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ORDINANCE NO. 4046

AN ORDINANCE ANNEXING PROPERTY LOCATED SOUTHWEST OF THE EXISTING CITY LIMITS AND GENERALLY BOUNDED BY HIGHWAY 99E--SOUTHERN PACIFIC RAILROAD MAIN LINE, ALLEN LANE, AND THE CALAPOOIA RIVER CONTAINING APPROXIMATELY 1,018 ACRES AND DECLARING AN EMERGENCY.

WHEREAS, on the 22nd day of June , 1977 , at a regular Council meeting, the Council of the City of Albany, Oregon, did duly pass Ordinance No. , wherein it was provided that a public hearing would be held on the 13th day of July , 1977 , concerning the advisability of annexing property located southwest of the existing city limits and generally bounded by Highway 99E--Southern Pacific Railroad Main Line, Allen Lane, and the Calapooia River, and

WHEREAS, the hearing was duly held on the 13th day of July 19 77 , 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 property located southwest of the existing city limits and generally bounded by Highway 99E--Southern Pacific Railroad Main Line, Allen Lane, and the Calapooia River containing approximately 1,018 acres should be annexed, 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:

An area located southwest of the existing City limits, which is generally bounded by Highway 99E, Southern Pacific Railroad Mainline; Allen Lane and the Calapooia River

(see attached legal description)

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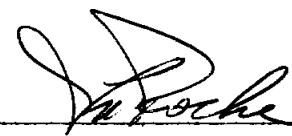
Section 2: That a copy of this ordinance shall be filed in the office of the City Recorder and the number of the ordinance shall be noted on the official zoning map of the City of Albany.

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: July 27, 1977

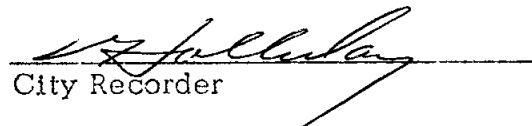
Approved by the Mayor: July 27, 1977

Effective Date: July 27, 1977



\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Recorder

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Findings:

1. The conflicts between the City and County in the application of development standards and requirements, within the urban fringe area, would be eliminated through annexation.
2. An existing sanitary sewer trunk line is located in the area with adequate size to serve existing and all potential urban developments.
- \*3. Estimated financial benefits to the City would be as follows:
- (a) The annexation area is valued at \$6,000,000 (additional tax base).  
 $\$6,000,000 \times .001770 = \underline{\$10,620}$ .
  - (b) Each new sewer hook-up would generate \$317.00 in revenue (the annual amount is difficult to determine and would vary).
  - (c) Annual sewer charge would generate \$42.00 per single family dwelling.
  - (d) Parks Two Mill Levy increase = \$5,880/year (increases as value increases).
  - (e) Utility Franchise Receipts
    - NW Natural Gas \$ 2,372.00
    - PP&L (water) 931.00
    - PP&L (electric) 5,110.00
    - Pac. NW Bell 1,792.00
    - Garbage 1,106.00
    - Total (based on 700 pop.) \$11,311.00
  - (f) State Tax Revenues
    - 700 (pop.) x \$22.68 = \$15,876.00
  - (g) Federal Revenue Sharing amount is computed two years after annexation and is a variable figure.
  - (h) Anti-recession money is based on unemployment rate and is a variable figure.
  - (i) Estimated total revenues assured by the City = \$43,687.00

\*Figures represent estimates only and are subject to change.

4. Citizen Input - The Triple Fifty Percent petition, as presented, is a valid representation of the commitment or desire of over 51% of the property owners, 61% of the land area, and 50% of the total value. However, the property owner and value percentages are predictably well above those figures and steadily increasing due to the large amount of construction and purchased homes since the initial survey was completed. Conversely, the number of property owners who have expressed remonstrance against the proposed annexation, including those who responded to the questionnaire in October of last year and those who testified at the May 23 hearing represent less than 25% of property owners, less than 10% of the land area, and less than 22% of the total value. The total percentage factor between the positive and negative annexation vote represents a segment of the property owners within the area that have not committed themselves, one way or another, to the proposed Triple Fifty Percent Annexation.
5. Tax Base - The proposed Valley Villa Retirement Community, if constructed as proposed at an estimated six million dollars, would pay in excess of \$120,000 per year in property taxes to the various taxing districts in which it is located without adding any significant burden to those taxing districts. Of particular significance would be the McFarland School District, which potentially would receive approximately \$40,000 per year, without any increase in the number of students (last year's tax rate in McFarland School District was \$6.37 per \$1,000 of assessed

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value compared to \$10.62 in School District #5). Thus, the net effect of Valley Villa's construction would mean a reduction in the tax rate for school support assuming all other factors remained equal.

6. Planning Considerations - This area has been committed to future urbanization through a number of previous actions including the City of Albany Comprehensive Plan, the placement of the large interceptor sanitary sewer line to LBCC, and the number of delayed (contract) annexation projects approved by both the City and Linn County. However, given the recent changes in Linn County policies and ordinances, future urban developments in this area are unlikely apart from annexation to the City of Albany.

If the City of Albany does intend to eventually annex those properties committed by delayed (contract) annexation, then there are only two methods available. One method is the Triple Fifty Percent Annexation procedure, and the other is piecemeal consent annexation of contiguous properties. The second method presents numerous obvious problems due to physical limitations and property ownership patterns. On the other hand, the Triple Fifty Percent Annexation method would provide the City an opportunity to annex, plan and control the urban development of this area as a whole, rather than in fragmented pieces.

7. Population and Housing - A land use survey, completed since the May 23 meeting, indicates that the subject area contains a total of 231 Single Family dwellings, 70 Multiple Family dwellings, and 152 individual quad-apartment units. The population of the area is now estimated at 985 persons (rather than 700 as previously reported; thus, the population related revenues would be significantly higher). Furthermore, this area is continuing to develop at a rapid pace, primarily as a result of the College Green and College Park developments. Completion of those developments which are already committed plus completion of Valley Villa, as proposed, would add an additional 100 single family units, 25 duplexes, 162 apartment units, and 300 retirement units (Valley Villa), all of which could be constructed within a short period of time. The completion of these developments alone would add an additional 1,124 persons (approximately) to the area. Once again, those developments and the projected population will add substantially to the revenues received by the involved taxing districts.

Also, serious considerations should be given to the prospect of having over 2,000 persons in this area and the types of service they will need, i.e. rural (County) versus urban (City) services.

