

RESOLUTION NO. 3353

A RESOLUTION PROCLAIMING THE ACCEPTANCE OF A DELAYED ANNEXATION AGREEMENT BETWEEN THE CITY OF ALBANY, THE COUNTY OF LINN, AND JOHN A. AND MARIE C. WRIGHT (PROPERTY OWNERS) AND TODD K. TUNISON DBA FAB-WRIGHT IRON WORKS (LESSEE) FOR PROPERTY LOCATED AT 2696, 2698, 2794, AND 2796 THREE LAKES ROAD SE, CONTAINING 1.41 ACRES MORE OR LESS AND A PETITION FOR IMPROVEMENTS/WAIVER OF REMONSTRANCE (TAX LOTS 712 AND 714, ASSESSOR'S MAP 11-3W-16) (FILE NO. AN-03-94).

WHEREAS, the City and the County recognize a common interest in delayed annexations through which it may be possible for urban development to occur (as permitted in accordance with the Comprehensive Plan) without actual annexation to the city in accordance with the procedures for approving delayed annexations in Article 17 of the Linn County Zoning Ordinance; and

WHEREAS, the City Council has proposed to accept the delayed annexation agreement in accordance with provisions of Article 17 of the Linn County Zoning Ordinance and the Urban Growth Management Agreement for certain property described by attached Exhibit A and more commonly known as 2696, 2698, 2794, and 2796 Three Lakes Road SE, which is within the Urban Growth Boundary of the City of Albany; and

WHEREAS, provisions of the Albany Comprehensive Plan allow the expansion or modification of commercial and industrial uses within the unincorporated portion of the Urban Growth Boundary provided that: (a) The use is consistent with the City's Comprehensive Plan designation or the modification complies with the more restrictive of the County or City's non-conforming use provisions; (b) A site plan is approved by the City of Albany and County whereby all development requirements of the City and County are met to the maximum extent possible; and (c) An Annexation Agreement and Petition for Improvement/Waiver of Remonstrance are filed for the property that require non-remonstrance to annexation and construction of city services and streets to city standards, and

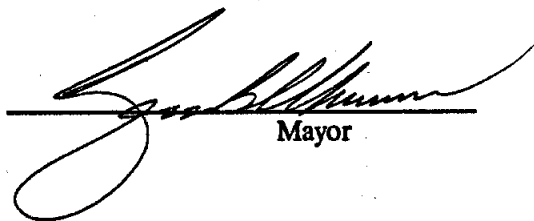
NOW, THEREFORE, BE IT RESOLVED that the Albany City Council accepts the delayed annexation agreement for that territory described by attached Exhibit A, the dedication deeds, and the Petition for Improvement/Waiver of Remonstrance.

BE IT FURTHER RESOLVED that the City Council authorizes the execution of said agreement by the City Manager.

BE IT FURTHER RESOLVED that the subject property shall be annexed to the City of Albany at the time it becomes eligible for annexation and shall be zoned for industrial use.

DATED THIS 13th DAY OF April, 1994.





Mayor

ATTEST:



