

RESOLUTION NO. 3391

**A RESOLUTION PROCLAIMING THE ANNEXATION AND ZONING OF PROPERTY LOCATED AT THE TERMINUS OF DIAN AVENUE NE (A PORTION OF TAX LOT 1500, ASSESSOR'S MAP NO. 10-3W-33D) WHICH CONTAINS APPROXIMATELY 3,000 SQUARE FEET AND SETTING A PUBLIC HEARING FOR THE REMOVAL OF TERRITORY FROM THE ALBANY RURAL FIRE PROTECTION DISTRICT. (CASE FILE NO. AN-04-94)**

WHEREAS, the City Council is considering the annexation of certain property described by attached Exhibit A and consisting of a 12-foot wide strip adjacent to the east property line of Lot 83, Supplemental Plat to Tracts 69 and 70 of Sudtell Acres, City of Albany, Linn County, Oregon; and

WHEREAS, this property is contiguous to the existing city limits; and

WHEREAS, the annexation of the subject property was initiated by 100% of the property owners and no electors reside on this property; and

WHEREAS, provisions of state law (ORS 225.125) waive requirements for an election and a public hearing 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 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 September 14, 1994, at 7:15 p.m.

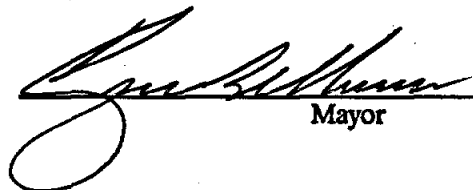
BE IT FURTHER RESOLVED that the City Recorder shall give notice of the hearing by publication once each week for two (2) successive weeks prior to the day of said hearing in a newspaper of general circulation within the city. The City Recorder shall further cause notice of this hearing to be posted in 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.

DATED THIS 10th DAY OF AUGUST, 1994.

ATTEST:

  
*Morm C. Wetton*  
Deputy City Recorder

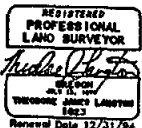
  
\_\_\_\_\_  
Mayor

**EXHIBIT A  
LEGAL DESCRIPTION  
CASE NO. AN-04-94**

A portion of that tract conveyed to Andrew V. and Kathryn L. Mitchell per Microfilm Volume 811, Page 890, Microfilm Records of Linn County, lying in the Southeast 1/4 of Section 33, T10S, R3W, W.M., Linn County, Oregon, being more particularly described as follows:

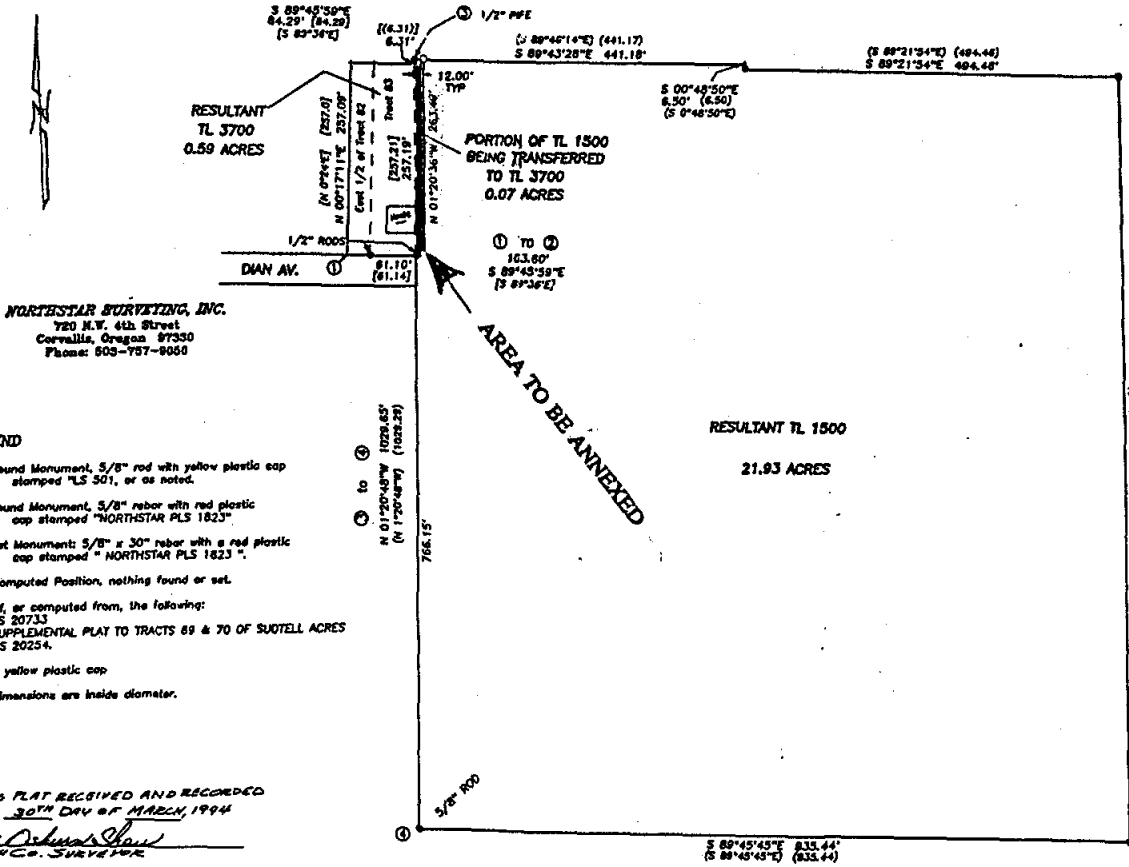
Beginning at a 1/2" iron pipe at the northwest corner of said Mitchell tract; thence along the west line thereof, S 1°20'48" E 6.31 feet to the northeast corner of Tract 83, Supplemental Plat to Tracts 69 and 70 of Suttell Acres, a subdivision in said County; thence continuing S 1°20'48" E 257.19 feet to a 1/2" iron rod at the southeast corner of said Tract 83; thence leaving said west line S 89°41'59"E 12.00 feet to a 5/8" iron rod; thence N 1°20'48"W 263.49 feet to a 5/8" iron rod on the Mitchell north line; thence N 89°43'25" W 12.00 feet to the point of beginning; containing 0.07 acres, more or less.