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TRIPLE 50% ANNEXATION BOUNDARY

Beginning at the intersection of the west right-of-way line of the S P Transportation Co. rail line with the north right-of-way line of County Road No. 350 (Ellingson Road) in the N.  $\frac{1}{2}$  of Section 30, T 11 S, R 3W, WM; thence

West 390 feet, more or less, along the north line of said County Road No. 350, and said north line extended, to the west right-of-way line of U.S. Highway 99E; thence

South, 1,722 feet, more or less, along the west line of Highway 99E to the north line of County Road No. 110 (Allen Lane); thence

West 2,650 feet, more or less, along the north line of said County Road No. 110, to its intersection with the west line of Looney Lane; thence

Northerly 1,287 feet, more or less, to the north line of the Francis Simpson DLC 76; thence

West 1,125 feet, more or less, along the north line of said DLC 76; thence

N  $9^{\circ} 08'$  W 462.96 feet; thence

N  $40^{\circ} 04' 45''$  E 169.58 feet; thence

N  $24^{\circ} 01'$  E 188.81 feet; thence

N  $11^{\circ} 45' 45''$  E 186.23 ft.; thence

N  $64^{\circ} 55'$  E 229.47 feet; thence

S  $89^{\circ} 18' 30''$  E 410.69 feet; thence

N  $0^{\circ} 41' 30''$  E 390.02 feet, to the north line of First Addition to College Green, Linn County, Oregon; thence

S  $89^{\circ} 18' 30''$  E 1130.45 feet to the N.E. corner of said First Addition to College Green; thence

N  $0^{\circ} 46'$  W 844 feet, more or less; thence

S  $89^{\circ} 14'$  W 140 feet, more or less; thence

N  $22^{\circ} 46'$  E 384.69 feet; thence

N  $11^{\circ} 25'$  E 337.36 feet; thence

N  $86^{\circ} 49'$  W 548 feet, more or less; thence

North 170 feet, more or less, to the north line of 53rd Avenue (Dump Ground Road); thence

Westerly along the north line of 53rd Avenue to the west line of the Robert E. Harman DLC 77; thence

TRIPLE 50% ANNEXATION BOUNDARY

Page 2

Northerly 1,760 feet, more or less, to the N.W. corner of said DLC 77; thence  
S  $87^{\circ} 41'$  E 1,575 feet, more or less; thence

North 1,160 feet, more or less, to the center-line of the Calapooia River;  
thence

Northerly, following the meanderings of the center-line of the Calapooia  
River to an East-West line dividing those properties recorded in Volume 152,  
page 83 and in Volume 308, page 47, Linn County Deed Records; thence

East 1,100 feet, more or less, to the west line of the Isaac Hutchins DLC  
85; thence

South 150 feet, more or less, along the west line of said DLC 85; thence

S  $89^{\circ} 32'$  E to the initial point of the Plat of Calapooia Acres, Linn County,  
Oregon; thence

Continuing S  $89^{\circ} 32'$  E 102 feet, more or less, to the center-line of a  
water ditch which is the southerly line of Fir Oaks Third Addition to the  
City of Albany, Linn County, Oregon; thence

Northeasterly along the center-line of said water ditch to the S.W. corner of  
Lot 10, Wines Addition to the City of Albany, Linn County, Oregon; thence

S  $54^{\circ} 19'$  E 99 feet, more or less, to the west line of Umatilla Street; thence

S  $0^{\circ} 38'$  W 150 feet to the north line of said Calapooia Acres; thence

East along the north line of said Calapooia Acres to the west right-of-way  
line of said Highway 99; thence

Southerly following the west right-of-way line of said Highway 99 to its  
intersection with the north line of said DLC 77; thence

Continuing Southerly 398.2 feet, more or less, along the west line of said  
Highway 99; thence

West 10 feet, more or less; thence

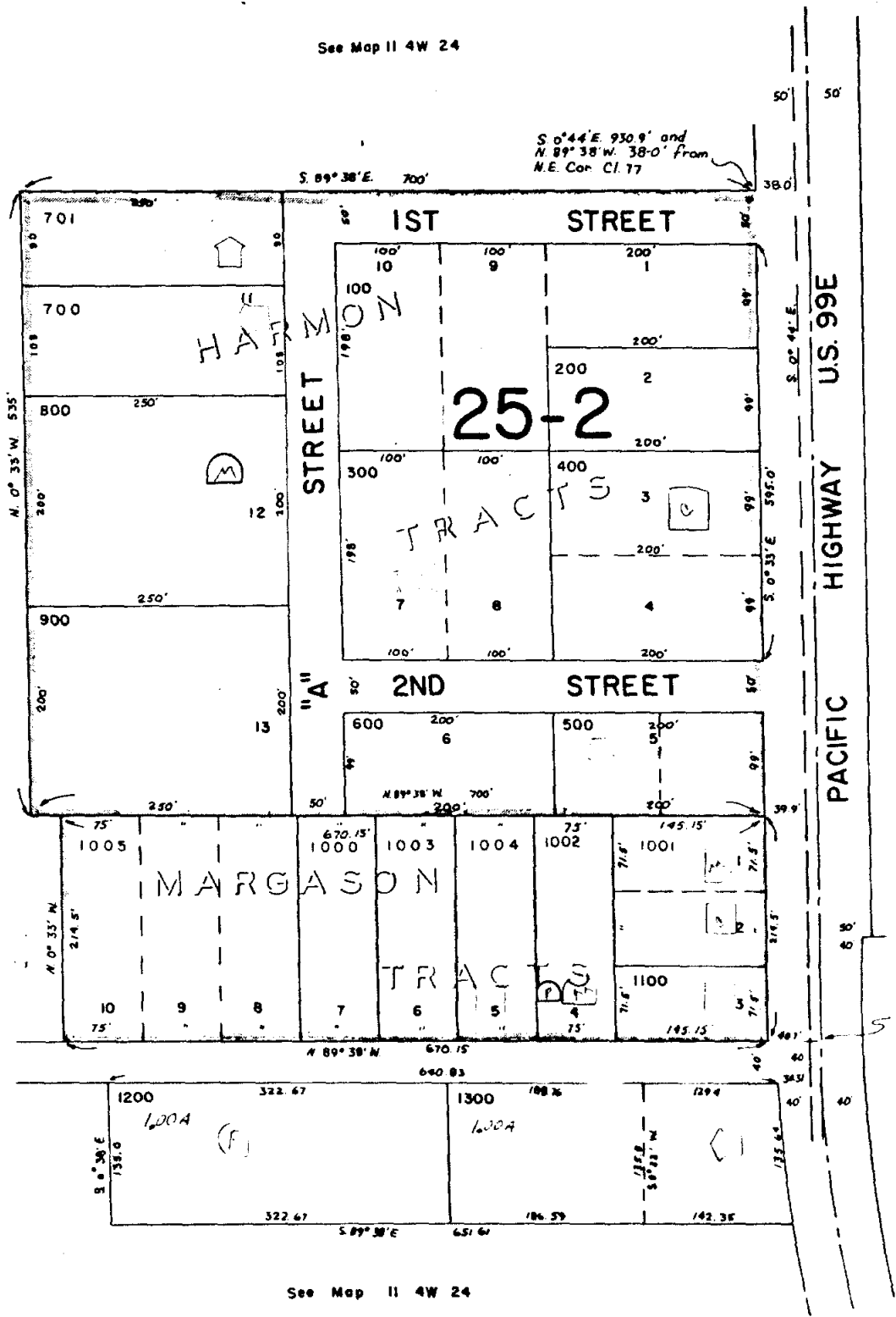
Continuing Southerly along the west right-of-way line of said Highway 99 to  
its intersection with the westerly extension of the following described line:  
Beginning at a point on the west right-of-way line of the Southern Pacific  
Co. rail line, said point being 3,529 feet, more or less, south of the north  
line of the Truett Davis DLC 38; thence on a line S  $88^{\circ} 55'$  W, to said inter-  
section with the west line of Highway 99 E; thence

