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ORDINANCE NO. 4210

AN ORDINANCE PROVIDING FOR THE ANNEXATION AND ZONING OF CERTAIN TERRITORY, WITHDRAWING THE SAME FROM THE ALBANY RURAL FIRE PROTECTION DISTRICT, DISPENSING WITH A CITY ELECTION ON THE QUESTION OF ANNEXATION; FIXING A DAY FOR THE PUBLIC HEARING ON THE ANNEXATION AND WITHDRAWAL FROM THE ALBANY RURAL FIRE PROTECTION DISTRICT; DIRECTING THAT NOTICES BE PUBLISHED AND DECLARING AN EMERGENCY. (For territory south of 53rd Avenue and west of Highway 99E containing 301 acres; requests R-1(6), R-1(8), R-2, R-3 and C-1 zoning)

WHEREAS, there has been submitted to the City of Albany a written proposal for annexation to the City by more than 50% of the landowners who also own more than 50% of the land in the contiguous territory described below which real property therein represents more than 50% of the assessed value of all real property in the contiguous territory to be annexed; and

WHEREAS, the City Charter does not expressly prohibit the City from dispensing with submitting the question of annexation of the registered voters of the City; and

WHEREAS, a public hearing should be held concerning the concurrent withdrawal of the contiguous territory described below from the Rural Fire Protection District; now, therefore,

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: Annexation Area

It appears to be in the best interest of the City of Albany that the following described contiguous territory be annexed:

(see attached legal description)

Section 2: Annexation Without Election

The City Council does hereby elect to dispense with submitting the question of annexation to an election by the registered voters of the City as authorized by ORS 222.120.

Section 3:

That the territory described in Section 1 is currently in a Rural Fire Protection District and the same should be withdrawn therefrom at the time that said territory is annexed to the City of Albany.

Section 4: Public Hearing

The public hearing on the question of annexation/zoning and the question of withdrawal of said territory shall be held at the City Hall of Albany, Oregon, on the 13th day of December, 1978, at 7:15 o'clock p.m., at which time the registered voters of the City may appear and be heard on the question of annexation and on the question of withdrawal of the territory from the Rural Fire Protection District.

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Section 5: Notice of Hearing

The City Recorder shall give notice of the hearing by publication once each week for two(2) successive weeks prior to the day of said hearing in a newspaper of general circulation within the City. The City Recorder shall further cause notice of this hearing to be posted in four (4) public places within the City for a period of time.

Section 6: Emergency Clause:

Inasmuch as the peace, health and safety of the persons who live or own property within the area to be annexed are affected, it is effective and an emergency is hereby declared to exist and this ordinance shall become in full force and effect immediately on its passage by the Council and approval by the Mayor.

Passed by the Council: November 29, 1978

Approved by the Mayor: November 29, 1978

Effective Date: November 29, 1978



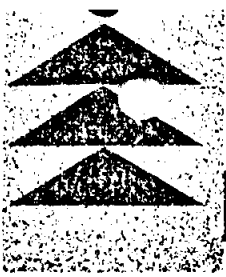
Mayor

ATTEST:



City Recorder

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TIMBERLAND

Services, Inc.

(503) 926-9404

1010 AIRPORT ROAD - P. O. BOX 668 - ALBANY, OREGON 97321

October 13, 1978

EXHIBIT "A"

Legal Description

Beginning at a point which is North $89^{\circ}38'$ West 2068.35 feet and South $00^{\circ}44'$ East 1780.42 feet from the northeast corner of the Robert E. Harmon Donation Land Claim No. 77 in Township 11 South and Range 4 West of the Willamette Meridian in Linn County, Oregon, said point being the northwest corner of that certain tract described in Vol. 349, Page 16 of Linn County Deed Records; thence running South $02^{\circ}12'$ West a distance of 844.38 feet to the northwest corner of that tract described in Microfilm No. 85-479, Linn County Deed Records; thence South $00^{\circ}46'$ West 844.34 feet to the most northerly northwest corner of FIRST ADDITION TO COLLEGE GREEN; thence South $00^{\circ}41'30''$ West 390.02 feet; thence South $89^{\circ}18'30''$ East 217.58 feet to the northeast corner of SECOND ADDITION TO COLLEGE GREEN; thence along the boundary of said SECOND ADDITION North $89^{\circ}18'16''$ West 193.19 feet; thence South $64^{\circ}57'28''$ West 229.61 feet; thence South $11^{\circ}46'05''$ West 186.42 feet; thence South $24^{\circ}01'23''$ West 188.87 feet; thence South $40^{\circ}06'11''$ West 169.74 feet; thence South $09^{\circ}07'23''$ East 462.99 feet; thence South $89^{\circ}14'30''$ East 695.36 feet to the southwest corner of said FIRST ADDITION; thence continuing South $89^{\circ}14'30''$ East 410 feet more or less to the most westerly west line of the Linn-Benton Community College lands; thence southerly along said west line to the westerly extension of the southerly right-of-way of Allen Lane; thence easterly along said southerly right-of-way and the extensions thereof to a point on the easterly right-of-way of U. S. Highway 99 East; thence northerly along said easterly right-of-way to a point which is on the easterly extension of the northerly right-of-way of 53rd Avenue; thence westerly along said extension and northerly right-of-way to a point which is North $02^{\circ}12'$ East 45 feet more or less from the point of beginning; thence South $02^{\circ}12'$ West 45 feet more or less to the point of beginning, containing 301 acres more or less.