

RESOLUTION NO. CCXC (290)

A RESOLUTION APPROVING ANNEXATION TO CITY OF CANBY, CLACKAMAS COUNTY, OREGON (APPLICATION OF F. MARION GARMIRE FOR A PARCEL OF LAND IN TRACT 60, CANBY GARDENS)

WHEREAS, the annexation of the hereinafter described real property has been initiated by the petition of F. Marion Garmire pursuant to the provisions of ORS 199.490(1)(c); and

WHEREAS, the matter was submitted to the Canby Planning Commission for review, study, findings, report and recommendations to the Canby City Council, and the Planning Commission considered the matter at a regular meeting on December 10, 1980, and at said meeting the Planning Commission made an indepth study of the matter and considered among other things, the following:

1) Report and recommendation of City Planner, Stephan A. Lashbrook, dated December 2, 1980.

2) Letter report of Canby Utility Board by its Manager, Fred W. Egger, dated November 28, 1980.

3) Letter to Canby Planning Commission by Jack Stark, Canby Fire Marshall, dated November 25, 1980.

4) Letter report to Mr. Fred Kahut, Canby Planning Commission, by Eugene L. Cole, General Manager of Canby Telephone Association, dated November 21, 1980.

At the Planning Commission's meeting and hearing on this matter on December 10, 1980, there were no objections to or remonstrances against the proposed annexation and at the conclusion of the meeting/hearing a motion was made, seconded and unanimously passed to recommend to the Canby City Council its approval of the proposed annexation; and

WHEREAS, the Canby City Council fully considered the records and file of this matter, 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), and made the following:

FINDINGS

- 1) The subject property is owned by the applicant F. Marion Garmire and Charlotte H. Garmire, husband and wife, who reside at 939 N.E. Territorial Road, Canby, Oregon.
- 2) The property consists of a single tract of land of approximately 1.01 acres with a single dwelling and is county zoned Rural Residential Farm Forest 5 (RR-FF-5) and designated in the City's Interim Development Plan for low density residential development, i.e., an R-1 Zone (single family residential).
- 3) The subject property is located on the south side of N.E. Territorial Road, several hundred feet east of N. Maple Street. The subject property adjoins the City on both the north and west sides.
- 4) Access to the site is readily available from Territorial Road.
- 5) Public utilities (by the City of Canby and the Canby Utility Board) are readily available to the property by extensions of required utility lines.
- 6) The small size and existing development of the site limits the amount of development which will occur as a result of the annexation.
- 7) A portion of the property was annexed some years ago, leaving the owners with the situation of having their ownership divided between City and County jurisdiction.
- 8) Location of the site within the "Interim Immediate Growth Area" as set by C.R.A.G. has already identified this property as being urbanizable.
- 9) The proposed annexation is consistent with all applicable LCDC goals and guidelines and the findings of the Canby City Planning Commission at its meeting/hearing on December 10, 1980, are accepted and adopted in toto by the Canby City Council as its findings.

Based on the said FINDINGS the Canby City Council

CONCLUDES

- 1) The following described real property should be annexed to the City of Canby.
- 2) The Canby City Council has no objections to the applicant's petition for annexation to be filed with the Portland Metropolitan Area Local Government Boundary Commission if such petition is filed pursuant to the procedures prescribed by ORS 199.490(1)(c).
- 3) The proposed annexation is in the best interests of the City of Canby and the residents thereof, and will assure an orderly development of said property in accordance

with the City's Zoning Ordinance, Subdivision Ordinance, and Building Code, and thus provide uniformity and continuity for the City's planned growth.

It is therefore hereby RESOLVED that:

1) The annexation to the City of Canby of the following described real property is approved:

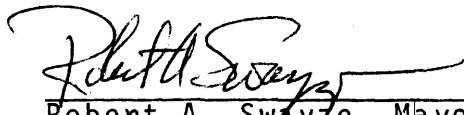
A tract of land located in Tract 60 in the townplat of CANBY GARDENS, as the same is recorded in Book 8 on page 7, RECORD OF TOWNPLATS for Clackamas County, Oregon, and being more particularly described as follows, to-wit:

Beginning at the southwest corner of said Tract 60; from said beginning point thence, following the south boundary of said tract, east 149.6 feet; thence north 0° 01' west 321.83 feet; thence south 69° 03' west along the northwest boundary of Tract 60 a distance of 160.2 feet; thence south 0° 07' east 264.6 feet to the true point of beginning.

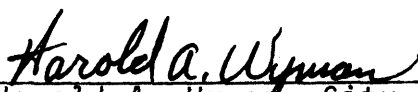
TOGETHER WITH that portion of Territorial Road which is not already within the City limits and which is abutting the above described property; and

2) The Canby City Council requests the Portland Metropolitan Area Local Government Boundary Commission to approve and effect this annexation as soon as possible upon the applicant filing with that Commission of the appropriate petition; and the City Recorder is hereby directed to file a certified copy of this Resolution, together with a copy of the City's complete file of this matter, at once with said commission.

ADOPTED BY THE CANBY CITY COUNCIL at a regular meeting thereof this 4th day of February, 1981.


Robert A. Swayze, Mayor

ATTEST:


Harold A. Wyman, City Recorder