

ORDINANCE NO. 3881

AN ORDINANCE ANNEXING AN AREA LOCATED SOUTH OF 14TH AVENUE AND ON THE WEST SIDE OF WAVERLY DRIVE AS RA (2) MULTIPLE FAMILY AND DECLARING AN EMERGENCY.

WHEREAS, on the 12th day of November, 1975, at a regular Council meeting, the Council of the City of Albany, Oregon, did duly pass Ordinance No. 3877 wherein it was provided that a public hearing would be held on the 26th day of November, 1975, concerning the advisability of annexing an area located south of 14th Avenue and on the west side of Waverly Drive, and

WHEREAS, the hearing was duly held on the 26th day of November 1975, and at that time the Council determined that the Notices of Hearing had been given as provided in the said Ordinance, and pursuant to the terms of ORS 222.111, 222.120 and 222.170, and

WHEREAS, the Council after said hearing determined that the area described herein as an area located south of 14th Avenue and on the west side of Waverly Drive,

WHEREAS, the Albany City Council has adopted the Planning & Zoning Commission findings as determined at the special meeting held on October 13, 1975, now, therefore, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: That the following described property be and is hereby annexed to the City of Albany, to-wit:

Beginning at a point of the East boundary line of the Donation Land Claim of Leander C. Burkhart and wife, Not. No. 702, Claim No. 50, Section 8 in Township 11 South, Range 3, west of the Willamette Meridian, Linn County, Oregon, said point being North 1 39 West 52 chains distance from the southeast corner of said Claim No. 50; thence running west 11.84 chains; thence South 1 39 East 4.22½ chains; thence East 11.84 chains to the east line of said Claim No. 50; thence North 1 39 West 4.22½ chains to the point of beginning, containing 4.8 Acres more or less, known as 1450 Waverly Drive, less the street easement shown in the description below:

A tract of land for roadway purposes, particularly described as: Beginning at a point on the East line of and North 1° 39' West 3153.15 feet from the Southeast corner of the Leander C. Burkhart Donation Land Claim No. 50 in Township 11 South, Range 3 West of the Willamette Meridian in Linn County, Oregon; thence West along the Grantor's South line a distance of 50.00 feet to a point on the arc of a 2904.79 foot radius curve right; thence Northerly along the arc of said curve right a distance of 2.36 feet (the chord of which bears North 1° 40' 25" West a distance of 2.36 feet) to the point of tangency of the said 2904.79 foot radius curve; thence North 1° 39' West parallel to the East line of said Donation Land Claim No. 50 a distance of 276.40 feet to the North line of the Grantor's property; thence East along the Grantor's North line a distance of 50.00 feet to the East line of Donation Land Claim No. 50; thence South 1° 39' East along said East Donation Land Claim line a distance of 278.85 feet to the point of beginning.

3881

Section 1a: That such parcel when rezoned will be R-A(2) subject to the following reservations and conditions:

1. The use of the property under R-A(2) zoning shall be restricted to elderly housing only and development shall occur in accordance with minimum HUD standards as required by Section 8 of the Federal Housing Program. The developer and owner shall submit all necessary legal documents to the City as part of the official record to insure that such housing will be built.
2. The owner shall dedicate 35 feet of right-of-way along the entire north property line and shall also sign a petition for street and utility improvements to include a remonstrance waiver.
3. The complete and detailed development plans shall be reviewed and approved by the Planning Commission.

And that further in the event that the owner fails to comply within one year from the effective date of this ordinance with the above conditions, the zoning will revert to R-1(8) Zone.

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Section 2: That a copy of this ordinance shall be filed in the office of the City Recorder and the number of the ordinance shall be noted on the official zoning map of the City of Albany.

Section 3: WHEREAS, it is in the betterment of the public health, interest, safety and general welfare of the citizens of the City of Albany that this matter of annexation of the property described herein be disposed of at the earliest possible moment, and that the City facilities be made available to this property; therefore, an emergency is hereby declared to exist and this Ordinance shall become immediately effective upon its passage by the Council and approval by the Mayor.

Passed by the Council: November 26, 1975

Approved by the Mayor: November 26, 1975

Effective Date: November 26, 1975

David C. Hayes  
David C. Hayes, Mayor

ATTEST:

Ernest J. Scham  
City Recorder