

ORDINANCE NO. 4262

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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. (Requests M-2 Light Industrial zoning for property located at 303-305-307 S. W. 34th Avenue containing 1.65 acres.)

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:

11-3W-18C, TL 200 (see attached)

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That the territory described in Section 1 is currently in a Rural Fire Protection District and the same should be withdrawn therefrom at the time that said territory is annexed to the City of Albany.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 11th day of April, 1979, 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: March 28, 1979

Approved by the Mayor: March 28, 1979

Effective Date: March 28, 1979

Richard S. Olsen
Mayor

ATTEST:

[Signature]
City Recorder

C. S. 16351

TRIPP & TRIPP REALTORS

In Hiram N. Smead D.L.C. 53
SW $\frac{1}{4}$ Sec. 18, T.11 S., R.3 W., W.M.
Albany, Linn County, Oregon

Scale: 1" = 50'
August 25, 1978

Orris A. Carnegie
County Surveyor
By: Rodger Latham

Based on
C.S. 9737

Description: A parcel of land situated in the Southwest quarter of Section 18, Township 11 South, Range 3 West, Willamette Meridian, Linn County, State of Oregon, described as follows: Beginning at the Southwest corner of the Hiram Smead Donation Land Claim No. 53 in said Section 18, thence North 10 chains along the West line of said Smead Claim No. 53 to the Southerly boundary of the Albany-Santiam Canal; thence Southeasterly along said canal to the South line of said Smead Claim No. 53; thence West 3.56 chains to the point of beginning. **EXCEPTING THEREFROM:** Beginning at a point which is North 25 feet from the Southwest corner of the Hiram Smead Donation Land Claim No. 53, in Section 18, Township 11 South, Range 3 West of the Willamette Meridian, Linn County, State of Oregon, said point being on the North right of way line of 34th Avenue; thence North 19 feet; thence North 88°56' East to the Southerly boundary line of the Albany-Santiam Canal; thence Southerly along said canal to a point 25 feet North of the South line of the Smead Claim No. 53; thence South 88°56' West to the point of beginning. Said property deeded to the City of Albany by Deed Recorded December 20, 1972 in Microfilm Volume 52, Page 900.

Certificate: I certify that the herein described property was surveyed under my immediate supervision and that the improvements shown were found to be on the premises in question and that they do not overlap or encroach on the property adjacent thereto.

REGISTERED

EL
ISAAC HUTCHINS D.L.C. 70
HIRAM N. SMEAD D.L.C. 53
283.37
5.17°45' E.
5.17°45' A.
Albany - Santiam Canal
3
60