

RESOLUTION NO. 798

A RESOLUTION ANNEXING CERTAIN PROPERTY INTO THE
CITY OF PRINEVILLE AND REZONING SAID PROPERTY

IT IS HEREBY RESOLVED by the Prineville City Council as follows:

1. The Council specifically finds that:

(a) Those properties located within the Urban Growth Boundary of the City of Prineville, including that area commonly identified as the City Sewer Lagoon Area, as shown on the map attached as "Exhibit A" to this resolution, and as more specifically described in "Exhibit B" to this resolution are contiguous to the City of Prineville.

(b) All of the property owners and electors of said properties have duly petitioned the City for annexation and have thereby consented to such annexation.

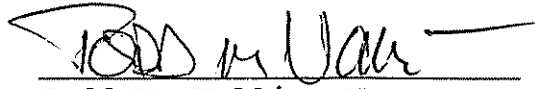
(c) The City Planning Department has duly considered the subject annexation and rezoning issues, and has recommended annexation and certain rezoning of said properties in compliance with the current Comprehensive Plan as set forth in "Exhibit C" to this Resolution.

2. The real properties described in "Exhibit B" to this resolution are hereby annexed into the City of Prineville with the boundaries as set forth in said "Exhibit B" to this resolution and as shown on the map set forth in "Exhibit A" to this resolution.

3. The real properties described in "Exhibit B" to this resolution are hereby rezoned to those Zoning designations shown on the map set forth as "Exhibit C" of this Resolution pursuant to the applicable provisions of the City of Prineville Zoning Ordinance #807, as amended.

APPROVED BY THE CITY COUNCIL ON THE 23rd DAY OF January, 1996.

APPROVED BY THE MAYOR ON THE 23rd DAY OF January, 1996.


Todd M. Vallie, Mayor

ATTEST: 
Bob Schnoor, Asst. City Manager

1-23-96
Date

EXHIBIT "B"
RESOLUTION NO. 798
ANNEXATION TO CITY OF PRINEVILLE
JANUARY 23, 1996

LEGAL DESCRIPTION
CITY SEWER LAGOON AREA & GERVAIS PROPERTY ANNEXATION

Those real properties located within Crook County, Oregon, and hereby described as set forth on certain identified Tax Lot Maps of the Crook County Assessor's Office as prepared by the State Department of Revenue:

City Sewer Lagoon Area Properties: Identified as Tax Lots 3401, 3402, 3501 and 3503 of Assessor's Map 14-15-36, said properties being located in Section 36, Township 14 South, Range 15 East Willamette Meridian, Crook County, Oregon, and comprising a total area of 113.62 acres m/l; And more specifically defined in the attached "Official Record(s) of Descriptions of Real Properties" as set forth in the records of the Crook County Assessor's Office respective to each of the afore identified Tax Lots.

Paul Gervais Properties: Identified as Tax Lots 2900 and 2901 of Assessor's Map 14-15-36, said properties being located in Section 36, Township 14 South, Range 15 East Willamette Meridian, Crook County, Oregon, comprising a total area of 2.73 acres m/l, and located northeast of the Crooked River as it presently exists and southwest of the southerly right-of-line of the Madras-Prineville Highway No. 26; And, more specifically defined in the "Declaration of Easement" recorded in the Crook County Clerk's Office as MF# 122637 and attached hereto.

OFFICIAL RECORD OF DESCRIPTIONS OF REAL PROPERTIES

OFFICE OF COUNTY ASSESSOR CROOK COUNTY, OREGON

CODE NO. 816

14 15 36 3401

MAP NO. <u>36 14 15</u>	TAX LOT NO. <u>34-1</u>	SECTION <u>36</u>	TOWNSHIP <u>14</u> S.	RANGE <u>15</u> E.W.M.	AERIAL PHOTO
ACCOUNT NUMBER					
LOT NO.	BLOCK NO.	ADDITION			CITY

