

RESOLUTION NO. 3633

A RESOLUTION PROCLAIMING THE ANNEXATION AND ZONING OF PROPERTY LYING APPROXIMATELY 500 FEET EAST OF WAVERLY DRIVE ON THE NORTH AND SOUTH SIDE OF GRAND PRAIRIE ROAD SE AND MORE COMMONLY KNOWN AS 2914, 2829, 2887, 3016, AND 3030 GRAND PRAIRIE ROAD SE (TAX LOTS 100 AND 115, LINN COUNTY ASSESSOR'S MAP NO. 11-3W-17D; TAX LOTS 5500 AND 5600, LINN COUNTY ASSESSOR'S MAP NO. 11-3W-17AD; AND TAX LOTS 1300 AND 1302, LINN COUNTY ASSESSOR'S MAP NO. 11-3W-16) AND CONTAINING APPROXIMATELY 17.017 ACRES AND SETTING A PUBLIC HEARING FOR THE REMOVAL OF TERRITORY FROM THE ALBANY RURAL FIRE PROTECTION DISTRICT (CASE FILE NO. AN-03-96).

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 a portion of that property more commonly known as 2914, 2829, 2887, 3016 and 3030 Grand Prairie Road 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).

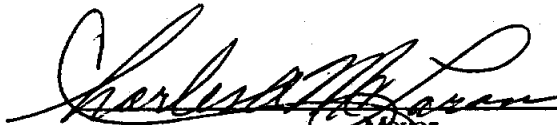
BE IT FURTHER RESOLVED that the findings, attached Exhibit B, are hereby adopted in support of this annexation and zoning action.

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 June 12, 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 8TH DAY OF MAY, 1996.



Mayor

ATTEST:



City Recorder

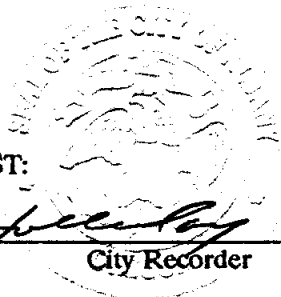
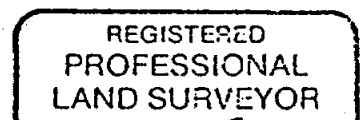


EXHIBIT A
LEGAL DESCRIPTION
CASE NO. AN-03-96

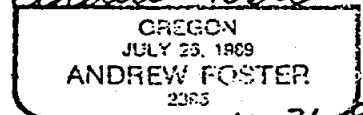
ANNEXATION BOUNDARY OF TAX LOTS 100 and 115 (Map 11-3W-17D)
and TAX LOTS 5500 and 5600 (Map 11-3W-17AD)
and TAX LOTS 1300 and 1302 (Map 11-3W-16)
and A PORTION OF GRAND PRAIRIE ROAD

Beginning at the intersection of the southerly right-of-way line of Grand Prairie Road with the westerly line of that Easdale Tract described by deed recorded in Book 291, Page 262 of the Linn County Deed Records on December 26, 1962, which point being SOUTH 369.65 feet, South 65°55'00" East 456.47 feet and South 13°02'00" West 30.56 feet from the southwest corner of the Anderson Cox Donation Land Claim No. 49 in Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon; thence South 13°02'00" West, along the said westerly line of Easdale Tract, 633.00 feet to the center of Periwinkle Creek, which point is on the northerly boundary of "MEADOWBROOK PARK", a subdivision of record in Linn County, Oregon; thence along said centerline of Periwinkle Creek and also the northerly line of said "MEADOWBROOK PARK" subdivision the following three (3) courses: (1) South 59°45'00" East 200.35 feet; (2) South 68°00'00" East 221.70 feet; (3) thence South 83°15'00" East 115.00 feet to the southeast corner of said Easdale Tract; thence along the East boundary of said "MEADOWBROOK PARK" subdivision, South 00°36'00" West 304.02 feet to the Northwest corner of Lot 1, Block 1, "EDGEWOOD ESTATES" a subdivision of record in Linn County, Oregon; thence along the Northline of said subdivision and the easterly extension there of, South 89°45'00" East 325.80 feet to the east line of that property described in MF 384, Page 343 as amended in MF 420, Page 518, Linn County deed records; thence North along said adjusted east line and the northerly extension thereof North 00°32'28" East 880.99 along feet to the North line, of Grand Prairie Road, a 60-foot wide County road; thence along said northerly right-of-way line North 65°55'00" West 209.39 feet to a point; thence North 00°06'39" East 5.46 feet to the Southeast corner of Lot 8, Block 3, "BULLFROG FLATS" a subdivision of record in Linn County, Oregon; thence on the southwesterly line of said subdivision, North 65°55'00" West 336.32 feet to the southwest corner of Lot 5, Block 3 of "BULLFROG FLATS", a subdivision of record in Linn County, Oregon, which point is on the easterly line of that Metropolitan Mortgage & Securities Co., Inc. Tract, described by deed recorded in Microfilm Volume 496, Page 625 of the Linn County Deed Records on March 29, 1989; thence North 10°04'00" East 350.87 feet to the northwest corner of Lot 1, Block 3 of said "BULL FROG FLATS" subdivision; thence South 89°21'00" West 235.01 feet to the southwest corner of Lot 4, Block 1 of said "BULL FROG FLATS" subdivision, which point is on the easterly line of that Ames Tract described by deed recorded in Microfilm Volume 81, Page 34 of the Linn County Deed Records on February 21, 1974; thence North 10°04'00" East, along the westerly line of said Lot 4, Block 1, a distance of 28.03 feet to the southeast corner of Lot 4 in "RALEIGH ESTATES", a subdivision of record in Linn County, Oregon; thence North 79°13'00" West, along the southerly line of Lots 4 and 5 in said "RALEIGH ESTATES" subdivision, 116.34 feet to an angle point in the boundary of said Lot 5 in "RALEIGH ESTATES"; thence South 10°04'00" West, along the easterly boundary of said "RALEIGH ESTATES" and southerly extension thereof, 316.97 feet to the southerly right-of-way line of Grand Prairie Road (said right-of-way line being 30 feet southerly when measured perpendicular to the centerline of said road); thence South 65°55'00" East, along said southerly right-of-way line, 170.48 feet to the Point of Beginning.

