



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Coastal Fax: (503) 378-6033

Second Floor/Director's Office Fax: (503) 378-5518

Third Floor/Measure 37 Fax: (503) 378-5318

Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT

November 28, 2006

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Ontario Plan Amendment
DLCD File Number 002-06



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: December 6, 2006

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Darren Nichols, DLCD Regional Representative
Grant Young, City of Ontario

<paa> ya



2 Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

DATE
STAMP
DEPT OF
NOV 20 2006
**LAND CONSERVATION
AND DEVELOPMENT**
For DLCD Use Only

Jurisdiction: City of Ontario Local file number: 2006-08-18AZ

Date of Adoption: 11/6/2007 Date Mailed: 11/15/2006

Date original Notice of Proposed Amendment was mailed to DLCD: 8/16/2006

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: Annexation/Rezone

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".
Annexation of .52 Acres Zone UGA Light Industrial; and, assignment of City Light Industrial Zone

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME". If you did not give Notice for the Proposed Amendment, write "N/A".
Same

Plan Map Changed from: NA to: NA

Zone Map Changed from: UGA I-1 to: CITY I-1

Location: 17S, 47e, 33D; #2500 & 2600 Acres Involved: .52

Specify Density: Previous: 7500 SQUARE FEET New: 7500 SQUARE FEET

Applicable Statewide Planning Goals: NA

Was and Exception Adopted? YES NO

DLCD File No.: 002-06 (15469)

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

Forty-five (45) days prior to first evidentiary hearing? Yes No

If no, do the statewide planning goals apply? Yes No

If no, did Emergency Circumstances require immediate adoption? Yes No

Affected State or Federal Agencies, Local Governments or Special Districts:

Malheur County; Ontario Rural Fire; Ontario Rural Road

Local Contact: **Grant Young** Phone: **(541) 881-3222** Extension: _____

Address: **444 SW 4th Ave** City: **Ontario, OR**

Zip Code + 4: **97914-** Email Address: **grant.young@ontarioruralfire.org**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.

3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.

4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.

5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.

6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.

7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

**BEFORE THE CITY COUNCIL
CITY OF ONTARIO, OREGON**

In the matter of Land Use Action #2006-08-18AZ, a)
Request for annexation and rezone as filed by Riley Hill)

**FINAL ORDER
And Findings of Fact**

ORDER in the **APPROVAL** of Land Use Action **2006-08-18AZ**, filed by Riley Hill for the annexation, and rezone of .52 Acres of Land designated as Assessor's Map #17S4733D; Tax Lots #2500 & 2600, City of Ontario, Oregon, located southeast of the intersection of North Park and Washington Avenue, very near the North Interchange; said application filed as provided for in the Ontario Municipal Code.

WHEREAS:

This matter came before the Ontario City Council as an application for annexation and rezone of property in accordance with the City of Ontario Municipal Code. The application sought approval for the annexation and rezone of a parcel of land contiguous to the City Limits of the City of Ontario.

Hearings were held before the City Council on October 16, 2006, and on November 6, 2006, as matters duly set upon the agendas of its regular meetings after giving public notice to affected property owners, agencies, the local newspaper and electronic media, and otherwise as set forth in Sections 10B-03 and 10B-45.

At the initial public hearing on said application evidence and testimony was presented by the Planning and Zoning Administrator in the form of a staff report and exhibits. The hearing was conducted according to the rules of procedure and conduct of hearings on annexations, and on land use matters, as set forth in the Ontario Municipal Code. The City Council did receive oral testimony at the hearing concerning this application.

At the conclusion of the initial public hearing the City Council, after consideration and discussion of the evidence and testimony, upon a motion duly made and seconded, voted to approve the request as set forth above and proposed in Application #2006-08-18AZ based on decision criteria, findings of fact and conclusions of law as set forth in this order and in Exhibit 1 attached hereto and included herein by this reference.

At the November 6, 2006, public hearing the City Council, after giving public notice as required for a public meeting, did adopt Ordinance #2586-2006 on the second and final reading as a part of the Consent Agenda.

FINDINGS OF FACT:

- 1) The City Council adopts the findings and conclusion in the Staff Report as the basis for

this decision; and

- 2) The City Council accepts and adopts the oral and written submittals of testimony of the October 16, 2006, hearing as additional basis for this decision.

CONCLUSIONS OF LAW

1. The burden of proof is upon the applicant in proving the proposal fully complies with applicable Code criteria, Oregon State Statutes and Oregon Administrative Rules.
2. The City Council finds that Exhibit 1, Staff Report, and evidence and testimony presented at the hearings, address relevant comprehensive plan policies, standards of the Municipal Code, and Oregon State Statute and Administrative Rules sufficiently to support the burden of proof needed to approve the request for annexation and rezone.
3. The City Council finds that the applicant has met the burden of proof to support approval of the proposed application.

