

**CITY OF YACHATS
ORDINANCE NO. 300**

AN ORDINANCE TO REPEAL ORDINANCE NO. 109 AND DECLARING AN EMERGENCY

WHEREAS, on February 9, 1984 the Yachats City Council adopted Ordinance No. 109 placing a restriction on water service connections to the 10,000 gallon Horizon Hill Reservoir due to the limited capacity of that reservoir; and

WHEREAS, City Council directed the City Attorney to record the ordinance with the Lincoln County Clerk's office, together with the boundary description of those lots that would be served in order to ensure that all property owners and prospective buyers would be aware of the restrictions; and

WHEREAS, the City of Yachats has completed work on the East Hillside Local Improvement District and capacity has been increased making it possible to serve additional lots in the general area and the restrictions are no longer necessary;

NOW THEREFORE, the City of Yachats ordains as follows:

Section 1 – Repeal of Ordinance No. 109 and Recording Ordinance No. 300

Ordinance No. 109 is hereby repealed, in its entirety. The City Recorder is hereby directed to file Ordinance No. 300 with the Lincoln County Clerk, to repeal and release Document No. Book 148 Page 530.

Section 2 – Declaring an Emergency

Inasmuch as the East Hillside Local Improvement project has been completed, and connection to the system is no longer restricted due to capacity, an emergency is hereby declared to exist, and this ordinance shall be effective upon the date of adoption by the Council.

PASSED AND ADOPTED by the City Council of the City of Yachats on this _____ day of _____.

Ayes:_____ Nays:_____ Abstentions:_____ Absent:_____

APPROVED by the Mayor this ____ day of _____.

Attest:

Ronald L. Brean, Mayor

Nancy Batchelder, City Recorder

CITY OF YACHATS

Ordinance No. 109

AN ORDINANCE RESTRICTING PROPERTIES ELIGIBLE FOR WATER LINE CONNECTION TO THE 10,000 GALLON RESERVOIR LOCATED ON HORIZON HILL ROAD.

WHEREAS, the City acquired a certain 10,000 gallon reservoir located on or near Horizon Hill Road, in the City of Yachats, Oregon, said reservoir having been originally constructed by the developer to provide water to properties located on Horizon Hill, and

WHEREAS, the City of Yachats operates and maintains a 250,000 gallon reservoir via King Street, and

WHEREAS, the Public Works Commission in conjunction with the Public Works Superintendent, is of the opinion that, in order to promote the effective use of both reservoir systems and to assure effective and economical usage of the 10,000 gallon reservoir system, restrictions on connections to the Horizon Hill reservoir will be necessary, and

WHEREAS, the Public Works Superintendent finds that, based upon engineering reports and studies, the usage of the 10,000 gallon reservoir is limited to domestic use and cannot adequately provide fire protection, and

WHEREAS, the City of Yachats is unable at this time to fund a 90,000 to 120,000 gallon reservoir at the Horizon Hill site or install a \$12,000 fire flow pump at the 250,000 gallon reservoir via King Street,

NOW, THEREFORE, the City of Yachats hereby ordains as follows:

1. Connection, installation and construction of water lines from the 10,000 gallon Horizon Hill reservoir shall be limited solely to serve the properties located within the outlined map attached.

2. All future water connections outside of the area described by Section 1 above shall be connected to and be served by the 250,000 gallon reservoir via King Street.

3. Due to the limited capacity of the Horizon Hill reservoir, water usage by the properties within the area described in Section 1 above shall be restricted to use by a single-family dwelling on each lot.

4. This ordinance shall be null and void, and repealed, when, and if, additional water resources and storage become available to serve the anticipated water needs of all properties on Horizon Hill and the surrounding area.

5. The City Attorney of the City of Yachats shall record this ordinance with the Lincoln County Clerk's office, so that the restrictions set forth by this ordinance shall be of record to prospective purchasers of properties within the area described by Section 1 above, and shall also serve as notice to prospective purchasers of properties outside the designated area outlined in Section 1, which is reasonably adjacent to and conceivably could seek a water connection to the 10,000 gallon reservoir on Horizon Hill Road, rather than to the 250,000 gallon reservoir via King Street.

6. This ordinance shall take effect thirty (30) days after adoption by the City Council of the City of Yachats.

This ordinance PASSED and ADOPTED by the City Council of the City of Yachats this 9th day of February, 1984 by the following vote:

Ayes: 4
Nays: 0
Absent: 1

This ordinance signed by the Mayor and attested by the City Recorder on the day last written above.

Mayor

ATTEST:

City Recorder

STATE OF OREGON)
) ss
County of Lincoln)

On this 14TH day of FEBRUARY, 1984 personally appeared before me, a notary public in and for said state and county, the above named Gerald L. Dotson and Michiko T. Ryan, who are personally known unto me to be, respectively, the Mayor and City Recorder of the City of Yachats, a municipal corporation of the State of Oregon, and acknowledge that they executed the foregoing on behalf of said City as the act and voluntary deed thereof and pursuant to authority of the Common Council.

Notary Public for Oregon

My Commission expires: 3-19-86

#21-83-068

That part of Sections 26 and 27 of T 14 S, R 12 W, W.M., in Lincoln County, Oregon, more particularly described as follows:

Beginning at the southwest corner of Lot 1, Block 9, OVERLOOK ADDITION TO YACHATS; thence northerly along said lot to the northwest corner of said Lot 1; thence north $0^{\circ}09'$ west 60 feet; thence south $87^{\circ}15'$ east 100 feet; thence north $0^{\circ}09'$ west 56.75 feet; thence north $57^{\circ}06'$ west 200 feet, more or less, to the east line of the Larson tract described in deed recorded January 17, 1977 in Volume 71, page 1518, Film Records; thence northerly along a $1^{\circ}40'30''$ radius curve right 770 feet, more or less, to the southerly line of the Freehouse tract described in deed recorded April 26, 1948 in Book 125, page 340, Deed Records; thence northwesterly in a straight line to a point on the northerly line of said Freehouse tract, said point being south $15^{\circ}41'$ west from the most southerly corner of the Whitman tract described in deed recorded September 30, 1969 in Volume 14, page 790, Film Records; thence north $15^{\circ}41'$ east 215 feet, more or less, to the most southerly corner of the said Whitman tract; thence south $74^{\circ}19'$ east 1550 feet, more or less, to the east line of the west half of the west half of said Section 26; thence southerly along said east line 1750 feet, more or less, to the most southerly corner of the Siemssen tract described in deed recorded September 18, 1981 in Volume 127, page 772, Film Records; thence north $75^{\circ}51'$ west 200.95 feet; thence south $18^{\circ}09'$ west 40.0 feet; thence north $71^{\circ}44'$ west 761.9 feet; thence north $87^{\circ}15'$ west 43.4 feet; thence north $09^{\circ}03'$ west 100.0 feet; thence south $87^{\circ}15'$ east 20.0 feet; thence north $0^{\circ}09'$ west 50.0 feet; thence north $87^{\circ}15'$ west 50.0 feet to the southeast corner of Lot 20, Block 10, OVERLOOK ADDITION TO YACHATS; thence north $0^{\circ}09'$ west 100.0 feet along said Lot 20; thence north $87^{\circ}15'$ west 347.0 feet to the southwest corner of Lot 4, Block 10, OVERLOOK ADDITION TO YACHATS; thence north $0^{\circ}09'$ west 144 feet, more or less, to the north line of King Street; thence westerly along said line 150 feet, more or less, to the point of beginning.

Excepting therefrom any portion lying in roads, streets or highways.