

COMMON COUNCIL OF THE CITY OF MALIN, OREGON
An Oregon Municipal Corporation

(AN ORDINANCE ANNEXING TO THE CITY OF MALIN, OREGON, THE
TERRITORY HEREIN DESCRIBED AND DECLARING AN EMERGENCY)

ORDINANCE NO. 365

WHEREAS, the City of Malin, Oregon, did by Ordinance No. 304 adopted on September 13, 2005, propose to annex to said City and include in the boundaries thereof, the territory herein described, and did by said ordinance call a public hearing on October 11, 2005, to be held in Malin City Hall, where and when registered voters of the City might be heard, which meeting was duly advertised by notices published and posted as required by law, proof of such publishing and posting of notices being held on file herein; which meeting and hearing were held as provided by said Ordinance and notice; and, now therefore,

THE CITY OF MALIN DOES ORDAIN AS FOLLOWS:

Section 1. That thereby and is hereby annexed to and included within the bounds of the City of Malin, Oregon, territory adjacent and contiguous to said City AND;

WHEREAS, Barry Faganello and Peter Mongan, owners of said property which is described as follows:

The NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 16 Township 41 South, Range 12 E.W.M., Klamath County, Oregon

EXCLUDING THEREFROM that certain parcel of land heretofore conveyed by Deed, dated September 11, 1939 by J.C. Boyle and Nina C. Boyle, his wife to Benjamin J. Henzel and Richard W. Henzel, co-partnership doing business as Henzel Brothers, and more particularly described as follows, to-wit: Beginning at Northwest corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 16 Twp.41 S.R. 12 E.W.M.; thence Easterly along the section line between Sections 9 and 16 in said Township and Range a distance of 514 feet, more or less, to the Westerly line of the Malin Irrigation District High Line Canal; thence in a Southerly and Southeasterly direction along the Westerly line of the said Canal to the one-quarter Section line between the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Sec. 16; thence in a Westerly direction along said Quarter section line a distance of 702 feet, more or less, to the intersection thereof with the Easterly line of the U.S.R. "D" Canal; thence along the Easterly line of said U.S.R.S "D" Canal in a Northwesterly direction to the point of intersection of the Easterly line of said canal with the quarter section line between the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 16; thence in a Northerly direction along said Quarter section line a distance of 235 feet, more or less, to the place of beginning, all situate in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of the Section 16, Twp. 41 S., R. 12 E.W.M. which lies Southwesterly from the Southwesterly boundary of the U.S. "D" Canal right of way. ALSO excepting therefrom a strip of land 20 feet in width off of the East side of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 15 Twp. 41 S., R. 12 E.W.M,

Tax Parcel Number: 887241 and 110329

Section 2. That the Recorder of the City of Malin, Oregon, be and she is hereby authorized and directed to forthwith forward a copy of this Ordinance (certified copy) to each of the following, to wit: Clerk of Klamath County, Oregon; County Assessor of Klamath County, Oregon; and that the copy forwarded to said Secretary of State be accompanied with certified copies of each Ordinance in this matter.

Section 3. Declaring an emergency. Whereas the peace, safety, and general welfare of the citizens of Malin, Oregon are involved in the enactment of this ordinance, and in order to properly safeguard the same, there is and exists the necessity and emergency for immediate regulation. An emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after the date of its passage.

Passed by the Common Council of the City of Malin, Oregon, on this 11th day of October,

Presented to the Mayor and by him signed and dated this 11th day of October

2005

Mayor

Recorder

COMMON COUNCIL OF THE CITY OF MALIN, OREGON
An Oregon Municipal Corporation

(AN ORDINANCE SETTING THE DATE OF PUBLIC HEARING ON THE QUESTION OF ANNEXING CERTAIN PROPERTY OWNED BY BARRY FAGANELLO AND PETER MONGAN DESCRIBED HEREIN TO THE CITY OF MALIN; AND DECLARING AN EMERGENCY)

ORDINANCE NO. 304

WHEREAS, it appears to the Council of the City of Malin, Oregon, that it is desirable, in order to more effectively render water and sewer services to the hereby property thereof be annexed into the City of Malin, and;

WHEREAS, Barry Faganello and Peter Mongan, owners of said property which is described as follows:

The NE ¼ of the NE ¼ of Section 16 Township 41 South, Range 12 E.W.M., Klamath County, Oregon

EXCLUDING THEREFROM that certain parcel of land heretofore conveyed by Deed, dated September 11, 1939 by J.C. Boyle and Nina C. Boyle, his wife to Benjamin J. Henzel and Richard W. Henzel, co-partnership doing business as Henzel Brothers, and more particularly described as follows, to-wit: Beginning at Northwest corner of the NE 1/4 NE 1/4 of Section 16 Twp.41 S.R. 12 E.W.M.; thence Easterly along the section line between Sections 9 and 16 in said Township and Range a distance of 514 feet, more or less, to the Westerly line of the Malin Irrigation District High Line Canal; thence in a Southerly and Southeasterly direction along the Westerly line of the said Canal to the one-quarter Section line between the NE ¼ NE ¼ and the SE ¼ SE ¼ of said Sec. 16; thence in a Westerly direction along said Quarter section line a distance of 702 feet, more or less, to the intersection thereof with the Easterly line of the U.S.R. "D" Canal; thence along the Easterly line of said U.S.R.S "D" Canal in a Northwesterly direction to the point of intersection of the Easterly line of said canal with the quarter section line between the NW ¼ NE ¼ of the NE ¼ NE ¼ of said Section 16; thence in a Northerly direction along said Quarter section line a distance of 235 feet, more or less, to the place of beginning, all situate in the NE ¼ NE ¼ of the Section 16, Twp. 41 S.,R. 12 E.W.M. which lies Southwesterly from the Southwesterly boundary of the U.S. "D" Canal right of way. ALSO excepting therefrom a strip of land 20 feet in width off of the East side of the NW ¼ NW ¼ of Sec. 15 Twp. 41 S., R. 12 E.W.M,

Tax Parcel Number: 887241 and 110329

They have indicated to the Common Council of the City of Malin, Oregon, their desire to effect such annexation, now therefore,

THE CITY OF MALIN ORDAINS AS FOLLOWS:

- (1) The 11th of October, 2005, at the hour of 7:30 pm, at the Malin City Hall, Malin, Oregon, is set as the date, time and place for the public hearing on the question of whether or not the above described real property constituting

certain property owned by Barry Faganello and Peter Mongan, shall be annexed to the City of Malin.

- (2) The City Recorder shall give Notice of such hearing in the manner prescribed by ORS 222.120.

Section 3. Declaring an Emergency. Whereas the peace, safety, and general welfare of the citizens of Malin, Oregon are involved in the enactment of this ordinance, and in order to properly safeguard the same, there is and exists the necessity and emergency for immediate regulation. An emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after the date of its passage.

Passed by the Common Council of the City of Malin, Oregon, on this 13th day September 2005.

Presented to the Mayor and by him signed and dated this 13th day of September


Mayor


Recorder