

## BEFORE THE BOARD OF COUNTY COMMISSIONERS

## FOR TILLAMOOK COUNTY, OREGON

In the Matter of Annexation of Land )  
 And Territory to the Netarts Water )  
 District )

ORDER #09-104

FILED

DEC 23 2009

TASSI O'NEIL  
COUNTY CLERK

This matter came before the Board of Commissioners under a Petition of Eddy R. and Elona A. Storo to annex certain real property to the Netarts Water District. 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 198.857.
2. Public Notice of this proposed annexation was given by publishing the Notice of Public Hearing before the Board of Commissioners, including the legal description of the property to be annexed, as evidenced by the Affidavit of Publication, attached hereto as Exhibit B.
3. Notice of the Public Hearing was also posted in three (3) public places in the vicinity of the proposed annexation and at the County Courthouse. The Affidavit of Paul Levesque as to the posting of this Notice of Public Hearing is attached hereto as Exhibit C and incorporated into this Order by reference herein.
4. Annexation of the property described in Exhibit A was initiated by the Petition signed by all the owners of the property proposed to be annexed.
5. As evidenced by the Petition, the Board of the Netarts Water District endorses the annexation of this area and its incorporation within the boundaries of the District.
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 for single-family residential.
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 described in the attached Exhibit A, incorporated herein, be and is annexed to and made a part of the Netarts Water District, 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 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 of this Order 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 Netarts Water District.

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:   
\_\_\_\_\_  
Susan L. Beckett  
Special Deputy

  
\_\_\_\_\_  
William K. Sargent, County Counsel



Exhibit "A"

Beginning at a point monumented by a 5/8" IR and being the N.E. corner of Parcel 2, Partition Plat No. 2006-22 in Tillamook County, Oregon and in the NW ¼ SW ¼ Section 32, T.1 S., R. 10 W., W.M.

Thence South, 59.85'; Thence S 45°54'02" W, 166.26'; Thence S 0°47'04" W, 37.24' to a 5/8" IR on the North sideline of Clam Way; Thence; S 89°41'48" E, 29.75' to a 5/8" IR with cap marked " R J Olsen LS 701"; Thence S 89°41'46" E, 648.38'; Thence N 1°09'54" E, 440.81'; Thence N 89°40'14" W, 527.50'; Thence S 1°16'22" W, 227.25' to a 5/8" IR; Thence West, 35.00' to the point of beginning

# 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

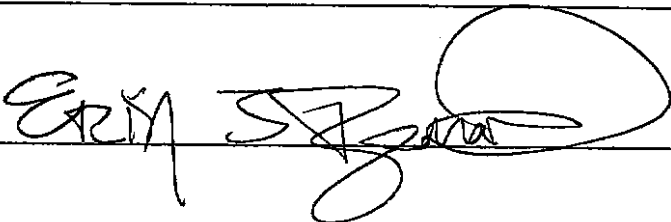
H09-771

Notice of Public Hearing

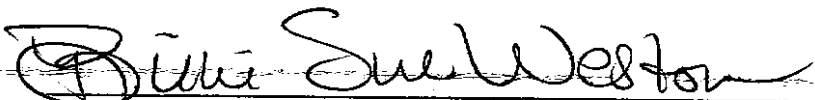
Re: Proposed Annexation to Netarts Water District

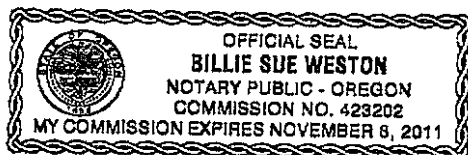
a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for 2 successive and consecutive weeks in the following issues:

11/25/09, 12/02/09



Subscribed and sworn to before me this  
2nd day of December, 2009

  
Notary Public of Oregon



Price charge for this notice \$ 97.08

H09-771  
NOTICE OF PUBLIC  
HEARING  
REGARDING PRO-  
POSED ANNEXATION  
TO THE NETARTS  
WATER DISTRICT

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 16th day of December, 2009 at 9:30 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 herein-after described real property, as more particularly described on the attached Exhibit "A" incorporated herein by reference, in the contiguous territory proposed, be annexed to the Netarts Water District 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 Netarts Water District.

Publish November 25 and December 2

Exhibit "A"

Beginning at a point monumented by a 5/8' IR and being the N.E. corner of Parcel 2, Partition Plat No. 2006-22 in Tillamook County, Oregon and in the NW 1/4 SW 1/4 Section 32, T.1 S., R. 10 W., W.M.

Thence South, 59.85'; Thence S 45o54'02" W, 166.26'; Thence S 0o47'04" W, 37.24' to a 5/8' IR on the North sideline of Clam Way; Thence; S 89o41'48" E, 29.75' to a 5/8" IR with cap marked " R J Olsen LS 701"; Thence S 89o41'46" E, 648.38'; Thence N 1o09'54" E, 440.81'; Thence N 89o40'14" W, 527.50'; Thence S 1o16'22" W, 227.25' to a 5/8" IR; Thence West, 35.00' to the point of beginning

"EXHIBIT C"

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 ) AFFIDAVIT OF POSTING NOTICE  
To the Netarts Water District )

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 23<sup>rd</sup> 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 Netarts Water District:

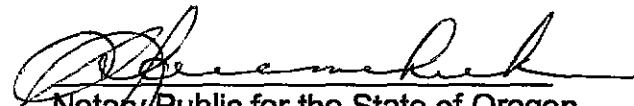
1. On the glass window inside the front door (facing out) in the Netarts Water District Office in Netarts, Oregon.
2. On the bulletin board inside the front door of Josi's Bayside Market and Deli in Netarts, Oregon.
3. On the inside of the front glass door (facing out) of the Netarts Grocery in Netarts, Oregon.
4. On the bulletin board of the North lobby of the Tillamook County Courthouse in Tillamook, Oregon.

