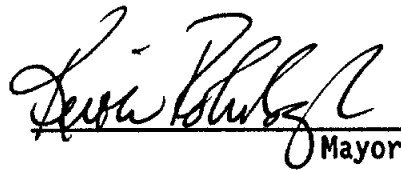


RESOLUTION NO. 2924

BE IT RESOLVED by the Albany City Council that it does hereby accept the delayed annexation agreement (Files Nos. AN-04-89 and SP-44-89) between the City of Albany, the County of Linn, Pacific First Bank, and James G. and Karen F. Patterson for 1.75 acres located at 2626 Three Lakes Road SE with concurrent Site Plan Review, dedication deed, and petition for improvement/waiver of remonstrance and authorize the execution the said agreement.

DATED THIS 13TH DAY OF DECEMBER 1989.



Mayor

ATTEST:



City Recorder

DEDICATION DEED

KNOW ALL MEN BY THESE PRESENTS, that Pacific First Bank, hereinafter referred to as the Grantor, does dedicate to the City of Albany for street and utility right-of-way purposes, all that real property situated in Linn County, State of Oregon, described as follows:

Beginning at the southeast corner of that parcel conveyed to Pacific First Bank in Microfilm File MF458-934, Linn County Deed Records, said point being also South 0°59'30" West, 908.75 feet, and North 0°17' East, 638.87 feet form the southeast corner of the west one-half of the Edward N. White D.L.C. 48, Section 16, Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon; thence South 89°59'30" West, 20.00 feet to the true point of beginning; thence North 0°17' East along the west right-of-way line of Three Lakes Road, 245.12 feet; thence South 89°59'30" West along the south property line of that parcel conveyed to Midway Plumbing in Microfilm File MF141-955c Linn County Deed Records, 10.00 feet; thence South 0°17' West parallel to the west right-of-way line of said Three Lakes Road, 245.12 feet; thence North 89°59'30" East along the north property line of that parcel conveyed to David E. Phillips in Microfilm File MF326-797 Linn County Deed Records, 10.00 feet to the true point of beginning, containing 2451 square feet more or less.

and covenants that the Grantor is the owner of the above described property free of all encumbrances save and except reservations in patents and easements of record, and will warrant and defend the same against all persons who may lawfully claim the same.

The deed granted herein is in consideration of \$1.00 and in further consideration of the public improvements to be placed upon said property and the benefits grantors may obtain therefrom.

IN WITNESS WHEREOF, the Grantor has hereunto affixed his/her/their signature this 6th day of October, 1989.



Pacific First Bank

By: William T. Brice

VICE President

By: _____

STATE OF WASHINGTON)

The foregoing instrument was acknowledged before me this 6th day of October, 1989, by William T. Brice, and by _____, of Pacific First Bank, a Washington corporation, on behalf of the corporation.

Nancy L. Weis
Notary Public for Washington
My Commission Expires: 6-9-92

STATE OF OREGON)
County of Linn) ss.
City of Albany)

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 2924 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 14th day of December, 1989.

CITY OF ALBANY, OREGON

Steve Bryant
City Manager

[Signature]
City Recorder

ENTERED DEC 21 1989

STATE OF OREGON
County of Linn

I hereby certify that the attached was received and duly recorded by me in Linn County records:

Volume: MF 519 Page: 406

At 8:30 O'clock a.m. ²⁰

STEVE DRUCKENMILLER
Linn County Clerk

By [Signature], Deputy
City of Albany

DELAYED ANNEXATION PETITION AND AGREEMENT
CITY OF ALBANY CASE NO. AN-04-89

AUG 18 1989

**PACIFIC FIRST FEDERAL
SAVINGS BANK**

TO: The City Council of Albany, Oregon, and Linn County Board of Commissioners

This agreement is made this 6th day of October 1989, by and between the City of Albany, Oregon, a municipal corporation, the County of Linn, and the undersigned owner(s) of record of the property described in Exhibit 'A'; (legal description and map), attached hereto and by this reference incorporated herein.

