

RESOLUTION NO. 4614

A RESOLUTION PROPOSING THE ANNEXATION OF PROPERTY AT THE SOUTH END OF FESCUE STREET SE, EAST OF INTERSTATE 5 (AN-01-01), AND FORWARDING THE QUESTION OF ANNEXATION TO THE VOTERS ON THE MAY 21, 2002 BALLOT.

THE CITY COUNCIL OF THE CITY OF ALBANY resolves that the findings and conclusions contained in Resolution Exhibit B (which consists of the complete staff report to the Albany City Council, including attachments, and dated February 6, 2002; File AN-01-01), and by this reference incorporated herein, are hereby adopted.

THE CITY COUNCIL OF THE CITY OF ALBANY FURTHER RESOLVES that this "Kempf" annexation, which would annex approximately 68 acres of property generally located at the south end of Fescue Street, east of Interstate 5, all within Linn County, Oregon, to be zoned IP (Industrial Park), is to be submitted to the legal voters of Albany, Oregon, for their approval or rejection pursuant to Albany City Charter Chapter 54 at an election to be held on May 21, 2002. This election will be conducted by mail-in ballots.

The ballot title of this measure and the form in which it shall be printed on the official ballot is as follows:

CAPTION: MEASURE PROPOSING ANNEXATION OF PROPERTY ADJOINING FESCUE STREET SE

QUESTION: Shall the four parcels totaling approximately 68 acres adjacent to Interstate 5, south of Fescue Street, be annexed?

SUMMARY: Approval of this measure would annex approximately 68 acres to the City of Albany. The property to be annexed is located at the southern end of Fescue Street, east of Interstate 5. Upon annexation, the property would be zoned IP (Industrial Park).

The text of the measure is as follows:

The following described real property, all located in Linn County, Oregon, shall be annexed to the City of Albany upon obtaining a favorable majority vote of the people.

The property at the south end of Fescue Street, east of Interstate 5, shown on Linn County Assessor's Map No. 11S-04W-16, Tax Lots 601, 602, 700 and 704, as further described in the attached legal description labeled Resolution Exhibit A. The subject properties containing 68.84 acres, more or less.

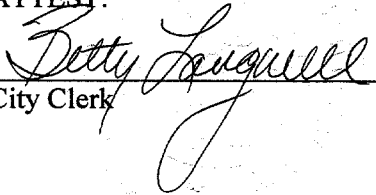
The City Clerk is authorized and directed to give notice of the submission of this question to the voters, including a true copy of the complete text and the ballot title for the measure in the form in which it shall be printed on the official ballot and any other information required by law to be published. That notice shall be published in not less than two successive and consecutive weekly issues of the *Albany Democrat-Herald*.

DATED THIS 13TH DAY OF FEBRUARY, 2002.



Mayor

ATTEST:



City Clerk

RESOLUTION EXHIBIT A
LEGAL DESCRIPTION
FILE AN-01-01

Beginning at a point on the South line of and South 89° 59' 30" West, 1,496.51 feet from the Southeast corner of the West half of the Edward H. White DLC No. 48 in Township 11 South, Range 3 West, Section 16 of the Willamette Meridian in Linn County, Oregon; thence North 0° 24' East, 638.87 feet to a ¾" iron pipe; thence North 89° 59' 30" East, parallel to the South line of said DLC, a distance of 245.47 feet; thence North 0° 17' East, 245.12 feet to a ½" iron rod marking the Northwest corner of that certain parcel of land conveyed by Deed to Kenneth R. Ditzler, recorded in Linn County, Oregon Microfilm Records, Volume 106, Page 45; thence leaving said parcel, North 0° 31' 20" East, 486.56 feet to a ½" iron rod; said iron rod being South 0° 31' 20" West, 30.00 feet from the Southwest corner of that certain tract of land conveyed by Deed to Carl Haima, as recorded in Book 314, Page 495, Linn County, Oregon Deed Records; thence North 89° 22' East, 339.01 feet to the centerline of the County Road; thence along the said centerline, North 0° 17' East, 30.00 feet to a ⅝" iron rod marking the Southeast corner of said Carl Haima parcel; thence along the South line of said Carl Haima parcel, South 89° 22" West, 338.89 feet to a ⅝" iron rod marking the Southwest corner of said Carl Haima parcel; thence North 0° 27' East, 1,064.67 feet to a ⅝" iron rod; thence North 89° 22' East, 336.10 feet to a ⅝" iron rod in the center of the County Road; thence along the centerline of said County Road, North 0° 17' East, 244.75 feet more or less to the Northeast corner of that certain tract of land conveyed by Deed to Earl W. Kennel, et ux, as recorded in Book 198, Page 536, in Linn County, Oregon Deed Records; thence along the North line of said tract, West, 1,475.90 feet more of less, to the Easterly right-of-way of Interstate Highway No. 5; thence along the said Easterly right-of-way, Southerly, 2,712.60 feet to a ¾" iron pipe on the South line of said DLC No. 48; thence along the south line of said DLC No. 48, North 89° 59' 30" East, 871.57 feet to the Point of Beginning, all in Linn County, Oregon.

Containing 68.84 Acres.



