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ORDINANCE NO. 4085

AN ORDINANCE ANNEXING PROPERTY LOCATED SOUTH OF HIGHWAY 20, BETWEEN THREE LAKES ROAD AND INTERSTATE 5 AS R-1(6), R-2, AND M-1 AND DECLARING AN EMERGENCY.

WHEREAS, on the 28th day of December, 1977, at a regular Council meeting, the Council of the City of Albany, Oregon, did duly pass Ordinance No. 4082, wherein it was provided that a public hearing would be held on the 11th day of January, 1978, concerning the advisability of annexing property located south of Highway 20, between Three Lakes Road and Interstate 5.

WHEREAS, the hearing was duly held on the 11th day of January, 1978, and at that time the Council determined that the Notices of Hearing had been given as provided in the said Ordinance, and pursuant to the terms of ORS 222.111, 222.120 and 222.170, and

WHEREAS, the Council after said hearing determined that the area described herein is annexed as R-1(6), R-2, and M-1.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: That the following described property be and is hereby annexed to the City of Albany, to-wit:

Assessor's Parcel Map 11-3W-9C, Tax Lots 302, 307, 323, 324, 327,
328, 329, 330, 331, 332, 322

Assessor's Parcel Map 11-3W-9D, Tax Lot 1111.

(see attached legal description)

Section 1a: Findings of Fact.

(see Attachment A)

Section 1b: Conditions.

(see Attachment B)

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Section 2: That a copy of this ordinance shall be filed in the office of the City Recorder and the number of the ordinance shall be noted on the official zoning map of the City of Albany.

Section 3: WHEREAS, it is in the betterment of the public health, interest, safety and general welfare of the citizens of the City of Albany that this matter of annexation of the property described herein be disposed of at the earliest possible moment, and that the City facilities be made available to this property; therefore, an emergency is hereby declared to exist and this Ordinance shall become immediately effective upon its passage by the Council and approval by the Mayor.

Passed by the Council: January 11, 1978

Approved by the Mayor: January 11, 1978

Effective Date: January 11, 1978



Mayor

ATTEST:



City Recorder

ATTACHMENT A

Findings of Fact

- 1) As recently amended, the Comprehensive Land Use Plan designates this property as Light Industrial and Urban Residential to which this request identically corresponds.
- 2) The proposed annexation is contiguous to the existing City limits and a limited amount of urban development.
- 3) The request complies with the applicable LCDC Goals and Guidelines; in particular, the proposal is located within the preliminary urban growth boundary, will provide needed housing and a good location for light industry, will preserve prime agricultural land by providing compact urban development, will make public facilities and services available to an area which needs them, and has given citizens several opportunities for input and participation through the notification and public hearing process.
- 4) There are several other property owners in this area east of Interstate 5 who have expressed interest in or who have petitioned for annexation.
- 5) There needs to be a buffer zone between the M-1 and the R-1(6) zones. The R-2 zone as shown on the development plan provides this buffer zone. This zone is also a transition area from M-1 to R-1(6).
- 6) The R-2 zone provides a mixed land use which is one of the statements of the Community Goals. There should be this type of mixed land use within all new developments.
- 7) The vacancy rate for duplexes and apartments in Albany is less than 2 per cent. Consultations with local rental agencies have indicated that 6-10 calls per day are received. There are very few single family houses available for rental.
- 8) The impact on the utility system will be minimal. The sanitary sewer will be designed for maximum density while this project does not approach maximum density. The street network is existing and all streets within the project would be improved to City of Albany specifications. The project is adjacent to existing commercial areas. There is fire protection available to the area. The industrial property minimizes the impact on the school system.

