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ORDINANCE NO. 4158

TITLE: AN ORDINANCE PROCLAIMING THE ANNEXATION TO THE CITY OF ALBANY OF CONTIGUOUS TERRITORY CONSISTING OF 26± ACRES OF PROPERTY LOCATED NORTH OF THE EXTENSION OF 14TH AVENUE, EAST OF GEARY STREET AND WEST OF CLAY STREET TO BE ZONED AS C-2 PUD - PORTION OF ISLAND AREA "A" AND WITHDRAWING SAID TERRITORY FROM THE ALBANY RURAL FIRE PROTECTION DISTRICT AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission of the City of Albany has recommended that a certain territory described in Section 1 of this Ordinance which is contiguous to the City of Albany be annexed and that more than 50% of the owners of the property in said area who own more than 50% of the land and real property therein and representing more than one-half of the assessed value of the real property therein have consented in writing to the annexation, said consent having heretofore been filed with the City Recorder in the matter prescribed by law; and

WHEREAS, the City Council by Ordinance No. 4099 adopted on the 25th day of January, 1978, dispense with an election submitting to the voters of the City the question of annexation of said territory and did at 7:15 o'clock p.m. on the 8th day of February, 1978, in the Council Chambers of the City Hall in said City at the time and place of hearing thereon, and the further question of withdrawing said territory, if annexed, from the Albany Rural Fire Protection District, at which time and place the voters of the City were given an opportunity to be heard on the questions involved; and

WHEREAS, notices of said public hearing were published and posted in the manner and for the time prescribed by law and the public hearing was duly held by and before the City Council as provided by law and by the terms of said Ordinance and the published notice; and it appears to be in the best interest of the City and of the area involved that it be annexed to the City of Albany and withdrawn from the Albany Rural Fire Protection District; and

WHEREAS, the City Council finds and determines that the facts and conclusions stated in Exhibit "A" attached hereto and by this reference incorporated herein are true and correct findings of fact regarding annexation and zoning of the property and they are hereby adopted as findings of the Council; now, therefor,

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

Section 1: The following described property to-wit:

(See Exhibit "B" attached hereto and by this reference incorporated herein)

is hereby proclaimed to be; annexed to the City of Albany, Oregon.

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Section 2: That the above described territory annexed to the City of Albany is hereby withdrawn from the Albany Rural Fire Protection District

Section 3: That the City Recorder shall submit to the Secretary of the State of Oregon a copy of this ordinance, a copy of Ordinance No. 4099, and a copy of the complete consent document signed by the landowners within the territory annexed. The City Recorder shall also, within 10 days of the effective date of this annexation report this annexation to the County Clerk and to the County Assessor of Linn County, Oregon.

Section 4: Emergency Clause

In as much as the peace, health and safety of the persons who live or own property within the area to be annexed it is effective and an emergency is hereby declared to exist and this ordinance shall become in full force and effect immediately on its passage by the Council and approval by the Mayor.

Passed by the Council: July 26, 1978


Approved by the Mayor: July 26, 1978

Effective Date: July 26, 1978



Mayor

ATTEST:



City Recorder

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FINDINGS OF FACT

1. The proposed annexation and zoning is in compliance with the Comprehensive Land Use Plan and Goal Statements.
2. The properties are presently island areas surrounded by the City which allows the City to initiate annexation and zoning by their own motion and adoption of an Ordinance.
3. The properties are adjacent to or in close proximity to our improved major arterial street systems, to accommodate increased traffic loads.
4. Each proposed zoning classification is comparable to existing County zoning.
5. The proposed zoning classifications are in balance with the present and planned utility systems, services and facilities for the area.
6. The proposed zoning classifications fulfill the need for additional commercial core area growth.
7. The proposed zoning classifications would be totally compatible with existing and surrounding development patterns within the immediate vicinity.
8. The City of Albany presently has pending assessments against these properties for which the City is paying a great deal of interest.
9. Annexation will encourage development of these areas which is logical due to their central location, the availability of utilities and services and the need for compact growth.
10. The need for a major shopping center site in the greater Albany area has been well documented through a number of studies initiated by the City over the past five years and longer, none of which have proposed or even studied this site as a potential location. Thus, there is, in fact, public need for a major shopping center in the Albany area.
11. The proposed annexation and zoning complies with LCDC Goals and Guidelines as follows:

Goal No.

