

## **RESOLUTION NO. 657**

### ***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 900, 901 AND 1000 OF TAX MAP 3-1E-34, LOCATED ON THE SOUTH SIDE OF HIGHWAY 99E AND S.E. FIRST AVENUE, EAST OF THE MOLALLA FOREST ROAD.***

**WHEREAS**, the annexation of real properties hereinafter described as Tax Lots 900, 901, and 1000 of Tax Map 3-1E-34, and as described in attached Exhibit "A", having been initiated by the petition of the applicant and owners; 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 August 11, 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 September 17, 1997, and November 5, 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 August 1, 1997 Staff Report, and the August 25, 1997 Planning Commission findings, conclusions, and final order; further supplements those findings as follows:

1. As a matter of record, the applicant has stated that with development of the property, all costs associated with the improvement and signalization of the intersection of Redwood and Highway 99E will be borne by the applicant, with no expectation of reimbursement of any kind;
2. As a matter of record, the applicant would seek to coordinate the improvements to the intersection of Highway 99E and Territorial Road with the cooperation of the City and New Life Foursquare Church, through SDC's, private contribution, and other funding mechanisms;
3. Development of the property will include dedication of approximately 3 acres of the property for park purposes that has well-developed and highly specialized azalea and rhododendron hybrids;
4. The City, under section ORS 199.505(1)(b), is permitted to object to a Boundary Commission's approval, regardless of the City's initial recommendation; and,

**WHEREAS**, the Canby City Council, due to the size of the potential commercial development of the property, desires to have the citizens of Canby decide, through an election, on the annexation of the property; and,

**WHEREAS**, the Canby City Council reserves the right to object to a decision of approval by the Boundary Commission and refer the decision to a vote of the electorate of the City of Canby, for the sole reason of having the citizens of Canby decide on the annexation; and,

**WHEREAS**, the property to be developed, along with the adjacent right-of-way, as described in exhibit "A", is to be zoned for Commercial-Manufacturing and Heavy Industrial 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 properties is appropriate at this time, in that the priority classification of the properties is "Type A" and "Type B", indicating an area to be annexed first, and that there is no other non-residential "Type A" lands left to be annexed into the City limits.
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:

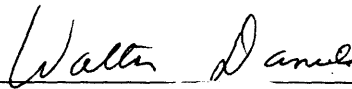
1. the approval of the annexation to the City of Canby, with the understandings that follow, of the properties described as Tax Lots 900, 901 and 1000 of Tax Map 3-1E-34, and described in Exhibit "A"; and,
2. that the City Recorder is hereby directed to file a certified copy of this Resolution, together with a copy of a summary of the City's file of this matter, at once, with said Commission.

#### **UNDERSTANDINGS**

1. The City reserves the right to object to a decision to approve the annexation and refer the decision to a vote of the electorate of the City of Canby.

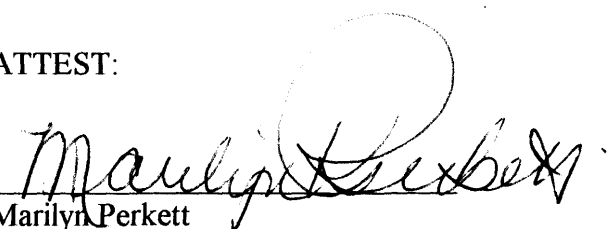
2. The zoning classification for the property upon annexation will be C-M, Commercial Manufacturing, and M-2, Heavy Industrial, in accordance with the Land Use Map of the Comprehensive Plan.
3. All City and service provider regulations are to be adhered to at the time of development.
4. Development of the property will require further review by the City, in accordance with the City's Land Development and Planning Ordinance. Included in the review will be a traffic study that must be approved by ODOT. ODOT shall also approve of the traffic study's scope of work prior to the commencement of the study.
5. Any development application shall be in conformance with the master plan that will be developed for the Industrial Park infrastructure, including the realignment of the intersection of N. Redwood and Highway 99-E.
6. A plan for the realignment and signalization of the intersection of N. Redwood and Highway 99-E will have to receive prior approval by ODOT [Rail and Transportation], Clackamas County, and property owners prior to development [building permit] of the property. The funding and construction of the realignment and signalization of this intersection will be the applicant's responsibility, without any expectation of reimbursement. The physical construction of the intersection is to be completed prior to occupancy.

**ADOPTED BY THE CANBY CITY COUNCIL** at a regular meeting thereof on November 19, 1997.



Council President, Walter Daniels

ATTEST:

  
Marilyn Perkett  
City Recorder

Order No: 166484

LEGAL DESCRIPTION

PARCEL I:

All that portion of the hereinafter described tract adjoining and lying Northeasterly of the right of way of the Southern Pacific Company (formerly Portland, Eugene and Eastern Railway Company); part of the Philander Lee D.L.C. No. 56 in Section 34, Township 3 South, Range 1 East, of the Willamette Meridian, more particularly described as beginning on the North boundary of said claim, North 63°15' East 16.81 chains from the quarter section corner on the West line of Section 34, aforesaid; thence South 23.15 chains to a stake; thence East 11.69 chains to a basalt stone 10x6x5 inches marked "+" on top; thence North 28.76 chains to a basalt stone 11x6x6 inches set in the North boundary of said claim; thence South 63°15' West 12.92 chains to the place of beginning.

