

ORDINANCE NO. 3979

An Ordinance rezoning certain property from County LDR-12000 (Low-density Residential 12,000 square-foot minimum) zone to a City R-2 (Single-family Residential) zone on a parcel of land approximately one-acre in size.

WHEREAS, the Planning Commission received an application for a zone change (ZC 18-78) on the property located off Newby Street at Grand Haven Drive, described as Tax Lot 100, Section 9 DC, T. 4 S., R. 4 W.; and

WHEREAS, a public hearing was held on January 11, 1979 at 7:00 p.m. before the Planning Commission after due notice had been given in the local newspaper on January 1, 1979 and written notice had been mailed to property owners within 300 feet of the affected property; and

WHEREAS, at said public hearing the testimony of the applicants and surrounding property owners was received and a staff report was presented; and

WHEREAS, the Planning Commission being fully informed about said zone change, and based on the observations and the findings of fact has approved said zone change and has recommended said change to the Council; now, therefore,

THE CITY OF McMinnville Ordains as follows:

Section 1. That the Council adopts the findings and conclusions of the Planning Commission, staff report on file in the Planning Department, and the application filed by George H. Wall and Gertrude E. Wall.

Section 2. That the following described property shall be rezoned from existing County LDR-12000 (Low-density Residential 12,000 square-foot minimum) zone to a City R-2 (Single-family Residential) zone:

Being a part of the Donation Land Claim of James T. Hembree No. 46, Section 9, Township 4 South, Range 4 West, Willamette Meridian, Yamhill County, Oregon and being more particularly described as follows:

Beginning a point 2,041.53 feet South and 1,200 feet West from the Northwest corner of the Madison Malone D.L.C. No. 49, in said Township and Range; thence West, along the South line of a 40 foot County Road, 149.215 feet; thence South 292.90 feet; thence East 149.215 feet; thence North 292.90 feet to the place of beginning.

Section 3. That this ordinance shall be subject to the terms and conditions of Ordinance 3823, entitled "Initiative and Referendum," for a period of thirty days.

Passed by the Council this 6th day of February, 1979, by the following votes:

Ayes: Porter, Willoughby, Hamby, Springer, Wilson & Lewis

Nays: _____

Approved by the Mayor this 6th day of February, 1979.

Attest: Margaret E. Lester
/RECORDER

James P. Ross
MAYOR

D E E D

1
2 KNOW ALL MEN BY THESE PRESENTS, That George H. Wall and Gertrude E. Wall,
3 husband and wife, Grantors, in consideration of One Dollar, being the
4 true and actual consideration to Grantors paid by the City of McMinnville,
5 a municipal corporation of the State of Oregon, Grantee, does hereby grant,
6 convey and dedicate to the said Grantee, as and for street and roadway
7 purposes, the following described real premises, to-wit:

8 Being a part of the James T. Hembree Donation Land Claim
9 No. 46, Section 9, Township 4 South, Range 4 West, Willamette
10 Meridian, Yamhill County, Oregon and being a part of that certain
11 tract of land described in Film Volume 136, Page 1913, Deed
12 Records of Yamhill County, Oregon and more particularly described
13 as follows:

14 Beginning at a point 2,041.53 feet South and 1,200 feet
15 West from the Northwest corner of the Madison Malone D.L.C.
16 No. 49, in said Township and Range; thence West, along the
17 South line of a 40 foot County Road, 149.215 feet; thence South
18 along Grantor's West line 10 feet; thence East, parallel with
19 and 10.0 feet from the South line of County Road, 149.215 feet to
20 the Grantor's East line; thence North 10 feet to the place of
21 beginning.

22 TO HAVE AND TO HOLD the above described and granted premises unto the
23 City of McMinnville, a municipal corporation of the State of Oregon, its
24 successors and assigns as a street and roadway forever.

25 And the grantor hereby covenants that grantor is lawfully seized in
26 fee simple of the above described premises, free from all encumbrances, and
27 that grantors will and grantors' heirs and assigns shall warrant and defend
28 the above granted premises and every part or parcel thereof against the
lawful claims of any persons whomsoever.

 In construing this deed and where the context so requires, the singular

1 includes the plural.

2 WITNESS grantors' hands and seals this 2nd day of February, 1979.

3
4 George H. Wall (SEAL)

5
6 Gertrude E. Wall (SEAL)

7 STATE OF OREGON)
8) ss.
9 County of Yamhill)

10 BE IT REMEMBERED, that on this 2nd day of February, 1979, before me,
11 the undersigned, a Notary Public in and for said County and State, personally
12 appeared the within named George H. Wall and Gertrude E. Wall, husband and
13 wife, known to me to be the identical individuals described in and who
14 executed the within instrument and acknowledged to me that they executed
15 the same freely and voluntarily.

16 IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official
17 seal the day and year last above written.

18 10-15-82
19 My Commission Expires

20 C. Clinton Ross
Notary Public

21 6 February, 1979

22 Pursuant to ORS 92.014(2) the City Council has received the contents of the
23 above legal document and hereby authorizes the Mayor to acknowledge and
24 approve the dedication of said land for public use.

25 Margie E. Kerwin
26 Recorder

27 Howard R. Scott
28 Mayor