

ORDINANCE NO. 1516

AN ORDINANCE, PROCLAIMING ANNEXATION INTO THE CITY OF CANBY, OREGON ALL REMAINING PORTIONS OF SE TOWNSHIP ROAD PUBLIC RIGHT-OF-WAY (ROW), ROUGHLY 2.4 ACRES, LOCATED BETWEEN THE WESTERN BOUNDARY OF THE MOLALLA FOREST ROAD AND THE WESTERN BOUNDARY OF MULINO ROAD, INCLUDING THE PORTION OF ROW THAT CROSSES UNION PACIFIC RAILROAD CROSSING DOT 760205P, MP 748.30.

WHEREAS, on August 7, 2019, at a public hearing the City Council of the City of Canby approved by a vote of 6 to 0, Annexation (ANN 18-06) which called for the annexation of 2.4 acres of remaining public right-of-way into the City of Canby. The applicant is the City of Canby. A complete legal description and survey map of the right-of-way known as SE Township Road delineates the property to be annexed and is attached hereto as Exhibit A & B respectively and by this reference are incorporated herein; and

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

WHEREAS, an application was filed by the City as the applicant listed above to annex the road right-of-way identified and bring said right-of-way into the City's jurisdiction as previously negotiated with Clackamas County and included in an Inter-Governmental Agreement (IGA) adopted by the Canby City Council on December 5, 2018 as Resolution No. 1306; and

WHEREAS, a public hearing was conducted by the Canby Planning Commission on July 8, 2019 after public notices were mailed, posted and published in the Canby Herald, as required by law; and

WHEREAS, the Canby Planning Commission heard and considered testimony regarding the annexation for annexations by Figure 16.84.040 of Chapter 16.84 of the Land Development and Planning Ordinance at the public hearing and at the conclusion of the public hearing; the Planning Commission voted to recommend that the City Council approve the application; 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 August 7, 2019; and

WHEREAS, the Canby City Council, after considering the applicant's submittal, the staff report, the Planning Commission's hearing record and their recommendation documented in their written Findings, Conclusions and Order, and after conducting its own public hearing; voted to approve the annexation; and

WHEREAS, the written Findings, Conclusions and Order of the Council action is to be approved by the City Council at the next regular Council meeting on August 21, 2019; and

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

Section 1. It is hereby proclaimed by the City Council of Canby that 2.4 acres of right-of-way described, set, and shown in Exhibit A & B and attached hereto, is annexed into the corporate limits of the City of Canby, Oregon.

SUBMITTED to the Council and read the first time at a regular meeting thereof on August 7, 2019 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 August 21, 2019, commencing at the hour of 7:00 PM at the Council Meeting Chambers located at 222 NE 2nd Avenue, Canby, Oregon.



Rick Robinson,
City Recorder Pro-Tem

PASSED on the second and final reading by the Canby City Council at a regular meeting thereof on August 21, 2019 by the following vote:

YEAS 6 NAYS 0



Brian Hodson
Mayor

ATTEST:



Rick Robinson,
City Recorder Pro-Tem

City of Canby
SE Township Road Right-of-Way Annexation Legal Description
 December 2018

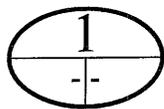
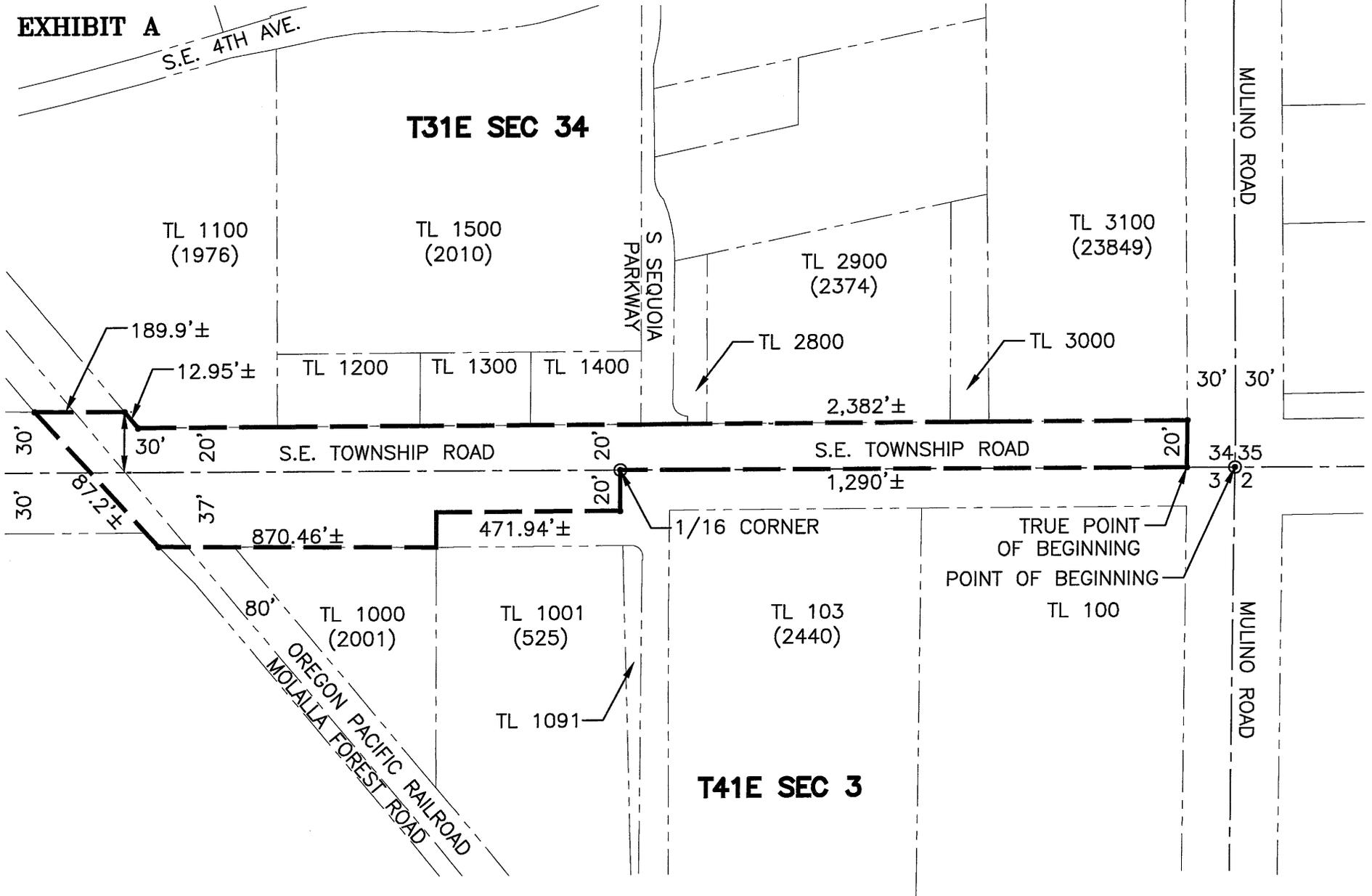
This description is for the annexation of SE Township Road Right-of-Way from the Western boundary of the Oregon Pacific Railroad to the western Right-of-Way line of Mulino Road, as described following and shown on the attached sketch labeled Exhibit A: B