N  $88^{\circ} 55'$  E 1,195.50 feet to the west right-of-way line of the Southern  
Pacific rail line; thence

Southerly, along the west right-of-way line of the rail line to the point of  
beginning.

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See Map II 4W 24



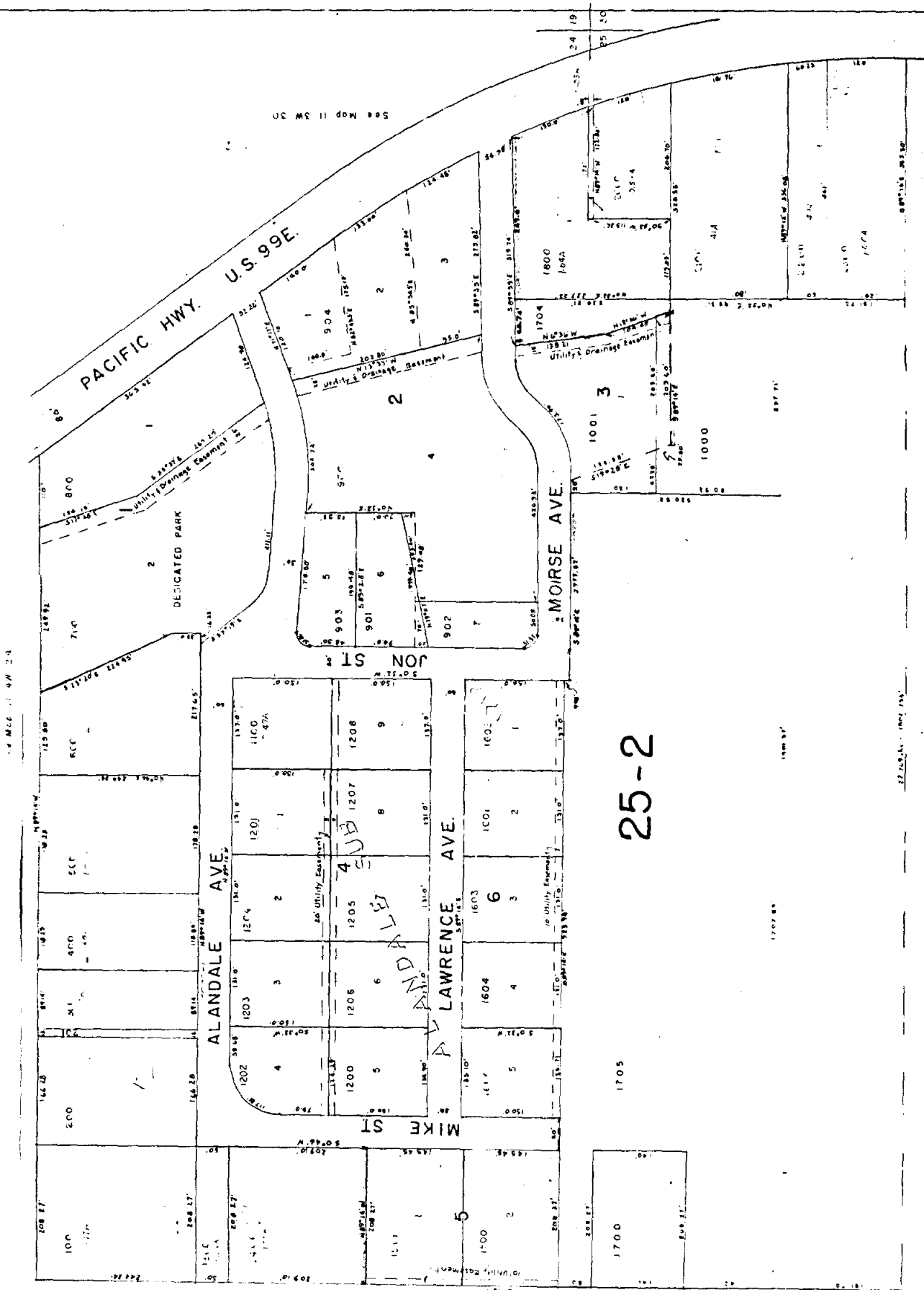
See Map II 4W 24

See Map II 3W 30

