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ORDINANCE NO. 4047

TITLE: ZONE CHANGE AMENDMENT NO. 140, UNDER ORDINANCE NO. 2916 REZONING THE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF 36TH AND PACIFIC BOULEVARD FROM R-1(6) SINGLE FAMILY RESIDENTIAL TO M-1 LIGHT INDUSTRIAL.

WHEREAS, the Planning and Zoning Commission of the City of Albany has held such hearings as are required by the law and the Ordinances of this city and has made findings concerning the appropriate zone for the property being considered, said findings being based upon evidence produced at hearings, and

WHEREAS, the Council of the City of Albany has duly advertised and caused notices to be given as required by law and has had a public hearing concerning the zoning of the property above described and evidence having been introduced and the same being fully considered, the City Council does hereby find as follows:

findings will be attached

and,

WHEREAS, it is further determined that the rezoning hereinafter made should be subject to certain conditions, the said conditions being as follows:

none

now, therefore,

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: ZONE CHANGE AMENDMENT NO. 140

An area described as follows: Assessor's Parcel Map 11-4W-13DD, Tax Lot 1400

(see attached legal description)

is hereby rezoned as M-1 Light Indus. and this amendment shall be known as zone change amendment number 140 .

Section 2: COPY FILED

A copy of this zone change amendment shall be filed in the office of the City Recorder of the City of Albany and the number noted on the official zoning map of the City of Albany.

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Section 3: CERTIFICATE OF COMPLIANCE

This zone change amendment shall be effective upon filing of a certificate of compliance with the conditions above enumerated by the Planning Director of the City of Albany.

Passed by the Council: July 27, 1977


Approved by the Mayor: July 27, 1977

Effective Date: July 27, 1977



Mayor

ATTEST:



City Recorder

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FINDINGS OF FACT

1. The request complies with the city's Comprehensive Land Use Plan which designates this area as industrial.
2. The request complies with prior Planning Commission action designating this area as Light Industrial as a part of the proposed Zoning & Land Use Regulations.
3. The property is not well suited for single family residential use due to the location and frontage on a major state highway.

Resegken, Legal Description

KNOW ALL MEN BY THESE PRESENTS, That DEAN ELLIS EDWARDS and GEORGIA LEE EDWARDS, his wife,

in consideration of Ten and no/100 (\$10.00) Dollars,

to them paid by RALPH MC CLANAHAN, single,

do hereby grant, bargain, sell and convey unto the said grantees, his heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances, situated in the County of Linn and State of Oregon, bounded and described as follows, to-wit:

Beginning at a point on the east right of way line of the Pacific Highway, said point being 40 feet east, and south 0°46' east 622.0 feet, and south 1°09' east 109.6 feet, and south 2°01' east 30 feet from the northwest corner of the Truett Davis DLO No. 38, in Township 11 south, Range 4 west of the W.M., Linn County, Oregon; thence easterly parallel with the north line of said Claim, 100 feet; thence south 2°01' east parallel to the east line of said Highway, 100 feet to the south line of that certain tract conveyed to Ralph V. Mc Donald by Deed Book 211, page 8; thence westerly parallel with the north line of said claim; 100 feet to the east line of said Highway; thence north 2°01' west 100 feet to the place of beginning, all being situated in Linn County, Oregon.

To Have and to Hold the above described and granted premises unto the said grantees, his heirs and assigns forever.

And the grantor do covenant that they are lawfully seized in fee simple of the above granted premises free from all encumbrances, except mortgage in favor of the State of Oregon, represented and acting by the Director of Veterans Affairs which mortgage the grantee assumes and agrees to pay.

and that they will and their heirs, executors and administrators, shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever.

Witness their hand and seal this 29th day of October, 1960.

Dean Ellis Edwards (SEAL)

Georgia Lee Edwards (SEAL)

STATE OF OREGON,

County of Benton

On this 29th day of October, 1960.

before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named DEAN ELLIS EDWARDS and GEORGIA LEE EDWARDS, his wife,

known to me to be the identical individual as described in and who executed the within instrument, and acknowledged to me that they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Walter A. [Signature] Notary Public for Oregon.

My commission expires 10/22/61

WARRANTY DEED

DEAN ELLIS EDWARDS, et ux

TO

RALPH MC CLANAHAN, single 7009 Grant St

STATE OF OREGON,

County of Linn

I certify that the within instrument was received for record on the 10th day of November, 1960 at 2:50 o'clock P.M., and recorded in book 273 on page 856 Record of Deeds of said County

Witness my hand and seal of

DO NOT USE THIS SPACE RESERVED FOR RECORDING LABEL IN COURT WHERE USED

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ST NO.