

A RESOLUTION PROCLAIMING THE ANNEXATION AND ZONING OF PROPERTY LOCATED SOUTH OF DOGWOOD AVENUE SE AND WEST OF GOLD FISH FARM ROAD SE (A PORTION OF TAX LOTS 306, 312, AND TAX LOT 307, LINN COUNTY ASSESSOR'S MAP NO. 11-3W-04D) AND CONTAINING APPROXIMATELY 2.02 ACRES (FILE NO. AN-02-95) 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 430 Douglas Street SE 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 January 10, 1996, 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 13TH DAY OF DECEMBER, 1995.



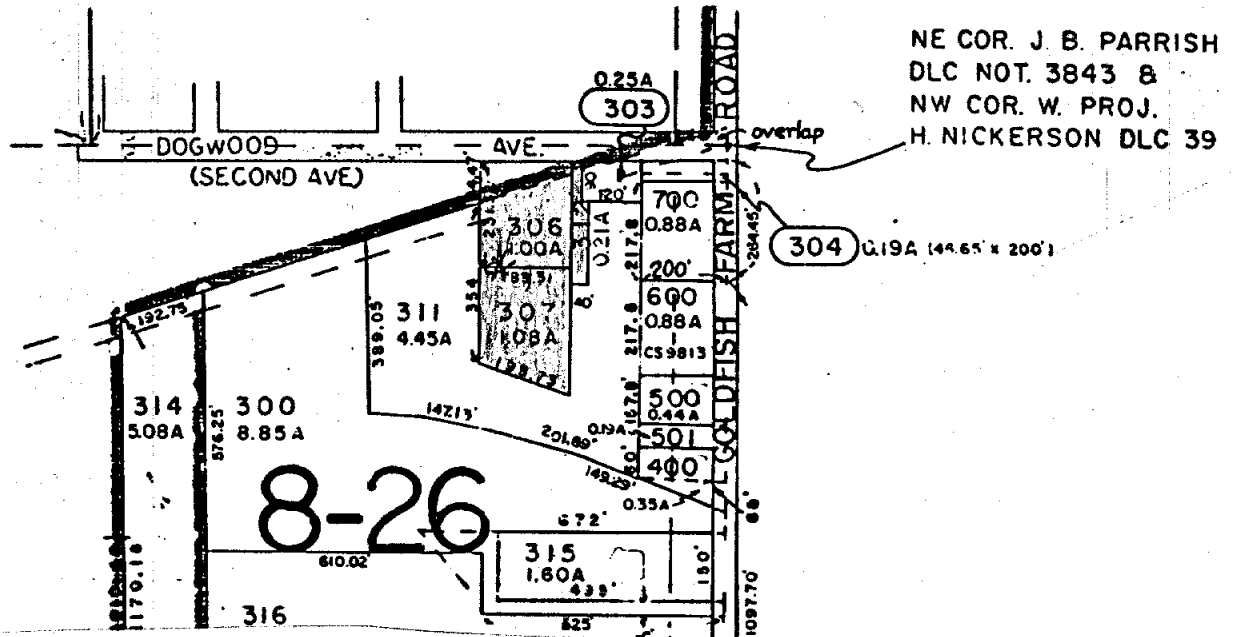
Mayor

ATTEST:



Deputy City Recorder

**EXHIBIT A
LEGAL DESCRIPTION
CASE NO. AN-02-95**



A tract of Land situated in the County of Linn, State of Oregon, described as follows: Beginning at a 1/2 inch iron rod South 89°56.5' West, 340.0 feet from a point on the East line of and South 30.0 feet from the Northeast corner of the Jesse B. Parrish Donation Land Claim Not. No. 3843 in Section 4 of Township 11 South, Range 3 West of the Willamette Meridian, Linn County, Oregon; thence South 89°56.5' West along the South line of said East 2nd Avenue 188.31 feet to a 1/2 inch iron rod; thence South 0°03.5' East 94.47 feet to a 1/2 inch iron rod; thence South 354.00 feet to a 1/2 inch iron rod; thence South 71°16.5' East 198.73 feet to a 1/2 inch iron rod due South of the place of beginning; thence North 241.14 feet to a 5/8 inch rod; thence East 40 feet to a 5/8 inch iron rod; thence North 181.36 feet to a 1/2 inch iron rod; thence South 89°56'30" West 20 feet; thence North 90.00 feet; thence South 89°56'30" West 20.00 feet to the point of beginning.

**EXHIBIT B
FINDINGS
CASE NO. AN-02-95**

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 utility maps indicate that public sanitary sewer service adjacent to this site consists of an 8-inch main in Dogwood Avenue. An 8-inch sanitary sewer main has been stubbed-out into Douglas Street. Sanitary sewer service laterals have been extended into each of the three proposed parcels fronting Dogwood Avenue.
 - b. **Water.** Water utility maps indicate that public water service adjacent to this site consists of a 12-inch main in Dogwood Avenue. An 8-inch water main has been stubbed-out into Douglas Street. Water service laterals have been extended into each of the three proposed parcels fronting Dogwood Avenue.
 - c. **Storm Drainage.** Storm drainage utility maps indicate that storm drainage adjacent to this site consists of catch basins in Dogwood Avenue both east and west of the site.
 - d. **Dogwood Avenue adjacent to this site is improved to City standards. Douglas Street adjacent to this site is a private street not improved to City Standards.**
 - e. **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 property is divided other than lots fronting on Dogwood Avenue and the existing water line is extended into the subject property.
 - f. **Police Protection.** The Albany Police Department will be able to provide service to the lots with no appreciable increase in costs at this time.
 - g. **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.
 - h. **Parks.** The nearest existing park is Timber Linn Park.
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.**