

ORDINANCE NO. 1405

AN ORDINANCE ACCEPTING THE RESULTS OF NOVEMBER 4, 2014 ELECTION, PROCLAIMING ANNEXATION INTO THE CITY OF CANBY, OREGON OF 4.62 ACRES INCLUDING 4.47 ACRES OF REAL PROPERTY DESCRIBED AS TAX LOT 2600 OF TAX MAP 3-1E-27C AND 0.15 ACRES ADJACENT TO NORTH PINE STREET RIGHT-OF-WAY AND AMENDING THE ZONING FROM RURAL RESIDENTIAL FARM FOREST (RRFF-5) TO LOW DENSITY RESIDENTIAL (R-1) AND SETTING THE BOUNDARIES OF THE PROPERTY TO BE INCLUDED WITHIN THE CITY LIMITS.

WHEREAS, on November 4, 2014, at a general election, the voters of the City of Canby approved by a vote of 4,373 to 1,657, Measure No. 3-453 which called for the annexation of 4.62 acres into the City of Canby. Clackamas County Elections Department certified the above election results as accurate on November 24, 2014. Applicant and owners of the annexed property is Ray Franz and Connie Vicker, of tax lot 2600 of Tax Map 3-1E-27C and one-half of the adjacent right-of-way located on the east side of N Pine Street. A complete legal description of the tax lot and adjacent right-of-way is attached hereto as Exhibit "A", and a map showing the location of the tax lot and adjacent right-of-way is attached hereto as Exhibit "B" and by this reference are all incorporated herein; and

WHEREAS, Pursuant to CMC 16.84.080, the City must proclaim by ordinance or resolution, the annexation of said property in the City and set the boundaries of the new property by legal description; and

WHEREAS, the zoning of the annexed land shall be designated as R-1 Low Density Residential, which conforms with the Canby Comprehensive Plan, and such zoning shall be indicated on the official zoning map for the City of Canby; and

WHEREAS, an application was filed with the City by Ray Franz and Connie Vicker to change the zoning of one parcel and one-half the adjacent right-of-way totaling 4.62 acres Rural Residential Farm Forest (RRFF-5) to Low Density Residential (R-1); and

WHEREAS, the Canby Planning Commission heard and considered testimony regarding the annexation and accompanying zone change at a public hearing on June 9, 2014 and at the conclusion of the public hearing, the Planning Commission voted 5-0 to recommend that the City Council approve the applications. The written Findings, Conclusions and Order was approved by the Planning Commission and forwarded to the Council with its recommendation; and

WHEREAS, the Canby City Council considered the matter and the recommendation of the

Planning Commission following a public hearing held at its regular meeting on July 16, 2014; and

WHEREAS, the Canby City Council, after considering the staff report, reviewing the record of the Planning Commission's decision and conducting its own public hearing, voted to accept the Planning Commission's recommendation; and

WHEREAS, the written Findings, Conclusions and Order was approved by the City Council on August 6, 2014; and

WHEREAS, notice of ballot title was received from the City Attorney on July 17, 2014 and forwarded by City Recorder for publication in Canby Herald for elector review on July 23, 2014; and

WHEREAS, Resolution No. 1197 was adopted by the Canby City Council on August 20, 2014 authorizing and directing the City Recorder to certify to the Clackamas County Clerk a measure referring to the electorate this proposed annexation and to send a Measure Explanatory Statement for the Voter's Pamphlet and all other necessary acts to place the matter before the voters of the City of Canby for the November 4, 2014 election; and

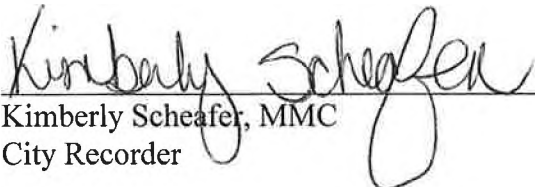
NOW, THEREFORE, THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. That the Election Results as set forth in the abstract dated November 24, 2014, are official and accepted by the Council of Canby.

Section 2. It is hereby proclaimed by the Council of Canby that 4.62 acres of property described in Exhibit "A" and shown on Exhibit "B" is annexed into the corporate limits of the City of Canby, Oregon. Said boundaries of the property are set by the legal descriptions set forth in Exhibit "A".

Section 3. The annexed land shall be rezoned from the county Rural Residential Farm Forest (RRFF-5) to city Low Density Residential (R-1) as called for in Canby's Comprehensive Plan and the Mayor, attested by the City Recorder, is hereby authorized and directed to have the zone change made to the official zoning map for the City of Canby.