In consideration of the mutual promises contained herein, and upon the valid execution of this agreement by all parties hereto, it is agreed as follows:

OWNER'S OBLIGATIONS

1. The undersigned owner(s) of the property described in Exhibit 'A' hereby petition for Annexation of said property to the City of Albany in accordance with ORS Chapter 222.170.
2. Except as hereinafter setforth, it is understood that this petition shall be permanent and irrevocable.
3. This agreement shall be binding upon the undersigned, and his/her heirs, successors, and assigns and shall become a covenant running forever with the land described in Exhibit 'A', regardless of whether said parties are signatories to this agreement.
4. The undersigned owner(s) agrees to pay all pending assessments and development fees, including one and one-half times the in-city rate for sewer usage at such time sewer service is provided until such time as the property is annexed, whereupon the current in-City sewer shall apply.
5. The undersigned owner(s) further agrees to the following special conditions:
 - a. To allow for the future construction of a 36-foot wide street improvement and a 4-foot sidewalk, prior to occupancy of the building, submit the enclosed Dedication Deed which has been prepared by the City dedicating ten (10) feet of land adjacent to Three Lakes Road for right-of-way and future street improvements.
 - b. Prior to occupancy of the building, submit Petition for Improvement/Waiver of Remonstrance for the entire length of Tax Lot 705 for the construction of public utilities and street improvements adjacent to Three Lakes Road SE.
 - c. The applicant agrees to make all improvements indicated on the approved Site Plan (Exhibit 'B') and the conditions attached to the approval (Site Plan Review Case No. SP-43-89) by the City of Albany (Exhibit 'C').
 - d. Future development, as defined in the Albany Development Code, of the site shall be subject to additional Site Plan Review by both the City of Albany and Linn County Planning Departments in accordance with the Albany Development Code as may be amended and any other conditions deemed appropriate by both the City and the County.
 - e. All property improvements shall be constructed and maintained in accordance with the City of Albany development specifications.
 - f. Until sanitary sewer facilities are available, the applicant shall obtain the necessary approvals for sanitation facilities from the Department of Environmental Quality or its designee.

The undersigned owner(s) hereby acknowledges that s/he has read this petition and its attachments, understood the requirements for Delayed Annexation, and states that the information supplied is complete, true, and accurate. The undersigned reserves the right to withdraw this petition upon giving written notice to the Planning Director of the City of Albany not more than 30 days from receipt of the notice of final action listing all final conditions of approval. The undersigned further understands that if the actions required are not completed as agreed, Linn County may revoke all permits issued since the agreement was signed and the City of Albany shall have the right to discontinue sewer service upon giving ninety (90) days written notice to the undersigned or to the owner of record of the property which is the subject of this agreement as said ownership appears in the records of the Assessor of Linn County, Oregon.

THE CITY OF ALBANY AGREES:

1. The City agrees that at such time as the property described in Exhibit 'A' may become contiguous to the corporate boundaries of the City of Albany, it shall be eligible for annexation and shall be considered for such actions.
2. The City agrees to provide such municipal services as it, in the exercise of its discretion, may deem prudent.
3. The City agrees, notwithstanding the foregoing, to provide and maintain the following municipal services:
 - a. Sanitary sewer and water service at such time that a Local Improvement District is formed of sufficient size.
 - b. The City agrees to maintain all public facilities constructed to City standards and specifications.
 - c. Any reconstruction of Three Lakes Road shall be to city standards and specifications and subsequent maintenance shall be by the City of Albany unless otherwise agreed to by the City and County.
 - d. All drainage improvements shall be constructed to City standards and specifications and maintained by the City of Albany unless otherwise agreed to by the City of Albany.
 - e. The City agrees to waive all building inspection responsibilities and collection of fees until such time that the property is annexed to the City of Albany.

