

ORDINANCE NO. 1500

AN ORDINANCE, PROCLAIMING ANNEXATION INTO THE CITY OF CANBY, OREGON 5.03 ACRES INCLUDING 4.84 ACRES OF REAL PROPERTY DESCRIBED AS TAX LOTS 400 OF PORTION OF SE ¼, SEC. 34, T.3S., R.1E., W.M. (TAX MAP 31E34B); AND APPROX. 0.18 ACRES OF ADJACENT NORTH REDWOOD STREET RIGHT-OF-WAY; AND AMENDING THE EXISTING COUNTY ZONING FROM RURAL RESIDENTIAL FARM FOREST FIVE ACRE (RRFF-5) TO CITY MEDIUM DENSITY RESIDENTIAL (R-1.5) FOR THE ENTIRE AREA; AND SETTING THE BOUNDARIES OF THE PROPERTY TO BE INCLUDED WITHIN THE CANBY CITY LIMITS.

WHEREAS, on January 2, 2019, at a public hearing the City Council of the City of Canby approved by a vote of 4-0-1, Annexation (ANN 18-04/ZC 18-05) which called for the annexation of 5.03 acres into the City of Canby. The applicants are Bryan, Lisa and Cindy Swelland and owners of Tax Lot 400 of Tax Map 31E4B. A complete legal description and survey map of the applicant's tax lot and adjacent North Redwood Street right-of-way abutting along the east 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, the zoning of the annexed land shall be designated as R-1.5 Medium Density Residential to conform with the Canby Comprehensive Plan Map, 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 listed above to change the zoning of one parcel as indicated herein along with the adjacent road right-of-way where the applicable R-1.5 Medium Density Residential zoning will also apply; and

WHEREAS, a public hearing was conducted by the Canby Planning Commission on November 26, 2018 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 and accompanying zone change required for annexations by 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 applications and the Planning Commission written Findings, Conclusions and Order was approved; 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 January 2, 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 associated zoning designation for the property; 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 January 16, 2019; and

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

Section 1. It is hereby proclaimed by the City Council of Canby that 5.03 acres of property described, set, and shown in Exhibit A & B and attached hereto, is annexed into the corporate limits of the City of Canby, Oregon.


Section 2. The annexed land shall be rezoned from the county Rural Residential Farm Forest (RRFF-5) to city Medium Density Residential (R-1.5) as reflected on the Canby's Comprehensive Plan Map and as indicated by Tax Lot and legal description in this Ordinance. 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 January 2, 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 January 16, 2019, commencing at the hour of 7:00 PM at the Council Meeting Chambers located at 222 NE 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 16, 2019 by the following vote:

YEAS 4 NAYS 0



Brian Hodson
Mayor

ATTEST:



Kimberly Scheafer, MMC
City Recorder

EXHIBIT A

TOWNSHIP SURVEYS, LLC

1415 WASHINGTON STREET
OREGON CITY, OR 97045-0307

Phone: 503-656-4915

FAX: 503-557-4966

E-mail: lee@townshipsurveys.com

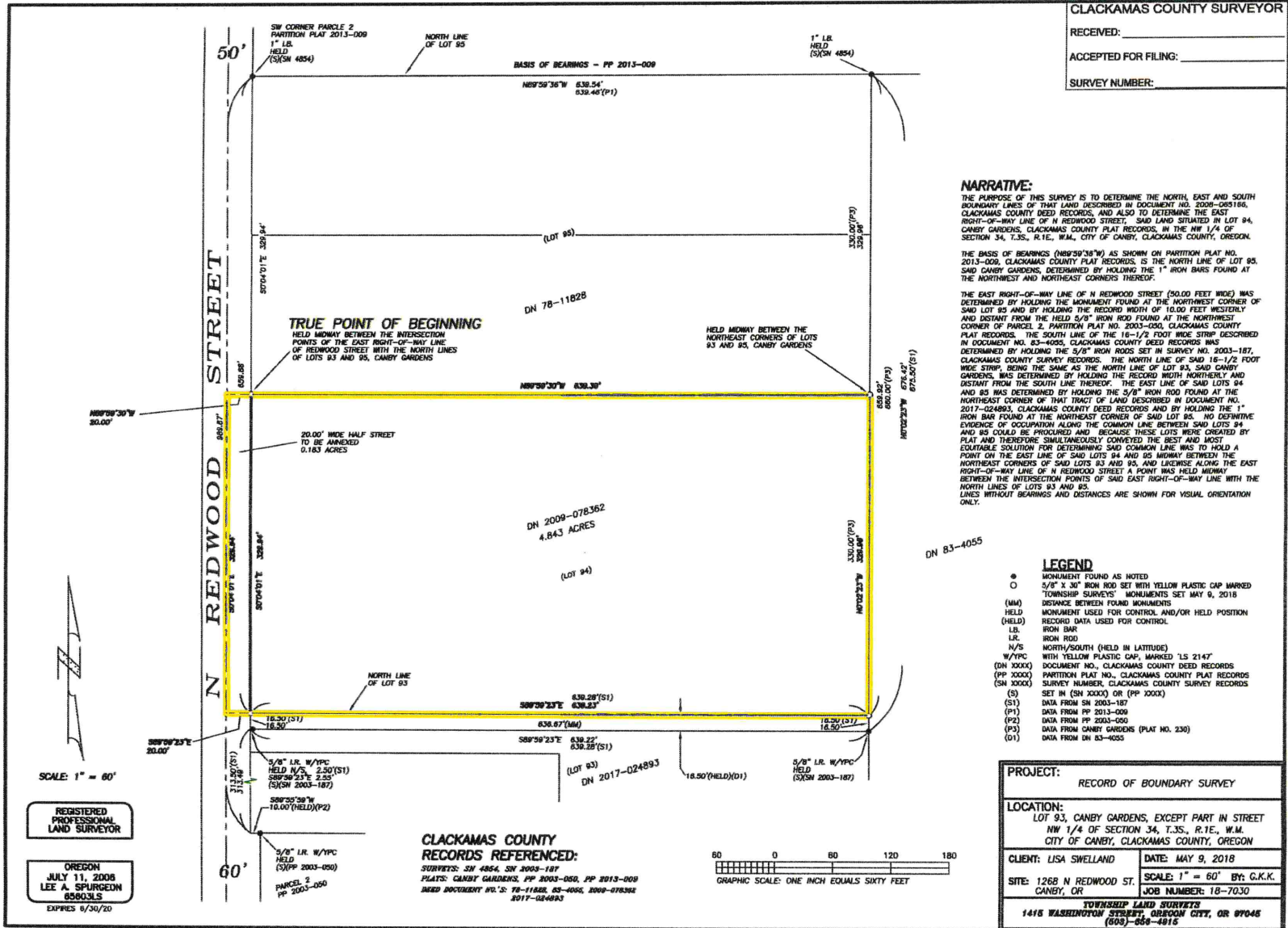
Legal Description of a tract of land to be annexed into the City of Canby

A tract of land being a portion of Lot 94 of the duly recorded plat of Canby Gardens, and a portion of the east half of North Redwood Street located in the northwest one-quarter of Section 34, Township 3 South, Range 1 East of the Willamette Meridian, City of Canby, Clackamas County, Oregon, and which is more particularly described as follows:

Beginning at a one-inch diameter iron bar found at the southwest corner of Parcel 2, Partition Plat No. 2013-009, Clackamas County Plat Records; thence South $0^{\circ}04'01''$ East along the east right of way line of N. Redwood Street which was annexed by the City of Canby by City Ordinance 99-284, a distance of 329.94 feet to a five-eighths inch diameter iron rod with a yellow plastic cap marked 'TOWNSHIP SURVEYS' located at the intersection of said east right-of-way line and the north line of Lot 94, Canby Gardens, said iron rod being the True Point of Beginning; thence North $89^{\circ}59'30''$ West, 20.00 feet to the centerline of N. Redwood Street; thence South $0^{\circ}04'01''$ East along along the centerline of N. Redwood Street, 329.94 feet; thence South $89^{\circ}59'23''$ East along the westerly prolongation of the south line of said Lot 94, 20.00 feet to a five-eighths inch diameter iron rod with a yellow plastic cap marked 'TOWNSHIP SURVEYS' located at the intersection of the east right-of-way line of N. Redwood Street and the south line of said Lot 94; thence continuing South $89^{\circ}59'23''$ East along the south line of said Lot 94, a distance of 639.23 feet to a five-eighths inch diameter iron rod with a yellow plastic cap marked 'TOWNSHIP SURVEYS' at the southeast corner of said Lot 94; thence North $0^{\circ}02'23''$ West along the east line of said Lot 94, a distance of 329.96 feet to a five-eighths inch diameter iron rod with a yellow plastic cap marked 'TOWNSHIP SURVEYS' at the northeast corner of said Lot 94; thence North $89^{\circ}59'30''$ West along the north line of said Lot 94, a distance of 639.39 feet to the True Point of Beginning. Said described tract contains 5.032 acres.

