

ORDINANCE NO. 4288

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 C-1(PUD) ZONING FOR PROPERTY CONTAINING 5.52 ACRES ACROSS FROM LINN-BENTON COMMUNITY COLLEGE BETWEEN HWY. 99 AND THE SOUTHERN PACIFIC RAILROAD TRACKS)

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
11-3W-30, Tax Lots 300 and 400

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That the territory described in Section 1 is currently in a Rural Fire Protection District and the same should be withdrawn therefrom at the time that said territory is annexed to the City of Albany.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

PARCEL I:

Beginning at a $\frac{1}{2}$ inch iron rod on the East right-of-way line of the Pacific Highway and being South $89^{\circ} 41'$ East 38.78 feet from a point on the West line of and South $0^{\circ} 31\frac{1}{2}'$ West 2108.70 feet from the Northwest corner of Section 30, Township 11 South, Range 3 West of the Willamette Meridian, Linn County, Oregon, and running thence South $0^{\circ} 31\frac{1}{2}'$ West 17.1 feet to a point being North $0^{\circ} 31\frac{1}{2}'$ East 531.30 feet from the quarter section corner of the West line of said Section 30; thence East 284.65 feet to the West right-of-way line of the Southern Pacific Railroad, being the West line of that tract conveyed to Southern Pacific Railroad by Deed Book 301, Page 663, Deed Records; thence North $0^{\circ} 07'$ East 17.1 feet to the Southeast corner of the tract conveyed to Orval Vern Gleason, et ux, as recorded in Book 308, Page 569, Deed Records, Linn County, Oregon; thence North $89^{\circ} 41'$ West 284.52 feet to the place of beginning.

PARCEL II:

Beginning at a $\frac{1}{2}$ inch iron rod 38.66 feet East of a point on the West line of and South $0^{\circ} 41.5'$ West 287.18 feet from the quarter section corner on the West line of Section 30 in Township 11 South, Range 3 West of the Willamette Meridian, Linn County, Oregon, said $\frac{1}{2}$ inch rod being on the East right-of-way line of the Pacific Highway; and running thence North $0^{\circ} 32'$ East, along said right-of-way, 818.48 feet to a point 38.78 feet East of a point on the West line of and North $0^{\circ} 31.5'$ East 531.30 feet from the quarter section corner of the West line of said Section 30; thence East 284.65 feet to the West right-of-way line of the Southern Pacific Railroad, being the West line of that certain tract conveyed to the Southern Pacific Company by deed recorded in Book 299, Page 332, Linn County Deed Records; thence South $0^{\circ} 07'$ West, along said right-of-way, 818.48 feet to a $\frac{1}{2}$ inch iron rod; thence West 290.72 feet to the point of beginning.