THE COUNTY OF LINN AGREES:

1. To provide such public services as would otherwise be provided to the subject property by the county absent other terms of this agreement.
2. To permit the development of the subject property in accordance with the applicable Linn County Delayed Annexation Overlay Zoning and all applicable City development standards, except the following:
 - a. County reserves the right to issue septic disposal system permits by the Environmental Health Division as authorized agent for the Department of Environmental Quality until sewer services are provided.
 - b. County reserves the right to issue building and fill and excavation permits, perform necessary inspection, and collect any applicable fees, subject to City approval for compliance with City development standards.
 - c. County reserves the right to maintain or reconstruct Three Lakes Road at county standards until the City accepts such portions of Three Lakes Road into the City road system, unless otherwise negotiated at a later time.
 - d. County agrees to allow any drainage improvements to be constructed and maintained at City standards and specifications, unless otherwise negotiated at a later time.

SEVERABILITY

The provisions of this document are severable. If any section, sentence, clause, or phrase of this document is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions.

RECORDING

It is further agreed that this contract shall be recorded in the deed record of Linn County, Oregon.

Name(s): PACIFIC FIRST BANK

Address: P.O. Box 1594, TACOMA, WA 98401

Telephone: 1-800-251-2111

Assessor's Map & Tax Lot No.(s):

Signatures: Pacific First Bank By: [Signature] Vice President



STATE OF OREGON,)
County of) ss.
City of)

STATE OF OREGON)
County of) ss.
City of TACOMA)

Personally appeared the above named
and acknowledged the foregoing instrument to be their voluntary act and deed.
Before me this ___ day of ___, 19__.

The foregoing instrument was acknowledged by
William T. Brice Vice - President
and by [Signature], Secretary
of Pacific First Bank
on behalf of the corporation. Before me this
6 day of October, 1989

Notary Public for Oregon
My Commission Expires: _____

[Signature]
Notary Public for Oregon
My Commission Expires: 6-8-92

PETITIONER(S)/PROPERTY OWNER(S)

Name(s): James G. Patterson
Karen F. Patterson

Address: 238 NE Spruignwood Dr, Albany

Telephone: 926-6945

Assessor's Map & Tax Lot No.(s):

Signatures: James G. Patterson
Karen F. Patterson

Date: 11/7/89

STATE OF OREGON,)
County of LINN) ss.
City of Albany)

STATE OF OREGON)
County of) ss.
City of)

Personally appeared the above named
JAMES G. PATTERSON AND KAREN F. PATTERSON
and acknowledged the foregoing instrument to be their voluntary act and deed.
Before me this 7 day of November

The foregoing instrument was acknowledged by
_____, President,
and by _____, Secretary of

on behalf of the corporation. Before me this
___ day of ___, 19__.

Notary Public for Oregon
My Commission Expires: 1-12-91

Notary Public for Oregon
My Commission Expires: _____

In witness whereof the parties have executed this agreement as of the last date below:

LINN COUNTY:

[Signature]
Board of Commissioners

[Signature]
Board of Commissioners

[Signature]
Board of Commissioners

APPROVED AS TO FORM

STATE OF OREGON)
City of Albany) ss
County of Linn)

[Signature]
Linn Co. District Attorney

89-703

On this _____ day of _____, 1989, personally appeared the above named _____

and acknowledged the foregoing instrument to be their voluntary act and deed.

Subscribed and sworn to before me this _____ day of _____, 1989.

Notary Public for Oregon

My Commission Expires: _____

In witness whereof the parties have executed this agreement as of the last date below:

CITY OF ALBANY

[Signature]
City Recorder

[Signature]
City Manager

STATE OF OREGON)
City of Albany) ss
County of Linn)

On this 14th day of December, 1989, personally appeared the above named D. Gary Holliday, City Recorder and Steve Bryant, City Manager