EXHIBIT B

EXHIBIT B



CLACKAMAS COUNTY SURVEYOR
 RECEIVED: _____
 ACCEPTED FOR FILING: _____
 SURVEY NUMBER: _____

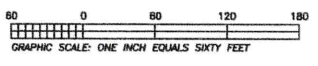
NARRATIVE:
 THE PURPOSE OF THIS SURVEY IS TO DETERMINE THE NORTH, EAST AND SOUTH BOUNDARY LINES OF THAT LAND DESCRIBED IN DOCUMENT NO. 2008-085166, CLACKAMAS COUNTY DEED RECORDS, AND ALSO TO DETERMINE THE EAST RIGHT-OF-WAY LINE OF N REDWOOD STREET, SAID LAND SITUATED IN LOT 94, CANBY GARDENS, CLACKAMAS COUNTY PLAT RECORDS, IN THE NW 1/4 OF SECTION 34, T.3S., R.1E., W.M., CITY OF CANBY, CLACKAMAS COUNTY, OREGON.
 THE BASIS OF BEARINGS (N89°50'36"W) AS SHOWN ON PARTITION PLAT NO. 2013-009, CLACKAMAS COUNTY PLAT RECORDS, IS THE NORTH LINE OF LOT 85, SAID CANBY GARDENS, DETERMINED BY HOLDING THE 1" IRON BAR FOUND AT THE NORTHWEST AND NORTHEAST CORNERS THEREOF.
 THE EAST RIGHT-OF-WAY LINE OF N REDWOOD STREET (50.00 FEET WIDE) WAS DETERMINED BY HOLDING THE MONUMENT FOUND AT THE NORTHWEST CORNER OF SAID LOT 85 AND BY HOLDING THE RECORD WIDTH OF 10.00 FEET WESTERLY AND DISTANT FROM THE HELD 5/8" IRON ROD FOUND AT THE NORTHWEST CORNER OF PARCEL 2, PARTITION PLAT NO. 2003-000, CLACKAMAS COUNTY PLAT RECORDS. THE SOUTH LINE OF THE 16-1/2 FOOT WIDE STRIP DESCRIBED IN DOCUMENT NO. 83-4055, CLACKAMAS COUNTY DEED RECORDS WAS DETERMINED BY HOLDING THE 5/8" IRON RODS SET IN SURVEY NO. 2003-187, CLACKAMAS COUNTY SURVEY RECORDS. THE NORTH LINE OF SAID 16-1/2 FOOT WIDE STRIP, BEING THE SAME AS THE NORTH LINE OF LOT 93, SAID CANBY GARDENS, WAS DETERMINED BY HOLDING THE RECORD WIDTH NORTHERLY AND DISTANT FROM THE SOUTH LINE THEREOF. THE EAST LINE OF SAID LOTS 94 AND 95 WAS DETERMINED BY HOLDING THE 5/8" IRON ROD FOUND AT THE NORTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN DOCUMENT NO. 2017-024893, CLACKAMAS COUNTY DEED RECORDS AND BY HOLDING THE 1" IRON BAR FOUND AT THE NORTHEAST CORNER OF SAID LOT 85. NO DEFINITIVE EVIDENCE OF OCCUPATION ALONG THE COMMON LINE BETWEEN SAID LOTS 94 AND 95 COULD BE PROCURED AND BECAUSE THESE LOTS WERE CREATED BY PLAT AND THEREFORE SIMULTANEOUSLY CONVEYED THE BEST AND MOST EQUITABLE SOLUTION FOR DETERMINING SAID COMMON LINE WAS TO HOLD A POINT ON THE EAST LINE OF SAID LOTS 94 AND 95 MIDWAY BETWEEN THE NORTHEAST CORNERS OF SAID LOTS 93 AND 95 AND LINGERSE ALONG THE EAST RIGHT-OF-WAY LINE OF N REDWOOD STREET A POINT WAS HELD MIDWAY BETWEEN THE INTERSECTION POINTS OF SAID EAST RIGHT-OF-WAY LINE WITH THE NORTH LINES OF LOTS 93 AND 95. LINES WITHOUT BEARINGS AND DISTANCES ARE SHOWN FOR VISUAL ORIENTATION ONLY.