NOW THEREFORE LET IT HEREBY BE ORDERED that application #2006-08-18AZ, for the annexation, and rezone of property designated as Assessor's Map #17S4733D; Tax Lots #2500 & 2600, City of Ontario, Oregon, filed by Riley Hill be **APPROVED**:

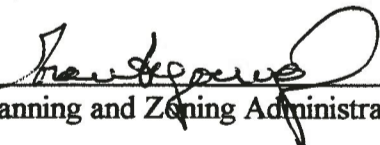
Based upon the above, the City of Ontario City Council has concluded that Application #2006-08-18AZ, meets the standards set forth in the applicable sections of the Ontario City Code and therefore complies with the purposes of the Code.

This order in **APPROVAL** of Application #2006-08-18AZ reviewed and approved by the City Council on this 6th day of November, 2006.

FOR THE CITY OF ONTARIO:



Mayor



Planning and Zoning Administrator

ONTARIO CITY COUNCIL – REPORT AND DECISION
Monday, November 6, 2006

TO: Mayor and City Council

THRU: Scott Trainor, City Manager

FROM: Grant Young, Planning and Zoning Administrator

SUBJECT: ACTION 2006-08-18AZ: A request for Annexation and Rezone of two parcels of land located east of, and adjacent to, North Park Boulevard in the vicinity of the North Ontario Interchange on Interstate 84. If approved, this action will result in the Annexation of .52 acres of land into the City of Ontario; and, the rezoning of the subject property from Urban Growth Area Light Industrial (UGA I-1) to the City Light Industrial (I-1) Zone. The applicant and property owner is Riley Hill. ORDINANCE #2586-2006, Final Reading

REPORT DATE: Monday, November 7, 2006

I. SUMMARY & BACKGROUND:

Attached document(s):

- Exhibit "A" Assessor's Map of subject property
- Exhibit "B" Consent form
- Exhibit "C" Legal description and map of subject annexation/rezone
- Exhibit "D" Development Agreement
- Exhibit "E" Ordinance #2586-2006

The applicant has purchased a property southeast of the intersection of North Park and Washington Avenue, very near the North Interchange. The applicant wishes to establish a Deli-type of restaurant with a liquor license to sell food, beer and wine. In order to connect to City water and sewer, annexation into the City is necessary. This application, if approved, will result in the annexation of .52 acres of land into the City, and a rezone of the property from Urban Growth Area Light Industrial (UGA I-1) to City Light Industrial (I-1) within the North Ontario Interchange Management Plan Area. The subject property is currently zoned Urban Growth Area Light Industrial (UGA I-1), and consists of two tax lots which are designated as Assessor's Map #17S4733D; Tax Lots #2500 & 2600

II. PREVIOUS COUNCIL ACTION:

None. The Planning Commission heard this matter at the regular October meeting and has forwarded a recommendation for approval to the Council.

III. APPLICABLE ORDINANCE & COMPREHENSIVE PLAN CRITERIA AND STANDARDS:

The proposed development must comply with applicable provisions of the OCC (City of Ontario Zoning Ordinance as set forth in the Ontario City Code), and the City of Ontario Comprehensive Plan. Generally, unless otherwise noted, if a request is found to be consistent with the Zoning Ordinance it is considered to be consistent with the Comprehensive Plan.

The proposed development must comply with applicable provisions of the OCC (City of Ontario

A. Rezone

- 1. Section 10B-20-30 REQUIRED FINDINGS, DECISION CRITERIA. In preparing findings to support a quasi-judicial zoning map amendment decision, the following findings shall be addressed except when alternatives are set forth or where a required findings clearly does not apply to the current action:*
 - a. The zoning map amendment is in conformance with statewide planning goals and guidelines.*
 - b. The zoning map amendment is in conformity with the acknowledged comprehensive plan.*
 - c. The applicant has demonstrated a mistake or error in the original zone designation or the applicant has demonstrated a change in physical, social or market conditions generally effecting the area which make the proposed change appropriate.*
 - d. A public need is demonstrated for this zoning at this location and is not the granting of a special privilege for a single property or small group of properties.*
 - e. The property effected by the change is adequate in size and shape to facilitate its use and development as permitted under the new zoning classification.*
 - f. The property effected by the proposed change of zone is properly related to streets and public facilities and with services adequate to meet the demands of the uses allowed in the new zone.*
 - g. The proposed zoning map change will not result in adverse effects upon surrounding properties or surrounding uses from dust, noise, vibration, odor, heat, glare, lighting, or discharges into the air, water or land.*

Findings:

- a. The City of Ontario Municipal Code Implements policies contained in the City of Ontario Comprehensive Plan, which conforms to the Statewide Planning Goals; if a proposed rezone meets all criteria and standards contained in the OMC, the request will be consistent with Comprehensive Plan Policies and therefore conform to the Statewide Planning Goals.
- b. The subject property is currently zoned UGA I-1 and the request is to rezone to the companion City Industrial Zone that is the same zone as adjacent and nearby property. The requested zone allows basically the same use as the UGA zone, and is reflected in the Comprehensive Plan. No Comprehensive Plan amendment is necessary for this rezone; therefore, the proposal is consistent with, and conforms to, the Comprehensive Plan.
- c. The applicant has requested annexation into the City of Ontario concurrent with the request for rezone; a City Zone must be applied to the property once within City Limits. The existing zone is not a mistake, and there is no need to demonstrate a change in conditions in the surrounding area; the change in zone is necessary and appropriate.
- d. This request is legally necessary due to the annexation of the property; granting of this request is not a special privilege and no public need has to be demonstrated.
- e. The subject property is adequate in size and shape for the proposed use to be rezoned from UGA Light Industrial to City Light Industrial.
- f. The property owner proposes development at this time into a deli-type restaurant with a limited liquor license, and has presented a plot plan showing adequate room for structures, parking, landscaping, etc.. City Water and Sewer are available near the boundary of the property. City fire and police services will be available upon annexation.

Development agreements for the dedication of right-of-way for planned streets; improvement of all streets to City standards, including curb, gutter and sidewalks; establishment of stormwater management systems to contain all stormwater onsite; and installation or payment of the appropriate share of existing, sewer and water; and, for installation of fire hydrants to City standards have not been finalized, and must be in order for this criterion to be considered met.

- g. Uses allowed by the current zone are basically identical to the proposed zone. No significant difference in allowed uses will occur as a result of the rezone. Requirements in the OMC applicable to uses in the I-1 zone will ensure that impacts from dust, noise, vibration, odor, heat, glare, lighting, or discharges into the air, water or land are minimized.

Conclusion: The proposed rezone is consistent with all applicable criteria and standards if a condition of approval is required that an appropriate development agreement be signed by the

developer prior to the annexation being declared final.

B. Annexation:

1. *10B-45-10 INITIATION OF ACTION. When a person, authorized by statute, wishes to extend the city's boundaries, an application on forms supplied by the city shall be filed with the Planning Director and which include: annexation consent forms, by the property owners, and by tenants if required by law or court decision; request for a change in zoning map designation, or plan change if required; request for other quasi-judicial action if required; fees, and other exhibits and requirements for a quasi-judicial action as set forth in this Title. All land use actions associated with the annexation shall be consolidated, as feasible, and one fee paid.*
2. *Oregon Revised Statute 222.125: Annexation by consent of all owners of land and majority of electors; proclamation of annexation. The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation.*

Findings:

1. The applicant has paid the fees and provided the proper application with signatures, including those “electors” residing on the subject property.
2. The property is annexable because it lies inside the Urban Growth Boundary and is contiguous with current city limits.
3. The property is currently zoned for Light Industrial use in the Urban Growth Area; the requested zone, City Light Industrial, is consistent with contiguous property.
4. Findings from preceding sections of this report are herein included by this reference. A change to the comprehensive plan map or text is not necessary to annex the property; however, the annexation of the property must be consistent with all applicable Comprehensive Plan Policies. Section 10D-100-15-40 of the OMC contains a Goal 11, Public Facilities, policy that states:

Development proposals for industrial or commercial uses shall include descriptions of water and sewer requirements. Provisions for financing shall be developed in accordance with the city's ordinances and policies.

As noted in a preceding section of this report, the subject property has no signed development agreement with regards to streets, curb-sidewalk-gutter, water, sewer and fire/life safety needs, stormwater, etc; therefore, annexation is not consistent with the noted Goal 11 Comprehensive Plan Policy. However, as noted above, a condition of approval that a development agreement be signed prior to any connection to City Services or building permit issuance will ensure compliance with the Goal and will enable this criterion to be met.

5. Annexation would benefit the city by increasing tax revenue, and, by providing more potentially developable residential land.

Conclusion: All criteria and standards applicable to a request for annexation have been met with the exception of #4, which can be met by an appropriate condition of approval; the property may be annexed.

IV. STAFF RECOMMENDATION:

Staff recommends that the Council approve the requested annexation and rezone, with the conditions set forth in Section VI below.

V. PROPOSED MOTIONS:

1. Approval of Request:

I move that the City Council approve the request for annexation and rezone as set forth in Land Use Action #2006-08-18AZ, based on the information, findings of fact and conclusions in Sections I through IV above, subject to the conditions of approval set forth in Section VI below.

2. Adoption:

I move that the City Council adopt **ORDINANCE #2586-2006; AN ORDINANCE PROCLAIMING THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF ONTARIO; AND WITHDRAWING SAID TERRITORY FROM THE ONTARIO RURAL FIRE PROTECTION DISTRICT; AND WITHDRAWING SAID TERRITORY FROM THE ONTARIO RURAL ROAD ASSESSMENT DISTRICT NO. 3**, on the first reading by Title only.

