

ORDINANCE NO. 2021-04

AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, ANNEXING CERTAIN TERRITORY EAST OF THE CITY (Property located on Vacant Land Wahanna Road)

WHEREAS, there has been submitted to the City of Seaside, a written proposal for annexation to the City by the owner's consent, who also owns all of the land in the contiguous territory, described below which real property therein represents all of the assessed value of all real property in the contiguous territory to be annexed:

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

SECTION 1. ANNEXATION AREA:

ALL THE PROPERTY DESCRIBED IN THE LEGAL DESCRIPTION FOR PROPERTY, CLATSOP COUNTY DEED RECORDS, UNDER RECORDING INSTRUMENT #202005663 LOCATED EAST OF NORTH WAHANNA ROAD.

A parcel of land which lies beginning at the intersection of North line of Tract "C" of STANLEY ACRES and is described as follows:

Beginning at the intersection of the North line of Tract "C" STANLEY ACRES, recorded June 2, 1909 in Book 5 of Plats, page 1, and the West right of way line of County Road 195, the true point of beginning; thence

Southwesterly along the West right of way line of said County Road, 120 feet to a point which is also the Northeast corner of the Tract of land conveyed to Thomas David House, et ux. by deed recorded March 5, 1968 in Book 302 page 793, Deed Records, Clatsop County; thence

West along the North line of said House tract 224.6 feet, more or less, to the East high-water line of O'Hanna Creek, which point is also the Northwest corner of said House tract; thence

Northerly along the high-water line of O'Hanna Creek to the North line of Tract "C" STANLEY ACRES; thence

East along the North line of said Tract "C" to the true point of beginning, situated in the County of Clatsop, State of Oregon.

Note: The Statutory Warranty Deed legal description was recorded July 17, 2021.

SECTION 2. ZONE – The upland portion of the subject property is zoned Suburban Residential (SR) and the wetland area is zoned Aquatic Conservation (A-2) in accordance with the zones established under the City of Seaside Comprehensive Plan & The Zoning Ordinance of Seaside, Oregon.

SECTION 3. RECORD – The City Auditor shall submit to the Secretary of the State of Oregon: (1) A copy of this Ordinance, and (2) a copy of the Statement of Consent of the landowner in the territory annexed. The City Auditor shall also send a description by metes and bounds or legal subdivisions of the new boundaries of the City of Seaside within ten (10) days of the effective date of annexation to the Clatsop County Assessor, the Clatsop County Clerk, Clatsop County Elections and the Clatsop County Planning Department.

SECTION 4. FIRE PROTECTION – The subject property is hereby withdrawn from the Seaside Rural Fire Protection District and included in the City of Seaside for fire protection purposes.

SECTION 5. ROAD DISTRICT - The subject property is hereby withdrawn from the Clatsop County Road District No. 1 and included in the City of Seaside Road District.

SECTION 6. POLICE PROTECTION – The subject property is hereby withdrawn from the Clatsop County Law Enforcement District and included in the City of Seaside for police protection purposes.

SECTION 7. WATER PROVISION – The subject property is hereby withdrawn from the Stanley Acres Water District and included in the City of Seaside for the purpose of providing water.

SECTION 8. FINDINGS – The City Council makes the following findings pertinent to the annexation:

- A. The City of Seaside has an acknowledged Comprehensive Plan.
- B. The subject property is within the City's adopted Urban Growth Boundary.
- C. The properties are contiguous to the City Limits.
- D. There is unanimous consent of the property owners.

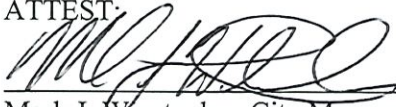
SECTION 9. EFFECTIVE DATE – The effective date of this Ordinance is 8, day of December, 2021, in accordance with ORS 222.040 and 222.180.

ADOPTED by the City Council of the City of Seaside on this 8 day of November, 2021, by the following roll call vote:

YEAS:
NAYS:
ABSTAIN:
ABSENT:

SUBMITTED to and **APPROVED** by the Mayor on this 9 day of November, 2021.

