

TITLE: AN ORDINANCE PROCLAIMING THE ANNEXATION TO THE CITY OF ALBANY OF CONTIGUOUS TERRITORY CONSISTING OF 13,140 sq. ft. OF PROPERTY LOCATED AT THE NORTHWEST CORNER OF 27TH AVENUE AND FULTON STREET AS R-1(6) SINGLE FAMILY RESIDENTIAL AND WITHDRAWING SAID TERRITORY FROM THE ALBANY RURAL FIRE PROTECTION DISTRICT AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission of the City of Albany has recommended that a certain territory described in Section 1 of this Ordinance which is contiguous to the City of Albany be annexed and that more than 50% of the owners of the property in said area who own more than 50% of the land and real property therein and representing more than one-half of the assessed value of the real property therein have consented in writing to the annexation, said consent having heretofore been filed with the City Recorder in the matter prescribed by law; and

WHEREAS, the City Council by Ordinance No. 4222 adopted on the 13th day of December, 1978, dispense with an election submitting to the voters of the City the question of annexation of said territory and did at 7:15 o'clock p.m. on the 27th day of December, 1978, in the Council Chambers of the City Hall in said City at the time and place of hearing thereon, and the further question of withdrawing said territory, if annexed, from the Albany Rural Fire Protection District, at which time and place the voters of the City were given an opportunity to be heard on the questions involved; and

WHEREAS, notices of said public hearing were published and posted in the manner and for the time prescribed by law and the public hearing was duly held by and before the City Council as provided by law and by the terms of said Ordinance and the published notice, and it appears to be in the best interest of the City and of the area involved that it be annexed to the City of Albany and withdrawn from the Albany Rural Fire Protection District; and

WHEREAS, the City Council finds and determines that the facts and conclusions stated in Exhibit "A" attached hereto and by this reference incorporated herein are true and correct findings of fact regarding annexation and zoning of the property and they are hereby adopted as findings of the Council; now, therefor,

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: The following described property to-wit:

11-3w-17 AD 74 1000

(See Exhibit "B" attached hereto and by this reference incorporated herein)

is hereby proclaimed to be, annexed to the City of Albany, Oregon and zoned as R-1(6) Single-Family Residential. This ordinance subject to two conditions: (1) All cost for extending sanitary sewer service to this lot be paid by the owner; (2) Existing streets are not to city standards. The owner shall agree to pay for the necessary repairs of the streets if in the future an improvement district is formed for such improvements.

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Section 2: That the above described territory annexed to the City of Albany is hereby withdrawn from the Albany Rural Fire Protection District.

Section 3: That the City Recorder shall submit to the Secretary of the State of Oregon a copy of this ordinance, a copy of Ordinance No. 4222, and a copy of the complete consent document signed by the landowners within the territory annexed. The City Recorder shall also, within 10 days of the effective date of this annexation report this annexation to the County Clerk and to the County Assessor of Linn County, Oregon.

Section 4: Emergency Clause

In as much as the peace, health and safety of the persons who live or own property within the area to be annexed it is effective and an emergency is hereby declared to exist and this ordinance shall become in full force and effect immediately on its passage by the Council and approval by the Mayor.

Passed by the Council: February 14, 1979

Approved by the Mayor: February 14, 1979

Effective Date: February 14, 1979

Richard S. Olsen
Mayor

ATTEST:

[Signature]
City Recorder

12-12-78
G.P.P.

December 1, 1978

Lot 12127

ADDENDUM TO CONSENT ANNEXATION AND ZONING PETITION

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In support of the R-1-6 zoning.

This property, located on the northwest corner of E.27th and Fulton St. is approximately 90' X 150'.

Originally this subdivision had no sewer service available and therefore required large enough lots for septic systems. Now this property has sewer service available.

I plan to build a house of approximately 1350 square feet for my family.

This property is approx. 13,410 sq. ft. and is the largest lot in the Kenwood Subdivision. If zoned R-1-6, this would be more than adequate to allow for two lots of approx. 75' X 90'. A lot of this size would be more desirable to maintain.

There is a need for R-1-6 lots in the area, as there are none available.