LEGEND
 ● MONUMENT FOUND AS NOTED
 ○ 5/8" x 3/4" IRON ROD SET WITH YELLOW PLASTIC CAP MARKED "TOWNSHIP SURVEYS" MONUMENTS SET MAY 9, 2018
 (MM) DISTANCE BETWEEN FOUND MONUMENTS
 HELD (HELD) MONUMENT USED FOR CONTROL AND/OR HELD POSITION
 (HELD) RECORD DATA USED FOR CONTROL
 I.B. IRON BAR
 I.R. IRON ROD
 N/S NORTH/SOUTH (HELD IN LATITUDE)
 W/YPC WITH YELLOW PLASTIC CAP, MARKED "LS 2147"
 (DN XXXX) DOCUMENT NO., CLACKAMAS COUNTY DEED RECORDS
 (PP XXXX) PARTITION PLAT NO., CLACKAMAS COUNTY PLAT RECORDS
 (SN XXXX) SURVEY NUMBER, CLACKAMAS COUNTY SURVEY RECORDS
 (S) SET IN (SN XXXX) OR (PP XXXX)
 (S1) DATA FROM SN 2003-187
 (P1) DATA FROM PP 2013-009
 (P2) DATA FROM PP 2003-000
 (P3) DATA FROM CANBY GARDENS (PLAT NO. 230)
 (D1) DATA FROM DN 83-4055

PROJECT: RECORD OF BOUNDARY SURVEY
LOCATION: LOT 93, CANBY GARDENS, EXCEPT PART IN STREET NW 1/4 OF SECTION 34, T.3S., R.1E., W.M. CITY OF CANBY, CLACKAMAS COUNTY, OREGON
CLIENT: LISA SWELLAND **DATE:** MAY 9, 2018
SITE: 1268 N REDWOOD ST. CANBY, OR **SCALE:** 1" = 60' BY: C.K.K.
JOB NUMBER: 18-7030
TOWNSHIP LAND SURVEYS
 1416 WASHINGTON STREET, OREGON CITY, OR 97046
 (503)-656-4816

SCALE: 1" = 60'
 REGISTERED PROFESSIONAL LAND SURVEYOR
 OREGON JULY 11, 2008 LEE A. SPURGEON 85803LS
 EXPIRES 6/30/20

CLACKAMAS COUNTY RECORDS REFERENCED:
 SUBPLOTS: SN 4884, SN 4900-187
 PLATS: CANBY GARDENS, PP 2003-000, PP 2013-009
 DEED DOCUMENT NO.'S: 78-11828, 83-4055, 2009-078302
 2017-024893



AFFIDAVIT OF POSTING

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

I, Kimberly Scheafer, being first duly sworn, depose and say that I am the City Recorder 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 2nd day of January 2019 the Council for said City of Canby held a Regular City Council Meeting, at which meeting Ordinance No. 1500 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 3rd day of January 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 16th day of January 2019.

Kimberly Scheafer

Kimberly Scheafer, MMC
City Recorder

Subscribed and sworn to before me this 3rd day of January 2019.

Erin Elizabeth Burckhard

Notary Public For Oregon
My Commission Expires: 9/4/2022

