

ORDINANCE NO. 4574

AN ORDINANCE PROCLAIMING THE ANNEXATION TO THE CITY OF ALBANY OF CONTIGUOUS TERRITORY CONSISTING OF 12.58 ACRES OF PROPERTY LOCATED NORTH OF SANTIAM HIGHWAY SE, WEST OF GOLDFISH FARM ROAD, AND ADJACENT TO TIMBER LINN PARK AND WITHDRAWING SAID TERRITORY FROM THE ALBANY RURAL FIRE PROTECTION DISTRICT.

WHEREAS, the Planning Commission of the City of Albany has recommended that a certain territory described in Section 1 of this Ordinance which is contiguous to the City of Albany be annexed and that more than 50% of the owners of the property in said area who own more than 50% of the land and real property therein and representing more than one-half of the assessed value of the real property therein have consented in writing to the annexation, said consent having heretofore been filed with the City Recorder in the matter prescribed by law; and

WHEREAS, the City Council by Ordinance No. 4564 adopted on the 16th day of February, 1983, dispenses with an election submitting to the voters of the City the question of annexation of said territory and did at 7:15 o'clock p.m. on the 9th day of March, 1983, in the Council Chambers of the City Hall in said City at the time and place of hearing thereon, and the further question of withdrawing said territory, if annexed, from the Albany Rural Fire Protection District, at which time and place the voters of the City were given an opportunity to be heard on the questions involved; and

WHEREAS, notices of said public hearing were published and posted in the manner and for the time prescribed by law and the public hearing was duly held by and before the City Council as provided by law and by the terms of said Ordinance and the published notice, and it appears to be in the best interest of the City and of the area involved that it be annexed to the City of Albany and withdrawn from the Albany Rural Fire Protection District; and

WHEREAS, the City Council has based its decision on facts and conclusions stated in accordance with the findings on file with the City Recorder which are adopted by separate motion and incorporated by reference herein for the annexation and zoning of this property and which are hereby adopted as findings of the Council; now, therefore,

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: The following described property to-wit: (See attachment) is hereby proclaimed to be annexed to the City of Albany, Oregon, and zoned R-1, Low Density Residential.

Section 2: That the above described territory annexed to the City of Albany is hereby withdrawn from the Albany Rural Fire Protection District.

Section 3: After the effective date of this ordinance, the City Recorder shall submit to the Secretary of State of the State of Oregon and the Oregon State Department of Revenue a transcript of the annexation proceedings, a copy of this ordinance, a copy of Ordinance No. 4564, and a copy of the complete consent document signed by the landowners 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.

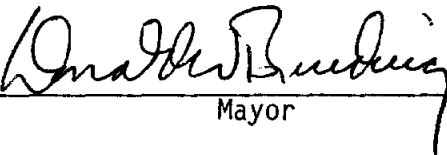
Section 4: That the property described in Section 1 hereof shall be effectively annexed to the City of Albany on the date that the complete abstract of the annexation proceedings as specified in Section 3 of this ordinance is filed with the Secretary of State of the State of Oregon.

Passed by the Council: March 9, 1983

Approved by the Mayor: March 9, 1983

Effective Date of this Ordinance: April 8, 1983

Effective Date of this Annexation: \_\_\_\_\_  
(date filed with Oregon Secretary of State)

  
Mayor

ATTEST:

  
Deputy City Recorder

LEGAL DESCRIPTION (A-6-82)

TRACT "A"

Beginning 163.68 feet south of the intersection of the west line of DLC #39 with the south line of Section 3, Township 11 South, Range 3 West of the Willamette Meridian, Linn County, Oregon; thence west 1,135 feet to the true point of beginning; thence continuing west 185 feet to the southwest corner of the H. Steckly property as described in Deed 200, Page 17, Linn County Deed Records; thence North 1,170.18 feet, said point being on the north right-of-way line (abandoned) of railroad right-of-way; thence North  $73^{\circ}18'$  E 192.75 feet; thence S 1,225.57 feet to the true point of beginning. Containing 5.08 acres.