Deputy City Recorder

EXHIBIT 'A'
LEGAL DESCRIPTION FOR DELAYED ANNEXATION AGREEMENT AN-03-94

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LEGAL DESCRIPTION/11633

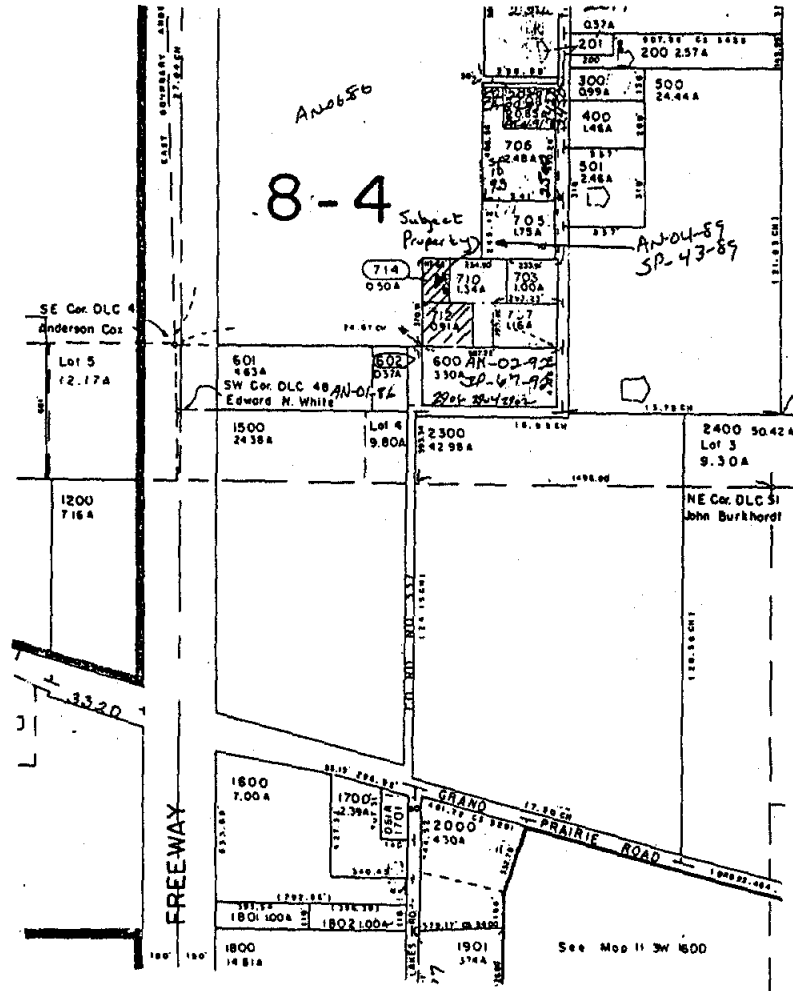
PARCEL I:
 A tract of Land situated in the County of Linn and State of Oregon, more particularly described as follows:

Beginning at a 3/4-inch iron pipe which is North 89°45'00" West, 1496.88 feet, North 0°24'00" East, 593.34 feet, North 89°59'30" East, 30.00 feet from the Northeast corner of the John Burkhardt Donation Land Claim No. 51, Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon; and running thence North 0°24'00" West, 185.46 feet; thence North 89°59'30" East, 214.22 feet; thence South 0°24'00" West, 185.46 feet; thence South 89°59'30" West, 214.22 feet to the true point of beginning.

PARCEL II:

A tract of Land situated in the County of Linn and State of Oregon more particularly described as follows:

Beginning at a point which is North 89°45'00" West, 1496.88 feet, North 0°24'00" East, 593.34 feet, North 89°59'30" East, 30.00 feet and North 0°24'00" East, 185.46 feet from the Northeast corner of the John Burkhardt Donation Land Claim No. 51, Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon; and running thence North 0°24'00" East, 185.45 feet; thence North 89°59'30" East, 117.66 feet; thence South 00°24'00" West, 185.45 feet; thence South 89°59'30" West, 117.66 feet to the place of beginning. TOGETHER WITH and easement for roadway purposes as disclosed by instrument recorded January 6, 1983, in Volume 326, Page 798, Linn County Records.



INTERDEPARTMENTAL MEMORANDUM
Community Development Department
Planning Division

TO: Albany City Council
VIA: Steve Bryant, City Manager
FROM: Helen Burns Sharp, Community Development Director
DATE: April 11, 1994 for April 13, 1994 agenda
RE: Delayed Annexation Petition Agreement (Files AN-03-94)

Attached is a Delayed Annexation Petition Agreement from John A. and Marie C. Wright (owners) and Todd K. Tunison dba Fab-Wright Iron Works for the delayed annexation of 1.41 acres and more particularly described as 2696, 2698, 2794 and 2796 Three Lakes Road (Tax Lots 712 and 714, Assessor's Map No. 11-3W-16). The required Petition for Improvements/Waiver of Remonstrance have been signed and submitted to the Public Works Engineering Department. Also attached is a Resolution which proclaims the acceptance of the Agreement.

This request has been reviewed and received conditional approval from the Linn County and the City of Albany Planning Departments, and the Linn County Board of Commissioners will review and approve this proposal on Wednesday, April 20, 1994. The attached agreement shows the obligations of the applicants, Linn County, and the City of Albany.

If the Council has no objections to the request, the delayed annexation approval will be final upon the signing of the agreement by the City Manager. If desired, a joint public hearing before the City Council and the County Commissioners may be called by the Council.

ACTION REQUESTED: Passage of the attached resolution.

Respectfully submitted,

Helen Burns Sharp
Helen Burns Sharp
Community Development Director

