

RESOLUTION NO. 2986

**A RESOLUTION PROCLAIMING THE ANNEXATION AND ZONING OF PROPERTY LOCATED ON THE WEST SIDE OF BROADWAY STREET MORE COMMONLY KNOWN AS 1950 BROADWAY STREET SW (Tax Lots 4200 and 4300, 11-4W-13BA) AND CONTAINING APPROXIMATELY 21,540.42 SQUARE FEET (0.4945 ACRES) MORE OR LESS (FILE NO. AN-03-90) AND SETTING A PUBLIC HEARING FOR THE REMOVAL OF TERRITORY FROM THE ALBANY RURAL FIRE PROTECTION DISTRICT.**

WHEREAS, the City Council has proposed to annex in accordance with the provisions of ORS 222.750 certain property described by attached Exhibit A and more commonly known as 1950 Broadway Street SW, which is adjacent 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; and

WHEREAS, a public hearing should be held concerning the withdrawal of said territory from the Albany Rural Fire Protection District under the provisions of ORS 222.524.

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 R-1 (Single Family Residential).

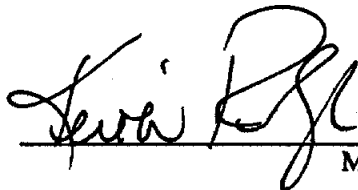
BE IT FURTHER RESOLVED that the findings, attached Exhibit B, are hereby adopted in support of this annexation and zoning action.

BE IT FURTHER RESOLVED by the Albany City Council that a public hearing on the matter of removal of the territory described in Exhibit A from the Albany Rural Fire Protection District be held by the City Council on October 10, 1990, 7:15 p.m.

BE IT FURTHER RESOLVED that the City Recorder shall give notice of the hearing by publication once each week for two (2) successive weeks prior to the day of said hearing in a newspaper of general circulation within the city. The City Recorder shall further cause notice of this hearing to be posted in four (4) public places within the city for a like time.

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 26TH DAY OF September, 1990.

  
\_\_\_\_\_  
Mayor

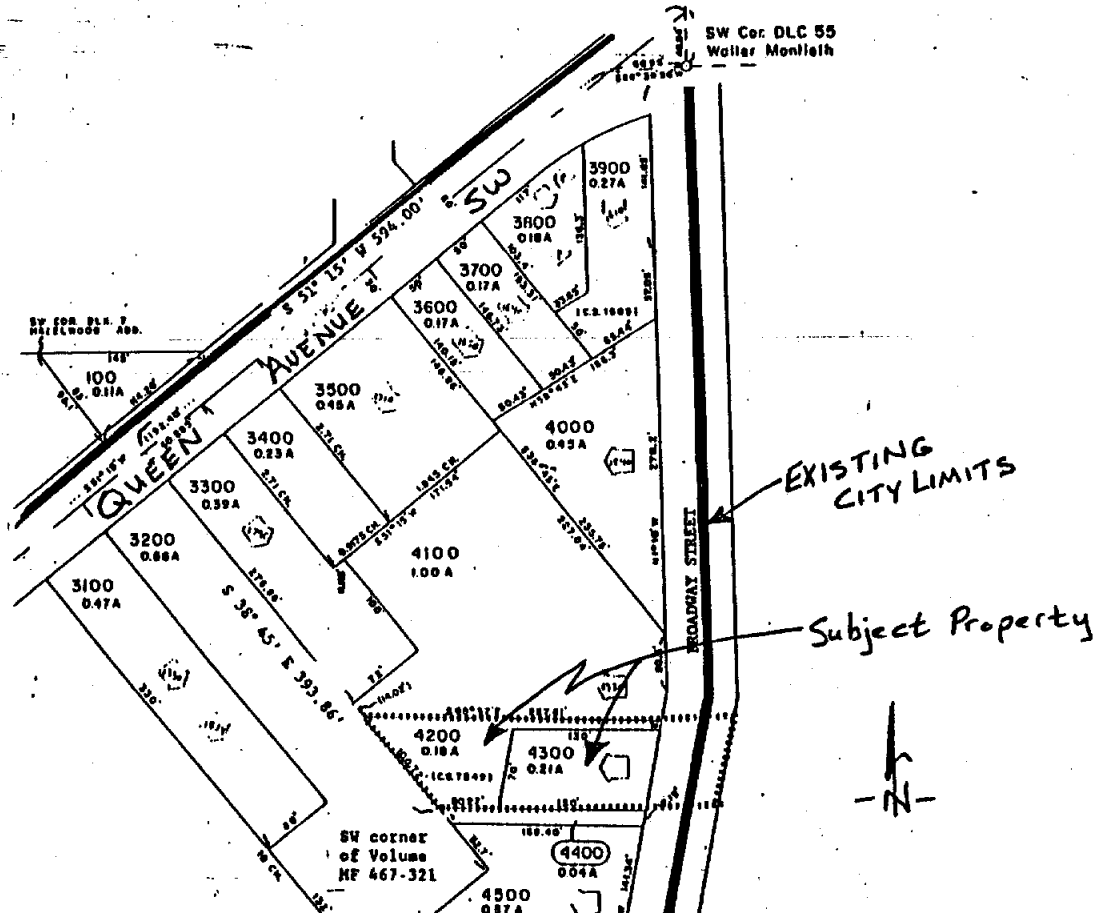
ATTEST:

  
\_\_\_\_\_  
Deputy City Recorder

**EXHIBIT A  
LEGAL DESCRIPTION  
CASE NO. AN-03-90**

Beginning at the southwest corner of the Walter Monteith Donation Land Claim Number 55, in the SW 1/4 of Section 12, Township 11 South, Range 4 West, Willamette Meridian, City of Albany, Linn County, Oregon; thence on the centerline of Broadway Street, North 01° 30' 00" West 48.84 feet; thence on the centerline of Riverside Drive, South 51° 15' 00" West 594.00 feet; thence leaving said centerline, South 38° 45' 00" East 393.86 feet, more or less, to the southwest corner of that parcel of land described in a memorandum of land sale contract to Roland Carpenter and Karen Carpenter, husband and wife, as recorded in Volume MF 467, Page 321, Linn County Microfilm Deed Records, said point also being the TRUE POINT OF BEGINNING; thence on the south line of said parcel of land, South 88° 37' 00" East 180.27 feet, more or less, to the westerly right-of-way of Broadway Street; thence continuing South 88° 37' 00" East 60.78 feet, more or less, to the easterly right-of-way line of said Broadway Street; thence on the easterly right-of-way line of Broadway Street, North 10° 33' 00" East 78.00 feet; thence leaving said easterly right-of-way line of Broadway Street, North 88° 37' 00" West 60.78 feet, more or less, to the westerly right-of-way line of Broadway Street, said point being the northeast corner of that parcel of land described in Volume MF 467, Page 321, Linn County Microfilm Deed Records; thence on the northerly property line of said parcel of land, North 88° 37' 00" West 257.61 feet, more or less, to the northwest corner of said parcel of land; thence on the westerly property line of said parcel, South 38° 45' 00" East 100.72 feet, more or less, to the True Point of Beginning.

Containing 0.4945 acres, more or less.



**EXHIBIT B**  
**FINDINGS**  
**CASE NO. AN-03-90**

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 east is 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. **The City is capable of providing city services commensurate with the needs of existing and any proposed new uses in the subject area without significantly impairing city services to existing portions of the city or without extending services in contradiction to Comprehensive Plan policies or an adopted Public Facility Plan and more particularly:**
  - a. **Water.** Water service is provided via an 8-inch waterline which is located on the west side of Broadway Street adjacent to the subject property.
  - b. **Sanitary Sewer.** Sanitary sewer service is not presently readily available to serve the subject property. Sanitary sewer could be extended from an existing 10-line which lies to the southwest of the property.
  - c. **Fire Protection.** The Albany Fire Department reports that the subject property is within the proper running distance of Station One for first-due Engine Company response.
  - d. **Police Protection.** The Albany Police Department will be able to provide service to the lots with no appreciable increase in costs at this time.
4. **Annexation and zoning of the subject property are in conformance with the acknowledged Albany Comprehensive Plan.**
5. **The conflicts between the City and County applications of development standards and requirements for this property will be eliminated through annexation.**
6. **The annexation of the subject property was initiated by 100% of the property owners and 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).**
7. **The Albany Development Code Annexation Zoning Matrix (Section 3.030(2) provided for application of the R-1 (Single Family Residential) zoning designation for properties with a Urban Residential Reserve Comprehensive Plan designation.**
8. **The proposed zoning designation of R-1 (Single Family Residential) is in conformance with the Albany Comprehensive Plan designation of Urban Residential Reserve. As such, the property may be developed applying the standards for the R-1 (Single Family Residential) zoning district as provided for in the Albany Development Code.**