

ORDINANCE NO. 4086

C,

AN ORDINANCE ANNEXING PROPERTY LOCATED WEST OF HIGHWAY 99E, NORTH OF 53RD AVENUE, AND EAST OF THE CALAPOOIA RIVER AS R-1(6) AND R-1(6)PUD, AND DECLARING AN EMERGENCY.

WHEREAS, on the 14th day of December , 1977 , at a regular Council meeting, the Council of the City of Albany, Oregon, did duly pass Ordinance No. 4078, wherein it was provided that a public hearing would be held on the 28th day of December , 1977 , concerning the advisability of annexing property located west of Highway 99E, north of 53rd Avenue, and east of the Calapooia River.

WHEREAS, the hearing was duly held on the 28th day of December 19 77 , and at that time the Council determined that the Notices of Hearing had been given as provided in the said Ordinance, and pursuant to the terms of ORS 222.111, 222.120 and 222.170, and

WHEREAS, the Council after said hearing determined that the area described herein be annexed as R-1(6) and R-1(6)PUD.

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

Section 1: That the following described property be and is hereby annexed to the City of Albany, to-wit:

(see attached legal description)

Section 1a: Findings of Fact.

(see attached findings of fact)

17

5

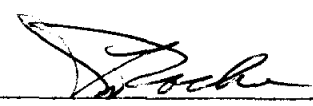
Section 2: That a copy of this ordinance shall be filed in the office of the City Recorder and the number of the ordinance shall be noted on the official zoning map of the City of Albany.

Section 3: WHEREAS, it is in the betterment of the public health, interest, safety and general welfare of the citizens of the City of Albany that this matter of annexation of the property described herein be disposed of at the earliest possible moment, and that the City facilities be made available to this property; therefore, an emergency is hereby declared to exist and this Ordinance shall become immediately effective upon its passage by the Council and approval by the Mayor.

Passed by the Council: January 11, 1978


Approved by the Mayor: January 11, 1978

Effective Date: January 11, 1978



Mayor

ATTEST:



City Recorder

FINDINGS OF FACT

- 1) The request conforms to the Comprehensive Land Use Plan and Goal Statements.
- 2) The applicants have demonstrated public need for the annexation and zoning.
- 3) The conflicts between the City and County in the application of development standards and requirements for this area would be eliminated through annexation.
- 4) An existing sanitary sewer trunk line is located in the area with adequate size to serve existing and all potential urban developments in this area.
- 5) The annexation and subsequent development of Valley Villa would have several beneficial economic impacts on the community and immediate area. In particular, the retirement community, if constructed as proposed at a low estimated value of six million dollars, would pay in excess of \$120,000 per year in property taxes to the various taxing districts in which it is located without adding any significant burden to those taxing districts. Of particular significance would be the McFarland School District, which potentially would receive over \$40,000 per year, without adding any students (last year's tax rate in McFarland School District was \$6.37 per \$1,000 of assessed value compared to \$10.62 in School District #5). Thus, the net effect of Valley Villa's construction would mean a reduction in the tax rate for school support assuming all other factors remained equal.
- 6) This area has been committed to future urbanization through a number of previous actions including the City of Albany Comprehensive Plan, the placement of the large interceptor sanitary sewer line to LBCC, adoption of the preliminary urban growth boundary by Linn County and the City of Albany, and the number of delayed (contract) annexations approved by both the City and Linn County over the past several years involving the subsequent construction of several hundred housing units.
- 7) The proposed annexation complies with applicable LCDC Goals and Guidelines. In particular the following goals are significant:
 - a) Citizen Participation - there have been numerous well publicized public hearings involving the proposed Valley Villa development in which the vast majority of public testimony was favorable toward the construction of Valley Villa apart from all other issues. Additional opportunities were given for public review of development proposals in the annexation area when developments are proposed for Planning Commission approval.
 - b) Land Use Planning - all land use planning criteria listed in this goal have been taken into account with additional considerations to be addressed when specific development proposals come to the Planning Commission for approval.

