ORDINANCE NO. 974

AN ORDINANCE FOR ANNEXATION OF TWO PARCELS WITHIN TOWNSHIP 38 SOUTH, RANGE 1 WEST, SECTION 16 AC

AN ORDINANCE PROCLAIMING ANNEXATION TO THE CITY OF PHOENIX OF TWO PARCELS TOTALING 2.48 ACRES AND INCLUDING A PORTION OF PUBLIC RIGHT-OF-WAY UNDER JACKSON COUNTY JURISDICTION, KNOWN AS HILSINGER ROAD. THE SUBJECT ANNEXATION IS COUNTY ZONED SINGLE-FAMILY RESIDENTIAL (RR-2.5) AND IS SURROUNDED BY LANDS ALREADY WITHIN THE CITY LIMITS. IF NOT APPEALED, THIS ORDINANCE IS EFFECTIVE 30 DAYS FROM THE DATE OF THE CITY COUNCIL APPROVAL.

WHEREAS, the property owner of parcels in the territory to be annexed has consented in writing to the annexation; and

WHEREAS, the Planning Commission of the City of Phoenix, after providing the required public notification, including notification to the Department of Land Conservation & Development, held a public hearing on June 13, 2016, for the purpose of reviewing the proposed requests and providing a recommendation to the City Council. The Planning Commission public hearing was held in accordance with the appropriate provisions of the City of Phoenix Land Development Code, and, after due deliberation and consideration of the proposed changes, the Planning Commission voted to recommend that the City Council approve the property owner's request; and

WHEREAS, notice of the City Council public hearing was published and posted in the manner and for the time prescribed by law and the public hearing was duly held by and before the City Council as provided by law and by the terms of the published notice, and it appears to be in the best interest of the City and the area involved that it be annexed to the City of Phoenix; and

WHEREAS, the City Council finds and determines that the facts and conclusions in the staff report issued for the Planning Commission's June 13, 2016 hearing, on file in the City Offices, are true and correct and are hereby adopted as findings of the council.

NOW, THEREFORE, THE CITY OF PHOENIX ORDAINS AS FOLLOWS:

Section 1. The City Council declares and proclaims that the territory described in Exhibit "A" and depicted in Exhibit "B" is annexed to the City of Phoenix.

Section 2. The zoning of the above-described properties shall be amended from Jackson County SR-2.5 to City of Phoenix R-1 H-O, Single Family Residential with Hilsinger Overlay.

Section 3. The City Recorded is directed to

A. File the following with the Secretary of State and Department of Revenue:
   a. A copy of this ordinance;
   b. A copy of the land owner statement of consent.

B. Mail a copy of this Ordinance to Jackson County, to all service providers and to any other parties entitled to receive this notice of its adoption.

Section 4. This application complies with the City's Comprehensive Plan and ORS Chapter 222.120 attached as Exhibit "C" and incorporated herein by reference.

Section 5. The Annexation Agreement between the City of Phoenix and Randall and Vicki Williams attached as Exhibit "D" and incorporated herein by reference shall be executed prior to recording of this annexation. The applicant is responsible to pay for all annexation and recording fees.

Section 6. This annexation shall become effective 30 days from the date of City Council approval.

PASSED AND ADOPTED by the City Council and signed by me in open session in authentication thereof this ____ day of July, 2016.

Mayor Jeff Bellah
City of Phoenix

Attest:

Janette Boothe
City Recorded

Exhibit "D"

City of Phoenix
Annexation Agreement (A16-01/ZO16-01)

This agreement is made between the City of Phoenix, a municipal corporation of the State of Oregon, hereinafter called "City", and Randall and Vicki Williams, hereinafter called "Williams".
In consideration of the City holding the necessary public hearings, investigating the facts, and consideration surrounding the application of Williams for annexation of their land, Williams hereby acknowledges and hereby agrees to fully comply with the conditions set forth below, which are imposed by the City. The property being annexed is known as follows:

The parcels know as Jackson County Assessor Map No 381W16AC, Tax Lot 500 and 600

It is agreed that in the event of annexation, zone change, and other proceedings related to the application of Williams is challenged or found invalid for any reason whatsoever, the applicant hereby agrees to hold harmless the City, its agents, employees, and officer, including any legal expenses or court costs before the Land Use Board of Appeals, incurred by the City. Williams agrees that the following conditions of annexation be considered a restriction made upon the property by its present owner and its successors or assigns and developers and until all conditions have been fully met, such conditions shall run with the land.

The conditions of annexation are as follows:

1. The plans and all stipulations included in the applicant's submittal shall be completed as proposed unless modified by the following conditions.
2. Upon annexation, development of the properties shall be subject to City standards.
3. The properties shall be rezoned R-1 H-O, Single Family Residential Hilsinger Overlay under the Phoenix Land Development Code.
4. The extension of utilities to serve the subject properties shall be the responsibility of the property owner.
5. All properties will be served by Rogue Valley Sewer Services. A sewer connection must be done in accordance with RVSS standards.
6. This annexation agreement shall be executed prior to recording of this annexation; The applicant is responsible to pay for all annexation recording fees.

Executed by Randall and Vicki Williams on this ___ day of July, 2016.

City of Phoenix

Jeff Bellah, Mayor

Randall L Williams

Vicki I Williams