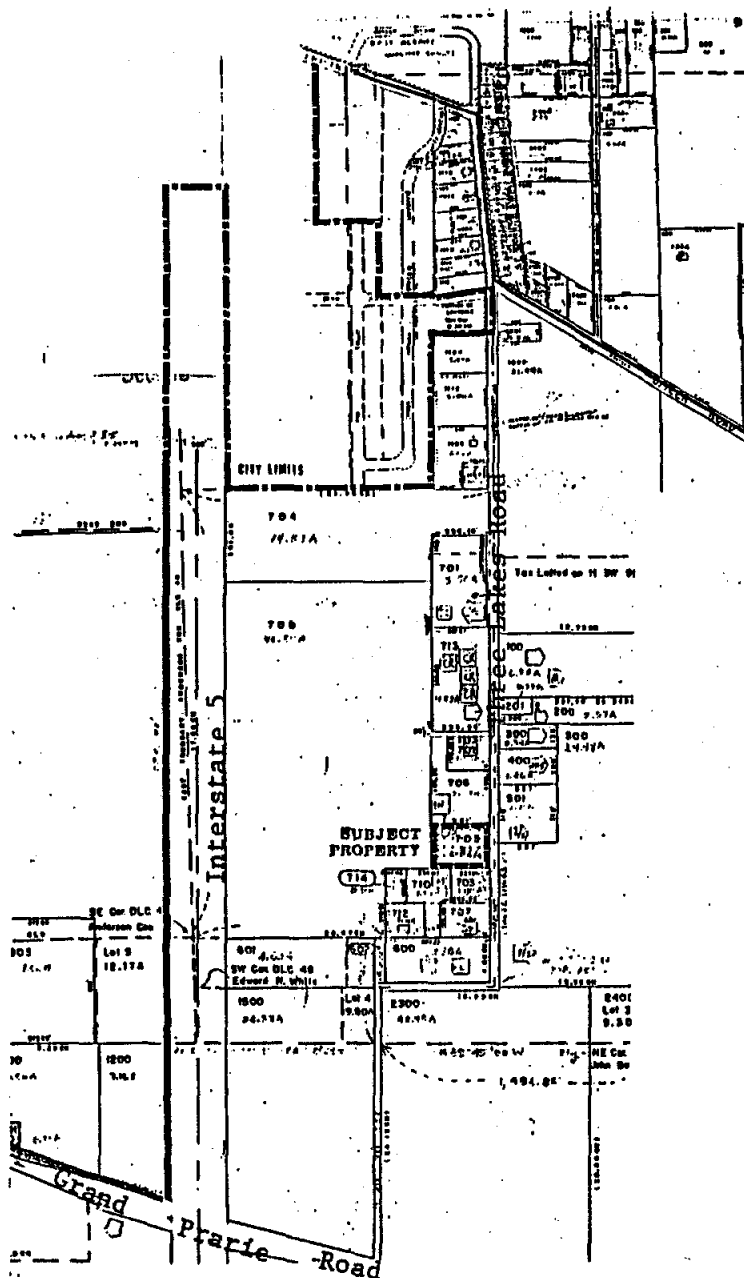
and acknowledged the foregoing instrument to be their voluntary act and deed.

Subscribed and sworn to before me this 14th day of December, 1989.