- C,
- c) Agricultural Lands - 99% of the urbanizing Albany area is in prime agricultural lands; however, development of lands within the urban growth boundary in accordance with the adopted policies will ensure the protection of agricultural lands outside of urban areas and will eliminate the problems of urban sprawl and leapfrog development.
 - d) Open Space - Recreation Needs - development of these properties will be in accordance with adopted City policies which include requirements for open space and recreation areas within Planned Unit Developments and dedication of park lands or payment of fees in lieu thereof for other types of residential development.
 - e) Areas Subject to Natural Disasters and Hazards - the portions of this annexation area which are located within established flood plain areas may not be developed except as provided for under the restrictions for development in flood plain sub-districts as strictly regulated by the City of Albany Zoning and Land Use Regulations.
 - f) Housing - annexation of this area is necessary to partially satisfy the demand for housing to meet Albany's rapidly growing population. The Valley Villa proposal will provide for a particular housing need of which there is presently a serious shortage.
 - g) Economy of the State - Annexation of this area and its subsequent development will provide many jobs within the community which has a high unemployment rate as compared with the rest of the state.
 - h) Transportation - Although development of this area will increase pressures on Pacific Blvd. the burden for making the needed improvements, such as signalization of major intersections, will be spaced over a larger area. The feasibility of improved mass transit service will also be enhanced.
 - i) Public Facilities and Services - those services which are not already adequately available to this area will be provided as development occurs. This will also improve service to existing residences in the area.
 - j) Urbanization - this area is located within the preliminary urban growth boundary and is logical for urbanization at this time (see finding number 6).

The Planning Commission further recommended that the R-2 zoning portion of the joint request be denied based on the fact that the proposed development (300 units) could be accommodated within the R-1(6) zone under the Planned Unit Development and Conditional Use Permit procedures recently adopted by the Planning Commission and City Council. Therefore, the need for R-2 Limited Multiple Family zoning could not be justified for the area because the density would be much greater than required for the proposed Valley Villa density of 300 living units.

VALLEY VILLA ANNEXATION

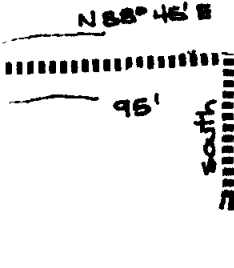
Beginning at the S.W. corner of Isaac Hutchins
DLC #85 T11S; R3W; W.M.; thence running
east 1676.40 feet; thence
south to the north line of DLC #77; thence
East 45 feet; thence
S 0°33'E 680.5'; thence
East 101.32'; thence
S 0°33' E 785.4; thence
S 89°38'E 29.15'; thence
S 0°33'E 214.50'; thence
N 89°38'W 3380'; thence
North 1760.22'; thence
S 87°41'E 120'; thence
North 1160' to the centerline of the Calapooia River; thence
Northerly along the centerline of Calapooia River
to a point which is due west of the N.E. Corner
of the south 1/2 of Jarvis Briggs DLC #83
T11S;R3W; W.M.; thence
East 1000' to said corner; thence
North 784'; thence
N 76°30'E 185.23'; thence
S 52°15'E 96'; thence
S 12°E 110'; thence
N 86°E 135'; thence
N 88°45'E 95'; thence
South 75'; thence
S 78°19'E 78'; thence
S 62°32'E 420'; thence
S 66°19'E 166.26'; thence
S 24°49'W 319.82'; thence
S 39°22'W 243.05'; thence
N 89°32'W 823'; thence
South 2004.74 to the place of beginning, containing
229.3 acres

LAKEWOOD DRIVE

LIBERTY STREET

See Map 11 4W 13 CA

NE COR. TRACT 54
FIR OAKS 2ND ADD



100
17.56 A

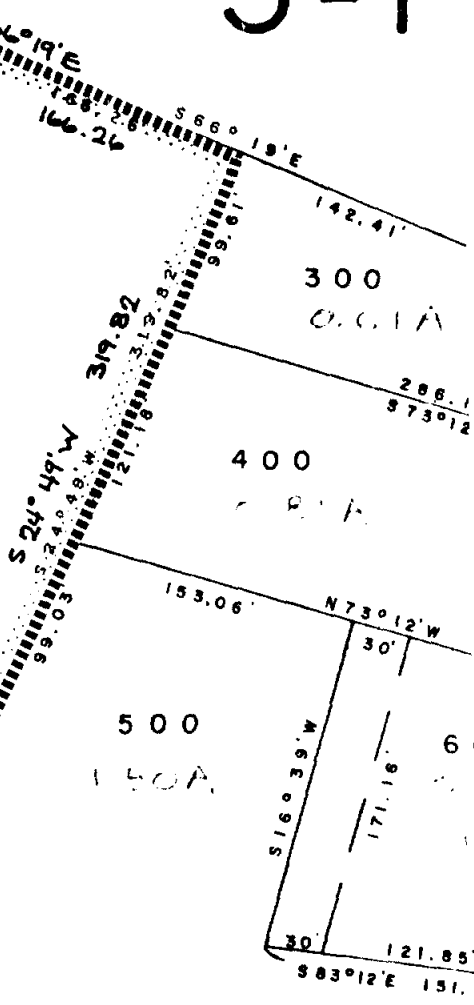
S 62° 32' E
420'