INDENT EACH NEW COURSE TO THIS POINT

10792 LEGAL DESCRIPTION *L-M*

DATE OF ENTRY	DEED RECORD		ACRES REMAINING
	VOLUME	PAGE	

Bg pt 379.5 ft W & 745 ft N of SE cor
 sec 36;
 th N 604 ft;
 th S 43° 47' E; 360.75 ft;
 th S 36°00' W 424.65 ft to pob.
 City of Prineville

11-27-59	82	425	1.72
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Exc:
 TI ~~34-1-1~~ 1.10 V 13146 6-9-67 Lease 0.62
3402

EASE	3-17-92	MF#102776	
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OFFICIAL RECORD OF DESCRIPTIONS OF REAL PROPERTIES

OFFICE OF COUNTY ASSESSOR CROOK COUNTY, OREGON

CODE NO. 816

14 15 36

340.2

MAP NO. <u>36 14 15</u>	TAX LOT NO. <u>34 1 1</u>	SECTION <u>36</u>	TOWNSHIP <u>14</u> S.	RANGE <u>15</u> E.W.M.	AERIAL PHOTO
ACCOUNT NUMBER					
LOT NO.	BLOCK NO.	ADDITION		CITY	

10793

INDENT EACH NEW COURSE TO THIS POINT	LEGAL DESCRIPTION <i>L-M</i>	DATE OF ENTRY	DEED RECORD		ACRES REMAINING
			VOLUME	PAGE	
	<p>Baap on the Nly r/w li of the People's Irrigation Ditch sd pt being 687.5 ft W & 325.1 ft N of the SE cor of sec 36 T14S R15E WM;</p> <p>th N 36°00' E 880 ft;</p> <p>th N 53°00' W 720 ft;</p> <p>th S 27°30' W 940 ft;</p> <p>th S 57°00' E 580 ft to pob.</p> <p>Exc: therefm any part ly W of a li pll to & 379.5 ft W of the E li of sec 36</p> <p>City of Prineville</p> <p>% Wangler, John (V 13146) Lease</p> <p>City Of Prineville V26598 Letter Lease Expired</p>				
			82	425	
		6-9-67			1.10
		11-20-73	RNE	1522	

OFFICIAL RECORD OF DESCRIPTIONS OF REAL PROPERTIES

OFFICE OF COUNTY ASSESSOR CROOK COUNTY, OREGON

CODE NO. 816

14 15 36 3500

MAP NO. 36 14 15	TAX LOT NO. 35	SECTION 36	TOWNSHIP 14 S	RANGE 15 E.W.M.	AERIAL PHOTO
ACCOUNT NUMBER					
LOT NO.	BLOCK NO.	ADDITION		CITY	

INDENT EACH NEW COURSE TO THIS POINT	10794 LEGAL DESCRIPTION L-111	DATE OF ENTRY	DEED RECORD		ACRES REMAINING
			VOLUME	PAGE	
	Bg pt NW cor of NE $\frac{1}{4}$ SE $\frac{1}{4}$ sec 36; th S alg W li NE $\frac{1}{4}$ SE $\frac{1}{4}$ sec 36 314 ft; th S 42°38' E to E li of sec 36; th S to SE cor sec 36; th N 89°57' W to S $\frac{1}{4}$ cor sec 36; th SEly in a straight li to pob. (Less TL 34 ³⁴⁰⁰ as desc in DV 59-277 & 71-30) 10.0265 (Less TL 36 ³⁶⁰⁰ as desc in DV 55/173 & 71/30) 5.7 (F.T.L.P.O.) (Less TL 52 ⁵²⁰⁰ (Ref DV 82/12) 55-177 0.28) Davis, O.C.	1-1-58	55	177 & 178	123.00
	Less Canal 2.35 Less Rd 3.81				116.84
	Doolin, Wesley QCD V 4857 Less Addnl Hwy r/w V 4857 0.50	4-2-63	69	432	
	(Less TL 35-1 ³⁵⁰¹ D 82-12) 115.84	4-2-63	69	413	116.34
					0.50

OFFICIAL RECORD OF DESCRIPTIONS OF REAL PROPERTIES

OFFICE OF COUNTY ASSESSOR CROOK COUNTY, OREGON

CODE NO. 876

14 15 36 3501

MAP NO. 36 14 15	TAX LOT NO. 35-1	SECTION 36	TOWNSHIP 14 S.	RANGE 15	E.W.M.	AERIAL PHOTO
ACCOUNT NUMBER		ADDITION		CITY		
LOT NO.	BLOCK NO.					

