

ORDINANCE NO. 1406

AN ORDINANCE ACCEPTING THE RESULTS OF NOVEMBER 4, 2014 ELECTION, PROCLAIMING ANNEXATION INTO THE CITY OF CANBY, OREGON 32.1 ACRES INCLUDING 31.6 ACRES OF REAL PROPERTY DESCRIBED AS TAX LOTS 400, 500, 600, 700, AND 800 OF SECTION 3, T4S, R1E, WM (ASSESSOR TAX MAP 4-1E-03 AND 0.5 ACRES OF ADJACENT SE 13TH AVENUE RIGHT-OF-WAY AND AMENDING THE ZONING FROM COUNTY EXCLUSIVE FARM USE (EFU) TO CITY LOW DENSITY RESIDENTIAL (R-1) FOR TAX LOT 700 AND 800 AND MEDIUM DENSITY RESIDENTIAL (R 1.5) FOR TAX LOT 400, 500, AND 600 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 3,918 to 2,057, Measure No. 3-454 which called for the annexation of 32.1 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 Daniel and Mary Stoller of tax lot 400, Geraldine Marcum of tax lot 500, Jerry and Cynthia Rice of tax lot 600, Ralph Netter of tax lot 700, and Hugh and Roberta Boyle of tax lot 800 of Section 3, T4S R1E WM (Assessor Map 4-1E-03) and one-half of the adjacent right-of-way located on the north side of SE 13th Avenue. A complete legal description of the tax lots and adjacent right-of-way is attached hereto as Exhibit "A", and a map showing the location of the tax lots 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 for tax lots 700 and 800, and R 1.5 Medium Density Residential for tax lots 400, 500, and 600 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 the applicant/owners listed above to change the zoning of five parcels and one-half the adjacent right-of-way totaling 32.1 acres from Exclusive Farm Use (EFU) to Low Density Residential (R-1), and Medium Density Residential (R 1.5); 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 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

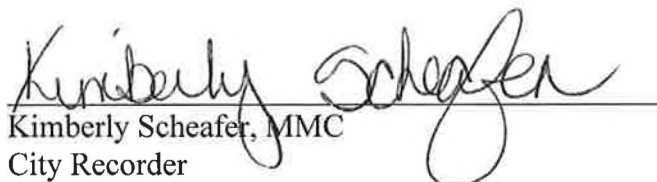
NOW, THEREFORE, THE CITY OF CANBY ORDAINS AS FOLLOWS:

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 32.1 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 Exclusive Farm Use (EFU) to city Low Density Residential (R-1) and Medium Density Residential (R 1.5) 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

Griffin Land Surveying Inc.

6107 SW Murray Blvd. #409 – Beaverton, OR. 97008

Office: (503)201-3116

February 28, 2014

SE 13th Avenue Property Owners

Project: 0533

Exhibit "A"

Total Property Description

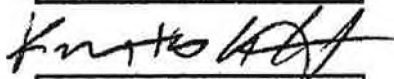
Tax Lots 400, 500, 600, 700, 800 Map 41E03
Clackamas County, Oregon

A tract of land situated in the Northeast 1/4 of Section 3, Township 4 South, Range 1 East, Willamette Meridian, in the County of Multnomah, State of Oregon, being more particularly described as follows:

Commencing at the center of said Section 3; thence N 0°22'35" E, 20.00 feet to the North right of way line of SE 13th Avenue and the Point of Beginning; thence continuing N 0°22'35" E along the East line of "FAIST ADDITION", a subdivision filed in Clackamas County Plat Records, 866.17 feet to the Southwest corner of that tract described by Deed to Canby School District No. 86, recorded in Document No. 2005-043347, Clackamas County Records; thence N 89°53'27" E along the South line of said Canby School District tract, 495.46 feet to the Southeast corner thereof; thence N 0°19'00" E along the East line of said Canby School District tract, 439.89 feet to the South line of Parcel 1, Partition Plat No. 1993-55, Clackamas County Plat Records; thence N 89°53'25" E along the South line of said Parcel 1, 681.28 feet to the Southeast corner thereof; thence S 24°25'26" E along the East line of that tract described by Deed to Daniel J. Stoller, et ux, recorded in Document No. 85-10970, Clackamas County Records, 196.73 feet; thence S 0°16'17" W continuing along the East line of said Stoller tract, 878.72 feet to a 1/2" Iron Pipe at the Northeast corner of that tract described by Deed to Kelly Herrod, recorded in Document No. 2013-052847, Clackamas County Records; thence S 89°41'05" W along the North line of said Herrod tract, 175.48 feet to a 3/4" Iron Pipe at the Northwest corner thereof; thence S 0°21'11" W along the West line of said Herrod tract, 247.39 feet to a 3/4" Iron Pipe at the Southwest corner thereof, being on the North right of way line of said SE 13th Avenue; thence S 89°53'18" W along said North right of way line being 20.00 feet, when measured at right angles, from the centerline, 1085.04 feet to the point of beginning.

Contains 31.60 acres.

REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
JULY 26, 1985
KENNETH D. GRIFFIN
2147

RENEWS: 6/30/15

Griffin Land Surveying Inc.