ATTEST:


Mark J. Winstanley, City Manager


JAY BARBER, MAYOR

APPLICATION FOR ANNEXATION

CITY OF SEASIDE
989 BROADWAY
SEASIDE OREGON 97138
(503) 738-5511

1. Applicant(s) (Please Print) Rally Time LLC
Eryn Cary managing member

2. Applicant's mailing address:
Street 91856 Hwy 104
City Warrenton
State OR Zip 97146

3. Telephone Numbers:
Home _____
Work 503 440-3110

4. Legal description of property requested to be annexed (as a minimum attach a Tax Map):
attached: copy of deed, survey and county tax map

5. In the event this proposed annexation is approved, are you aware of the zoning on the subject property? Please briefly explain:
yes, we would like to annex into the city to hook up to city sewer

Signature of Applicant

Eryn Cary

State of Oregon; County of Clatsop Signed or

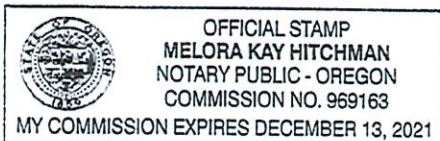
attested before me on February 12, 2021 (date)

by Eryn Cary (name(s) of person(s))

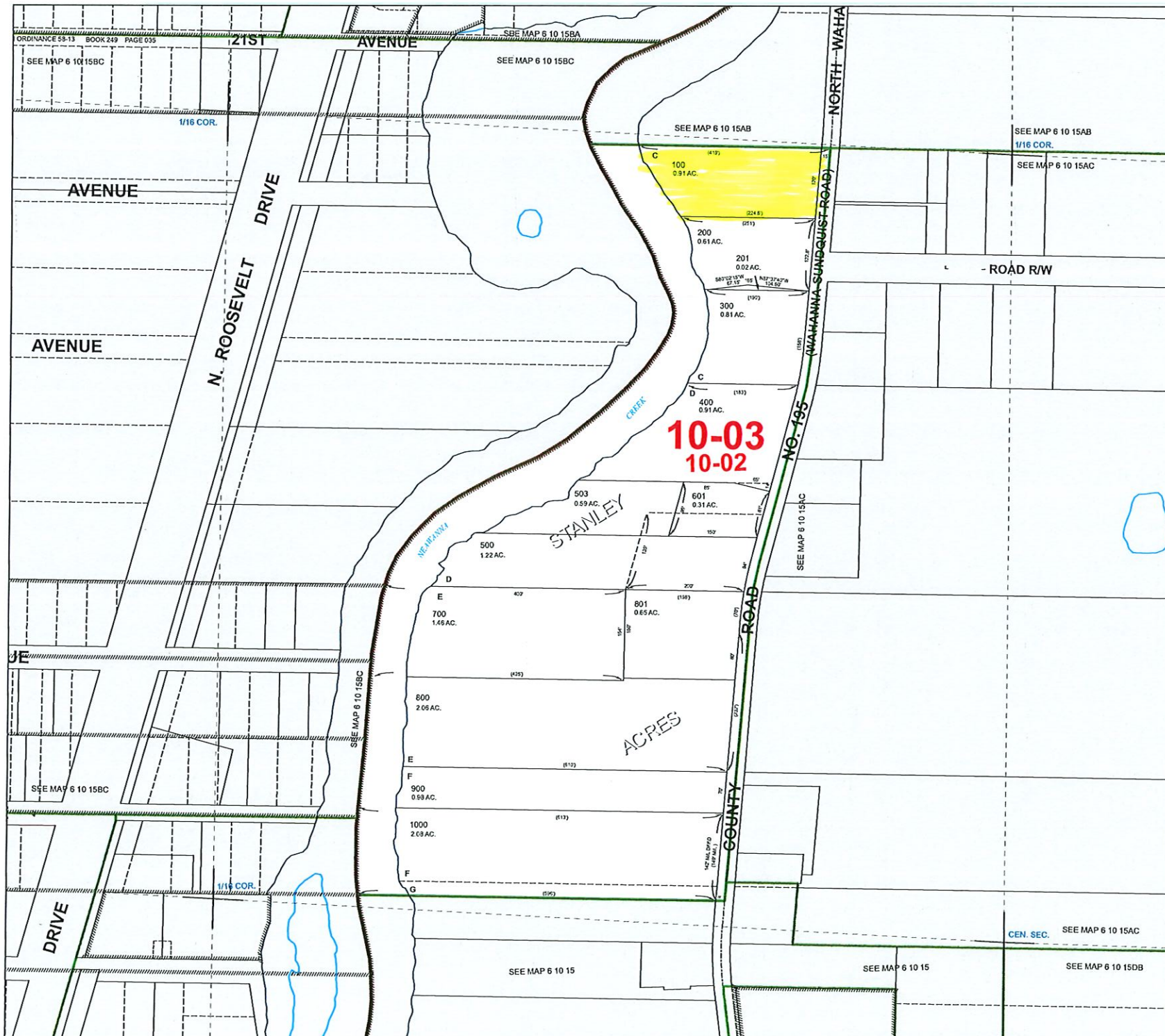
Melora Kay Hitchman
Notary Public for Oregon

