

AN ORDINANCE PROCLAIMING THE ANNEXATION AND ZONING OF PROPERTY LOCATED NORTH OF SANTIAM HIGHWAY (LINN COUNTY ASSESSORS MAP NOS. 11S-03W-09A, TAX LOTS 1200, 1300, AND 1401) CONTAINING APPROXIMATELY 2.6 ACRES; AND DECLARING AN EMERGENCY.

WHEREAS, the Albany City Council on July 24, 2002, 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 July 24, 2002, 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 located north of Santiam Highway (Linn County Assessor's Map No. 11S-03W-09A, Tax Lots 1200, 1300, and 1401) was submitted to the electorate at a general election held November 5, 2002, 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;

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).

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, and the State of Oregon Department of Revenue. The City Recorder shall also submit to the Secretary of State an abstract of the vote within the City.

Passed by Council: December 11, 2002

Approved by Mayor: December 11, 2002

Effective Date: December 11, 2002



Mayor

ATTEST:



City Recorder

**RESOLUTION EXHIBIT A
LEGAL DESCRIPTIONS
FILE AN-01-02**

Area I

Beginning South 945.45 feet and South 89°59' West 524 feet from the Southwest corner of the Hugh Nickerson Donation Land Claim No. 39, Township 11 South, Range 3 West of the Willamette Meridian, Linn County, Oregon, said place of beginning being on the North line of the Edward N White Donation Land Claim No. 48 in said Township and Range; thence North 400 feet; thence North 89°59' East parallel with the North line of said Donation Land Claim No. 48 a distance of 108 feet (108.03 feet per C. S. 20611); thence South 400 feet to the North line of Donation Land Claim No. 48, thence South 89°59' West 108 feet to the place of beginning.
EXCEPT that portion situated in the Santiam Highway right-of-way.

Area II

Beginning at a point on the North line of Santiam Highway (State Highway 20), such point being 30.0 feet North and 2190.0 feet West of the Northeast corner of the Edward N. White Donation Land Claim No. 48, Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon; thence South to the South line of said Santiam Highway; thence West along said South line of Santiam Highway to the Northeast corner of that parcel of land conveyed to Cummings Transfer Co. by deed recorded in MF 537-190, Linn County Deed Records; thence North to the North line of Santiam Highway; thence East along said North line of Santiam Highway to the Southeast corner of that parcel conveyed to John A. and Marlis C. Carson by deed recorded in MF 635-146, Linn County Deed Records; thence North along the East line of said Carson parcel to the Southwest corner of that parcel conveyed to William C. and Linda A. Smithson by deed recorded in MF 1040-609, Linn County Deed Records; thence East along the South line of said Smithson parcel 198.0 feet to a ½-inch iron rod; thence South along the projection of the East line of said Smithson parcel to the North line of Santiam Highway; thence West along said North line of Santiam Highway to the point of beginning.

