RESOLUTION NO. 2868

A RESOLUTION PROCLAIMING THE ANNEXATION AND ZONING OF PROPERTY LOCATED NORTH OF DAVID STREET NE AND EAST OF CENTURY DRIVE NE, MORE COMMONLY KNOWN AS 1650 CENTURY DRIVE NE AND CONTAINING APPROXIMATELY 3.59 ACRES MORE OR LESS (FILE NO. AN-02-89) 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 1650 Century Drive NE 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 ML (Light Industrial).

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 June 28, 1989, 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 14TH DAY OF JUNE, 1989.

Mayor

TTEST:

Deputy City Recorder

EXHIBIT 'A'

Sullens Property Inside Albany Urban Growth Boundary

Beginning at 3/4 inch pipe on the Easterly right of way line of the relocated Pacific Highway, said pipe being South 1° 56' East 1115.72 feet and South 89° 50' West 934.73 feet from the Northeast corner of the Milton Houston Donation Land Claim No. 43, in Township 10 South, Range 3 West of the Willamette Meridian, Linn County, Oregon; running thence North 89° 50' East 400.29 feet to a $\frac{1}{2}$ inch rod; thence North 604.11 feet to a $\frac{1}{2}$ inch iron pipe; thence West 320.16 feet to a 3/4 inch pipe on the Easterly right of way line of said highway; thence South 7° $32\frac{1}{2}$ ' West 610.55 feet to the place of beginning.

EXCEPT that property conveyed to the State of Oregon, State Highway Commission, by deed recorded October 8, 1956, in Deed Book 251, Page 162 and by deed recorded September 19, 1957, in Deed Book 256, Page 75, Linn County Deed Records.

EXCEPT that portion of the aboved described parcel being more particularly described as follows:

Beginning at the Northeast corner of that parcel conveyed to Jerry W. Sullens, et. ux, by deed recorded in Volume MF 382
Page 141 Linn County Deed Records, which point is 514.11 feet
West and 512.89 feet South 1° 56' East of the Northwest corner
of the Milton Houston D.L.C. No. 43 in Township 10 South, Range
3 West, West B & M, Linn County, Oregon; thence South along the
East line of said Sullens parcel 154.96 feet to a ½" iron rod;
thence North 78° 21' West 82.75 feet to a 5/8" iron rod; thence
North 76° 00' West 82.60 feet to the East line of U.S. Highway
99E as described in deed conveyed to the State of Oregon and
recorded in Book 256 Page 75 Linn County Deed Records; thence North
7° 32' 30" East along the East line of said Highway 113.00 feet
to the North line of said Sullens parcel; thence East 289.90 feet
to the point of beginning. × Containing 0.97 Acres more or less.

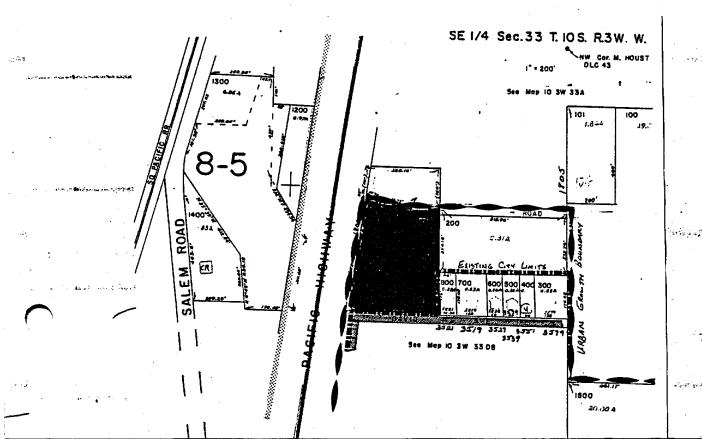


EXHIBIT B FINDINGS CASE NO. AN-02-89

- 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 and south are currently within the city limits and the annexation of the subject property will take the city limits to the north boundary of the Urban Growth Boundary on Century Drive NE.
- 2. The subject property is within the Urban Growth Boundary and will provide for coordinated planning efforts for extension of streets and utilities.
- 3. Annexation and zoning of the subject property are in conformance with the acknowledged Albany Comprehensive Plan.
- 4. The conflicts between the City and County applications of development standards and requirements for this property will be eliminated through annexation.
- 5. The annexation of the subject property was initiated by 100% of the property owners and no other 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).
- 6. The Albany Development Code Annexation Zoning Matrix (Section 3.030(2) provided for application of the ML (Light Industrial) zoning designation for properties with a Light Industrial Comprehensive Plan designation.
- 7. The proposed zoning designation of ML (Light Industrial) is in conformance with the Albany Comprehensive Plan designation of Light Industrial. As such, the property may be developed applying the standards for the ML (Heavy Commercial) zoning district as provided for in the Albany Development Code.
- 8. Urban services can be extended to the subject property without adversity to other properties in the city.
- 9. 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 land-scaping.