SUBMITTED to the Council and read the first time at a regular meeting thereof on December 3, 2014, and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter, and scheduled for second reading before the City Council for final reading and action at a regular meeting thereof on January 7, 2015, commencing at the hour of 7:30 PM at the Council Meeting Chambers located at 155 NW 2nd Avenue, Canby, Oregon.

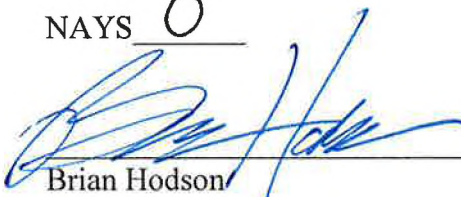


Kimberly Scheafer, MMC
City Recorder

PASSED on the second and final reading by the Canby City Council at a regular meeting thereof on January 7, 2015 by the following vote:

YEAS 5

NAYS 0



Brian Hodson
Mayor

ATTEST:



Kimberly Scheafer, MMC
City Recorder



Harper
Houf Peterson
Righellis Inc.

Exhibit "A"

LEGAL DESCRIPTION
VICKERS – SXE-09
LEGAL DESCRIPTION FOR ANNEXATION
January 24, 2014
Page 1 OF 1

LEGAL DESCRIPTION FOR ANNEXATION (VICKERS):

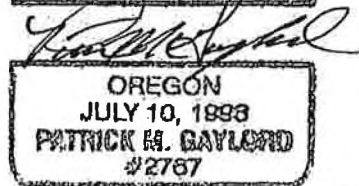
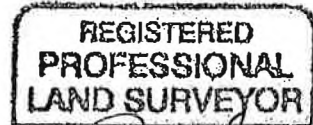
A PORTION OF LOT 76, CANBY GARDENS, PLAT NO. 230, IN THE SOUTHWEST ONE QUARTER OF SECTION 27, T3S, R1E, W.M., CITY OF CANBY, STATE OF OREGON MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING AT A POINT ON THE SOUTH LINE OF LOT 76, CANBY GARDENS AND THE WEST RIGHT-OF-WAY LINE OF THE MOLALLA FOREST ROAD, 50 FEET WEST OF THE SOUTHEAST CORNER OF SAID LOT 76; THENCE ALONG THE SOUTH LINE OF THE SAID LOT, NORTH 89°56'10" WEST 589.98 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF NORTH PINE STREET, COUNTY ROAD NO. 2580; THENCE ALONG THE SAID RIGHT OF WAY LINE, NORTH 00°01'33" WEST 329.82 FEET TO A POINT ON THE NORTH LINE OF LOT 76; THENCE ALONG THE SAID NORTH LINE, SOUTH 89°56'45" EAST 589.96 FEET TO A POINT ON THE SAID WEST RIGHT-OF-WAY OF THE MOLALLA FOREST ROAD; THENCE ALONG THE SAID WEST RIGHT OF WAY LINE, SOUTH 00°01'43" EAST 329.92 FEET TO THE POINT OF BEGINNING. CONTAINING 4.47 ACRES MORE OR LESS.

TOGETHER WITH THE EAST ONE HALF OF NORTH PINE STREET, COUNTY ROAD NO. 2580, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF LOT 76, CANBY GARDENS AND THE WEST RIGHT-OF-WAY LINE OF THE MOLALLA FOREST ROAD, 50 FEET WEST OF THE SOUTHEAST CORNER OF SAID LOT 76; THENCE ALONG THE SOUTH LINE OF THE SAID LOT, NORTH 89°56'10" WEST 589.98 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF NORTH PINE STREET, COUNTY ROAD NO. 2580 AND THE TRUE POINT OF BEGINNING; THENCE NORTH 89°56'10" WEST 20.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 76, BEING ALSO A POINT ON THE CENTERLINE OF NORTH PINE STREET; THENCE ALONG THE WEST LINE OF THE SAID LOT AND THE SAID STREET CENTERLINE, NORTH 00°01'33" WEST 329.81 FEET TO THE NORTHWEST CORNER OF THE SAID LOT; THENCE ALONG THE NORTH LINE OF SAID LOT 76, SOUTH 89°56'45" EAST 20.00 FEET TO THE NORTHWEST CORNER OF THE HEREIN ABOVE DESCRIBED TRACT OF LAND; THENCE LEAVING THE NORTH LINE OF LOT 76 ALONG THE EAST RIGHT-OF-WAY LINE OF NORTH PINE STREET SOUTH 00°01'33" EAST 329.82 FEET TO THE TRUE POINT OF BEGINNING. CONTAINING 0.15 ACRES MORE OR LESS.

THE COMBINED AREAS TALLING 4.62 ACRES MORE OR LESS.



