

## **ORDINANCE NO. 1444**

**AN ORDINANCE, PROCLAIMING ANNEXATION INTO THE CITY OF CANBY, OREGON 31.83 ACRES INCLUDING 31.38 ACRES OF REAL PROPERTY DESCRIBED AS TAX LOTS 300, 301, 500, 1200, 1300, 1301, AND 1302, OF SECTION 27C, T3S, R1E, WM (ASSESSOR TAX MAP 3-1E-27C) AND TAX LOTS 700 AND 701 OF SECTION 34B, T3S, R1E WM (ASSESSOR TAX MAP 3-1E-34B) AND .45 ACRES OF ADJACENT N. REDWOOD STREET RIGHT-OF-WAY AND AMENDING THE ZONING FROM COUNTY RURAL RESIDENTIAL FARM FOREST 5-ACRE (RRFF-5) TO CITY LOW DENSITY RESIDENTIAL (R-1) 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 16-03 which called for the annexation of 31.83 acres into the City of Canby. Applicant (Ethan Manuel) and owners of the annexed property are: Ethan A. and Stephanie L. Manuel, tax lots 300, 301, 500 (3S-1E-27C) and 700 (3S-1E-34B); Steven K. Stewart, Pamela Anne King, Rebecca S. Gray Tax Lot 701 (3S-1E-34B); Jim Boyle, Hugh R. Boyle, John D. Boyle, Karen D. Boyle, Kristeen A. Boyle, Kathleen M. Boyle, Tax Lot 1200 (3S-1E-27C), Jerry and Londa Corcoran Tax Lot 1300 (3S-1E-27C), Damon K. and Cynthia L. Liles Tax Lot 1301 (3S-1E-27C), Eric W. and Josephine B. Recht Tax Lot 1302 (3S-1E-27C), and 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 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 the applicant/owners listed above to change the zoning of nine parcels and one-half the adjacent right-of-way totaling 31.83 acres from Rural Residential Farm Forest 5-Acre (RRFF-5) to City Low Density Residential (R-1); 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

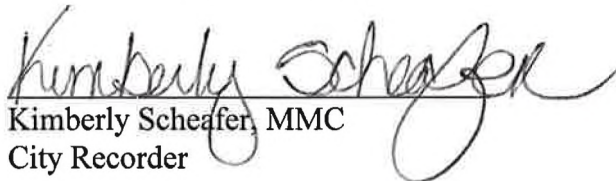
**WHEREAS**, the written Findings, Conclusions and Order was approved by the City Council on June 1, 2016.

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

Section 1. It is hereby proclaimed by the Council of Canby that 31.83 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 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 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 2<sup>nd</sup> Avenue, Canby, Oregon.

  
Kimberly Scheafer, MMC  
City Recorder

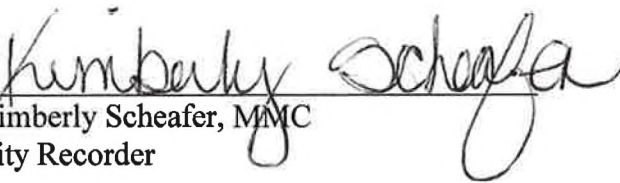
**PASSED** on the second and final reading by the Canby City Council at a regular meeting thereof on June 15, 2016 by the following vote:

YEAS 5      NAYS 0

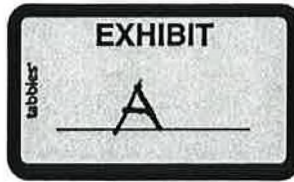


Brian Hodson  
Mayor

ATTEST:



Kimberly Scheafer, MMC  
City Recorder



#7675  
ETHAN MANUEL  
PROPOSED ANNEXATION TO THE CITY OF CANBY

"EXHIBIT A"

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 27 AND THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHWEST CORNER OF LOT 96, "CANBY GARDENS", A SUBDIVISION PLAT OF RECORD, PLAT NO. 230, CLACKAMAS COUNTY PLAT RECORDS;; SAID POINT BEING ON THE CENTERLINE OF NORTH REDWOOD STREET (COUNTY ROAD NO. 2163, 50.00 FEET WIDE), ALSO BEING THE WEST LINE OF LOTS 96, 97 AND 98, OF "CANBY GARDENS"; THENCE ALONG SAID CENTERLINE, N.00°00'02"E., 990.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 98; THENCE ALONG THE NORTH LINE OF SAID LOT 98 AND THE EASTERLY EXTENSION THEREOF, BEING THE NORTH LINE OF LOT 101 OF "CANBY GARDENS", N.90°00'00"E., 1308.42 FEET TO THE NORTHEAST CORNER OF SAID LOT 101, SAID CORNER BEING ON THE WEST LINE OF "WILLOW CREEK ESTATES 2", A SUBDIVISION PLAT OF RECORD, PLAT NO. 3050, CLACKAMAS COUNTY PLAT RECORDS; THENCE ALONG SAID WEST LINE, BEING THE EAST LINE OF AFORESAID LOT 101, S.00°47'00"E., 294.81 FEET TO THE NORTH CORNER OF THAT TRACT OF LAND DESCRIBED IN DOCUMENT NO. 2010-022504, CLACKAMAS COUNTY DEED RECORDS; THENCE ALONG THE NORTHEASTERLY LINE OF SAID TRACT, S.57°19'38"E., 338.12 FEET TO THE NORTHWESTERLY RIGHT OF WAY LINE OF THE SOUTHERN PACIFIC RAILROAD (100.00 FEET WIDE); THENCE ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE, BEING THE SOUTHEASTERLY LINE OF SAID DOCUMENT NO. 2010-022504, S.32°37'29"W., 100.00 FEET; THENCE CONTINUING ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE, BEING THE MOST EASTERLY LINE OF PARCEL 1, OF PARTITION PLAT NO. 2013-009, S.32°37'29"W., 509.41 FEET TO THE SOUTHEAST CORNER OF PARCEL 2, PARTITION PLAT NO. 2013-009; THENCE ALONG THE SOUTH LINE OF SAID PARCEL 2 THE FOLLOWING TWO COURSES; N.89°57'13"W., 609.06 FEET; THENCE N.89°59'36"W., 659.46 FEET TO THE POINT OF BEGINNING, CONTAINING 1386719 SQUARE FEET (31.83± ACRES), MORE OR LESS.

