

ORDINANCE NO. 5547

AN ORDINANCE PROCLAIMING THE ANNEXATION AND ZONING OF PROPERTIES LOCATED EAST OF INTERSTATE-5 (AN-02-00) CONTAINING APPROXIMATELY 446 ACRES; AND DECLARING AN EMERGENCY.

WHEREAS, the Albany City Council on July 10, 2002, reviewed this annexation request, adopted findings, and concluded that the City's annexation eligibility and timeliness criteria can be met; and

WHEREAS, the Albany City Council on July 10, 2002, referred this annexation request as a ballot measure to the Linn and Benton Counties Elections Filing Officers for the approval or rejection of the proposed annexation by the legal voters of Albany (pursuant to Albany City Charter Chapter 54); and

WHEREAS, the question of annexation of the properties located east of Interstate-5, generally located east of Clover Ridge Road and Goldfish Farm Road, bounded on the north by Truax Creek and on the south by Santiam Highway (AN-02-00), shown on the Linn County Assessor's Map Nos. 11S-03W-03A, Tax Lot 10500; 11S-03W-03B, Tax Lots 100, 200, and 2100; 11S-03W-03C, Tax Lot 100; 11S-03W-03D, Tax Lots 200 and 201; 11S-03W-10, Tax Lots 200 and 800; 10S-03W-34, Tax Lots 1500 and 1600) was submitted to the electorate at a general election held November 5, 2002, as required by Albany City Charter Chapter 54, and

WHEREAS, the City Recorder has certified that the annexation was approved by a majority vote; and

WHEREAS, the Albany Development Code applies specific zoning upon annexation;

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

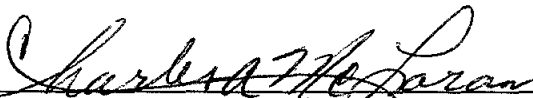
Section 1: The following described real property to-wit (also see attached Exhibit A) is hereby annexed to the City of Albany and zoned as generally described in the attached Exhibit B, and more specifically on the attached zoning map.

Section 3: The City Recorder shall, within 10 days of the effective date of this ordinance, file a copy of the ordinance with the County Assessor of Linn County, Secretary of State of the State of Oregon, and the State of Oregon Department of Revenue. The City Recorder shall also submit to the Secretary of State an abstract of the vote within the City.

Passed by Council: December 11, 2002

Approved by Mayor: December 11, 2002

Effective Date: December 11, 2002



Mayor

ATTEST:



City Recorder

Exhibit "A"
LEGAL DESCRIPTION
FILE AN-02-00

That parcel of land in Linn County, Oregon, described as follows:

Beginning at the Southeast corner of the Hugh Nickerson Donation Land Claim No. 39, in Government Lot 3, Section 10, Township 11 South, Range 3 West of the Willamette Meridian, Linn County, Oregon, which is the point of beginning of this description;

Thence along the South line of said DLC South 89° 49' West 624.80 feet from the Southeast corner of said Donation Land Claim No. 39;

Thence South 0° 26' East 888.85 feet to the center line of the South Santiam Highway;

Thence South 88° 09' West along said Highway 136.02 feet to the Southeast corner of that certain tract conveyed to Oriel V. Giroux et al by deed recorded January 29, 1960, Book 269, Page 388, Deed Records of Linn County;

Thence North 0° 26' East 183.03 feet to the Northeast corner of said Giroux parcel;

Thence South 88° 30' West 93 feet to the Northwest corner of said Giroux parcel;

Thence South 0° 26' East 183.60 feet to the centerline of said Highway;

Thence South 88° 09' West along the centerline of said Highway 260.08 feet to the projection of the East line of that parcel conveyed to John C. and Barbara E. Lane by deed recorded in MF 419-782, Linn County Deed Records;

Thence North 0° 11' East approximately 903 feet to the South line of said DLC No. 39 to a point which is the Northeast corner of that parcel conveyed to Berton D. Johnson by Deed recorded February 20, 1963 in Book 292, Page 363, Deed Records of Linn County, which point is East 1109.90 feet along said South line of said DLC from the Southeast corner of said DLC;

Thence West along the South line of said DLC to a point which is South 19.5 chains from the Northeast corner of Eden Park Subdivision and the North line of Section 10, which point is on the West line of that property conveyed to Elmer Dickerson by deed recorded February 23, 1900 in Book 52, Page 366, Deed Records of Linn County;

Thence North 19.5 chains to the North line of Section 10, Township 11 South, Range 3 West of the Willamette Meridian at the Northeast corner of Eden Park Subdivision;