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ATTACHMENT B

Conditions

1. Accurate metes and bounds legal descriptions shall be provided by the applicant for each of the approved zoning classifications and corresponding areas prior to the recording of the adopting ordinance.
2. The property owner shall provide detailed plans in coordination with the City Engineering Department for the proper extension of all necessary utilities (sanitary sewers and storm drainage) to the property. Lots 47 through 50 be zoned R-2 and Lot 22 shown on the preliminary plat be zoned R-1(6), Lot 23 be zoned R-2 and Lot 35 be zoned R-2.
3. The developer's engineer assist the City's Engineering Department in designing a storm drainage plan for this area as presented in the petitioner's original proposal and as reflected in the discussion at the May 2, 1977, meeting.
4. The annexed property will be served by the existing 8-inch sanitary sewer line abutting the property to the north on a temporary basis; the annexed property is not to be assessed until the entire area is surveyed and sanitary sewer needs are determined for a permanent system and the permanent system is constructed.

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ANNEXATION DESCRIPTION

City of Albany

PARCEL I (Tax Lot 302-11-3W-9C)

Beginning at a 1" pipe that is East 10.60 chains and South 17.84 chains from the Northwest Corner of the Edward N. White Donation Land Claim No. 48, Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon; thence South 1455.96 feet to a 1 1/2" pipe; thence East 486.42 feet to the Southwest corner of Spicer Wayside, a subdivision of record in said County. Thence $N0^{\circ}06'00''E$, along the West line of said subdivision 1455.96 feet to a 1 1/2" pipe; thence West 486.42 feet more or less to the point of beginning.

PARCEL II (Tax Lots 307, 323, 324, 327, 328, 329, 330, 331, 332, 322-11-3W-9C)

All of Blocks 3 and 4, Spicer Wayside, a subdivision of record in Linn County, Oregon and also the public rights-of-way adjoining and abutting said Blocks 3 and 4.

PARCEL III (Tax Lot 1111-11-3W-9D)

Beginning at the Southeast corner of that tract of land conveyed to Lester Bault by deed recorded in Volume 126, Page 518 Linn County Microfilm Records which point is $S84^{\circ}08'00''W$ 30.00 feet, $S5^{\circ}55'00''E$ 356.63 feet and $S0^{\circ}04'30''W$ 33.55 feet from the southwest corner of Lot 18, Block 4 of East Albany Walnut Tracts; thence $S84^{\circ}08'00''W$, along the south line of said Bault tract, 318.40 feet to a point on the East line of Spicer Wayside, a subdivision of record in Linn County;

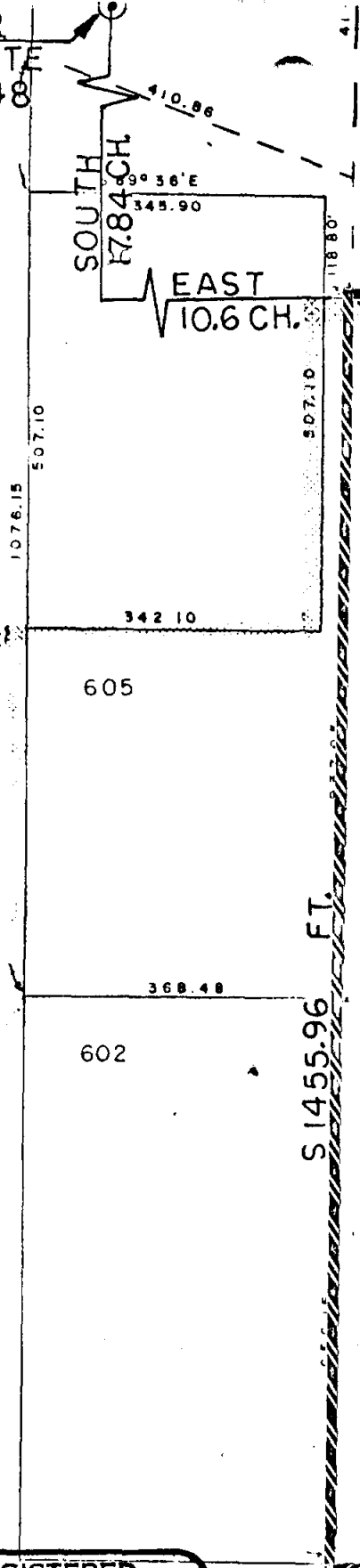
thence $S0^{\circ}06'00''W$, along said East line, 203.50 feet; thence East 322 feet more or less to a point on the centerline of the County Road; thence $N0^{\circ}04'30''E$ to the point of beginning.

