

ORDINANCE NO. 4837

TITLE: ZONE CHANGE AMENDMENT NO. 17 UNDER ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY DEVELOPMENT CODE AND THE CITY OF ALBANY ZONING MAP, AND PROVIDING FOR THE REZONING OF PROPERTY LOCATED AT THE SOUTHEAST CORNER OF WAVERLY DRIVE AND CEDARWOOD COURT SE AND ADOPTING ATTACHED EXHIBIT "A" KNOWN AS "FINDINGS" (MAP NO. 11-3W-08D; TAX LOT 1404) (CASE NO. ZC-04-88).

WHEREAS the Planning Commission of the City of Albany has held such hearings as are required by law and the ordinances of this city and has made findings concerning the appropriate zone for the property being considered, said findings being based upon evidence produced at hearings; and

WHEREAS, the Council of the City of Albany has duly advertised and caused notices to be given as required by law and has had a public hearing concerning the zoning of the property described below.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1. EXHIBIT "A"

Exhibit "A" known as "Findings" is hereby adopted as the Albany City Council's findings in support of this decision.

Section 2. PLANNING DEPARTMENT ZONE CHANGE CASE NO. ZC-04-88

The official Albany Zoning Map is hereby amended from R-3 (Multiple Family Residential) to RP (Residential Professional) for an area described as follows: southeast corner of Waverly Drive and Cedarwood Court SE (see attached legal description Exhibit "B") is hereby rezoned as RP (Residential Professional) and will be known as Zone Change Amendment No. 17.

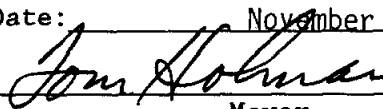
Section 3. COPY FILED

A copy of this zone change amendment shall be filed in the Office of the City Recorder of the City of Albany and the number noted on the official zoning map of the City of Albany.

Passed by the Council: October 26, 1988

Approved by the Mayor: October 27, 1988

Effective Date: November 25, 1988



Mayor

ATTEST:

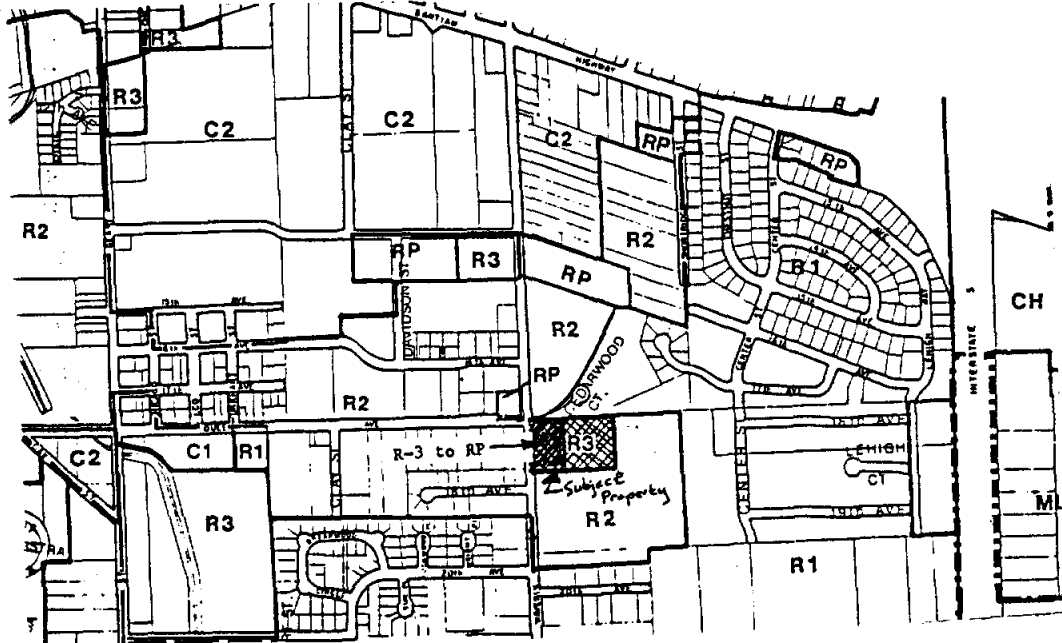


City Recorder

EXHIBIT A
FINDINGS FOR APPROVAL
FILE NO. ZC-04-88

1. The subject property is located at the intersection of two arterial streets and will have minimal impact on the usage of Waverly Drive or Queen Avenue.
2. Public facilities (i.e. paved streets, sewer, water, and storm drainage) are presently available to serve the site.
3. There are no significant natural features on the site.
4. The proposed professional offices are compatible with the surrounding uses.
5. Adequate buffering and screening can be provided on the site to minimize any impact on abutting properties.
6. The proposed uses are in compliance with the applicable Goals and Policies of the Albany Comprehensive Plan relating to neighborhood services.
7. The proposed uses will meet the intent of the RP (Residential Professional) zoning district which is to provide for a desirable mixing of residential land uses with professional offices and related limited commercial uses in possible close proximity to the adjacent residential areas.

