

RESOLUTION NO. 2721

A RESOLUTION PROCLAIMING THE ANNEXATION AND ZONING OF PROPERTY LOCATED AT 5555 PACIFIC BOULEVARD SW (EAST OF PACIFIC BOULEVARD SW, SOUTH OF COLLEGE PARK DRIVE, NORTH OF ELLINGSON ROAD, AND WEST OF THE SOUTHERN PACIFIC RAILROAD TRACKS) AND CONTAINING APPROXIMATELY 39.36 ACRES.

WHEREAS, under the provisions of ORS 222.125, 100% of the property owners and not less than 50% of the electors, if any are present, have petitioned for the annexation of territory 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.

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 C-2 (Community Commercial)(Annexation File No. AN-02-87).

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 City Recorder shall be directed to submit to the Secretary of the State of Oregon and the Oregon State Department of Revenue a transcript of the annexation proceedings, a copy of this resolution, and a copy of the complete consent document signed by the landowners and electors, if any are present, within the territory annexed. The City Recorder shall also, within 10 days after the transcript has been filed with the Secretary of State of the State of Oregon, report this annexation to the County Clerk and to the County Assessor of Linn County, Oregon.

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 14TH DAY OF OCTOBER, 1987.

Tom Holman

Mayor

ATTEST:

J. J. J. J.

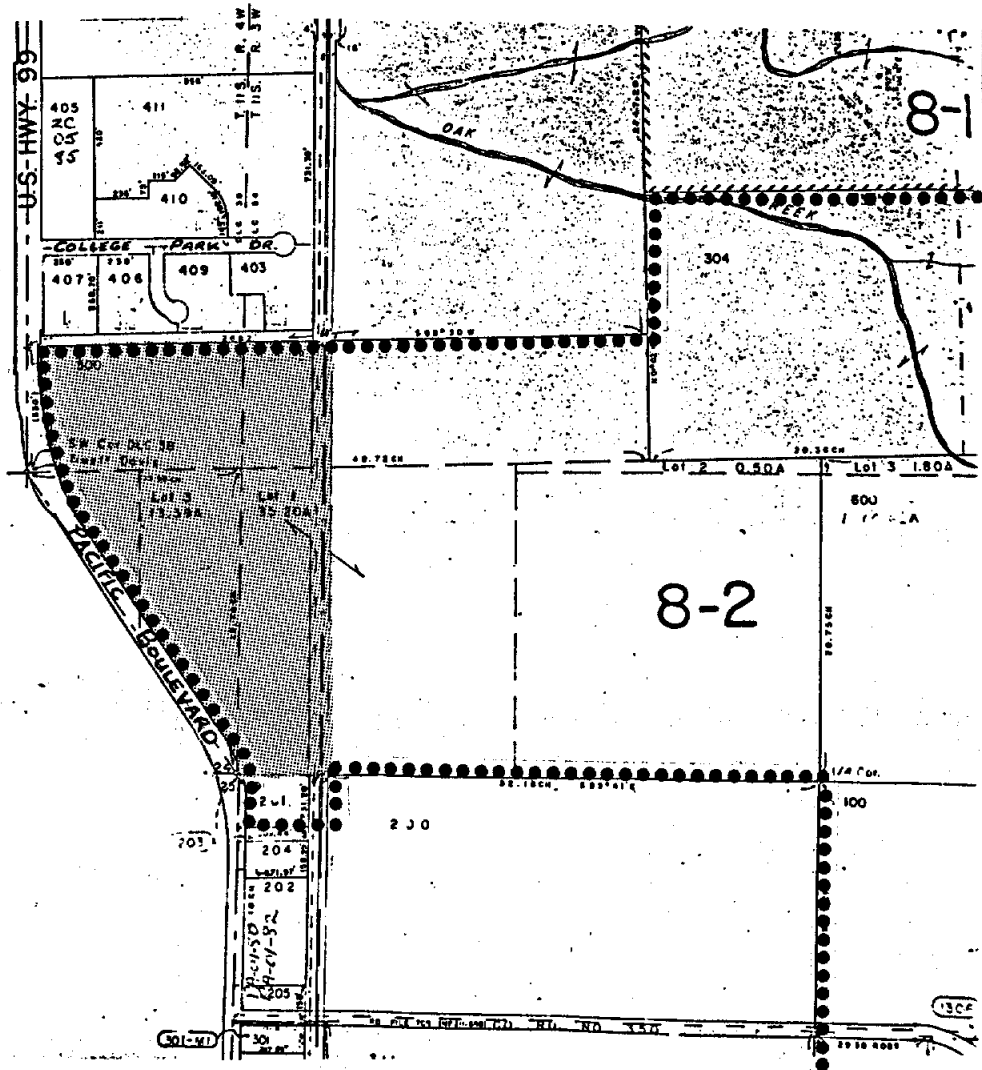
City Recorder

EXHIBIT 'A'

