criterion is met.

B. *The property is contiguous to current city limits.* The area to be annexed is contiguous to the current city limits to the north at the intersection of South 6th Street as described in Exhibit A and shown in Exhibit B attached to and forming part of this Ordinance. This criterion is met.

- C. *Unless the proposed annexation area is surrounded by the city, the majority of property owners and electors within the proposed annexation area have consented in writing to the annexation for a standard procedure with a public hearing; or all property owners and at least fifty percent of electors within the annexation area have consented in writing to the annexation for an expedited procedure without a public hearing as per ORS 222.125 or 222.170.* The proposed annexation area is not surrounded by the City. However, all property owners, including owners via land sales contract and the original owners, and all of the electors have consented in writing to the annexation for a standard procedure with a public hearing as per ORS 222.125 or 222.170. This criterion is met.
- D. *Adequate services and infrastructure exist or can be provided at the proposed annexation site as per the applicable comprehensive plan designation. These services and infrastructure include: provision of water, sewage service, storm drainage, and streets.* Adequate services and infrastructure exist and can be provided to meet the comprehensive plan designation of Commercial. City services can be provided to the property from South 6th Street where water and sanitary sewer currently end at the intersection of South 6th Street and Cleveland Avenue. Street access is available and currently exists from South 6th Street. All of these services and infrastructure are adequate for extension and future development of the annexed area. This criterion is met.

Section 5. Annexation.

1. The territory described on Exhibit A and shown on the map in Exhibit B, both attached hereto and incorporated herein by this reference, is hereby declared annexed to the City of Cottage Grove, without withdrawal from any special district.
2. This Ordinance shall take effect 30 days after final passage.

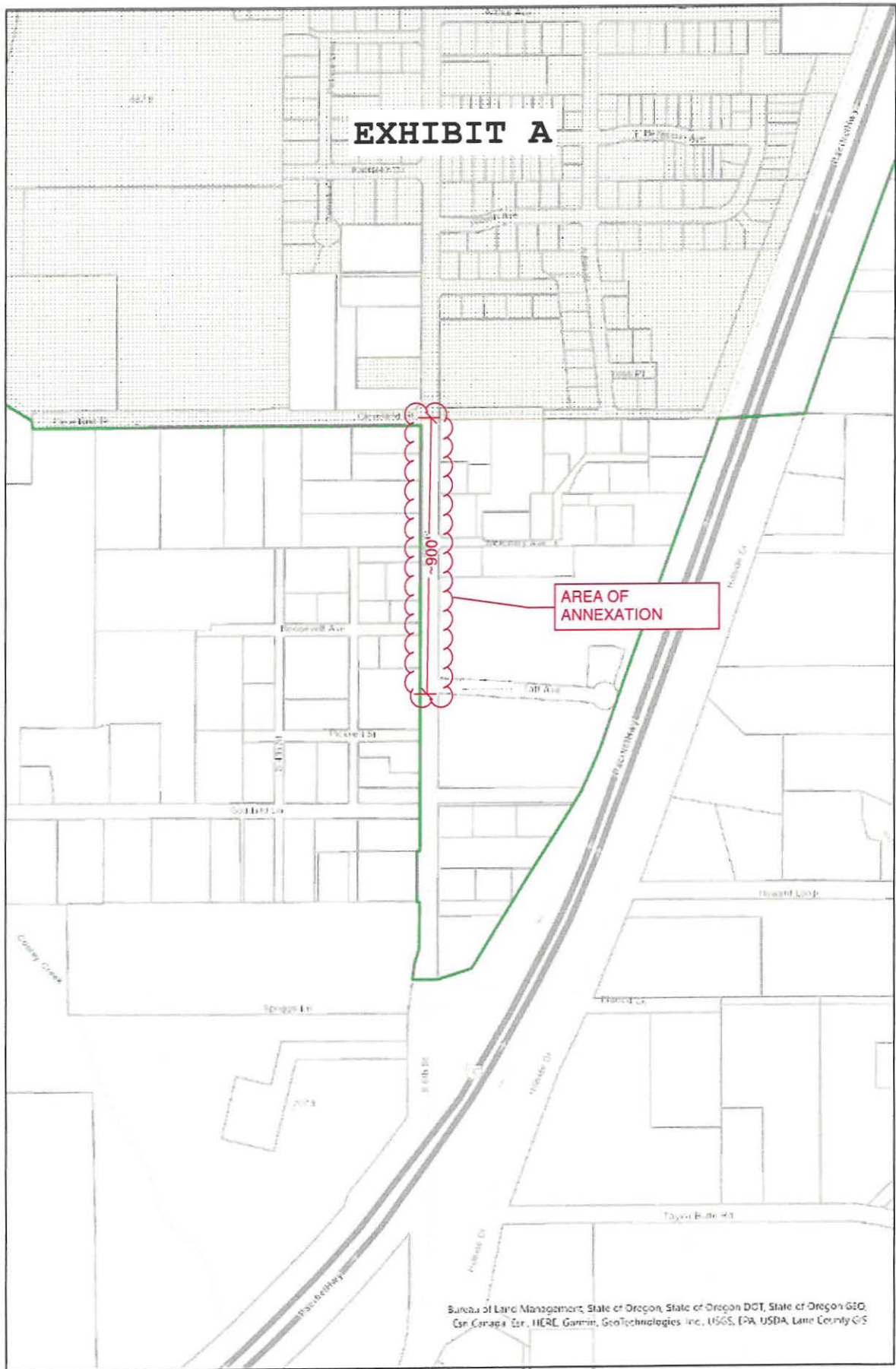
PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR THIS _____
 DAY OF _____, 2023.

