

RESOLUTION NO. 647

A RESOLUTION TO THE PORTLAND METROPOLITAN AREA LOCAL GOVERNMENT BOUNDARY COMMISSION RECOMMENDING APPROVAL OF THE ANNEXATION TO THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON, OF TAX LOTS 400 AND 700 OF TAX MAP 4-1E-3BB, AND TAX LOT 4401 OF TAX MAP 4-1E-3BC LOCATED ON THE SOUTH SIDE OF S.E. TOWNSHIP ROAD, BETWEEN S. PINE AND S. REDWOOD STREETS.

WHEREAS, the annexation of real properties hereinafter described as Tax Lots 400 and 700 of Tax Map 4-1E-3BB, and Tax Lot 4401 of Tax Map 4-1E-3BC, and as described in attached Exhibit "A", having been initiated by the petition of the applicant and owners; and,

WHEREAS, the City Council is authorized by ORS 199.490(2)(a)(B) to initiate an annexation upon receiving consent in writing from a majority of the electors registered in the territory proposed to be annexed and written consent from owners of more than half the land in the territory proposed to be annexed; and,

WHEREAS, the City Council has received the necessary "consents" in sufficient numbers to meet so-called "double majority" annexation requirements listed above and has set the boundary of the territory proposed for annexation as authorized by ORS 199.490(2)(a)(B); and,

WHEREAS, the matter having been submitted to the Canby Planning Commission for review, study, report, and recommendation to the Canby City Council, and the Planning Commission having considered the matter at a regular meeting on July 28, 1997; and,

WHEREAS, at the Planning Commission meeting on this matter, the Commission having considered the report of the Planning Staff and, at the conclusion of the deliberation, findings and conclusions having been made to support a motion to recommend that the City Council forward a recommendation of approval of the proposed annexation to the Portland Metropolitan Area Local Government Boundary Commission (PMALGBC); and,

WHEREAS, the Canby City Council having conducted a public hearing on this proposal on August 20, 1997; and,

WHEREAS, the Canby City Council having fully considered the record and file of this matter; and,

WHEREAS, the Canby City Council having accepted the findings, as found in the July 18, 1997 Staff Report, and the August 11, 1997 Planning Commission findings, conclusions, and final order; and,

WHEREAS, the property to be developed, along with the adjacent right-of-way, as described in exhibit "A", is to be zoned for residential development, in accordance with the Comprehensive Plan Land Use Map; and,

WHEREAS, the City Council, in consideration of the above-stated findings, concludes that:

1. The annexation proposal is compatible with the text and maps of the Comprehensive Plan, giving special consideration to those portions of policies relating to the Urban Growth Boundary.
2. The annexation proposal is in compliance with other applicable City ordinances or policies.

3. The City and other affected service-providing entities have the capability to amply provide the area of the proposed annexation with urban level services.
4. The annexation proposal complies with, all applicable sections of Oregon Revised Statutes.
5. Annexation of the property is appropriate at this time, in that the priority classification of the property is "Type A", indicating an area to be annexed first, and that there is not a surplus of land already in the City limits to account for the anticipated residential construction activity over the next 2 to 3 years.
6. There are no apparent natural hazards on the subject property.
7. The effect of urbanization of the subject property to designated open space, scenic, historic or natural resource areas is limited, in that the open space designation and requirements as found in the Parks Master Plan will be adhered to.
8. No adverse economic impacts are likely to result from the annexation of the subject property.

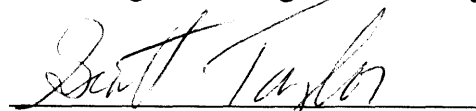
NOW THEREFORE, BE IT RESOLVED that the Canby City Council recommends to the PMALGBC:

1. that the approval of the annexation to the City of Canby, with the understandings that follow, of the properties described as Tax Lots 400 and 700 of Tax Map 4-1E-3BB, and Tax Lot 4401 of Tax Map 4-1E-3BC, and described in Exhibit "A"; and,
2. that the City Recorder is hereby directed to file a certified copy of this Resolution, together with a copy of a summary of the City's file of this matter, at once, with said Commission.