Title _____

My commission expires: 12/13/21



NOTE: PROCESS WILL TAKE FROM 60 TO 120 DAYS



6 10 15 BD

CLATSOP COUNTY

SE 1/4 NW 1/4 SEC. 15 T6N R10W WM

0 62.5 125 250 ft

Scale 1:1,200

CANCELLED TAXLOT NUMBERS

501 502 600 901

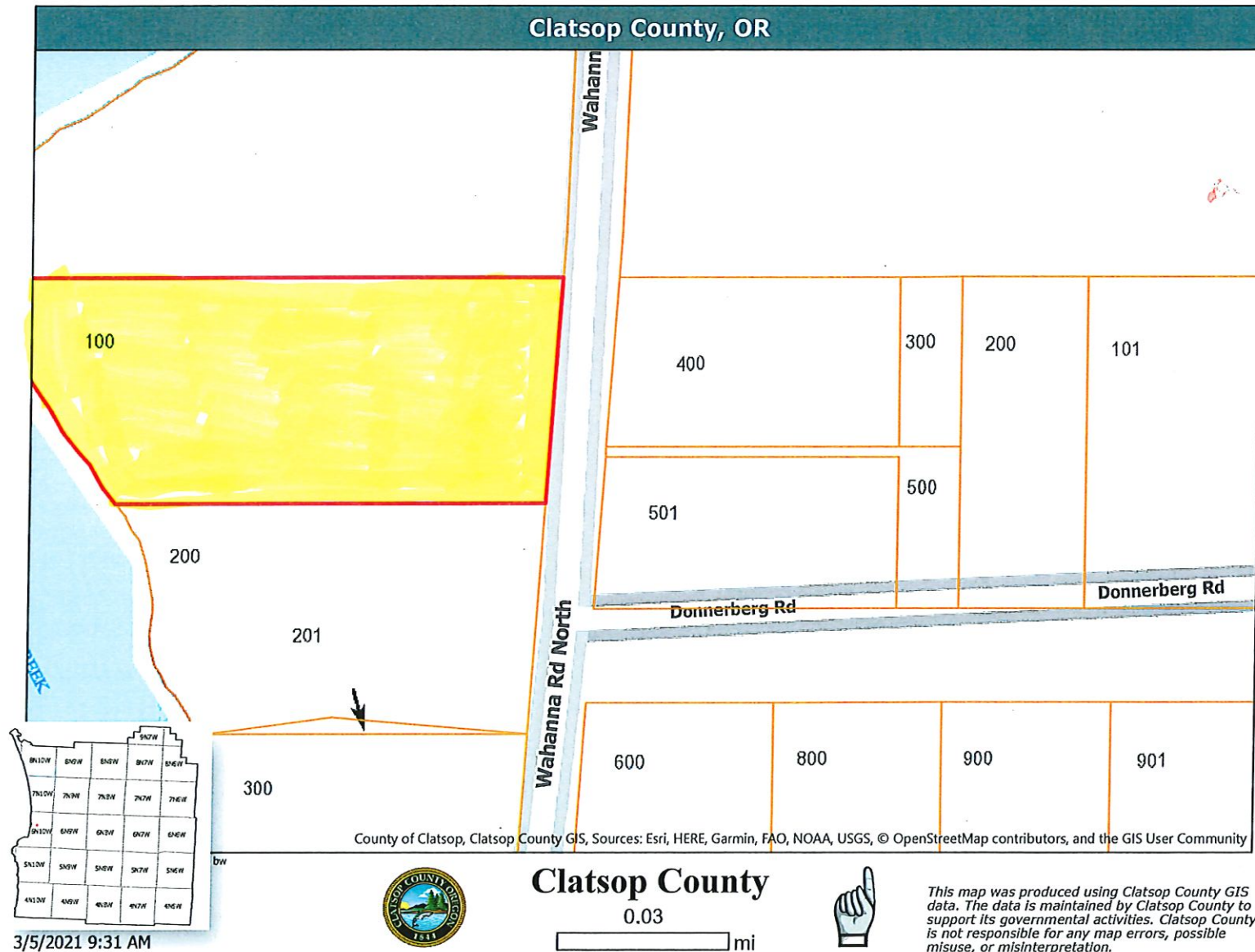
FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT www.co.clatsop.or.us