C.S. 20900  
PROPERTY LINE ADJUSTMENT SURVEY  
for  
**ANDREW V. MITCHELL and  
JOHN E. FOSDICK**  
L.  
in  
SE 1/4 SECTION 33,  
T 10 S, R 3 W, W.M.  
MILTON HOUSTON D.L.C. No. 43  
TRACTS 82 and 83 of SUPPLEMENTAL PLAT  
TO TRACTS 69 & 70 OF SUTTELL ACRES  
CITY OF ALBANY  
LINN COUNTY, OREGON  
JANUARY 20, 1994



**NARRATIVE**

The purpose of this survey is to adjust the common property line between TL 3700, Map 10-3W-3308 and TL 1500, Map 10-3W-3310, 1 oriented to the same field control that I used for CS 20733, and used the additional monuments shown. The two owners agreed to move the new line 12 feet from the encroaching airport. The westerly line of TL 3700 was computed for this map only to give reasonably accurate areas.



**NORTHSTAR SURVEYING, INC.**  
720 N.W. 4th Street  
Corvallis, Oregon 97330  
Phone: 503-757-9050

**LEGEND**

- Found Monument, 5/8" rod with yellow plastic cap stamped "LS 501, or as noted.
  - Found Monument, 5/8" rebar with red plastic cap stamped "NORTHSTAR PLS 1823"
  - Set Monument: 5/8" x 30" rebar with a red plastic cap stamped "NORTHSTAR PLS 1823"
  - Computed Position, nothing found or set.
- Data of, or computed from, the following:  
( ) CS 20733  
( ) SUPPLEMENTAL PLAT TO TRACTS 69 & 70 OF SUTTELL ACRES  
( ) CS 20254
- YPC = yellow plastic cap  
Pipe dimensions are inside diameter.

THIS PLAT RECEIVED AND RECORDED  
THIS 30<sup>TH</sup> DAY OF MARCH, 1994  
*B. DeWitt Shaw*  
LINN CO. SURVEYOR

CS 10101 494-05-18 (1)

**EXHIBIT B  
FINDINGS  
CASE NO. AN-04-94**

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 annexation of the property allows the completion of a Lot Line Adjustment which corrects an existing situation where a carport has been built over the property line.**
4. **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. **The existing single family residence on Lot 83, Supplemental Plat to Tract 69 and 70 of Sudtell Acres, City of Albany, Linn County, Oregon, is currently served by an 8-inch sanitary sewer line located in Dian Avenue NE.**
  - b. **Water service is not available to the subject property. 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.**
  - c. **The Albany Fire Department reports that the subject property is within the proper running distance of Station One for first-due Engine Company response. 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 the existing water line is extended.**
  - d. **The Albany Police Department will be able to provide service to the lots with no appreciable increase in costs at this time.**
5. **Annexation and zoning of the subject property are in conformance with the acknowledged Albany Comprehensive Plan.**
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 conflicts between the City and County applications of development standards and requirements for this property will be eliminated through annexation.**
8. **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 zoning district as provided for in the Albany Development Code.**
9. **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.**