

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO: 10-11-23- 2

IN THE MATTER OF THE ANNEXATION OF THE
CITY OF FLORENCE TO SIUSLAW VALLEY
FIRE AND RESCUE
F SI 2010 - ANX 5 (City of Florence)

WHEREAS, the City of Florence ("City") proposed to annex to Siuslaw Valley Fire and Rescue ("District") by City Resolution No. 7, Series 2010, dated February 24, 2010; and

WHEREAS, the District approved the City's proposal by District Resolution No. 2010-02, dated February 24, 2010, and further determined not to hold a District-wide election under ORS 198.866(2) according to ORS 198.866(3); and

WHEREAS, the City called a City-wide election for May 18, 2010, by City Resolution No. 8, Series 2010, dated February 24, 2010, on the question of whether the City should annex to the District for the purpose of receiving fire protection services, and

WHEREAS, the City electors approved the annexation at the May 18, 2010 election and the election results were certified by City Proclamation on June 7, 2010; and

WHEREAS, the District made certain findings by District Resolution No. 2010-12, including that the City is entirely encompassed within the boundary of the District; and

WHEREAS, District Resolution No. 2010-12 further provides a map and legal description for the City, which is the property proposed for annexation; and

WHEREAS, the county fee for district annexations of 100 or more acres is \$8,820, which has been paid by the District, was set by the Board to recover costs of processing applications, publishing notices, and preparing and submitting matters to the Board for consideration at public meetings; and

WHEREAS, the statutory procedures set forth by ORS 198.866 and 198.867 do not require the same level of county resources as more typical annexations processed under ORS 198.850 – 198.857; and

WHEREAS, the Board is informed by staff that \$4,250 represents a reasonable approximation of staff overhead costs for processing this annexation request; and

WHEREAS, the legal description of the territory proposed for annexation is attached as Exhibit A, a map of the annexation territory is attached as Exhibit B, and the District's Findings of Fact supporting the proposed annexation and its Resolution No. 2010-12 are attached as Exhibit C, all exhibits being hereby incorporated herein; and

WHEREAS, the Board has determined it has the authority to order the proposed annexation under ORS chapter 198 and specifically, ORS 198.867.

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

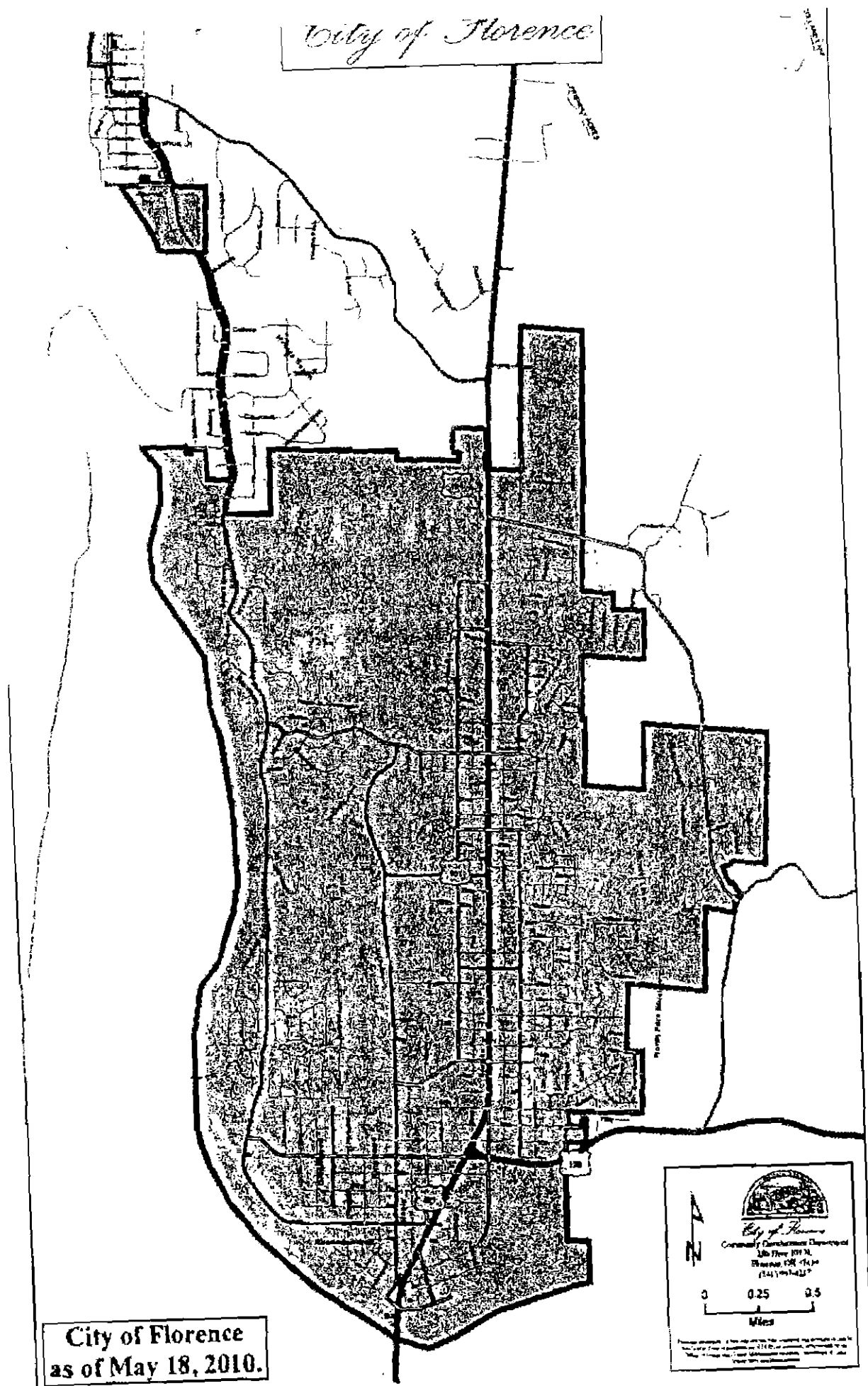
1. That the City of Florence as it existed on May 18, 2010, is annexed to Siuslaw Valley Fire and Rescue;