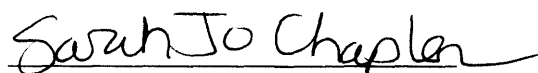
UNDERSTANDINGS

1. The zoning classification for the properties upon annexation will be R-1, Low Density Residential, with an R-2, High Density Residential designation for the first 200 feet south of Township Road, being consistent with Comprehensive Plan Land Use Map designations.
2. All development and recording costs are to be borne by the developer when the property is developed.
3. All City and service provider regulations are to be adhered to at the time of development.

ADOPTED BY THE CANBY CITY COUNCIL at a regular meeting thereof on August 20, 1997.


Scott Taylor, Mayor

ATTEST:


Sarah Jo Chaplen
Director of Finance and Administration

PARCEL 1
RFN 81-9153

A tract of land situated in the Northwest one-quarter of the Northwest one-quarter of Section 3, T. 4S., R. 1 E., of the W.M., described as follows:

Beginning at a point 30 rods East of the Northwest corner of said Section 3, thence East along the North line of said Section 3, a distance of 365 feet to the Northwest corner of that tract of land conveyed to Kenneth L. Lundsten, et ux, by Deed recorded in Book 672, Page 444, Deed Records; thence South along the West line of said Lundsten tract 275 feet to the Southwest corner thereof; thence East 295 feet to the Southeast corner of said Lundsten tract; thence south along the West line of that tract of land conveyed to Leon E. Sampsel, et ux, by Deed recorded November 15, 1966, in Book 682, Page 344, a distance of 187 feet to the Southwest corner of said Sampsel tract; thence continuing South along a southerly extension of the West line of said Sampsel tract 151.8 feet to the North line of that tract of land conveyed to John M. Rasmussen and Marie Rasmussen by Deed recorded April 2, 1965 in Book 655, Page 200; thence West 10.87 rods to the Northwest corner of said Rasmussen tract; thence South 46 rods to the South line of that tract of land conveyed to E. E. Holden by Deed recorded November 18, 1936, in Book 234, Page 505; thence West 29.13 rods to the Southwest corner of said Holden tract; thence North 83.2 rods to the place of beginning.

PARCEL 2
RFN 94-33147

A parcel of land located in the Northwest one-quarter (NW1/4) of Section 3, Township 4 South, Range 1 East of the Willamette Meridian, City of Canby, Clackamas County, Oregon and being a part of that tract of land described in that particular Deed recorded as instrument No. 88-33443, Clackamas County Record of Deeds, said parcel being particularly described as follows:

Commencing at the Southeast corner of said instrument No. 88-33443 tract, said Southeast corner being South 89°56'04" East along the Northerly line of said Section 3, a distance of 1317.31 feet, thence South 00°51'20" West along the 1/16th line of said Section 3, a distance of 1358.41 feet, thence South 00°52'22" West along said 1/16th line a distance of 14.58 feet, thence North 89°56'04" West, a distance of 20.00 feet from the Northwest corner of said Section 3, thence North 89°56'04" West along the South boundary of said instrument No. 88-33443 tract a distance of 312.36 feet to the true point of beginning of the parcel of land herein described. Thence continuing along the said Southerly boundary North 89°56'04" West, a distance of 12.00 feet to the Southwest

corner of said instrument No. 88-33443, thence North 00°51'20" East along the Westerly boundary of said instrument No. 88-33443 tract a distance of 194.40 feet to the most Westerly Northwest corner of said instrument No. 88-33443; Thence North 82°59'20" East along the Northerly line of said instrument No. 88-33443 a distance of 12.11 feet, thence South 00°51'20" West parallel to the West boundary of said instrument No. 88-33443 a distance of 195.89 feet to the true point of beginning.

Said parcel of land being subject to a 6.00 foot all inclusive utility easement as described in Clackamas County Record of Deeds recorded as instrument No. 94-23732.

PARCEL 3
RFN 93-98960

A tract of land in Lot 44, Valley Farms 1 situated in the Northwest one-quarter of Section 3, T. 4S., R. 1 E., W.M., City of Canby, Clackamas County, Oregon more particularly described as follows:

Commencing at a 5/8" iron rod at the Northwest corner of said Lot 44; thence South 89°36'02" East along the Northerly line of Lot 44, 503.00 feet; thence South 1°12'50" West 20.54 feet; thence North 89°21'03" West 503.12 feet to the West line of said Lot 44; thence North 1°41'22" East 18.35 feet to the point of beginning. Said parcel contains 9781 square feet more or less.

