

RESOLUTION NO. 2833

A RESOLUTION PROCLAIMING THE ANNEXATION AND ZONING OF PROPERTY LOCATED AT 3850 SANTIAM HIGHWAY SE AND CONTAINING APPROXIMATELY 1.54 ACRES (FILE NO. AN-04-88).

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.

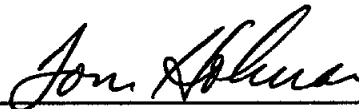
NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that the territory described by attached Exhibit A is hereby proclaimed to be annexed to the city of Albany and zoned C-2 (Community Commercial).

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 a transcript of the annexation proceedings, a copy of this resolution (ordinance), 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 be directed to submit to the Oregon State Department of Revenue a copy of this resolution (ordinance), and a copy of the legal description and map of 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 7TH DAY OF DECEMBER, 1988.



Mayor

ATTEST:



City Recorder

EXHIBIT A
LEGAL DESCRIPTION
FILE NO. AN-04-88

Beginning at the intersection of the west line of that parcel conveyed to Julie A. Sanford and Charles W. Johnson by deed recorded in MF Volume 373, Page 184, Linn County Microfilm Records and the south right of way line of the Santiam Highway, which point is 3038.93 feet South 89°54' West and 113.43 feet South 0°06' East of the northeast corner of the Edward N. White Donation Land Claim Number 48, Township 11 South, Range 3 West of the Willamette Base and Meridian, Linn County, Oregon; thence South 0°06' East 228.57 feet to the southwest corner of said Sanford and Johnson parcel; thence South 89°54' West along the north line of that parcel conveyed to Jim Jacobs et ux by deed recorded in MF Volume 292, Page 96 said microfilm records 226 feet; thence North 3°32'24" east 31.20 feet; thence North 76°54'58" West 71.96 feet; thence North 5°27'58" West 152.22 feet; thence North 31°15'26" East 66.14 feet to the south right of way line of said highway; thence along the south right of way line of said highway South 72°36'48" East 95.77 feet and North 89°20'43" East 182.57 feet to the point of beginning. Containing 1.54 acre more or less.

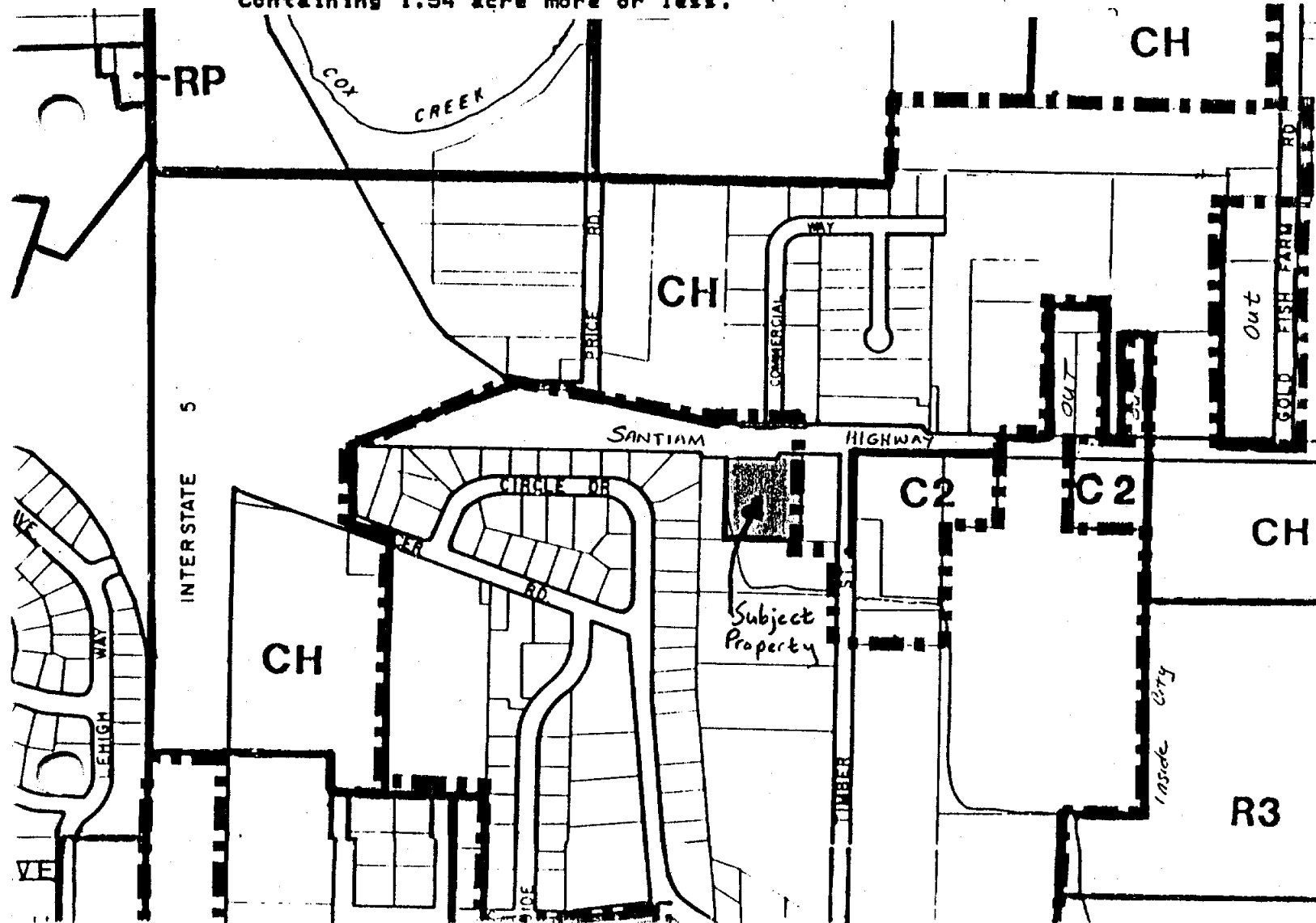


EXHIBIT B
FINDINGS
FILE NO. AN-04-88

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 north and east are 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. Annexation and zoning of the subject property are in conformance with the acknowledged Albany Comprehensive Plan.
4. The conflicts between the City and County applications of development standards and requirements for this property will be eliminated through annexation.
5. 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).
6. The Albany Development Code Annexation Zoning Matrix (Section 3.030 [2]) provided for application of the C-2 (Community Commercial) zoning designation for properties with a General Commercial Comprehensive Plan designation and an overlay zoning designation of UGM-C2 upon annexation by this method.
7. 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 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 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.