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ORDINANCE NO. 4286

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 ANNEXATION AND R-1(5) ZONING FOR PROPERTY CONTAINING 19.58 ACRES SOUTH OF THE SP RAILROAD TRACKS, WEST OF COLUMBUS STREET)

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 legal and map attached
Assessor's Parcel Map 11-3W-20, Tax Lots 800 and 900

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That the territory described in Section 1 is currently in a Rural Fire Protection District and the same should be withdrawn therefrom at the time that said territory is annexed to the City of Albany.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 27th day of June, 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: May 23, 1979

Approved by the Mayor: May 23, 1979

Effective Date: May 23, 1979

Richard S. Olsen
Mayor

ATTEST:

[Signature]
City Recorder

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OFFICE OF SURVEYOR
LINN COUNTY, ALBANY, OREGON

Friday Campbell
Annexat.
Reid
4-23-79

April 17, 1979

With C. S. 13695

Elliott & Price

Proposed Annexation

Beginning at a 5/8" iron rod S.0°20'W. 65.78 feet from the Southeast corner of Parcel "E" as shown on the plat of Pine Way Addition in Section 20 of T. 11 S., R. 3 W. of the Will. Mer., Linn County, Oregon, said 5/8" iron rod being the intersection of the West right of way line of Linn County Market Road No. 11 with the Southerly right of way line of the Southern Pacific Railroad; and running thence N.65°28'25"W., along said railroad right of way line, 1016.20 feet to a 5/8" iron rod; thence S.0°20'W. 1131.16 feet; thence N.89°42'E. 987.0 feet to the East right of way line of said Market Road No. 11; thence N.0°20'E., along said East right of way line, 677.50 feet to the Southerly right of way line of said Southern Pacific Railroad; thence N.65°28'25"W. 65.78 feet to the point of beginning, and containing 20.49 acres, more or less.