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SE 13th Avenue Property Owners

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Exhibit "A"

SE 13th Avenue Right of Way Description

Map 41E03

Clackamas County, Oregon

A tract of land situated in the Northeast 1/4 of Section 3, Township 4 South, Range 1 East, Willamette Meridian, in the County of Multnomah, State of Oregon, being more particularly described as follows:

Beginning at the center of said Section 3; thence N 0°22'35" E, 20.00 feet to the North right of way line of SE 13th Avenue; thence N 89°53'18" E along said North right of way line being 20.00 feet, when measured at right angles, from the centerline, 1085.04 feet to the Southwest corner of that tract described by Deed to Kelly Herrod, recorded in Document No. 2013-052847, Clackamas County Records; thence S 0°21'11" W, 20.00 feet to the centerline of said SE 13th Avenue; thence S 89°53'18" W along said centerline, 1085.05 feet to the point of beginning.

Contains 21,701 square feet.



13TH AVENUE PROPERTY OWNERS TAX LOTS 400, 500, 600, 700, 800 MAP 41E03 CLACKAMAS COUNTY, OREGON

Exhibit "B"

SCALE: 1" = 200'

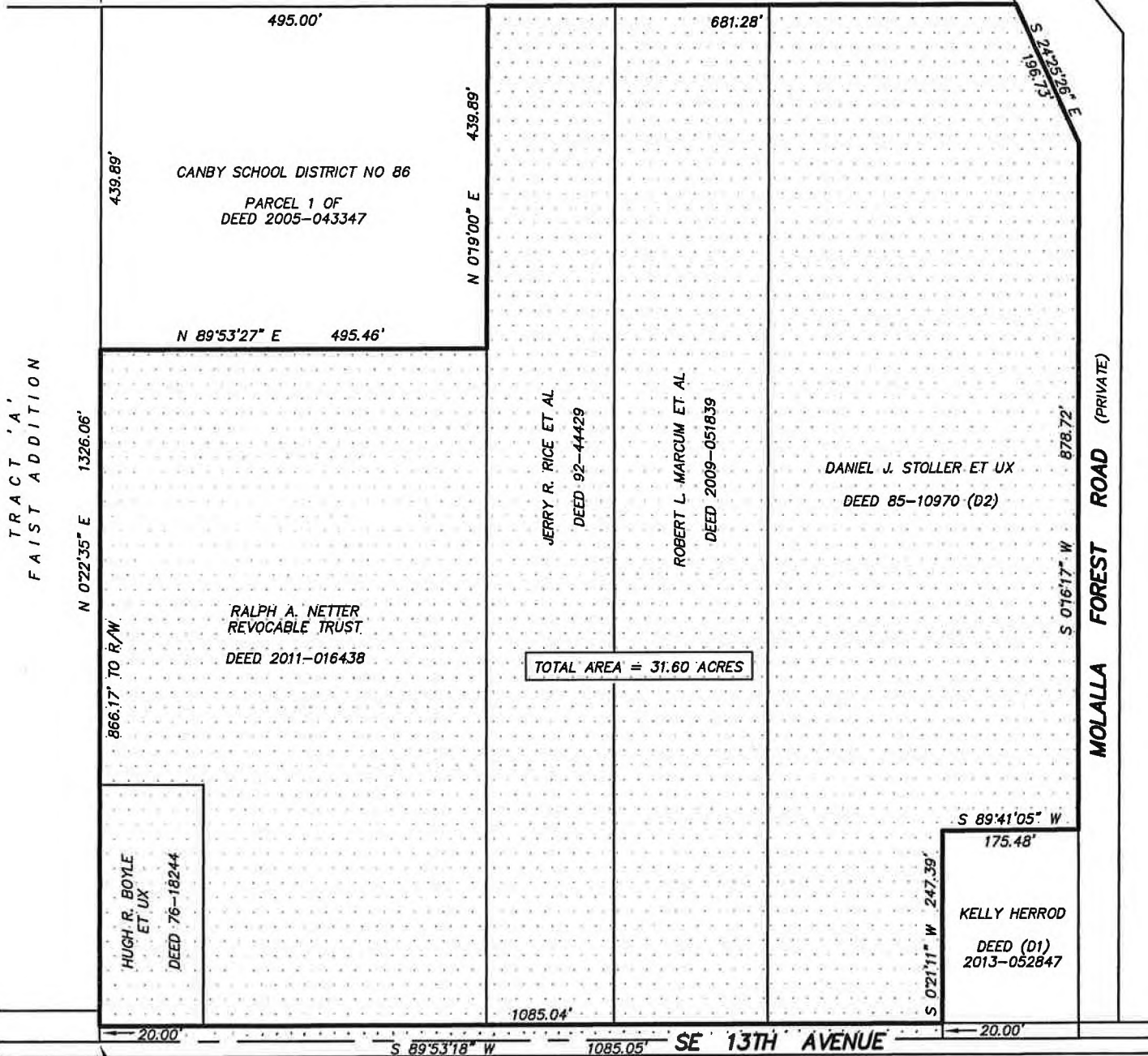


PARCEL 1

PARTITION PLAT NO. 1993-55

N 89°53'25" E

SE CORNER
NE 1/4 OF THE NW 1/4
OF SECTION 3



CENTER OF SECTION 3

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Kenneth D. Griffin

OREGON
JULY 26, 1985
KENNETH D. GRIFFIN
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RENEWS: 6/30/15

GRIFFIN LAND SURVEYING INC.
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