

RESOLUTION NO. CCXLI(241)

A RESOLUTION APPROVING ANNEXATION TO THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON, AND CONCURRENCE FOR TRIPLE MAJORITY.  
(Betty Kent, Owner/Grow-Enterprises, Inc., Applicant)

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territory that lies in the Canby Rural Fire Protection District would by operation of ORS 199.410(1) be automatically withdrawn from that District immediately upon consummation of the annexation; and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 Planning Commission and the City Council have considered the Petition of the applicant 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 2.25 acres, located at 645 N. E. 22nd Avenue, Canby, Clackamas County, Oregon and on the West side of North Maple Street and South side of Northeast 22nd Avenue at the intersection. It is contiguous to the Canby City limits, contains one single family home, but is otherwise undeveloped, and is County zoned R-20 (low density single-family residential district). Municipal sanitary sewer services are available by connecting to a main in North Maple Street, which extends North and South, and is adjacent to the property on the East. Municipal water supply is available to the property from a ten inch water line also in North Maple Street; and underground electrical service is also available on North Maple Street. Sewer facilities would be furnished by the City of Canby, and water and electrical services would be furnished by the Canby Utility Board of the City of Canby, Oregon. The adjacent property in the City (on the East and

bounded on the West by North Maple Street) 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 City street (North Maple Street on the East and Northeast 22nd Avenue on the North). The right-of-way width of both of those streets is presently 50 feet, which is less than the 60 feet required by City ordinance. At the time of subdividing the property, if it is annexed, additional street right-of-way would be acquired. Annexation for residential development by the property owners would not be in violation of state-wide planning goals or interim goals since the development plan is for six single-family residential lots (in addition to the one existing house), which would only increase the traffic count in the City to approximately 20 vehicle trips per day; add approximately eight children to the public school system; and would increase the valuation of City property to an estimated \$270,000.00 at the time of the completion of the planned developments and based on current valuations. The City Planning Commission has previously considered the matter, and unanimously approved the proposed annexation at a Public Hearing and meeting on Wednesday, April 12, 1978.

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

Tax Lot 100 in Section 28 D. B., Township 3 South, Range 1 East of the Willamette Meridian in Canby, Clackamas County, Oregon and particularly described as follows:

The East half of Lot 52, PRUNELAND; and also including the West half of North Maple Street, which is adjacent to said Tax Lot 100, but excepting the North 10 feet thereof.

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 special meeting thereof this 24th day of May, 1978.

---

ROBT. E. RAPP - MAYOR

ATTEST:

---

HAROLD A. WYMAN - City Recorder

WADE P. BETTIS  
RAYMOND R. REIF  
R. ROGER REIF  
MICHAEL J. CLANCY

**BETTIS & REIF**  
ATTORNEYS AT LAW  
160 N.W. THIRD AVENUE  
CANBY, OREGON 97013

TELEPHONE  
266-1113  
AREA CODE 503

May 19, 1978

Mr. Harold A. Wyman  
City Administrator  
City of Canby  
City Hall  
Canby, Oregon 97013

Re: Annexation No. 10, Kent Property (Grow Enterprises, Inc.)  
Resolution No. 241

Dear Harry:

I am enclosing the original of the above numbered Resolution for you to duplicate and distribute to the Council for review prior to first reading at the special meeting on Wednesday, May 24, 1978.

In reviewing the file of this matter which was supplied by Public Works Department, I did not find any statement or copy of statement of consent to annexation by the property owner, Betty Kent. Perhaps such consent was filed with the Boundary Commission? But, we have no proof in our files that she consents. It is, therefore, important that the City obtain from her a signed statement of consent to the proposed annexation--or a copy of any such consent which was filed with the Boundary Commission.

Sincerely,

BETTIS & REIF

*Wade P. Bettis*  
Wade P. Bettis  
WPB:jal  
Encl.

cc to: Honorable Robt. E. Rapp, Mayor  
Ken Ferguson

*Never passed -  
tabled on 5/24/78*