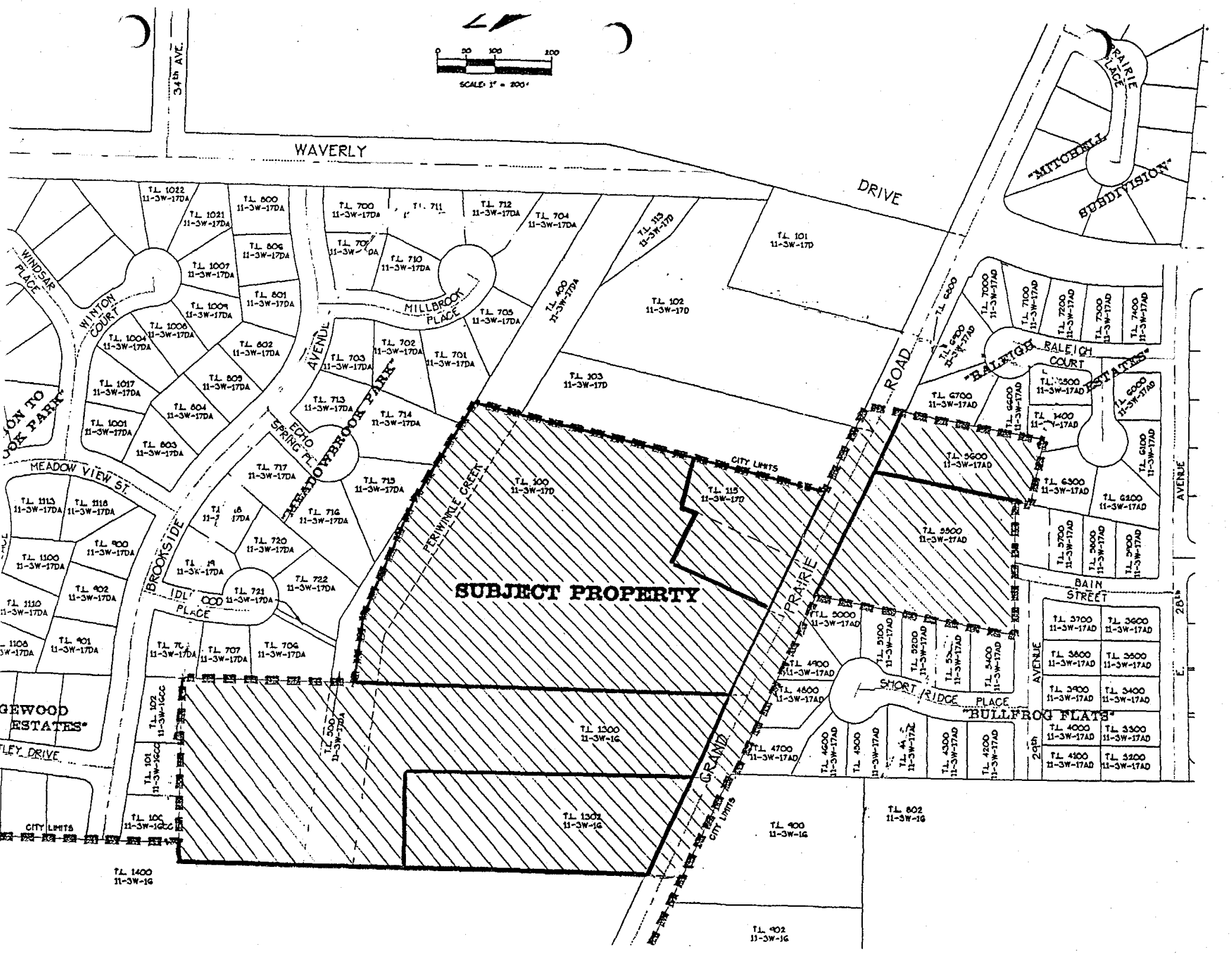
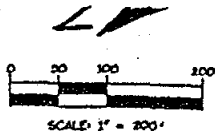
Containing 17.017 acres of land, more or less.



