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Albany, OR 97321-0144
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ECONOMIC DEVELOPMENT/
URBAN RENEWAL**
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FAX 541-917-7748

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FAX 541-917-7716

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INFORMATION TECHNOLOGY
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FAX 541-917-7573

Water/Sewer Billing
541-917-7547
FAX 541-917-7794

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310 Waverly Drive NE
Albany, OR 97321
541-917-7600
FAX 541-917-7615

Call-A-Ride
112 Tenth Avenue SW
Albany, OR 97321
541-917-7770
FAX 541-812-2571
TDD 541-917-7762

Transit
112 Tenth Avenue SW
Albany, OR 97321
541-917-7667
FAX 541-812-2571

December 18, 2017

Dian Gerstner
1020 Pulver Lane NW
Albany, OR 97321

Dear Ms. Gerstner:

APPROVAL OF A PROPERTY LINE ADJUSTMENT FOR PROPERTIES LOCATED AT 1020 PULVER LANE NW, BENTON COUNTY ASSESSOR'S MAP 10S-04W-35DD, TAX LOT 101; AND 11S-04W-02AB, TAX LOT 107 (PLANNING FILE NO. LA-07-17)

City staff has received your request for a property line adjustment affecting the subject properties referenced above, and approved the request based on the evaluation of the applicable decision-making criteria, provided below.

11.120 Review Criteria. The Director will approve, approve with conditions, or deny the request for a property line adjustment based on the following criteria:

- 1) **The property line adjustment does not create a new lot or a land-locked parcel.**
- 2) **The adjusted properties are not reduced below the minimum dimensions of the zoning district and do not otherwise violate standards of this Code or the adopted building codes.**
- 3) **The adjusted properties are in compliance with any adopted transportation, public facilities, or neighborhood plan.**
- 4) **The adjusted properties comply with any previous requirements or conditions imposed by a review body.**

Consistent with ADC 11.120(1), the proposed property line adjustment would not create a new lot or a landlocked parcel.

Presently, Tax Lot 101, herein referred to as "Property "A," has 16.59 acres; and Tax Lot 107, herein referred to as "Property "B," has 3.25 acres – see Attachment A. When their common lot line is reconfigured, Property "A" will have 14.56 acres; and Property "B" will have 5.28 acres – see Attachment A. Property "A" is zoned Residential Single Family (RS-10). The RS-10 zone has a minimum lot size of 10,000 square feet, with a minimum lot width of 65 feet and lot depth of 100 feet. Property "B" is zoned Residential Reserve District (RR). The RR zone has a minimum lot size of 5 acres, with no minimum lot width or depth size. When the common lot line is reconfigured, Property "B" will be split zoned, with the transfer area (shown in Attachment A) zoned as RS-10 and the original portion of Property "B" zone as RR. Property "A" and Property "B" are owned by Dian Gerstner.

Given the above, the reconfigured parcels meet minimum lot area, width, and depth standards in the RS-10 and RR zone, and will not otherwise violate standards in the ADC or adopted Building Codes, consistent with ADC 11.120(2).

City utility maps show an 8-inch public sanitary sewer main in Pulver Lane and an 8-inch main in Briarwood Place. The main in Briarwood Place terminates approximately 425 feet east of the west end of the street; which corresponds to the east boundary of Tax Lot 107. The main in Pulver Lane lies approximately 130 feet north of the north boundary of Tax Lot 101.

The existing house on Tax Lot 101 is not connected to the public sanitary sewer system, but is served by a private septic system.

City utility maps show a 12-inch public water main in Briarwood Place and an 8-inch main in Pulver Lane and 12th Avenue. The main in Briarwood Place terminates approximately 100 feet east of the west end of the street; which corresponds to the east boundary of Tax Lot 107. The main in Pulver Lane lies approximately 150 feet north of the north boundary of Tax Lot 101.

The existing house on Tax Lot 101 is currently connected to the public water system through a service/meter from the Briarwood Place water main.

It appears that the existing water service for the house on the property (Property B) will cross a portion of the reconfigured Property "A". A private utility easement is recommended over the private plumbing from the water meter that will cross Property "A".

City utility maps show no public piped storm drainage facilities adjacent to the subject properties. An intermittent drainage channel runs through the property in a southeast-to-northwest direction, west of the existing house on the site.

As described above, the proposed property line adjustment would not impact compliance with any adopted transportation, public facilities, or neighborhood plans in conformance with ADC 11.120(3), above.

The subject properties are located in the North Albany annexation area (File No. AN-05-91) that was the subject of a Legislative Zone Change (File No. ZC-02-92) and a Comprehensive Plan Policy Amendment (File No. CP-02-92). The Albany City Council adopted both legislative changes on December 16, 1992.

Given the above analysis, the proposed property line adjustment complies with all applicable review criteria. The legal requirements that relate to property line adjustments are listed below.

