

RESOLUTION NO. 2937

A RESOLUTION PROCLAIMING THE ANNEXATION AND ZONING OF PROPERTY LOCATED EAST OF THREE LAKES ROAD SE AND SOUTH OF SPICER ROAD SE MORE COMMONLY KNOWN AS 1815 THREE LAKES ROAD SE (Tax Lots 1000 and 1001, 11-3W-09D) AND CONTAINING APPROXIMATELY 36.12 ACRES MORE OR LESS (FILE NO. AN-01-90) AND SETTING A PUBLIC HEARING FOR THE REMOVAL OF TERRITORY FROM THE ALBANY RURAL FIRE PROTECTION DISTRICT.

WHEREAS, the City Council has proposed to annex in accordance with the provisions of ORS 222.750 certain property described by attached Exhibit A and more commonly known as 1815 Three Lakes Road SE, which is adjacent to the City of Albany; and

WHEREAS, provisions of state law and the Albany Development Code waive requirements for Planning Commission review and public hearings for such annexations; and

WHEREAS, the Albany Development Code provides for the application of specific zoning districts upon annexation of territory under these circumstances; and

WHEREAS, a public hearing should be held concerning the withdrawal of said territory from the Albany Rural Fire Protection District under the provisions of ORS 222.524.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that the territory described by attached Exhibit A is hereby proclaimed to be annexed to the City of Albany and zoned R-1 (Single Family Residential).

BE IT FURTHER RESOLVED that the findings, attached Exhibit B, are hereby adopted in support of this annexation and zoning action.

BE IT FURTHER RESOLVED by the Albany City Council that a public hearing on the matter of removal of the territory described in Exhibit A from the Albany Rural Fire Protection District be held by the City Council on March 28, 1990, 7:15 p.m.

BE IT FURTHER RESOLVED that the City Recorder shall give notice of the hearing by publication once each week for two (2) successive weeks prior to the day of said hearing in a newspaper of general circulation within the city. The City Recorder shall further cause notice of this hearing to be posted in four (4) public places within the city for a like time.

BE IT FURTHER RESOLVED that the property described by attached Exhibit A shall be effectively annexed to the City of Albany on the date that the complete abstract of the annexation proceedings described above is filed with the Secretary of State of the State of Oregon.

DATED THIS ^{14TH} 5TH DAY OF MARCH, 1990.



Mayor

ATTEST:



City Recorder

EXHIBIT A

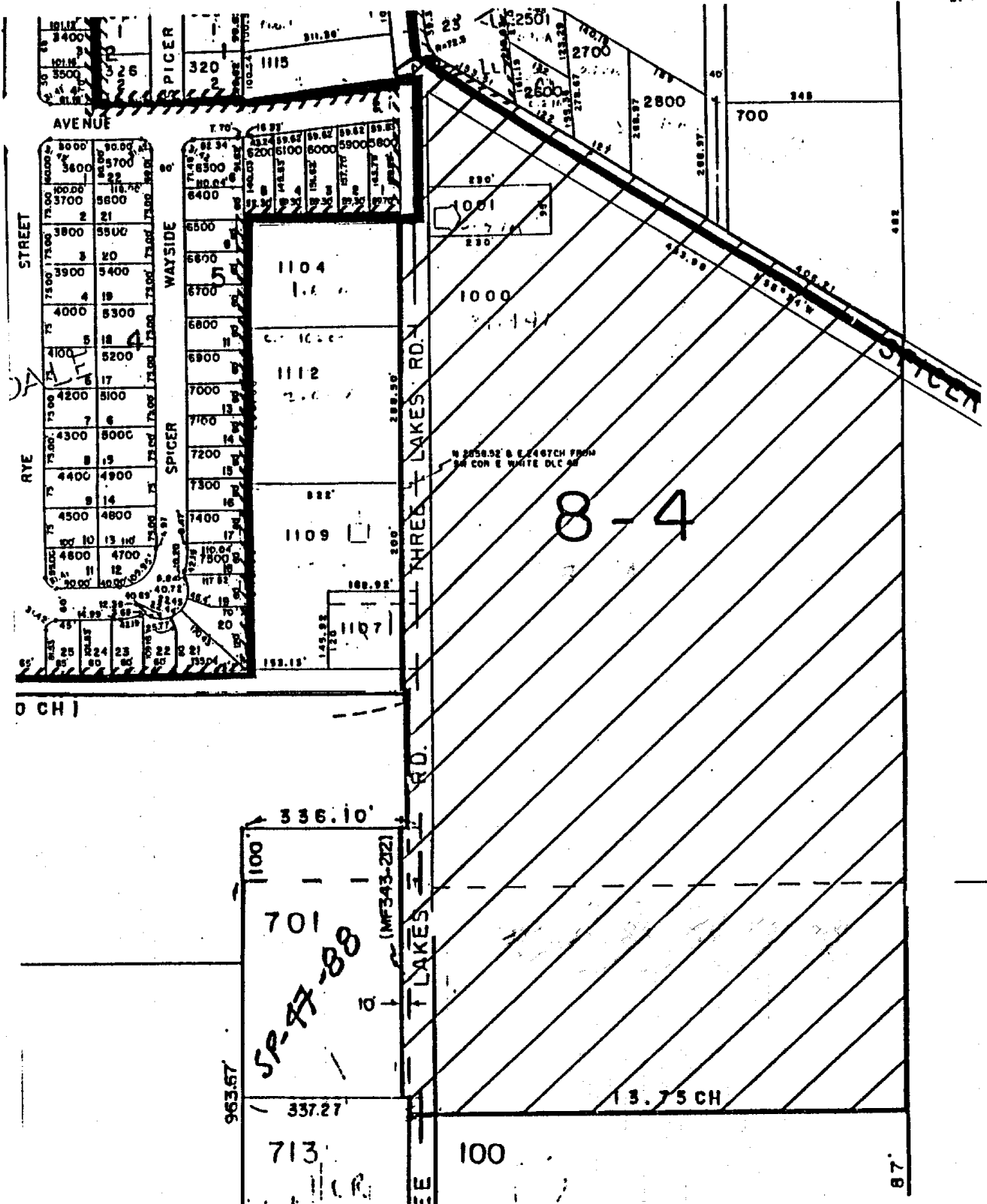
LEGAL DESCRIPTION

CASE NO. AN-01-90

Beginning at the southeast corner of the West 1/2 of the Edward White Donation Land Claim Number 48, in Section 16, Township 11 South, Range 3 West, of the Willamette Meridian; thence WEST on the south line of said Donation Land Claim line 928.75 feet to a point on the south line of said Donation Land Claim where the southerly extension of the westerly right of way line of Three Lakes Road intersects; thence North 00° 04' 30" East on the westerly right of way line of said Three Lakes Road 2,467.85 feet to a point on the westerly right of way line of said Three Lakes Road where the northerly property line of that parcel of land conveyed to Carl Haima and Fern Haima, husband and wife in Volume 314, Page 495 Linn County Deed Records intersect, said point being the TRUE POINT OF BEGINNING; thence on the westerly right of way line of said Three Lakes Road the following courses and distances; South 89° 22' West 10.00 feet, South 00° 04' 30" West 505.60 feet, South 89° 55' 30" East 10.00 feet, South 00° 04' 30" West 41.65 feet to a point on the westerly right of way line of said Three Lakes Road, said point being 20.00 feet WEST of the southwest corner of that parcel of land conveyed to Floyd Zumwalt as recorded in Volume MF 513, Page 695 Linn County Microfilm Deed Records; thence EAST 20.00 feet to said southwest corner, said point also being on the center line of Three Lakes Road right of way; thence EAST on the south line of said parcel recorded in Volume MF 513, Page 695 Linn County Microfilm Deed Records 911.39 feet to the southeast corner of said parcel; thence NORTH on the east line of said parcel 1,371.89 feet to the northeast corner of said parcel, said point being on the center line of the Spicer Drive right of way; thence continuing, NORTH 35.24 feet to the north right of way line of Spicer Drive, said point also being the intersection of the east line of that parcel of land conveyed to Raymond E. Thogerson and Frances D. Thogerson in Volume 224, Page 445 Linn County Deed Records and the northerly right of way line of Spicer Drive; thence North 58° 24' West on the north right of way line of said Spicer Drive 844.77 feet to the southwest corner of Lot 23 East Albany Walnut Tracts as recorded in Book 5, Page 5 Linn County Plat Records; thence continuing on the northerly right of way line of said Spicer Drive, North 58° 24' West 153.51 feet to the point of curvature of a 72.30 foot radius curve to the right; thence leaving said northerly right of way of said Spicer Drive, North 89° 11' 16" West 58.61 feet to the center line intersection of said Spicer Drive and said Three Lakes Road; thence South 57° 55' 35" West 33.42 feet to a point on the westerly right of way of said Spicer Drive; thence on the westerly right of way line of said Spicer Drive and Three Lakes Road the following courses and distances; South 58° 14' East 9.75 feet and South 00° 04' 30" West 12.72 feet to the intersection of the westerly right of way line of said Three Lakes Road and the northerly right of way line of 18th Avenue; thence North 84° 08' East 20.11 feet to the center line of said Three Lakes Road right of way; thence South 00° 04' 30" West on the center line of said Three Lakes Road right of way 227.23 feet; thence South 89° 58' 43" West 20.00 feet to the southeast corner of Lot 1, Block 5

Lawndale Subdivision as recorded in Book 9, Page 21 Linn County Plat Records, said point also being on the westerly right of way line of Three Lakes Road; thence South 00° 04' 30" West on the westerly right of way line of said Three Lakes Road 1,122.89 feet to the true point of beginning.

Containing 36.12 acres.



**EXHIBIT B
FINDINGS
CASE NO. AN-01-90**

1. **Annexation of the subject property is a logical and efficient extension of the city limits boundaries to facilitate the functional and economic provision of services as the property to the east is currently within the city limits.**
2. **The subject property is within the Urban Growth Boundary and will provide for coordinated planning efforts for extension of streets and utilities.**
3. **Annexation and zoning of the subject property are in conformance with the acknowledged Albany Comprehensive Plan.**
4. **The conflicts between the City and County applications of development standards and requirements for this property will be eliminated through annexation.**
5. **The annexation of the subject property was initiated by 100% of the property owners and electors reside on the property; thus, annexation may occur without a public hearing or Planning Commission review under the provisions of ORS 222.125 and Albany Development Code Sections 3.010(5) and (7).**
6. **The Albany Development Code Annexation Zoning Matrix (Section 3.030(2) provided for application of the R-1 (Single Family Residential) zoning designation for properties with a Urban Residential Reserve Comprehensive Plan designation.**
7. **The proposed zoning designation of R-1 (Single Family Residential) is in conformance with the Albany Comprehensive Plan designation of Urban Residential Reserve. As such, the property may be developed applying the standards for the R-1 (Single Family Residential) zoning district as provided for in the Albany Development Code.**
8. **Urban services can be extended to the subject property without adversity to other properties in the city.**