

RESOLUTION NO. 3527

**A RESOLUTION PROCLAIMING THE ANNEXATION AND ZONING OF PROPERTY LOCATED WEST, NORTH, AND SOUTH OF 612 CLOVER RIDGE ROAD NE AND EAST OF THE TERMINUS OF BERNARD AND ADAH AVENUES NE (A PORTION OF TAX LOTS 907, 912, AND 913, LINN COUNTY ASSESSOR'S MAP NO. 10-3W-34) AND CONTAINING APPROXIMATELY 52.50 ACRES (FILE NO. AN-01-95) 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 that property lying west, north, and south of 612 Clover Ridge Road NE and east of the terminus of Bernard and Adah Avenues NE and 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 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 July 26, 1995, 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.

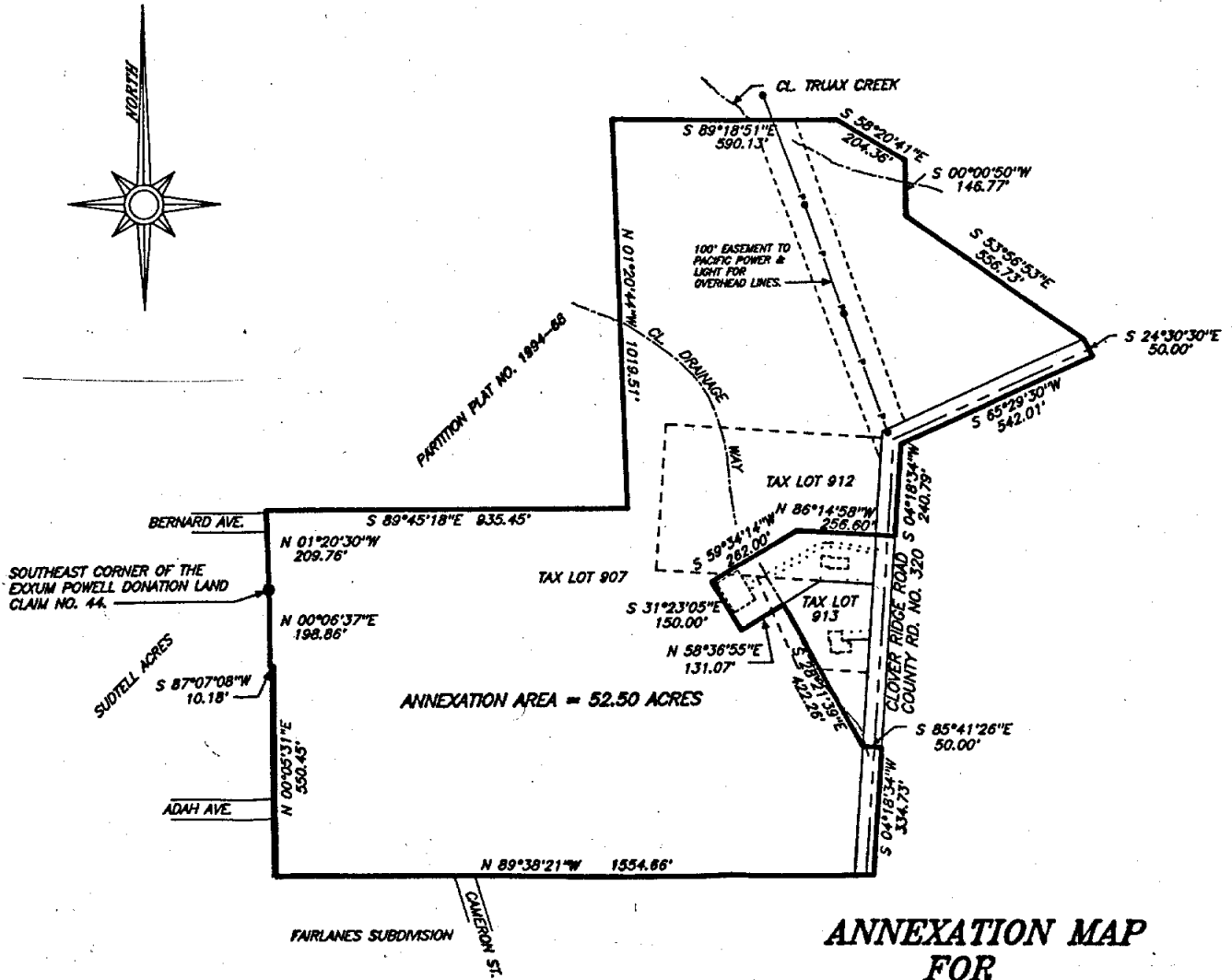
DATED THIS 28th DAY OF June, 1995.

