

RESOLUTION NO. 3163

A RESOLUTION PROCLAIMING THE ANNEXATION AND ZONING OF PROPERTY LOCATED AT THE INTERSECTION OF SANTA MARIA AVENUE AND MARILYN STREET NE AND MORE COMMONLY KNOWN AS 600 MARILYN STREET (TAX LOT 2100, 10-3W-34) AND CONTAINING APPROXIMATELY 5.19 ACRES (FILE NO. AN-01-92) AND SETTING A PUBLIC HEARING FOR THE REMOVAL OF TERRITORY FROM THE ALBANY RURAL FIRE PROTECTION DISTRICT.

WHEREAS, the City Council proposes to annex in accordance with the provisions of ORS 222.125 certain property described by attached Exhibit A and more commonly known as 600 Marilyn Street NE, which is adjacent to the City of Albany; and

WHEREAS, state law waives requirements for an election or a public hearing when annexation of the subject property is initiated by 100% of the property owners and no electors reside on the property; and

WHEREAS, the Albany Development Code provides for the application of specific zoning districts upon annexation of territory; 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 RS-6.5 (Residential Single Family - 6,500 square foot lot minimum).

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 May 27, 1992, at 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, the Linn County Clerk, and the Linn County Assessor.

DATED THIS 13TH DAY OF MAY, 1992.



Keith Roubrough, Mayor

ATTEST:

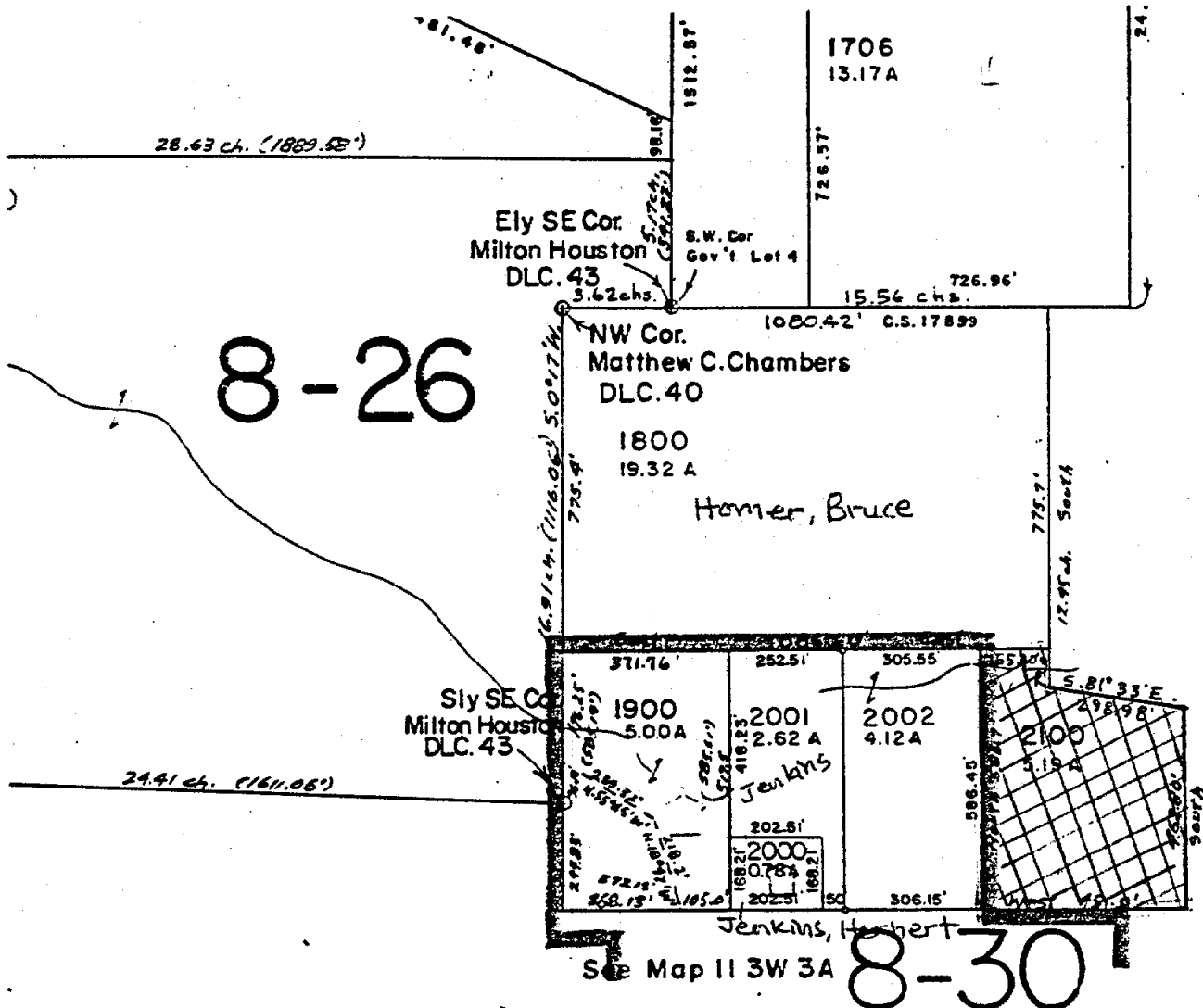


Deputy City Recorder

**EXHIBIT A
LEGAL DESCRIPTION
CASE NO. AN-01-92**

A tract of Land situated in County of Linn, State of Oregon,
described as follows:

Beginning at a 5/8 inch rod which bears East 1080.42 feet and South 775.7 feet from the Northwest corner of the Matthew C. Chambers Donation Land Claim No. 40, Township 10 South, Range 3 West of the Willamette Meridian; thence South 79 feet to a 5/8 inch iron rod; thence South 81°33' East 298.98 feet to a 5/8 inch rod; thence South 463.80 feet to a 5/8 inch iron rod on the North line of Santa Maria Avenue in Draper's Subdivision, if extended East; thence West 451.0 feet to a 5/8 inch iron rod on the North line of said Santa Maria Avenue and North 50 feet from the Northeast corner of Tract 24 in said Draper's Subdivision; thence North 586.7 feet to a 5/8 inch iron rod; thence East 155.30 feet to the place of beginning.



**EXHIBIT B
FINDINGS
CASE NO. AN-01-92**

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 is currently within the city limits.
2. The subject property is within the Urban Growth Boundary and will provide for coordinated planning efforts for extension of streets and utilities.
3. The City is capable of providing city services commensurate with the needs of existing and any proposed new uses in the subject area without significantly impairing city services to existing portions of the city or without extending services in contradiction to Comprehensive Plan policies or an adopted Public Facility Plan and more particularly:
 1. Sanitary sewer service will be available via the 12-inch sanitary sewer line located in Santa Maria Street.
 2. Water service is not available to the subject property.
 3. The Albany Fire Department reports that the subject property is within the proper running distance of Station One for first-due Engine Company response. On-site water for fire protection at this location is not available at this time. Currently, a fire response to this location requires transporting all water by truck. Adequate water flow for a fire hydrant grid system compatible with the water facility plan and the Albany Fire Department requirements shall be provided at the time that a water line is extended to this area.
 4. The Albany Police Department will be able to provide service to the lots with no appreciable increase in costs at this time.
4. Annexation and zoning of the subject property are in conformance with the acknowledged Albany Comprehensive Plan.
5. The conflicts between the City and County applications of development standards and requirements for this property will be eliminated through annexation.
6. The annexation of the subject property was initiated by 100% of the property owners and no electors reside on the property; thus, annexation may occur without a public hearing or an election under the provisions of ORS 222.125 and Albany Development Code Sections 3.010(5) and (7).
7. The proposed zoning designation of RS-6.5 (Residential Single Family - 6,500 square foot lot minimum) is in conformance with the Albany Comprehensive Plan designation of Urban Residential Reserve. As such, the property may be developed applying the standards for the RS-6.5 zoning district as provided for in the Albany Development Code.
8. Annexation of the subject property will conform to the Growth Management Policies of the Albany Comprehensive Plan as the proposed annexation will encourage the urbanization of an area where facilities and services are in need of extension. Development of this type will enable a cost effective extension of urban facilities and services and will assure that any future development of the subject property will be to City standards.