See Map II 4W 24

4 NE 1/4 Sec. 25 T. 11 N. R. 4 W. W.M.

11 4W 25AA



See Map 11 4W 25AC

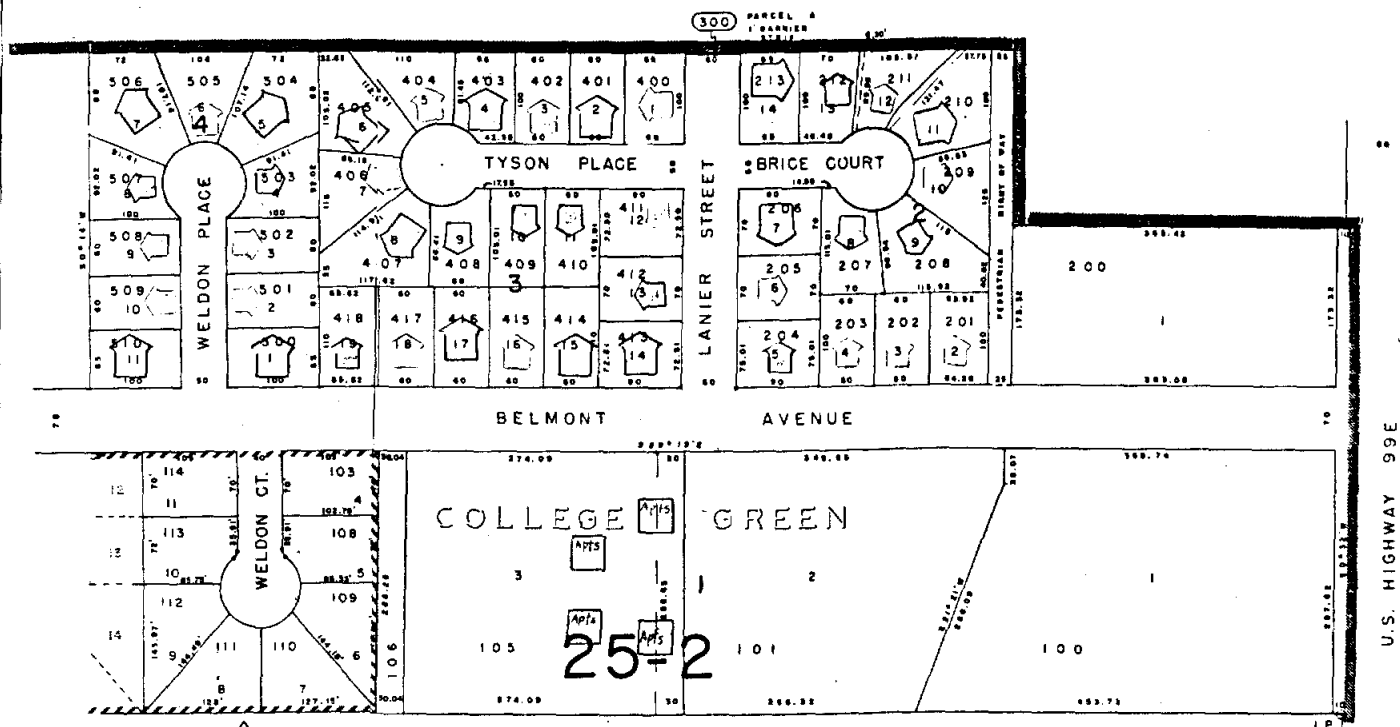
See Map 11 4W 25AD



SE 1/4 NE 1/4 Sec. 25, T.11S. R.4W. W.M.

1" = 100'

See Map 11 4W 25AA



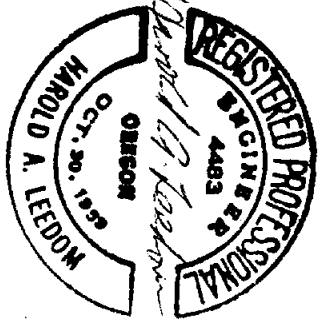
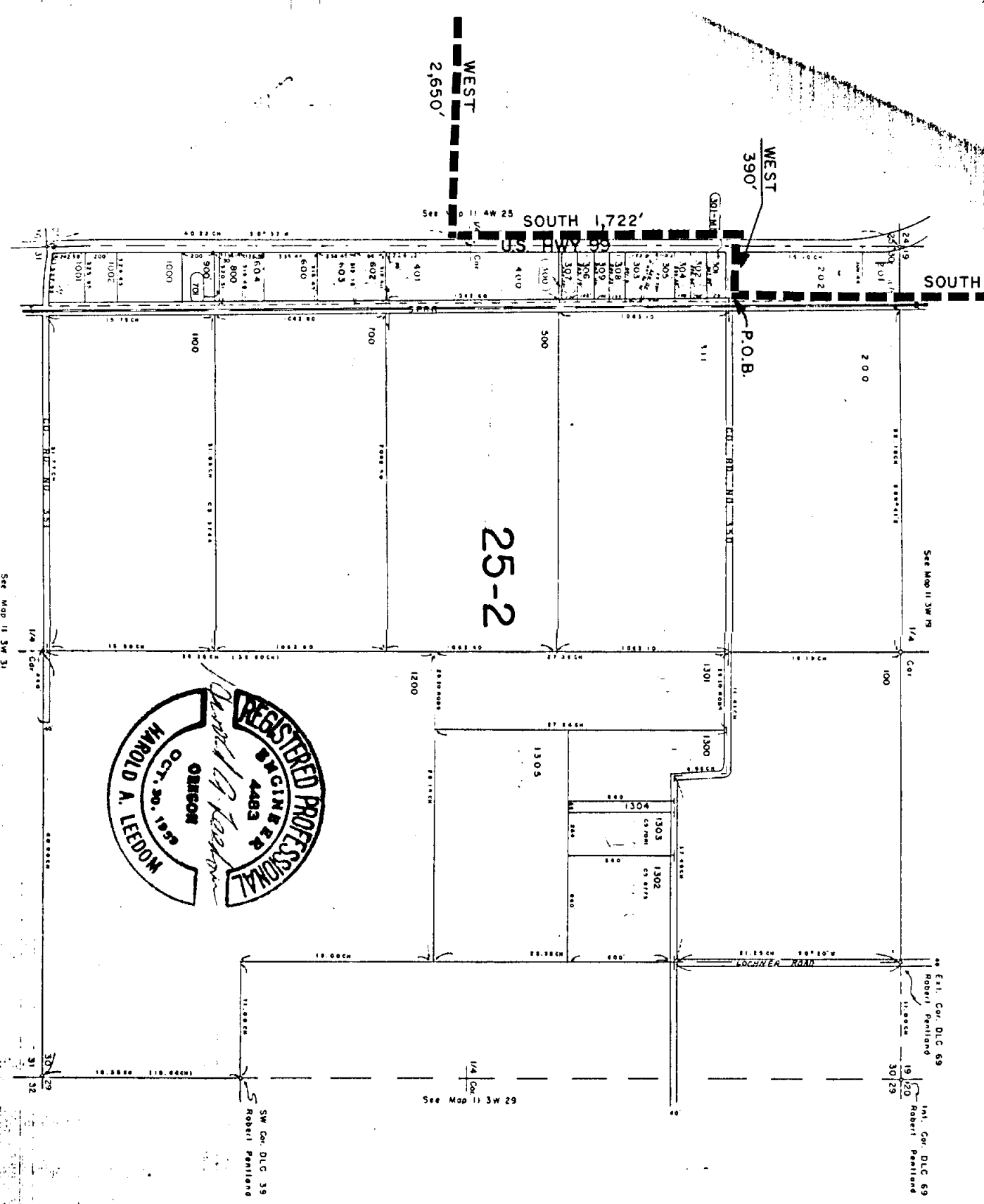
↑  
SUPP PLAT TO LOTS 4,5,6  
OF BLOCK J COLLEGE GREEN