Community Development Department

333 Broadalbin Street SW, PO Box 490, Albany OR 97321

Phone: (541) 917-7550 Facsimile: (541) 917-7598

**STAFF REPORT
Annexation**

<u>REVIEW BODY</u>	ALBANY CITY COUNCIL
<u>MEETING DATE</u>	Wednesday, February 13, 2002
<u>MEETING TIME</u>	7:15 p.m.
<u>MEETING LOCATION</u>	Albany City Hall Council Chambers, 333 Broadalbin Street SW

GENERAL INFORMATION

DATE OF REPORT:	February 6, 2002
FILE:	AN-01-01 (AN-01-86)
TYPE OF REQUEST:	Annexation of four parcels totaling approximately 68 acres. Currently undeveloped.
REVIEW BODY:	Albany City Council
OWNER/APPLICANT:	Rodney G. and Gloria J. Kempf
ADDRESS/LOCATION:	No addresses yet assigned; between I-5 and Three Lakes Road, south of Fescue Street
MAP/TAX LOT:	Linn County Assessor's Map No. 11S-03W-16, Tax Lots 601, 602, 700, and 704
CURRENT ZONING:	Linn County: Urban Growth Management (UGM)-20/Industrial
PROPOSED ZONING:	City of Albany: Industrial Park
TOTAL LAND AREA:	68± acres
EXISTING LAND USE:	Agricultural (Grass-seed fields)
EXISTING COMP PLAN DESIGNATION:	Light Industrial
NEIGHBORHOOD:	East Albany
SURROUNDING ZONING:	On the west of the property is Interstate 5; along the south boundary is property outside the city limits with a Comprehensive Plan Designation of Urban Residential Reserve (URR); most of the property along the north boundary of this site is within the city limits, some of which is zoned Light Industrial and some of which is zoned residential (RM-5 and RS-6.5); along the east boundary of the property are a number of smaller parcels (approximately 1 to 3 acres in size) that are outside the city limits and have a Comprehensive Plan Designation of Light Industrial; property east of Three Lakes Road is currently zoned residential (RS-6.5), or has a Comprehensive Plan Designation of Urban Residential Reserve (URR).

SURROUNDING USES:

Most of the parcels abutting the subject property to the east are developed with light industrial uses. Along Fescue Street (within the city limits), north of the site, is a variety of warehousing and light manufacturing uses. Along the west side of Three Lakes Road (outside the city limits) are similar uses, but they do not have access to city utilities. Northeast of the site are low-density residential uses, and a manufactured home park on the east side of Three Lakes Road. South of the site, and along the east side of Three Lakes Road, are larger parcels with agricultural fields and single-family homes.

BACKGROUND INFORMATION:

This property is subject to a Delayed Annexation Petition and Agreement dated May 15, 1986. The owners petitioned for annexation to allow them to place a billboard on the property. The City agreed that the property should be eligible for annexation and considered for such action at such time as it became contiguous to the corporate boundaries of the City of Albany. A copy of the 1986 agreement is labeled Attachment A to this staff report.

**FINDINGS AND CONCLUSIONS
FILE AN-01-01**

INTRODUCTION

On May 27, 1998, the City Council adopted policies and procedures for voter-approved annexation. The ordinance spells out the eligibility and timeliness criteria that the City Council must deem met before they refer an annexation request to the voters.

Listed below are findings and conclusions that address the review criteria. *Review criteria are listed in bold italics.*

REVIEW CRITERIA

ELIGIBILITY CRITERIA:

A. The property is contiguous to the existing city limits.

Finding of Fact:

1. When considered in total, the area is contiguous to the current city limits in the north and northeast (See attached map labeled Attachment B).

Conclusion: This criterion is met.

B. The property is located within the Albany Urban Growth Boundary as established by the Albany Comprehensive Plan.

Finding of Fact:

2. Plate 1 of the City's Comprehensive Plan shows the Urban Growth Boundary (UGB). All the parcels involved in this annexation proposal are within the Urban Growth Boundary (see attached map labeled Attachment B).

Conclusion: This criterion is met.

TIMELINESS CRITERIA:

- A. *An adequate level of urban services and infrastructure is available, or will be made available in a timely manner.*
- a. *"Urban services" means police, fire, and other city-provided services.*
 - b. *"Infrastructure" means sanitary sewer, water, storm drainage, and streets.*
 - c. *"Adequate level" means conforms to adopted plans and ordinances.*
 - d. *"Be made available in a timely manner" means that improvements needed for an adequate level of urban services and infrastructure will be provided in a logical, economical, and efficient manner. Improvements for needed infrastructure may be secured by a development agreement or other funding mechanism that will place the primary economic burden on the territory proposed for annexation and not on the City of Albany generally.*

Findings of Fact:

3. In 1995 the engineering firm of CH2M Hill prepared the East I-5 Infrastructure Study for the area east of Interstate 5 and south of Highway 20. The report was intended as a detailed study of the infrastructure needs for this area.