5-1

5-2

Sheet # 4
1" = 100'

see sheet # 3



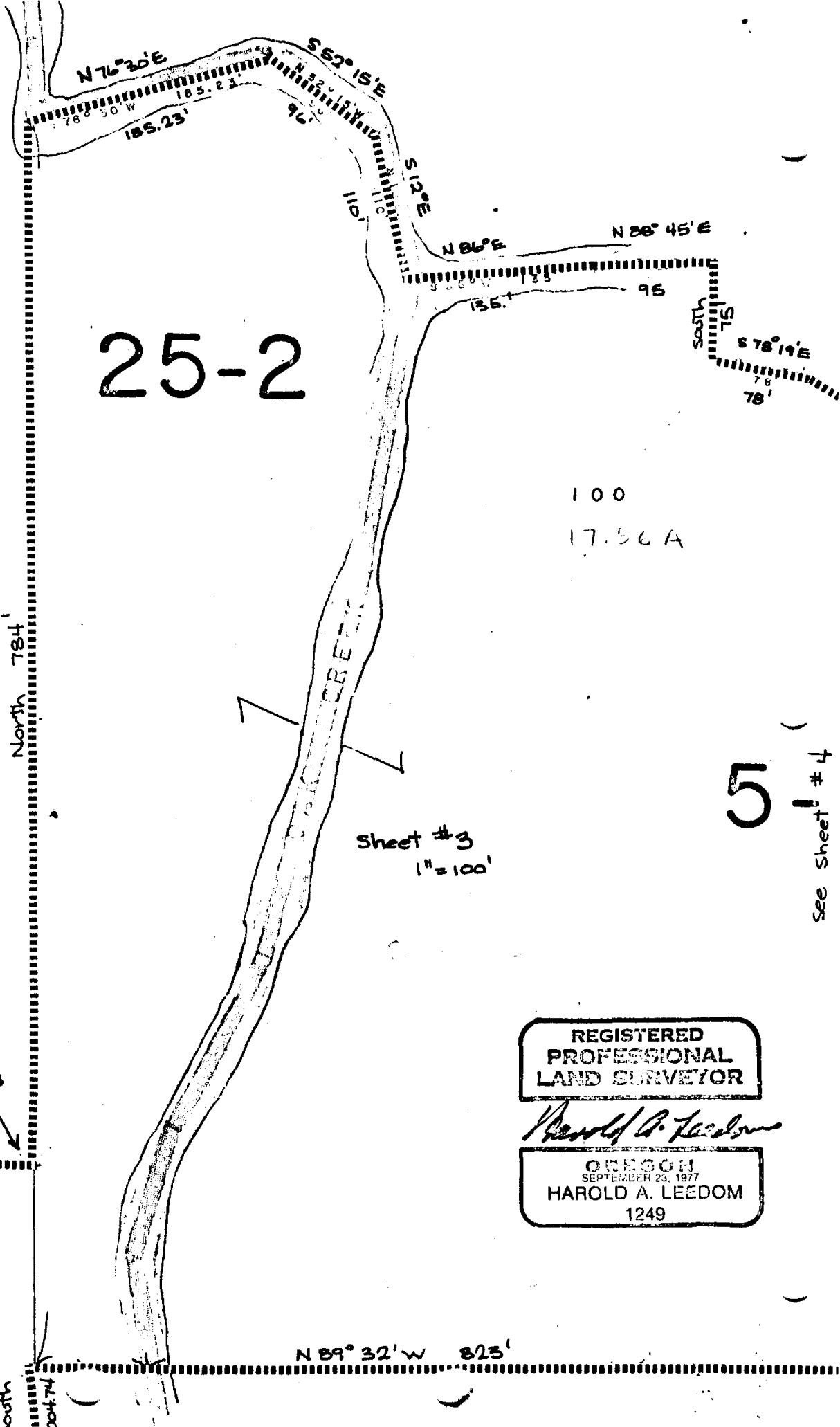
REGISTERED
PROFESSIONAL
LAND SURVEYOR

Harold A. Leedom

OREGON
SEPTEMBER 13, 1977
HAROLD A. LEEDOM
1249

N 82° 32' W 823'

