

RESOLUTION NO. 3118

A RESOLUTION PROCLAIMING THE ANNEXATION AND ZONING OF PROPERTY LOCATED AT 1980 53rd Avenue SW (TAX LOTS 600 and 619, 11-4W-24) AND CONTAINING APPROXIMATELY 10.23 ACRES (0.55 ACRE WITHIN STREET RIGHT-OF-WAY) (FILE NO. AN-07-91).

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 1980 53rd Avenue SW 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 will later be scheduled 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) and OS (Open Space) as shown on Exhibit 'B'.

BE IT FURTHER RESOLVED that the findings, attached Exhibit 'C', are hereby adopted in support of this annexation and zoning action.

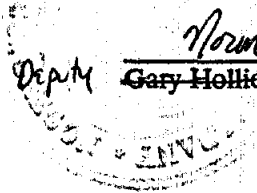
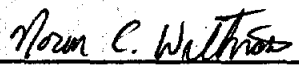
BE IT FURTHER RESOLVED that the property described by attached Exhibit A shall be effectively annexed to the City of Albany on the date that the complete abstract of the annexation proceedings described above is filed with the Secretary of State of the State of Oregon, the Linn County Clerk, and the Linn County Assessor.

DATED THIS 18TH DAY OF DECEMBER, 1991.



Keith Rohrbough, Mayor

ATTEST:

Gary Holliday, City Recorder

EXHIBIT A
LEGAL DESCRIPTION
CASE NO. AN-07-91

A portion of that certain tract conveyed to Ray H. and Velma L. Maddy per Deed Book 233, Page 958, Linn County Deed Records; said tract lying in the Southwest 1/4 of Section 24, T11S, R4W, W.M., Linn County, Oregon; said portion being more particularly described as follows:

Beginning at a 5/8" iron rod on the southerly right-of-way line for County Road No. 135 (53rd Avenue) at the northeast corner of that tract conveyed to M-3-X, Inc. per MF Volume 462, Page 293, said deed records which lies along said right-of-way S 89°38'00" E 1483.27 feet from a 5/8" iron rod at the northeast corner of Lot 1, Rancho Rio Ralpho Subdivision; thence leaving said right-of-way line along the easterly line of said M-3-X tract S 2°37'58" W 823.48 feet to a 5/8" iron rod at the southeast corner thereof lying on the south line of said Maddy tract; thence along the Maddy south line S 89°24'37" E 489.66 feet to a 1/2" iron rod at the southwest corner of that tract conveyed to Ruby Nielsen per MF Volume 154, Page 590, said deed records; thence leaving said south line, along the Nielsen westerly line, N 23°33'21" W 529.21 feet to a 1/2" iron rod at the westerly-northwest corner thereof; thence continuing along said Nielsen boundary S 79°31'35" E 624.98 feet to a 1/2" iron rod; thence N 15° 10'15" E 85.90 feet to a 1/2" iron rod; thence N 21°19'25" W 60.02 feet to a 1/2" iron rod at the southeast corner of that tract conveyed to Donald and Peggy Stacy per MF Volume 184, Page 101, said deed records; thence leaving the westerly line of said Nielsen tract, along the Stacy south line, N 89°38' W 189.17 feet to the southwest corner thereof; thence along the Stacy westerly line N 18°00' E 102.4 feet, more or less, to the northerly edge of an existing lake at a point lying S 18°00' W, 25 feet, more or less from a 1/2" iron rod, said point being the southeast corner of that tract conveyed to Harold E. and Artha B. Shelton per Deed Book 303, Page 622, said deed records; thence along the Shelton Southerly line approximately N 67° W 118 feet, more or less, to a point on the northerly edge of said lake lying S 0°22' W 18 feet, more or less, from a 1/2" iron rod, said point being the southeast corner of that tract conveyed to Lloyd K. and Esther D. Evenson per Deed Book 345, Page 219, said deed records; thence along the Evenson southerly line approximately N 85° W 115.5 feet, more or less, to the southwest corner thereof, on the northerly line of said lake, lying S 0°22' W 17 feet, more or less from a 1/2" iron rod; thence along the Evenson westerly line N 0°22' E 107 feet, more or less, to a 5/8" iron rod at the northwest corner thereof, on said southerly right-of-way line for County Road No. 135; thence continuing N 0°22' E 30.00 feet to the centerline of said road right-of-way; thence along said centerline N 89°38'00" W 402.33 feet; thence leaving said centerline; thence S 0°22' W 30.00 feet to the point of beginning; containing 9.86 acres, more or less.