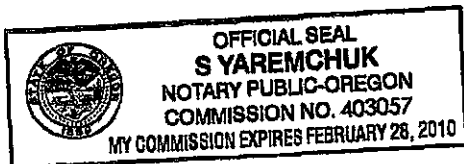
All such notices were posted in public and conspicuous places and in such a manner that they could be easily read by all persons passing such places.

DATED this 23<sup>rd</sup> day of November, 2009.

  
\_\_\_\_\_  
PAUL LEVESQUE

Subscribed and sworn before me this 23<sup>rd</sup> day of November, 2009.

  
\_\_\_\_\_  
Notary Public for the State of Oregon  
My Commission Expires: \_\_\_\_\_



ASSESSMENT PURPOSE ONLY

TILLAMOOK COUNTY

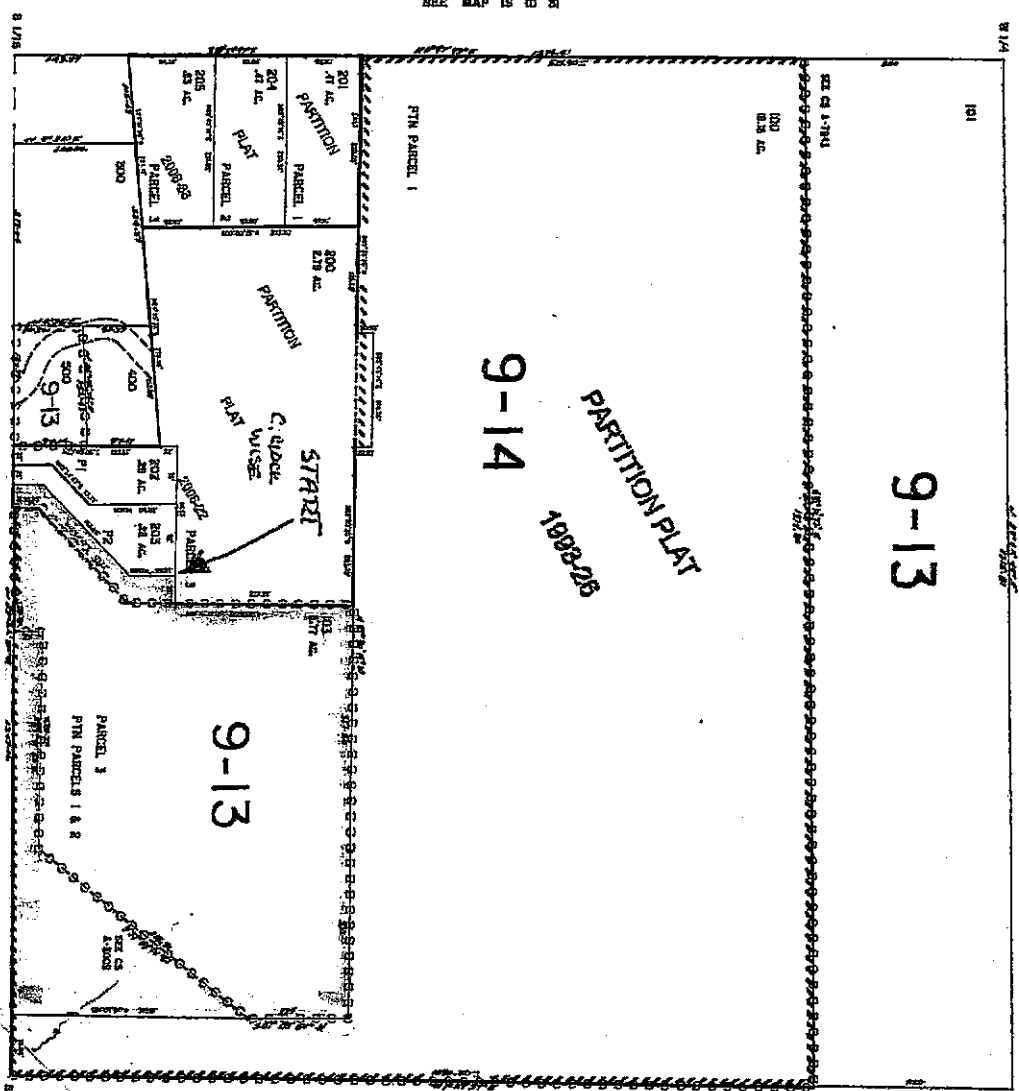
NETARIS

SEE MAP IS 10

9-13

9-14

1998-25



SEE MAP IS 10

SEE MAP IS 10

SEE MAP IS 10

CERTIFIED TO BE A TRUE AND CORRECT COPY OF THE ORIGINAL

TASSI O'NEIL  
BY Tassi O'Neil DEPUTY CLERK



IS 10 32CB -103  
NETARIS  
REVISED 02/16/04, BS

STORD  
4800 CLAM WAY  
NETARIS, OR 97143