

ORDINANCE NO. 4729

AN ORDINANCE ADOPTING ATTACHED EXHIBIT "A" KNOWN AS "FINDINGS" AND PROCLAIMING THE ANNEXATION TO THE CITY OF ALBANY OF CONTIGUOUS TERRITORY CONSISTING OF 4.70 ACRES OF PROPERTY LOCATED AT THE SOUTHEAST CORNER OF TIMBER STREET AND SANTIAM HIGHWAY, AND WITHDRAWING SAID TERRITORY FROM THE ALBANY RURAL FIRE PROTECTION DISTRICT.

WHEREAS, 100% of the property owners have consented to annexation of said property pursuant to ORS 222.125; and

WHEREAS, the City Council did hold a public hearing at 7:15 p.m. on the 10th day of September, 1986, in the City Hall Council Chambers on the annexation question, and the further question of withdrawing said annexed territory from the Albany Rural Fire Protection District, during 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it appears to be in the best interest of the City and of the area involved that it be annexed to the City of Albany and withdrawn from the Rural Fire Protection District.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: Exhibit "A" known as "Findings" is hereby adopted as the Albany City Council's findings in support of this decision.

Section 2: The following described property to-wit: (See attached legal description) is hereby proclaimed to be annexed to the city of Albany, Oregon.

Section 3: That the above described territory annexed to the city of Albany is hereby withdrawn from the Albany Rural Fire Protection District.

Section 4: 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, 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.

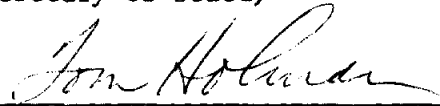
Section 4: That the property described in Section 1 hereof shall be effectively annexed to the City of Albany on the date that the complete abstract of the annexation proceedings as specified in Section 3 of this ordinance is filed with the Secretary of State of the State of Oregon.

Passed by the Council: September 10, 1986

Approved by the Mayor: September 11, 1986

Effective Date of this Ordinance: October 10, 1986

Effective Date of this Annexation: November 5, 1986
(date filed with Oregon Secretary of State)



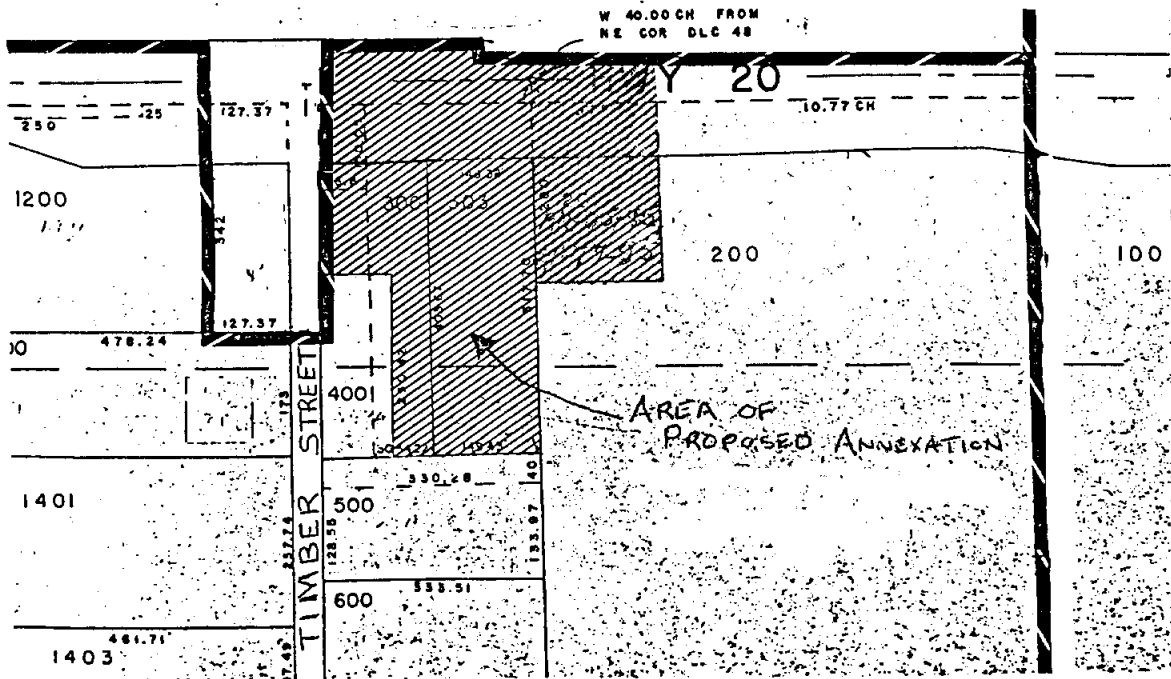
Mayor

ATTEST:


Debbie Andrews
Deputy City Recorder

LEGAL DESCRIPTION FOR ANNEXATION
TO
THE CITY OF ALBANY, OREGON

Beginning at the West Southwest corner of that parcel conveyed to Elizabeth Rose Meyer by deed recorded on MF Vol. 191, page 155, Linn County Microfilm Records which point is 2346.44 feet N. $89^{\circ} 54'$ E. and 270 feet S. $0^{\circ} 06'$ E. of the Northwest corner of the Edward N. White Donation Land Claim 48, in Section 9, Township 11 South, Range 3 West, W.M., Linn County, Oregon; thence along the lines of said parcel N. $89^{\circ} 54'$ E. 119.53 feet; thence S. $1^{\circ} 30'$ E. 250.42 feet; thence N. $88^{\circ} 58'$ E. along the south line of that parcel of land conveyed to Jake J. Meyer, Jr. by deed recorded in MF Vol. 114, Page 824, said microfilm records, 203.65 feet to the Southeast corner of said Jake J. Meyer, Jr. parcel; thence N. $1^{\circ} 25'$ W. along the East line of said Jake J. Meyer, Jr. parcel a distance of 237.7 feet more or less to a point 280 feet from the northwest corner of that certain tract of land conveyed to D.F. Ropp and Barbara Ropp, by deed recorded March 14, 1958 in Deed Book 258, Page 518, Linn County Deed Records; thence easterly parallel with the North line of said Ropp tract, a distance of 175 feet; thence Northerly parallel to the West line of said Ropp Tract a distance of 310 feet more or less to the north right-of-way line of Santiam Highway (State Highway 20); thence westerly along said North right-of-way line a distance of 210 feet more or less to the Northeast corner of that tract of land conveyed to the Oregon State Highway Department by deed recorded in Book 153, Page 481, Linn County Deed Records; thence Westerly along said North right-of-way line as described in Book 153, Page 481, Linn County Deed Records to the intersection of the extension of the East right-of-way line of Timber Street; thence S. $0^{\circ} 06'$ E. a distance of 322 feet more or less to the point of beginning, containing 4.70 acres more or less.



FINDINGS FOR ANNEXATION (FILE NO. AN-03-86)

1. 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.
2. The subject property is within the Urban Growth Boundary and is a 100% consent annexation.
3. Annexation of the subject property is in conformance with the acknowledged Albany Comprehensive Plan.
4. The existing zoning designation of Urban Growth Management-Community Commercial (UGM-C2) is in conformance with the Albany Comprehensive Plan designation of General Commercial. As such the property may be developed for commercial use applying the standards of the C-2 (Community Commercial) zoning district as provided for in the Albany Development Code.
5. The conflicts between the City and County applications of development standards and requirements for this property will be eliminated through Annexation.
6. Urban services can be extended to the subject property without adversity to other properties in the City.
7. 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.