

COUNTY COURT JOURN

FILED ✓

DEC 28 2009
12:50

TASSI O'NEIL
COUNTY CLERK

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

In the Matter of Annexation of Land to)
The Neskowin Regional Sanitary) ORDER #09- 103
Authority)

This matter came before the Board of Commissioners for Tillamook County, Oregon, on a petition to annex certain property to the Neskowin Regional Sanitary Authority (NRSA) this 23rd day of December, 2009. Being fully advised of the premises, records and files herein, the Board of Commissioners makes the following findings of fact and order:

1. The Board of County Commissioners has jurisdiction over this matter pursuant to ORS 198.795. Sanitary Authority annexations are governed by ORS 198.800 – 198.820 and 098.850 – 198.867.
2. Public notice of this proposed annexation was given by publishing the Notice of Public Hearing before the Board of Commissioners, including publication of the legal description of the property to be annexed. Additional Notice of the Public Hearing was made by posting a Notice of Public Hearing in three (3) public places in the vicinity of the area proposed to be annexed and one (1) at the County Courthouse.
3. The Affidavit of Paul Levesque as to the posting of Notice of Public Hearing and the Affidavit of Publication for the Public Hearing are attached as exhibits and incorporated by reference to this Order.
4. The property to be annexed is known as Parcel 2 (remainder) Partition Plat 2001-06 and Parcel 3 (remainder) Partition Plat 2001-06, both in Township 5 South, Range 11 West of Willamette Meridian, Section 36 and also known as tax lots 36BA-4800 and 36-1207.
5. The Board of Directors of the NRSA endorses the annexation of this area and its incorporation within the boundaries of the District as evidenced by its action on July 23, 2009.
6. The property proposed to be annexed lies entirely within the unincorporated area of Tillamook County.
7. The property to be annexed consists primarily of property zoned Commercial and Neskowin Residential 1.

8. The proposed annexation will have no adverse or contradictory impact on the present land use or on the Zoning Ordinances and Comprehensive Plan for Tillamook County. The proposed annexation is consistent with the Oregon Statewide Land Use Planning Goals, as the annexation will not allow any use of land which is inconsistent with the existing Land Use Ordinances and Comprehensive Plan.
9. It is in the best interests of the health, safety and welfare of Tillamook County that the proposed annexation be approved.

NOW THEREFORE, IT IS HEREBY ORDERED that:

10. The real property known as Parcel 2 (remainder) Partition Plat 2001-06 and Parcel 3 (remainder) Partition Plat 2001-06, both in Township 5 South, Range 11 West of Willamette Meridian, Section 36 and also known as tax lots 36BA-4800 and 36-1207, be and is annexed to and made a part of the Neskowin Regional Sanitary Authority effective on the date that this annexation is approved by the Oregon Department of Revenue and is subject to the District's outstanding indebtedness, bonded or otherwise, as provided by law and existing on the effective date of the annexation.
11. Two (2) certified copies of this Order shall be provided to the Oregon Department of Revenue. One (1) certified copy of this Order shall be provided to the Oregon Secretary of State. One (1) certified copy shall be filed with the Tillamook County Clerk in the Clerk's records pertaining to the District. One (1) certified copy shall be provided to the Tillamook County Assessor. One (1) certified copy shall be provided to the Neskowin Regional Sanitary Authority.

DATED this 23rd day of December, 2009.

BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

Aye Nay Abstain/Absent

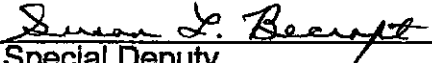

Tim Josi, Chair

Mark Labhart, Vice-Chair

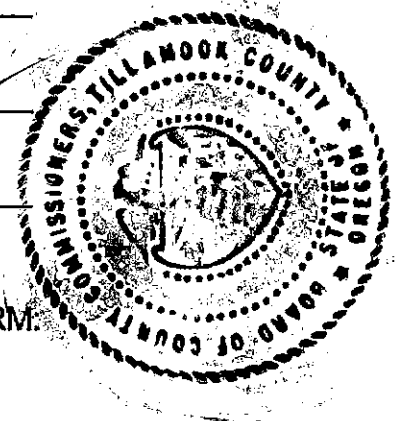
Charles J. Hurliman, Commissioner

ATTEST: Tassi O'Neil, County Clerk

APPROVED AS TO FORM

By: 
Special Deputy


William K. Sargent, County Counsel



THE BOARD OF COUNTY COMMISSIONERS
FOR THE COUNTY OF TILLAMOOK IN THE STATE OF OREGON

In the matter of the Notice of Public Hearing)
Regarding the proposed Annexation of)
The Neskowin Regional Sanitary Authority) AFFIDAVIT OF POSTING NOTICE