VI. CONDITIONS OF APPROVAL:

1. The approval of the annexation and rezone granted herein is valid for a period of one year from the date the decision of the Council is final; that final decision date shall be the date of expiration of the 21-day period for appeal to LUBA as required by Oregon Revised Statute and as noted in the Notice of Decision for this request.
2. Prior to issuance of building permits or any connection to City Services the property owner shall sign a development agreement drawn up by the City, record same as required by the City and provide the City with a copy of the recorded document. If the development agreement is not signed and recorded within the one year period as noted in condition #1 above, the annexation and rezone is void.

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY



SE 1/4 SECTION 33 T.17S. R.47E. W.M.
MALHEUR COUNTY
1" = 200'

17S 47E 33D
CANCELLED NO.
FOIA
140048
2001



EXHIBIT A

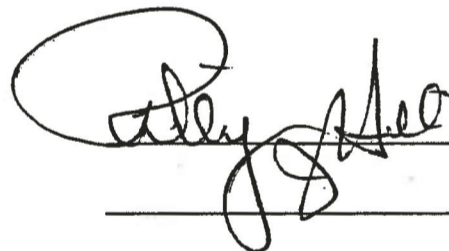
Printed on Jul 29, 2005
17S 47E 33D



CONSENT To ANNEXATION

KNOWN ALL MEN BY THESE PRESENT that we, the undersigned, being owners, contract purchasers, mortgagees, or security holders upon a portion of land described below and which is proposed to be annexed to the City of Ontario, do hereby give our irrevocable consent that such land be annexed to the City of Ontario, and that our consent may be filed with the City Council of Ontario Oregon and that no election shall be held in said territory or notices posted therein. This consent is given pursuant to ORS SECTION 222.170.

