

RESOLUTION NO. CCXXXIII (233)

A RESOLUTION APPROVING ANNEXATION TO THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON, AND CONCURRENCE FOR TRIPLE MAJORITY.  
(Robert K. and Mary Funnell Property: Annexation No. 9)

WHEREAS, the annexation of the territory hereinafter described to the City of Canby has been initiated by the landowners' statements of consent in accordance with ORS 222.170 and would therefore constitute a so-called "triple majority" annexation under ORS 222.170 and a "minor boundary change" under the Boundary Commission law, ORS 199.410 to 199.510; and

WHEREAS, the part of the territory that lies in the Canby Rural Fire Protection District would by operation of ORS 199.410(1) be automatically withdrawn from that District immediately upon consummation of the annexation; and

WHEREAS, the Canby City Council has considered the Petition of the property owners for annexation, the City's planning goals and the requirements for exercising good planning responsibilities as specified by the Oregon Supreme Court in the case of Petersen, et al v. Mayor and Council of the City of Klamath Falls, et al, 279 OR 249 (1977);

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Canby, a municipal corporation of the State of Oregon that:

Section 1: The Council has determined that the real property hereinafter described is approximately .60 acres located on and immediately south of Territorial Road and approximately 190 feet east of North Pine Street. It is contiguous to the Canby City Limits, undeveloped, County zoned R-20 (low density single-family residential district) and City sewer and water mains are adjacent to the property in Territorial Road. The adjacent property in the City is zoned R-1 (single-family residential) and the City's Interim General Development Plan includes the subject property for urban single-family residential development and City services. The subject property is on an adequately improved public road, and its annexation for residential development by the property owners would not be in violation of Statewide planning goals or interim goals. The City Planning Commission has previously considered the matter and unanimously approved the proposed annexation (Planning Commission meeting Minutes of July 27, 1977).

Section 2: The Canby City Council hereby approves the annexation of the following described real property:

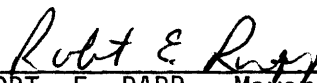
Part of Tract 60, CANBY GARDENS, Clackamas County, Oregon, described as follows:

Beginning at the Northeast corner of said tract; thence South 69°03' West 225.30 feet along the Northwestern line of said tract to the Northwest corner of the parcel conveyed to David W. Brown, et ux, by deed recorded October 10, 1967, in Deed Book 698, page 545, Deed Records of Clackamas County, Oregon, being the true point of beginning; thence South 00°01' East along the West line of said Brown parcel and its extension Southerly to the North line of the parcel conveyed to Cyril Fuchs by deed recorded February 15, 1965, in Deed Book 653, page 97, Deed Records of Clackamas County, Oregon; thence West, along said North line 99.54 feet to the East line of the parcel conveyed to Shirley W. Ritter et ux by deed recorded May 4, 1966, in Deed Book 673, page 69, Deed Records of Clackamas County, Oregon; thence North along said East line of said Ritter parcel 248.46 feet to said Northwestern line; thence North 69°03' East 107.07 feet along said Northwestern line to the true point of beginning.

Also including that portion of the South 1/2 of Territorial Road also known as County Road No. 1485, which lies North of and contiguous to the above described property.

Section 3: The Council requests the Portland Metropolitan Area Local Government Boundary Commission to approve and effect this annexation as soon as possible; and the City Recorder is hereby directed to file certified copies of the Statement of Consent and of this Resolution with the Commission at once.

Adopted by the Canby City Council at a regular meeting thereof this 16th day of November, 1977.

  
ROBT. E. RAPP - Mayor

ATTEST:

  
HAROLD A. WYMAN - City Recorder