This map was produced using Clatsop County GIS data. The data is maintained by Clatsop County to support its governmental activities. Clatsop County is not responsible for any map errors, possible misuse, or misinterpretation.

PLOT DATE: 11/01/2019

6 10 15 BD

Clatsop County, OR





Recording Instrument #: 202005663
Recorded By: Clatsop County Clerk
of Pages: 2 Fee: 92.00
Transaction date: 7/17/2020 15:06:38
Deputy: jkerr

After recording return to
and tax statements to:
Rally Time, LLC An Oregon Limited Liability Company
91856 Hwy 104
Warrenton, OR 97146

Situs: VL Wahanna Road, Seaside, OR 97138
Tax Account: 1003 61015BD 00100 #10282

STATUTORY WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, Barbara A. Wendlick, Grantor(s) in consideration of \$75,000.00 to be paid by the Grantee(s) herein, do(es) hereby grant, sell, convey and warrant unto Rally Time, LLC, an Oregon Limited Liability Company, Grantee(s), the following described real property, situated in the County of Clatsop and State of Oregon, to wit:

EXHIBIT "A"

Beginning at the intersection of the North line of Tract "C" STANLEY ACRES, recorded June 2, 1909 in Book 5 of Plats, page 1, and the West right of way line of County Road 195, the true point of beginning; thence

Southwesterly along the West right of way line of said County Road, 120 feet to a point which is also the Northeast corner of the Tract of land conveyed to Thomas David House, et ux. by deed recorded March 5, 1968 in Book 302 page 793, Deed Records, Clatsop County; thence

West along the North line of said House tract 224.6 feet, more or less, to the East high water line of O'Hanna Creek, which point is also the Northwest corner of said House tract; thence

Northerly along the high water line of O'Hanna Creek to the North line of Tract "C" STANLEY ACRES; thence

East along the North line of said Tract "C" to the true point of beginning, situated in the County of Clatsop, State of Oregon.

To Have and to Hold the granted premises unto the said Grantee(s), his/her Heirs and Assigns forever. And the Grantor(s) do(es) covenant that he/she lawfully seized in fee simple of the above granted premises free from all encumbrances, Subject to:

2020-21 taxes, a lien not yet payable.

The premises herein described are within the boundaries of the Sunset Empire Park and Recreation District, and are subject to the statutory powers thereof, including the power of assessment.

The premises are within the boundaries of the Seaside Rural Fire Protection District, and are subject to the levies, assessments and easements thereof, if any.

The premises are within the boundaries of the Drainage District #16, and are subject to the levies, assessments and easements thereof, if any.

Water rights, claims to water or title to water, whether or not such rights are a matter of public record.

The rights of the public in roads and highways.

Conditions, Easements and Restrictions, including the terms and provisions thereof, as shown on the recorded Plat.

Pacific Title Company 23836

Right of Way for Electric Transmission and Distributing Lines, including the terms and provisions thereof, in favor of Pacific Power and Light Company, recorded June 3, 1931 in Book 130 page 193, Clatsop County Deed Records.

Rights of the Public and governmental bodies in and to any portion of said premises herein described lying below the high water line of Neawanna Creek aka O'Hanna Creek, including any ownership rights which may be claimed by the State of Oregon below the high water mark.

