

A RESOLUTION PROCLAIMING THE ANNEXATION AND ZONING OF PROPERTY LOCATED AT 1386 AND 1400 TIMBER STREET SE (TAX LOTS 1400 AND 1404, 11-3W-09D) AND CONTAINING APPROXIMATELY 1.86 ACRES (FILE NO. AN-06-91) AND SETTING A PUBLIC HEARING FOR THE REMOVAL OF TERRITORY FROM THE ALBANY RURAL FIRE PROTECTION DISTRICT.

WHEREAS, the City Council has proposed to annex in accordance with the provisions of ORS 222.750 certain property described by attached Exhibit A and more commonly known as 1386 and 1400 Timber Street SE, which is adjacent to the City of Albany; and

WHEREAS, provisions of state law and the Albany Development Code waive requirements for Planning Commission review and public hearings 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 CH (Heavy Commercial).

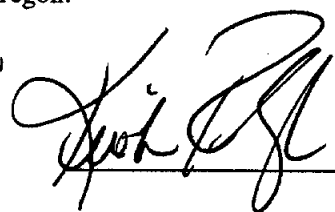
BE IT FURTHER RESOLVED that the findings, attached Exhibit B, are hereby adopted in support of this annexation and zoning action.

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 October 23, 1991, 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 9TH DAY OF OCTOBER, 1890X  
1991 NW

  
\_\_\_\_\_  
Mayor

ATTEST:  
  
\_\_\_\_\_  
Deputy City Recorder

RECORDED TO CORRECT 1991  
FROM 1990

PREVIOUSLY RECORDED IN  
VOL. 579, PAGE 929

EXHIBIT A  
LEGAL DESCRIPTION  
CASE NO. AN-06-91

Beginning at a 3/4 inch iron rod South 0°06' East 342.0 feet from a point on the North line of and North 89°54' East 2346.44 feet from the Northwest corner of the Edward N. White Donation Land Claim No. 48 in Section 9, Township 11 South, Range 3 West of the Willamette Meridian in Linn County, Oregon; thence South 0°06' East 173.0 feet; thence South 89°54' West 478.24 feet to a point on the East line of and North 0°06' West 55.0 feet from the Northeast corner of Lot 10, Block 4, EAST ALBANY WALNUT TRACTS; thence North 0°06' West along the East line of said vacated Block 4, a distance a 173.0 feet to a 3/4 inch iron rod; thence North 89°54' East 478.24 feet to the point of beginning.