EXHIBIT A
Legal Description


The City of Florence as of May 18, 2010.

City of Florence

EXHIBIT B
Map



**City of Florence
as of May 18, 2010.**


City of Florence
Community Development Department
110 West 10th St.
Florence, OR 97115
(541) 961-4227

0 0.25 0.5
Miles

Map prepared by the City of Florence Planning Department in 2010. All rights reserved. No part of this map may be reproduced without the written permission of the City of Florence. All other trademarks are the property of their respective owners.

EXHIBIT C
Findings of Fact

1. The Siuslaw Valley Fire and Rescue Board of Directors (District) and the City Council for the City of Florence (City) desired to annex the territory within the City to the District using the provisions of Oregon Revised Statutes (ORS) 198.866 and 198.867.
2. The City passed Resolution No. 7, Series 2010, proposing annexation of the territory within the City to the District and a certified copy was delivered to the District on February 24, 2010, consistent with ORS 198.866(1).
3. The District passed Resolution No. 2010-02 [consistent with ORS 198.866(2)] approving the proposed annexation of the properties within the City to the District and delivered a certified copy to the City on February 24, 2010 [consistent with ORS 198.866(2) and (6)], directing the City to call an election on the question of annexation within the City on May 18, 2010.
4. In accordance with ORS 198.866(3)(b), the District did not call an election within the District, because the City is encompassed by the District by being bounded on three sides by the District and the Pacific Ocean on the fourth, meeting the definition of "encompassed" as used in ORS Chapter 198 and other Oregon laws related to surrounded territory, and stated no election would be called in the District in Resolution No. 2010-02.
5. Resolution No. 8, Series 2010, was adopted by the City on February 24, 2010, calling an election on May 18, 2010, within the City on the question of annexation to the District, consistent with ORS 198.866(7) and (8).
6. On May 18, 2010, an election within the City was held on the question of annexation. The election results (Yes – 2,068; No – 1,003) were certified on June 7, 2010, by the City, based on the Official Canvass by the County Clerk of Lane County, consistent with ORS 198.867(1).
7. On June 16, 2010, Resolution No. 2010-07 was adopted by the District proclaiming and certifying the election results and forwarded the City and District certifications to the County Board consistent with ORS 198.867(2). A County Board order annexing the territory included in the City to the District is required by ORS 198.867(3).
8. At the District meeting on October 20, 2010, three exhibits were adopted to supplement the information sent to the County Board requesting a Board order declaring the territory within the City of Florence annexed to Siuslaw Valley Fire and Rescue. The exhibits included: Exhibit A – Legal Description, Exhibit B – Map, and Exhibit C – Findings of Fact.