See Map 11 4W 24



25-2

100
17.56A

Sheet #3
1" = 100'

5

See Sheet #4

See Map 11 4W 13C

North 784'

NE Cor. S 1/2 of DLC #83

EAST 1000'

see sheet #1

South

004.74'

N 89° 32' W 823'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Harold A. Leedom

OREGON
SEPTEMBER 23, 1977
HAROLD A. LEEDOM
1249

25-2

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Harold A. Leedom

OREGON
SEPTEMBER 23, 1977
HAROLD A. LEEDOM
1249

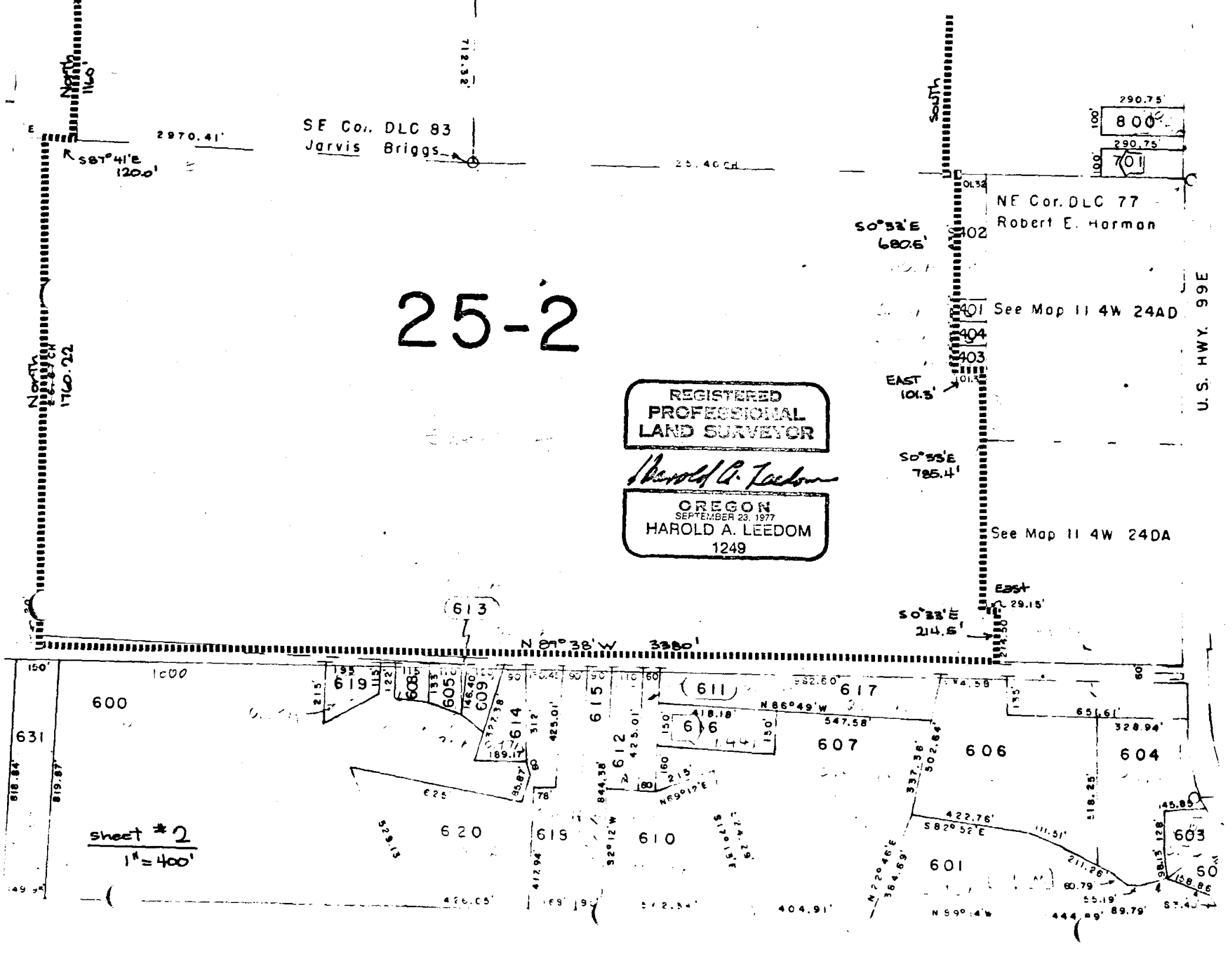
SE Cor. DLC 83
Jarvis Briggs

NE Cor. DLC 77
Robert E. Harmon

See Map II 4W 24AD

See Map II 4W 24DA

U.S. HWY. 99E



sheet # 2
1" = 400'

