

RESOLUTION NO. 3809

RESOLUTION PROCLAIMING THE ANNEXATION AND ZONING OF PROPERTY LOCATED AT 34505 HIGHWAY 99E, AND CONTAINING APPROXIMATELY 4.17 ACRE (FILE AN-02-97).

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 34505 Highway 99E, (Linn County Assessor's Map No. 11-3W-30, Tax Lots 600 and 603,) which is part of an enclave 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 will be held sometime in the future concerning the withdrawal of said territory from the Tangent 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 LI (Light Industrial).

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 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 JULY 1997.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Recorder

N:\97\AN02S.CC

LEGAL DESCRIPTION

File AN-02-97

Tax Lot 600, Linn County Assessor's Map 11-3W-30

A tract of land situated in the County of Linn, State of Oregon, more particularly described as follows: Beginning at a 1/2 inch iron rod South 0° 31'-1/2' West 717.30 feet and East 38.59 feet from the Northwest corner of the Southwest quarter of Section 30 in Township 11 South, Range 3 West of the Willamette Meridian in Linn County, Oregon; said beginning point being on the East right of way line of the Pacific Highway; and running thence South 0° 32' West along the East line of said Highway, 238.45 feet to a 1 inch iron pipe; thence South 89° 35' East 315.45 feet to a drill steel on the West right of way line of the Southern Pacific Railroad; thence North 0° 07' East along said railroad right of way, 240.72 feet to a 1/2 inch iron rod; thence West 313.80 feet to the place of beginning.

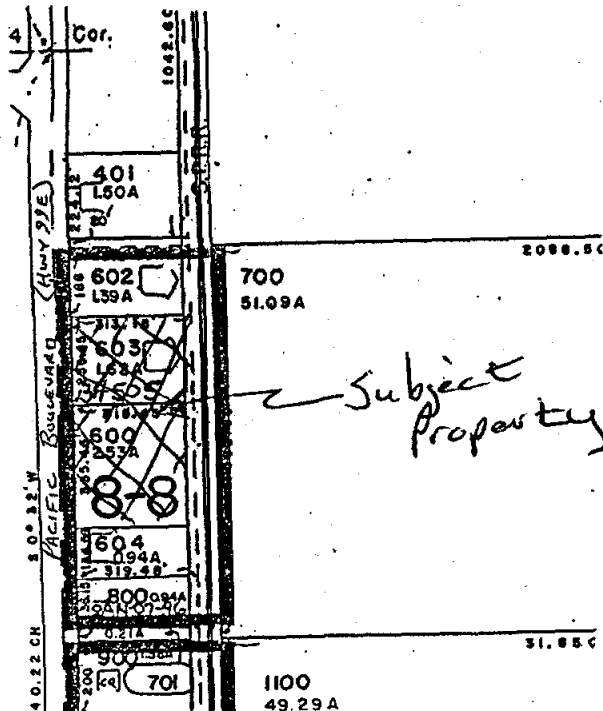
EXCEPTING THEREFROM that portion conveyed to Southern Pacific Company, a corporation by deed recorded January 29, 1964 in Book 299, page 615.

Tax Lot 603, Linn County Assessor's Map 11-3W-30

Beginning at a 1" pipe on the East line of the Pacific Highway, which is South 0° 31 1/2' West along the West line of Section 30 in Township 11 South, Range 3 West of the Willamette Meridian, Linn County, Oregon, a distance of 955.75 feet and South 89° 55' East 38.56 feet from the quarter section corner on the West line of said Section 30; thence South 0° 32' West along the East right-of-way of said Pacific Highway 472.02 feet to a 1" rod; thence South 89° 37' East 319.48 feet to the West right-of-way line of the Southern Pacific Railroad; thence North 0° 7' East along the said West right-of-way of said railroad 472.02 feet to a 1" rod; thence North 89° 35' West 315.45 feet to the place of beginning.

EXCEPT: Beginning at a 1" Iron rod on the East right-of-way line of the Pacific Highway which is South 0° 31 1/2' West along the West line of Section 30 in Township 11 South, Range 3 West of the Willamette Meridian, in Linn County, Oregon, a distance of 1427.77 feet and South 89° 37' East 38.49 feet from the quarter section corner on the West line of said Section 30; and running thence South 89° 37' East, parallel with the South line of said Section, a distance of 319.48 feet to a 1" rod on the West right-of-way line of the Southern Pacific Railroad; thence North 0° 06' East along said railroad right-of-way, 136.56 feet to a 1" iron rod; thence North 89° 37' West, parallel with the South line of said Section, a distance of 318.45 feet to a 1" iron rod on the East line of said Highway; thence South 0° 32' West 136.56 feet to the place of beginning.

ALSO SAVE AND EXCEPT the East 20 feet as conveyed to Southern Pacific Company in Book 303, Page 423, Deed Records.



**FINDINGS**  
**File AN-02-97**

1. **Annexation of the subject property is a logical and efficient extension of the boundaries of city limits to facilitate the functional and economic provision of services as the property is part of an enclave 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. **Any conflicts between the City and County applications of development standards and requirements for this property will be eliminated through annexation.**
4. **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.**
5. **Annexation petitioners have the responsibility of installing and paying for the water, sewer, street and storm drainage improvements necessitated by annexation and the development of the subject property.**
6. **The subject property is located adjacent to a principal arterial street (Pacific Boulevard) that is fully improved to City Standards (curb, gutters, and sidewalks). Storm drainage facilities in this area is provided as a part of the State Highway system (Pacific Boulevard).**
7. **Public water service is available to the this property. However, the public water line is located on the west side of Pacific Boulevard. Water service will be provided by extending a public line across the highway and then across the frontage of the subject property or, alternatively with the City's approval, by boring a service line under the highway. The existing dwelling unit on the subject property is currently serviced by a well. If a public main is constructed on the east side of Pacific Boulevard, a Local Improvement District might be formed.**
8. **The public sanitary sewer line available to this property is currently located on the west side of Pacific Boulevard. The method of connection to this line had not been determined at the time this staff report was written. Sanitary sewer service will be provided either by boring under Pacific Boulevard with a public line which would also require the construction of a public line across the frontage of the subject property or, alternatively with the City's approval, by boring under the highway with a private service lateral and paying an in-lieu-of-assessment for the connection to an existing public line.**
9. **The Albany Police Department will be able to provide service to the lots with no appreciable increase in costs at this time.**
10. **The Albany Fire Department reports that the subject property is within the proper running distance of Station Twelve for first-due Engine Company response.**
11. **Annexation and zoning of the subject property are in conformance with the acknowledged Albany Comprehensive Plan.**

12. This is a small annexation involving an existing residence on 1.62 acres and a vacant parcel containing 2.53 acres. The surrounding area has been developed with two single family residences on parcels of 0.94 acres and one single family residence on 1.39 acres. The LI (Light Industrial) zoning designation is appropriate for this area and is in conformance with the zoning matrix found in the Comprehensive Plan. The area has been designated for Industrial Use since 1981.
13. The proposed zoning designation of LI (Light Industrial) is in conformance with the Albany Comprehensive Plan designation of Light Industrial. As such, the property may be developed applying the standards for the LI zoning district as provided for in the Albany Development Code.
14. The annexation of the subject property was initiated by 100% of the property owners and 100% of the electors residing on the property; thus, annexation may occur without a public hearing or an election under the provisions of ORS 222.125.