

RESOLUTION NO. 2912

A RESOLUTION PROCLAIMING THE ANNEXATION AND ZONING OF PROPERTY LOCATED AT 1650 CENTURY DRIVE NE AND CONTAINING APPROXIMATELY 0.97± ACRES (FILE NO. AN-05-89) AND SETTING A PUBLIC HEARING FOR THE REMOVAL OF TERRITORY FROM THE ALBANY RURAL FIRE PROTECTION DISTRICT.

WHEREAS, under the provisions of ORS 222.125, 100% of the property owners and not less than 50% of the electors, if any are present, have petitioned for the annexation of territory to 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.

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 ML (Light Manufacturing).

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 District be held by the City Council on December 27, 1989 at 7:15 p.m.

BE IT FURTHER RESOLVED that the City Recorder shall be directed to submit to the Secretary of the State of Oregon a transcript of the annexation proceedings, a copy of this resolution (ordinance), and a copy of the complete consent document signed by the landowners and electors, if any are present, within the territory annexed. The City Recorder shall also be directed to submit to the Oregon State Department of Revenue a copy of this resolution (ordinance), and a copy of the legal description and map of 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.

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 29th DAY OF NOVEMBER, 1989.



Mayor

ATTEST:


City Recorder

EXHIBIT "A"
PARCEL A

Sullens Property Outside Albany Urban Growth Boundary

Beginning at a 1/2 inch iron pipe as shown on Linn County Survey No. 2308 on file at the Linn County Surveyor's Office, said point being the Northeast corner of that parcel conveyed to Jerry W. Sullens, et. ux, by deed recorded in MF 382, Page 141, Linn County Deed Records, said point also being 512.89 feet South 1° 56' East and 514.11 feet WEST of the Northwest corner of the Milton Houston Donation Land Claim No. 43 in Township 10 South, Range 3 West, Willamette Meridian, Linn County, Oregon; thence SOUTH on the East line of said Sullens parcel 154.96 feet to a 1/2 inch iron pipe as shown on said survey; thence North 87° 30' West 144.51 feet to a 1/2 inch iron rod; thence North 78° 21' West 82.75 feet to a 5/8 inch iron rod; thence North 76° 00' West 81.76 feet to the East right of way line of U. S. Highway 99E as described in deed conveyed to the State of Oregon, State Highway Commission, recorded September 19, 1957, in Deed Book 256, Page 75, Linn County Deed Records; thence North 7° 32' 30'' East on the East right of way line of said highway 113.15 feet to the North line of said Sullens parcel; thence EAST 289.90 feet to the point of beginning. Containing 0.97 Acres more or less.

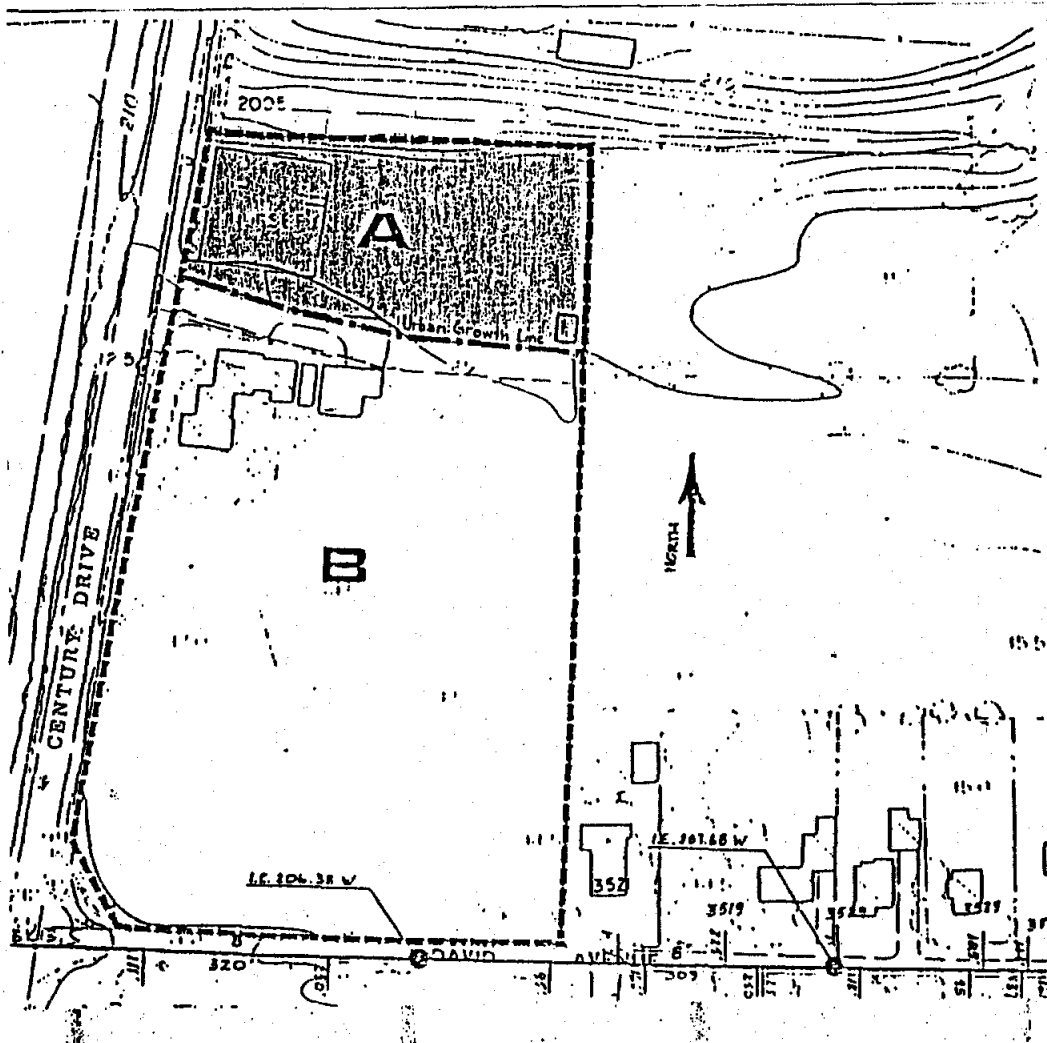


EXHIBIT B

ANNEXATION FINDINGS

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 east and south are currently within the city limits and the annexation of the subject property will take the city limits to the north boundary of the Urban Growth Boundary on Century Drive NE.**
2. **The subject property was mistakenly excluded from the Urban Growth Boundary due to a mapping error but its inclusion in the UGB and annexation will provide for coordinated planning efforts for site development and utilities.**
3. **Annexation and zoning of the subject property are in conformance with the intent of 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 annexation of the subject property was initiated by 100% of the property owners and no other electors reside on the property.**
6. **The Albany Development Code Annexation Zoning Matrix (Section 3.030(2) provided for application of the ML (Light Industrial) zoning designation for properties with a Light Industrial Comprehensive Plan designation. Since the majority of the property was designated in the above manner, the same Comprehensive Plan Designation and zoning are being applied to the small portion where the mapping error occurred.**
7. **The proposed zoning designation of ML (Light Industrial) is in conformance with the Albany Comprehensive Plan designation of Light Industrial. As such, the property may be developed applying the standards for the ML (Light Industrial) 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.**