Any adverse claim based upon the assertion that Neawanna Creek aka O'Hanna Creek has moved, that some portion of the property is now or at any time has been within its boundaries, or the assertion that any portion of the property has been created by artificial means or has accreted to such portions so created.

Rights of fishing, navigation and commerce, in State of Oregon, the Federal Government and right of the public in and to that portion thereof lying below ordinary high water mark of Neawanna Creek aka O'Hanna Creek.

Discrepancies, conflicts in boundary lines, shortage in area or any other matter as set out and shown in Survey for Donald Wendlick by HLB & Associates, dated October 20, 1999, Job No. 3710-7263-01, filed with the Clatsop County Survey Office as B-10923.

and that he/she will and his/her heirs, executors and administrators, shall warrant and forever defend the granted premises, against the lawful claims and demands of all persons, except as above stated.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO BAND 17, CHAPTER 855, OREGON LAWS 2009. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAW AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Witness his/her hand(s) and seal(s) this 14th day of July, 2020.

Barbara A. Wendlick

By: Paul D. Wendlick
Paul D. Wendlick, Her Attorney in Fact

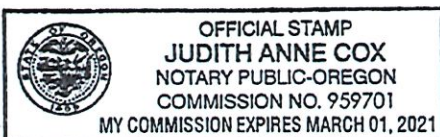
Attorney in Fact for Barbara A. Wendlick

STATE OF OREGON }
COUNTY OF Clatsop } SS:

BE IT REMEMBERED, That on this 14th day of July, 2020 before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Barbara A. Wendlick known to me to be the identical individual(s) described in and who executed acknowledged to me that he/she executed the same freely and voluntarily.

Barbara A.

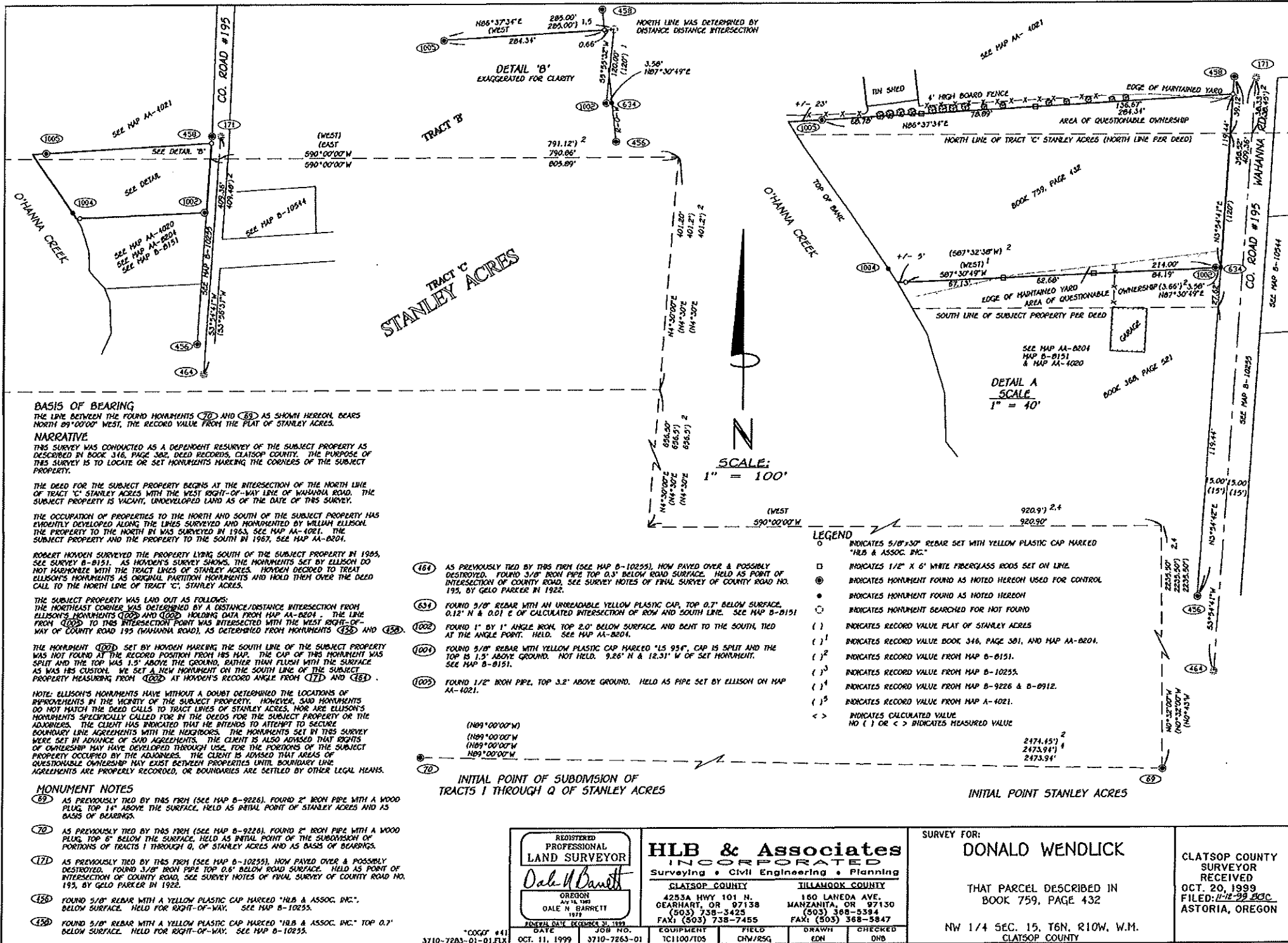
* Paul D. Wendlick Attorney in fact for Barbara A. Wendlick *