EXHIBIT B
LEGAL DESCRIPTION
CASE NO. ZC-04-88



LEGAL DESCRIPTION/11807

A tract of Land situated in the County of Linn and State of Oregon more particularly described as follows:

Beginning at a point which is 3405.72 feet North 01°39' West 40.00 feet North 88°40'30" East from the Southwest corner of the Anderson Cox Donation Land Claim No. 49 in Sections 8 and 9 of Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon and running thence North 88°40'30" East 488.94 feet; thence North 01°38'40" West 330.01 feet; thence North 88°01'50" East 1.04 feet; thence North 01°39' West 50.00 feet; thence North 69°28'24" East 459.65 feet; thence along a 50.00 foot radius curve to the right (the chord of which bears North 30°19'26" East 85.07 feet); thence North 88°37' East 45.00 feet; thence North 01°23' West 253.60 feet; thence North 70°50' West 376.78 feet; thence North 01°26'32" West 247.08 feet; thence North 70°49'17" West 722.09 feet to the East right of way of Waverly Drive; thence South 01°40'58" East 287.22 feet along said right of way line; thence along a 2824.79 foot radius curve left (the chord of which bears South 03°17'22" East 166.77 feet) along said right of way line; thence along a 2904.79 foot radius curve right (the chord of which bears South 03°18'04" East 171.66 feet) along said Waverly Drive right of way line; thence South 01°38'27" East 863.83 feet to the point of beginning.

EXCEPTING THEREFROM: Beginning at a point which is 3405.72 feet North 1°39' West; 528.94 feet North 88°40'30" East; 330.01 feet north 1°38'40" West; 1.04 feet North 88°01'50" East; 50.00 feet North 1°39'00" West; and 366.95 feet North 69°28'24" East from the Southwest corner of the Anderson Cox Donation Land Claim No. 49 in Sections 8 and 9 of Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon; running thence North 27°22'25" West 280.79 feet; thence North 20°00'00" East 203.00 feet; thence South 70°50' East 242.00 feet; thence South 1°23' East 253.60 feet; thence South 88°37' West 45.00 feet; thence on a 50.00 foot radius curve left (the chord of which bears South 30°19'26" West 85.07 feet) 101.73 feet; thence South 69°28'24" West 93.00 feet to the point of beginning.

-Legal Description continued next page-

FURTHER EXCEPTING: Beginning at a 5/8 inch iron rod on the East right of way line of Waverly Drive, said rod being 3646.56 feet North and 65.92 feet West of the Southwest corner of the Anderson Cox Donation Land Claim No. 49, in Township 11 South, Range 3 West, Willamette Meridian, City of Albany, Linn County, Oregon; thence on a 20 foot radius curve right (the chord of which bears North 43°31'45" East 28.37 feet) 31.54 feet to a 5/8 inch iron rod; thence North 88°41'57" East 69.71 feet to a 5/8 inch iron rod; thence on a 275 foot radius curve left (the chord of which bears North 49°19'27" East 348.92 feet) 377.97 feet to a 5/8 inch iron rod; thence on a 20 foot radius curve right (the chord of which bears North 40°40'24" East 20.44 feet) 21.45 feet to a 5/8 inch iron rod; thence on a 45 foot radius curve left (the chord of which bears North 54°57'07" West 72.49 feet) 198.47 feet to a 5/8 inch iron rod; thence South 1°18'03" East 4.51 feet to a 5/8 inch iron rod; thence on a 225 foot radius curve right (the chord of which bears South 43°41'57" West 318.20 feet) 353.43 feet to a 5/8 inch iron rod; thence South 88°41'57" West 70.24 feet to a 5/8 inch iron rod; thence on a 20 foot radius curve right (the chord of which bears North 46°28'15" West 28.20 feet) 31.30 feet to a 5/8 inch iron rod on the East right of way line of Waverly Drive; thence South 1°38'27" East 90.00 feet along the East right of way line of Waverly Drive to the point of beginning.

