

ORDINANCE NO. 4338

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 266 ACRES LYING SOUTH OF LEHIGH ACRES, EAST OF WAVERLY DRIVE, NORTH OF GRAND PRAIRIE ROAD AND WEST OF INTERSTATE 5)

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 attached

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That the territory described in Section 1 is currently in a Rural Fire Protection District and the same should be withdrawn therefrom at the time that said territory is annexed to the City of Albany.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 February, 1980, 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.

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: January 23, 1980

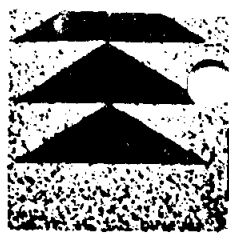
Approved by the Mayor: January 23, 1980

Effective Date: January 23, 1980

Richard S. Alsen
Mayor

ATTEST:

[Signature]
City Recorder



TIMBERLAND

Services, Inc.

(503) 826-8404

1010 AIRPORT ROAD - P. O. BOX 668 - ALBANY, OREGON 97321

EXHIBIT "A"

October 29, 1979

WAVERLY-GRAND PRAIRIE ANNEXATION

Legal Description

Beginning at a point which is the southeast corner and initial point of EASTGATE PARK SUBDIVISION in the City of Albany, Linn County, Oregon; said point also being on the west right-of-way of Interstate Highway 5;

and thence running South $88^{\circ}40'30''$ West along the south line of EASTGATE PARK SUBDIVISION a distance of 1477.65 feet to the northwest corner of that tract of land described in microfilm volume 91, page 681 of the Deed Records of Linn County, Oregon;

thence South $01^{\circ}26'$ East 858.63 feet to a point on the north line of that tract described in book 161, page 326 of the County Deed Records;

thence South $88^{\circ}40'30''$ West along said north line and the westerly extension thereof 490 feet, more or less to the northwest corner of that tract described in book 294, page 483 of the County Deed Records;

thence South $01^{\circ}39'$ East 75.00 feet;

thence South $88^{\circ}45'$ West 563.00 feet;

thence South $01^{\circ}39'$ East 136.34 feet to the north right-of-way of 20th Avenue;

thence South $88^{\circ}45'$ West along said north right-of-way 124.70 feet to the east right-of-way of Waverly Drive;

thence North $01^{\circ}39'$ West along said east right-of-way 322 feet, more or less, to a point which is North $89^{\circ}58'$ East from a 1/2 inch iron rod on the west right-of-way of Waverly Drive, said rod also being on the north line of that tract described in book 259, page 393 of County Deed Records;

thence South $89^{\circ}58'$ West across Waverly Drive to said 1/2 inch iron rod;

thence continuing South $89^{\circ}58'$ West along said north line 225.00 feet to a point on the east line of Block 1 of BRITEWOOD SUBDIVISION in the City of Albany;

thence South 01°39' East 657.58 feet to a point which is on the north line of that tract described in book 173, page 211 of County Deed Records, said point also being North 01°39' West 881.1 feet and South 89°53' West 260.00 feet from the southeast corner of the L. C. Burkhart D.L.C. No. 50 in Township 11 South and Range 3 West of the Willamette Meridian, Linn County, Oregon;

thence South 89°58' West along said north line to the northeast corner of that tract described in microfilm volume 122, page 648 of County Deed Records;

thence South 01°50'20" East 365.16 feet to the south line of said tract described in book 173, page 211;

thence North 89°58' East along said south line to the west right-of-way of Waverly Drive;

thence South 01°39' East 354.3 feet along said west right-of-way to a point on the north line of that tract described in microfilm volume 174, page 454 of County Deed Records said point also being the southeast corner of Lot 28, Block 2 of ERMINE PARK SUBDIVISION in the City of Albany;

thence North 89°51' West along said north line to the northwest corner of said tract;

thence South 01°39' East along the west line of said tract 81.22 feet;

thence South 89°49' East along the south line of said tract to the west right-of-way of Waverly Drive;

thence South 01°39' East along said west right-of-way 210 feet, more or less, to a point on the north line of that tract described in microfilm volume 186, page 432 of County Deed Records, said point also lying on the south right-of-way of 23rd Avenue;

thence South 89°49' East along said south right-of-way to the northwest corner of said tract, being also the northeast corner of Lot 1, Block 2 of KRIBS FIRST ADDITION;

thence South 01°39' East along the west line of said tract 80.10 feet to the southwest corner thereof;

thence South 89°49' East along the south line of said tract and the easterly extension thereof to the east right-of-way of Waverly Drive;

thence South 01°39' East along said east right-of-way to a point on the south line of that tract described in book 259, page 537 of County Deed Records, said point lying South 89°04' West 5.00 feet from the northwest corner of Block 5 of FIRST ADDITION TO KENWOOD SUBDIVISION, Linn County, Oregon;

thence North 89°04' East along the north line of said Block 5 452.50 feet to the northeast corner thereof;

thence South 01°39' East along the east line of said Block 5 and the southerly extension thereof 149.14 feet to the centerline of 27th Avenue, a 50 foot roadway;

thence North 89°04' East along said centerline 363.02 feet to a point on the northerly extension of the east line of Block 8 of said FIRST ADDITION TO KENWOOD SUBDIVISION;

thence South $0^{\circ}23'20''$ East along said northerly extension and east line 153.00 feet to the southeast corner of Lot 4 of said Block 8, which point also being on the west right-of-way of Shortridge Street;
thence South $89^{\circ}04'$ West along the line bisecting said Block 8, its westerly extension across Bain Street and the line bisecting Block 7 of said FIRST ADDITION TO KENWOOD SUBDIVISION 832.69 feet to the east right-of-way of Maverly Drive;

thence South $01^{\circ}39'$ East along said east right-of-way 179.00 feet to a point on the south line of and north $89^{\circ}04'$ East 40.00 feet from the southwest corner of the Anderson Cox D.L.C. No. 49 in Township 11 South and Range 3 West of the Willamette Meridian in Linn County, Oregon; said point also being the initial point of said FIRST ADDITION TO KENWOOD SUBDIVISION;

thence North $89^{\circ}04'$ East along the south line of said Claim 858.75 feet to the east line of Section 17 of said Township and Range;

thence South $00^{\circ}28'20''$ East along said east line 520.95 feet to the southeast corner of the northeast quarter of said Section 17;

thence South $00^{\circ}06'39''$ West along said east line 234.87 feet to the northerly right-of-way of Grand Prairie Road;

thence southeasterly along said northerly right-of-way to the west right-of-way of Interstate Highway 5;

thence northerly along said west right-of-way to the true place of beginning.