Water

4. Water utility maps indicate that public water facilities near the site consist of a 16-inch main in Three Lakes Road near the northeast corner of the subject property, and a 12-inch main in Fescue Street just north of the property. This section of the City (east of I-5, south of Timber Linn Park) is fed by a single 16-inch main under the freeway approximately 1500 feet north of the subject property. The single feed creates a problem maintaining service to the area if maintenance is required on the 16-inch main, or if the main were to break, and makes the area prone to pressure sags in the outer reaches. The current system configuration also limits fire flow values.
5. The East I-5 Infrastructure Study indicates that a 24-inch main will be needed under the freeway and through the northern portion of the subject property to Three Lakes Road. This will provide a second feed for the area and reinforce fire flow capabilities. Developers would construct smaller looping lines as individual parcels are developed. Construction of the system as a whole can be accomplished by a systematic and incremental extension of water mains according to development patterns, or through the formation of a Local Improvement District for a larger scale improvement.
6. In July 2001, the City Council authorized the extension of the required 24-inch water main in 21st Avenue. This project would consist of approximately 1000 feet of 24-inch water main and a crossing bored under the interstate. There is the potential of recouping some of the cost of the project through in-lieu-of assessments as properties adjacent to the main are connected. Once water is made available on the east side of I-5, any development of this property would require looping of the 24-inch main to the existing water system in the vicinity, as shown in the East I-5 Infrastructure Study.

Sanitary Sewer

7. Sanitary sewer utility maps indicate that public sanitary sewer facilities in the area of the site include 8-inch mains in Fescue Street and Rye Street, as well as a public sewage pump station near the south end of Rye Street. The area south of 18th Avenue, and the manufactured home park on the east side of Three Lakes Road, discharge into this pump station. The existing sewers in this vicinity provide marginal service for existing land uses and have very limited capacity to serve the future development contained in land use plans for the area.
8. The East I-5 Infrastructure Study indicates that a 21-inch main is needed under the freeway at 21st Avenue to Fescue Street, and an 18-inch main from Fescue Street to Three Lakes Road. This public main extension will ultimately eliminate the need for the Lawndale sewage pump station on Rye Street and provide needed additional capacity for development east of the freeway.

9. In July 2001, the City Council authorized the extension of the required 21-inch sanitary sewer main in 21st Avenue. This project would consist of approximately 1000 feet of 21-inch sanitary sewer main and a crossing bored under the interstate. There is the potential of recouping some of the cost of the project through in-lieu-of assessments as properties adjacent to the main are connected.

Storm Drainage

10. The subject property lies within the Northeast Periwinkle Creek drainage basin. This basin gradually drains to the north and west, and is generally conveyed in shallow, open ditches with culverts at road and driveway crossings. There are several small closed (piped) drainage systems along Rye Street and Fescue Street that collect street runoff and convey it to a drainage channel along the north side of the subject property and the east side of the freeway. Ultimately, this drainage makes its way to the existing 72-inch pipe in Queen Avenue. This pipe discharges into Periwinkle Creek east of Geary Street. Some of the southern portion of the site may drain to a channel on the east side of the freeway that runs through a group of culverts under the freeway, and discharges into the 42-inch line in 21st Avenue (on the west side of the freeway). This drainage also ultimately flows into the large pipe in Queen Avenue and then Periwinkle Creek.
11. The East I-5 Infrastructure Study recommends utilization of existing open channels, with piping installed as streets are constructed to handle road runoff and flows from adjacent properties that cannot be conveyed overland to a nearby drainage ditch. The Study also recommends that runoff from individual private properties be limited to peak flows that do not exceed the flow rate from the existing land use, by using onsite detention facilities that are installed by the property owner at the time the parcel develops.

Transportation

12. The Albany Transportation System Plan (TSP) indicates that Santiam Highway (US 20) between Pacific Boulevard and Goldfish Farm Road is expected to be deficient for growth within the next 20 years. Traffic volumes will be high along this segment, and business access and side streets will disrupt the traffic flow and increase the potential for accidents. Individual driveway accesses and some public streets are likely to be a significant problem. The street of greatest conflict with the operation of the interchange (Interstate 5) is Spicer Drive/Fescue Street because of the heavy truck traffic accessing the commercial and industrial uses south of Santiam Highway. The Santiam interchange may need to be modified to provide additional lanes on Santiam Highway and correct existing safety deficiencies. Access to Spicer Drive/Fescue Street may need to be limited to entering traffic only. Limiting access on Spicer Drive to entering traffic only may necessitate the construction of an alternative street connection to Santiam Highway. The TSP shows a new street being needed connecting Santiam Highway from Timber Street to Three Lakes Road. This new Timber Street connection will be required when development occurs south of Santiam Highway and traffic volumes warrant.
13. The TSP also shows Fescue Street being extended from its current terminus (near the future 21st Avenue) to Three Lakes Road near Grand Prairie Road, and 21st Avenue connecting Fescue Street to Three Lakes Road. Both of these proposed streets lie mostly within the boundaries of the annexation area. Public streets internal to development of any portion of the annexation area must be constructed as needed, dependent upon general traffic circulation needs and traffic generated by the particular development. The proposed north/south street through the properties is also addressed in the Delayed Annexation Agreement. Traffic studies will be required for development within this area as land use applications are made.
14. The TSP shows that the construction of the three major new streets mentioned (Timber Street extension, Fescue Street extension, and 21st Avenue connection) is listed under the category of *developer funded*. This can be accomplished by individual developers/property owners as development warrants, or through the formation of a Local Improvement District, which assesses property owners based on their benefit from the proposed improvements. The East I-5 Infrastructure Study considered the recommended transportation system improvements and calculated likely assessment amounts for the different properties within the East I-5 study area.