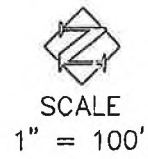
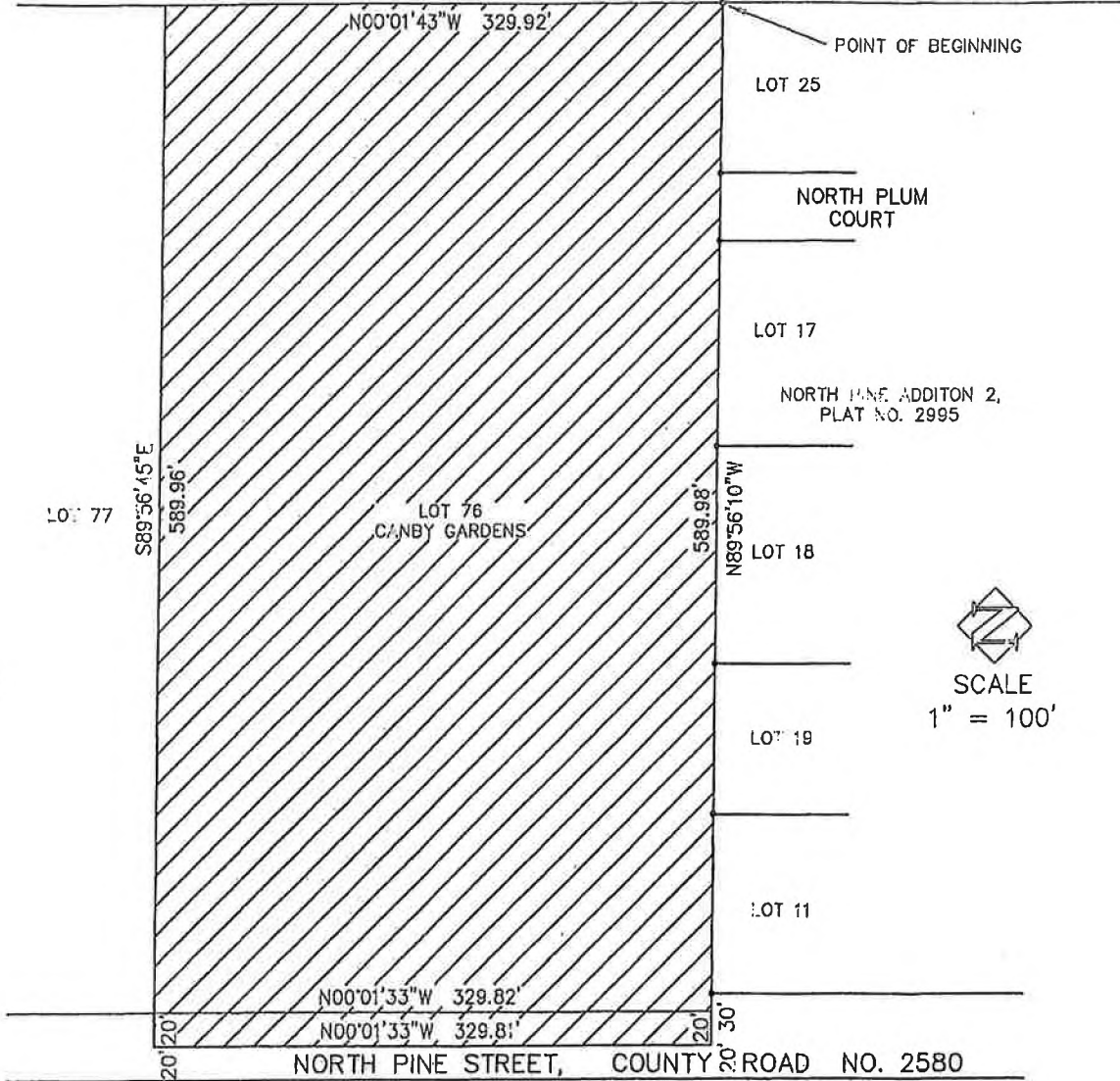
Renewed through 6/30/2015

EXHIBIT "B"
VICKERS ANNEXATION

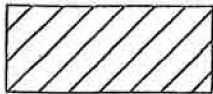
POSTLEWAIT ESTATES,
PHASE 2

POSTLEWAIT ESTATES

MOLLALA FOREST ROAD



LEGEND



PROPOSED ANNEXATION
± 4.62 ACRES

SEE ATTACHED
LEGAL DESCRIPTION



Harper
Houf Peterson
Righellis Inc.

ENGINEERS PLANNERS
LANDSCAPE ARCHITECTS SURVEYORS
205 SE Spokane Street, Suite 200, Portland, OR 97202
phone: 503.221.1131 www.hhpr.com fax: 503.221.1171
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