

ORDINANCE NO. 4573

AN ORDINANCE PROCLAIMING THE ANNEXATION TO THE CITY OF ALBANY OF CONTIGUOUS TERRITORY CONSISTING OF 13.68 ACRES OF PROPERTY LOCATED AT THE NORTH END OF COLUMBUS STREET ALONG THE WILLAMETTE RIVER AND WITHDRAWING SAID TERRITORY FROM THE ALBANY RURAL FIRE PROTECTION DISTRICT.

WHEREAS, the Planning Commission of the City of Albany has recommended that a certain territory described in Section 1 of this Ordinance which is contiguous to the City of Albany be annexed and that more than 50% of the owners of the property in said area who own more than 50% of the land and real property therein and representing more than one-half of the assessed value of the real property therein have consented in writing to the annexation, said consent having heretofore been filed with the City Recorder in the matter prescribed by law; and

WHEREAS, the City Council by Ordinance No. 4563 adopted on the 16th day of February, 1983, dispenses with an election submitting to the voters of the City the question of annexation of said territory and did at 7:15 o'clock p.m. on the 9th day of March, 1983, in the Council Chambers of the City Hall in said City at the time and place of hearing thereon, and the further question of withdrawing said territory, if annexed, from the Albany Rural Fire Protection District, at which time and place the voters of the City were given an opportunity to be heard on the questions involved; and

WHEREAS, notices of said public hearing were published and posted in the manner and for the time prescribed by law and the public hearing was duly held by and before the City Council as provided by law and by the terms of said Ordinance and the published notice, and it appears to be in the best interest of the City and of the area involved that it be annexed to the City of Albany and withdrawn from the Albany Rural Fire Protection District; and

WHEREAS, the City Council has based its decision on facts and conclusions stated in accordance with the findings on file with the City Recorder which are adopted by separate motion and incorporated by reference herein for the annexation and zoning of this property and which are hereby adopted as findings of the Council; now, therefore,

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

Section 1: The following described property to-wit: (See attached legal description) is hereby proclaimed to be annexed to the City of Albany, Oregon, and zoned OS, Open Space and MH, Heavy Industrial.

Section 2: That the above described territory annexed to the City of Albany is hereby withdrawn from the Albany Rural Fire Protection District.

Section 3: After the effective date of this ordinance, the City Recorder shall submit to the Secretary of State of the State of Oregon and the Oregon State Department of Revenue a transcript of the annexation proceedings, a copy of this ordinance, a copy of Ordinance No. 4563 and a copy of the complete consent document signed by the landowners within the territory annexed. The City Recorder shall also, within 10 days after the transcript has been filed with the Secretary of State of the State of Oregon, report this annexation to the County Clerk and to the County Assessor of Linn County, Oregon.


Section 4: That the property described in Section 1 hereof shall be effectively annexed to the City of Albany on the date that the complete abstract of the annexation proceedings as specified in Section 3 of this ordinance is filed with the Secretary of State of the State of Oregon.

Passed by the Council: March 9, 1983

Approved by the Mayor: March 9, 1983

Effective Date of this Ordinance: April 8, 1983

Effective Date of this Annexation: March 14, 1983  
(date filed with Oregon Secretary of State)

  
\_\_\_\_\_  
Mayor

ATTEST:

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

LEGAL DESCRIPTION

Beginning at a point which is North  $01^{\circ}35'00''$  West 155.00 feet from the Southwest corner of Block 3, Woodle's Riverside Addition to Albany, Linn County, Oregon, said point also being on the Easterly right-of-way of Geary Street; and running thence North  $1^{\circ}35'00''$  West, a distance of 411.30 feet to the South bank of the Willamette River; thence North  $88^{\circ}16'30''$  East along the Northerly right-of-way line of a vacated portion of River Avenue a distance of 497.78 feet more or less to a point North  $01^{\circ}41'45''$  West and 60 feet North of the Northeast corner of Lot 1, Block 1, of the said Woodle's Riverside Addition; thence North  $88^{\circ}37''$  East along the Northerly right-of-way line of River Avenue, 750 feet more or less to a point which bears North  $1^{\circ}39'$  West 60 feet and West 710 feet from the Northwest corner of Lot 4, Block 27, Burkhart Park Addition to Albany, Linn County, Oregon; thence North  $1^{\circ}39'$  West 400 feet; thence North  $88^{\circ}37'$  East 703 feet more or less to the centerline of Cox Creek; thence Northwesterly along said centerline a distance of 650 feet more or less to the intersection with the Mean High Water Mark of the Willamette River; thence Southwesterly along said Mean High Water Mark a distance of 2400 feet, more or less, to the intersection of the now existing City Limits line, said point being South  $88^{\circ}16'30''$  West 900 feet, more or less, from the point of beginning; thence North  $88^{\circ}16'30''$  East 900 feet, more or less, to the point of beginning.

Together With: That portion of the Willamette River immediately adjacent to the above-described parcel, between the southerly Mean High Water Mark and the Centerline of said river.

designated as Heavy Industrial on the  
Comprehensive Plan Map.

Reason for Annexation:

To bring into the city two parcels of land which are owned by the City of Albany, and four parcels of land which are surrounded on three sides by the city limits of Albany and on the fourth side by the Willamette River.

Availability of Urban Services:

1. Sewer: A 43" interceptor line crosses the property from west to east.
2. Water: A 6" water main lies 1 block away from the subject property in Linn Avenue.
3. Police: The Albany Police Department reports that from the information provided it appears the Department will be able to provide service to the area with no appreciable increase in cost at this time.
4. Fire: The Albany Fire Department reports that the subject property is within proper running distance of Station #1 for first due Engine Company response.

FINDINGS

Conformance with the Adopted Comprehensive Plan

The proposed annexation is in conformance with the acknowledged Albany Comprehensive Plan Map and Plan Policies.

The property proposed for annexation is within the area covered by the Comprehensive Plan for the City of Albany, and is included within the recognized Urban Growth Boundary adopted by the City and Linn County.

The proposed and existing uses of the subject property are (and will be) in conformance with the designation indicated on the Comprehensive Plan Map.

A. Urban Growth Policies

1. The subject property is within the locally adopted Urban growth Boundary.
2. The annexation of the property will be an incremental step in extending the city limits to the Urban Growth Boundary.
3. The annexation is a logical and efficient extension of the city limits boundaries to facilitate the functional and economic provision of services.
4. The subject property is presently vacant but has been committed to an urban use in that it is surrounded by urbanized lots to the south and west, the City of Millersburg on the east, and the Willamette River on the north.

B. Growth Management

Annexation of the subject property will conform to the Growth Management Policies as the proposed annexation will encourage the urbanization of an area where facilities and services are already available, thereby requiring the least public costs to provide needed service and facilities, and will assure that any further development of the subject property will be to city standards.

C. Development Policies

When the subject property is annexed it will be rezoned to the appropriate designation OS (Open Space), and MH (Heavy Industrial), thereby being in compliance with the Comprehensive Plan designation of the property. Any future developments of the site must occur to city standards.

D. Annexation Policies

Annexation of the subject property is a logical extension of the city boundary and service area.

Annexation of the subject property will facilitate the functional and economic provisions of services within the Urban Growth Boundary without seriously impairing city services to other portions of the city.

CONCLUSIONS:

- A. Annexation of the subject property is a logical extension of the city boundary and will provide for coordinated planning efforts for extension of streets and utilities.
- B. The subject property is within the Urban Growth Boundary.
- C. Annexation of the subject property is in conformance with the acknowledged Albany Comprehensive Plan.
- D. The proposed zoning designation of OS (Open Space) and MH (Heavy Industrial) are in conformance with the acknowledged Albany Comprehensive Plan.
- E. The conflicts between the City and County applications of development standards and requirements for this property will be eliminated through annexation.
- F. Urban services are presently being provided to the subject property.

RECOMMENDATION:

At its regular meeting of February 7, 1983, the Planning Commission unanimously recommended approval of the annexation and OS Open Space and MH Heavy Industrial zoning based on the findings and conclusions in the Staff Report.