FURTHER EXCEPTING: Beginning at a point on the North line of the Cedarwood P.U.D., Phase I, in the City of Albany, Linn County, Oregon, said point being 236.81 feet North 27°22'25" West; 90.00 feet South 70°00' West; 46.23 feet North 76°46'37" West and 23.23 feet South 70°00' West of the initial Point of said Cedarwood P.U.D., Phase I; thence along the North line of said Cedarwood P.U.D., South 70°00' West 49.77 feet; North 77°10' West 108.37 feet; North 37°00' East 77.83 feet; and North 8°00' West 63.11 feet to a 5/8 inch iron rod; South 77°10' East, 126.24 feet; thence on a non-tangent 95.00 foot radius curve right (the chord of which bears South 8°43' West, 20.73 feet) 20.77 feet; thence on a 215.00 foot radius curve left (the chord of which bears South 3°49'50" West 83.36 feet) 83.90 feet to the point of beginning.

FURTHER EXCEPTING: Beginning at the Northwest corner of that parcel conveyed to State Savings and Loan Association, described in deed recorded in MF Volume 315, Page 791, Linn County Microfilm Records, which point is on the East right of way line of Waverly Drive, 1256.54 feet South 1°22' East along the claim line and 32.10 feet South 70°33' East of the intersection of the center line of the Santiam Highway with the West line of the Anderson Cox Donation Land Claim 49, Township 11 South, Range 3 West Willamette Base and Meridian, Linn County, Oregon, said intersection point also being 93.34 chains (93.04 chains by Deed) North 1°22' West of the Southwest corner of said claim; thence South 70°33' East along the North line of said parcel 668.81 feet to a 5/8 inch iron rod; thence South 1°10'19" East 247.10 feet to a 5/8 inch iron rod; thence North 70°33' West 667.90 feet to a 5/8 inch iron rod on the East right of way line of Waverly Drive; thence North 1°22'05" West 247.42 feet to the point of beginning.

FURTHER EXCEPTING: Beginning at a 5/8 inch iron rod which is 10 feet North 1°10'19" West of the Northwest corner of that parcel conveyed to Elmer Skoien by deed recorded in Microfilm Volume 391, page 29, Linn County Microfilm Records, which point is 1256.54 feet South 1°22' East along the claim line and 754.33 feet South 70°33' East of the intersection of the center line of the Santiam Highway with the West line of the Anderson Cox D.L.C. 49, Township 11 South, Range 3 West of the Willamette Base and meridian, Linn County, Oregon, said intersection point also being 93.04 chains north 1°22' West of the Southwest corner of said claim; thence from said beginning point North 70°33' West along the North line of that parcel conveyed to State Savings and Loan Association, an Oregon corporation 53.42 feet to a 5/8 inch iron rod; thence South 1°10'19" East 247.10 feet to a 5/8 inch iron rod; thence North 70°33' West parallel with the North line of said State Savings and Loan Association parcel 667.9 feet to the West line thereof; thence along the West line of said State Savings parcel south 1°22'05" East 39.88 feet, on a 2824.79 foot radius curve left 166.79 feet, the long chord of which bears South 3°17'22" East 166.77 feet; thence on a 2904.79 foot radius curve right 171.68 feet, the long chord of which bears South 3°18'04" East 171.66 feet and South 1°38'27" East 167.78 feet to the most Westerly Northwest corner of the "Planned Unit Development of Cedarwood Phase I"; thence along the lines of said Cedarwood Development North 88°40' East 106.37 feet, North 1°18' West 82.63 feet, North 88°40' East 115 feet, South 1°20' East 24 feet, South 26°35' East 68 feet, North 49° East 120 feet, North 21° East 175 feet, South 86° East 50 feet and South 8° East 103.89 feet to a 5/8 inch iron rod; thence South 77°10' East 126.24 feet to a 5/8 inch iron rod; thence on a non-tangent 95 foot radius curve right 20.77 feet, the chord of which bears South 8°43' West 20.73 feet to a 5/8 inch iron rod; thence on a 215 foot radius curve left 83.90 feet, the chord of which bears South 3°49'50" West 83.36 feet to a 5/8 inch iron rod on the North line of said Cedarwood Development; thence along the said Cedarwood Development North 70° East 23.23 feet, South 75°46'37" East 46.23 feet and North 70° East 90 feet to the West side of Port Side Subdivision; thence along the lines of said Port Side Subdivision North 27°22'25" West 43.98 feet and North 20° East 203 feet to the South line of that parcel conveyed to Carrie H. Leemaster and described in deed recorded in Microfilm Volume 421, page 291, said microfilm records; thence along the lines of said Leemaster and Skoien parcels North 70°33' West 135.85 feet to a 5/8 inch iron rod and North 1°10'19" West 247.10 feet to the point of beginning.

FURTHER EXCEPTING: Any portion lying in Planned United Development of Cedarwood, Albany, Linn County, Oregon.