LEGAL DESCRIPTION FOR ANNEXATION

TO

THE CITY OF ALBANY, OREGON



Beginning at a point on the Easterly right of way line of U.S. Highway 99 East, said point also being on the South line of, and S 89°41'38" E 12.05 feet from the Southwest corner of, Section 19, T11S, R3W, W.M., Linn County, Oregon. Thence along said South line of Section 19, S 89°41'38" E 375.95 feet to a point on the Easterly right of way line of the Southern Pacific Railroad; thence along said Easterly railroad right of way line, N 0°09'26" E 1866.06 feet to a 3/4" bolt at the Southwest corner of that tract of land described in Linn County Deed Records, Volume 143, Page 456; thence along the South line of, and South line extended of, that tract of land described in Linn County Deed Records, Volume 328, Page 146, S 89°08'26" W 1274.63 feet to a 1/2" iron rod on the Easterly right of way line of U.S. Highway 99 East; thence along said Easterly right of way line, S 2°47'05" E 90.77 feet to a 1/2" iron rod as recorded on Highway 99 East right of way plat; thence along said Easterly right of way line on a curve to the left, the long chord of which bears S 18°00'59" E 839.15 feet to a 3/4" iron rod as recorded on Highway 99 East right of way plat; thence along said Easterly right of way line S 35°32'55" E 648.54 feet to a 5/8" iron rod as recorded on Highway 99 East right of way plat; thence along said Easterly right of way line on a curve noted as "ALBANY CITY LIMITS", the long chord of which bears S 30°29'41" E 497.40 feet to the point of beginning. Containing 39.36 acres, more or less, including the Southern Pacific Railroad right of way.

Note: The bearing source for this description is County Survey 17827. with Highway 99 plat bearings and County Survey 16480 bearings adjusted to match C.S. 17827. This description is to the Highway right of way line as noted "ALBANY CITY LIMITS" per the highway plat and areas of slope easements are included in the description.

EXHIBIT 'B'

FINDINGS FOR ANNEXATION (FILE NO. AN-02-87)

1. Annexation of the subject property is a logical and efficient extension of the city boundary in that the existing city limit boundaries are located on the north, west, and south.
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 subject property is currently vacant.
4. 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 Planning Commission review under the provisions of ORS 222.125 and Albany Development Code Sections 3.010 (5) and (7).
5. The Albany Development Code Annexation Zoning Matrix (Section 3.030(2)) provides for application of the C-2 (Community Commercial) zoning designation for properties with a General Commercial Plan designation upon annexation by this method.
6. Annexation and zoning of the subject property is in conformance with the acknowledged Albany Comprehensive Plan.
7. The existing zoning designation Urban Growth Management-Community Commercial (C-2) is in conformance with the Albany Comprehensive Plan designation of General Commercial. As such, the property may be developed applying the standards for the C-2 (Community Commercial) zoning district as provided for in the Albany Development Code.
8. Urban services can be extended to the subject property without adversity to other properties in the city.
9. The proposed annexation will facilitate the functional and economic provision of services within the Urban Growth Boundary without seriously impairing city services to existing portions of the city for the reason that the soon to be improved Pacific Boulevard is adjacent to the property and all other public services are either adjacent to or located on the subject property.
10. The proposed annexation will add property to the city which is needed to provide an adequate supply of zoned lands for the uses proposed and because this will supply the city of Albany with its largest contiguous single ownership piece of commercial property within the city. The recent development of the Heritage Mall removes from the inventory of available commercial lands a previous large block of undeveloped commercial lands. The addition of this parcel replaces the lands now developed in the Heritage Mall.
11. The future use and development of the property will be subject to Site Plan Review approval which will assure the provision of adequate public improvements and enhancement of the property through appropriate landscaping.