15. The portion of Fescue Street immediately north of the subject property was constructed to residential street standards (4 inches of asphalt over 12 inches of rock), and therefore is not adequate for industrial traffic. Depending upon the traffic loading generated by any particular development on the subject property, access to Fescue Street may be limited or denied. As an alternative, reconstruction of this portion of Fescue Street with a structural section capable of accommodating heavier traffic may allow access to this street from the subject property. The applicant's share of the cost of such a project would be determined upon review of the traffic generation projections for a specific development proposal.
16. The area proposed for annexation lies partially within the Albany Airport Approach Zone. Certain restrictions exist for development within this zone. The restrictions pertain to issues such as building height, lighting, navigational interference, and noise sensitivity.

Conclusion:

The act of annexing property does not create the need for infrastructure improvements, but development of the annexed property does. Subsequent development proposals will be reviewed to determine their impact on the various infrastructure systems, and the developers' requirements for mitigating those impacts. In general, the infrastructure improvements required for development on the subject property will follow the recommendations of the City's Facility Plans and/or the East I-5 Infrastructure Study, unless a specific development requires improvements beyond the recommendations of these plans and studies.

Police & Fire Protection

17. Extension of a 24-inch public water main under the freeway at 21st Avenue will improve water service and fire flows to this area. As the property is developed, incremental water system and public street network improvements will be required to ensure that adequate fire protection facilities are in place.
18. Fire Station #13 is located approximately 650 feet north of the subject property, so City fire protection services are readily available to serve this property.
19. Because the subject property is contiguous to the city limits, and because nearby properties north of this site are served, police service to this property would be a logical extension of the current patrol boundaries.

Conclusion: This criterion is met.

B. Sufficient planning and engineering data have been provided and all necessary studies and reviews have been completed such that there are no unresolved issues regarding appropriate Comprehensive Plan and implementing ordinances.

Findings of Fact

20. This annexation request is for approximately 68 acres. The Comprehensive Plan Map designation is Light Industrial. The Comprehensive Plan states that, absent a zone change request, property with a Comp Plan Designation of Light Industrial will come into the city with a zoning of Light Industrial or Industrial Park. City staff and the property owner agree that Industrial Park is the most appropriate zoning for this property.
21. The East I-5 Plan covers about 2,800 acres located on the east side of Interstate 5. This area is generally bounded by Truax Creek on the north, Periwinkle Creek to the south, and Scrael Hill Road on the east, and includes Knox Butte. This represents about 20% of Albany's Urban Growth Area. Work began in 1995 with the East I-5 Vision for commercial and industrial development south of the Santiam Highway corridor. Service deficiencies were identified in the East I-5 Infrastructure Study. In 2001, the Periodic Review project Balanced Development Patterns focused on the East I-5 area in terms of desired long-range development for this region. In particular, the Light Industrial area along Fescue Street has been expanded to include areas for general employment. These areas are intended to address the need for service sector jobs over the planning period. Keeping these jobs in the East I-5 area moves the area toward a jobs-housing balance.

22. The 1995 East I-5 Infrastructure Study listed the major infrastructure improvements needed in the area to provide adequate public services when the area is developed. Development of the property within the boundaries of this annexation request may require significant off-site infrastructure construction (as outlined in the preceding sections of this Staff Report) in order to provide the minimum improvements necessary to serve the site. These potential infrastructure requirements will be determined when specific land use applications are submitted to the City.
23. The East I-5 Local Wetlands Inventory was completed in 1997. This study identified a number of relatively small areas of potential wetlands on the subject property. According to the study, none of the identified wetlands were categorized as "locally significant." A more detailed wetland delineation will be required prior to development on any portion of the area to be annexed.

Conclusion: This criterion is met.

- C. *The City shall attempt to discourage islands or enclaves of unincorporated territory surrounded on all sides by the City.*

Finding of Fact

24. Annexation of the subject property will create an island of unincorporated territory (see attached map labeled Attachment B). The island would consist of three parcels north of the subject property on Three Lakes Road. This island would total approximately 4.3 acres.
25. City staff recommends that the City Council direct staff to discuss annexation with these affected property owners.

Conclusion: This criterion is met.

- D. *The City Council may consider, at its discretion, any other factor which affects the timeliness or wisdom of any particular annexation petition.*

Finding of Fact

26. In 1986, Rod and Gloria Kempf (the property owners) and the City of Albany entered into a Delayed Annexation Agreement for the subject properties (see attached agreement labeled Attachment A). The Kempfs' goal at that time was the placement of one billboard on their property. The owners petitioned for annexation. The City agreed that the property should be eligible for annexation and considered for such action at such time as it became contiguous to the corporate boundaries of the City of Albany.

