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ORDINANCE NO. 4005

TITLE: ZONE CHANGE AMENDMENT NO. 137, UNDER ORDINANCE NO. 2916 REZONING PROPERTY LOCATED BETWEEN OAK AND GEARY STREETS AND SOUTH OF QUEEN AVENUE FROM R-1(6) SINGLE FAMILY RESIDENTIAL TO C-2 LOCAL BUSINESS DISTRICT AND DECLARING AN EMERGENCY.

WHEREAS, the Planning and Zoning Commission of the City of Albany has held such hearings as are required by the law and the Ordinances of this city and has made findings concerning the appropriate zone for the property being considered, said findings being based upon evidence produced at hearings, and

WHEREAS, the Council of the City of Albany has duly advertised and caused notices to be given as required by law and has had a public hearing concerning the zoning of the property above described and evidence having been introduced and the same being fully considered, the City Council does hereby find as follows:

(see attached findings of fact)

and,

WHEREAS, it is further determined that the rezoning hereinafter made should be subject to certain conditions, the said conditions being as follows:

All development plans shall be reviewed and approved by the Hearings Board prior to any building permits being issued by the City

now, therefore,

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

Section 1: ZONE CHANGE AMENDMENT NO. 137

An area described as follows:

Assessor's Parcel Map 11-3W-8CC, Tax Lots 100, 102, & 200  
(see attached legal description)

is hereby rezoned as C-2 Local Bus. and this amendment shall be known as zone change amendment number 137 .

Section 2: COPY FILED

A copy of this zone change amendment shall be filed in the office of the City Recorder of the City of Albany and the number noted on the official zoning map of the City of Albany.

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Section 3: EMERGENCY CLAUSE

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 rezoning be disposed of at the earliest possible moment; 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: March 9, 1977

Approved by the Mayor: March 9, 1977

Effective Date: March 9, 1977

  
MAYOR

ATTEST:

  
CITY RECORDER

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FINDINGS OF FACT

1. The requested C-2 zone change conforms to the Comprehensive Land Use Plan and Goal Statements.
2. The subject properties have direct frontage and access on two major four-lane arterial streets (Queen and Geary) and one major collector street (Oak).
3. The properties are immediately adjacent to the existing Prairie Market and extensive off-street parking lot.

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February 23, 1977

Northwest Parcel - TRIPP SURVEY

(Queen Avenue & Oak Street Intersection)

Beginning at a 5/8 inch iron rod on the South right of way line of Queen Avenue said iron being 30.00 feet South 88° 53' West; 40.00 feet South 1° 38' East; 255.57 feet South 88° 53' West; and 5.00 feet North 1° 38' 00" East of the Northeast corner of the C.D. Burkhart Donation Land Claim No. 52 in Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon; thence South 1° 38' 00" East 269.18 feet to a 1/2 inch iron rod on the North right-of-way line of Oak Street; thence along the North right-of-way line of Oak Street North 52° 28' 30" West 301.03 feet to a 1/2 inch iron rod; thence along the North right-of-way line of Oak Street on a 542.96 foot radius curve right (the chord of which bears North 46° 24' 39" West 115.35 feet) 115.57 feet to a 5/8 inch iron rod on the South right-of-way line of Queen Avenue; thence along the South right-of-way line of Queen Avenue North 88° 53' 00" East 314.63 feet to the point of beginning. Containing 44,425 sq. ft.

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February 23, 1977

South Parcel - TRIPP SURVEY  
(Geary Street & Oak Street Intersection)

Beginning at a 5/8 inch iron rod on the West right-of-way line of Geary Street said iron being 30.00 feet South 88° 53' West; and 360.00 feet South 1° 38' East of the Northeast corner of the C.D. Burkhart Donation Land Claim No. 52 in Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon; thence along the West right-of-way line of Geary Street South 1° 38' 00" East 150.02 feet to a 5/8" iron rod on the North right-of-way line of Oak Street; thence along the North right-of-way line of Oak Street North 52° 28' 30" West 237.58 feet to a 1/2 inch iron rod; thence North 88° 22' 00" East 184.22 feet to the point of beginning. Containing 13,819 sq. ft.

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