Fileable Copy



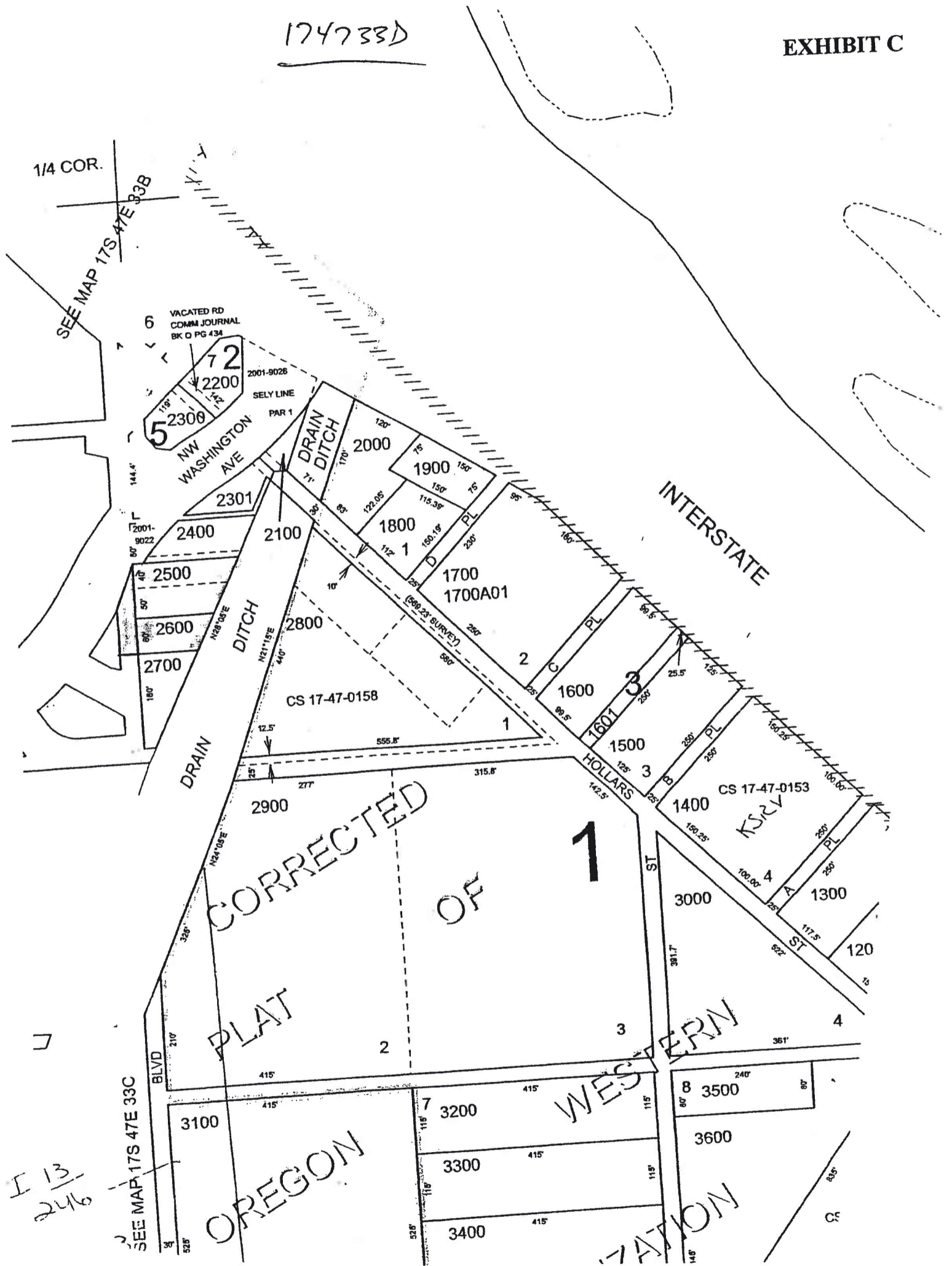
Date: 7/31/06

The above signatures on the original consents were filed in the office of the City Recorder in accordance with State Statute. The above parties are all the property owners within the territory to be annexed.

City Recorder

174733D

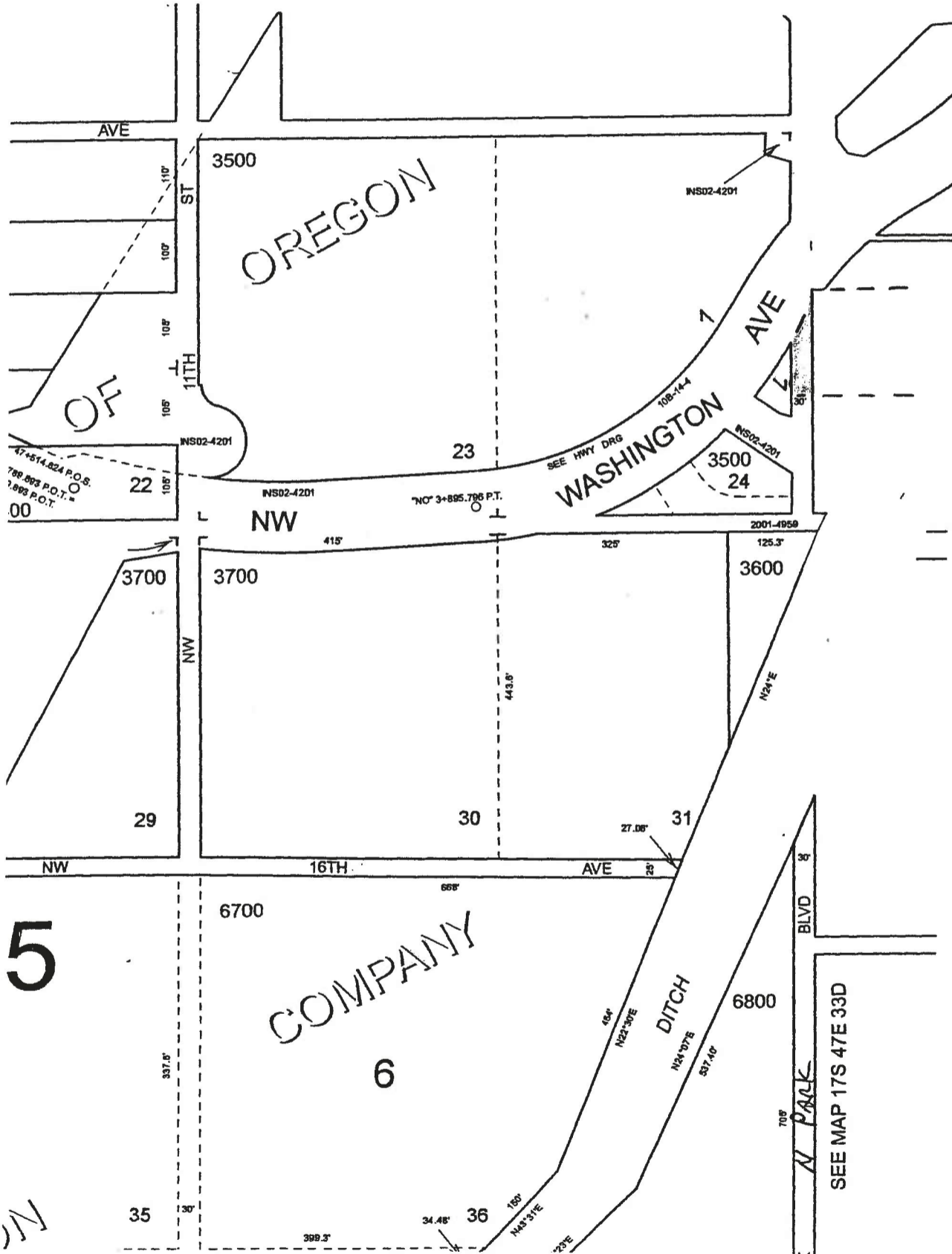
EXHIBIT C



UNIT

174733C

- CANC
- 1100
- 1200
- 3800
- 4900
- 5000
- 5200
- 5400
- 6400
- 6501



SEE MAP 17S 47E 33D

Legal - Riley J. Hill Annexation

Land in **OREGON AND WESTERN COLONIZATION SUBDIVISION SECOND ADDITION**, in Section 33, Township 17 South, Range 47 East of Willamette Meridian, Malheur County, Oregon, according to the Corrected Plat thereof, as follows:

In Block 5: Two parcels of land in Lot 25 described as follows:

Parcel 1: (Tax Lot 2500)

Beginning at a point 220 feet North of the Southwest corner of said Lot 25;
thence North 90 feet;
thence East to the East boundary of said Lot 25;
thence Southwesterly to a point lying East of the Point of Beginning;
thence West to the Point of Beginning.

Parcel 2: (Tax Lot 2600)

Beginning at a point 160 feet North of the Southwest corner of said Lot 25;
thence North 60 feet;
thence East to the East boundary of said Lot 25;
thence Southwesterly to a point lying East of the Point of Beginning;
thence West to the Point of Beginning.

EXCEPTING FROM the above lands that portion as conveyed to State of Oregon Highway Dept. by Deed recorded June 27, 2001, Inst. No. 2001-4369, Deeds.

ALSO all that portion of North Park Blvd right of way lying North of the Westerly extension of the South boundary of above described Parcel 2, and lying South of the Southeasterly boundary of NW Washington Ave. right of way.

AFTER RECORDING RETURN TO: taxco



After recording return to:
First American Title Co.
81 South Oregon Street
Ontario, OR 97914

Until a change is requested all tax statements shall be sent to the following address:

Riley J. Hill
P.O. Box 428
Ontario, OR 97914

File No.: 23853 E
Date: June 30, 2006

THIS SPACE RESERVED FOR RECORDER'S USE

Instrument No. 2006-4851
I certify that the within Instrument of writing was received for record on the 30 day of June, 2006 at 3:41 O'clock PM. FEE \$26
STATE OF OREGON, County of Malheur

DEBORAH R. DeLONG
County Clerk

By: Deborah R. DeLong Deputy

174733D
2500
2600

INSTRUMENT NO. 2006 - 4851
Page 1 of 2 Pages

STATUTORY WARRANTY DEED

HECTOR L. ROMERO and DOROTHY M. ROMERO, Grantor, conveys and warrants to RILEY J. HILL, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

SEE EXHIBIT 'A' ATTACHED HERETO AND MADE A PART HEREOF

Map 174733D Tax Lot 2500 Code No. 15 Account No. 07430
Map 174733D Tax Lot 2600 Code No. 15 Account No. 07431

This property is free from liens and encumbrances, EXCEPT:

SEE EXHIBIT 'A' ATACHED HERETO AND MADE A PART HEREOF

The true consideration for this conveyance is \$128,500.00 paid by an accommodator pursuant to an IRC 1031 exchange (Here comply with requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)). 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 APPROVED USES AND 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 CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)).

Dated this 30th day of June, 2006.

Hector L. Romero
Hector L. Romero

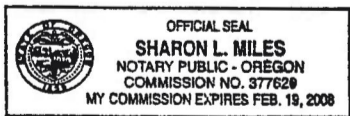
Dorothy M. Romero
Dorothy J. Romero

STATE OF OREGON County of Malheur)ss

On June 30, 2006, personally appeared before me HECTOR L. ROMERO and DOROTHY J. ROMERO who acknowledged to me that they executed the same as their voluntary act and deed

Sharon L. Miles
Notary Public for Oregon

My commission expires: 2-19-08



\$2600

EXHIBIT 'A'

INSTRUMENT NO. 2006 - 4851
Page 2 of 2 Pages

Land in OREGON AND WESTERN COLONIZATION SUBDIVISION SECOND ADDITION, in Section 33, Township 17 South, Range 47 East of Willamette Meridian, Malheur County, Oregon, according to the Corrected Plat thereof, as follows:

In Block 5: Two parcels of land in Lot 25 described as follows:

Parcel 1: (Tax Lot 2500)

Beginning at a point 220 feet North of the Southwest corner of said Lot 25;
thence North 90 feet;
thence East to the East boundary of said Lot 25;
thence Southwesterly to a point lying East of the Point of Beginning;
thence West to the Point of Beginning.

Parcel 2: (Tax Lot 2600)

Beginning at a point 160 feet North of the Southwest corner of said Lot 25;
thence North 60 feet;
thence East to the East boundary of said Lot 25;
thence Southwesterly to a point lying East of the Point of Beginning;
thence West to the Point of Beginning.