10795

INDENT EACH NEW COURSE TO THIS POINT

LEGAL DESCRIPTION

L-M

DATE OF ENTRY	DEED RECORD		ACRES REMAINING
	VOLUME	PAGE	

The $W\frac{1}{2}$ of the $SE\frac{1}{4}$ of sec 36 -14-15E WM.

Also:
 Bg at the SW cor of the $SW\frac{1}{4}NE\frac{1}{4}$ of sd sec 36;
 th N on the legal sub li 36 rods;
 th in a Sely dir in a straight li to the SE cor of the $SW\frac{1}{4}NE\frac{1}{4}$ of sd sec 36;
 th W alg the legal sub li 80 rods to the pob.

Also:
 That part of the $E\frac{1}{2}SE\frac{1}{4}$ bg at the SE cor of the $W\frac{1}{2}SE\frac{1}{4}$ of sec 36 in T14S R15E WM;
 th N on the Subdiv li 141 rods tap;
 th Sely in a straight li tap on the E sec li sd pt being 58 rods N of the sec cor;
 th S oh the Sec li 58 rods to the sec cor;
 th W on the S sec li to the pob.

Exc:
 Bg at the SE cor of sd sec 36;
 th W on the S li of sd sec 23 rods tap on sd sec li;
 th N pll with the E li of sd sec 36 82 rods m/l tap on the NE li of the tract above desc;
 th Sely in a straight li tap on the E li of sd sec 36 sd pt being 58 rods N of the SE cor of sd sec 36;
 th S on the E sec li of sd sec 36 58 rods to the pob.

(OVER

ON LOT FOR MAP

OFFICIAL RECORD OF DESCRIPTIONS OF REAL PROPERTIES
 OFFICE OF COUNTY ASSESSOR CROOK COUNTY, OREGON

CODE NO. _____

MAP NO. 14-15-36	TAX LOT NO. 3501	SECTION _____	TOWNSHIP _____ S.	RANGE _____	E.W.M. _____	AERIAL PHOTO _____
ACCOUNT NUMBER _____		ADDITION _____		CITY _____		
LOT NO. _____	BLOCK NO. _____					

INDENT EACH NEW COURSE TO THIS POINT	LEGAL DESCRIPTION	DATE OF ENTRY	DEED RECORD		ACRES REMAINING
			VOLUME	PAGE	
<p>Cont.</p> <p>Exc: All that part of the S$\frac{1}{2}$SE$\frac{1}{4}$ of the SE$\frac{1}{4}$ of sd sec 36 1y & being S & W of the Secondary Hy as located and constructed, & used over and across the sd S$\frac{1}{2}$SE$\frac{1}{4}$SE$\frac{1}{4}$ of sd sec 36-14-15.</p> <p>Exc: Baap on the N-S c/l of sec 36-14-15 wh pt is 145 ft S of the intersection of sd c/l with the Sly r/w li of the O'Neil Secondary Hwy as the same is located and constructed; th N 145 ft alg sd c/l to the S li of the O'Neil Secondary Hwy; th SEly alg the S r/w li 300 ft; th S & pll with the c/l of sd sec 36 145 ft; th NWly 300 ft m/l to the pob.</p> <p>Exc: That portion of the W$\frac{1}{2}$SE$\frac{1}{4}$ included in a strip of land of variable width ly on the Sly side of the c/l of the O'Neil Secondary Hwy wh c/l is desc as fols: Bg at engineer's c/l Sta 869+08.71 sd station being approx 1328 ft S & approx 1882 ft E of the W$\frac{1}{4}$ cor of sec 36 14-15; th on a 1909.58 ft rad curve ri (the long chord of wh bears S 78°32'07$\frac{1}{2}$" E) 777.92 ft; th on a spiral curve ri (the long chord of wh bears S 65°22' E) 150 ft; th S 64°37' E 261.30 ft; th on a spirala curve left (the long chord of wh bears S 65°22' E) 150 ft; th on a 1909.58 ft radius curve left (the long chord ow which bears S 68°38' E) 117.77 ft; th on a spiral curve left (thelong chord of wh bears S 71°54' E) 150 ft; th S 72°39' E 505.74 ft;</p>					

