

ORDINANCE NO. 89-O-441

AN ORDINANCE DECLARING THE ANNEXATION OF CERTAIN REAL PROPERTY TO THE CITY OF BROOKINGS, WITHDRAWING SAID PROPERTY FROM THE DAWSON TRACT RURAL FIRE PROTECTION DISTRICT, AND CONCURRENTLY REZONING SAID PROPERTY FROM RESIDENTIAL - TWO (R-2) COUNTY ZONING TO RESIDENTIAL LOW DENSITY (R-LD) CITY ZONING, AND DECLARING AN EMERGENCY.

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WHEREAS, property owners and residents of the Dawson Tract, Oregon Driftwood Shores and West Harris Heights area have petitioned the city of Brookings for annexation of the real property described in Exhibit "A" and depicted on map Exhibit "B" attached hereto, and that said territory is contiguous to existing city limits pursuant to ORS 222.111; and

WHEREAS, written consent petitions for the annexation of the above referenced territory have been filed with the city of Brookings which consents represent over a majority of the electors registered in the territory proposed to be annexed and the owners of more than half of the land in that territory, pursuant to ORS 222.170(2); and

WHEREAS, the Brookings City Council, at its meeting of January 10, 1989, adopted Resolution No. 89-R-446, electing to dispense with submitting the question of said annexation and withdrawal from the Dawson Tract Rural Fire Protection District to the registered voters of the city of Brookings and fixed the 13th day of March, 1989 at 7:00 p.m., in the Council Chambers of Brookings City Hall as the time and place for public hearing as required by law, and such notice being duly given, at which time the registered voters of the city of Brookings appeared to be heard on the question of annexation.

THE CITY OF BROOKINGS ORDAINS AS FOLLOWS:

Section 1. Declaration of Annexation. That the property in the territory described in Exhibit "A" and depicted on map Exhibit "B", attached hereto and by this reference made a part hereof, which said real property is situated in Curry County, Oregon, and is contiguous to the city of Brookings be, and the same hereby is annexed to the city of Brookings.

Section 2. Declaration of Withdrawal from Dawson Tract Rural Fire Protection District. That the property described in Exhibit "A" and depicted on map Exhibit "B" attached hereto is hereby withdrawn from the Dawson Tract Fire Protection District upon the annexation of the aforementioned property to the city of Brookings.

Section 3. Uncollected Taxes. That all uncollected taxes therefore levied by such district shall become the property of the city of Brookings and be delivered to it upon collection.

Section 4. Submittal to Secretary of State. That the City Recorder be, and is, authorized and directed to make and submit to the Secretary of State a copy of this ordinance, and a copy of the statement of consent of all the land owners of said real property heretofore filed with her.

Section 5. Rezoning. Concurrent with the annexation, the property described in Exhibit "A" and depicted on map Exhibit "B" attached hereto is hereby rezoned from Residential-Two (R-2) Curry County zoning classification to Residential Low Density (R-LD) City of Brookings zoning classification.

Section 6. Exemption from Systems Development Charges. Developed housing existing at the time of adoption hereof shall be exempt from payment of Systems Development Charges required by Section 3., A. of Ordinance No. 87-O-418 of the City of Brookings, upon connection to city water and sewer systems.

Section 7. Emergency Clause. Whereas the Department of Human Resources, Health Division conducted a survey in the fall of 1987, and found widespread contamination of domestic water wells and inadequacies in other water supply sources throughout the proposed annexation area, and the health, safety and general welfare of the persons residing in the territory may be adversely affected, an emergency is hereby declared to exist and this ordinance may be introduced, read and placed on its final passage at any one meeting of the City Council and shall be in full force and effect

from and after its passage and approval by the Mayor.

Effective March 14, 1989

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[See Ordinance No. 89-O-441 in its entirety in original ordinance books]