Thence West along the North line of Eden Park Subdivision to the West right-of-way line of Goldfish Farm Road;

Thence North along said West line of said Goldfish Farm Road to the Southerly right-of-way line of Knox Butte Road;

Thence Easterly along said Southerly right-of-way line to a point which intersects with the West line of said Hugh Nickerson DLC No. 39 extended Southerly from the Northeast corner of said DLC;

Thence North across Knox Butte Road to said West line of said DLC, and North along said West line to the Southeast corner of that property conveyed to Gary D. Coakley et ux, by deed recorded July 30, 1992, in Book 607, Page 400, which point is 16.56 chains South along the East line of the Robert Houston DLC No. 38 from the Northeast corner of said DLC No. 38;

Thence North 89° West 19.09 chains;

Thence North 0° 16' West 3.808 chains;

Thence North 89° 39' West 5.252 chains to the centerline of Clover Ridge Road;

Thence North 0° 21' West along the centerline of said Road 4.412 chains to a point in the center of said Road from which an iron pipe bears South 89° 44' East 22.0 feet, said point also being the Southwest corner of that parcel conveyed to Timberhill Corporation by Deed recorded June 29, 2001 in Book 1194, Page 292;

Thence along the centerline of said Road North 4° 22' East 181.45 feet, to a 5/8-inch iron rod in the center of said Road;

Thence South 89° 39' East 233.78 feet, to a 5/8-inch rod;

Thence North along the West boundary of that parcel conveyed to Fred C. and Sue A. Koos, Trustees by deed recorded in Book 565, Page 847, Linn County Deed Records to a point on the Southerly right-of-way line of

Clover Ridge Road which intersects with the East line of that parcel conveyed to Pankalla by deed recorded February 7, 1994 in Book 681, page 172, Deed Records of Linn County;

Thence Northeasterly along the Southerly right-of-way line of Clover Ridge Road to the South bank of Truax Creek;

Thence following the South bank of said Truax Creek Southeasterly to the East line of the Milton Houston Donation Land Claim No. 43;

Thence South along said East line of said DLC to the Southerly Southeast corner of said DLC No. 43, which is also the Northeast corner of DLC No. 39;

Thence South along the East line of said DLC No. 39 to the Southwest corner of San Felicia Acres Subdivision;

Thence North $87^{\circ} 02'$ East 1244.20 feet along the South line of said subdivision to the Southeast corner of said San Felicia Acres;

Thence South 387.50 feet to the Southerly North line of that parcel conveyed to Howard Holmes, etal., by deed recorded in MF 1194-954 in Linn County Deed Records;

Thence South $72^{\circ} 30'$ West 7.15 chains to a point on the East line of that parcel conveyed to Beverley R. Mitchell by deed recorded in MF 169-704 in Linn County Deed Records;

Thence South to the Southeast corner of said Mitchell parcel, said point also being on the South line of the Matthew C. Chambers DLC No. 40;

Thence West along said South line of said DLC No. 40, 12.03 chains to the Southwest corner of said DLC No. 40, which is also on the East line of DLC No. 39;

Thence South along the East line of said DLC No. 39 to the Southeast corner of DLC No. 39, which is the point of beginning of this description.

EXCEPT that portion of the premises herein described lying within the limits of public roads, streets and highways.

