

AN ORDINANCE MAKING CERTAIN DETERMINATIONS AND FINDINGS RELATING TO AND APPROVING THE OAK CREEK URBAN RENEWAL PLAN

WHEREAS, the Albany City Council (“Council”) has declared that blighted areas exist in the city of Albany and has elected to have the powers of an urban renewal agency exercised by the Council itself; and

WHEREAS, Council has declared that the name of the urban renewal agency shall be the Albany Revitalization Agency (“Agency”); and

WHEREAS, the Albany Revitalization Agency (“Agency”), as the duly authorized and acting urban renewal agency of the City of Albany, Oregon (“City”), is proposing to undertake certain urban renewal activities in a designated area within the city pursuant to ORS Chapter 457; and

WHEREAS, the Agency, pursuant to the requirements of ORS Chapter 457, has caused the preparation of an urban renewal plan which is attached to this ordinance as Exhibit A and incorporated herein by this reference (“Plan”). The Plan authorizes urban renewal activities within the Oak Creek Urban Renewal Area (“Area”); and

WHEREAS, the Agency has caused the preparation of a report accompanying the Plan as required by ORS 457.085(3) (“Report”), which Report is dated August 17, 2007, and is attached to this ordinance as Exhibit B and incorporated herein by this reference; and

WHEREAS, the Plan and the Report were forwarded to the City of Albany Planning Commission for recommendation; and the Planning Commission considered the Plan and Report on July 23, 2007, and July 30, 2007, and moved not to recommend that the Plan be approved by the Albany City Council; and

WHEREAS, the Plan and the Report were forwarded on July 19, 2007, to the governing body of each taxing district affected by the Plan; and the Agency has thereafter consulted and conferred with said districts; and

WHEREAS, in response to the Planning Commission’s recommendations the Plan has been amended with a new boundary to include property to Columbus; and

WHEREAS, the Council has not received any written recommendation from the governing bodies of the affected taxing districts; and

WHEREAS, on July 24, 2007, the City caused notice of the hearing to be held before the Council on the Oak Creek Urban Renewal Plan, including the required statements of ORS 457.120(3), to be mailed to property owners within the city of Albany; and

WHEREAS, on August 8, 2007, the Council held a public hearing to review and consider the Plan, the Report, the recommendation of the Planning Commission, and the public testimony received on that date and does by this ordinance desire to approve the Plan.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: Council hereby determines and finds that the Plan complies with all requirements of ORS Chapter 457 and the specific criteria of ORS 457.095(1) through (7), in that, based on the information provided in the Report, information provided in the Staff Report, the recommendation of the Planning Commission, and the public testimony before the City Council:

1. The area designated in the Plan as the Area is blighted, as defined by ORS 457.010(1) and is eligible for inclusion within the Plan because of conditions described in Section II of the Report, including the underdevelopment of property within the Area, the lack of adequate streets and other rights-of-way serving property in the Area, and the insufficiency of utilities, including sewer, water, and storm drainage.
2. The rehabilitation and redevelopment described in the Plan to be undertaken by the Agency is necessary to protect the public health, safety, and welfare of the City because absent the completion of the urban renewal projects, the Area will fail to contribute its fair share of property tax revenues to support City services and will fail to develop and/or redevelop according the goals of the City's Comprehensive Plan.
3. The Plan conforms to the Albany Comprehensive Plan as a whole and provides an outline for accomplishing the projects described in the Plan, as more fully described in Chapters III and V of the Plan and in Supplemental Findings, which findings are attached as Exhibit C to this ordinance and incorporated herein by this reference.
4. No residential displacement will occur as a result of the acquisition and disposition of land and redevelopment activities proposed in the Plan; and, therefore, there is no need to make provision for displaced persons;
5. The acquisition of real property provided for in the Plan is necessary for the development of adequate streets and utilities because the Agency does not own all the real property interests (rights-of-way, easements, fee ownership) that will be required to undertake and complete these projects as described in Chapter IV of the Plan and Section V of the Report.
6. Adoption and carrying out the Plan is economically sound and feasible in that funds are available to complete the Plan projects using urban renewal tax increment revenues derived from a division of taxes pursuant to Section 1c, Article IX of the Oregon Constitution and ORS 457.440, and other available funding as shown in Sections VI, VIII, and IX of the Report; and
7. The City shall assume and complete any activities prescribed it by the Plan.

Section 2: The Oak Creek Urban Renewal Plan is hereby approved, based upon review and consideration by the Council of the Plan, the Report, the recommendations of the Planning Commission, and the public testimony in the record.

Section 3: The City Recorder shall forward forthwith to the Agency a copy of this ordinance.

Section 4: The City Recorder shall thereafter cause a copy of the Plan to be recorded in the Records of Linn County, Oregon.

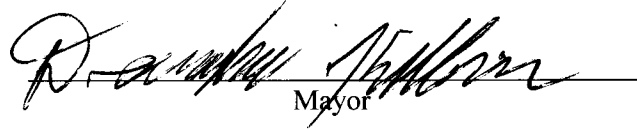
Section 5: The City Recorder, in accordance with ORS 457.115, shall publish notice of the adoption of the ordinance approving the Plan, including the provisions of ORS 457.135, in the *Albany Democrat-Herald* no later than four days following adoption of this ordinance.

Attachments: Exhibit A - Plan  
Exhibit B - Report  
Exhibit C - Supplemental Findings

Passed by the Council: August 22, 2007

Approved by the Mayor: August 22, 2007

Effective Date: September 21, 2007

  
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Mayor

ATTEST:

  
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City Clerk