1. The property line adjustment shall occur in substantial conformance with the plans submitted for review. **The Planning Division must approve any changes to the approved plan.**
2. In all cases, the adjusted property line created by the relocation of the common boundary between tax lots shall be surveyed and documented in accordance with Oregon Revised Statute (ORS), subsection 92.060(3). The map of the survey shall be prepared for recording to comply with ORS 209.250.
3. Conveyance of the property must be executed by deed. The applicants shall cause a deed to be prepared by a title company or an attorney. A legal description shall be prepared for the reconfigured property and for the land being conveyed. The deed shall contain the names of the parties, legal description of the land, references to original recorded documents, and signatures of all parties with proper acknowledgment.
4. In order to convey (transfer) the property, the deed with the legal description must be recorded with the Benton County Recorder and Surveyor (ADC 11.140). **Prior to recording**, all of the documents shall be reviewed and approved by the City of Albany, Community Development Division. (For City review deeds do not need signatures.)

5. When the legal documents are recorded, that portion being removed from one tax lot must be consolidated with the other. Consolidation is done by the Benton County Tax Assessor. Before the county tax assessor's office can approve a consolidation, the applicants must present evidence that the following are met:
 - The ownership interest must be exactly the same on each parcel involved (i.e., one cannot be the contract purchaser on one parcel and the deed holder of the other).
 - Taxes must be paid in full; no taxes can be owed on the parcels involved.
 - A tax lot under a mortgage **will not** be combined with a tax lot that is not covered by a mortgage unless approved by the mortgage holder.

Contact the Benton County Assessor's office for additional information or assistance with the consolidation.

6. Prior to issuance of any building permits on the properties covered by this application, the applicants must return a copy of the recorded deed to the Planning Division.
7. This proposal must be initiated within three years of the date of this letter of approval.

Sincerely,



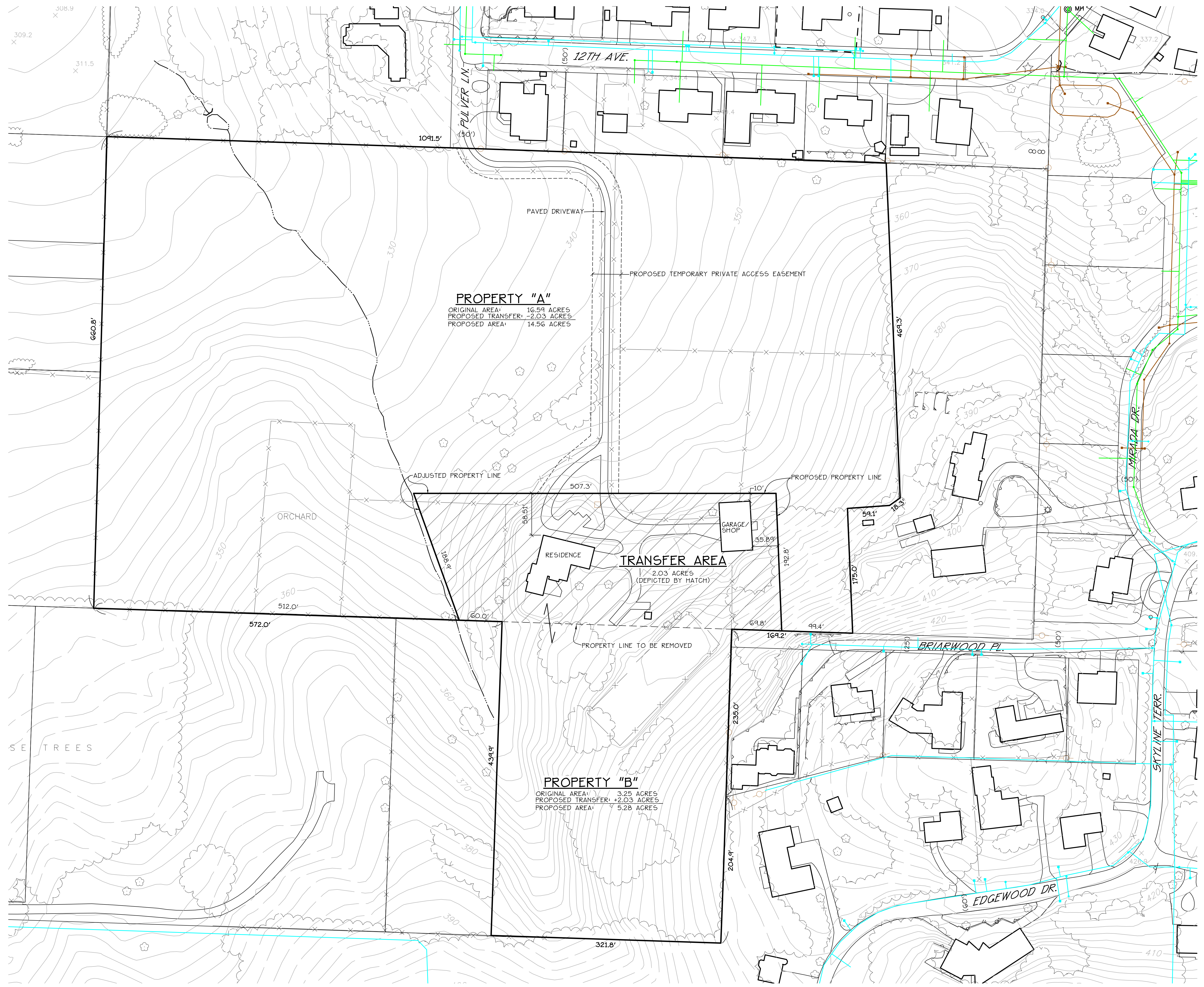
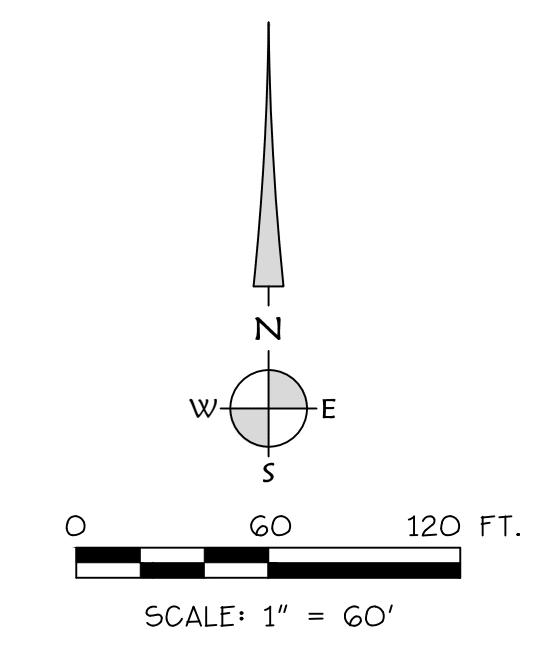
Bob Richardson,
Planning Manager