EXCEPTING FROM the above lands that portion as conveyed to State of Oregon Highway Dept. by Deed recorded June 27, 2001, Inst. No. 2001-4369, Deeds.

Regulations of the Warmsprings Irrigation District, within which the above property lies, including levies, assessments, water and irrigation rights and easements for ditches and canals.

Regulations, including levies, assessments, drainage rights and easements, of Malheur Drainage District, which said assessments are collected as a part of the general tax levy for Malheur County.

An easement for power lines created by instrument, including the terms and provisions thereof;
Recorded: Feb. 8, 1923, in Book I, Page 246, Commissioners Jnl Records of Malheur County
Favor of: Idaho Power Company

Permanent easement for slopes, including the terms and provisions thereof, as set forth in *Deed
Grantor: Hector L. Romero and Dorothy M. Romero, husband and wife
Grantee: Malheur County, a political subdivision of the State of Oregon
Recorded: June 27, 2001 as Instrument No. 2001-4369 official records of Malheur County

After recording, return to:
City Recorder
City of Ontario
444 SW 4th Street
Ontario OR 97914

INSTRUMENT NO. 2006
Page 1 of 4 Pages

- 8280

EXHIBIT E

Inst. No. - 2006-8280
I certify that the within instrument of
writing was received for record on
the 9 day of Nov, 20 06
at 2:17 O'clock P.M. FEE 0
STATE OF OREGON, County of Malheur
DEBORAH R. DeLONG
County Clerk

By: Sheri Childs Deputy

ORDINANCE NO. 2586-2006

**AN ORDINANCE PROCLAIMING THE ANNEXATION OF CERTAIN TERRITORY TO
THE CITY OF ONTARIO; AND WITHDRAWING SAID TERRITORY FROM THE
ONTARIO RURAL FIRE PROTECTION DISTRICT; AND WITHDRAWING SAID
TERRITORY FROM THE ONTARIO RURAL ROAD ASSESSMENT DISTRICT NO. 3**

- WHEREAS there has been submitted to the City of Ontario a written request for annexation to the City signed by 100% of the owners of land within the affected territory to be annexed; and
- WHEREAS, All of the owners of land in that territory have consented in writing to the annexation of their land in the territory and have filed a statement of their consent with the legislative body of the City; and
- WHEREAS, The City Charter does not expressly require the City to submit a proposal of annexation of territory to the electors of the City; and
- WHEREAS, The City desires to withdraw the land to be annexed from the ONTARIO RURAL FIRE PROTECTION DISTRICT 7-302 and the ONTARIO RURAL ROAD ASSESSMENT DISTRICT NO. 3 pursuant to ORS 222.120(5) and has received assent from the Districts to do so;

NOW THEREFORE, THE CITY OF ONTARIO ORDAINS AS FOLLOWS:

1. Annexation Area. The following contiguous territory be and the same is hereby annexed: The property mapped and legally described in the attached Exhibits "A" and "B" respectively.
2. Withdrawing above described area from Ontario Rural Fire Protection District 7-302. The Common Council of the City of Ontario deems it in the best interest of the public of the City of Ontario and hereby declares that the real property described hereinabove is withdrawn from the Ontario Rural fire Protection District No. 7-302 on the effective date of this annexation pursuant to ORS 222.120(5).
3. Withdrawing above described area from the Ontario Rural Road Assessment District No. 3. The Common Council of the City of Ontario deems it in the best interest of the public of the City of Ontario and hereby declares that the real property described hereinabove is withdrawn from the Ontario Rural Road Assessment District No. 3 on the effective date of this annexation pursuant to ORS Sections 222.120(5) and 222.510.

4. Record. The City Planner shall submit to the Oregon Secretary of State (1) a copy of this Ordinance, (2) a copy of the statement of consent of the landowner in the territory annexed; and (3) Shall send a description by metes and bounds, or legal subdivision, and a map depicting the new boundaries of the City within 10 days of the effective date of annexation to the Malheur County Assessor, Malheur County Clerk and the State Department of Revenue.

PASSED AND ADOPTED by the Common Council of the City of Ontario this 6 day of November, 2005 by the following vote:

AYES: Cummings, Allen, Gaskill, Cammack, Cheatham, Jacobs

NAYS: None

ABSENT: Mosier

APPROVED by the Mayor this 6 day of November, 2006.

