

RESOLUTION NO. 3881

RESOLUTION PROCLAIMING THE ANNEXATION AND ZONING OF PROPERTY LOCATED AT 4620 KNOX BUTTE ROAD SE (LINN COUNTY ASSESSOR'S MAP NO. 11-3W-03A, TAX LOT 7900) AND CONTAINING APPROXIMATELY 0.43 ACRE (FILE NO. AN-07-97) 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 4620 Knox Butte Road SE which is adjacent to the City of Albany; and

WHEREAS, the Albany City Council on December 3, 1997, determined that this annexation request can conform to the Council's annexation policies (Resolution No. 3683) and directed staff to bring back a staff report and annexation resolution for Council consideration; 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 to 8 units per acre) and subject to the conditions that prior to connection to the public sewer line that the applicant submit a Petition for Improvement/Waiver of Remonstrance for the future construction of a public water line and for street improvements to Knox Butte Road and that no further development (other than an accessory use) may occur on the property until public water is available

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 January 28, 1998, at 7:15 p.m.

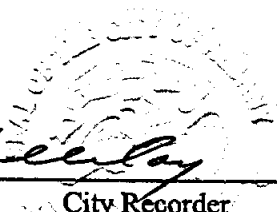

BE IT FURTHER RESOLVED that the City Recorder shall give notice of the hearing by publication once each week for two (2) successive weeks prior to the day of said hearing in a newspaper of general circulation within the City. The City Recorder shall further cause notice of this hearing to be posted in 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 17TH DAY OF DECEMBER 1997.


Mayor

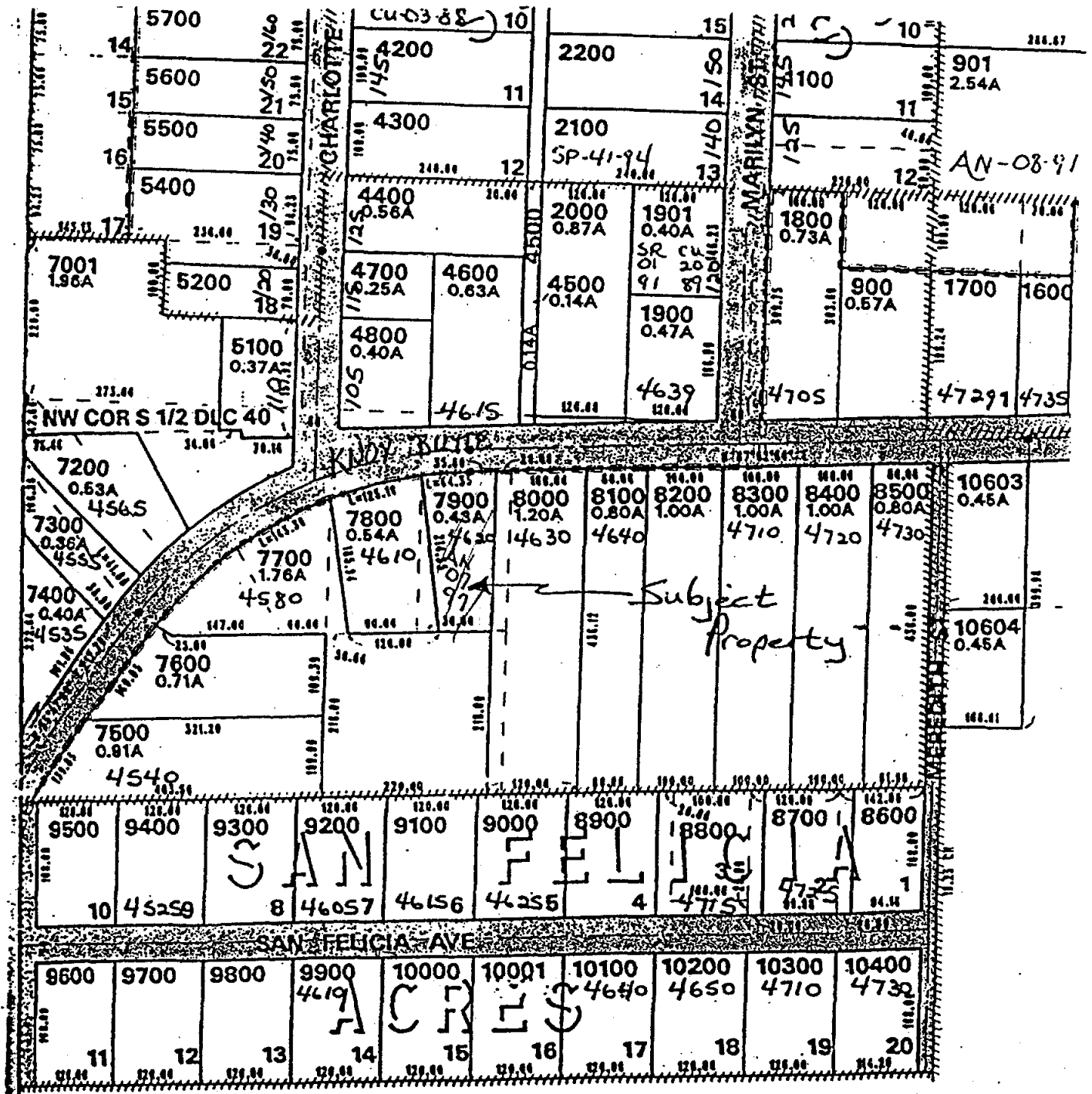
ATTEST:



City Recorder

**EXHIBIT A
LEGAL DESCRIPTION
FILE AN-07-97**

Part of the Matthew C. Chambers Donation Land Claim #40 in Township 11 South, Range 3 West, of the Willamette Meridian, described as follows:

Beginning at a 1/2-inch rod on the Southerly rights of way line of Market Road #7 at a point which is 643.58 feet East and 74.3 feet South of the Northwest corner of the South half of said Claim #40; thence South 87°02' West along the Southerly line of said road 36.05 feet; thence Westerly along the Southerly line of said road 64.35 feet to a 1/2" rod; thence South 08°02' East 214.55 feet; thence North 87°02' East 70.0 feet to a 1/2" rod; thence North 218 feet to the place of beginning.



**EXHIBIT B
FINDINGS
FILE AN-07-97**

1. Annexation of the subject property is a logical and efficient extension of the boundaries of City limits to facilitate the functional and economic provision of services as the property to the north 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.
4. The existing house will be allowed to connect to the existing sanitary sewer line located within the Knox Butte Road right-of-way. However, no additional development may occur on the site until public water has been extended to serve the subject property. When this property is further developed by a partition application, the applicants will be required to extend the public water line across their property and connect to the public system.
5. The subject property is located adjacent to an arterial street (Knox Butte Road) that is improved to County Standards (no curbs, gutters, storm drainage and sidewalks).
6. Annexation petitioners have the responsibility of installing and paying for the water, sewer, street and storm drainage improvements necessitated by annexation.
7. The Albany Police Department will be able to provide service to the lots with no appreciable increase in costs at this time.
8. The Albany Fire Department reports that the subject property is within the proper running distance of Station Eleven for first-due Engine Company response.
9. Annexation and zoning of the subject property are in conformance with the acknowledged Albany Comprehensive Plan.
10. 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.
11. The conflicts between the City and County applications of development standards and requirements for this property will be eliminated through annexation.
12. The annexation of the subject property was initiated by 100% of the property owners and 100% of the electors residing on the property.
13. This is a small annexation involving an existing residence on a lot of 18,730 square feet. The surrounding area has been developed with single family residences on parcels ranging in size from 16,117 square feet to 1.76 acres. 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 further developed applying the standards for the RS-6.5 zoning district as provided for in the Albany Development Code at the time that public water is available to the site.