Conclusion:

The fact that there is a 1986 Delayed Annexation Agreement on the subject property is a factor that affects the timeliness of this particular annexation. The City is mindful of the "timeliness" decision made in 1986 and considers this in the decision to place this particular annexation request on the ballot.

TO: The City Council of Albany, Oregon, and Linn County Board of Commissioners

This agreement is made this 15th day of May, 1986, by and between the City of Albany, Oregon, a municipal corporation, the County of Linn, and the undersigned owner(s) of record of the property described in exhibit "A" (legal description and map), attached hereto and by this reference incorporated herein.

In consideration of the mutual promises contained herein, and upon the valid execution of this agreement by all parties hereto, it is agreed as follows:

OWNER'S OBLIGATIONS

1. The undersigned owner(s) of the property described in Exhibit "A" hereby petition for annexation of said property to the City of Albany in accordance with ORS Chapter 222.170.
2. Except as hereinafter set forth it is understood that this petition shall be permanent and irrevocable.
3. This agreement shall be binding upon the undersigned, and his heirs, successors, and assigns and shall become a covenant running forever with the land described in Exhibit "A", regardless of whether said parties are signators to this agreement.
4. The undersigned owner agrees to pay all pending assessments and development fees, including one and one-half times the in-city rate for sewer usage at such time sewer service is provided until such time as the property is annexed, whereupon the current in-City sewer rate shall apply.
5. The undersigned owner further agrees to the following special conditions:
 - a. Sign a Petition for Improvement/Waiver of Remonstrance for storm drainage, sewer, water, sidewalks, curbs and gutters, and street improvements for Three Lakes Road frontage prior to any development on the site other than an approved billboard.
 - b. Future development, as defined in the Albany Development Code, of the site shall be subject to additional Site Plan Review and land division approvals by both the City of Albany and Linn County Planning Departments in accordance with the Albany Development Code as may be amended and any other conditions deemed appropriate by both the City and the County.
 - c. All property improvements shall be constructed and maintained in accordance with the City of Albany's development specifications.
 - d. Any development, as defined in the Albany Development Code, of the subject property shall require the dedication of street right-of-way and the guarantee of public improvements in accordance with the requirements of the City of Albany. Exhibit "B" represents a conceptual depiction of the street and property layout. It is the intent of the City and County to designate the proposed through street as shown on Exhibit "B" as a collector street which shall require a minimum right of way of 70 feet. The proposed through street may be subject to limited access, which shall be determined at the time of Site Plan Review or Subdivision Platting.
 - e. The applicant shall submit a master storm drainage plan to be reviewed and approved by both the City of Albany and Linn County prior to the approval of any development as defined by the Albany Development Code or land division of the site.

The undersigned owner hereby acknowledges that s/he has read this petition and its attachments, understood the requirements for delayed annexation, and states that the information supplied is complete, true, and accurate. The undersigned reserves the right to withdraw this petition upon giving written notice to the Planning Director of the City of Albany not more than 30 days from receipt of the notice of final action listing all final conditions of approval. The undersigned further understands that if the actions required are not completed as agreed, Linn County may revoke all permits issued since the agreement was signed and the City of Albany shall have the right to discontinue sewer service upon giving ninety (90) days' written notice to the undersigned or to the owner of record of the property which is the subject of this agreement as said ownership appears in the records of the assessor of Linn County, Oregon.

CITY'S AGREEMENT

1. The City agrees that at such time as the property described in Exhibit "A" may become contiguous to the corporate boundaries of the City of Albany, it shall be eligible for annexation and shall be considered for such action.
2. The City agrees to provide such municipal services as it, in the exercise of its discretion, may deem prudent.
3. The City agrees, notwithstanding the foregoing, to provide and maintain the following municipal services:
 - a. Sanitary sewer, water, and storm drainage shall be provided at such time that a Local Improvement District is formed of sufficient size to warrant construction of said services.
 - b. The City agrees to maintain all public facilities constructed to City standards and specifications.
 - c. All drainage improvements shall be constructed to City standards and specifications and maintained by the City of Albany unless otherwise agreed to by the City of Albany and Linn County.
4. The City agrees that Linn County shall retain all building inspection responsibilities and collection of fees until such time that the property is annexed.
5. The City agrees not to initiate the annexation of any portion of the subject property which is subject to farm tax deferral or which is being used for agricultural purposes.
6. City agrees that, subject to State and City requirements, the owner may construct, place, and maintain a billboard on the site and as such, would not constitute "development" as defined in the Albany Development Code.

THE COUNTY OF LINN AGREES:

1. To provide such public services as would otherwise be provided to the subject property by the county absent other terms of this agreement.
2. To permit the development of the subject property in accordance with the applicable Linn County Delayed Annexation Overlay Zoning and all applicable city development standards, except the following:
 - a. The County reserves the right to issue septic disposal system permits by the Environmental Health Division as authorized agent for the Department of Environmental Quality until sewer services are provided.
 - b. The County reserves the right to issue building fill and excavation permits, perform necessary inspection, and collect any applicable fees, subject to City approval for compliance with City development standards.
3. The County agrees to allow any roadway and/or drainage improvements to be constructed to City standards and specifications and to be maintained by the City unless otherwise negotiated at a later time.
4. The County agrees to provide for future development in accordance with the City of Albany Development Code.
5. The County agrees that, subject to State and City requirements, the owner may construct, place, and maintain a billboard on the site.

