

Proposals to Annex 'Islands' Will Appear on City Ballots

Two proposals to annex "island" areas to the city of Medford will appear on the primary ballot next Friday. These proposed annexations were placed on the ballot by the city council with seldom-used but legal methods.

Both of these areas are completely surrounded by the existing city limits.

One is the so-called "Y-island" bounded by North Riverside ave., Bear Creek, McAndrews rd., and the city limits on the north.

This area contains some 46 acres of land and approximately 171 persons.

The other area is a nine-acre tract containing some eight persons. It is bounded by Jackson st., Oregon ave., Barneburg rd., and Sunrise ave. It is located in the center of a "high-class" residential area.

Placed on Ballots

Both of these areas were placed on the ballot by city council action April 7. There was no petition from the property owners that they be annexed to the city, the usual procedure.

The council was able to place these proposed annexations on the ballot under ORS 222.750, which reads:

"In any case where land or

territory is surrounded by the corporate limits or boundaries of any city it shall be within the power and authority of such city to amend its charter so as to annex such land or territory to the city and to incorporate the same within the city with or without the consent of any owner of property within the territory and with or without the consent of any resident in the territory, provided that the territory is not an incorporated city or wholly territory belonging to the state or federal government."

As pointed out by William Doernbach, 143 Mace ave., at the last city council meeting, no attempt was made by the city to contact the property owners in the areas to be annexed regarding their feelings on the matter.

However, where Doernbach feels the city should have done this as a consideration to the property owners, the city feels to the contrary.

City Manager Robert A. Duff explained, "no attempt was made to contact the property owners because it would not have made any difference." Besides, he said, the city does not have the manpower to go out and poll these areas.

City Attorney Joel Reeder added that the residents of these areas "do not really have any say" in this type of annexation proposal anyway.

Cases Found Legal

Regarding Doernbach's opinion that the state supreme court would rule the annexation illegal if it passed, Reeder said that there have been many cases where this type of annexation has been done before and upheld as legal, even in Medford.

The state legislature passed the law providing for this type of annexation solely for the purpose of allowing cities to bring in "island" areas when it is in the best interests of the entire city to do so, Reeder pointed out.

Duff noted that on May 16, 1958, the Phipps tract south of McAndrews rd. and the Earhart tract south of Earhart st., were annexed to Medford under the same election procedure.

The "Y" area was originally included in a larger Berrydale annexation proposal which was defeated by the voters in that area in November, 1956.

In the early months of 1957, a number of residents of the Berrydale area again applied for annexation to the city, only this time the boundaries had been partially reduced to omit some of the areas which had voted against the annexation in November.

Main Consideration

One of the main considerations in getting the entire Berrydale area annexed was a serious sewage problem which had developed. A group called the Berrydale Sanitation committee worked hard for annexation. Both the city and a large number of residents in this area felt the sanitation problem was getting to be so serious that it was endangering public health.

The "Y" area was also included in the second annexation proposal but, according to Doernbach, after it was made known that there were 51 negative votes in this area which would possibly be enough to defeat the entire proposal a second time, the planning commission excluded it from the proposed annexation.

Duff said that on Feb. 28, 1957, a petition bearing 49 signatures was filed with the planning commission and city

council requesting that the area not be included within the boundaries of the Berrydale district annexation election. He added that the area was then left out of the Berrydale annexation proposal.

Objects to Omission

On March 17, 1957, Medford Attorney A. E. Piazza appeared before the city council on behalf of residents in the "Y" area and objected to omission of this area from the proposed annexation.

The council deferred action on his objection until April 16. A quote from the April 17, 1957, edition of the Mail Tribune, describes some of the action at that meeting:

"Attorney A. E. Piazza said he represented Berrydale residents in a section bounded by McAndrews rd. on the south, Riverside ave. on the west, Middle rd. on the east, and Crater Lake highway on the north. The portion was excluded from a proposed annexation area revised by the planning commission in March.

"If the proposed Berrydale area is annexed," Piazza said, residents he represented would be surrounded by incorporated Medford land. This would permit the city of Medford to annex that portion of Berrydale without consent of the area's voters, he said.

Withdraws Objection

"Piazza withdrew his objection after Mayor John Snider said it would not be the 'present intention' of the council to annex that portion to Medford if the larger Berrydale area was annexed."

An election was called for May 22, and on that day Berrydale voters approved the annexation by the slim vote of 219-191.

Piazza told the Mail Tribune Friday that the article in the Tribune of April 17, 1957, is correct. Mayor Snider also said this was right.

One of the residents of the "Y" area who opposed omission of that territory from the Berrydale annexation in 1957, said he was assured by Mayor Snider at the time that the area would not be annexed without the residents first being contacted.

He added that a number of residents in the "Y" area are objecting to the method now being used to annex them because none of them were contacted and the whole thing came right out of the "blue."