April, 1977

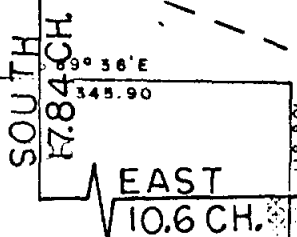
N.W. COR
ED. WHITE
D.L.C. #48

99 FREEWAY

150' 150'

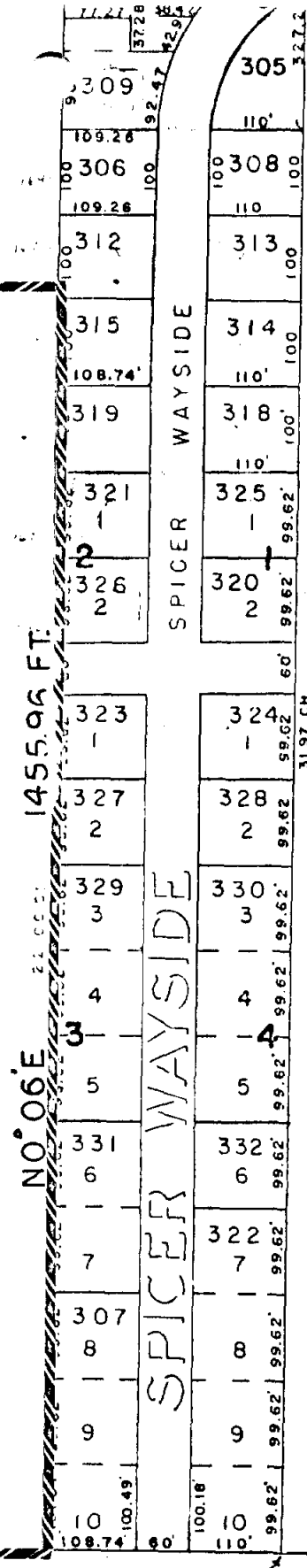


1" = 200'



S 1455.96 FT.