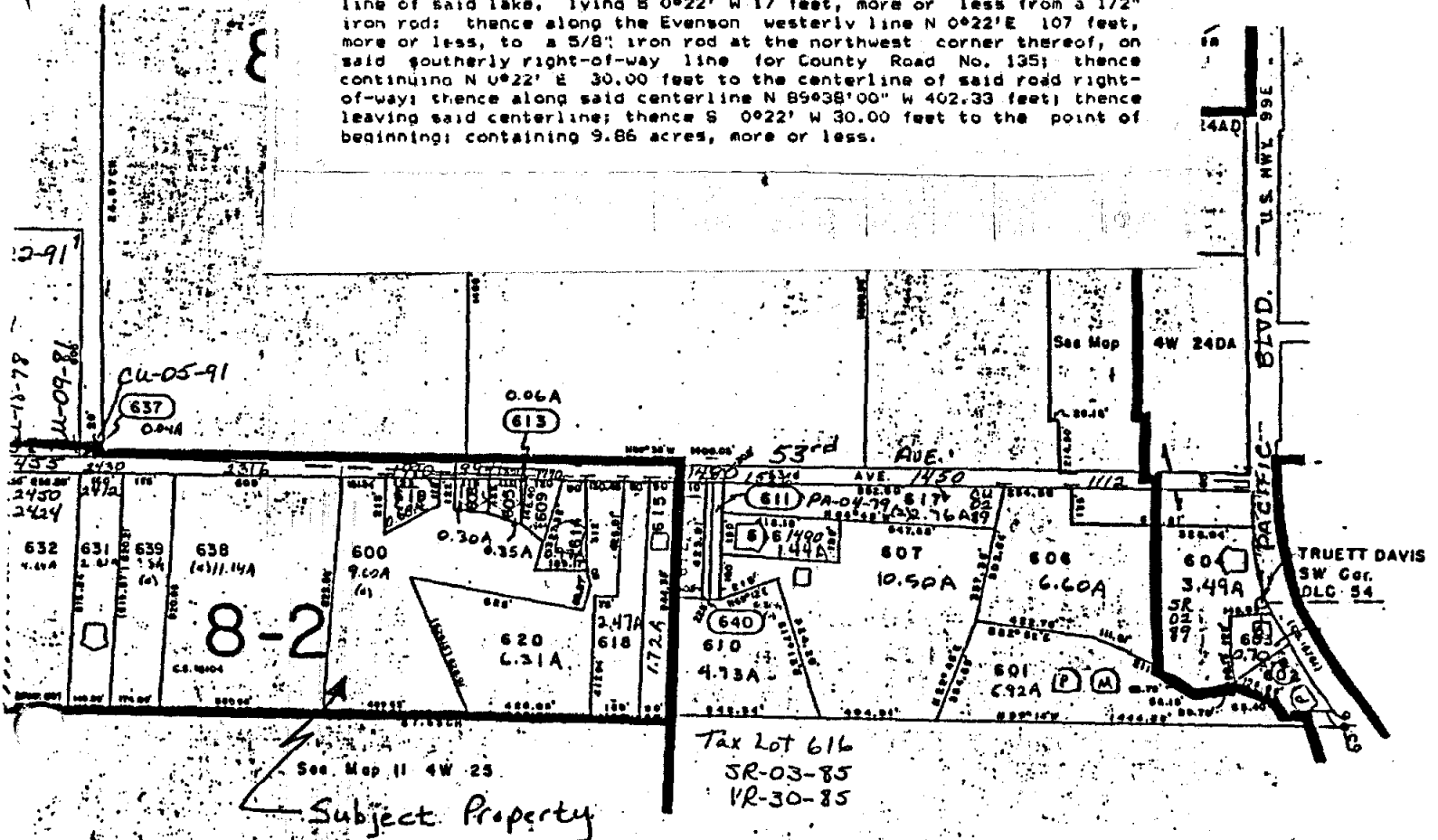
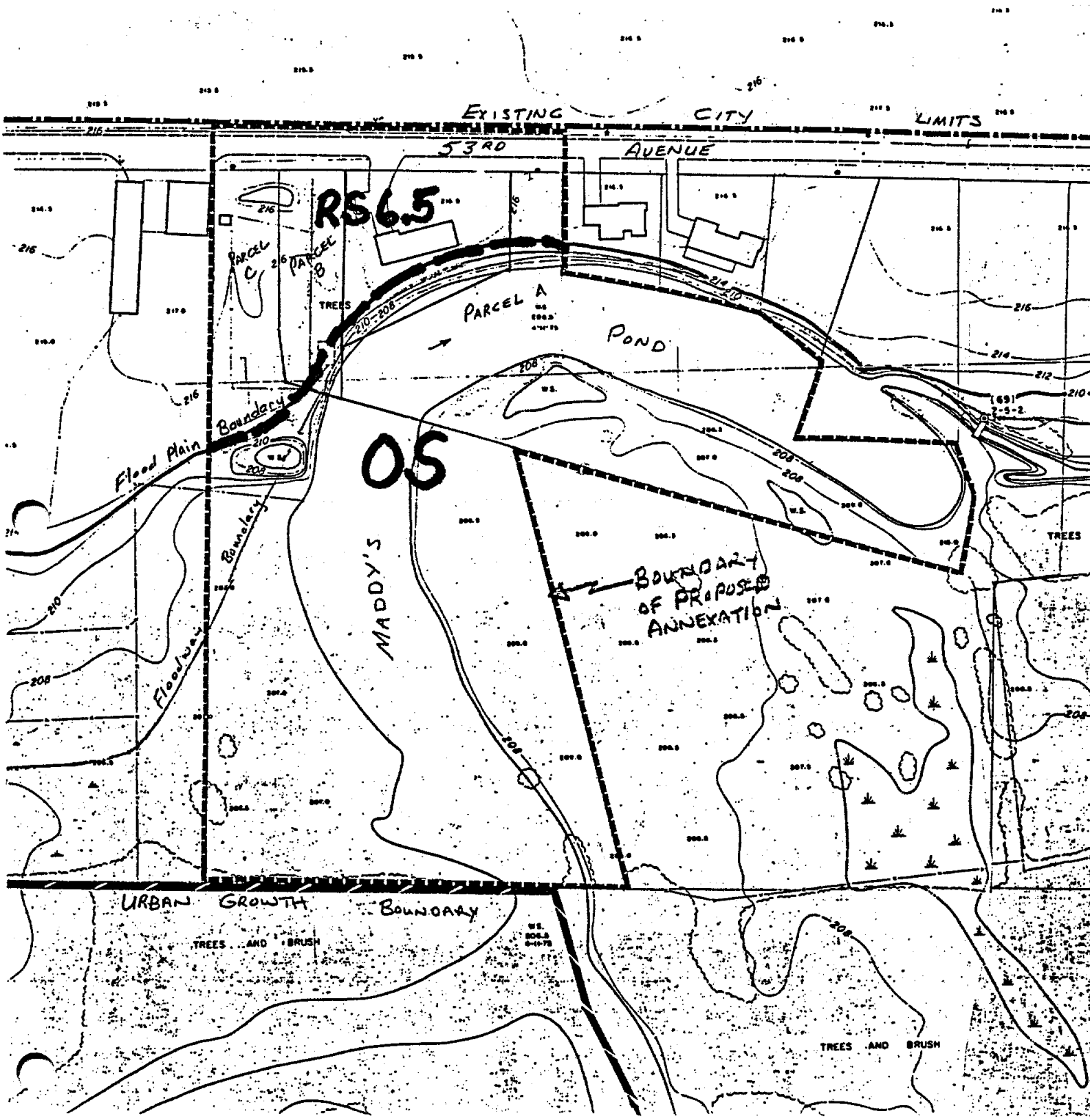


EXHIBIT B
ZONING BOUNDARIES
CASE NO. AN-07-91



**EXHIBIT C
FINDINGS
CASE NO. AN-07-91**

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 will be available via the extension of a 15-inch line which is located approximately 40 feet east of the northeast corner of Tax Lot 600.
 - b. Public water service is currently not available to the subject property. The existing residence is served by a well located on the property. Water service would have to be extended from the 16-inch line located in Pacific Boulevard which is approximately 2,800 feet away.
 - c. The Albany Fire Department reports that the subject property is within the proper running distance of Station Twelve for first-due Engine Company response. On-site water for fire protection at this location is not available at this time. Currently, a fire response to this location requires transporting all water by truck. 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 from 53rd Avenue and Pacific Boulevard.
 - d. 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) and OS (Open Space) 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.

STATE OF OREGON
County of Linn

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

STEVE DRUCKENMILLER
Linn County Clerk

By llw, Deputy

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