

RESOLUTION NO. 3364

A RESOLUTION PROCLAIMING THE ACCEPTANCE OF A DELAYED ANNEXATION AGREEMENT BETWEEN THE CITY OF ALBANY, THE COUNTY OF LINN, AND CARL AND FERN HAIMA (CURRENT OWNERS) AND STEVE EDWARDS (BUYER) FOR PROPERTY LOCATED AT 2420 and 2420B THREE LAKES ROAD SE, CONTAINING 1.43 ACRES MORE OR LESS (THE SOUTH 179.29 FEET OF TAX LOT 713, ASSESSOR'S MAP 11-3W-16) AND A DEDICATION DEED, AND A PETITION FOR IMPROVEMENTS/WAIVER OF REMONSTRANCE FOR PROPERTY LOCATED AT 2320, 2320B, 2324, 2328, 2330, 2336, 2354, 2360, AND 2372 THREE LAKES ROAD SE (TAX LOT 713, ASSESSOR'S MAP 11-3W-16) (FILE NO. AN-02-94).

WHEREAS, the City and the County recognize a common interest in delayed annexations through which it may be possible for urban development to occur (as permitted in accordance with the Comprehensive Plan) without actual annexation to the city in accordance with the procedures for approving delayed annexations in Article 17 of the Linn County Zoning Ordinance; and

WHEREAS, the City Council has proposed to accept the delayed annexation agreement in accordance with provisions of Article 17 of the Linn County Zoning Ordinance and the Urban Growth Management Agreement for certain property described by attached Exhibit A and more commonly known as 2320 and 2320B Three Lakes Road SE, which is within the Urban Growth Boundary of the City of Albany; and

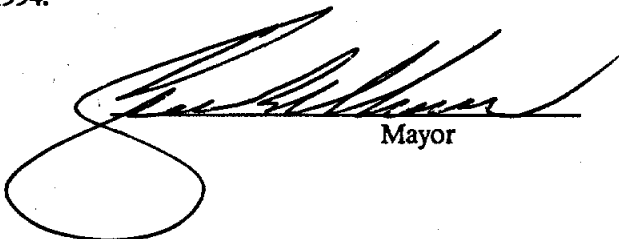
WHEREAS, provisions of the Albany Comprehensive Plan allow the expansion or modification of commercial and industrial uses within the unincorporated portion of the Urban Growth Boundary provided that: (a) The use is consistent with the City's Comprehensive Plan designation or the modification complies with the more restrictive of the County or City's non-conforming use provisions; (b) A site plan is approved by the City of Albany and County whereby all development requirements of the City and County are met to the maximum extent possible; and (c) An Annexation Agreement and Petition for Improvement/Waiver of Remonstrance are filed for the property that require non-remonstrance to annexation and construction of city services and streets to city standards, and

NOW, THEREFORE, BE IT RESOLVED that the Albany City Council accepts the delayed annexation agreement for that territory described by attached Exhibit A, the dedication deeds, and the Petition for Improvement/Waiver of Remonstrance.

BE IT FURTHER RESOLVED that the City Council authorizes the execution of said agreement by the City Manager.

BE IT FURTHER RESOLVED that the subject property shall be annexed to the City of Albany at the time it becomes eligible for annexation and shall be zoned for industrial use.

DATED THIS 8th DAY OF June, 1994.


Mayor

ATTEST:

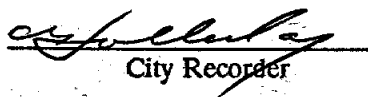

City Recorder

EXHIBIT 'A'
LEGAL DESCRIPTION FOR DELAYED ANNEXATION AGREEMENT AN-02-94

Section 16, Township 11 South, Range 3 West W.B. & M.
 Description for Carl Haima

Beginning at the southeast corner of that parcel conveyed to Carl Haima and Fern Haima by deed recorded in Book 314, Page 495, Linn County Deed Records, which point is West along the south line of the Edward N. White Donation Land Claim Number 48, in Township 11 South, Range 3 West of the Willamette Base and Meridian, Linn County, Oregon 908.75 feet, and North 0o17' East along the center of the County Road 1404.23 feet from the southeast corner of the West Half of said claim; thence along the lines of said parcel South 89o22' West 338.89 feet, and North 0o26'57" West 199.38 feet; thence South 89o18' East 76.57 feet; thence South 44o18' East 25.29 feet; thence North 89o22' East 243.97 feet to the east line of said parcel; thence South 0o17' West 179.29 feet to the point of beginning. Containing 1.43 acres.

Sec. 16 T. 11 S. R. 3W. W.M.

11 3W 16