SEVERABILITY

The provisions of this document are severable. If any section, sentence, clause or phrase of this document is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions.

RECORDING

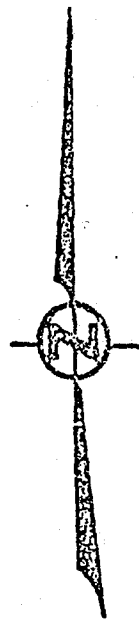
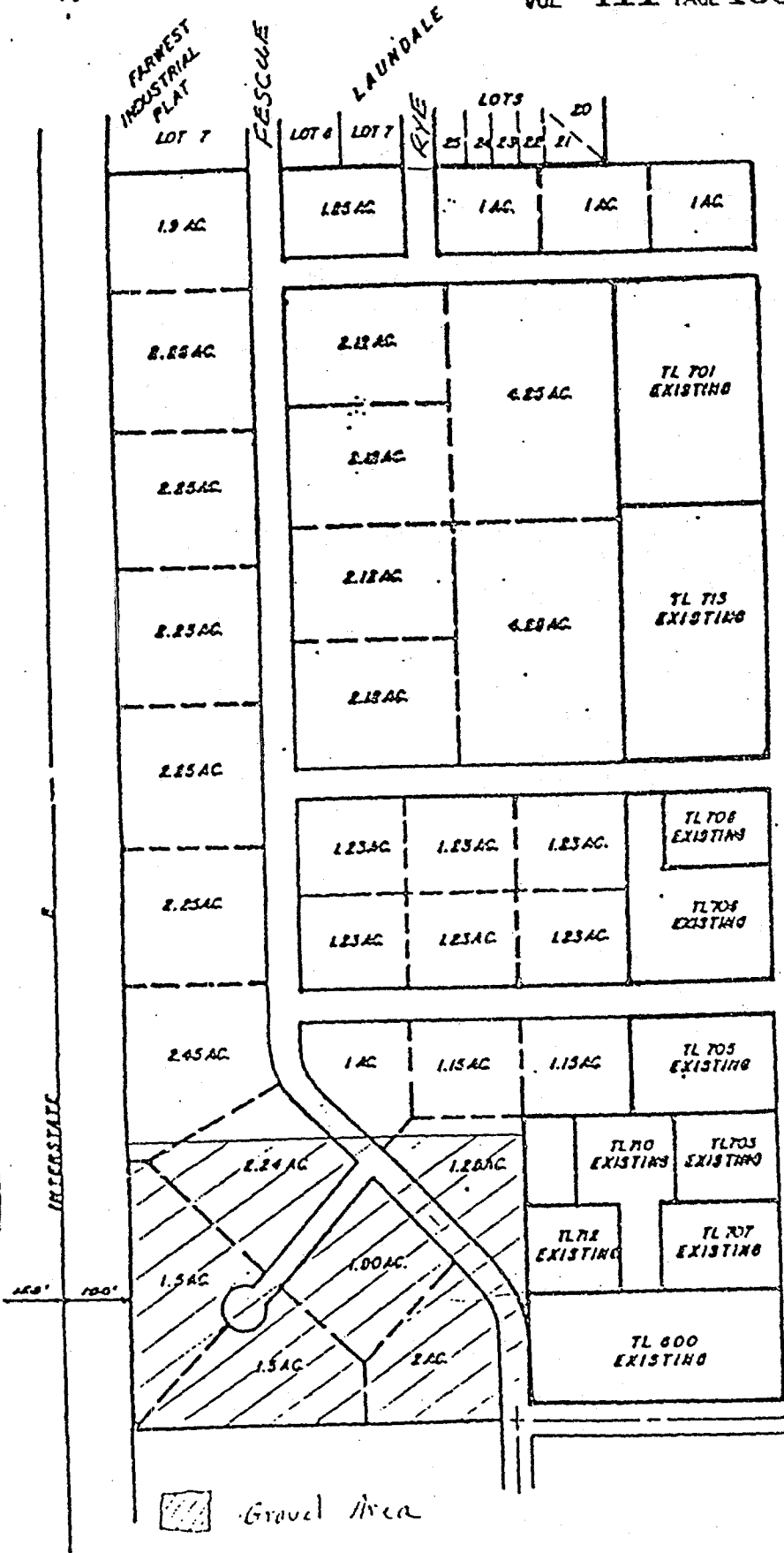
It is further agreed that this contract shall be recorded in the deed record of Linn County.

