

RESOLUTION NO. 3120

A RESOLUTION PROCLAIMING THE ANNEXATION AND ZONING OF PROPERTY LOCATED AT 3635, 3655, and 3675 18th Avenue SE (TAX LOT 1115, 11-3W-09D) AND CONTAINING APPROXIMATELY 0.68 ACRE (FILE NO. AN-09-91) AND SETTING A PUBLIC HEARING FOR THE REMOVAL OF TERRITORY FROM THE ALBANY RURAL FIRE PROTECTION DISTRICT.

WHEREAS, the City Council proposes to annex in accordance with the provisions of ORS 222.125 certain property described by attached Exhibit A and more commonly known as 3635, 3655, and 3675 18th Avenue SE, which is adjacent to the City of Albany; and

WHEREAS, state law waives requirements for an election or a public hearing when annexation of the subject property is initiated by 100% of the property owners and electors residing on the property; and

WHEREAS, the Albany Development Code provides for the application of specific zoning districts upon annexation of territory; 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 RS-6.5 (Residential Single Family - 6,500 square foot lot minimum).

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 January 8, 1992, at 7:15 p.m.

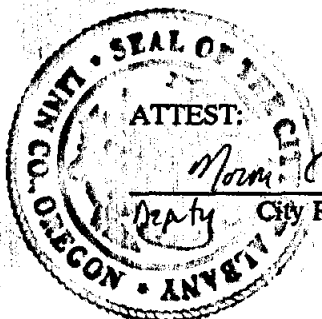
BE IT FURTHER RESOLVED that the City Recorder shall give notice of the hearing by publication once each week for two (2) successive weeks prior to the day of said hearing in a newspaper of general circulation within the city. The City Recorder shall further cause notice of this hearing to be posted in 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, the Linn County Clerk, and the Linn County Assessor.

DATED THIS 18TH DAY OF DECEMBER, 1991.



