

RESOLUTION NO. 2985

A RESOLUTION PROCLAIMING THE ANNEXATION AND ZONING OF QUEEN AVENUE SW FROM BROADWAY STREET SW TO THE CALAPOOIA RIVER BRIDGE AND CONTAINING APPROXIMATELY 3.01 ACRES MORE OR LESS (FILE NO. AN-02-90) 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 Queen Avenue, west of Broadway Street to the Calapooia River Bridge, 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); R-2 (Limited Multiple Family Residential); R-3 (Multiple Family Residential); and C-1 (Neighborhood Commercial).

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 October 10, 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 26TH DAY OF September, 1990.


Mayor

ATTEST:


Deputy City Recorder

**EXHIBIT A
LEGAL DESCRIPTION
CASE NO. AN-02-90**

**QUEEN AVENUE (OAKVILLE ROAD) ANNEXATION
BROADWAY STREET TO CALAPOOIA RIVER BRIDGE**

Beginning at a point which bears South 1° 30' East, 30.01 feet from the southwest corner of the Walter Monteith DLC #55, said DLC corner being at Engineer's Station 233+67.40 as described in Linn County Road File #211, said beginning point being the intersection of the south right-of-way of Queen Avenue as described in Linn County Road File #211 and the centerline of Broadway Street, in Section 12, Township 11 South, Range 4 West, Willamette Meridian, City of Albany, Linn County, Oregon; thence continuing along said south right-of-way the following courses: South 86° 57' 20" West, 5.13 feet; thence on the arc of a 160.99 foot radius curve to the left (the chord of which bears South 69° 15' 52" West, 97.85 feet) a distance of 99.42 feet; thence South 51° 32' 03" West, 1627.88 feet; thence on the arc of a 1771.73 foot radius curve to the right (the chord of which bears South 54° 36' 41" West, 190.21 feet) a distance of 190.30 feet; thence South 57° 41' 18" West, 141.87 feet; thence leaving said south right-of-way and running North 32° 18' 42" West, 77.00 feet to a point on the north right-of-way of Queen Avenue as described in said Linn County Road File #211, said point also being at Engineer's Station 212+86.69; thence continuing along said north right-of-way the following courses: North 57° 41' 18" East, 109.31 feet; thence South 32° 18' 42" East, 17.00 feet; thence North 57° 41' 18" East, 32.56 feet; thence on the arc of a 1711.73 foot radius curve to the left (the chord of which bears North 54° 36' 41" East, 183.77 feet) a distance of 183.86 feet; thence North 51° 32' 03" East, 1627.88 feet; thence North 51° 29' 22" East, 129.62 feet; thence leaving said north right-of-way line and running North 1° 30' West, 12.00 feet to the southeast corner of Lot 2, Block 6, Hazelwood Addition to the City of Albany, Linn County, Oregon; thence South 54° 45' 42" East, 74.87 feet to a pipe at the southwest corner of Block 1, Albany Heights Addition to the City of Albany, Linn County, Oregon; thence South 1° 30' East, 60.02 feet to a 4-inch brass cap at the northeast corner of that parcel conveyed to the United States of America in Book 161, Page 421, Linn County Deed Records; thence South 86° 57' 20" West, 30.01 feet to the point of beginning; containing 3.01 acres, more or less.

SAVE AND EXCEPT: That portion of the above described property lying within the existing City Limits.