(OVER)

OFFICIAL RECORD OF DESCRIPTIONS OF REAL PROPERTIES

OFFICE OF COUNTY ASSESSOR CROOK COUNTY, OREGON

CODE NO. 6

14 15 36 3501

MAP NO. 36 14 15	TAX LOT NO. 35-1	SECTION	TOWNSHIP	RANGE	E.W.M.	AERIAL PHOTO
ACCOUNT NUMBER		ADDITION		CITY		

INDENT EACH NEW COURSE TO THIS POINT	LEGAL DESCRIPTION	DATE OF ENTRY	DEED RECORD		ACRES REMAINING
			VOLUME	PAGE	
	Cont.				
	th on a spiral curve ri (the long chord of wh bears S 69°59' E) 400 ft to Sta 894+21.44. The S li of sd strip of land crossing the W & E lines of sd W ¹ / ₂ of the SE ¹ / ₄ of sec 36 approx opposite Stas 877+30 and 891+30 respectively.				
	Exc: Baap on the Swly r/w li of sd O'Neil Secondary Hwy sd pt being 1303.5 ft W & 503.3 ft N of the SE cor of sd sec 36; th N 71°20' W alg sd r/w 100 ft; th S 18°40' W 120 ft; th S 71°20' E 100 ft; th N 18°40' E 120 ft to the pob. City of Prineville	7-15-59	82	12	115.84
	Exc: TL 35-1-1 3502 2.38	V1271 11-30-59	82	427	113.46
	TL 35-1-2 3503 20.00	V13145 6-9-67	Lease		93.46
	Exc: Par 3504 JV57803 1.56	3/2/87	81793		91.90

OFFICIAL RECORD OF DESCRIPTIONS OF REAL PROPERTIES

OFFICE OF COUNTY ASSESSOR CROOK COUNTY, OREGON

CODE NO. 8-16

14 15 36 3503

MAP NO. 36 14 15	TAX LOT NO. 35-1-2	SECTION _____	TOWNSHIP _____ S.	RANGE _____ E.W.M.	AERIAL PHOTO
ACCOUNT NUMBER		ADDITION		CITY	
LOT NO.	BLOCK NO.				

10796 LEGAL DESCRIPTION L-M

INDENT EACH NEW COURSE TO THIS POINT

DATE OF ENTRY	DEED RECORD		ACRES REMAINING
	VOLUME	PAGE	

Sec 36 T14S R15E WM

Baap on the Nly r/w li of the People's Irrigation Ditch sd pt being 687.5 ft W & 325.1 ft N of the SE cor of sec 36 T14S R15E WM;

th N 36°00' E 880 ft;
 th N 53°00' W 720 ft;
 th S 27°30' W 940 ft;
 th S 57°00' E 580 ft to the pob

Also:

That portion of the W 170 ft of the $\frac{1}{2}$ SE $\frac{1}{4}$ sec 36 in T14S R15E WM ly betn the Nly li of the People's Irrigation Ditch & the Sly bank of the Crooked River.

Also:

A strip of land ly N of the present r/w of the People's Irrigation District & S of the S bndry of the Prineville City Lagoon fence & also the strip of land ly & being N of the N bndry of the Prineville City Lagoon Fence and the present channel of Crooked River.

Exc:

Therefrom any part ly E of a li pll to & 379.5 ft W of the E li of sec 36;

City of Prineville
 % Wangler, John
 City of Prineville

V 13145 Lease
 V26598 Letter RNC
 Lease Expired

6-8-67	82	12	
11-20-73 #	1522		

20.00

DECLARATION OF EASEMENT

This Declaration of Easement is made by PAUL E. GERVAIS, (hereinafter referred to as "Gervais").