I, Paul Levesque, being first duly sworn, do depose and say that I am an employee of the County of Tillamook for the Board of Commissioners and that on the 5th day of November, 2009, I personally posted four (4) copies of the Notice of Public Hearing, a copy of which is attached hereto and made part hereof, at the following places, all in Tillamook County, in the vicinity of the proposed annexation of the Neskowin Regional Sanitary Authority:

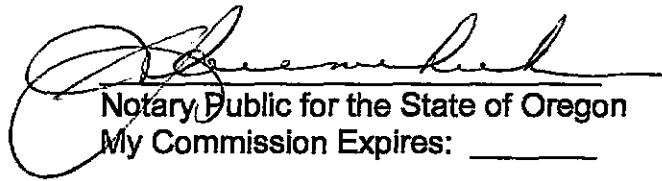
1. On the front porch bulletin board at the Neskowin Market Place in Neskowin, Oregon.
2. On the inside of the glass front door (facing out) of the Neskowin Regional Sanitary Authority Office in Neskowin, Oregon.
3. On the bulletin board inside the front door of the Neskowin Post Office in Neskowin, Oregon.
4. On the bulletin board inside the north lobby of the Tillamook County Courthouse, in Tillamook, Oregon.

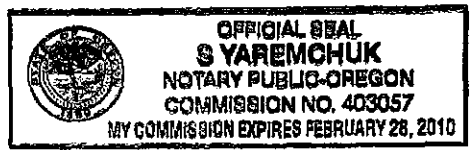
All such notices were posted in public and conspicuous places and in such a manner that they could be easily read by all persons passing such places.

DATED this 13 day of ^{December} November, 2009.


PAUL LEVESQUE

Subscribed and sworn before me this 13 day of ^{December} November, 2009.


Notary Public for the State of Oregon
My Commission Expires: _____



Affidavit of Publication

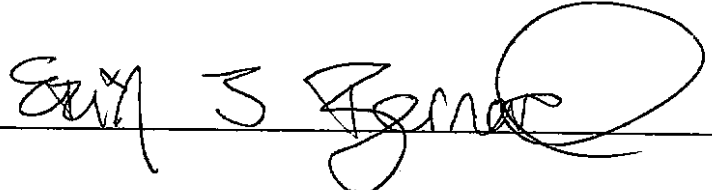
State of Oregon, County of Tillamook, -ss.

I, Erin J Bernard, being first duly sworn, depose and say that I am a Clerk of the Headlight-Herald, a newspaper of general circulation as defined by ORS 193.010 and 193.020. state; that


H09-745
Tillamook County
Public Hearing Notice
Regarding Proposed Annexation
To Neskowin Regional Sanitary Authority

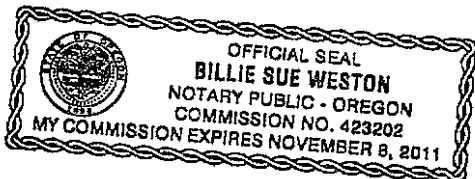
a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for 2 successive and consecutive weeks in the following issues:

11/11/09 & 11/18/09



Subscribed and sworn to before me this
18th day of November, 2009


Notary Public of Oregon



**H09-745
NOTICE OF PUBLIC HEARING
REGARDING PROPOSED ANNEXATION TO THE NESKOWIN REGIONAL SANITARY AUTHORITY**

Notice is hereby given pursuant to ORS 198.800 that a Public Hearing will be held by the Board of County Commissioners for Tillamook County on the 25th day of November, 2009 at 10:00 a.m. in the Commissioners' Meeting Room A of the Tillamook County Courthouse, 201 Laurel Avenue, Tillamook, Oregon. The purpose of the Hearing is to consider and act on a Petition that the hereinafter described real property, as more particularly described as Parcel 2 (remainder) Partition Plat 2001-06 and Parcel 3 (remainder) Partition Plat 2001-06, both in Township 5 South, Range 11 West of Willamette Meridian, Section 36 and also known as tax lots 36BA-4800 and 36-1207, respectively, in the contiguous territory proposed, be annexed to the Neskowin Regional Sanitary Authority and become a part thereof.

