

ORDINANCE NO. 4734

AN ORDINANCE ADOPTING ATTACHED EXHIBIT "A" KNOWN AS "FINDINGS" AND PROCLAIMING THE ANNEXATION TO THE CITY OF ALBANY OF CONTIGUOUS TERRITORY CONSISTING OF 1.38 ACRES MORE OR LESS OF PROPERTY LOCATED EAST OF TIMBER STREET SE AND SOUTH OF SANTIAM HIGHWAY SE, AND WITHDRAWING SAID TERRITORY FROM THE ALBANY RURAL FIRE PROTECTION DISTRICT.

WHEREAS, 100% of the property owners have consented to annexation of said property pursuant to ORS 222.125; and

WHEREAS, the City Council did hold a public hearing at 7:15 p.m. on the 5th day of November, 1986, in the City Hall Council Chambers on the annexation question, and the further question of withdrawing said annexed territory from the Albany Rural Fire Protection District, during 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it appears to be in the best interest of the City and of the area involved that it be annexed to the City of Albany and withdrawn from the Albany Rural Fire Protection District.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: Exhibit "A" known as "Findings" is hereby adopted as the Albany City Council's findings in support of this decision.

Section 2: The following described property to-wit: (See attached legal description) is hereby proclaimed to be annexed to the city of Albany, Oregon.

Section 3: That the above described territory annexed to the city of Albany is hereby withdrawn from the Albany Rural Fire Protection District.

Section 4: 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, 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.

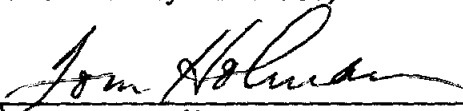
Section 5: That the property described in Section 1 hereof shall be effectively annexed to the City of Albany on the date that the complete abstract of the annexation proceedings as specified in Section 3 of this ordinance is filed with the Secretary of State of the State of Oregon.

Passed by the Council: November 5, 1986

Approved by the Mayor: November 6, 1986

Effective Date of this Ordinance: December 5, 1986

Effective Date of this Annexation: December 3, 1986
(date filed with Oregon Secretary of State)



Mayor

ATTEST:



City Recorder

LEGAL DESCRIPTION FOR ANNEXATION

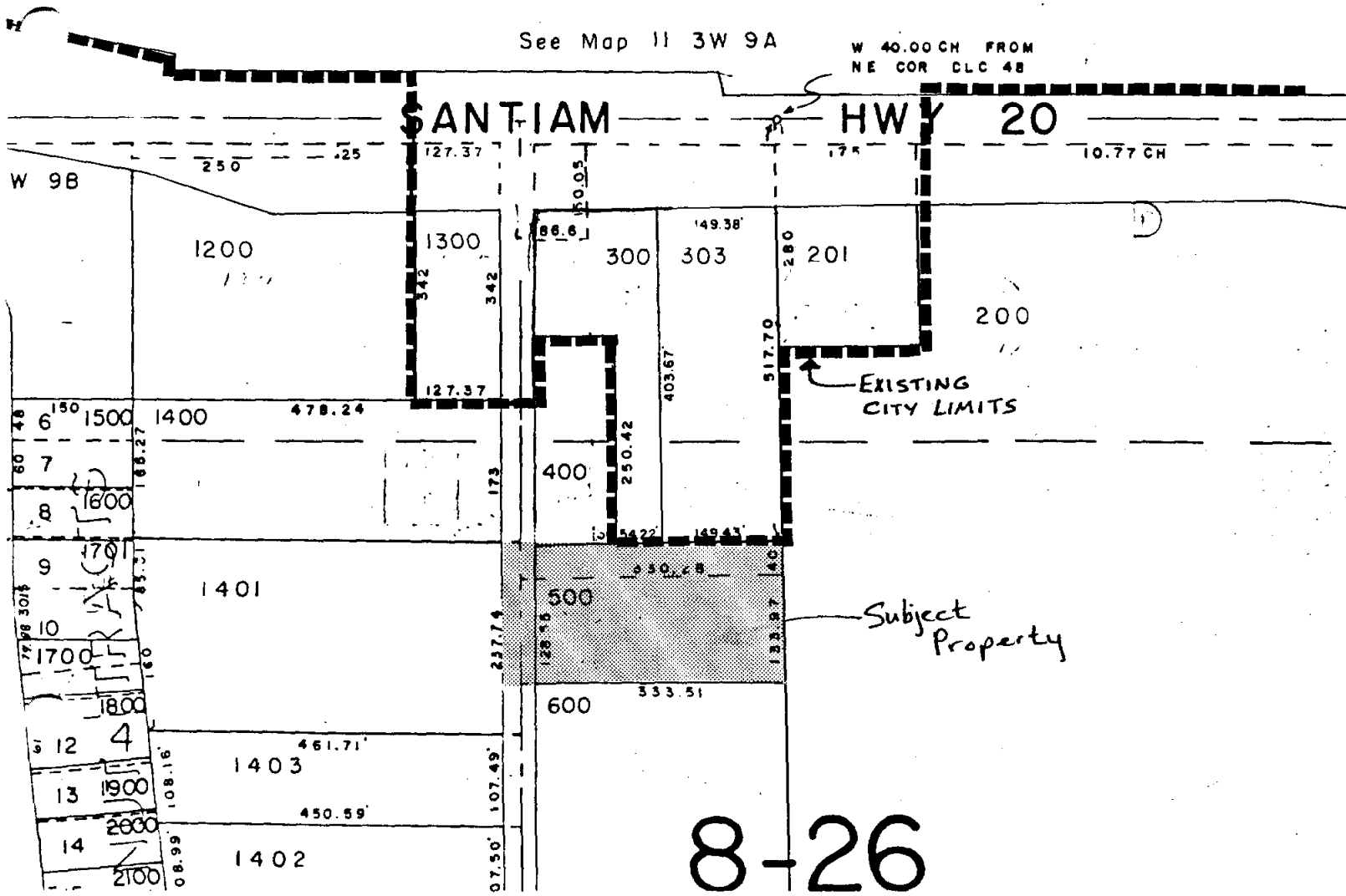
TO

THE CITY OF ALBANY, OREGON

Beginning at a point in the centerline of Timber Street (County Road File #725, MF 240-574), said point being South 0° 06' East, 522.40 feet from a point on the North line of and North 89° 54' East 2346.44 feet from the Northwest Corner of the Edward N. White Donation Land Claim No. 48 in Township 11 South, Range 3 West, of the Willamette Meridian, Linn County, Oregon; thence North 88° 58' East, 329.30 feet along the South line of that parcel conveyed to Jake Meyer, et ux, by Deed recorded in Book 205, Page 160 of Linn County Deed Records, to a point at the Southeast Corner of the Meyer parcel; thence South 1° 30' East, 173.97 feet to a one-half inch iron rod; thence South 89° 54' West, 353.51 feet to a point on the West Right-of-Way line of Timber Street; thence North 0° 06' West, 168.55 feet along said West Right-of-Way of Timber Street to a point on the extended South line of the above-mentioned Meyer parcel; thence North 88° 58' East, 20.0 feet to the point of beginning; containing 1.38 acres, more or less.

SE 1/4 Sec. 9 T. 11S. R. 3W. W.M.

1" = 200'



FINDINGS FOR ANNEXATION (FILE NO. AN-05-86)

1. Annexation of the subject property is a logical extension of the City boundary and will provide for coordinated planning efforts for extension of streets and utilities.
2. The subject property is within the Urban Growth Boundary and is a 100% consent annexation.
3. Annexation of the subject property is in conformance with the acknowledged Albany Comprehensive Plan.
4. The existing zoning designation Urban Growth Management-Community Commercial (C-2) is in conformance with the Albany Comprehensive Plan designation of General Commercial. As such, the property may be developed applying the standards of the C-2 (Community Commercial) zoning districts as provided for in the Albany Development Code.
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 can be extended to the subject property without adversity to other properties in the city.
7. 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.