

ORDINANCE NO. 4576

AN ORDINANCE PROCLAIMING THE ANNEXATION TO THE CITY OF ALBANY OF CONTIGUOUS TERRITORY CONSISTING OF APPROXIMATELY ONE ACRE PLUS OF PROPERTY LOCATED AT 3205 AND 3215 PARK TERRACE SW AND WITHDRAWING SAID TERRITORY FROM THE ALBANY RURAL FIRE PROTECTION DISTRICT.

WHEREAS, the Planning Commission of the City of Albany has recommended that a certain territory described in Section 1 of this Ordinance which is contiguous to the City of Albany be annexed and that more than 50% of the owners of the property in said area who own more than 50% of the land and real property therein and representing more than one-half of the assessed value of the real property therein have consented in writing to the annexation, said consent having heretofore been filed with the City Recorder in the matter prescribed by law; and

WHEREAS, the City Council by Ordinance No. 4566 adopted on the 16th day of February, 1983, dispenses with an election submitting to the voters of the City the question of annexation of said territory and did at 7:15 o'clock p.m. on the 9th day of March, 1983, in the Council Chambers of the City Hall in said City at the time and place of hearing thereon, and the further question of withdrawing said territory, if annexed, from the Albany Rural Fire Protection District, at 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it appears to be in the best interest of the City and of the area involved that it be annexed to the City of Albany and withdrawn from the Albany Rural Fire Protection District; and

WHEREAS, the City Council has based its decision on facts and conclusions stated in accordance with the findings on file with the City Recorder which are adopted by separate motion and incorporated by reference herein for the annexation and zoning of this property and which are hereby adopted as findings of the Council; now, therefore,

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

Section 1: The following described property to-wit: (See attachment) is hereby proclaimed to be annexed to the City of Albany, Oregon, and zoned R-1, Low Density Residential.

Section 2: That the above described territory annexed to the City of Albany is hereby withdrawn from the Albany Rural Fire Protection District.

Section 3: 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, a copy of Ordinance No. 4566, 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: March 9, 1983

Approved by the Mayor: March 9, 1983

Effective Date of this Ordinance: April 8, 1983

Effective Date of this Annexation: March 14, 1983
(date filed with Oregon Secretary of State)

Donald B. Brudwig
Mayor

ATTEST:

Likki Andrews
Deputy City Recorder

LEGAL DESCRIPTION (A-5-82)

Lot 17, Fir Oaks Revised Addition, as recorded in Volume 10, Page 8, Linn County Platt Records and that portion of Lawnridge Street lying East of said Lot 17, and that portion of Park Terrace lying West of said Lot 17, containing 1.31 acres more or less.

Availability of Urban Services:

1. Sewer: Sewer is available to the property, an in lieu of assessment charge was assessed to Tax Lot 900 for the amount of \$3,019.44. Tax Lot 1000 is presently served.
2. Water: Water is presently available to the subject properties.
3. Police: The Albany Police Department will be able to provide service to the lots with no appreciable increase in costs at this time.
4. Fire: The Albany Fire Department reports that the subject properties are within the proper running distance of Station 2 for first due Engine Company response.

FINDINGS

Conformance with the Adopted Comprehensive Plan

The proposed annexation is in conformance with the acknowledged Albany Comprehensive Plan Map and Plan Policies.

The property proposed for annexation is within the area covered by the Comprehensive Plan for the City of Albany, and is included within the recognized Urban Growth Boundary adopted by the City and Linn County.

The existing residential use of the subject properties are (and will be) in conformance with the designation indicated on the Comprehensive Plan Map.

1. Urban Growth Policies

- (a) The subject properties are within the locally adopted Urban growth Boundary.
- (b) The annexation of the property will be an incremental step in extending the city limits to the Urban Growth Boundary.
- (c) The annexation is a logical and efficient extension of the city limits boundaries to facilitate the functional and economic provision of services.
- (d) The subject properties are developed and have been committed to an urban use.

2. Growth Management

Annexation of the subject properties will conform to the Growth Management Policies as the proposed annexation will encourage the urbanization of an area where facilities and services are already available, thereby requiring the least public costs to provide needed service and facilities, and will assure that any further development of the subject property will be to city standards.

3. Development Policies

When the subject properties are annexed, they will be rezoned to the appropriate residential designation (R-1, Low Density Residential) and will be in compliance with the Comprehensive Plan designation of the property. Any future developments or modifications to the existing structures must occur to city standards.

4. Annexation Policies

Annexation of the subject properties are a logical extension of the city boundary and service area.

Annexation of the subject properties will facilitate the functional and economic provisions of services within the Urban Growth Boundary without seriously impairing city services to other portions of the city. The applicants have signed a petition for improvement and waiver of remonstrance for street and utilities.

CONCLUSIONS:

1. Annexation of the subject properties is a logical extension of the city boundary and will provide for coordinated planning efforts for extension of streets and utilities.
2. The subject properties are within the Urban Growth Boundary.
3. Annexation of the subject properties is in conformance with the acknowledged Albany Comprehensive Plan.
4. The proposed zoning designation of R-1 (Low Density Residential) is 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. Urban services are presently being provided to the subject properties.

RECOMMENDATION:

At its regular meeting of February 7, 1983, the Planning Commission unanimously moved to recommend approval of the annexation and R-1 Low Density Residential zoning based on the findings and conclusions in the Staff Report.