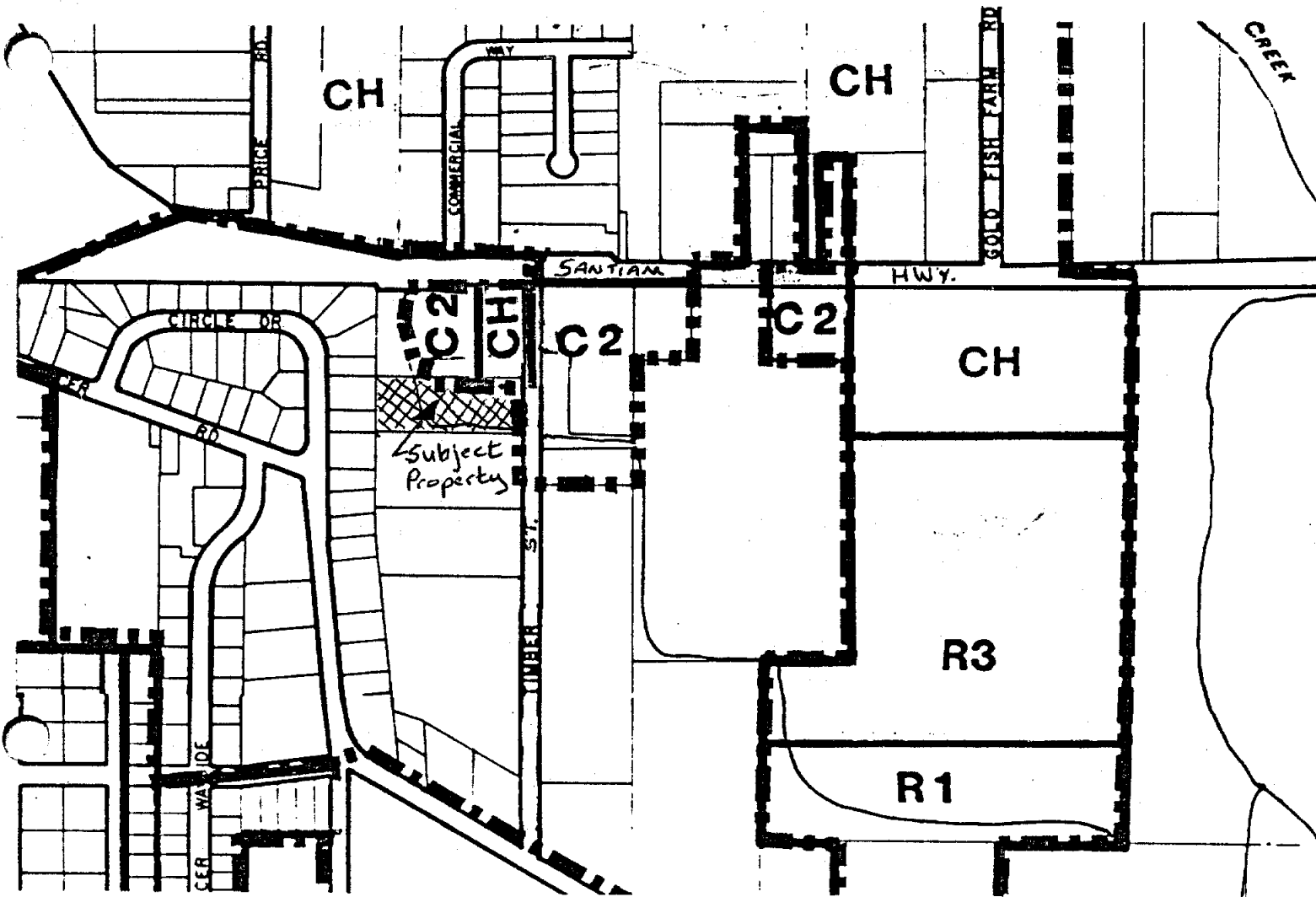


EXHIBIT B  
FINDINGS  
CASE NO. AN-06-91

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 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. **Water.** Water service will be provided via a 12-inch line in Timber Street SE.
  - b. **Sanitary Sewer.** Sanitary sewer service will be provided via a 10-inch line in Timber Street.
  - c. **Fire Protection.** The Albany Fire Department reports that the subject property is within the proper running distance of Station One for first-due Engine Company response.
  - d. **Police Protection.** The Albany Police Department will be able to provide service to the lots with no appreciable increase in costs at this time.
4. Annexation and zoning of the subject property are in conformance with the acknowledged Albany Comprehensive Plan.
5. The conflicts between the City and County applications of development standards and requirements for this property will be eliminated through annexation.
6. The annexation of the subject property was initiated by 100% of the property owners and electors reside on the property; thus, annexation may occur without a public hearing or Planning Commission review under the provisions of ORS 222.125 and Albany Development Code Sections 3.010(5) and (7).
7. The Albany Development Code Annexation Zoning Matrix (Section 3.030(2)) provided for application of the CH (Heavy Commercial) zoning designation for properties with a General Commercial Comprehensive Plan designation.
8. The proposed zoning designation of CH (Heavy Commercial) is in conformance with the Albany Comprehensive Plan designation of General Commercial. As such, the property may be developed applying the standards for the Heavy Commercial (CH) 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.

Re-recorded

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OCT 29 3 36 PM '91

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NOV 15 11 40 AM '91

STATE OF OREGON  
County of Linn

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

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STEVE DRUCKENMILLER  
Linn County Clerk

By *[Signature]* Deputy

*City of Albany*  
*Box 1470*  
*Albany 97321*

STATE OF OREGON  
County of Linn

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STEVE DRUCKENMILLER  
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*City of Albany*