PARCEL 4
RFN 94-054648

A tract of land located in the Northwest one-quarter of the Northwest one-quarter of Section 3, Township 4 South, Range 1 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, more particularly described as follows:

Beginning at the Southwest corner of that tract of land conveyed to Leon E. Sampsel and Adelaide J. Sampsel, Husband and Wife, by Deed recorded in Book 682, Page 344, Deed Records, with said Southwest corner being located South 28 rods and West 10 rods from the Northeast corner of the Northwest one-quarter of the Northwest one-quarter of said Section 3; thence from said beginning point, North 1°14'40" East, along the Westerly line of said Sampsel tract, a distance of 186.80 feet to the Southeast corner of that tract of land conveyed to Robert W. Peterson by Deed recorded as document fee No. 90-1154, Deed Records; thence South 89°34'48" East a distance of 4.63 feet to a 5/8" diameter iron rod; thence South 0°31'03" West a distance of 186.78 feet to a point on the South line of said Sampsel tract from which a 5/8" diameter iron

rod bears South 89°36'02" East 0.48 feet and South 0°23'58" West 0.23 feet; thence North 89°36'02" West, a distance of 7.00 feet returning to the point of beginning.

PARCEL 5
RFN 88-35711
PARCEL 1

A tract of land situated in the Northwest one-quarter of Section 3, Township 4 South, Range 1 East, of the Willamette Meridian, described as follows:

Beginning at a point on the East line of the Northwest one-quarter of the Northwest one-quarter of Section 3, South 0°51'20" West 663.69 feet from the Northeast corner thereof, said point being the Northeast corner of that tract conveyed to Ted M. And Cary Ann Labeledz and recorded as Fee No. 64-33856, Deed Records; thence North 87°10'10" West along the North line of said tract, 154.84 feet to the point of beginning of the tract to be described; thence continuing North 87°10'10" West along the North line of the said Labeledz tract, 189.72 feet to the Northwest corner thereof; thence North 0°51'20" East 33.09 feet to the Northwest corner of that tract described in Contract of Sale to Daniel B. and Janet P. Hostetler and recorded as Fee No. 83-36578, Deed Records; thence South 89°59' East along the North line of said Hostetler tract, 189.20 feet; thence South 0°19' West 42.28 feet to the point of beginning.

PARCEL 6
RFN 88-35711
PARCEL 2

A tract of land situated in the Northwest one-quarter of Section 3, Township 4 South, Range 1 East, of the Willamette Meridian, described as follows:

Beginning at a point on the East line of the Northwest one-quarter of the Northwest one-quarter of Section 3, South 0°51'20" West 462.00 feet from the Northeast corner thereof; thence North 89°59' West 156.59 feet to the true point of beginning; thence continuing North 89°59' West 8.41 feet; thence South 0°51'20" West 151.8 feet; thence South 89°59' East 9.84 feet; thence North 0°19' East 151.79 feet to the point of beginning.

PARCEL 7
RFN 84-33856

A parcel of land located in the west one half of the Northwest one quarter of Section 3, Township 4 South, Range 1 East, of the Willamette Meridian, Clackamas County, Oregon. Said parcel of land being a part of that parcel of land conveyed to John M. Rasmussen and Marie Rasmussen as recorded April 2, 1965, In book 655, page 200, Record of Deeds, Clackamas County, Oregon, and being more particularly described as follows:

Beginning at a point on the easterly line of the west one half of the northwest one quarter of said Section 3, said point being the southeasterly corner of said Rasmussen property thence North $00^{\circ}51'20''$ East along the easterly line of the west one half of the northwest one quarter of said Section 3, a distance of 423.32 feet; thence North $88^{\circ}22'40''$ West a distance of 142.22 feet; thence South $01^{\circ}47'50''$ West a distance of 211.18 feet; thence South $62^{\circ}59'20''$ West a distance of 180.38 feet to a point on the westerly line of said Rasmussen property; thence North $00^{\circ}51'20''$ East along said westerly line a distance of 531.22 feet; thence South $87^{\circ}10'10''$ East a distance of 324.55 feet to a point on the westerly right-of-way line of said County Road No. 227; thence South $00^{\circ}51'20''$ West along said westerly right-of-way line a distance of 286.10 feet to the true point of beginning.