 Candace Solesbee, Mayor
 Dated: _____

ATTEST:

 Richard Meyers, City Manager
 Dated: _____

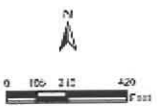
EXHIBIT A



AREA OF ANNEXATION

Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Cnr Canada, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA, USDA, Lane County GIS

The information on this map was derived from digital databases in the Lane County regional geographic information system. City staff have not conducted a field check of the map's data. Lane County cannot be held responsible for errors, omissions or omissions of data. The user assumes all liability for any use of the information shown. Lane County does not warrant the accuracy, completeness or timeliness of the information shown. Lane County does not warrant the accuracy, completeness or timeliness of the information shown. Lane County does not warrant the accuracy, completeness or timeliness of the information shown.



ANNEXATION OF RIGHT-OF-WAY
SOUTH 6TH STREET
APPROX. 900' FEET

EXHIBIT B

ANNEXATION DESCRIPTION
South 6th Street, County Road No. 538
Cottage Grove, Oregon
December 21, 2022

All that portion of South 6th Street, County Road No. 538, located in the Northwest One-Quarter of Section 4, Township 21 South, Range 3 West of the Willamette Meridian, described as follows:

Beginning at Engineer's Centerline Station L4 50+40.42 P.O.T., said Engineer's Centerline Station being North 81°34'14" East 1988.25 feet from a 2-1/2 inch brass cap marking the Northwest Corner of the William Currin Donation Land Claim No. 44, T21S, R3W, W.M.; thence South 88°06'16" East 30.00 feet to the intersection of the easterly right of way margin of South 6th Street and the southerly Right of way margin of Taft Street, said intersection being opposite and 30.00 feet easterly of last said Engineer's Centerline Station; thence North 01°53'44" East, along said easterly margin of South 6th Street, 472.38 feet, more or less, to a point opposite and 30.00 feet easterly of Engineer's Centerline Station L4 55+12.80 P.O.T.; thence North 46°56'16" East 14.13 feet to a point opposite and 40.00 feet easterly of Engineer's Centerline Station L4 55+22.78 P.O.T., on the southerly right of way margin of McKinley Avenue; thence North 01°53'44" East 30.04 feet to a point opposite and 40.00 feet easterly of Engineer's Centerline Station L4 55+52.82 P.O.T., on the northerly right of way margin of McKinley Avenue; thence North 43°03'44" West 14.15 feet to a point opposite and 30.00 feet easterly of Engineer's Centerline Station L4 55+62.83 P.O.T.; thence North 01°53'44" East 365.17 feet, more or less, to a point on the current city limit line as annexed by Cottage Grove per Order EC CG 08-23; thence leaving said easterly margin along said city limit line and the easterly extension of the southerly right of way margin of Cleveland Street, County Road No. 1956, on a bearing of North 88°13'16" West 60.00 feet to a point opposite and 30 feet westerly of Engineer's Centerline Station L4 59+27.88 P.O.T., said point being on the westerly margin of South 6th Street; thence South 01°53'44" West, along said westerly margin of South 6th Street, 887.46 feet to a point opposite and 30.00 feet westerly of Engineer's Centerline Station L4 50+40.42 P.O.T.; thence leaving said westerly margin on a bearing of South 88°06'16" East 30.00 feet to the Point of Beginning at Engineer's Centerline Station L4 50+40.42 P.O.T., all in Lane County, Oregon.

Bearings and distances are derived from a road survey for South 6th Street performed by Lane County in 2000, as filed in the Master Road File for County Road No. 538, in the office of the Lane County Surveyor, Lane County, Oregon.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

BLOMME'
Mikeal Jay

Digitally signed by
BLOMME' Mikeal Jay
Date: 2022.12.21 11:14:33
-08'00'

OREGON
JUNE 13, 2008
MIKEAL J. BLOMME'
74387

EXPIRES DEC 31, 2023