- (1) (a) Citizens Involvement - Citizens have had the opportunity to provide input into this issue as the result of the public hearing process which included notice to affected property owners and advertisements in the local newspaper. In addition, many citizens were involved in the original comprehensive planning efforts which lead to the present designation of this area.
- (2) (b) Land Use Planning - The proposed annexation and zoning is in complete accord with the present adopted Comprehensive Land Use Plan. In addition, efforts have been ongoing to properly plan for the transportation, utility, and other land use elements of this area.

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Goal No.

- (3) (c) Agricultural Lands - Not applicable.
- (4) (d) Forest Lands - Not applicable.
- (5) (e) Open Spaces, Scenic and Historic Areas and Natural Resources - This area has no historic or scenic significance, there are no known natural resources other than the land itself, and development of this land will help preserve the Open Spaces and Natural Areas outside of the urban area. The need for open spaces within the developments will be a future planning consideration.
- (6) (f) Air, Water and Land Resources Quality - Facilities are available to these properties to accommodate the water and sewer needs for the maximum development potential of the land. Any effect on air quality would be minimum.
- (7) (g) Areas subject to Natural Disasters and Hazards - Not applicable.
- (8) (h) Recreational Needs - The recreational needs of potential residents of this area will be considered and provided for at the time of development in accordance with the City of Albany Park Land Dedication Ordinance.
- (9) (i) Economy of the State - Annexation and development of these properties will have a favorable economic impact on the area's economy. In addition, the establishment of commercial businesses on large portions of this area will have an ongoing economic benefit to the community and the State.
- (10) (j) Housing - The recent annexation and multiple family residential zoning of other areas in this vicinity will make property available for development of a variety of housing types in close proximity to major commercial services and conveniences. These properties are suitable for low income to medium income rental housing and senior citizen rental housing of which there is substantial need in the area.
- (11) (k) Public Facilities and Services - This annexation and zoning proposal is in conformance with previous efforts to properly plan for necessary and efficient public facilities and services.
- (12) (l) Transportation - This area is located within a major arterial street network. In addition, the City has planned extensions of street systems to serve the eventual development of the area. The area is also served by the City's public bus system.
- (13) (m) Energy Conservation - The annexation and development of this central area of the community will enhance the conservation of energy by placing people in close proximity to employment and shopping thus reducing the transportation needs and extensions of streets and utilities.

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Goal No.

- (14) (n) Urbanization - This area is within the Preliminary Urban Growth Boundary and is in complete accord with the Preliminary Urban Growth Policy Statements.

Goals 15 - 19 - Not applicable.

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Rec'd
7-10-78
off



**Regional
Consultants, Inc.**

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Engineering
Surveying
Planning

Eugene • Corvallis

2380 N.W. Kings Blvd.
Corvallis, Oregon 97330
(503) 754-1120

July 10, 1978

FINDINGS OF FACT
ISLAND AREA ANNEXATION A

Planning Commission
City of Albany
Albany, Oregon 97321

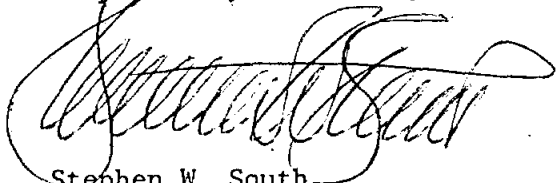
We respectfully submit the following findings of fact to support the comprehensive plan change and annexation of Island Area A with zoning of the approximately 45.5 acres above the 14th Street extension as C-2, and the approximately 14.5 acres below the 14th Street extension as R-2 or R-3:

1. The proposed comprehensive plan change and zoning is in compliance with the Comprehensive Plan Goal Statements.
2. The property is presently an island area surrounded by the City which allows the City to initiate annexation and zoning by their own motion and adoption of an Ordinance.
3. The property is adjacent to or in close proximity to improved major arterial street systems which can accommodate, or will be able to accommodate as presently planned, increased traffic loads.
4. The proposed zoning classifications are in balance with the present and planned utility systems, services, and facilities for the area.
5. The proposed zoning classifications are in balance with the need for additional residential and commercial core area growth.
6. Sufficient land is presently available in the City for development as multi-family housing for many years to come.
7. There are presently no available commercial lands within the City with proper size, shape, and location to allow for a mall-type shopping center.
8. A need exists for commercial activity to be clustered to encourage competition among retailers and comparison convenience for shoppers.
9. The financial solvency of the City would be increased by having a mall-type shopping center in a central location within the City, whereas the reverse would be true if a shopping center were built outside of the City.

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10. Annexation will encourage development in this area which is logical due to its central location, the availability of services and utilities, and the need for compact growth.
11. The proposed zoning classifications would be totally compatible with existing and surrounding development patterns within the immediate vicinity.
12. The comprehensive plan change, annexation and zoning proposal is in complete compliance with all applicable LCDC Goals and Guidelines.
13. Petitions containing signatures of over 200 Albany area residents were submitted in support of a local shopping mall.
14. Albany's population is expected to double by the year 2000 and, consequently, it is time now to set aside land for commercial activities to meet tomorrow's need.
15. Since few owners are involved in Area "A" the chance for a mall is much greater than if many small parcels with many individual owners were assembled.
16. Local City improvement projects have an assessment price tag of \$132,653.00 or \$12,000.00 per acre almost equaling the value of the land alone. It is financially impossible for their costs to be supported by residential land uses.