AN-02-00

CLOVER RIDGE RD

KNOX BUTTE RD

GOLDFISH FARM RD

Annexation Area
City Limits

HIGHWAY 20

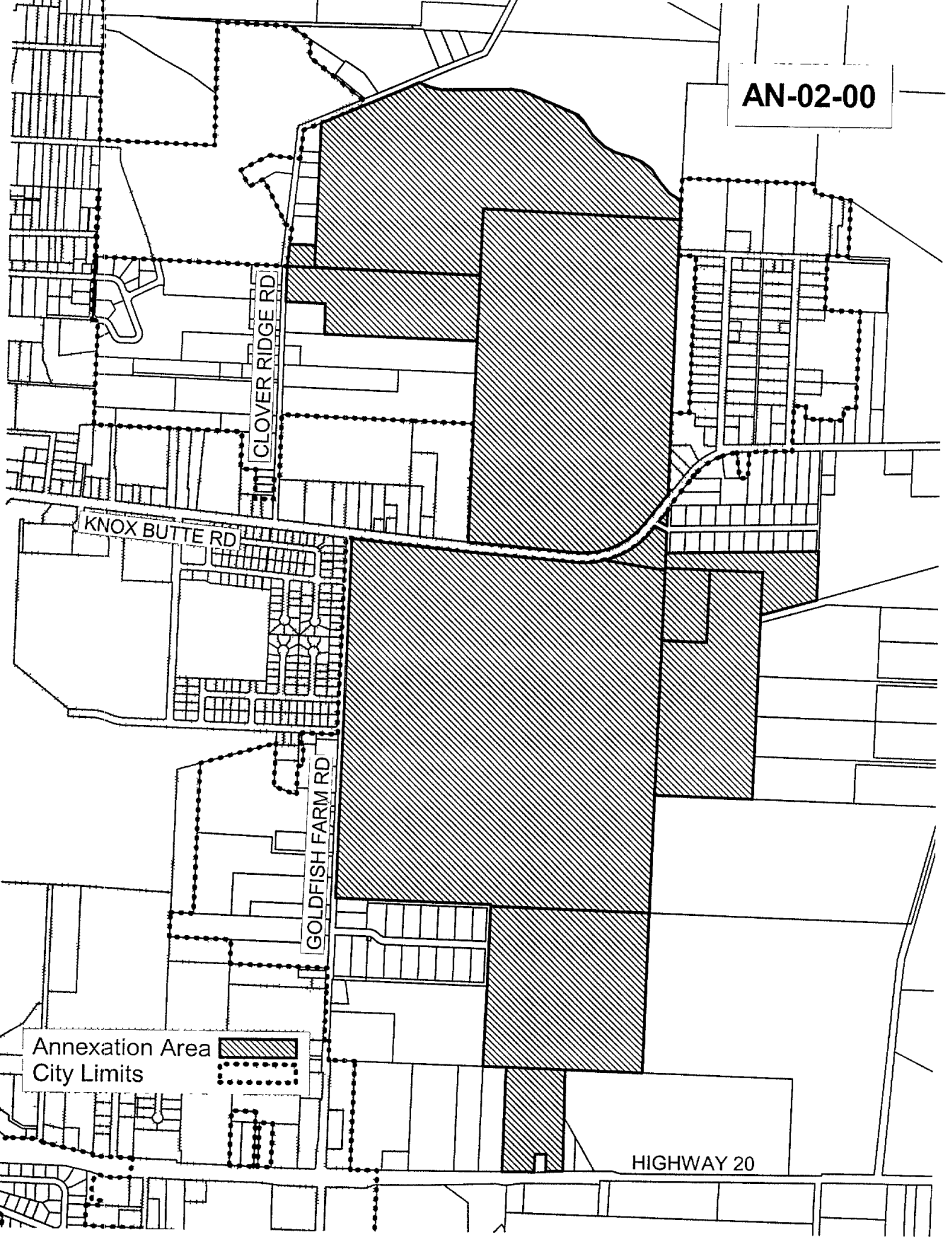


Exhibit "B"

6.7 The Property is currently designated on the City's Comprehensive Plan Map as Urban Residential Reserve (URR). If URR is the Comprehensive Plan designation at the time of annexation, the zoning of the Property will be RS 6.5 (Low Density Residential). The Developer may later request a change in the Comprehensive Plan and zoning designations consistent with the East I-5 Refinement Plan.

* 6.8 Low Density Residential (LDR). There is a Village Center proposed on either side of a portion of Knox Butte Road, with some Medium Density Residential (MDR) north of the Village Center. The Property adjacent to Santiam Highway is proposed as Light Commercial. If the City has adopted these changes to the Comprehensive Plan at the time of annexation, the zoning of the Property would be as follows:

Plan	Zoning District
Low Density Residential	(RS6.5) OR (RS5)
Village Center (commercial portion)	Knox Butte Zoning District
Village Center (residential portion)	RM-5
Medium Density Residential	RM-5
Light Commercial	OP

7. **Developer Agrees:** If Developer proceeds with development of the Property, Developer agrees as follows:

7.1 *Natural Resource Protection*

7.1.1 Developer agrees to protect riparian corridors and significant wetlands by providing a minimum 75-foot buffer along natural streams and a minimum 50-foot buffer on artificial canals, to be measured from the top of the bank.

7.1.2 Prior to or at the time of development, Developer agrees to restore the full width of riparian corridors on both sides of the stream adjacent to land proposed for development.

7.1.3 Any development in a floodplain would proceed only after studies of onsite and offsite mitigation and the creation of a "greenway" strip, of undevelopable property, down the center of the floodplain