Regarding the annexation of these two areas on Friday's ballot, Mayor Snider told the Mail Tribune, "I do not now, nor have I ever, favored or condoned an annexation policy that is motivated by the city's desire to gain additional property or per capita taxes.

"Instead I believe that annexation should be made for the extension of needed services to fringe areas, where it does not result in a reduction of services to the original city users. It is also proper, I believe, to annex for the protection of the city to prevent uncontrolled usage objectionable to the residents in adjacent areas.

"It is regrettable if there has not been a full understanding by all parties of the need for consideration of annexation of the two parcels appearing on the primary ballot."

'Gerrymandered'

One city official has said that the negative votes in the "Y" area might have caused the entire Berrydale annexation proposal to fail in 1957, so the boundaries were more or less "gerrymandered" around the "Y" area to assure the Berrydale annexation proposal of passing. He said this was entirely legal and was done only because of the necessity to annex the larger area to alleviate the sanitary problem which existed.

The city has several good reasons for wanting these areas on the May 20 ballot included in the city, not the least of which are the lack of zoning and building regulations.

Duff expressed the feeling of the city administration when he said, "Without these regulations practically any type of use can be constructed which could nullify the planning and zoning established by the city around the unincorporated areas.

"In a residential district the establishment of commercial uses within such a tract can blight a whole neighborhood with resultant devaluation of property.

Undesirable Developments

"Once undesirable developments are initiated in the district without zoning, it is impossible to control or prevent them from being completed."

Another consideration in annexing the "Y" area is that practically all of the property is served by the city water system and for the most part by the city sanitary sewer system. In addition a city

trunk sewer line traverses this area.

One particularly bothersome feature of the present "Y" area, according to Duff, is a car wrecking and car body disposal area, located immediately adjacent to the proposed site of the U.S. 99 freeway.

He noted that the view from the freeway of this site will "certainly" create a bad impression of the city that may not be justified.

"Even if annexation is accomplished," he said, "the task of clean-up will be difficult and slow. Without it, it may never be obtained."

Lists Some Effects

Duff listed some of the effects of the annexation on residents in the "Y" area should the annexation proposal pass.

1. "Water rates charged will be the same as those charged other citizens of the city. This will effect considerable savings as the minimum monthly charge for metered service inside the city is \$1.80 per month, and all water used over the 5,000 gallons is paid for at the rate of nine cents per thousand gallons.

"The outside water rate now applying to these districts is \$2.90 minimum for residential service per month plus 25 cents for one thousand gallons for all over the 5,000 gallon minimum.

2. "Sewer rates will also be reduced as the monthly charge for metered residential service inside city limits is 35 cents. Outside the city, the rate for sewer service is double this or 70 cents.

3. "Insurance rates will be

reduced to conform with the inside city rate which represents the reduction earned under a class five rating instead of the class nine grading now used in these areas.

4. "Annexation would also relieve property owners from paying Medford Rural Fire Protection levy. In the current tax year this amounted to 4.6 mills.

5. "Property in the area will be subject to the city tax levy which during 1959-1960 was 28.6 mills. This would be partially offset by the elimination of the 4.6 fire protection levy, he said.

6. "The areas annexed would receive complete city services, including police, fire, zoning and building protection."

Some of the benefits to property owners in the city as a result of a successful annexation of the "Y" area were also enumerated by Duff.

Protect Investment

1. "Annexation of the islands to the city would protect the investment of neighboring property owners by existing zoning ordinances and building regulations.

2. "Annexation would enable the city to attempt a clean-up of the Y-island before or during freeway construction.

3. "Annexation would enable the island residents to contribute to the support of the city of which they are actually a part.

4. "Annexation would enable the city planners to include the islands as part of the city in the planning and development program.

Local CAP Members Attend Conference

Seven members of the Medford squadron of the Civil Air Patrol attended a regional CAP meeting in Portland this week end.

They were Lt. John Keener, commander; Lt. Bill Florey, Lt. Bette Miller, Chief Warrant Officer Richard Chapman, Warrant Officer John Hall, Warrant Officer Mary Lou Hall, and Sgt. Jan Vermeulen.

Training and policy within the CAP program was discussed with representatives of the Air Force and other CAP squadrons in California, Oregon, Nevada, Washington, Alaska and Hawaii.

Brig. Gen. Stephen D. McElroy, national commander of the CAP, recently announced a nationwide recruiting campaign.

Reeder to Lecture at SOC Class Monday

District Attorney Thomas J. Reeder will lecture on the responsibilities of the district attorney's office at 9 a.m. Monday before Dr. M. E. Waddell's class on government at Southern Oregon college.

Reeder will detail the responsibilities of public office. This is part of a continuing series of guest lectures to inform SOC students first hand on the functions and responsibilities of local government offices as part of the social science course.

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