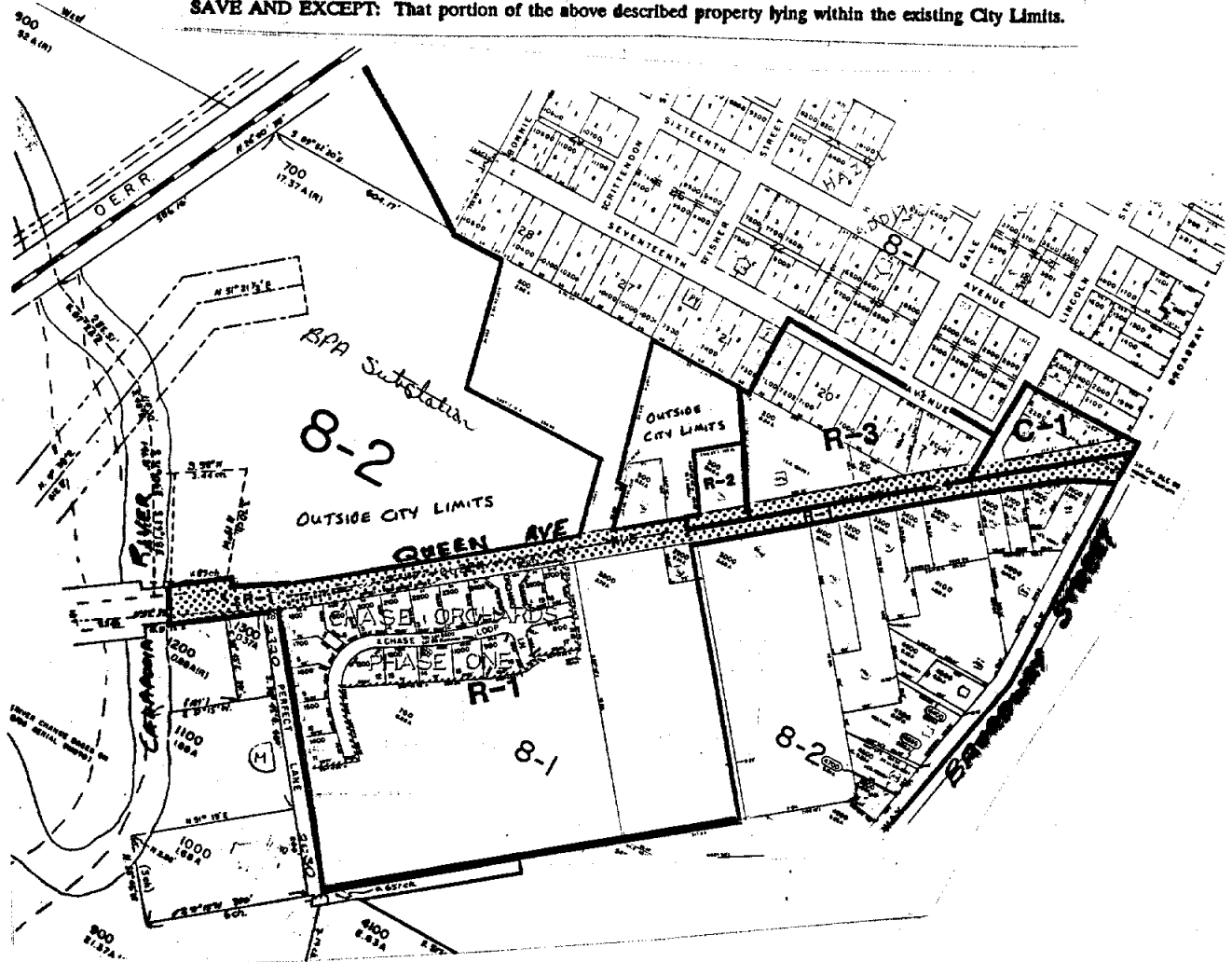


EXHIBIT B
FINDINGS
CASE NO. AN-02-90

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 north and south are 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. The City is capable of providing city services commensurate with the needs of existing and any proposed new uses in the subject area without significantly impairing city services to existing portions of the city or without extending services in contradiction to Comprehensive Plan policies or an adopted Public Facility Plan and more particularly the annexation will eliminate the confusion of jurisdiction for police and fire protection for emergencies occurring on the public right-of right.
4. Queen Avenue, from Broadway Street SW to the Calapooia River Bridge has been improved to urban standards under a County/City cooperative project in 1988.
5. Annexation and zoning of the subject property are in conformance with the acknowledged Albany Comprehensive Plan.
6. The conflicts between the City and County applications of development standards and requirements for this property will be eliminated through annexation.
7. 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).
8. 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.
9. The proposed zoning designations of R-1 (Single Family Residential) R-2 (Limited Multiple Family), R-3 (Multiple Family Residential), and C-1 (Neighborhood Commercial) is in conformance with the Albany Comprehensive Plan designations of Urban Residential Reserve, Medium Density Residential, High Density Residential, and Neighborhood Commercial.