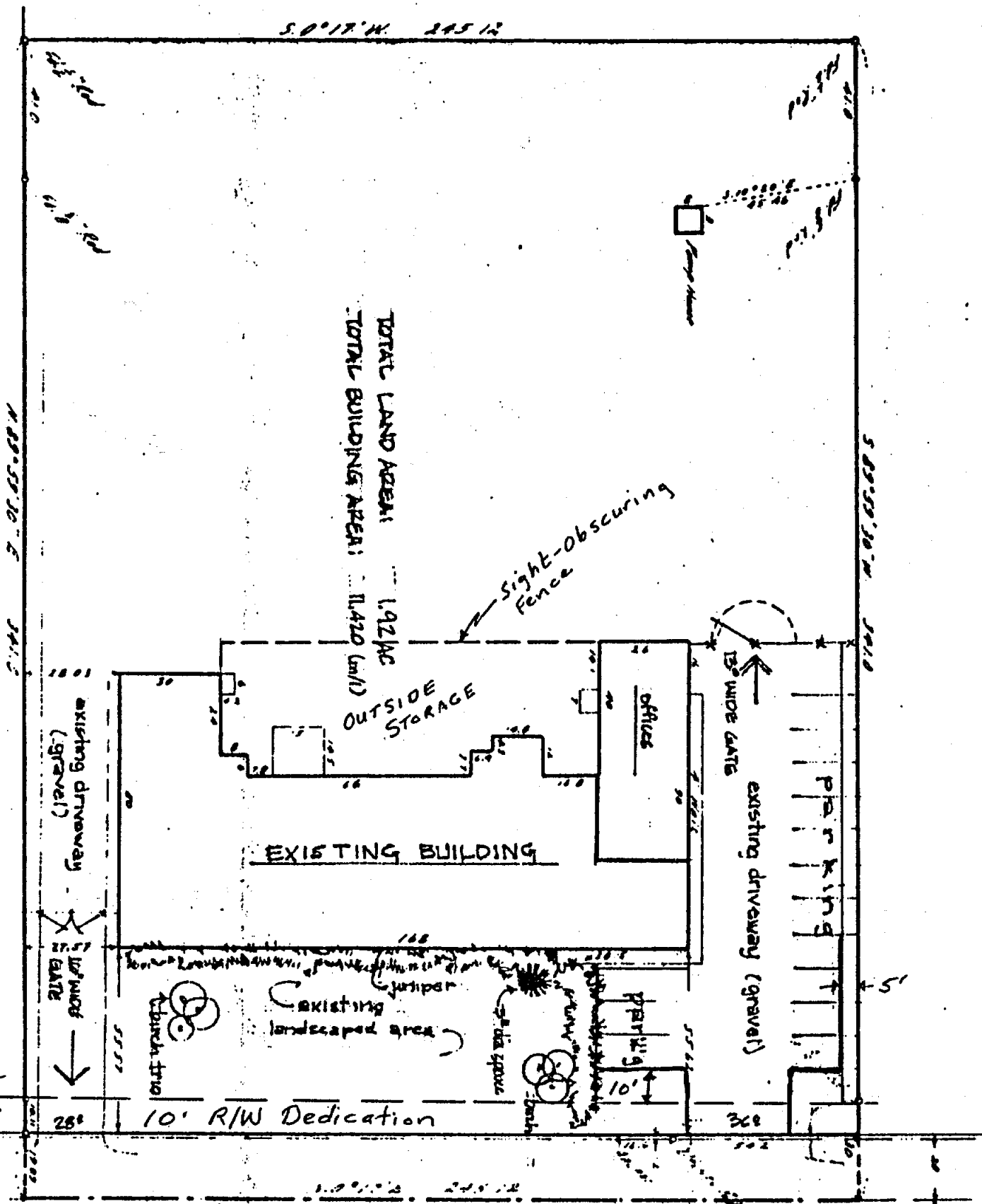
[Signature]
Notary Public for Oregon

My Commission Expires: 7/20/93

EXHIBIT 'A'



Description: Beginning at the Northeast corner of that parcel described in deed recorded in Book 308, page 722, Linn County Deed Records which point is 908.75 feet South $89^{\circ}59'30''$ West and 638.87 feet North $0^{\circ}17'$ East of the Southeast corner of the West half of the Edward N. White Donation Land Claim No. 48, Township 11 South, Range 3 West of the Willamette Base and Meridian, Linn County, Oregon; thence North $0^{\circ}17'$ East along the center of the county road 245.12 feet; thence South $89^{\circ}59'30''$ West parallel with the North line of said parcel 341 feet; thence South $0^{\circ}17'$ West parallel with the centerline of the county road 245.12 feet to the North line of said parcel; thence North $89^{\circ}59'30''$ East 341 feet to the point of beginning. **SAVE AND EXCEPT** that portion of the above described tract of land lying within the boundaries of public roads and highways.



