

RESOLUTION NO. 3304

**A RESOLUTION PROCLAIMING THE ANNEXATION AND ZONING OF PROPERTY LOCATED 357.46 FEET NORTH OF KNOX BUTTE ROAD NE, ON THE EAST SIDE OF CLOVER RIDGE ROAD NE, MORE COMMONLY KNOWN AS 135 CLOVER RIDGE ROAD NE (TAX LOT 800, 11-3W-03B) AND CONTAINING APPROXIMATELY 13.785 ACRES (FILE NO. AN-01-93) 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 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).**

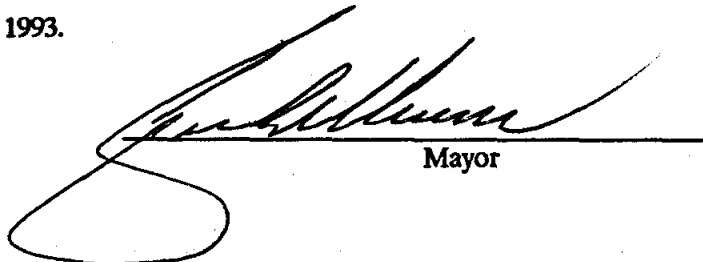
**BE IT FURTHER RESOLVED that the findings, attached Exhibit B, are hereby adopted in support of this annexation and zoning action.**

**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 December 15, 1993, 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 17TH DAY OF NOVEMBER, 1993.**

  
\_\_\_\_\_  
Mayor

ATTEST:

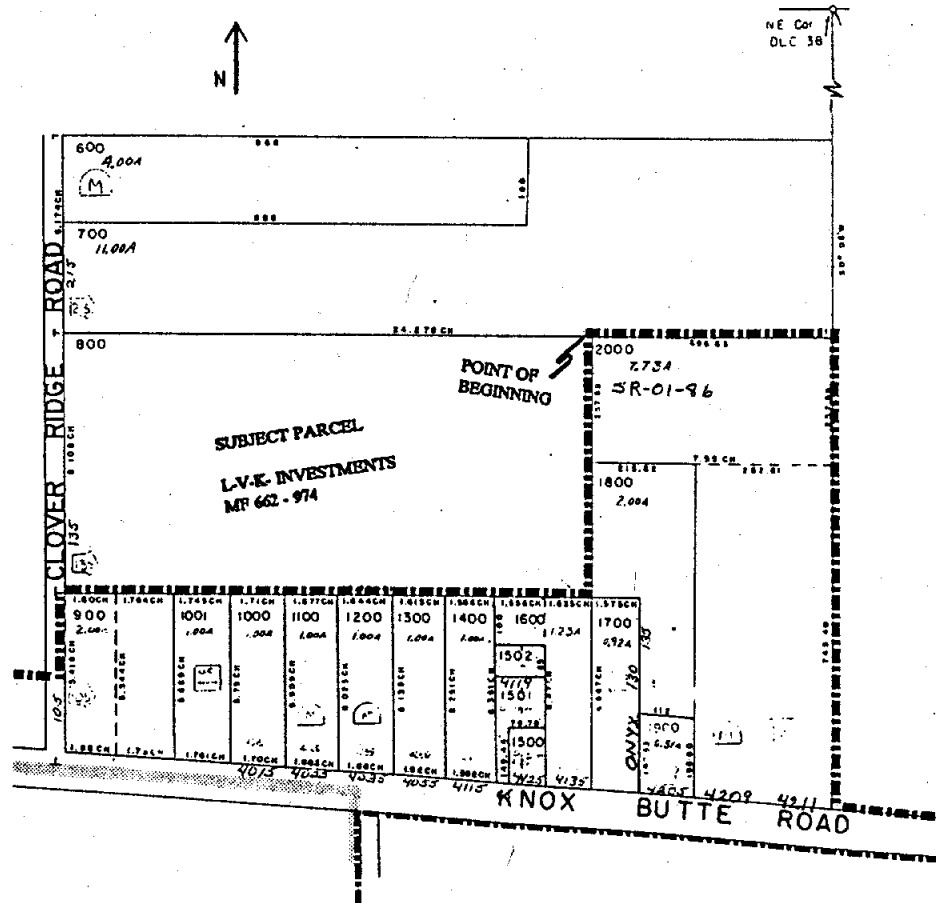
  
\_\_\_\_\_  
City Recorder

**EXHIBIT A  
LEGAL DESCRIPTION  
CASE NO. AN-01-93**

That tract of land conveyed to L-V-K Investments, an Oregon partnership comprised of Quintin P. King, Russell D. Voeller, and Tim A. Lunceford by deed recorded on October 19, 1993 in Volume 662, Page 974, Linn County Microfilm Deed Records together with that portion of Clover Ridge Road lying adjacent to said L-V-K parcel in the northwest quarter of Section 3, Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon more specifically described as follows:

Beginning at a point South 0° 05' East 26.884 chains distant and North 89° 39' West 7.555 chains distant from the Northeast corner of the Donation Land Claim of Robert Houston, Claim No. 38 in Township 11 South, Range 3 West of the Willamette Meridian in Linn County, Oregon; and running thence North 89° 39' West 16.724 chains to the northwest corner of said L-V-K parcel, said point being on the centerline of Clover Ridge Road; thence continuing North 89° 39' West on the westerly projection of the north line of said L-V-K parcel 20 feet to a point on the west line of Clover Ridge Road; thence South 0° 16' East 8.108 chains on the west line of said Clover Ridge Road; thence South 89° 39' East 20 feet to the southwest corner of said L-V-K parcel, said point being on the centerline of Clover Ridge Road; thence continuing South 89° 39' East on the south line of said L-V-K parcel 16.676 chains to the southeast corner of said L-V-K parcel; thence North 0° 05' East 8.108 chains to the place of beginning.

Containing 13.785 acres, more or less.



**EXHIBIT B**  
**FINDINGS**  
**CASE NO. AN-01-93**

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:
  - a. Sanitary sewer service is available at this time via the extension of a 10-inch line from the 10-inch sanitary sewer line in Knox Butte Road.
  - b. Storm drainage: Burkhart Creek traverses the subject property east to west. Storm drainage facilities will be provided upon development of the property subject to the City's review and approval.
  - c. Water: In accordance with the City's Water Facility Plan, water service can be provided to the subject property via the extension of a 30-inch water line in Knox Butte Road and the extension of a 12-inch water line in Clover Ridge Road NE.
  - d. Fire Protection: The Albany Fire Department reports that the subject property is within the proper running distance of Station One for first-due Engine Company response. As part of the subdivision approval the applicant will be required to install one (1) on-site fire hydrant.
  - e. Police Protection: 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.