Respectfully submitted,



Stephen W. South
Associated A.I.P.
Director of Planning

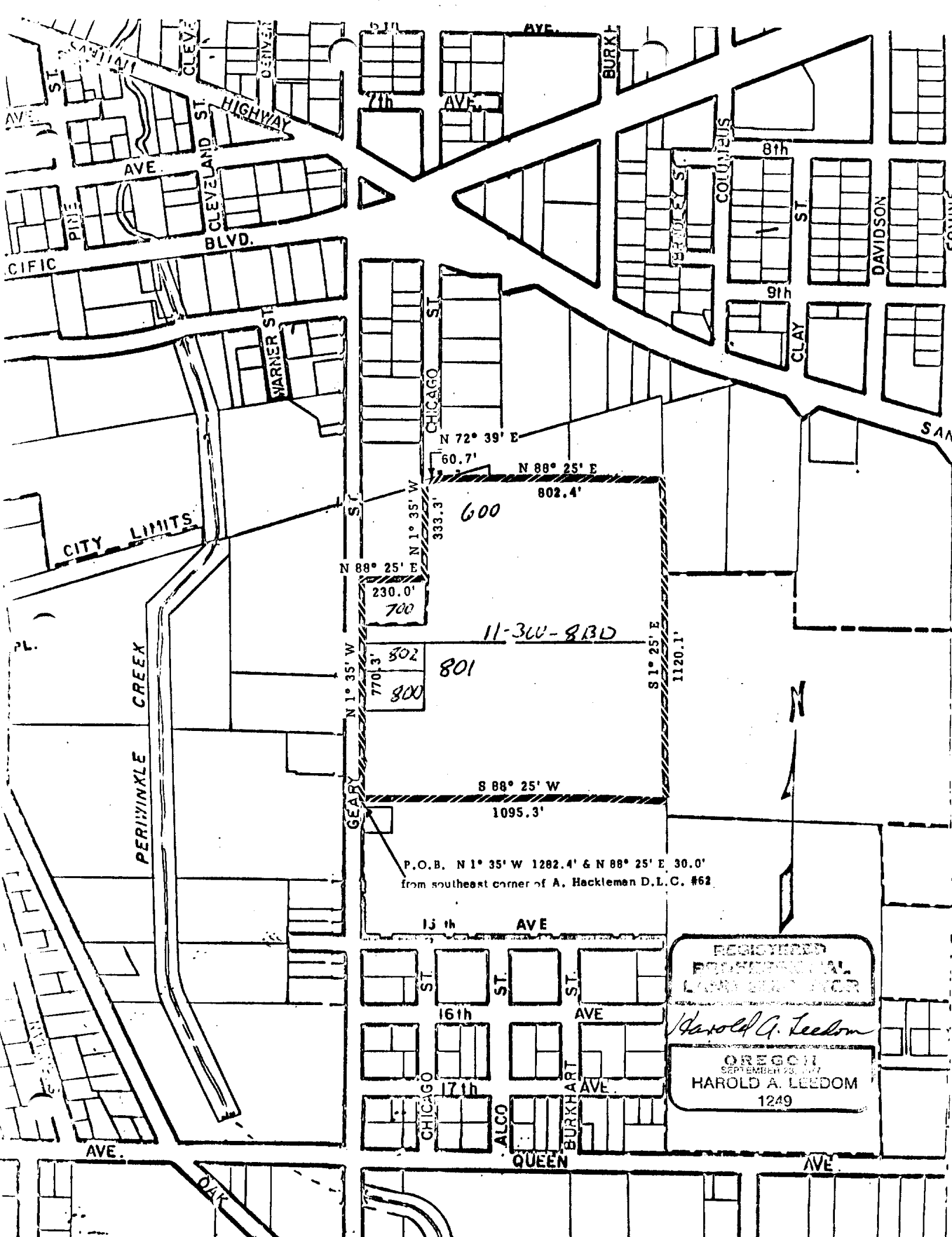
SWS/dh



Beginning at a point which is N 1°35'W 1282.4' and N88°25'E 30.0'
from the southeast corner of A. Hackleman D.L.C. #62 in T. 11 S.,
R. 3 W. of the Willamette Meridian, Linn County, Oregon; thence

N 1°35'W, 770.3' along the east right-of-way line of Geary St.; thence
N88°25'E, 230.0'; thence
N1°35'W, 333.3'; thence
N72°39'E, 60.7'; thence
N88°25'E, 802.4'; thence
S1°25'E, 1120.1'; thence
S88°25', 1095.3'; to the point of beginning.

11-3W-8BD Tax Lots 600, 700, 800, 802, 801



INTERSTATE
 ST
 AVE
 PINE
 AVE
 CLEVELAND ST
 HIGHWAY
 CLEVELAND ST
 BLVD
 WARNER ST
 CIFIC

7th AVE
 BURKH

8th ST
 CLAY
 9th ST
 COLUMBUS
 DAVIDSON

CITY LIMITS

N 72° 39' E 60.7'
 N 88° 25' E 802.4'
 600
 N 1° 35' W 333.3'
 N 88° 25' E 230.0'
 700
 11-300-83D
 801
 802
 800
 N 1° 35' W 770.3'
 S 1° 25' E 1120.1'
 S 88° 25' W 1095.3'
 P.O.B. N 1° 35' W 1282.4' & N 88° 25' E 30.0'
 from southeast corner of A. Hackleman D.L.C. #62

PERIYINKLE CREEK

15th AVE

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Harold A. Leedom

OREGON
 SEPTEMBER 23, 1977
 HAROLD A. LEEDOM
 1249

CHICAGO ST
 16th AVE
 17th AVE
 ALCO
 BURKHART
 QUEEN

AVE.

AVE.

OAK