TRACT "B"

The Westerly 500 feet of even width of the following described property: Beginning at a point in the West boundary line of the Donation Land Claim of Hugh Nickerson and wife, same being Notification No. 708, Claim No. 39, in Township 11 South, Range 3 West of the Willamette Meridian, Linn County, Oregon, which is 4.48 chains South of the South boundary line of Section 3, in said township and range; thence West 1 chain; thence South 1.05 chains; thence West 19.00 chains; thence South 3.00 chains; thence East 20.00 chains, more or less, to the West boundary line of said Claim No. 39; thence North 4.05 chains to the placing of beginning, containing 2.27 acres more or less.

TRACT "C"

The westerly 500 feet of the following property: Beginning 2.5 chains north from the southwest corner of DLC #39; thence northerly 6.53 chains; thence westerly 20 chains; thence southerly 6.53 chains; thence easterly 20 chains to the point of beginning. Containing 4.95 acres more or less.

Availability of Urban Services:

1. Sewer: A 8" sewer line is available in Commercial Way south of the property and a 12" line is available in Price Road, west of the subject property.
2. Water: No water service is available at the present time.
3. Police: The Albany Police Department will be able to provide service to the lot with no appreciable increase in costs at this time.
4. Fire: The Albany Fire Department reports that the subject property is within the proper running distance of Station 1 for first due Engine Company response.

FINDINGS

Conformance with the Adopted Comprehensive Plan

The proposed annexation is in conformance with the acknowledged Albany Comprehensive Plan Map and Plan Policies.

The property proposed for annexation is within the area covered by the Comprehensive Plan for the City of Albany, and is included within the recognized Urban Growth Boundary adopted by the City and Linn County.

The proposed park use of the subject property is (and will be) in conformance with the designation indicated on the Comprehensive Plan Map.

A. Urban Growth Policies

1. The subject property is within the locally adopted Urban growth Boundary.
2. The annexation of the property will be an incremental step in extending the city limits to the Urban Growth Boundary.
3. The annexation is a logical and efficient extension of the city limits boundaries to facilitate the functional and economic provision of services.
4. The subject property is presently vacant but has been committed to an urban use, as an existing city park lies to the west and existing parcels to the north, south and east have been committed to urban uses.

B. Growth Management

Annexation of the subject property will conform to the Growth Management Policies as the proposed annexation will encourage the urbanization of an area where facilities and services are already available, thereby requiring the least public costs to provide needed service and facilities, and will assure that any further development of the subject property will be to city standards.

### C. Development Policies

When the subject property is annexed it will be rezoned to the appropriate residential designation (R-1, Low Density Residential) and will be in compliance with the Comprehensive Plan designation of the property. Any future developments or modifications to the existing park must occur to city standards.

### D. Annexation Policies

Annexation of the subject property is a logical extension of the city boundary and service area.

Annexation of the subject property will facilitate the functional and economic provisions of services within the Urban Growth Boundary without seriously impairing city services to other portions of the city.

### CONCLUSIONS:

- A. Annexation of the subject property is a logical extension of the city boundary and will provide for coordinated planning efforts for extension of streets and utilities.
- B. The subject property is within the Urban Growth Boundary.
- C. Annexation of the subject property is in conformance with the acknowledged Albany Comprehensive Plan.
- D. The proposed zoning designation of R-1 (Low Density Residential) is in conformance with the acknowledged Albany Comprehensive Plan.
- E. The conflicts between the City and County applications of development standards and requirements for this property will be eliminated through annexation.
- F. Urban services are presently being provided to the city owned property to the west of the subject property.

### RECOMMENDATION:

At its regular meeting of December 13, 1982, the Planning Commission unanimously moved to recommend approval of the annexation and R-1 Low Density Residential zoning based on the findings and conclusions in the Staff Report.