The requested R-1-6 zoning would enhance the neighborhood by more evenly blending the older Kenwood Subdivision with the new Periwinkle Subdivision.

Wesley E. Larson
Wesley E. Larson

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COMPLIANCE WITH LCDC GOALS AND GUIDELINES

1. Citizen Involvement

The City of Albany, by its zoning ordinance, and the State of Oregon, through its statutes dealing with annexation procedures, have insured compliance with the Citizen Involvement goals and guidelines. The ordinance and statutes require public notice, notice to property owners in the surrounding area and public hearings before the City Planning Commission and the City Council.

2. Land Use Planning

The City of Albany has duly adopted a Comprehensive Plan and a Zoning Ordinance. Simultaneouslt with the annexation decision, the City will evalute the applicants' zoning request. That zoning request will be evaluated according to standards established by the Courts, the City Ordinance and Comprehensive Plan, and the LCDC Goals and Guidelines. Applicants' findings submitted with the annexation request satisfy the Land Use Planning Goals and Guidelines.

3. Agricultural Lands

Not applicable.

4. Forest Lands

Not applicable.

5. Open Spaces, Scenic and Historic Areas, and Natural Resources

Not applicable.

6. Air, Water and Land Resources Quality

Not applicable.

7. Areas Subject to Natural Disasters and Hazards

8. Recreational Needs

The area is not included in any plans the City has for recreational developement. Adequate recreational facilities to serve the near-by area are found at the park on Waverly Dr. and Grand Prairie Rd.

9. Economy of The State

The development of this parcel will have no significant effect on the economy of the State, other than to provide employment through the construction of a new house.

10. Housing

There is a need for single family housing in the S.E. Albany area.

11. Public Facilities and Services

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11. cont.

The subject property is within the urban growth boundary of the City of Albany. City facilities and services extend to the subject property.

12. Transportation

Not applicable.

13. Energy Conservation

Not applicable.

14. Urbanization

The subject property is within the Urban Growth Boundary and is surrounded single family residences. It is located in a residential area and should logically be annexed.

15. Willamette River Greenway

Not applicable.

16. Estuarine Resources

Not applicable.

17. Coastal Shorelines

Not applicable.

18. Beaches and Dunes

Not applicable.

19. Ocean Resources

Not applicable.

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FINDINGS OF FACT

A. COMPLIANCE WITH THE COMPREHENSIVE PLAN

The subject property is presently zoned UR, Urban Residential, by Linn County. The Albany Comprehensive Plan also designates the area as Urban Residential.

The subject property is located on a large corner lot and is surrounded on four sides by single family residences.

The Comprehensive Plan would seem to allow single family residential with minimum lot size of 6,000 square feet.

In support of a R-1-6 designation, applicants offer the following findings:

1. The property is of adequate size for R-1-6 usage.
2. The R-1-6 is compatible with the surrounding properties.
3. The property is best suited for residential use.

B. PUBLIC NEED FOR THE REQUESTED ZONING

1. Albany's population increases which increases the need for single family residences.

C. THE SUBJECT PROPERTY BEST MEETS THE PUBLIC NEED

Several Albany Real Estate firms were contacted and all advised there is a need for R-1-6 lots in the area. Both for builders and private parties.

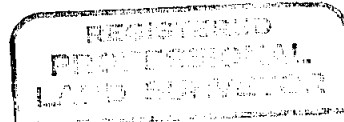
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City of Albany
Engineering Dep't
February 27, 1979

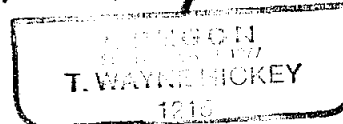
Wes Larson (A-15-78 Annexation)