LL:eo

Attachment: Tentative Property Line Adjustment Plan

c: Building Division (Gary Stutzman)
Finance Department (Denise Valentino)
GIS (Dave Jacobus)
Public Works Engineering (Gordon Steffensmeier)
Public Works Transportation (Ron Irish)
Fire Services (Lora Ratcliff)
Benton County Surveyor's Office
Benton County Assessor
File: LA-07-17

TENTATIVE PROPERTY LINE ADJUSTMENT
 FOR
DIAN GERSTNER
 LOCATED IN
 NE 1/4 SEC. 2, T. 11 S., R. 4 W., W.M.
 SE 1/4 SEC. 35, T. 10 S., R. 4 W., W.M.
 CITY OF ALBANY, BENTON COUNTY, OREGON
 NOVEMBER 16, 2017



PROPERTY "A"
 ORIGINAL AREA: 16.59 ACRES
 PROPOSED TRANSFER: -2.03 ACRES
 PROPOSED AREA: 14.56 ACRES

TRANSFER AREA
 2.03 ACRES
 (DEPICTED BY HATCH)

PROPERTY "B"
 ORIGINAL AREA: 3.25 ACRES
 PROPOSED TRANSFER: +2.03 ACRES
 PROPOSED AREA: 5.28 ACRES

APPLICANT:
 DIAN GERSTNER
 1020 PULVER LN. NE
 ALBANY, OR 97321

SURVEYOR:
 K+D ENGINEERING, INC.
 276 NW HICKORY ST.
 ALBANY, OR 97321

PROPERTY INFORMATION:
PROPERTY "A"
 OWNER: CARLA DIAN G GERSTNER TRUST
 TAX LOT 101, MAP 105-04W-35DD
 1020 PULVER LN. NE
 ALBANY, OR 97321
PROPERTY "B"
 OWNER: CARLA DIAN G GERSTNER TRUST
 TAX LOT 107, MAP 115-04W-02AB
 ADDRESS UNASSIGNED

ADJUSTMENT STATISTICS:
PROPERTY "A"
 ORIGINAL AREA: 16.59 ACRES
 PROPOSED TRANSFER: -2.03 ACRES
 PROPOSED AREA: 14.56 ACRES
PROPERTY "B"
 ORIGINAL AREA: 3.25 ACRES
 PROPOSED TRANSFER: +2.03 ACRES
 PROPOSED AREA: 5.28 ACRES

NOTE: AREAS BASED ON GIS INFO

- LEGEND:**
- (E) EXISTING
 - ⊙ EXISTING UTILITY POLE
 - ⊕ EXISTING VALVE
 - ⊕ FH EXISTING FIRE HYDRANT
 - ⊕ CB EXISTING CATCH BASIN
 - ⊕ MH EXISTING MAN HOLE
 - ⊕ EXISTING LIGHT POLE
 - EXISTING WATER LINES
 - EXISTING SEWER LINES
 - EXISTING STORM DRAIN LINES