Judith Anne Cox

Notary Public for Oregon

My commission expires March 1, 2021



Clatsop County Oregon
Real Property Tax Statement for the 7/1/2020 - 6/30/2021 Tax Year
820 Exchange Suite 210 Astoria, Oregon 97103 Phone (503) 325-8561

TAX CODE: 1003 ACCOUNT ID: 10282
PROP CLASS: 100 MAP: 61015BD00100
2567 ACRES: 0.91
RALLY TIME LLC
91856 HWY 104
WARRENTON, OR 97146

Last Year's Tax: 454.38

This Year's Tax

See back for explanation of taxes marked with (*)

| | |
|---------------------|---------------|
| COMM COLLEGE | 30.43 |
| NW ESD | 6.01 |
| SCHOOL 10 | 172.38 |
| School Total | 208.82 |
| SEASIDE RFPD | 22.87 |
| 4H & EXT SVC | 2.23 |
| CLATSOP CO | 64.06 |
| LO CLATSOP CO | 2.09 |
| PORT ASTORIA | 5.25 |
| SUNSET PARK | 38.76 |
| UNION HEALTH | 5.16 |
| CO RURAL LAW | 30.05 |
| ROAD DIST #1 | 42.49 |
| SUNSET TRANS | 6.77 |

Government Total 219.73

| | |
|--------------|-------|
| CLATSOP CO | 8.31 |
| COMM COLLEGE | 6.32 |
| SCHOOL 10 | 56.35 |

Bonds - Other Total 70.98

Total 2020 Tax 499.53

| | | |
|-------------------------|------------------|------------------|
| VALUES: | Last Year | This Year |
| Real Market (RMV) Land: | 37,966 | 41,763 |
| Structures: | 0 | 0 |
| Total RMV: | 37,966 | 41,763 |
| Assessed (AV) | | |
| Total AV: | 37,966 | 41,763 |
| NET TAXABLE: | 37,966 | 41,763 |

This is the only statement you will receive on this account

If a mortgage company pays your taxes,
this statement is for your records only.

| | | |
|----------------------------------|---------------------------------|---------------------------------|
| Full Payment with 3% Discount | 2/3 Payment with 2% Discount | 1/3 Payment with No Discount |
| 484.54 | 326.36 | 166.51 |

Total Tax (Before Discount) 499.53

2020 - 2021 Property Taxes

TAX CODE: 1003

ACCOUNT ID: 10282

| | | |
|----------------------------------|------------|--------|
| Full Payment Enclosed.....Due: | 11/16/2020 | 484.54 |
| or 2/3 Payment Enclosed.....Due: | 11/16/2020 | 326.36 |
| or 1/3 Payment Enclosed.....Due: | 11/16/2020 | 166.51 |