TOTAL LAND AREA: 1.92 AC
TOTAL BUILDING AREA: 11,420 (sq ft)

Sight-Obscuring Fence

EXISTING BUILDING

OUTSIDE STORAGE

OFFICES

10' WIDE GATE

existing driveway (gravel)

existing driveway (gravel)

10' WIDE GATE

Existing landscaped area

church tree

parking

10' R/W Dedication

County Road 10 337. THREE LAKES RD.

EXHIBIT 'C'

CONDITIONS OF APPROVAL FOR SITE PLAN REVIEW CASE No. SP-44-89

1. Development shall occur in substantial conformance to the plans submitted for review and approval subject to the conditions noted below. Any changes to the approved Site Plan must be approved by the City of Albany and Linn County Planning Departments.
2. To allow for the future construction of a 36-foot wide street improvement and a 4-foot sidewalk, prior to occupancy of the building, submit the enclosed Dedication Deed which has been prepared by the City dedicating ten (10) feet of land adjacent to Three Lakes Road for right-of-way and future street improvements.
3. Prior to beginning work, the applicant shall submit to the City of Albany Public Works Engineering Division and to the Linn County Road Department, a storm drainage plan for the parking lot that shows slope of the lot and how storm drainage will be collected and routed to a public storm drain system. If storm drain pipes are planned, indicate the size and slope of each pipe. The City does not allow sheet flow of storm water into the street. The high point on the driveway must be at the property line so that all onsite drainage is collected within the applicant's property. Any ditches fronting the property which convey storm drainage shall be cleaned and kept clean of any trash and organic material which will impede flow.
4. Prior to doing any work in the public right-of-way, a Road Approach Permit must be acquired from the Linn County Planning and Building Department. Contact Glenn Hossner or Neal Micheals at 967-3919 regarding acquisition of this permit.
5. Parking lot must be constructed in conformance with Section 7.090 of the Albany Development Code. The Site Plan does not indicate perimeter curbing [7.090(5)] adjacent to landscaped areas. This requirement must be indicated on the storm drainage plans submitted for review and must be met at the time of construction of the parking lot. In addition a five (5) foot landscaped strip shall be provided adjacent to the north and property lines.
6. Provide a minimum of seven (7) off-street parking spaces. Parking spaces shall be designated in the parking lot [Section 7.090(8)ADC] prior to operational stage of the business. Standard parking spaces shall be a minimum of 9 feet by 19 feet. One-quarter of the total parking spaces in the lot may be designated for compact cars. The minimum dimensions for compact spaces shall be 8 feet by 16 feet. Such spaces shall be signed and/or the space painted with the words "Compact Car Only." Provide one "Handicapped" parking stall a minimum of 12 feet in width. The handicapped parking space shall be designated on the pavement "Handicapped Only" and signed as required in Chapter 31 of the Uniform Building Code and in particular Section 3108.
7. Approach roads must be paved from edge of county road improvement to a point 30 feet beyond new right-of-way. All unpaved storage areas which contain gravel shall be graded and graveled to an average depth of four (4) inches and shall be maintained in a dust-free condition.
8. Submit Landscape Plan to the Planning Department for review and approval prior to occupancy of the building. If you need assistance in preparing a Landscape Plan, contact Ron Bunch of this office at 967-4300, Extension 363. Note: Existing landscape materials can be counted towards the following requirements:

Minimum Landscaping required adjacent to Three Lakes Road:

- a. Six (6) street trees a minimum of 6 feet in height at time of planting.
- b. Thirty (30) five-gallon shrubs or forty-five (45) one-gallon shrubs.

Minimum landscaping to be provided within 5-foot landscaped strip adjacent to north and south property lines:

- a. One (1) tree at least 10 feet in height at time of planting and decorative ground cover containing at least two (2) shrubs per 100 square feet of landscape area.
9. Required landscaped areas adjacent north or south property lines where perimeter curbing has not been provided but a driveway or parking area is provided shall be protected by the use of railroad ties secured by rebar driven 18 inches into the ground or by large boulders, or some other acceptable means of providing protection. Contact Ron Bunch of this office at 967-4300, Extension 363 for assistance.