RECITALS

A. Gervais owns the following real property in Crook County, Oregon subject to a Deed of Trust:

A parcel of land located in the Northeast one-quarter Southeast one-quarter of Section 36, Township 14 South, Range 15 East of the Willamette Meridian, Crook County, Oregon, more particularly described as follows:

Beginning at the Southeast corner of said Section 36, marked by a 2-1/2" brass cap monument, thence North, 1748.58 feet (Deed Record - 1752 feet) and West, 162.64 feet (Deed Record - 162 feet) to a point on the Southwesterly right-of-way line of the Madras-Prineville Highway, U.S. 26, said point being the Northwest corner of a parcel of land conveyed to Charles Loftin and wife by Deed Book 73 at Page 36, Records of Crook County, Oregon, also being the initial point and true point of beginning of this description. Thence North 42°38'25" West along said right-of-way line a distance of 220 feet; thence South 47°21'35" West a distance of 428.64 feet to a point on the Northeasterly line of that parcel of land described in Deed Book 20 at Page 1, Records of Crook County, Oregon; thence South 43°30'45" East along said line a distance of 220.03 feet to the Southwest corner of said parcel conveyed to Loftin; thence North 47°21'35" East along the Northwesterly line of said parcel a distance of 425.29 feet to the true point of beginning containing 2.16 acres, more or less. This property is hereinafter referred to as "Parcel I".

B. Gervais is the owner of a Buyer's interest in real property in Crook County, Oregon described as follows:

A parcel of land located within the Northeast one-quarter Southeast one-quarter of Section 36, Township 14 South, Range 15 East of the Willamette Meridian, Crook County, Oregon, said land being a portion of that parcel of land conveyed to Marion R. Coonse and wife by Deed Book 85 at Pages 211 and 214, Records of Crook County, Oregon, more particularly described as follows:

Beginning at a point on the Southwesterly line of the Madras - Prineville Highway (Warm Springs Highway), U.S. 26, as it is now located and constructed, said point being located 311.67 feet West (Record - 316.3 feet) and 1910.42 feet North (Record 1914.3 feet - Deed Book 52 at Page 584, Records of Crook County, Oregon) of the Southeast corner of said Section 36, said point being the Northwest corner of that parcel of land conveyed to I. M. Ivancovich, Jr. by Deed Book 81 at Page 23, Records of Crook County, Oregon, thence South 47°21'35" West along the Northwesterly line of said parcel conveyed to Ivancovich a distance of 180.00 feet to the Northeast corner of that parcel conveyed to Roy Hudson by Deed Book 87 at Page 143, Records of Crook County, Oregon; thence North 42°38'25" West along the Northeasterly line of said Hudson parcel a distance of 100.00 feet; thence North 47°21'35" East a distance of 180.00 feet to the Southwesterly line of the Madras - Prineville Highway; thence South 42°38'25" East along said line a distance of 100.00 feet to the point of beginning.

SUBJECT TO that non-exclusive access easement twelve (12) feet in width conveyed to Thomas McCaughey and Athalee J. Keller by Deed MF #111650, Records of Crook County, Oregon.

#122637

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SUBJECT TO a non-exclusive roadway access and public utility easement across the Southeasterly twenty (20) feet of said parcel.

This property is hereinafter referred to as "Parcel II".

C. Gervais is in the process of partitioning Parcel I into three separate parcels. As part of the partitioning, Gervais desire to dedicate an easement for the benefit of Parcel I and Parcel II including the three parcels that result from the partitioning of Parcel II.

BASED UPON the above Recitals, Gervais dedicates the following easement on the following terms and conditions:

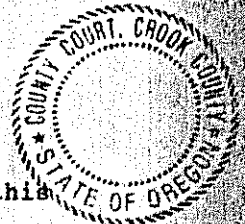
1. Gervais as owner of Parcel II, hereby grants to the owners of Parcel I and Parcel II together with such owner's heirs, successors, and assigns an easement for roadway access and public utility purposes across a strip of land twenty (20) feet in width located within the Northeast one-quarter Southeast one-quarter of Section 36, Township 14 South, Range 15 East of the Willamette Meridian, Crook County, Oregon, said land being a portion of that parcel of land conveyed to Marion R. Coonse and wife by Deed Book 85 at pages 211 and 214, Records of Crook County, Oregon, said strip is more particularly described as follows: Beginning at a point on the Southwesterly line of the Madras - Prineville Highway (Warm Springs Highway), U.S. 26, as it is now located and constructed, said point being located 311.67 feet West (Record - 316.3 feet) and 1910.42 feet North (Record 1914.3 feet - Deed Book 52 at Page 584, Records of Crook County, Oregon) of the Southeast corner of said Section 36, said point being the Northwest corner of that parcel of land conveyed to I. M. Ivancovich, Jr. by Deed Book 81 at Page 23, Records of Crook County, Oregon, thence South 47°21'35" West along the Northwesterly line of said parcel conveyed to Ivancovich a distance of 180.00 feet to the Northeast corner of that parcel conveyed to Roy Hudson by Deed Book 87 at Page 143, Records of Crook County, Oregon; thence North 42°38'25" West along the Northeasterly line of said Hudson parcel a distance of 20.00 feet; thence North 47°21'35" East a distance of 180.00 feet to the Northwesterly line of the Madras - Prineville Highway; thence South 42°38'25" East along said line a distance of 20.00 feet to the point of beginning.

2. This Easement is appurtenant to the real properties described as Parcel I and Parcel II above and upon any partitioning or subdivision of either parcel, this Easement shall remain appurtenant to all parcels created from the partitioning or subdividing of said Parcel I and Parcel II described above.

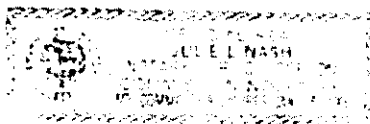
3. This Easement is granted subject to all prior easements or encumbrances of record.

DATED this 4th day of August, 1995.

Paul E. Gervais
PAUL E. GERVAIS



4th The foregoing instrument was acknowledged before me this 4th day of August, 1995, by Paul E. Gervais.



Julie A. Nash
Notary Public for Oregon
My Commission Expires: 11/6/96

STATE OF OREGON | 99 122637
COUNTY OF CROOK
I CERTIFY THAT THE WITHIN INSTRUMENT WAS
RECEIVED FOR RECORD ON THE 10th DAY OF
August, 1995 AT 4:30 P. M.
AND RECORDED IN Deeds
RECORDS OF SAID COUNTY, FILE NO. 122637
DEANNA E. BERMAN, CROOK COUNTY CLERK
BY: Julie A. Nash DEPUTY