Discount is Lost & Interest Applies After Due Date

☐ Mailing Address
Change on Back

Enter Payment Amount
\$

2567

RALLY TIME LLC
91856 HWY 104
WARRENTON, OR 97146

MAKE PAYMENT TO:
Clatsop County

04000000102820000048454000003263600000166516

Account 10282

[Property Details](#) [Improvements](#) [Assessments](#) [Sales History](#) [Taxes](#) [Payments](#) [Documents](#)

General Information

| | |
|---------------|---|
| Account ID | 10282 |
| Tax Map Key | 61015BD00100 |
| Size in Acres | 0.91 |
| Property Type | Real Property Residential Vacant Residential Land |

Owner Information

| | |
|-----------------|---|
| Owner Name | Rally Time LLC |
| Mailing Address | 91856 Hwy 104 Warrenton OR 97146 |
| | Request Change of Address |
| | Sign up for e-Statements |

| Year Built | Sq Ft | Type | Stories |
|-----------------------|-------|------|---------|
| No improvements found | | | |

| Type | Sq Ft | Bedrooms | Bathrooms |
|------------------------------|-------|----------|-----------|
| No improvement details found | | | |



Appendix A

Boundary Change Notice
from Taxing District

Boundary change packets must be received in final approved form by the Department of Revenue and the County Assessor(s) by March 31.

| For Department of Revenue use only | | |
|------------------------------------|---------------|------------------|
| Prepared by | File number | |
| Date received | Date approved | Date disapproved |
| Notes | | |
| | | |

Request for: ☒ Preliminary approval ☐ Final approval Date submitted: September 2, 2021

| | | | |
|--|--|--|--------------------|
| District name <u>City of Seaside</u> | | | |
| Mailing address <u>989 Broadway</u> | | City <u>Seaside</u> | State <u>OR</u> |
| County name <u>Clatsop County</u> | | ZIP <u>97138</u> | |
| Contact person <u>Kim Jordan, City Recorder</u> | | Second county name (if applicable) | |
| Phone <u>(503) 738-5511</u> | | Second contact person (if applicable) | |
| Ordinance/resolution/order <u>Ord. 2021-04</u> | | Email <u>kjordan@cityofseaside.us</u> | |
| Election date | | Planning file number | |
| | | Effective date | |

Notes

This has not been taken to the governing body until I get a preliminary approval from the Department of Revenue.

Boundary action:

☒ Boundary change ☐ Proposed boundary change (effective after Mar. 31 or requires election) ☐ Delayed annexation

The change is for:

- ☐ Formation of a new district
☒ Annexation of territory to a district
☐ Withdrawal of territory from a district
☐ Dissolution of a district
☐ Transfer
☐ Merger or consolidation
☐ Establishment of tax zone

Documents required for final review:

- ☒ Ordinance / resolution / order
☒ Map of boundary change
☒ Legal description of boundary change
☐ School district boundary change form (must be included with school district boundary changes)
☐ Other supporting documents—List:

Email submission to:

boundary.changes@oregon.gov

Or Send to:

Oregon Department of Revenue
 Cadastral Information Systems Unit
 PO Box 14380
 Salem OR 97309-5075

Contact us:

boundary.changes@oregon.gov
 Fax: (503) 945-8737

Boundary Change Preliminary Review

DOR 4-P19-2021



Cadastral Information Systems Unit
PO Box 14380
Salem, OR 97309-5075
fax 503-945-8737
boundary.changes@dor.oregon.gov

City of Seaside
City Recorder
989 Broadway
Seaside OR 97138-6894

September 13, 2021

Documents received: 9/2/2021
From: Kim Jordan

This letter is to inform you that the Description and Map for your planned Annexation to the City of Seaside (Ord No 2021-04) in Clatsop County have been reviewed per your request. They MEET the requirements of ORS 308.225 for use with an Order, Ordinance, or Resolution which must be submitted to the Clatsop County Assessor and the Department of Revenue in final approved form before March 31 of the year in which the change will become effective.

If you have any questions please contact Robert Ayers, 503-983-3032