

AN ORDINANCE PROCLAIMING THE ANNEXATION AND ZONING OF PROPERTY LOCATED AT 880 GOLDFISH FARM ROAD SE AND 892 GOLDFISH FARM ROAD SE (LINN COUNTY ASSESSOR'S MAP NO. 11S-03W-09A, TAX LOT ~~4200~~^{300, 301, + 400}) CONTAINING APPROXIMATELY 4.91 ACRES (FILE AN-08-97); AND WITHDRAWING SAID TERRITORY FROM THE ALBANY RURAL FIRE PROTECTION DISTRICT.

WHEREAS, the Albany City Council on August 19, 1998, reviewed this annexation request, adopted findings, and concluded that the City's annexation eligibility and timeliness criteria can be met; and

WHEREAS, the Albany City Council on August 19, 1998, referred this annexation request as a ballot measure to the Linn and Benton Counties Elections Filing Officers for the approval or rejection of the proposed annexation by the legal voters of Albany (pursuant to Albany City Charter Chapter 54); and

WHEREAS, the question of annexation of the property at 880 and 892 Goldfish Farm Road SE (Linn County Assessor's Map No. 11S-03W-09A, Tax Lots 300, 301, and 400) was submitted to the electorate at a general election held November 3, 1998, as required by Albany City Charter Chapter 54; and

WHEREAS, the City Recorder has certified that the annexation was approved by a majority vote; and

WHEREAS, the Albany Development Code applies specific zoning upon annexation; and

WHEREAS, notices of a public hearing were published and posted in the manner and for the time prescribed by law, and on December 16, 1998, the Albany City Council did hold a public hearing during which time interested persons were given an opportunity to be heard on the matter of withdrawal of the property from the Albany Rural Fire Protection District; and

WHEREAS, the City Council, following said public hearing, determined that the withdrawal of said territory from the District is in the best interests of the citizens of Albany.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: The following described real property to-wit (also see attached Exhibit A) is hereby annexed to the City of Albany and zoned CC (Community Commercial).

"A portion of the Northeast ¼ of Section 9 and the Northwest ¼ of Section 10, Township 11 South, Range 3 West of the Willamette Meridian, Linn County, Oregon (including three parcels of land; Tax Lots 300, 301, and 400 as shown on Linn County Assessor's Map page 11S-03W-09A), more particularly described as follows:

Beginning at the Southwest corner of the Hugh Nickerson D.L.C. Number 39 in the Northwest ¼ of Section 10, Township 11 South, Range 3 West of the Willamette Meridian and on the centerline of Goldfish Farm Road; thence North along the West line of the Hugh Nickerson D.L.C. Number 39 and the centerline of Goldfish Farm Road 760.98 feet; thence South 89°55' West 20.00 feet to the TRUE POINT OF BEGINNING and the West right-of-way line of Goldfish Farm Road; thence South 89°55' West 1300.00 feet; thence South 165.00 feet; thence North 89°55' East 1300.00 feet to the West right-of-way line of Goldfish Farm Road; thence North 165.00 feet along the West right-of-way line of Goldfish Farm Road to the point of beginning."

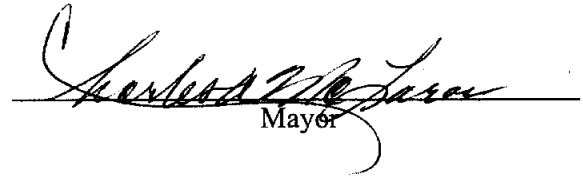
Section 2: Said property is hereby proclaimed to be withdrawn from the Albany Rural Fire Protection District.

Section 3: The City Recorder shall, within 10 days of the effective date of this ordinance, file a copy of the ordinance with the County Assessor of Linn County, Secretary of State of the State of Oregon, the State of Oregon Department of Revenue, and the Albany Rural Fire Protection District. The City Recorder shall also submit to the Secretary of State an abstract of the vote within the City.

Passed by Council: December 16, 1998

Approved by Mayor: December 16, 1998

Effective Date: December 16, 1998



Mayor

ATTEST:



City Recorder

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EXHIBIT A
LEGAL DESCRIPTION
FILE AN-08-97

A portion of the Northeast ¼ of Section 9 and the Northwest ¼ of Section 10, Township 11 South, Range 3 West of the Willamette Meridian, Linn County, Oregon, (including three parcels of land; Tax Lots 300, 301, and 400 as shown on Linn County Assessor's Map page 11 3W 9A) more particularly described as follows:

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