WEST 486.42 FT.
POB 7.37 CH
302



11 3W 9D
ALBANY

See Map 11 3W 9D



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Harold A. Leedom

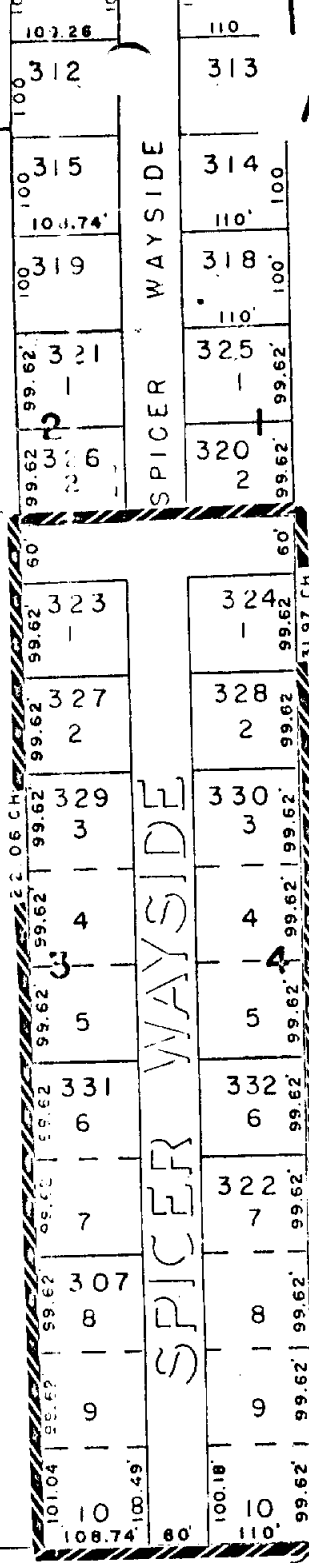
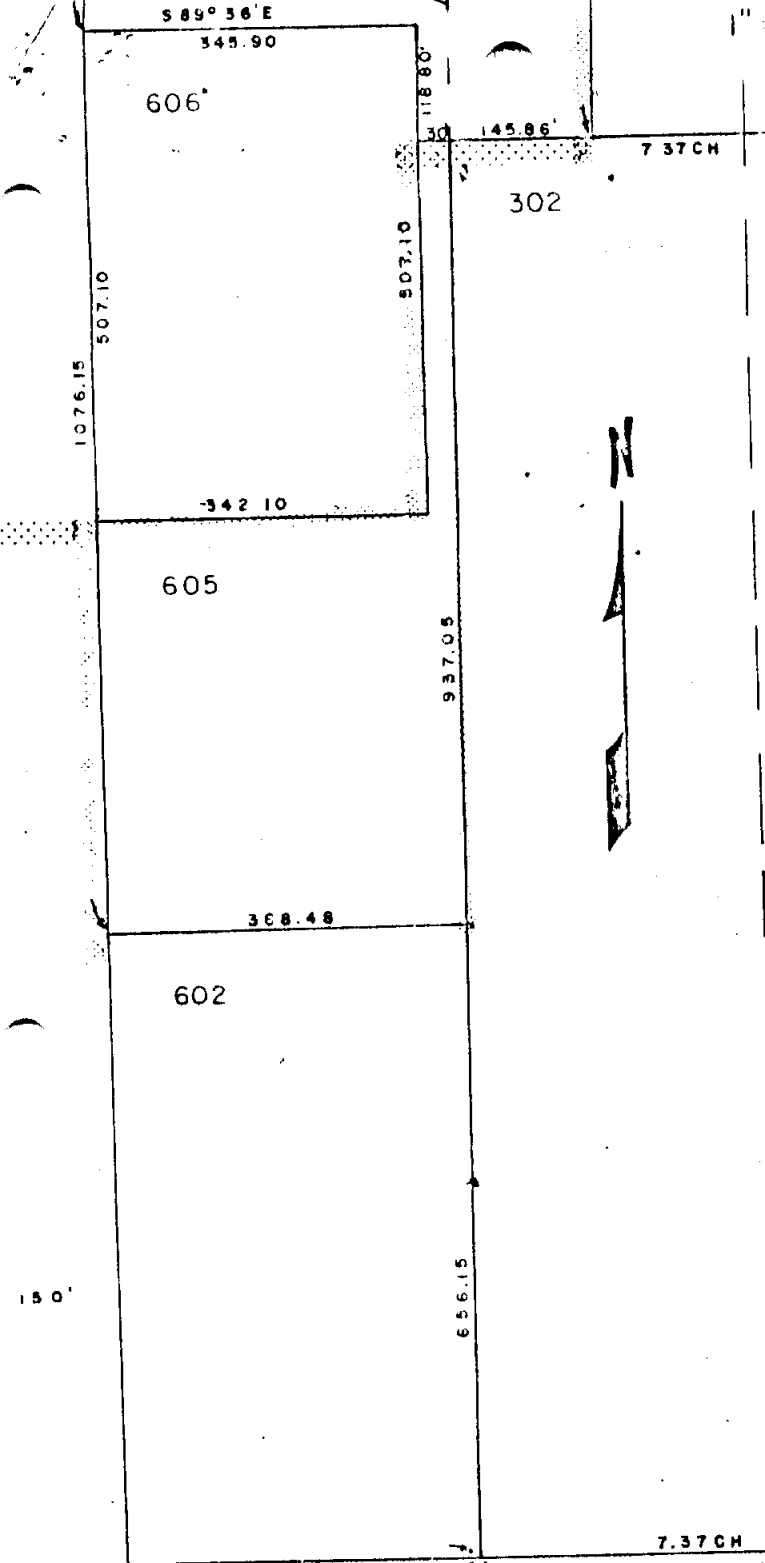
OREGON
SEPTEMBER 23, 1977
HAROLD A. LEEDOM
1249

DYER ANNEXATION
PARCEL I

ALBAN

11 3W 90
ALBANY

1" = 200'