ANNEXATION CONTRACT

1009

This contract signed this 21st day of May, 1975, by Wenonite Mission Board of the Pacific Coast, Inc. who are owners of (please print) record of property described below and by the City of Albany, Oregon, a municipal corporation, agree to the following:

For valuable consideration paid by each part to the other, receipt and sufficiency of which is hereby acknowledged by the respective recipients thereof, it is mutually agreed as follows:

- (1) The owner of the above-described property agrees that this agreement is an irrevocable contract to annex to the City of Albany, and it is understood that the City of Albany will annex the property described below when it can legally do so.
- (2) The City of Albany agrees to extend sewer service to the below described property, subject to normal assessments, connection fees, etc., as provided by City code as if the property were already inside the City.
- (3) The owner of the property agrees to pay the monthly sewer rate ~~for outside sewer users which is twice the inside sewer user charge until such time as the below described property is officially annexed.~~ *as is charged residents of the City of Albany.*
- (4) The owner agrees that the sewer extends to only one connection within subject property and cannot be extended to any other property.
- (5) It is agreed that if the below described property is sold, that the covenants herein made by the owners shall be the obligation of the subsequent owners of the property, regardless of whether they shall be signators to this agreement.
- (6) If the actions required of the owner are not completed as agreed, the City shall have the right to discontinue sewer service to the served property upon ninety (90) days' written notice.
- (7) This agreement shall run with the land described below.

Property Description:

T.11s, R3W, Sec 20

- (1) Legal Description - Recorded Survey (attach separate sheet)
- (2) Assessor's Map and Tax Lot Number # 1400 & #1501
- (3) Property Location 5353 SE Columbus St.
(Intersecting streets and/or address)
- (4) Total Area (Acres or Square feet) 15.45 Acres

IN WITNESS WHEREOF, the parties have executed this agreement as of the day and year first written above.

OWNERS

Henry D. Becker, Administrator
(signature)
5353 S.E. Columbus St, Albany, Or.
(address)

CITY OF ALBANY by:

[Signature]
Mayor

ATTEST:

[Signature]
City Recorder

NOTE: This agreement replaces the original annexation agreement entered into as approved by Council 5/21/75. The original agreement has been lost.

LINN COUNTY PLANNING AND BUILDING DEPARTMENT

KEVIN K. KING
PLANNING DIRECTOR

LINN COUNTY COURTHOUSE

HOWARD D. BURCHETT
CHIEF BUILDING INSPECTOR

January 9, 1978

Lester J. Smucker
5353 Southeast Columbus
Albany, OR 97321

RE: CU-25-77/78, T11S, R3W, Section 20, Tax Lot 1501.

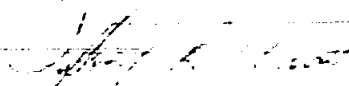
Dear Mr. Smucker,

On December 20, 1977, the Linn County Planning Commission met to consider your request for approval of an application for a Conditional Use Permit to allow a nursing home, on a parcel of approximately 7.62 acres in the IFF (Interim Farm Forestry Use) District. This letter constitutes formal notification that the requested permit was APPROVED by a unanimous vote of the members present, based on the following findings and conditions:

1. The nursing home will be compatible with, and will not adversely affect the surrounding area.
2. The nursing home is in close proximity to, and is within the Urban Growth Boundary for the City of Albany.
3. The applicant has a delayed annexation agreement with the City of Albany, and is presently connected to the city's sewer system.
4. It will be in the best interest of the community as there is a great need for this type of service.
5. The one condition is that the property be consolidated with Tax Lot 1400, on which the present facility is located.

~~Thank you for your cooperation in this matter.~~

Very truly yours,


Jeffrey R. Tross
Zoning Administrator

ms

**** SEWER CONNECTION FEE ****
 BOND SALE SERIES 1977-B

City
 of
 Albany

 NOTICE OF ASSESSMENT

ORDINANCE # 4024

EFFECTIVE MAY 11, 1977

| <u>NAME</u> | <u>SUBDIVISION</u> | <u>TAX LOT NUMBER</u> | <u>DOCKET</u> | <u>AMOUNT</u> |
|---|--------------------|-------------------------|---------------|---------------|
| MENNONITE HOME FOR AGED 5353 COLUMBUS ST SE ALBANY OR . 97321 | ACREAGE | 11-3W-20-1400 & 1501 | #5197 ok | \$8,846.00 |

Beginning at a point which is North 0° 20' E 1100 feet from the SW corner of the Jordan S Robinson DLC No. 55 in T 11 South, Range 3 West, W.M., Linn County Oregon; thence, N. 0° 20' E., 1142.50 feet to a P.K. Nail; thence, S. 89° 40' E., 589.18 feet to a 1/2 inch iron rod; thence, S. 0° 20' W. 1142.50 feet to a 1/2 inch iron rod; thence N. 89° 40' W. 589.18 feet to the point of beginning. Except County road ROW adj west property line.