See Map 11 4W 25

Sec. 30 T11S. R3W. WM.  
1"=400'

11 3W 30

OK



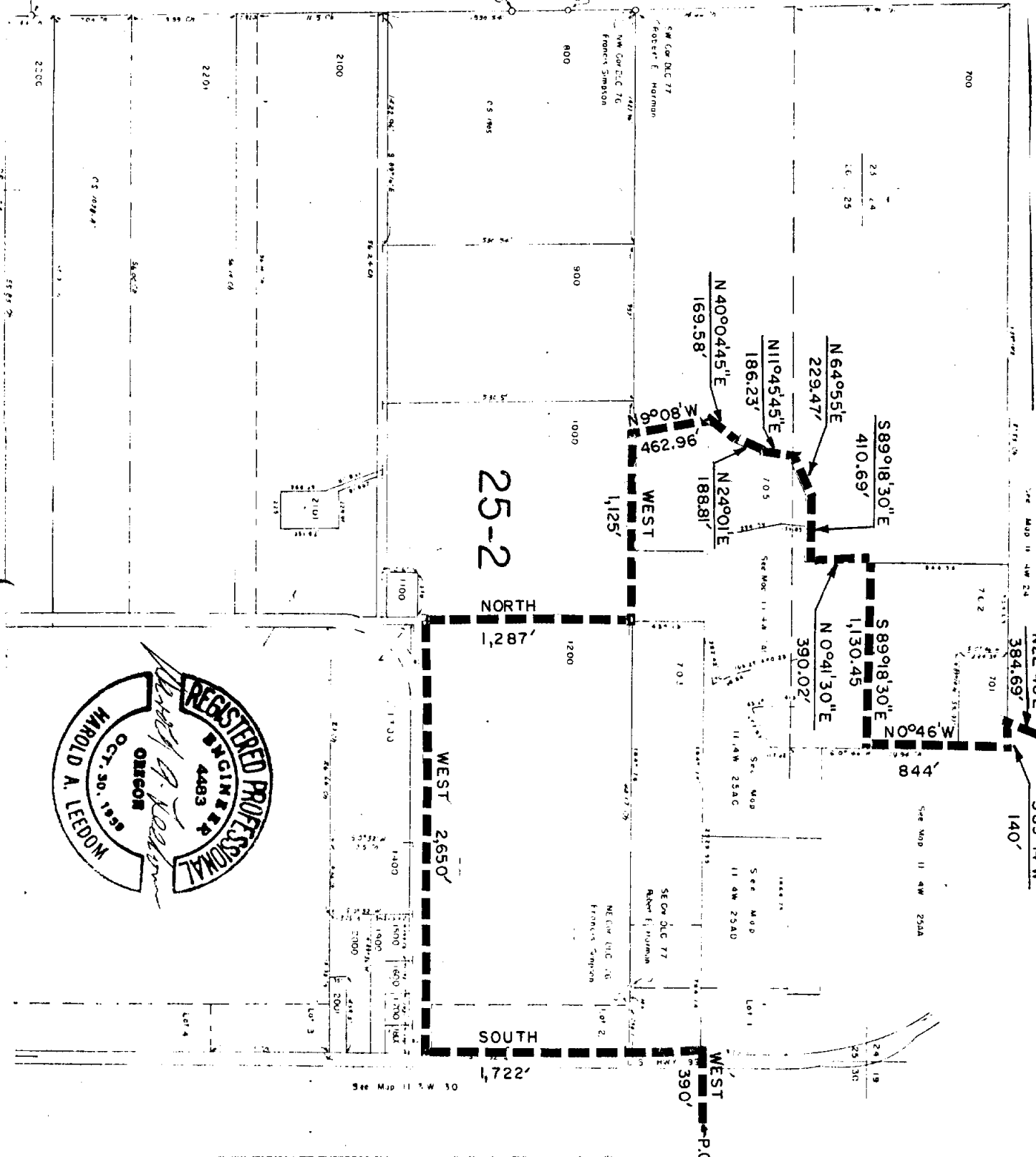
11 3W 30

Sec 25 T11S. R.4W. W.M.