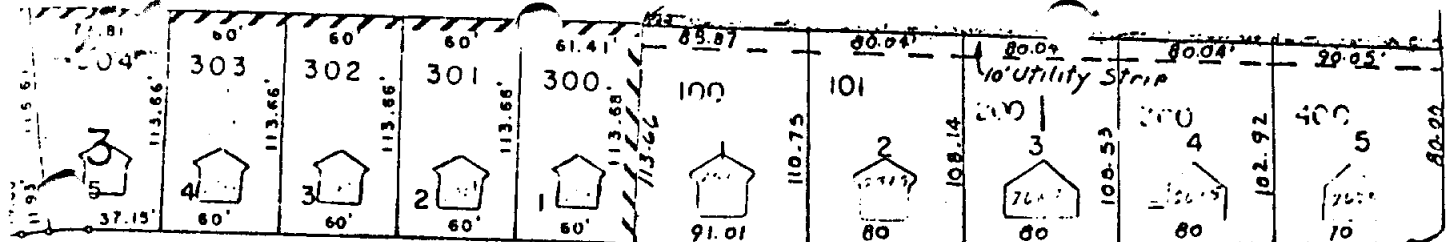
Beginning at a point which bears N $1^{\circ}39'W$, 41.22 feet; and
N $85^{\circ}26'W$, 490.44 feet; and N $0^{\circ}57'E$, 128.02 feet from the
Southwest corner of Anderson Cox D.L.C. No. 49 Section 17;
T 11 S; R 3 W; W.M.; thence

N $0^{\circ}57'E$, 90.09 feet; thence
N $88^{\circ}21'E$, 147.66 feet; thence
S $1^{\circ}39'E$, 70.00 feet; thence
along a 20 foot radius curve to the right
(the long chord of which bears S $43^{\circ}21'W$
28.28 feet) 31.42; thence S $88^{\circ}21'W$, 131.72
feet to the place of beginning containing
13,140 square feet.



