

RESOLUTION NO. 395

A RESOLUTION APPROVING ANNEXATION TO THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON (APPLICATION OF PATRICK H. AND BETTY D. IMHOLT) OF 1.31 ACRES

WHEREAS, the annexation of real property hereinafter described as Exhibit "A" and depicted as Exhibit "B", has been initiated by the petition of Patrick H. and Betty D. Imholt pursuant to the provision of ORS 199.490 (1) (c); and

WHEREAS, the matter was submitted to the Canby Planning Commission for review, study, findings, report and recommendation to the Canby City Council at the Planning Commission's meeting and hearing on October 13, 1986;

WHEREAS, at the Planning Commission's hearing on this matter on October 1, 1986, 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 upon condition of an Offer of Dedication of the south twenty (20) feet of land running parallel with the railroad for a twenty (20) year period, noting that the applicant indicated he would be willing to give the Offer of Dedication; and

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

FINDINGS

- 1) The Comprehensive Plan supports the eventual annexation of the site for M-1, Light Industrial, development.
- 2) Public facilities and services are adequate to serve the site.
- 3) The application complies with ORS 222 concerning the triple majority requirement.
- 4) The subject property joins the City along the west boundary.
- 5) Size, location and existing development has committed the subject property to urban development.

NOW, THEREFORE, BE IT RESOLVED that the annexation to the City of Canby as described in Exhibit "A" and depicted in Exhibit "B",

and 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 applicants 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 5th day of November, 1986.

ATTEST:

  
William F. Pulver, Mayor

  
Marilyn K. Perkett, City Recorder

## Exhibit "A"

Part of Tract 68, CANBY GARDENS, described as follows:

Beginning at the Southwest corner of said Tract 68; thence North along the Easterly line of County Road 159 feet, more or less, to the southwest corner of that tract of land conveyed to Elijah Smalley et ux, by deed recorded November 20, 1946, in Deed Book 380 page 717; thence Northeasterly along the southerly boundary line of the said Smalley tract to a point in the southeast corner of the said Smalley tract, which point is on the southwesterly boundary of the surveyed and located and now abandoned right of way of the Southern Pacific Company, successor in title to the Portland, Eugene and Eastern Railway Company, former owner of said right of way; thence South 3° East 158 feet, more or less, along the westerly boundary line of that tract of land conveyed to Weyerhaeuser Timber Company, a Washington Corporation, and Crown Zellerbach Corporation, a Nevada Corporation, by deed recorded August 6, 1954, in Deed Book 484, page 563, to a point on the northerly boundary line of the railroad right of way along the southeast side of said Tract 68; thence Southwesterly along the northerly boundary line of said right of way to point of beginning, SUBJECT to the rights of the public in and to that portion lying within the limits of roads and highways, if any.

Exhibit "B"

SEE MAP 3 IE 33AD

N.

COUNTY ROAD NO 2580

1700  
2.37 Ac.  
640

ABANDONED

PORTLAND - EUGENE R. R.

RAILROAD R/W

1800  
1.31 Ac.  
490

ANGEL COR.  
DLC NO. 56

NORTH LINE

D.L.C.

NO. 56

OLD

SEE MAP 3 IE 34C

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PAC

FORE

MOULLALA

B

C. & S. SURVEY  
NO. 1915