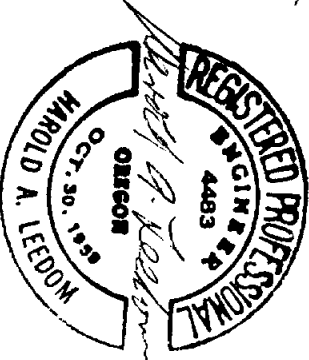
11 4W 25

See Map 11 4W 26

See Map 11 1W 30



25-2

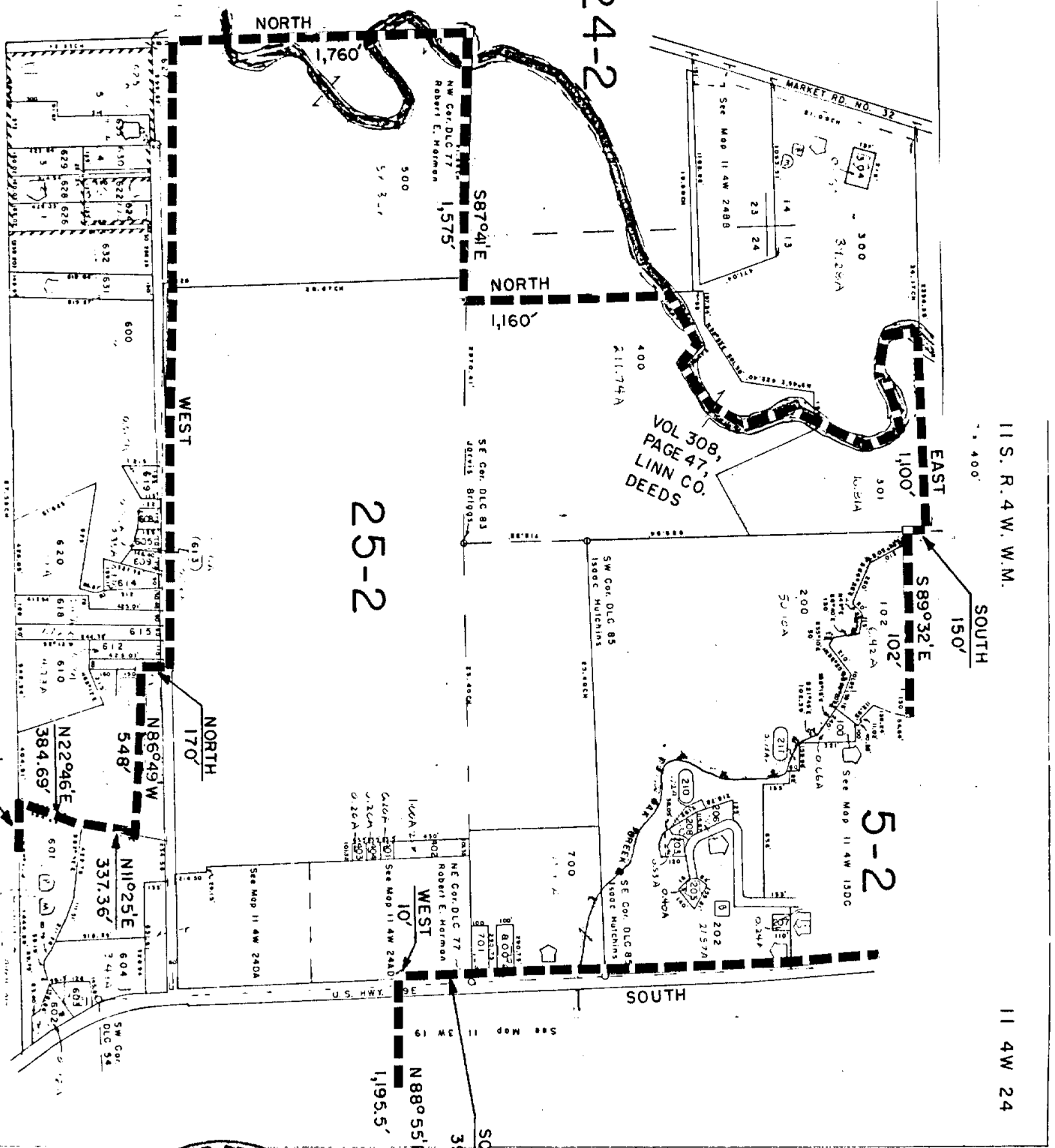


SWERET

RANCILO  
RIO  
RALPHIO

See Map 11 4W 23

See Map 11 4W 25&A



24-2

25-2

5-2

VOL 308,  
PAGE 47,  
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DEEDS

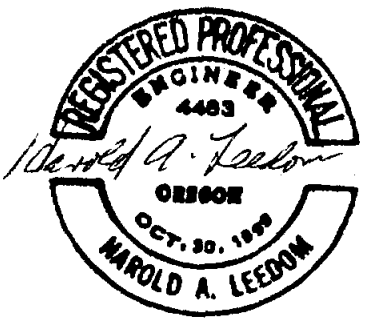
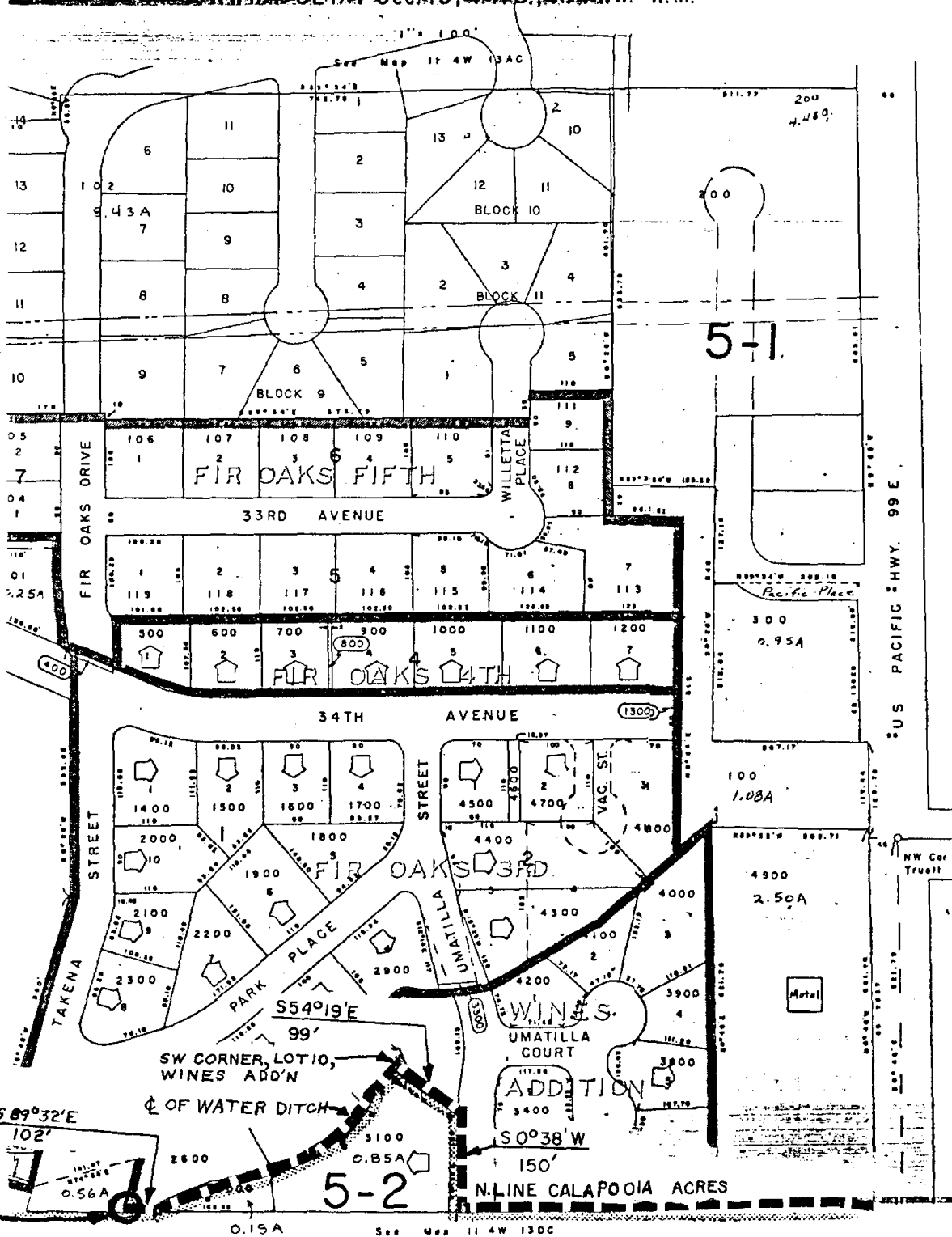
11 S. R. 4 W. W.M.

