

ORDINANCE NO. 1443

AN ORDINANCE, PROCLAIMING ANNEXATION INTO THE CITY OF CANBY, OREGON 4.71 ACRES INCLUDING 4.57 ACRES OF REAL PROPERTY DESCRIBED AS TAX LOTS 300, 301, AND 302 OF SECTION 34B, T3S, R1E, WM (ASSESSOR TAX MAP 3-1E-34B AND .14 ACRES (6270 SQUARE FEET) OF ADJACENT N. REDWOOD STREET RIGHT-OF-WAY AND AMENDING THE ZONING FROM COUNTY RURAL RESIDENTIAL FARM FOREST 5-ACRE (RRFF-5) TO CITY MEDIUM DENSITY RESIDENTIAL (R-1.5) FOR TAX LOTS (301 & 302) AND TO CITY HIGH DENSITY RESIDENTIAL (R-2) FOR TAX LOT (300) AND SETTING THE BOUNDARIES OF THE PROPERTY TO BE INCLUDED WITHIN THE CITY LIMITS.

WHEREAS, on June 1, 2016, at a public hearing the City Council of the City of Canby approved by a vote of 6 to 0, Annexation/Zone Change 16-02 which called for the annexation of 4.71 acres into the City of Canby. Applicant (Allen Manuel) and owners of the annexed property ManDan, LLC consisting of member Allen Manual and member Glennette Danforth, tax lots 300, 301, and 302 Section 34B, T3S R1E WM (Assessor Map 3-1E-34B) along with one-half of the adjacent right-of-way located on the east side of N. Redwood Street. 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-1.5 Medium Density Residential for tax lots 301 and 302 and R-2 High Density Residential for tax lot 300 conforming 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 three parcels and one-half the adjacent right-of-way totaling 4.71 acres from Rural Residential Farm Forest 5-Acre (RRFF-5) to City Medium Low Density Residential (R-1.5) and High Density Residential R-2; and

WHEREAS, a public hearing was conducted by the Canby Planning Commission on May 9, 2016 after public notices were mailed, posted and printed in the Canby Herald, as required by law; and

WHEREAS, the Canby Planning Commission heard and considered testimony regarding the annexation and accompanying zone change at a public hearing on May 9, 2016 and at the conclusion of the public hearing, the Planning Commission voted 4-0 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 June 1, 2016; 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 June 1, 2016.

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

Section 1. It is hereby proclaimed by the Council of Canby that 4.71 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 2. The annexed land shall be rezoned from the County Rural Residential Farm Forest 5-Acre (RRFF-5) to City Medium Density Residential (R-1.5) and High Density Residential (R-2) 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 June 1, 2016 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 June 15, 2016, 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 June 15, 2016 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

EXHIBIT A

October 31, 2016

MANDAN LLC

Project: 0160

Property Description

Tax Lots 300, 301, 302 Map 31E34B
Clackamas County, Oregon

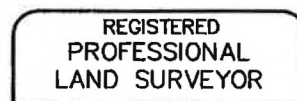
Lot 93 "Canby Gardens", a subdivision filed in Clackamas County Plat Records, situated in the Northwest 1/4 of Section 34, Township 3 South, Range 1 East, Willamette Meridian, in the County of Clackamas, State of Oregon.

EXCEPT the North 16.50 feet of said Lot 93.

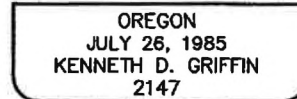
ALSO EXCEPTING THE FOLLOWING:

Beginning at the SW corner of said Lot 93, being on the centerline of Redwood Street (County Road No. 2163); thence S 89°58'21" E along the South line of said Lot 93, 20.00 feet to the East right of way line of said Redwood Street; thence N 0°01'32" W along said East right of way line, 313.50 feet to a point 16.50 feet Southerly of the North line of said Lot 93; thence N 89°58'21" W parallel with the North line of said Lot 93, 20.00 feet to said centerline; thence S 0°01'32" E along said centerline, 313.50 feet to the point of beginning.

Contains 4.57 acres.



A handwritten signature in black ink, appearing to read "Kenneth D. Griffin".



RENEWS: 6/30/17

Griffin Land Surveying Inc.

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

Office: (503)201-3116

EXHIBIT A

October 31, 2016

MANDAN LLC

Project: 0160

Redwood Street Right of Way Description

Map 31E34B

Clackamas County, Oregon

A portion of Lot 93 "Canby Gardens", a subdivision filed in Clackamas County Plat Records, situated in the Northwest 1/4 of Section 34, Township 3 South, Range 1 East, Willamette Meridian, in the County of Clackamas, State of Oregon, being more particularly described as follows:

Beginning at the SW corner of said Lot 93, being on the centerline of Redwood Street (County Road No. 2163); thence S 89°58'21" E along the South line of said Lot 93, 20.00 feet to the East right of way line of said Redwood Street; thence N 0°01'32" W along said East right of way line, 313.50 feet to a point 16.50 feet Southerly of the North line of said Lot 93; thence N 89°58'21" W parallel with the North line of said Lot 93, 20.00 feet to said centerline; thence S 0°01'32" E along said centerline, 313.50 feet to the point of beginning.

REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
JULY 26, 1985
KENNETH D. GRIFFIN
2147

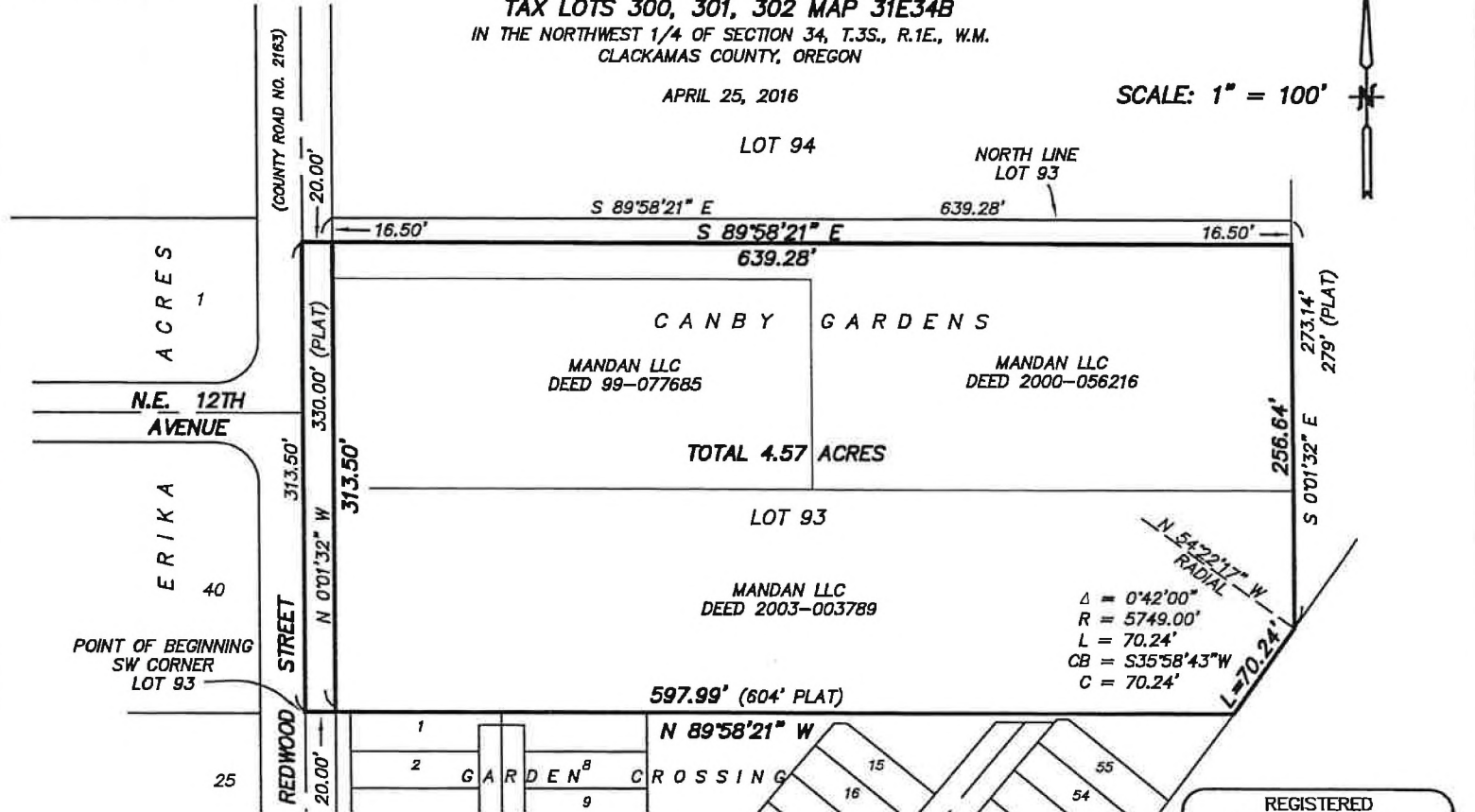
RENEWS: 6/30/17

EXHIBIT 'B'

MANDAN LLC
TAX LOTS 300, 301, 302 MAP 31E34B
 IN THE NORTHWEST 1/4 OF SECTION 34, T.3S., R.1E., W.M.
 CLACKAMAS COUNTY, OREGON

APRIL 25, 2016

SCALE: 1" = 100'



$\Delta = 0^{\circ}42'00''$
 $R = 5749.00'$
 $L = 70.24'$
 $CB = S35^{\circ}58'43''W$
 $C = 70.24'$

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

OREGON
 JULY 26, 1985
 KENNETH D. GRIFFIN
 2147

RENEWS: 6/30/17

GRIFFIN LAND SURVEYING INC.
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 BEAVERTON, OR. 97008
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