  
\_\_\_\_\_  
Mayor

ATTEST

  
\_\_\_\_\_  
Deputy City Recorder

**EXHIBIT A  
LEGAL DESCRIPTION  
CASE NO. AN-01-95**



**ANNEXATION MAP  
FOR  
WILLIAM AND MARY WORKMAN  
AND  
FALCON TRUST CORPORATION**

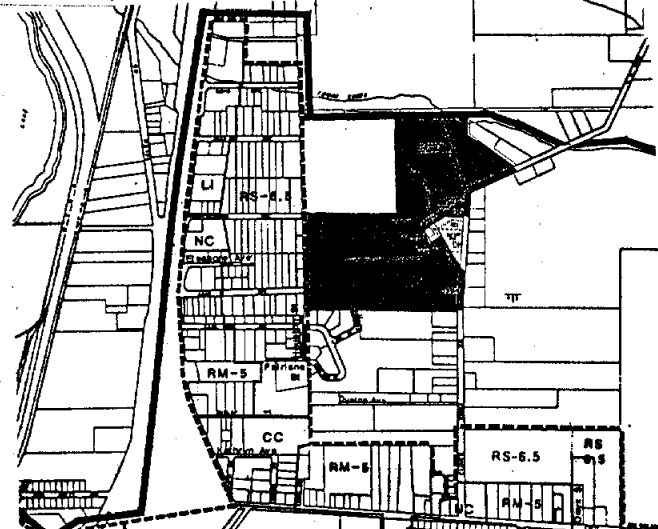
A TRACT OF LAND IN TAX LOTS 907, 912 AND 913 IN THE MILTON HOUSTON DONATION LAND CLAIM NO. 43 IN THE SOUTHEAST 1/4 OF SECTION 33 AND THE SOUTHWEST 1/4 OF SECTION 34, TOWNSHIP 10 SOUTH, RANGE 3 WEST AND IN THE NORTHEAST 1/4 OF SECTION 4, TOWNSHIP 11 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, LINN COUNTY, OREGON AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE EXXUM POWELL DONATION LAND CLAIM NO. 44; THENCE NORTH 01°20'30" WEST, 209.76 FEET; THENCE SOUTH 89°45'18" EAST, 935.45 FEET; THENCE NORTH 01°20'44" WEST, 1019.51 FEET; THENCE SOUTH 89°18'51" EAST, 590.13 FEET; THENCE SOUTH 58°20'41" EAST, 204.36 FEET; THENCE SOUTH 00°00'50" WEST, 146.77 FEET; THENCE SOUTH 83°56'53" EAST, 556.73 FEET; THENCE SOUTH 24°30'30" EAST, 50.00 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF CLOVER RIDGE ROAD, COUNTY ROAD NO. 320; THENCE ALONG SAID RIGHT OF WAY LINE, SOUTH 65°29'30" WEST, 542.01 FEET; THENCE SOUTH 04°18'34" WEST, 240.79 FEET; THENCE LEAVING SAID RIGHT OF WAY LINE, NORTH 86°08'26" WEST, 256.60 FEET; THENCE SOUTH 59°34'14" WEST, 262.00 FEET; THENCE SOUTH 31°23'05" EAST, 150.00 FEET; THENCE NORTH 58°36'55" EAST, 131.07 FEET; THENCE SOUTH 28°21'39" EAST, 422.26 FEET; THENCE SOUTH 85°41'26" EAST, 50.00 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF SAID CLOVER RIDGE ROAD, COUNTY ROAD NO. 320; THENCE ALONG SAID RIGHT OF WAY LINE, SOUTH 04°18'34" WEST, 334.73 FEET; THENCE LEAVING SAID RIGHT OF WAY LINE, NORTH 00°05'31" EAST, 550.45 FEET; THENCE SOUTH 87°07'08" WEST, 10.18 FEET; THENCE NORTH 00°08'37" EAST, 198.86 FEET TO THE SOUTHEAST CORNER OF THE EXXUM POWELL DONATION LAND CLAIM NO. 44 AND THE POINT OF BEGINNING OF THIS DESCRIPTION.

THE ABOVE DESCRIBED TRACT CONTAINS 52.50 ACRES OF LAND, MORE OR LESS.

THE BASIS FOR THIS DESCRIPTION IS A SURVEY IN PROGRESS AND NOT YET COMPLETED. THE BASIS OF BEARINGS IS FROM PARTITION PLAT NO. 1994-68. BEARINGS AND DISTANCES SHOWN ARE BASED ON FIELD TIES TO FOUND MONUMENTS.

**IN TAX LOTS 907, 912 & 913 IN THE SOUTHEAST 1/4 OF SECTION 33 AND THE SOUTHWEST 1/4 OF SECTION 34, TOWNSHIP 10 SOUTH, RANGE 3 WEST AND IN THE NORTHEAST 1/4 OF SECTION 4, TOWNSHIP 11 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, LINN COUNTY, OREGON.**



**EXHIBIT B  
FINDINGS  
CASE NO. AN-01-95**

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.** Sanitary sewer service will be available via the extension of an existing 15-line sanitary sewer line located to the west of the subject property in Bernard Avenue NE and an 8-inch sanitary sewer line located in Adah Avenue NE.
  - b. **Water.** Water service is not available to the subject property but may be provided in accordance with the City's Water Facility Plan via the extension of a 24-inch water main in Knox Butte Road from Timber Street to Clover Ridge Road and then the extension of a 16-inch water main from the intersection of Clover Ridge Road with Knox Butte Road across the frontage of the subject property.
  - c. **Storm Drainage.** Storm Drainage is currently being provided in the ditches adjacent to Clover Ridge Road and by the tributaries to Truax Creek which flow east-west through the site. Storm drainage facilities will be provided upon development of the property subject to the City's review and approval.
  - d. **Fire Protection.** The Albany Fire Department reports that the subject property is within the proper running distance of Station One for first-due Engine Company response. Adequate water flow for a fire hydrant grid system compatible with the water facility plan and the Albany Fire Department requirements shall be provided at the time the existing water line is extended to the subject property.
  - e. **Police Protection.** The Albany Police Department will be able to provide service to the lots with no appreciable increase in costs at this time.
  - f. **Schools.** The subject property is within the attendance boundaries of Clover Ridge Elementary School, North Albany Middle School and North Albany High School. Bus service is provided.
  - g. **Parks.** The nearest existing park is Timber Linn Park. The Parks Master Plan shows a neighborhood park within this area.
4. **Annexation and zoning of the subject property are in conformance with the acknowledged Albany Comprehensive Plan.**
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 no electors reside on the property; thus, annexation may occur without a public hearing or an election under the provisions of ORS 222.125.**

7. **The proposed zoning designation of RS-6.5 (Residential Single Family) 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.**