11 4 W 24

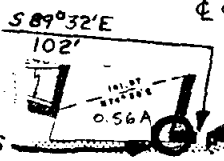


Sheet # 3

W. W. M.



INITIAL POINT OF CALAPOOIA ACRES



0.15A

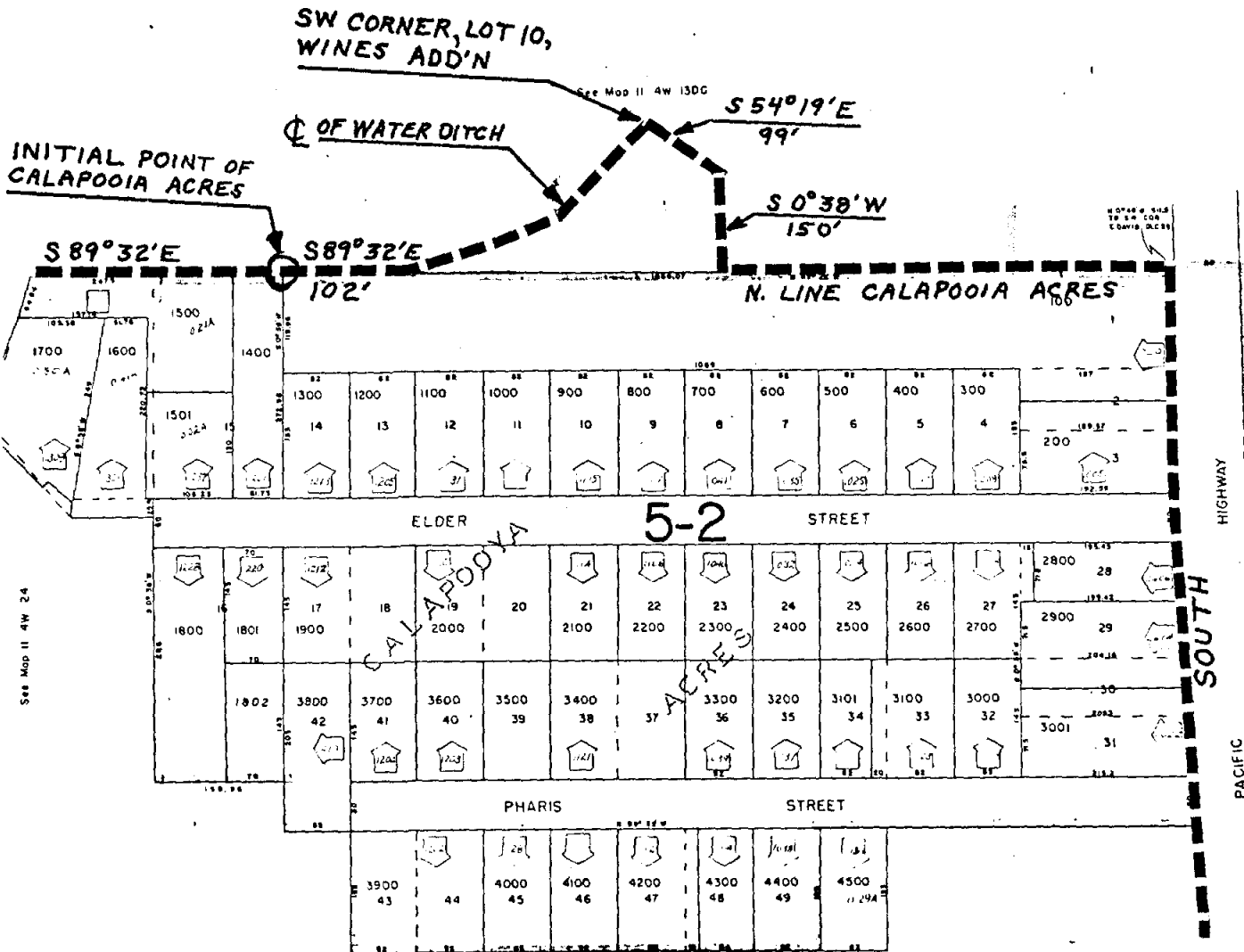
See Map 11 4W 130C

N. LINE CALAPOOIA ACRES

SW1/4 SE1/4 Sec 11 S. R.4 W. W.M.

1" = 100'