All interested persons may appear and be heard.

This Notice is posted and published pursuant to a Petition to initiate annexation of the territory above described to said Neskowin Regional Sanitary Authority.

Price charge for this notice \$ 73.14

T5S R11W 36BA - 4800 Portion Partition Plat 2001-06

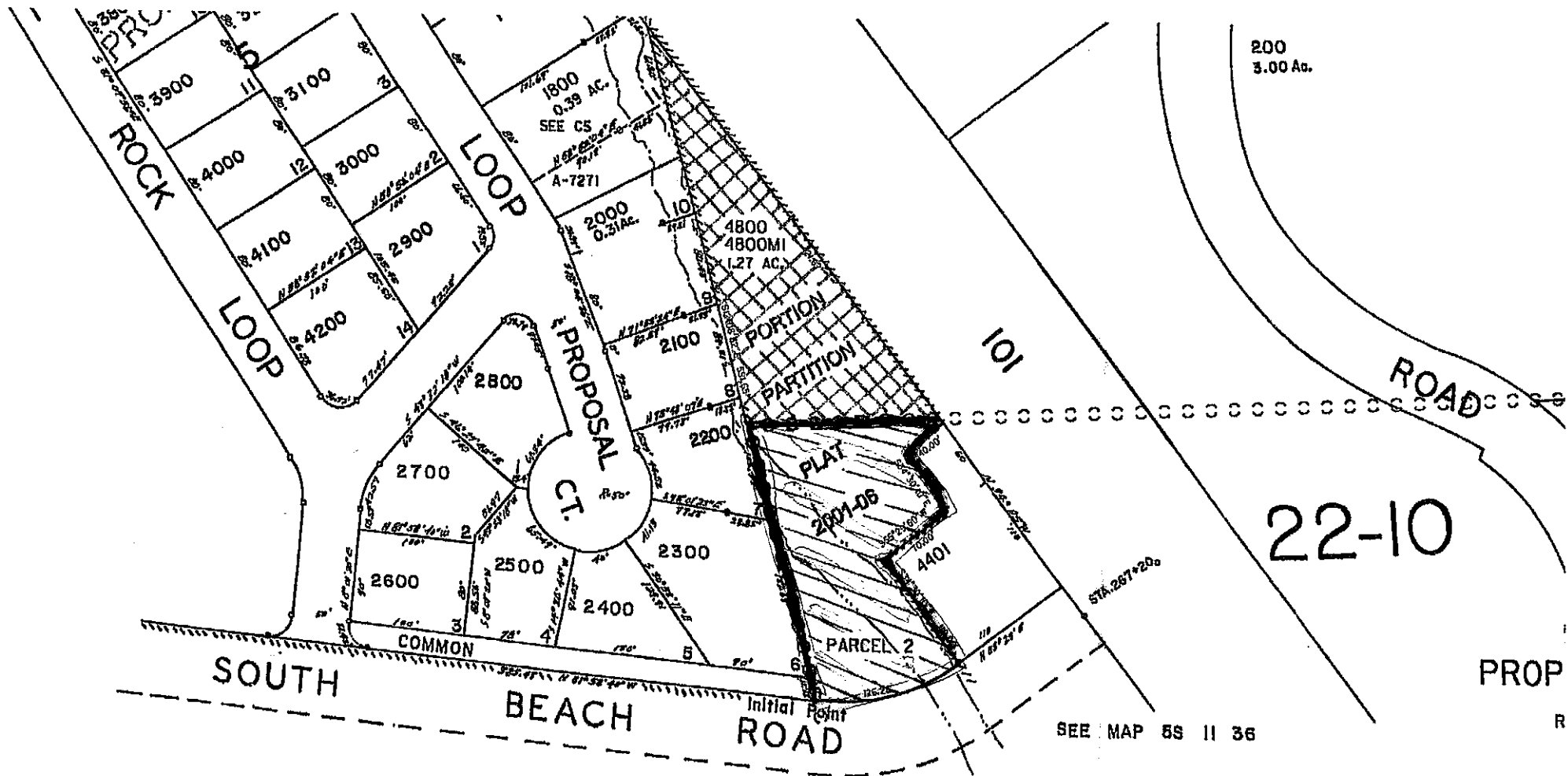


Exhibit A: Parcel 2, Partition Plat 2001-06, in Tillamook County
 Hatch (green): within NRSA boundary
 Slash (red): portion to be annexed

