

RESOLUTION NO. 3219

A RESOLUTION PROCLAIMING THE ANNEXATION AND ZONING OF PROPERTY LOCATED NORTH OF 13TH AVENUE SW, WEST OF HOP STREET SW, AND EAST OF THE RAILROAD TRACKS (A PORTION OF TAX LOT 2900, 11-4W-12BC) AND CONTAINING APPROXIMATELY 4.04 ACRES (FILE NO. AN-04-92) AND SETTING A PUBLIC HEARING FOR THE REMOVAL OF TERRITORY FROM THE ALBANY RURAL FIRE PROTECTION DISTRICT.

WHEREAS, the City Council proposes to annex in accordance with the provisions of ORS 222.125 certain property described by attached Exhibit A which is adjacent to the City of Albany; and

WHEREAS, state law waives requirements for an election or a public hearing when annexation of the subject property is initiated by 100% of the property owners and no electors reside on the property; and

WHEREAS, the Albany Development Code provides for the application of specific zoning districts upon annexation of territory; 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 January 13, 1993, 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.

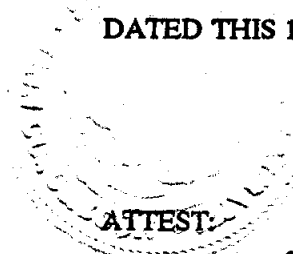
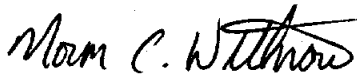
BE IT FURTHER RESOLVED that the property described by attached Exhibit A shall be effectively annexed to the City of Albany on the date that the complete abstract of the annexation proceedings described above is filed with the Secretary of State of the State of Oregon, the Linn County Clerk, and the Linn County Assessor.

DATED THIS 16TH DAY OF DECEMBER, 1992.



Keith Rohrbough, Mayor



ATTEST:

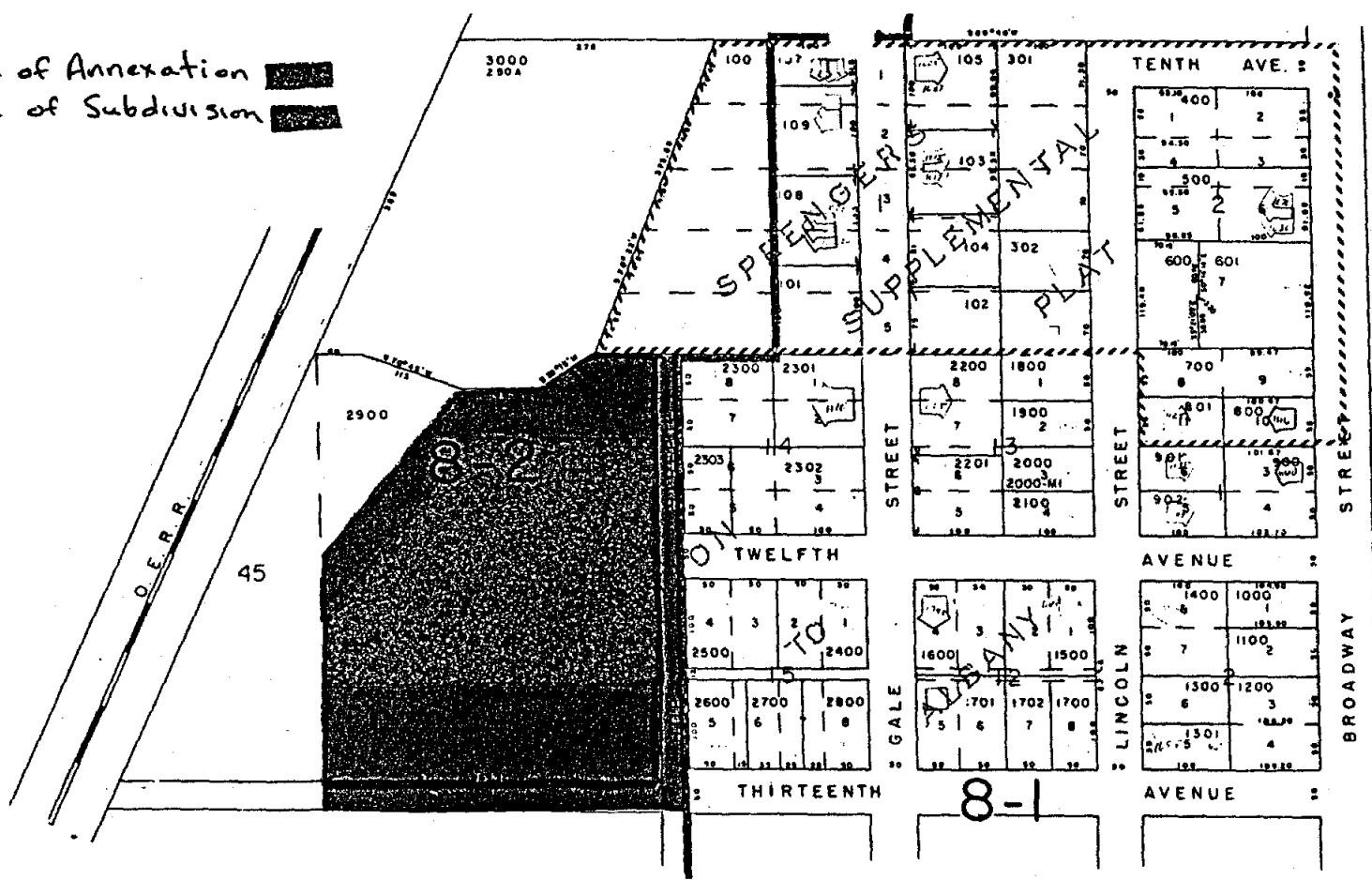



Deputy City Recorder

**EXHIBIT A
LEGAL DESCRIPTION
CASE NO. AN-04-92**

Beginning at the Northwest corner Block 16 of Hazelwood Addition to Albany in Section 12, Township 11 South, Range 4 West of the Willamette Meridian in Linn County, Oregon, said point also being on the Easterly right-of-way line of Hop Street and running thence West 30.0 ft. to a point on the Westerly right-of-way line of Hop Street; thence North along said Westerly right-of-way line 4.0 ft. to the Southerly right-of-way line of a 30 ft. roadway; thence West along said Southerly right-of-way line 364.50 ft. to a point; thence North 30.0 ft. to a 3/4" iron pipe on the Northerly right-of-way line of said 30.0 ft. roadway, said pipe also being the Southwest corner of Lot 44 Hazelwood Addition to Albany; thence North along the West line of said Lot 44, 252.0 ft. to a point; thence North 39°00'53" East 243.12 ft. to a point on the North line of said Lot 44 of Hazelwood Addition; thence East along the North line of said Lot 44, 84.0 ft. to a point; thence North 58°15'00" East along the North line said Lot 44, 70.5 ft. to a point; thence continuing along the North line of Lot 44, East 97.5 ft. to a 1/2" iron pipe at its intersection with the Easterly right-of-way line of Hop Street, thence South along the Easterly right-of-way line of Hop Street, 512.0 ft. to the point of beginning.

Area of Annexation 
Area of Subdivision 



**EXHIBIT B
FINDINGS
CASE NO. AN-04-92**

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. **Sanitary sewer: Sanitary sewer service is available at this time via the extension of an 8-inch line from the 12-inch sanitary sewer line in Hop Street.**
 - b. **Storm drainage: Storm drainage systems for the proposed subdivision development must include provisions for connection of the existing drainage system in 12 Avenue, and must extend to an acceptable discharge point.**
 - c. **Water: City water service can be provided to the subject property via a 6-inch line located in 12th Avenue.**
 - d. **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. As part of the subdivision approval the applicant will be required to install one (1) on-site fire hydrant.**
 - e. **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 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 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 RS-6.5 zoning district as provided for in the Albany Development Code.**
8. **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.**