

**A RESOLUTION PROCLAIMING THE ANNEXATION AND ZONING OF PROPERTY LOCATED SOUTH OF 53RD AVENUE SW AND WEST OF 1526 53RD AVENUE SW (TAX LOT 500, LINN COUNTY ASSESSOR'S MAP NO. 11-4W-24C) AND CONTAINING APPROXIMATELY 1.813 ACRES (INCLUDES 53RD AVENUE RIGHT-OF-WAY AND SETTING A PUBLIC HEARING FOR THE REMOVAL OF TERRITORY FROM THE ALBANY RURAL FIRE PROTECTION DISTRICT (CASE FILE NO. AN-03-95).**

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 that property west of 1526 53rd Avenue SW and 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 RS-6.5 (Residential Single Family - 6,500 square foot lot minimum).

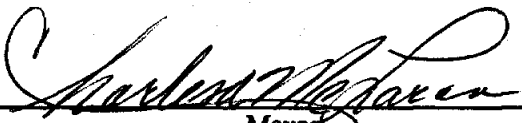
BE IT FURTHER RESOLVED that the findings, attached Exhibit B, are hereby adopted in support of this annexation and zoning action.

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 February 14, 1996, at 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 24TH DAY OF JANUARY, 1996.

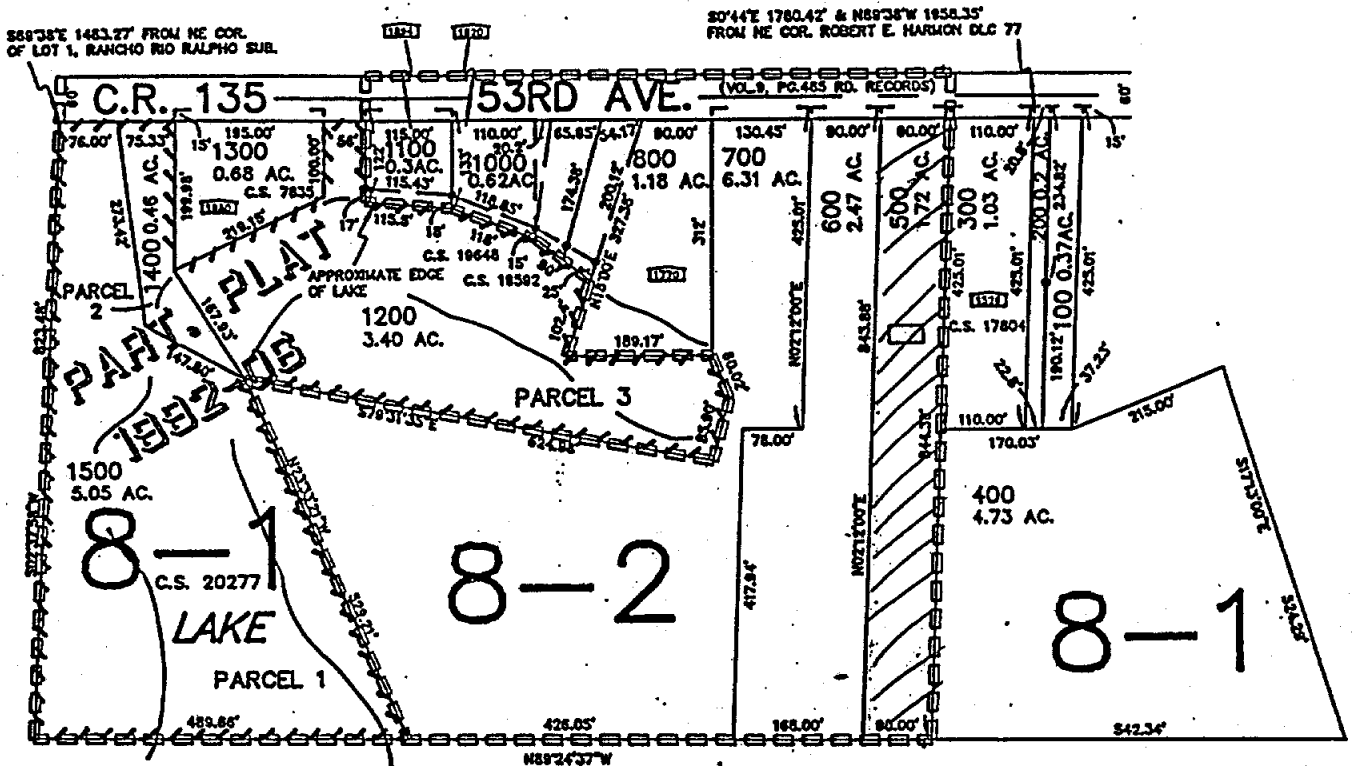
  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Recorder

