

ORDINANCE NO. 1563

AN ORDINANCE PROCLAIMING ANNEXATION INTO THE CITY OF CANBY, OREGON 1.31 ACRES OF REAL PROPERTY DESCRIBED AS LAND SITUATED SOUTHWEST 1/4 of SECTION 4, T.4S., R.1E., W.M. (TAX MAP 41E04CA); AND APPROX. 0.06 ACRES OF ADJACENT SOUTH FIR STREET RIGHT-OF-WAY; AND AMENDING THE EXISTING COUNTY ZONING FROM EXCLUSIVE FARM USE (EFU) 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 October 20, 2021, at a public hearing the City Council of the City of Canby approved by a vote of 6 to 0, Annexation (ANN/ZC 21-02) which called for the annexation of 1.31 acres of real property and 0.06 acres of public right-of-way into the City of Canby. The applicant is the DuPont Family and Sisul Engineering. A complete legal description and survey map of the property and adjacent right-of-way known as S. Fir St. 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 real property and right-of-way identified and bring said real property and 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 September 27, 2021 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 September 27, 2021; 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 November 3, 2021; and

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

Section 1. It is hereby proclaimed by the City Council of Canby that 1.31 acres of real property and 0.06 acres of right-of-way as described, set, and shown in Exhibit A & B and attached hereto, is annexed into the corporate limits of the City of Canby, Oregon.

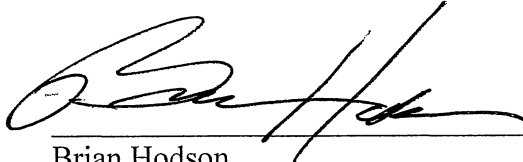
SUBMITTED to the Council and read the first time at a regular meeting thereof on October 20, 2021 and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter, and scheduled for second reading before the City Council for final reading and action at a regular meeting thereof on November 3, 2021, commencing at the hour of 7:30 PM at the Council Meeting Chambers located at 222 NE 2nd Avenue, Canby, Oregon.



Melissa Bisset, City Recorder


PASSED on the second and final reading by the Canby City Council at a regular meeting thereof on November 3, 2021 by the following vote:

YEAS 6 NAYS 0



Brian Hodson
Mayor

ATTEST:



Melissa Bisset, CMC
City Recorder

Griffin Land Surveying Inc.

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

Office: (503)201-3116

April 5, 2021

Dupont Annexation

Project: 0770

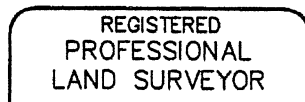
Tax Lot 1400 41E04CA

Clackamas County, Oregon

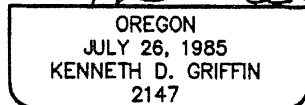
A tract of land situated in the Southwest 1/4 of Section 4, T.4S., R.1E., W.M., Clackamas County, Oregon, described as follows:

Beginning at an Iron Rod at the Southeast corner of that tract described by deed to Elisabeth M. Drews, et ux, recorded in Book 628, Page 268, Clackamas County Records, being N 89°25' W, 370.0 feet and S 0°02' W, 696.83 feet from the Center of said Section 4; thence N 0°23'26" E along the East line of said Drews tract, 169.25 feet to the Northwest corner of that tract described by deed to Brian P. DuPont, et al, recorded in Document No. 2021-013997, Clackamas County Records; thence S 89°15'11" E along the North line of said Dupont Tract, 336.96 feet to the West right of way line of S. Fir Street; thence S 0°23'26" W along said West right of way line, 169.25 feet to the Southeast corner of said DuPont tract; thence N 89°15'11" W along the South line of said DuPont tract, 336.96 feet to the point of beginning.

Contains 1.31 acres.



A handwritten signature in cursive script that reads "Kenneth D. Griffin".



RENEWS: 6/30/21

ATTACHMENT B: ANN/ZC 21-02
Griffin Land Surveying Inc.

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

Office: (503)201-3116

April 5, 2021

Dupont Annexation

Project: 0770

S. Fir Street Right of Way

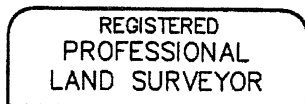
Map 41E04CA

Clackamas County, Oregon

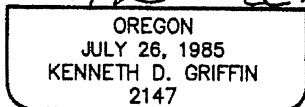
A tract of land situated in the Southwest 1/4 of Section 4, T.4S., R.1E., W.M., Clackamas County, Oregon, described as follows:

Beginning at Southeast corner of that tract described by deed to Brian P. DuPont, et al, recorded in Document No. 2021-013997, Clackamas County Records; thence N 0°23'26" E along the West right of way line of S. Fir Street, 169.25 feet to the Northeast corner of said DuPont tract; thence S 89°15'11" E along the easterly extension of the North line of said Dupont Tract, 16.50 feet to the centerline of said S. Fir Street; thence S 0°23'26" W along said centerline, 169.25 feet to the Easterly extension of the South line of said DuPont tract; thence N 89°15'11" W along the Easterly extension of South line, 16.50 feet to the point of beginning.

Contains 2,793 square feet.



A handwritten signature in cursive script that reads "Kenneth D. Griffin".



RENEWS: 6/30/21

AFFIDAVIT OF POSTING

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

I, Melissa Bisset, 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 20th day of October, 2021 the Council for said City of Canby held a Regular City Council Meeting, at which meeting Ordinance No. 1563 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

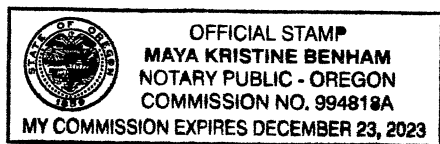
Thereafter, on the 21st day of October, 2021, I personally posted said Ordinance in the following three (3) conspicuous places, all within the said City of Canby, to wit:

1. Canby Civic Building
2. Canby Post Office
3. 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 more than five (5) days and until the very 3rd day of November, 2021.

Melissa Bisset
Melissa Bisset, City Recorder

Subscribed and sworn to before me this 12th day of January, 2021.²



Maya K. Benham
Notary Public for Oregon
My Commission Expires: 12/23/2023