EXCEPTING the portion thereof within the boundaries of roads.

AND EXCEPTING a tract in Section 34, Township 3 South, Range 1 East, of the Willamette Meridian, more particularly described as follows:

BEGINNING at the Northeast corner of the tract conveyed to Arneson, by Deed recorded March 23, 1950, in Book 429, Page 290, Deed Records, which point is North 63°15' East 16.81 chains and North 63°15' East 12.92 chains from the West one-quarter corner of said Section 34; thence South along the East line of the Arneson Tract 620.0 feet; thence West 160.0 feet; thence North 518.0 feet, more or less, to the North line of the said Arneson Tract; thence North 63°15' East to the place of beginning.

TOGETHER WITH a parcel of land situated in the Philander Lee Donation Land Claim No. 56 in Section 34, Township 3 South, Range 1 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, said parcel being a portion of the property described as Parcel B as conveyed to Ostrander Railway and Timber Company by Deed recorded in Volume 315 at Page 198, Clackamas County Deed Records, and more particularly described as follows:

BEGINNING at a point on the Northerly line of the above described Parcel B which is North 89°29.6' East 266.05 feet from a one-inch galvanized iron pipe set at the intersection of the Easterly line of the Southern Pacific Railway Company right of way with the Northerly line of said Parcel B, which point is also the Northeasterly corner of that property conveyed to Ivan and Robertha Arneson by Deed recorded in Volume 683 at Page 37, Clackamas County Deed Records; thence along said Northerly line North 89°29.6' East, 293.14 feet to a point marked by a one-inch galvanized iron pipe; thence South 0°30.4' East, 690.51 feet to a point marked by a one-inch galvanized iron pipe set on said Easterly railroad right of way line; thence along said right of way line North 39°27.5' West 466.85 feet to a one-inch galvanized pipe set at the most Southerly corner of said Arneson Property; thence North 0°22.0' West, 327.45 feet to the point of beginning.

TOGETHER WITH a parcel of land situated in the Philander Lee Donation Land Claim in Section 34, Township 3 South, Range 1 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, said parcel being a portion of the property described as Parcel B as conveyed to Ostrander Railway and Timber Company by Deed recorded in Volume 315 at Page 198, Clackamas County Deed Records, more particularly described as follows:

BEGINNING at a point marked by a one-inch galvanized iron pipe at the intersection of the Easterly line of the Southern Pacific Railway Company right of way with the

EXHIBIT

A

Order No: 166484

**LEGAL DESCRIPTION**

Northerly line of said Parcel B; thence along said Northerly line North 89°38' East 266.05 feet to a point marked by a one-inch galvanized iron pipe; thence South 00°22' East 327.47 feet to a point marked by a one-inch galvanized iron pipe set on said Easterly railway right of way line; thence along said right of way line North 39°27'30" West 421.93 feet, more or less, to the point of beginning.

**PARCEL II:**

A tract in Section 34, Township 3 South, Range 1 East, of the Willamette Meridian, more particularly described as follows:

BEGINNING at the Northeast corner of the tract conveyed to Arneson, by Deed recorded March 23, 1950, in Book 429, Page 290, Deed Records, which point is North 63°15' East 16.81 chains and North 63°15' East 12.92 chains from the West one-quarter corner of said Section 34; thence South along the East line of the Arneson Tract 620.0 feet; thence West 160.0 feet; thence North 518.0 feet, more or less, to the North line of the said Arneson Tract; thence North 63°15' East to the place of beginning.

EXCEPTING from Parcels I and II described above those portions thereof conveyed to the State of Oregon, by and through its State Highway Commission by Deed recorded September 15, 1960, in Book 577, Page 110.