BDC



See Map II 4W 24

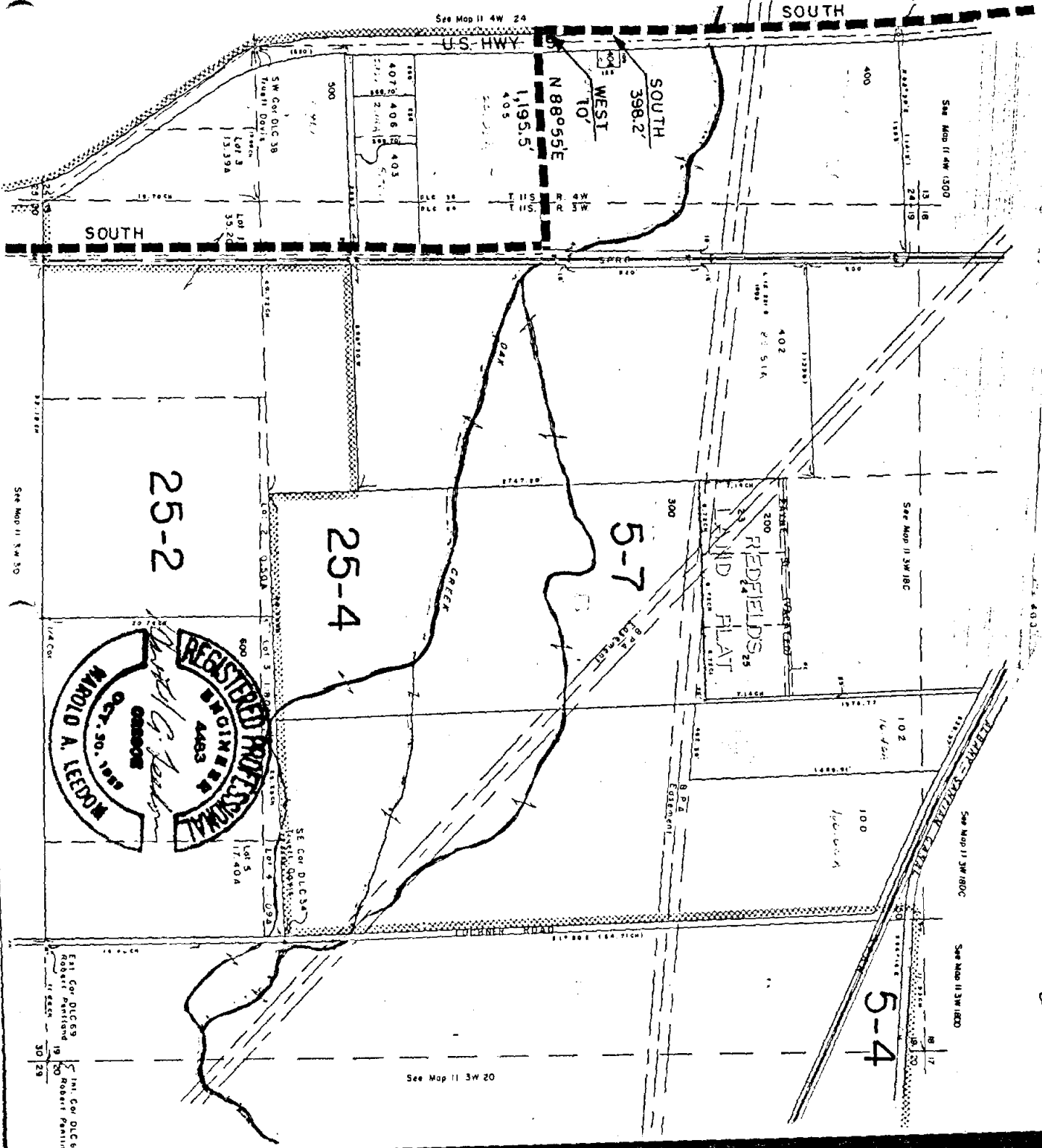
See Map II 4W 24



Sec 19 T11S. R3W. W.M.

Sheet # 6

113







11 4W 25AC

SHEET #8

See Map 11 4W25AA

848  
N 0°46' W

1 Sec. 25, T.11 S. R. 4W. W.M.

1" = 100'

See Map 11 4W 25

S 89°18'30" E

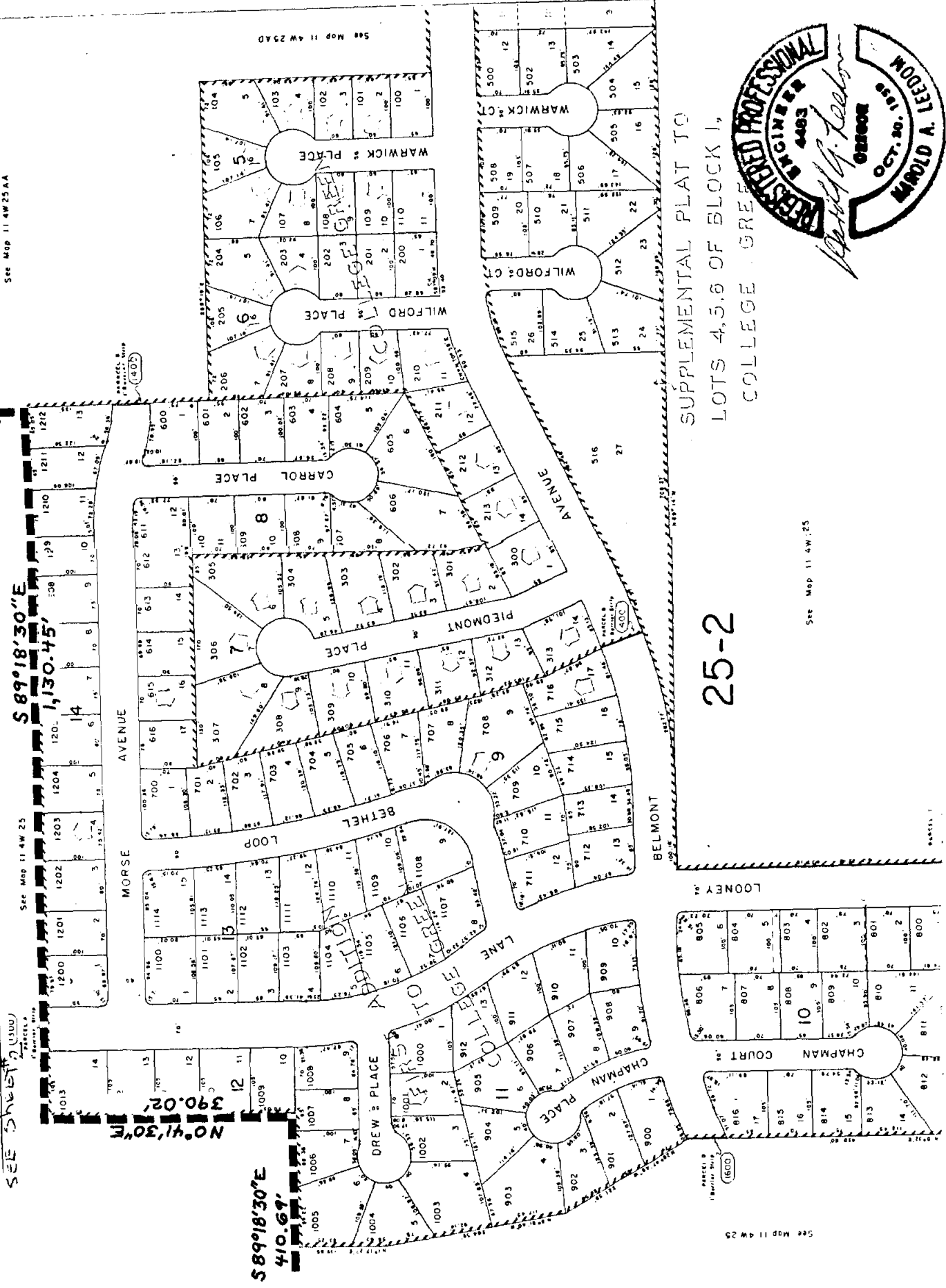
1,130.45'

848

SEE SHEET #8

N 0°41'30" E  
390.02'

S 89°18'30" E  
410.69'



SUPPLEMENTAL PLAT TO  
LOTS 4,5,6 OF BLOCK 1,  
COLLEGE GREEN

25-2

See Map 11 4W.25



See Map 11 4W 25