ATTEST:

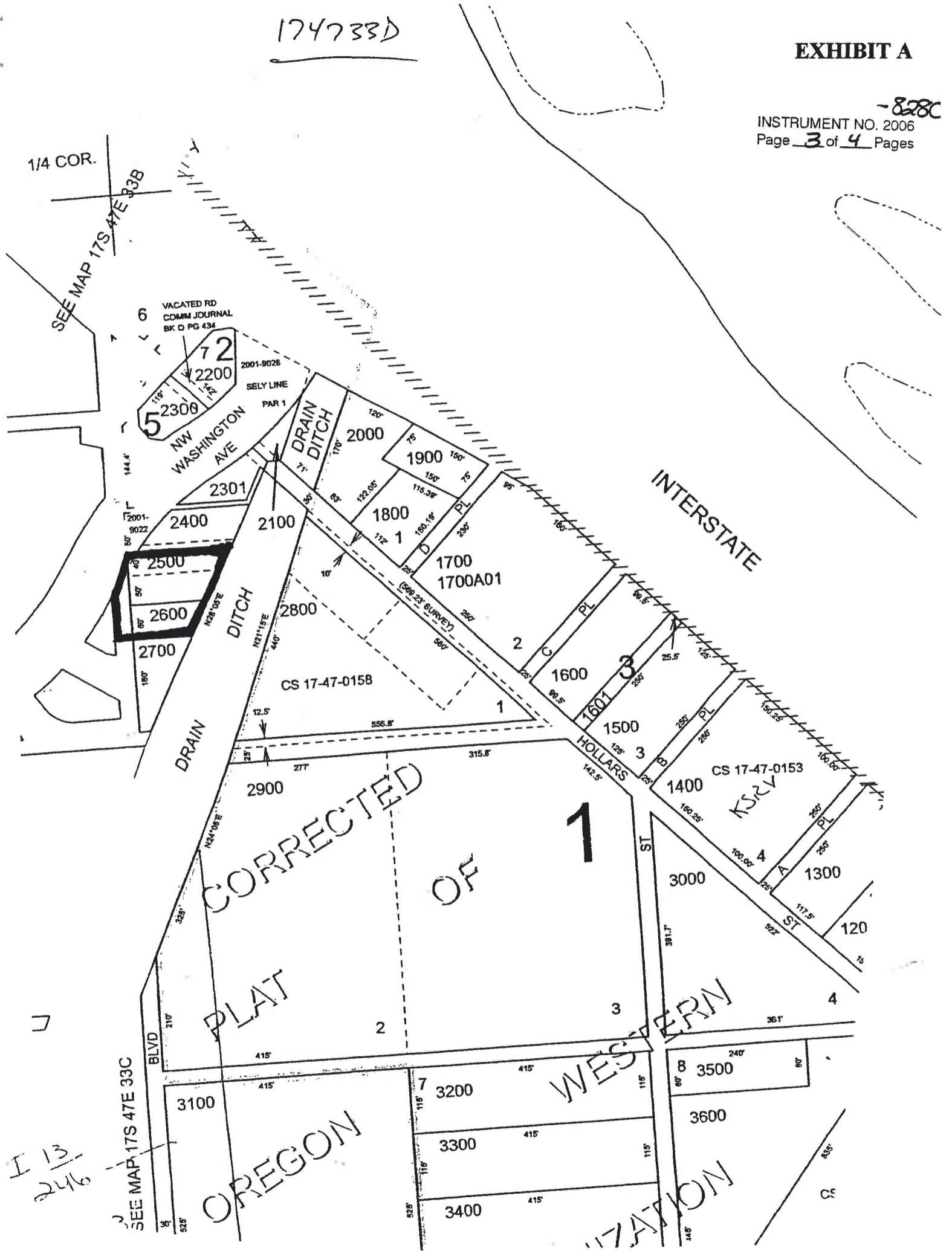

LeRoy Cammack, Mayor


Tori Barnett, City Recorder

174733D

EXHIBIT A

-828C
INSTRUMENT NO. 2006
Page 3 of 4 Pages



Legal - Riley J. Hill Annexation

Land in **OREGON AND WESTERN COLONIZATION SUBDIVISION SECOND ADDITION**, in Section 33, Township 17 South, Range 47 East of Willamette Meridian, Malheur County, Oregon, according to the Corrected Plat thereof, as follows:

In Block 5: Two parcels of land in Lot 25 described as follows:

Parcel 1: (Tax Lot 2500)

Beginning at a point 220 feet North of the Southwest corner of said Lot 25;
thence North 90 feet;
thence East to the East boundary of said Lot 25;
thence Southwesterly to a point lying East of the Point of Beginning;
thence West to the Point of Beginning.

Parcel 2: (Tax Lot 2600)

Beginning at a point 160 feet North of the Southwest corner of said Lot 25;
thence North 60 feet;
thence East to the East boundary of said Lot 25;
thence Southwesterly to a point lying East of the Point of Beginning;
thence West to the Point of Beginning.

EXCEPTING FROM the above lands that portion as conveyed to State of Oregon Highway Dept. by Deed recorded June 27, 2001, Inst. No. 2001-4369, Deeds.

ALSO all that portion of North Park Blvd right of way lying North of the Westerly extension of the South boundary of above described Parcel 2, and lying South of the Southeasterly boundary of NW Washington Ave. right of way.