See Map 11 3W 9D

PARCEL 2
DYER ANNEXATION

REGISTERED
PROFESSIONAL
LAND SURVEYOR

ALBANY

Harold A. Leedom

11 3W 90

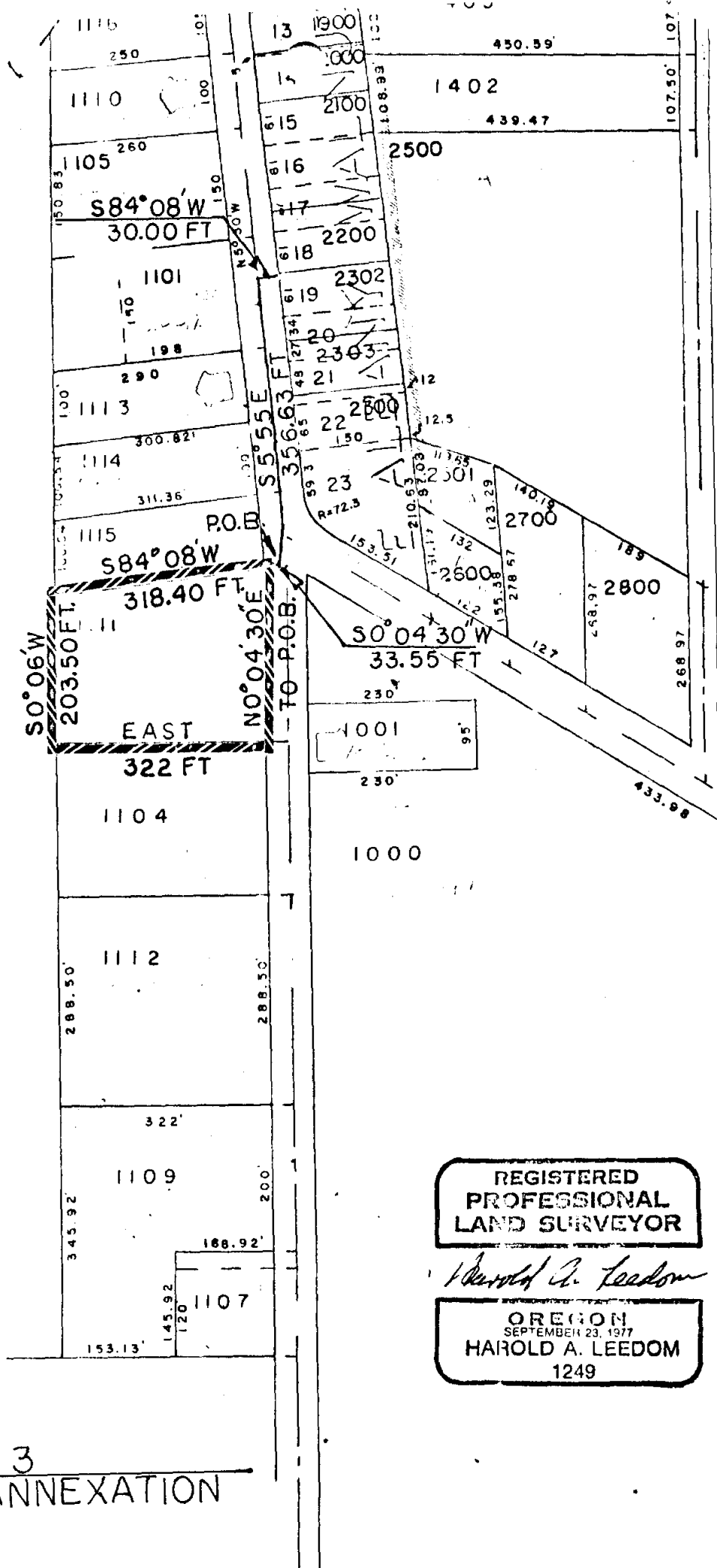
OREGON
SEPTEMBER 23, 1977
HAROLD A. LEEDOM
1249

13.98 CH

1/4 Cor.



See Map II 3W 9C



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Harold A. Leedom

OREGON
SEPTEMBER 23, 1977
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1249

PARCEL 3
DYER ANNEXATION