Beginning at the Northeast corner of Section 3, Township 4 South, Range 1 East, of the Willamette Meridian, said point being on the centerline of SE Township Road and centerline of S Mulino Road; thence Westerly along the North line of said Section 3, a distance of 30 feet to the True Point of Beginning; thence continuing Westerly along the North line of said Section 3, which is also the centerline of SE Township Road, a distance of 1,290 feet more or less to the one-sixteenth corner; thence Southerly at right angles to the North line of said Section 3, a distance of 20 feet along the West line of the East one-half of the Northeast one quarter of said Section 3, to the Northeast corner of that tract of land conveyed to American Steel, L.L.C. in Fee Number 2007-083231 Clackamas County Deed Records; thence Westerly along a line measured 20 feet South of and parallel the North line of said Section 3, said line also being the North boundary of said American Steel, L.L.C. tract, a distance of 471.94 feet more or less to the Northwest corner of said American Steel L.L.C. tract; thence South, at right angles to the North line of said Section 3, a distance of 17 feet along the West line of said American Steel L.L.C. tract to a point; thence Westerly, along a line parallel and 37 feet south of the North line of said Section 3, a distance of 682.64 feet more or less to a point on the Southwestern Right-of-Way line of the Oregon Pacific Railroad; thence Northwesterly along said Southwestern Railroad Right-of-Way line a distance of 87.22 feet more or less to a point being 30 feet measured perpendicular and North of the North line of said Section 3; thence Easterly, along a line parallel and 30 feet North of the North line of said Section 3, a distance of 104 feet more or less to a point on the Northeastern right-of-way line of said Oregon Pacific Railroad; thence Southeasterly along said Northeastern Railroad Right-of-way line a distance of 12.95 feet more or less to a point on the North Right-of-Way line of SE Township Road, said point being 20 feet measured perpendicular to the North line of said Section 3; thence Easterly along a line parallel and 20 feet North of the North line of said Section 3, a distance of 2,382 feet more or less to the Western Right-of-Way line of Mulino Road; Thence Southerly along the alignment of said Western Right-of-Way line of S Mulino Road, a distance of 20 feet to the True Point of Beginning.



EXP 12/2018

EXHIBIT A



S.E TOWNSHIP ROAD ANNEXATION
CANBY, OREGON

CURRAN-McLEOD, INC.
 CONSULTING ENGINEERS

AFFIDAVIT OF POSTING

STATE OF OREGON)
)
County of Clackamas) ss:
)
CITY OF CANBY)

I, Joshua Davis, being first duly sworn, depose and say that I am the Confidential Administrative Assistant for the City of Canby, Clackamas County, Oregon, a City duly incorporated under and by virtue of the laws of the State of Oregon.

That on the 7th day of August 2019 the Council for said City of Canby held a Regular City Council Meeting, at which meeting Ordinance No. 1516 was read for the first time and passed by the vote of said Council and was then and there ordered posted in at least three (3) public and conspicuous places in said City for a period of five (5) days prior to the second reading and final vote on said Ordinance, as provided in Section 2 of Chapter 8 of the Charter of the City of Canby, and

Thereafter, on the 8th day of August 2019, I personally posted said Ordinance in the following three (3) conspicuous places, all within the said City of Canby, to wit:

- 1. Canby Civic Building Bulletin Board (Upstairs)
- 2. Canby Civic Building Bulletin Board (Downstairs)
- 3. Canby Post Office
- 4. City of Canby Web Page

That since said posting on the date aforesaid, the said Ordinance will remain posted in the said three (3) public and conspicuous places continuously for the period of five (5) days and until the very 21st day of August 2019.

Joshua Davis

Joshua Davis
Confidential Administrative Assistant

Subscribed and sworn to before me this 8th day of August 2019.

Erin Elizabeth Burckhard

Notary Public For Oregon

My Commission Expires: 9/4/2022