Andrew Foster



EXPIRATION DATE: 12-31-97



WAVERLY

DRIVE

"MITCHELL
SUBDIVISION"

WINDSAR
PLACE
WINTON
COURT
LOOK TO
LOOK PARK

MILLBROOK
PLACE

"RALEIGH
COURT
RALEIGH
ESTATES"

SPRING PL.
MEADOWBROOK PARK

MEADOW VIEW ST.

SUBJECT PROPERTY

CITY LIMITS

GEWOOD
ESTATES

WILEY DRIVE

CITY LIMITS

TL 1400
11-3W-16

TL 1301
11-3W-16

TL 902
11-3W-16

TL 802
11-3W-16

TL 902
11-3W-16

TL 1400
11-3W-16

TL 1301
11-3W-16

TL 902
11-3W-16

TL 802
11-3W-16

TL 902
11-3W-16

TL 1400
11-3W-16

TL 1301
11-3W-16

TL 902
11-3W-16

TL 802
11-3W-16

TL 902
11-3W-16

**EXHIBIT B
FINDINGS
CASE NO. AN-03-96**

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 the nearest public sanitary sewer service to this site consists of a 21-inch main running north-south in Waverly Drive approximately 500 feet to the west of the subject property.**

The applicants will be required to extend public sanitary sewer for the full length of the proposed manufactured home park development at the time that development occurs on the property. A minimum 8-inch sanitary sewer must be extended along the Grand Prairie frontage at the time development occurs on the subject property.

- b. **Water. Water utility maps indicate that the nearest public water service adjacent to this site consists of a 16-inch main at the intersection of Grand Prairie and Waverly.**

The developers will be required to extend a 24-inch public water along the full length of the manufactured home development from the existing main in Waverly Drive a requirement of development. If the Albany Fire Department requires the installation of a public fire hydrant in conjunction with the development of the subject property, the required hydrant location and minimum flows will be approved by the Albany Fire Department at the time of development review.

- c. **Storm Drainage. Storm drain utility maps indicate that there is no public storm drainage in Grand Prairie Road adjacent to this property at this time. The proposed manufactured home park development lies adjacent to Periwinkle Creek. A public line must be extended from Periwinkle Creek to Grand Prairie Road and then along the frontage of the subject property at the time that the manufactured home park is developed.**

Detention of all on-site drainage is required. The storm drainage system for future development of the subject property must be designed such that the post-development runoff from a 10-year storm event does not exceed the pre-development runoff.

Information regarding any flood plain, wetland, creek channel boundaries will be required to be submitted with subsequent plans. The applicant will be required to estimate the flow in the creek channel adjacent to the proposed development, and show on the site plan the high water mark relative to the proposed property lines at the time of development review for the subject property.

- d. **Streets. Grand Prairie Road is constructed to County Standards. At the time that development occurs on the subject property, other than one single family residence, partial street improvements (curb, gutter, and sidewalk) will be required to be constructed to bring that section of the street adjacent to the subject property to City Standards. Additional right-of-way will be dedicated to provide for a total right-of-way width of 72 feet.**

- e. **Fire Protection.** The Albany Fire Department reports that the subject property is within the proper running distance of Station Twelve 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 subdivided.
 - 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 Periwinkle Elementary School, Calapooia Middle School and South Albany High School. Bus service is provided.
 - h. **Parks.** The nearest existing park is Grand Prairie Park which is located at the intersection of Grand Prairie and Waverly Drive approximately 500 feet to the west of the subject property.
- 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.**