EXHIBIT 'A'Overall Description

Beginning at a Point on the South line of and South-89°59'30"-West, 1,496.51 feet from the Southeast corner of the West half of the Edward H. White DLC No. 48 in Township 11 South, Range 3 West, Section 16 of the Willamette Meridian in Linn County, Oregon; thence North-0°24'-East, 638.87 feet to a 3/4" iron pipe; thence North-89°59'30"-East, parallel to the South line of said DLC, a distance of 245.47 feet; thence North-0°17'-East, 245.12 feet to a 1/2" iron rod marking the Northwest corner of that certain parcel of land conveyed by Deed to Kenneth R. Ditzler, recorded in Linn County Oregon Microfilm Records, Volume 106, Page 45; thence leaving said parcel, North-0°31'20"-East, 486.56 feet to a 1/2" iron rod, said iron rod being South-0°31'20"-West, 30.00 feet from the Southwest corner of that certain tract of land conveyed by Deed to Carl Haima, as recorded in Book 314, Page 495, Linn County Oregon Deed Records; thence North-89°22'-East, 339.01 feet to the centerline of the county road; thence along the said centerline, North-0°17'-East, 30.00 feet to a 5/8" iron rod, said iron rod also marking the Southeast corner of said Carl Haima parcel; thence along the South line of said Carl Haima parcel, South-89°22'-West, 338.89 feet to a 5/8" iron rod marking the Southeast corner of said Carl Haima parcel; thence North-0°27'-East, 1,064.67 feet to a 5/8" iron rod; thence North-89°22'-East, 336.10 feet to a 5/8" iron rod in the center of the County Road; thence along the centerline of said County Road, North-0°17'-East, 244.75 feet more or less to the Northeast corner of that certain tract of land conveyed by Deed to Earl W. Kennel, et ux, as recorded in Book 198, Page 536, in Linn County Oregon Deed Records; thence along the North line of said tract, West, 1,475.90 feet more or less, to the Easterly right-of-way of Interstate Highway No. 5; thence along the said Easterly right-of-way, Southerly, 2,712.60 feet to a 3/4" iron pipe on the South line of said DLC No. 48; thence along the South line of said DLC No. 48, North-89°59'30"-East, 871.57 feet to the Point of Beginning, all in Linn County, Oregon.

Containing 68.84 Acres

EXHIBIT 'B'



SCALE 1" = 400'

**AREA-ANNEXATION
PRELIMINARY
DEVELOPMENT PLAN
FOR
RODNEY KEMPF
KEMPF INDUSTRIAL
TRACTS 602
11-03-16 TL 601, 700, 704
ALBANY, OREGON**

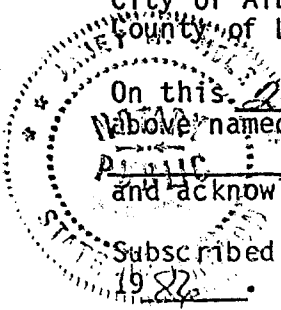
————— EXISTING
- - - - - PROPOSED

(Copy more pages if necessary.)

Petitioners/Property Owners

Names: Rodney M. Kempf
Gloria J. Kempf
Address: 2960 Lennox Road, Eugene OR 97404
Telephone: 688-6637
Tax Lot(s) and Map # Tax Lots, 601, 602, 700 & 704, T11S R3W, Section 16
Signatures Rodney M. Kempf Date 5-2-86
Signatures Gloria J. Kempf 5-2-86

STATE OF OREGON)
City of Albany) ss
County of Linn)



On this 2nd day of May, 1986, personally appeared the
above named Rodney M. Kempf and Gloria J. Kempf
and acknowledged the foregoing instrument to be their voluntary act and deed.

Subscribed and sworn to before me this 2nd day of May,
1986.

Janet M. Mole
Notary Public for Oregon
My Commission expires: 9-21-86

Petitioners/Property Owners

Names: _____
Address: _____
Telephone: _____
Tax Lot(s) and Map # _____
Signatures _____ Date _____
Signatures _____

STATE OF OREGON)
City of Albany) ss
County of Linn)

On this _____ day of _____, 19____, personally appeared the
above named _____
and acknowledged the foregoing instrument to be their voluntary act and deed.

Subscribed and sworn to before me this _____ day of _____,
19____.

Notary Public for Oregon
My Commission expires: _____

In witness whereof the parties have executed this agreement as of the last date below:

Date May 7, 1986

Linn County:

Carl Stephens

Board of Commissioners

Vernon Schrock

Board of Commissioners

Richard Stack

Board of Commissioners

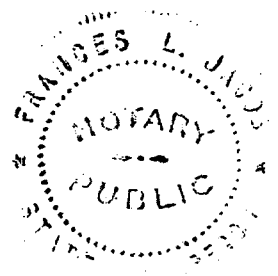
STATE OF OREGON)
City of Albany) ss
County of Linn)

On this 7th day of May, 1986, personally appeared the above named Carl Stephens, Vernon Schrock and Richard Stack and acknowledged the foregoing instrument to be their voluntary act and deed.

Subscribed and sworn to before me this 7th day of May, 1986.

Frances L. Jacob
Notary Public for Oregon

My Commission expires: 4-9-87



In witness whereof the parties have executed this agreement as of the last date below:

Date May 15, 1986

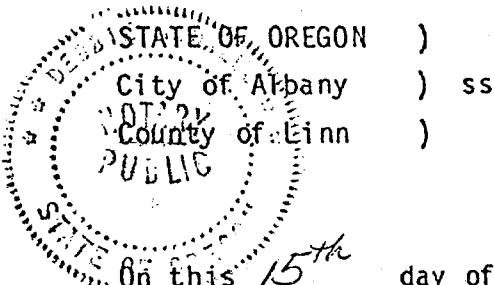
City of Albany:

William B. Barrons

City Manager

[Signature]

City Recorder



On this 15th day of May, 1986, personally appeared the above named William B. Barrons and D Gary Holliday and acknowledged the foregoing instrument to be their voluntary act and deed.