Keith Rohrbough, Mayor

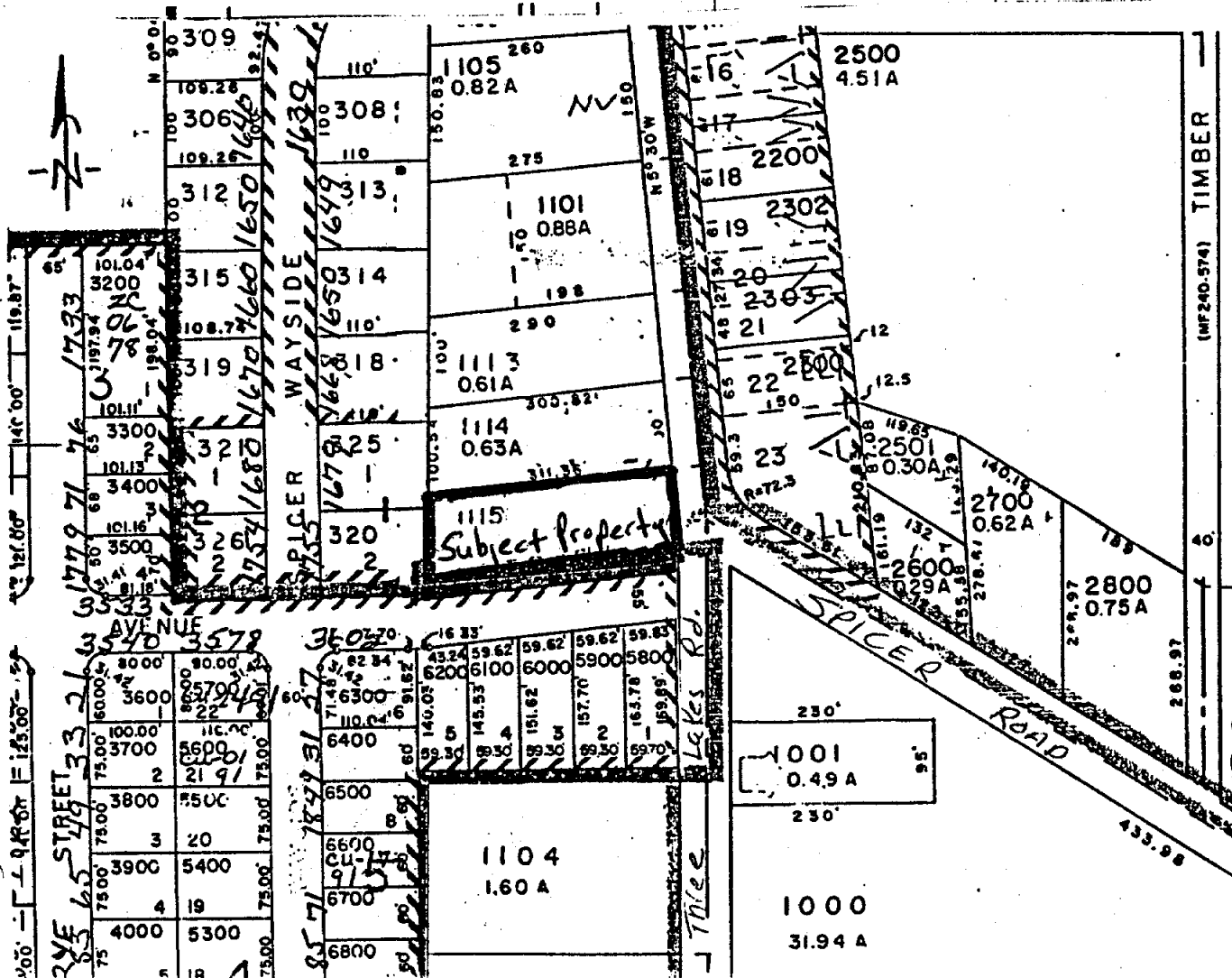


ATTEST:
Norm C. Withrow

Deputy City Recorder

EXHIBIT A
LEGAL DESCRIPTION
CASE NO. AN-09-91

Beginning at the Southwest corner of that parcel conveyed to Myron L. Kauffman, et ux, and described in Deed recorded in Volume 115, Page 101, Linn County Microfilm Records, which point is 1868.20 feet North 89° 54' East 592.78 feet South 0° 06' East 650.15 feet South 6° 00' East 470.28 feet South 84° 08' West and South 0° 06' West 201.08 feet from the Northwest corner of the Edward N. White Donation Land Claim No. 48, Township 11 South, Range 3 West of the Willamette Base and Meridian, Linn County, Oregon; thence North 84° 08' East along the South line of said parcel, 311.36 feet to the East line of that parcel conveyed to George Edward Mosher and Jay E. Mosher, and described in Deed recorded in Volume 74, Page 458, Linn County Microfilm Records; thence along the East line of said Mosher parcel, South 5° 55' East 66.63 feet and South 0° 04' 30" West 33.55 feet; thence South 84° 08' West parallel with the North line of said Mosher parcel, 318.40 feet to the East line of that parcel conveyed to L. A. Swander, et ux, by Deed recorded in Book 162, Page 255, said Deed Records; thence North 0° 06' East 100.54 feet to the point of beginning.



**EXHIBIT B
FINDINGS
CASE NO. AN-09-91**

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. 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:
 - a. Sanitary sewer service is available via the 8-inch line located in 18th Avenue. An in-lieu of assessment will be required to be paid prior to connection to the sanitary sewer line.
 - b. Water service is currently available to the subject property via a 12-inch line located on both 18th Avenue and Spicer Drive.
 - c. Storm drain catch basins (4) are located at Spicer Wayside and 18th Avenue.
 - d. The Albany Fire Department reports that the subject property is within the proper running distance of Station One for first-due Engine Company response.
 - e. The Albany Police Department will be able to provide service to the lots with no appreciable increase in costs at this time.
4. Annexation and zoning of the subject property are in conformance with the acknowledged Albany Comprehensive Plan and in accordance with the Annexation Zoning Matrix listed in the Albany Development Code (ADC2.570).
5. The conflicts between the City and County applications of development standards and requirements for this property will be eliminated through annexation.
6. 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 an election under the provisions of ORS 222.125 and the City of Albany Annexation Policies.
7. The proposed zoning designation of RS-6.5 (Residential Single Family - 6,500 square foot lot minimum) 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 RS-6.5 zoning district as provided for in the Albany Development Code.
8. Annexation of the subject property will conform to the Growth Management Policies of the Albany Comprehensive Plan as the proposed annexation will encourage the urbanization of an area where facilities and services are in need of extension. Development of this type will enable a cost effective extension of urban facilities and services and will assure that any future development of the subject property will be to City standards.

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STATE OF OREGON
County of Linn

I hereby certify that the attached was
received and duly recorded by me in
Linn County records:

Volume: MF 587 Page: 297

Attn: Norm

STEVE DRUCKENMILLER
Linn County Clerk

[Signature] Deputy

City of Albany
DOB 490
ALBANY, OR 97321