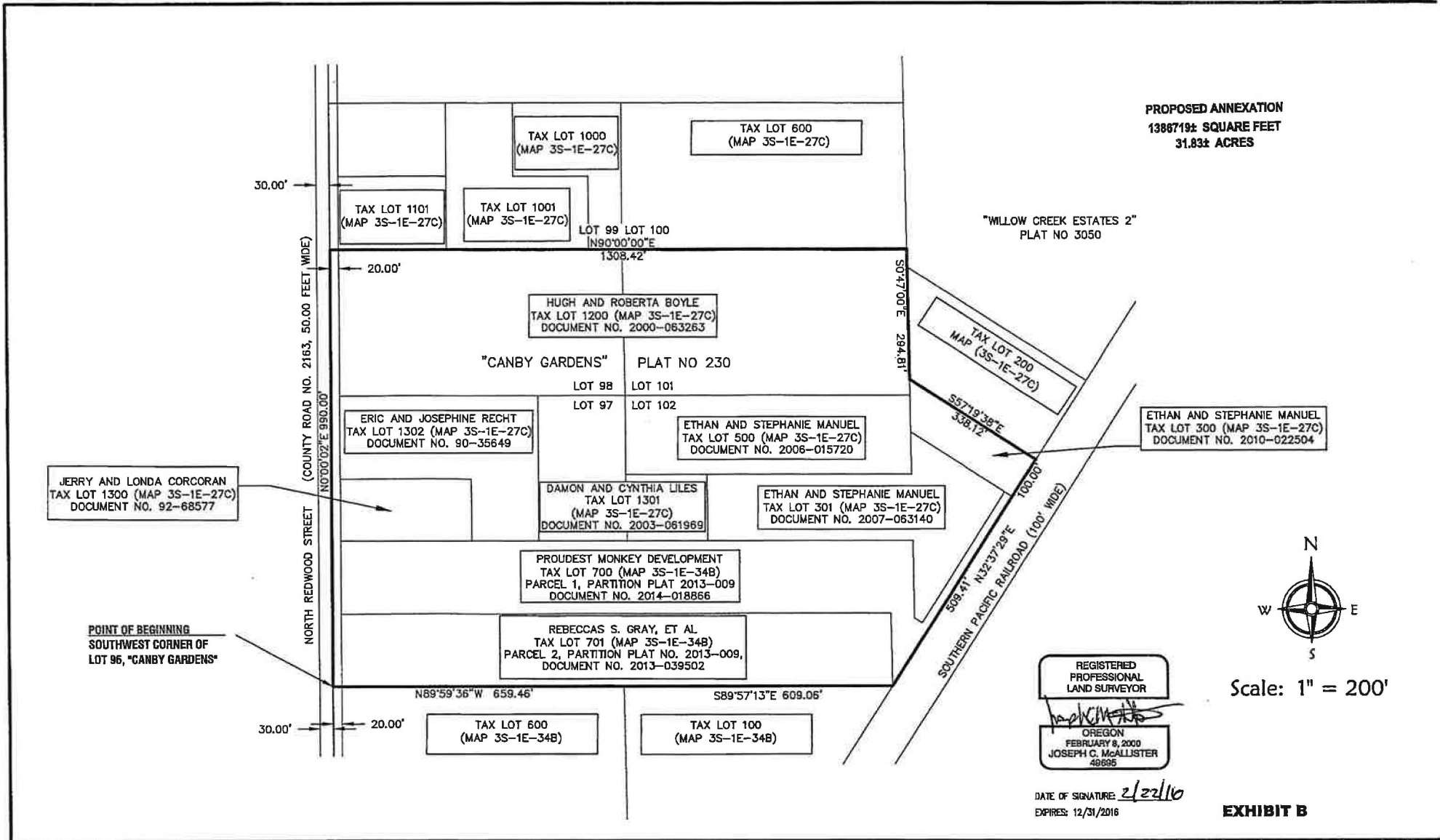
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Joseph C. McAllister*  
OREGON  
FEBRUARY 8, 2000  
JOSEPH C. McALLISTER  
49695

DATE OF SIGNATURE: 2/22/16  
EXPIRES: 12/31/2016



4107 SE International Way, Suite 705, Milwaukie, Oregon 97222  
Phone: 503.653.9093 Fax: 503.653.9095 Email: compass@compass-landsurveyors.com



DRAWN JCM	DESIGN	CHECK MAR
SCALE: 1" = 200'		DATE: FEBRUARY 19, 2016
7675 EXHIBIT 1		

**COMPASS** Land Surveyors  
4107 SE International Way, Suite 705  
Milwaukie, Oregon 97222 503-653-9093

**ETHAN MANUEL**  
1612 N. REDWOOD STREET  
CANBY, OREGON

**PROPOSED ANNEXATION TO THE  
CITY OF CANBY, OREGON**  
LOCATED IN THE SW ¼ OF SECTION 27 AND THE  
NW ¼ OF SECTION 34, T3S., R.1 E., WM