10. Landscaping shall be installed within 90 days of occupancy of the building or the applicant may submit a landscape completion guarantee equal to 110% of the estimated cost of the required landscaping which shall be forfeited to the City of Albany if landscaping is not completed within one year of completion of the building.
11. Salvage area within the existing building shall not exceed an area of 5,000 square feet and the total outside salvage and storage area shall be no more than a total of 5,000 square feet and shall be contained by an eight (8) foot high sight-obscuring fence as shown on Exhibit 'B'.
12. All storage of automobiles shall occur within the enclosed building or behind the sight-obscuring fence.
13. No vehicles or tires shall be visible beyond the sight-obscuring fence. No vehicles shall be stacked. Tires shall be stacked within the sight-obscuring fenced area and shall not be stored inside the building nor stacked near the building.
14. Obtain Sign Permit(s) from Linn County Building Department. Signs may be installed after joint review by Linn County and City of Albany Planning and Building staffs.

Maximum Number of Signs:	2 per frontage
Maximum Aggregate Area:	200 square feet
Maximum Individual Wall Sign:	100 square feet or 12% of wall area, whichever is less.
If wall signs used exclusively,	
Maximum Aggregate area:	250 square feet
Maximum Individual Wall Sign:	125 square feet or 12% of wall area, whichever is less.
Maximum free-standing sign:	160 square with a maximum height of 30 feet
Maximum projecting sign:	80 square feet

15. Any lighting provided on the site, including that provided by and/or for signage, shall be arranged to reflect the light away from any residential uses and the adjacent street.

The applicants should be aware that the following items are not conditions of Site Plan Review but are Uniform Building Code and/or Fire and Life Safety Code requirements which must also be addressed:

1. The proposed change of use will require a joint "change of occupancy inspection". To obtain a change of occupancy inspection by the City of Albany and Linn County Building Departments. In order to insure the rapid processing of your project, the following information would be helpful:
 - a. Submit plot plan, locating the building on the respective property.
 - b. Floor plan with room dimensions.
 - c. Designated use of each room.
 - d. Identification of any structural elements of the building to be remodeled.
2. If salvage work on autos is performed in the building, the use for that portion must comply with Occupancy Group H-4 (Auto Repair) Building Use classification. The following conditions would be required for an H-4 space:
 - a. Provide a mechanical ventilation system capable of producing 4 air changes per hour.
 - b. Provide a minimum of 2 exits from the space, with one leading directly to the outside. The doors shall swing in direction of travel.
 - c. Provide a minimum 1-hour fire-resistive construction wall separation from remainder of building space.
3. Obtain any required Building Permits necessary to accommodate the proposed use from the Linn County Building Department.
4. Provide one (1) approved 2A10BC on-site fire extinguisher during construction.
5. A key box shall be installed of a type approved by the Fire Chief and shall contain keys to gain necessary access as required by the Fire Chief. Contact Jim Mackie or Dennis Haney at 967-4302 for assistance.
6. The owner/occupancy shall comply with all aspects of the Uniform Fire Code as they pertain to this particular

type of occupancy.

7. A fire inspection and life safety inspection by the Fire Department is required within 30 days after the operational stage of the occupancy.
8. Install an approved fire alarm system and/or an automatic fire sprinkler system. Two copies of the Plans for the alarm system and/or fire sprinkler system are to be submitted to the Fire Marshall at the time Building Plans are submitted.
9. Provide an approved test of the fire alarm and/or fire sprinkler system prior to occupancy of the building.
10. An approved address must be posted on the building, visible from the street prior to occupancy of the building. Numbers must be no less than three (3) inches in height and shall be painted upon or affixed to the building in a contrasting and highly visible color.

ENTERED DEC 2 1 1989

At 8:30 O'clock a.m.

STEVE DRUCKENMILLER
Linn County Clerk

STATE OF OREGON
County of Linn

I hereby certify that the attached was
received and duly recorded by me in
Linn County records:

Volume: MF 519 Page: 395

By  Deputy

City of Albany
Box 490
Albany 97321

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