**EXHIBIT A**  
**LEGAL DESCRIPTION**  
**CASE NO. AN-03-95**

A tract of land situated in the County of Linn and State of Oregon more particularly described as follows: Beginning at a 1/2-inch iron rod North 89°38' West, 1958.38 feet from a point on the East line of and South 0°44' East, 1780.42 feet from the Northeast corner of the Robert E. Harmon Donation Land Claim No. 77 in Township 11 South, Range 4 West of the Willamette Meridian Linn County, Oregon; and running thence North 89°38' West 110.00 feet to the true point of beginning; thence South 2°12' West 844.38 feet; then North 89°19' West 90.00 feet; thence North 2°12' East 888.88 feet to the north right-of-way line of 53rd Avenue; thence South 89°38' East 90.00 feet; thence South 89°38' East 45.00 feet to the true point of beginning.



7. **Schools.** The subject property is within the attendance boundaries of Liberty Elementary School, Memorial Middle School and West Albany High School. Bus service is provided.
8. **Parks.** The nearest existing park is Teloh Calapooia which is located at the end of Looney Lane and adjacent to the southeast corner of the subject property.

**SUPPORTING STATEMENTS FOR ANNEXATION:**

1. **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 is currently within the city limits.**
2. **The subject property is within the Urban Growth Boundary and will provide for coordinated planning efforts for extension of streets and utilities.**
3. **The City is capable of providing city services commensurate with the needs of existing and any proposed new uses in the subject area without significantly impairing city services to existing portions of the city or without extending services in contradiction to Comprehensive Plan policies or an adopted Public Facility Plan and more particularly:**
  - a. **Sanitary Sewer.** Sanitary sewer utility maps indicate that public sanitary sewer service adjacent to this site consists of a 15-inch main within the 53rd Avenue right-of-way. In the area along the frontage of the subject property, the sewer main lies on the north side of the right-of-way.
  - b. **Water.** Water utility maps indicate that public water service adjacent to this site consists of a new 12-inch main which runs along the south side of the 53rd Avenue right-of-way. (As of the date of this report, the water line has not officially been accepted by the City as a public line, but it is expected that acceptance will occur as soon as appropriate testing and/or permit details are satisfied.)
  - c. **Storm Drainage.** Storm Drain utility maps indicate that public storm drainage adjacent to this parcel consists of a 10-inch line along the north side of 53rd Avenue. (As of the date of this report, this storm drain line has not been accepted by the City as a public line, but it is expected that acceptance will take place as soon as appropriate testing and/or permit details are satisfied.)
  - d. **Streets.** The subject property is bounded on the north by 53rd Avenue, which is a 60-foot right-of-way with partial street improvements on the north side of the street along the frontage of this property (Street improvements have not been completed, but are being constructed, at the date of this report.) The partial street improvements include curb, gutter, sidewalk (on the north side of the street), storm drainage and a street overlay.
  - e. **Fire Protection.** The Albany Fire Department reports that the subject property is within the proper running distance of Station Twelve for first-due Engine Company response. Adequate water flow for a fire hydrant grid system compatible with the water facility plan and the Albany Fire Department requirements shall be provided at the time the property is divided other than lots fronting on 53rd Avenue and the existing water line is extended into the subject property.
  - f. **Police Protection.** The Albany Police Department will be able to provide service to the lots with no appreciable increase in costs at this time.

- g. **Schools.** The subject property is within the attendance boundaries of Liberty Elementary School, Memorial Middle School and West Albany High School. Bus service is provided.
  - h. **Parks.** The nearest existing park is Teloh Calapooia which is located at the end of Looney Lane and adjacent to the southeast corner of the subject property.
4. Annexation and zoning of the subject property are 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. The annexation of the subject property was initiated by 100% of the property owners and no electors reside on the property; thus, annexation may occur without a public hearing or an election under the provisions of ORS 222.125.
  7. The proposed zoning designation of RS-6.5 (Residential Single Family) is in conformance with the Albany Comprehensive Plan designation of Urban Residential Reserve. As such, the property may be developed applying the standards for the RS-6.5 zoning district as provided for in the Albany Development Code.
  8. Annexation of the subject property will conform to the Growth Management Policies of the Albany Comprehensive Plan as the proposed annexation will encourage the urbanization of an area where facilities and services are in need of extension. Development of this type will enable a cost effective extension of urban facilities and services and will assure that any future development of the subject property will be to City standards.

**STAFF RECOMMENDATION:** That the City Council adopt the Resolution annexing the subject property with a zoning designation of RS-6.5 (Residential Single Family) and setting a public hearing for February 14, 1996, to remove the territory from the Albany Rural Fire Protection District.