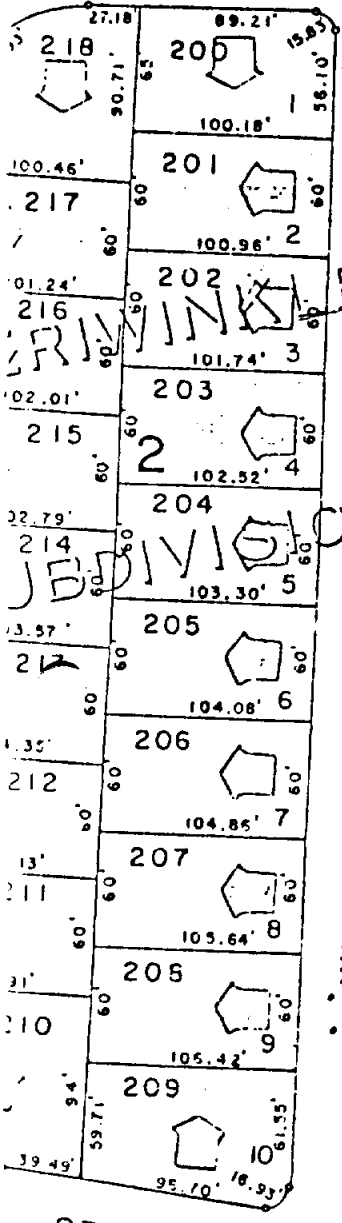
J. Wayne Hickey



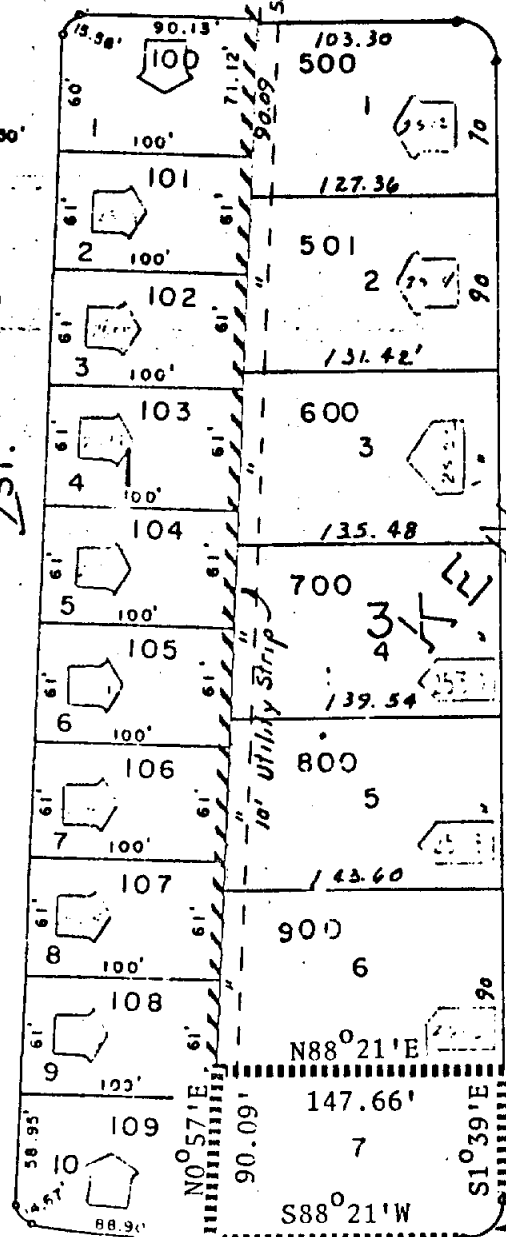


25th. AVE.

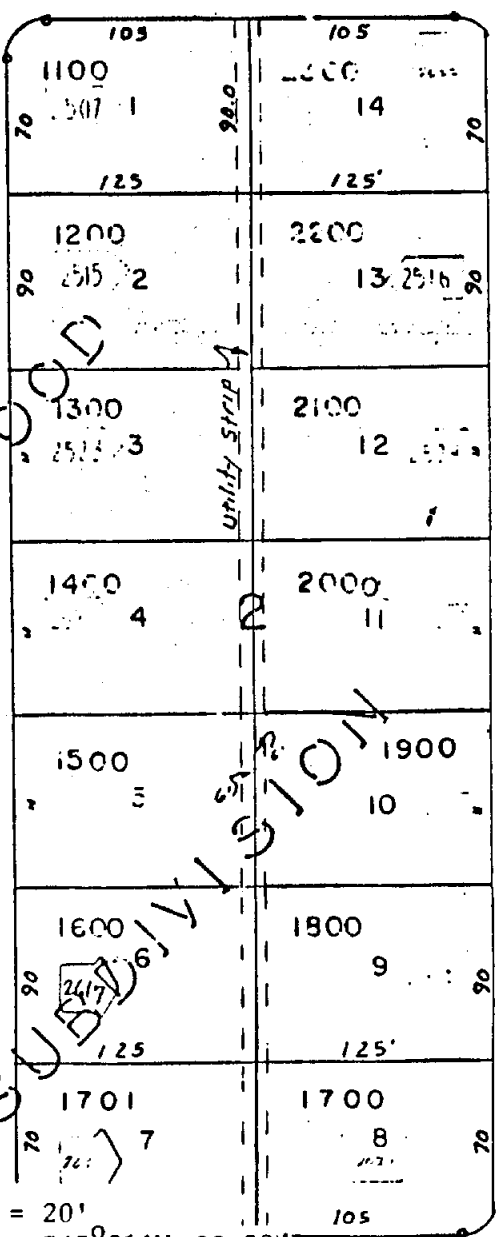
E. 25th AVE.



WHEELER ST.



FULTON ST.

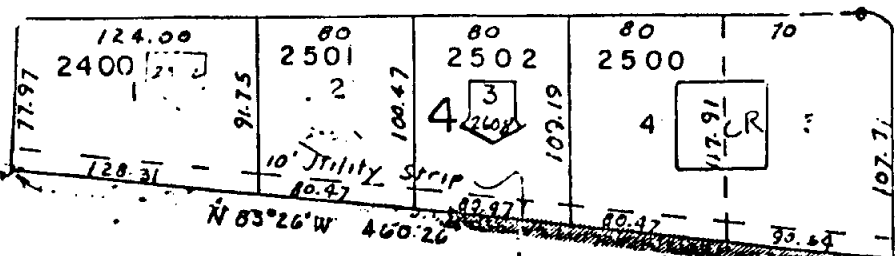


WAVERLY DRIVE

27th. AVE.

E. 27th AVE.

P.O.B. N1°39'W, 41.22'; N85°26'W, 490.44'; and N0°57'E, 128.02' from the southwest corner of D.L.C. #49.



CITY OF ALBANY - ENG. DEP'T
WES LARSON (A-15-78) ANNEXATION
FEBRUARY 1979

NORTH

J. Wayne Hickey