Subscribed and sworn to before me this 15th day of May, 1986.

Debbie Andrews
Notary Public for Oregon

My Commission expires: 7/20/89

STATE OF OREGON
County of Linn

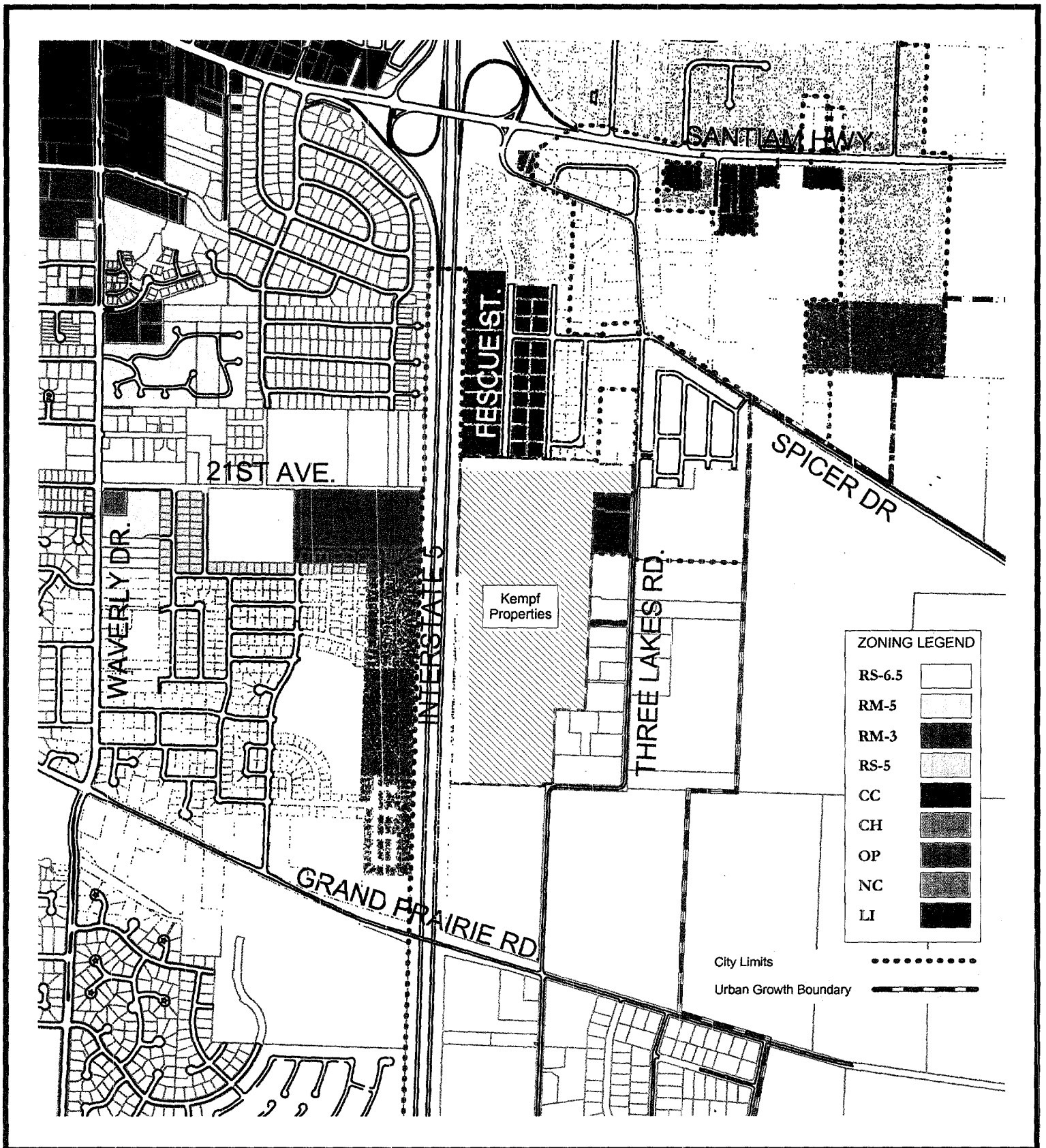
MAY 20 4 00 PM '86

DEL W. RILEY
Linn County Clerk

I hereby certify that the attached was received and duly recorded by me in Linn County records:

By [Signature], Depu

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Kempf Annexation (AN-01-01)

Staff Report - Attachment B

Planning

mikel c:\mikel\kemp zoningmap.apr

Feb 1, 2002

500 0 500 Feet

The City of Albany's infrastructure records, drawings, and other documents have been gathered over many decades, using differing standards for quality control, documentation, and verification. All the information provided represents current information in a readily available format. While the information provided is generally believed to be accurate, occasionally this information proves to be incorrect, and thus its accuracy is not warranted. Prior to making any property purchases or other investments based in full or in part upon the information provided, it is specifically advised that you independently field verify the information contained within our records.

