

RESOLUTION NO. 2867

A RESOLUTION PROCLAIMING THE ANNEXATION AND ZONING OF PROPERTY LOCATED NORTH OF SANTIAM HIGHWAY SE AND WEST OF GOLD FISH FARM ROAD SE AND CONTAINING APPROXIMATELY 2.98 ACRES MORE OR LESS (FILE NO. AN-01-89) AND SETTING A PUBLIC HEARING FOR THE REMOVAL OF TERRITORY FROM THE ALBANY RURAL FIRE PROTECTION DISTRICT.

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 more commonly known as 1130 and 1248 Gold Fish Farm Road SE which is surrounded by 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 CH (Heavy Commercial).

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 Dist. be held by the City Council on June 28, 1989, 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 14TH DAY OF JUNE, 1989.



Mayor

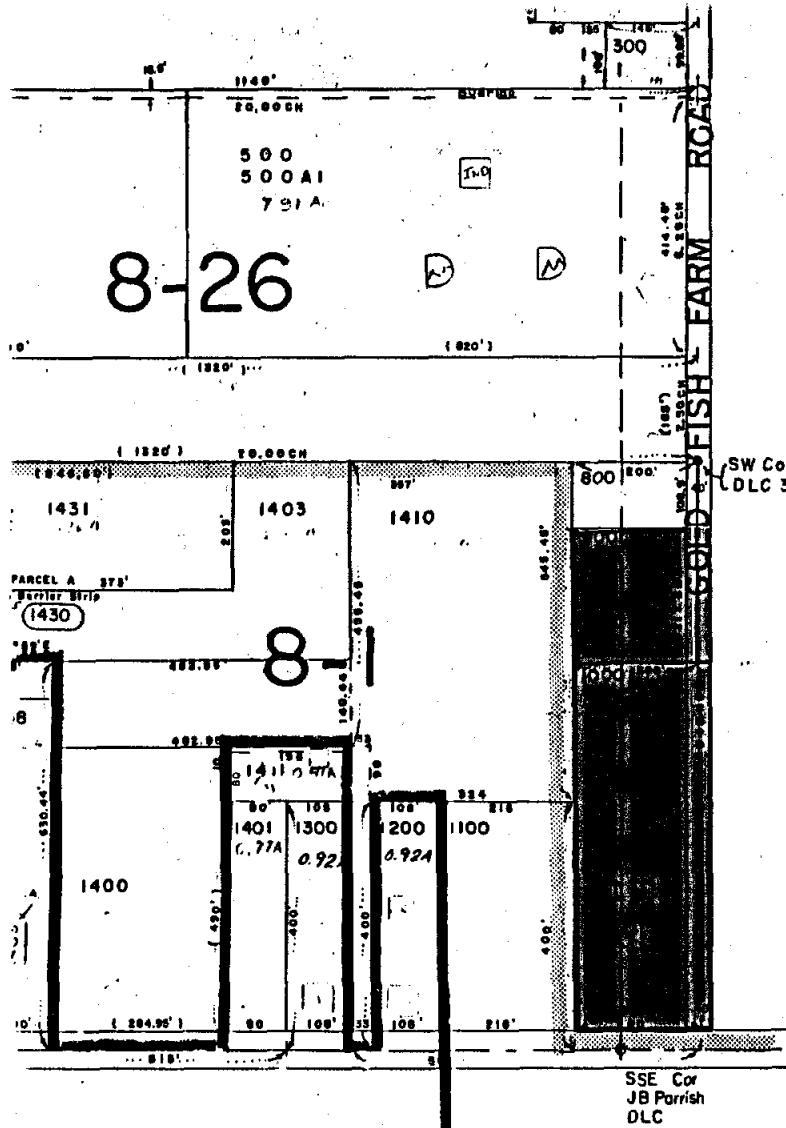
ATTEST:



Deputy City Recorder

ANNEXATION LEGAL DESCRIPTION

Beginning at a point 326.70 feet south of the southwest corner of the Hugh Nickerson D.L.C. #39 in Township 11 South, Range 3 West, of the Willamette Base and Meridian, Linn County, Oregon, which point is also the southeast corner of the property conveyed to Edward Bales by deed recorded May 25, 1948, in Book 201, page 535, Linn County Deed Records; thence East, 20.00 feet, to the east right-of-way line of Gold Fish Farm Road; thence South on the east right-of-way line of Gold Fish Farm Road, 589.38 feet to a point that is 142.10 feet east of the southeast corner of the Jesse B. Parrish D.L.C., notification number 3843; thence West along the south line of said Parrish D.L.C., 220.00 feet; thence North 589.38 feet, to the southwest corner of said property conveyed to Edward Bales; thence East 200.00 feet to the point of beginning, containing 2.98 acres more or less.



See Map II 3 W 10

EXHIBIT A

EXHIBIT 'B'

FINDINGS FOR ANNEXATION FILE NO AN-01-89

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 north, west, and east are currently within the city limits and the annexation of the subject property will eliminate an enclave area consisting of 2.98 acres more or less.
2. The subject property is within the Urban Growth Boundary and will provide for coordinated planning efforts for extension of streets and utilities.
3. Annexation and zoning of the subject property are in conformance with the acknowledged Albany Comprehensive Plan.
4. The conflicts between the City and County applications of development standards and requirements for this property will be eliminated through annexation.
5. The subject property is an island annexation which was created by a 100% consent annexation of property to the immediate north on November 16, 1988. and no electors reside on the property; thus annexation may occur without a public hearing or Planning Commission review under the provisions of ORS 222.125 and Albany Development Code Sections 3.010(5) & (7).
6. The Albany Development Code Annexation Zoning Matrix (Section 3.030(2) provided for application of the CH (Heavy Commercial) zoning designation for properties with a General Commercial Comprehensive Plan designation and an overlay zoning designation of UGM-CH upon annexation by this method.
7. The existing zoning designation of Urban Growth Management-Heavy Commercial (UGM-CH) is in conformance with the Albany Comprehensive Plan designation of General Commercial. As such, the property may be developed applying the standards for the CH (Heavy Commercial) zoning district as provided for in the Albany Development Code.
8. Urban services can be extended to the subject property without adversity to other properties in the city.
9. The future use and development of the property will be subject to Site Plan Review approval which will assure the provision of adequate public improvements and enhancement of the property through appropriate landscaping.