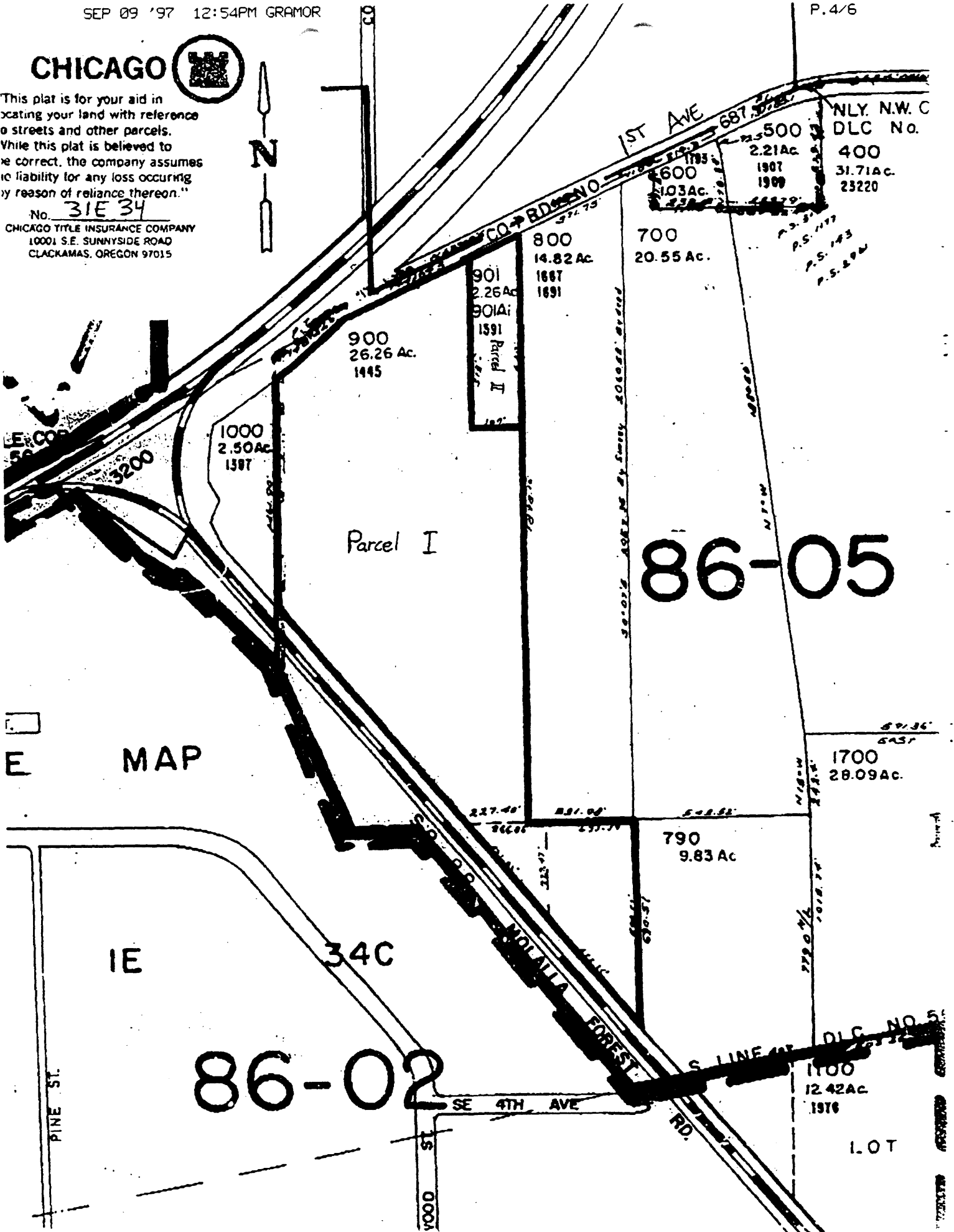
# CHICAGO



This plat is for your aid in locating your land with reference to streets and other parcels. While this plat is believed to be correct, the company assumes no liability for any loss occurring by reason of reliance thereon.

No. **31E34**

CHICAGO TITLE INSURANCE COMPANY  
10001 S.E. SUNNYSIDE ROAD  
CLACKAMAS, OREGON 97015



**LEGAL DESCRIPTION**

That portion of the following tract lying Northerly and Easterly of the railroad right of way. Part of the Philander Lee and wife DLC, in Townships 3 and 4 South, Range 1 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning at a point in the center of the road leading from Canby to Oregon City, said point bears North 69°30' East 667 feet from the quarter section corner between Sections 33 and 34, Township 3 South, Range 1 East, of the Willamette Meridian; thence South 320 East 275 feet; thence South 26° West 204 feet; thence South 853.50 feet; thence East 322 feet to the Southwest corner of the Raschi Tract described in Book 50, Page 351, Deed Records; thence North along the West line of said Raschi Tract, 1530 feet to the center of said road leading from Canby to Oregon City; thence South 54° West tracing said road 442 feet to the place of beginning.

EXCEPT any portion lying within the right of way of the Oregon and California Railroad Company; ALSO EXCEPT those portions conveyed to the Portland Eugene and Eastern Railroad Company by deeds recorded in Books 129, 131, and 151, at Pages 152, 402 and 60 respectively;

EXCEPT also that portion conveyed to Ostander Railway and Timber Company by deed recorded in Book 314, Page 663, Deed Records, and further EXCEPTING that portion conveyed to the State of Oregon for highway purposes by deed recorded in Book 220, Page 484, Deed Records, and that portion conveyed by deed recorded September 9, 1960, in Book 577, Page 216.