In accordance with the provisions of Section 223.215 of Oregon Revised Statutes and the acts amendatory thereof, the undersigned owner of land hereinabove specified, hereby make application to pay the assessment in installments in accordance with the provisions of said act, and we agree to pay said assessment in twenty semi-annual installments with interest at 7% per annum on all of said installments which have not been paid, as required by said Act. The assessment herein referred to has been made by the Council of the City of Albany, Oregon, to defray the expenses of; and in order to secure such division of said assessments and payments thereof in installments, we do hereby expressly waive all irregularities or defects, jurisdictional or otherwise, in the procedures to improve the streets or lay the sewer for which said assessments are levied and in the apportionment of the costs thereof.

All of said lots, tracts or parcels of land being in the City of Albany, Linn County, Oregon.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this _____ day of _____ 19__

* Mennonite Home

* Kerry S. Becker, Administrator

 For City use only-ASSESSOR'S CERTIFICATION

I certify that the above described property has an assessed valuation of, \$ 371,030

Hal Sparks M. B. Crivello
 Linn County Assessor *Chief Deputy*

This is exempt property

11-3W-20-1400 - \$344,300
 11-3W-20-1501 - 26670

ORDINANCE #4024
EFFECTIVE 5/11/77

DUPLICATE
City of Albany, Oregon Lien Docket

| NAME | SUBDIVISION | TAX LOT | DOCKET | AMOUNT |
|--|---|-------------------------|--------|------------|
| MENNONITE HOME FOR AGED 353 COLUMBUS ST SE ALBANY OR 97321 | ACREAGE #127627 & 381885 5353, 5425, 5485 & 5521 COLUMBUS ST SE | 11-3W-20-1400 & 1501 | #5197 | \$8,846.00 |

| DATE | MEMO IN- STALLMENT | RECEIPT NO. | PAYMENTS | | | UNPAID BILLINGS | | | PRIN. BALANCE |
|--------------------------------|-----------------------|----------------|----------|----------|-----------|-----------------|-----------|----------|-------------------|
| | | | TOTAL | INTEREST | PRINCIPAL | INTEREST | PRINCIPAL | TOTAL | |
| BOND SALE SERIES 1977-B | | | | | | | | | |
| MAY 11 '77 | | | | | | | | | .00 * |
| 00 | 442.30 | | | | | | | | 00 8,846.00 |
| NOV 1 '77 | | | | | | | | | 751.91 * 8,845.00 |
| OCT 14 '77 | | 28,628 | 751.91 | 309.61 * | 442.30 | 309.61 * | 442.30 * | 751.91 * | .00 * 8,403.70 |

| | | | |
|----|---------------|---------|-----------|
| 2. | NAME OF OWNER | ADDRESS | DATE ACQ. |
| 3. | NAME OF OWNER | ADDRESS | DATE ACQ. |
| 4. | NAME OF OWNER | ADDRESS | DATE ACQ. |
| | NAME OF OWNER | ADDRESS | DATE ACQ. |

MKT RD NW 1/4

2376 CH

507

1508

1502

ORD. 1977

491.04'

76.15 CH.

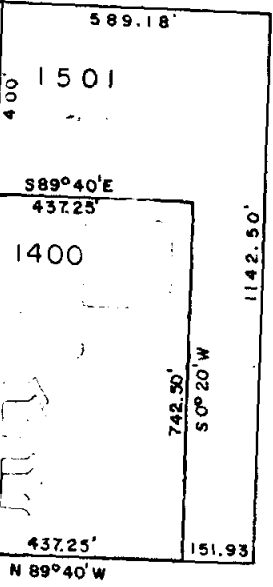
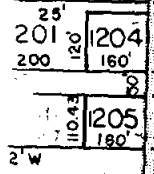


1500

76.135 CH.

See Map 11 3W 21

14-2



SW Cor.
DLC 55

N 89° 34' W 2665.86' C. S. 1745

1/4

Cor.

20

21

29

28