Page 2 - DECLARATION OF EASEMENT

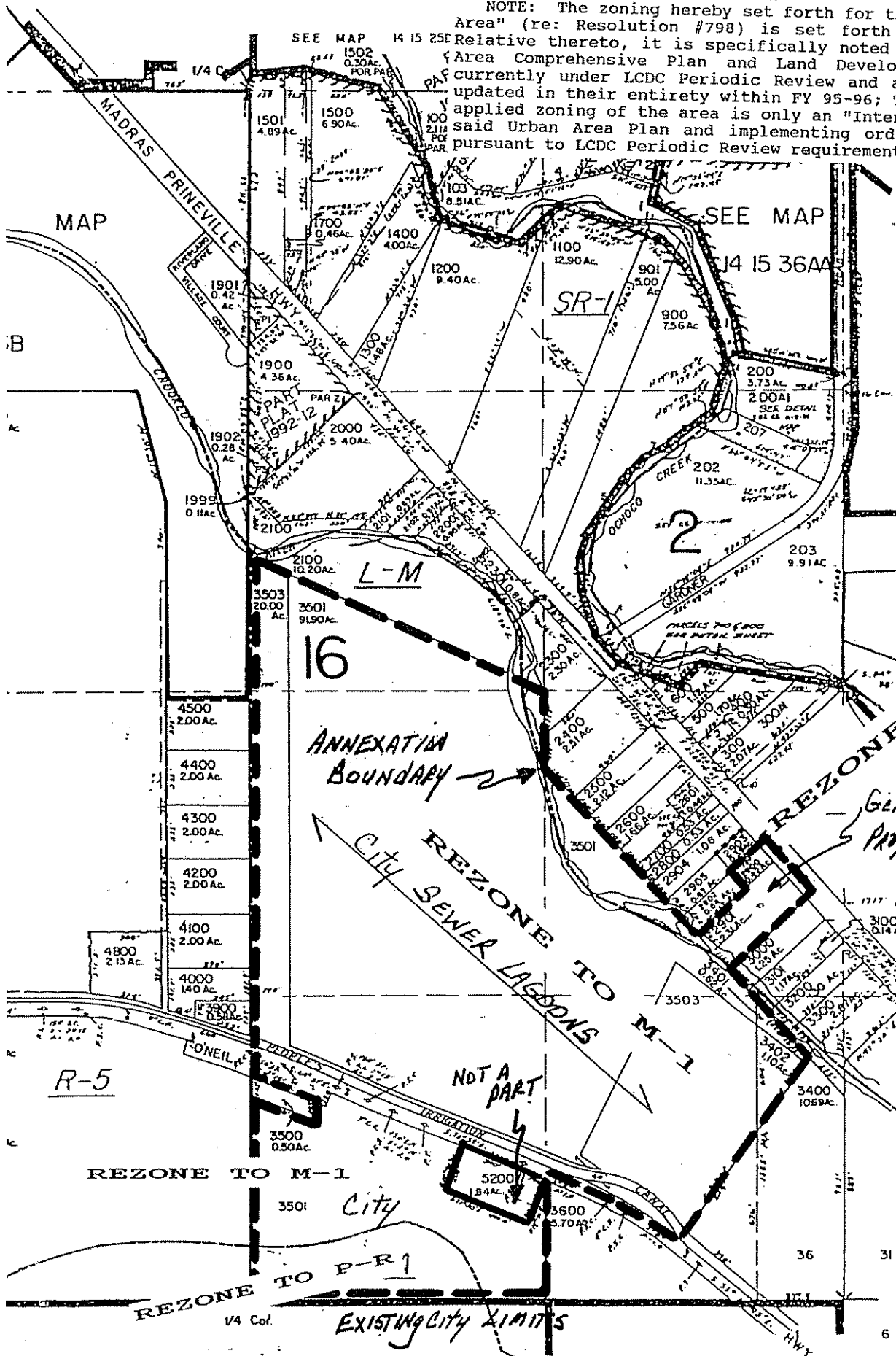
DUTLI & WILSON Attorneys at Law
545 East Seventh Street Prineville, Oregon 97754
(503) 447-8810 Fax (503) 447-7827

35

102637

1" = 400'

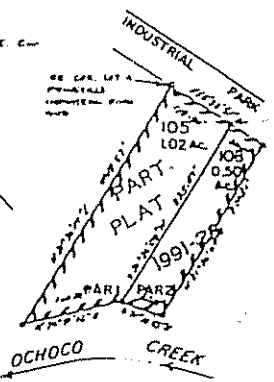
NOTE: The zoning hereby set forth for the subject "Annexation Area" (re: Resolution #798) is set forth as "Interim Zoning;" Relative thereto, it is specifically noted that the City's Urban Area Comprehensive Plan and Land Development Ordinances are currently under LCDC Periodic Review and are to be revised and updated in their entirety within FY 95-96; Therefore, the current applied zoning of the area is only an "Interim" designation until said Urban Area Plan and implementing ordinances are completed pursuant to LCDC Periodic Review requirements.



SEE MAP 14 15 25C
SEE MAP 14 15 36AA
SEE MAP 14 16 31

- CANCELLED NOS
- 501
 - 1000
 - 4601
 - 3200A1
 - 1804
 - 4602
 - 3600U1
 - 3600U2
 - 3600U3
 - 3600U4
 - 3502
 - 1800
 - IP
 - 300
 - 4901
 - 1701
 - 1805
 - 1702
 - 1600
 - 101
 - 402
 - 204
 - 3504
 - 205
 - 204
 - 206

INSERT
1" = 200'



SEE MAP 14 16 31C