

ORDINANCE NO. 4028

An Ordinance rezoning certain property from existing City of McMinnville zone of R-1 (Single-family Residential) designation to an R-2 (Single-family Residential) designation on a parcel of land approximately 33.98 acres in size located south of Fleishauer Lane and west of Tall Oaks Subdivision.

WHEREAS, the Planning Commission received an application for a zone change (ZC 3-79) from H. Wayne Kirby, Myrtle C. Kirby, Thor H. Lindquist, and Marion L. Lindquist dated May 14, 1979, on the property described as a portion of Tax Lot 100, Sections 20 and 29, Township 4 South, Range 4 West, Willamette Meridian.

WHEREAS, a public hearing was held on May 10, 1979, after due notice had been given in the local newspaper on April 30, 1979, and written notice had been mailed to property owners within 300 feet of the affected property; and the matter was continued to June 14, 1979; and

WHEREAS, at said public hearing before the Planning Commission on June 14, 1979, at 7:00 p.m., the request was considered and 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, approved the zone change to an R-2 (Single-family Residential) zone rather than an R-2 planned development as originally requested by the applicants, 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 H. Wayne Kirby, Myrtle C. Kirby, Thor H. Lindquist, Marion L. Lindquist, and Christie Michelbook (as modified by the Planning Commission).

Section 2. That the property described in Exhibit "A," which is attached hereto and by this reference incorporated herein, shall be rezoned from existing City of McMinnville R-1 (Single-family Residential) zone to a City zone of R-2.

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 3 day of July, 1979, by the following votes:

Ayes: Willoughby, Hamby, Allen, Springer, Wilson and Porter

Nays: _____

Approved by the Mayor this 3 day of July, 1979.

Attest:

Marion L. Kirby

James R. Smith

MAYOR

EXHIBIT "A"

Legal Description of TALL OAKS 2nd Addition

A tract of land situated in the City of McMinnville, County of Yamhill, State of Oregon, being a portion of the Samuel F. Stagg Donation Land Claim No. 55 in Sections 20 and 29, Township 4 South, Range 4 West, of the Willamette Meridian, more particularly described as follows:

Beginning at a point on the East line of said Stagg D.L.C., said point lying South 3544.77 feet from the Northeast corner thereof, and which point is also the Southeast corner of the plat of "TALL OAKS" as recorded in Cabinet A at slot 167, Records of Town Plats, Yamhill County, Oregon; thence from the point of beginning running South along the East line of said Stagg D.L.C. 240.23 feet to the most northerly corner of that certain tract of land described in the deed to Armand J. Santilli, et al, as recorded in Film Volume 134 at Page 1676, Deed and Mortgage Records of Yamhill County, Oregon; thence South $60^{\circ}06'40''$ West along said northerly line 480.00 feet to an angle point; thence South $31^{\circ}20'20''$ West 440.00 feet to a point in the South line of that tract of land conveyed to Francis L. Michelbook, et ux, by instrument recorded November 12, 1935, in Book 110, Page 629, Deed Records; thence Westerly along said South line 829 feet, more or less, to a point in the East line of that tract of land conveyed to David J. Kraemer and Joanne A. Kraemer, husband and wife, by deed recorded May 31, 1974, in Book 100, Page 772, Deed Records; thence Northerly along said East line and the extension thereof, a distance of 859.32 feet (13.02 chains) to the Northeast corner of that tract conveyed to Lyle Farrow and wife by deed recorded May 3, 1966, in Film Volume 52, Page 547, Deed and Mortgage Records; thence Westerly along the North line of said Farrow tract a distance of 120.00 feet; thence North 100.00 feet; thence West 15.00 feet; thence North 295.00 feet; thence North $20^{\circ}55'30''$ East 140.00 feet; thence North $68^{\circ}40'30''$ East 165.00 feet; thence South $21^{\circ}40'00''$ East 66.00 feet; thence North $71^{\circ}20'10''$ East, 100.00 feet; thence North $18^{\circ}39'50''$ West 12.00 feet; thence North $74^{\circ}16'40''$ East 155.00 feet; thence North $75^{\circ}18'35''$ East a distance of 314.06 feet to the Southwest corner of Lot 2, Block 5, "TALL OAKS"; thence Southerly and Easterly along the boundary of "TALL OAKS" as follows: East 20.00 feet, South 105.00 feet, West 25.00 feet, South 282.00 feet, South $7^{\circ}03'30''$ West 56.82 feet, South $19^{\circ}10'06''$ West 136.00 feet, South $70^{\circ}49'54''$ East 165.00 feet, North $19^{\circ}10'06''$ West 5.00 feet, South $70^{\circ}49'54''$ East 220.00 feet, and East 528.48 feet to the point of beginning. Containing an area of 33.98 acres, more or less.