

AN ORDINANCE PROCLAIMING THE ANNEXATION AND ZONING OF PROPERTIES LOCATED NORTH OF RIVERSIDE CEMETERY AND SOUTH OF THE CALAPOOIA RIVER; AND DECLARING AN EMERGENCY.

WHEREAS, the Albany City Council on July 14, 2004, 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 14, 2004, 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 generally located between Riverside Cemetery (near Albany General Hospital) and the Calapooia River, shown on Linn county Assessor's Map no. 11S-04W-12BA: Tax Lot(s) 200, 300, and a portion of 400, containing 3.6 acres, more or less, and as further described in the attached legal description labeled Exhibit "A", was submitted to the electorate at a general election held November 2, 2004, as required by Albany City Charter Chapter 54; and

WHEREAS, the City Clerk 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 described real property to-wit (see attached Exhibit A) is hereby annexed to the City of Albany and zoned OS (Open Space).

Section 2: The City Clerk shall 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 Clerk shall also submit to the Secretary of State an abstract of the vote within the City.

Passed by the Council: January 12, 2005

Approved by the Mayor: January 12, 2005

Effective Date: January 12, 2005



Mayor

ATTEST:



City Clerk

EXHIBIT A
LEGAL DESCRIPTION
FILE AN-A2-04

Beginning at a point North 1° 24' West 635.0 feet from the Southeast corner of the Harvey Gorden DLC No. 54, in Section 12 of Township 11 South, Range 4 West of the Willamette Meridian in Linn County, Oregon, said point also being the intersection of the East line of said DLC No. 54 and the center line of the Oregon Electric Railroad; thence along the existing city limits boundary North 22° 37' West 52.0'; thence along the existing city limits boundary West 10.0 feet; thence along the existing city limits boundary North approximately 220 feet to the center line of the Calapooia River; thence Easterly along said center line of the Calapooia River approximately 1300 feet to the point of intersection of said Calapooia River center line and the Northerly extension of the East line of the vacated Umatilla Street; thence Southerly along the existing city limits boundary South 9° 05' 33" East approximately 300 feet to a point on the North line of said railroad; thence along said East line of vacated Umatilla Street South 9° 05' 33" East 163.68 feet; thence along the existing city limits boundary South 80° 55' 06" West 67.52 feet to a 5/8-inch bolt, said point being the Northwest corner of that tract of land conveyed to Albany General Hospital by deed recorded in Microfilm Volume 481, Page 994 in Linn County Deed Records; thence Westerly along the South line of said railroad approximately 1200 feet to the East line of said DLC No. 54; thence Northerly along said East line of DLC No. 54 to the Point of Beginning.

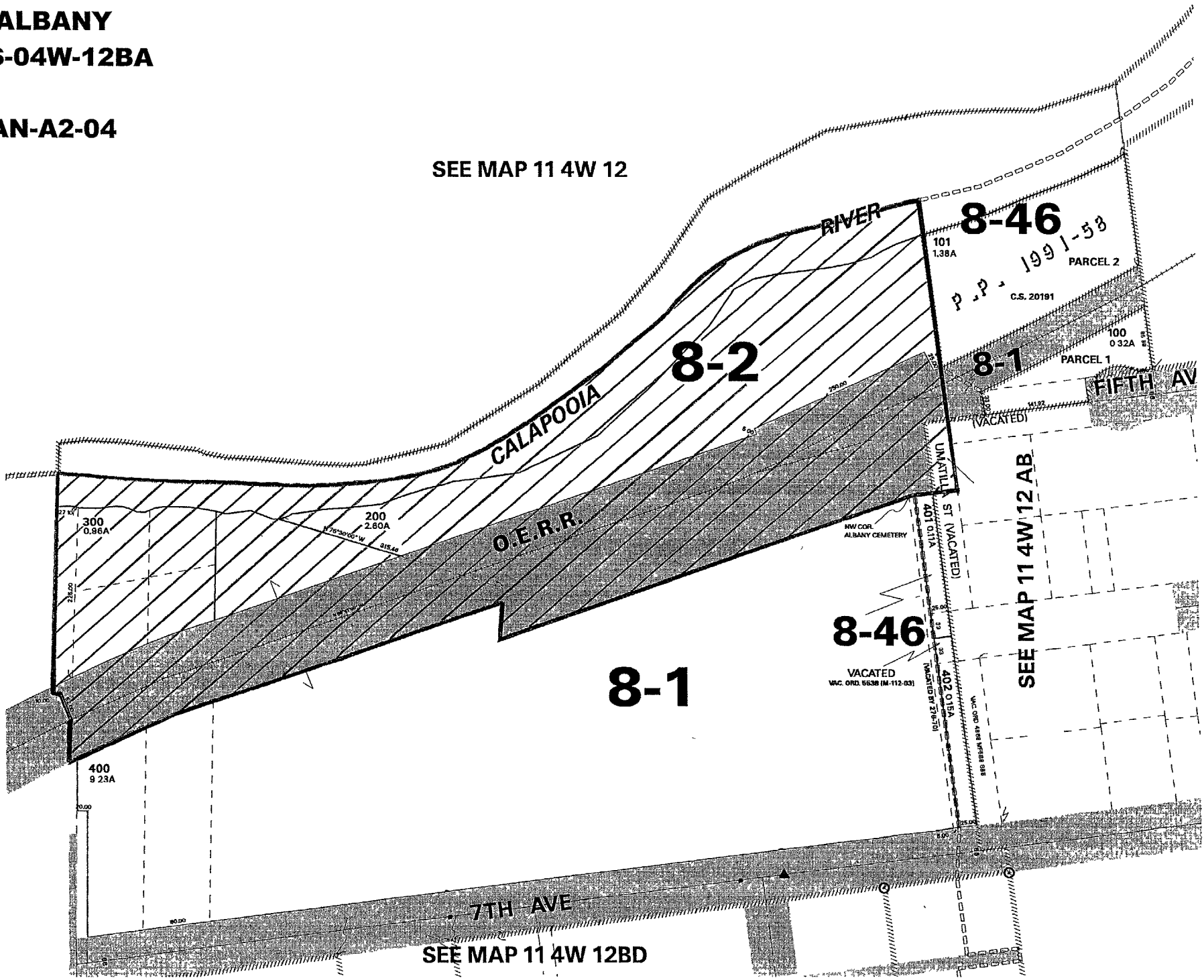
NE1/4 NW1/4 SEC.12 T.11S. R.04W. W.M.
LINN COUNTY, OREGON

1" = 100'

ALBANY
11S-04W-12BA

AN-A2-04

SEE MAP 11 4W 12



8-46
P.P. 1991-53
C.S. 20191
PARCEL 2

8-1
PARCEL 1

8-46
VACATED
VAC. ORD. 5638 (M-112-03)

SEE MAP 11 4W 12 AB

SEE MAP 11 4W 12BD