

City to finish annexation

The City Council tonight will probably put the finishing touches on making the annexation of the 72-acre Tony Franich apple orchard legally valid.

The 1982 annexation was contested in court by the environmentalist Resource Defense Fund, and although the city "won" the case last month, it was told by Superior Court Judge Harry Brauer to explain why partial annexation was rejected.

The council will do that at its 7:30 meeting tonight — if it adopts a resolution as proposed by City Attorney Don Haile.

In a memo to the mayor and council, Haile outlined the resolution that, when adopted, will meet the requirements set down by Brauer in his decision.

"If the findings (in the resolution) submitted are not the reasons you rejected the reduced annexation area then it is within your discretion to modify the findings," Haile said in the memo.

"Assuming that the City Council adopts appropriate findings as to why it considered a partial annexation unfeasible, the 'defect' in procedure will be cured and final judgment entered to validate the annexation as legally proper," he said.

As written by Haile, the resolution says partial annexation is unfeasible because:

—Partial annexation would not financially support street construction proposed by the

city's General Plan, and would require the city to consider costly alternative solutions.

—Full annexation would provide four acres of park lands, while partial annexation would provide an unpractical 0.4 acres of park-land dedication.

Also, Haile wrote, failure to develop a park in the area would leave a large neighborhood without adequate recreational facilities.

—Development of the reduced area (approximately 18.5 acres) would result in a limited storm-drain system, which would provide some flooding relief in the Bay Village area, but which would not serve to completely eliminate flooding problems.

"It is not feasible to fund or develop the flood-control master plan with the reduced annexation area," Haile wrote.

—Water, electricity, phone and TV services are presently available along the entire 1,800 feet of the Franich property adjacent to East Lake Avenue, and a reduced area annexation would not lessen the potential of growth inducement when such "infrastructure" is already in place.

—It would be infeasible for the city to provide a reasonable supply of developable land if only the reduced area is annexed.

"Annexation of the 72.19 acres would provide a supply of developable land so as to prevent

overpricing of land which could be caused by restraining such supply," Haile wrote.

Should the council adopt the full-annexation resolution, it may be inviting yet another court case.

Resource Defense Fund lawyer Tom Brown last month said his interpretation of Judge Brauer's decision was different from Haile's, and that his clients would "absolutely" appeal Brauer's decision if the city failed to opt for partial annexation.

City Manager John Radin said this morning it would take a cease-and-desist order from the court to keep the Franich land from being developed once the city met Brauer's requirements, and there was nothing else Brown's group could do about it.

In other business tonight, the council will:

—Take up a resolution as proposed by outgoing Fire Chief Vern Hamilton, opposing the collection of user fees by the county for the operation of the 911 emergency communications system.

—Introduce an amended parking ordinance that will allow for the storage of cars, motor homes, trailers or boats on front- and side-yard parking areas.

Also tonight, at 7 p.m., the council will meet as the Redevelopment Agency to again discuss the rerouting of Highway 152.