

AN ORDINANCE PROCLAIMING THE ANNEXATION TO THE CITY OF ALBANY OF CONTIGUOUS TERRITORY CONSISTING OF 15.87 ACRES OF PROPERTY LOCATED IN NORTH ALBANY, WEST OF SPRINGHILL ROAD AND SOUTH OF THE SOUTHERN PACIFIC RAILROAD TO BE ZONED AS R-1(8)PUD AND WITHDRAWING SAID TERRITORY FROM THE NORTH ALBANY RURAL FIRE PROTECTION DISTRICT AND THE NORTH ALBANY SERVICE DISTRICT.

WHEREAS, the Planning Commission of the City of Albany has recommended that a certain territory described in Section 1 of this Ordinance which is contiguous to the City of Albany be annexed and that more than 50% of the owners of the property in said area who own more than 50% of the land and real property therein and representing more than one-half of the assessed value of the real property therein have consented in writing to the annexation, said consent having heretofore been filed with the City Recorder in the matter prescribed by law; and

WHEREAS, the City Council by Ordinance No. 4406 adopted on the 11th day of March, 1981, dispenses with an election submitting to the voters of the City the question of annexation of said territory and did at 7:15 o'clock p.m. on the 25th day of March, 1981, in the Council Chambers of the City Hall in said City at the time and place of hearing thereon, and the further question of withdrawing said territory, if annexed, from the North Albany Rural Fire Protection District and the North Albany Service District at which time and place the voters of the City were given an opportunity to be heard on the questions involved; and

WHEREAS, notices of said public hearing were published and posted in the manner and for the time prescribed by law and the public hearing was duly held by and before the City Council as provided by law and by the terms of said Ordinance and the published notice, and it appears to be in the best interest of the City and of the area involved that it be annexed to the City of Albany and withdrawn from the North Albany Rural Fire Protection District and the North Albany Service District; and

WHEREAS, the City Council has based its decision on facts and conclusions stated in accordance with the findings on file with the City Recorder which are adopted by separate motion and incorporated by reference herein for the annexation and zoning of this property and which are hereby adopted as findings of the Council; now, therefore,

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

Section 1: The following described property to-wit:

(See attached legal metes and bounds)

(See Exhibit "A" attached hereto and by this reference incorporated herein)

is hereby proclaimed to be annexed to the City of Albany, Oregon, and zoned as R-1(8)PUD.

Section 2: That the above described territory annexed to the City of Albany is hereby withdrawn from the North Albany Rural Fire Protection District and the North Albany Service District.

Section 3: That the City Recorder shall submit to the Secretary of the State of Oregon a copy of this ordinance, a copy of Ordinance No. 4406 and a copy of the complete consent document signed by the landowners within the territory annexed. The City Recorder shall also, within 10 days of the effective date of this annexation, report this annexation to the County Clerk and County Assessor of Linn County, Oregon, and Benton County, Oregon.

Section 4: Condition. The following condition shall be met before this ordinance shall take effect:

1. With the exception of Tax Lot 100 (the Ellison home site), all properties included within this annexation shall not be developed, partitioned, or subdivided except in accordance with an approved planned development unless otherwise approved by the Planning Commission.

Passed by the Council: April 22, 1981

Approved by the Mayor: April 22, 1981

Effective Date: May 22, 1981

Donald T. Bunting  
Mayor

ATTEST:

W. Holliday  
City Recorder

October 28, 1980

ELLISON ANNEXATION DESCRIPTION

80-30

Beginning at a 5/8 inch iron rod on the South line of the John Q. Thornton Donation Land Claim No. 37, said rod being 573.69 feet, South 89° 55' 15" West of the Southeast corner of said John Q. Thornton Donation Land Claim No. 37, in Section 6, Township 11 South, Range 3 West, Willamette Meridian, Benton County, Oregon: Running thence South 23° 50' 14" West 47.89 feet to a 5/8 inch iron rod on the present city limits of Albany; thence along the present city limits of Albany South 73° 51' 00" West 811.45 feet to a 5/8 inch iron rod; thence North 3° 54' 54" East 269.04 feet to a 5/8 inch iron rod on the aforesaid Donation Land Claim line; thence South 89° 55' 15" West along the aforesaid Donation Land Claim line 431.87 feet to an iron pipe at the Southeast corner of that parcel conveyed to Bruce P. Stone, et ux, and described in Deed recorded M-65132 Microfilm Records of Benton County, Oregon; thence North 0° 01' 26" East along the East line of said Stone parcel, 511.81 feet to the South line of the Southern Pacific Railroad right-of-way; thence Easterly along the South right-of-way line of the aforesaid railroad on a 2496.64 foot radius curve to the right (the chord of which bears North 81° 35' 54" East 572.11 feet) 573.37 feet to a point of compound curvature; thence continuing along said right-of-way on a 2242.01 foot radius curve to the right (the chord of which bears South 88° 09' 38" East 287.53) 287.73 feet; thence South 2° 00' 00" West 287.28 feet to a 1/2 inch iron

pipe; thence South 85° 22' 36" East 286.12 to a 1/2 inch iron pipe; thence South 15° 52' 42" West 285.43 feet to a 1/2 inch iron pipe; thence North 89° 55' 15" East 161.64 feet to the point of beginning.

ALSO:

Beginning at a 5/8 inch iron rod at the intersection of the West right-of-way line of Springhill Road with the East line of that property described by Benton County Microfilm Deed Number 79206, said rod being more particularly described as being 66.0 feet, North 89° 55' 15" East; 943.12 feet, South 3° 55' 15" West; 786.05 feet, South 86° 01' 30" East; 74.68 feet, North 56° 26' 45" East; 149.88 feet, North 27° 17' 57" East; and 65.31 feet, North 44° 12' 20" East of the Northeast corner of the A.M. Rainwater Donation Land Claim No. 61 in Township 11 South, Range 3 and 4 West, Willamette Meridian, Benton County, Oregon; running thence along the same aforesaid East line of said property North 23° 56' 40" East 848.88 feet to the North line of the A.M. Rainwater Donation Land Claim No. 61; thence North 89° 55' 15" East along the North line of said Donation Land Claim to the West right-of-way line of Springhill Road; thence Southwesterly along said right-of-way line on a curve and then a tangent section, to a 5/8 inch iron rod, said rod being North 44° 12' 20" East 37.93 feet from the point of beginning; thence South 44° 12' 20" West 37.93 feet to the Point of Beginning.

Containing 15.87 acres more or less.



STATE OF OREGON } 25750  
County of Benton

I hereby certify that the within instrument was received for record

81 MAY 14 PM 3 13

and assigned No 28197 1981

in the Microfilm records of said county

Witness My Hand and Seal of County Affixed

DANIEL G. BURK  
DIRECTOR OF RECORDS & ELECTIONS

*[Signature]*  
DEPUTY

*City of Albany  
P.O. Box 490  
Albany*