

ORDINANCE NO. 4688

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 property located at the southwest corner of Timber Street and Santiam Highway consisting of 0.55 acres with concurrent zone change from Urban Growth Management (UGM/C2) to Community Commercial (C-2).)

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 Albany 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 legal description).

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the territory described in Section 1 is currently in the Albany Rural Fire Protection District and the same should be withdrawn therefrom at the time that said territory is annexed to the City of Albany.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 26th day of June, 1985, 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 Albany 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: June 12, 1985

Approved by the Mayor: June 14, 1985

Effective Date: June 12, 1985



Mayor

ATTEST:



City Recorder

AN-03-85
(20-03-85)

DESCRIPTION SHEET

See page 1 for vesting and encumbrances, if any.

Description of the tract of land which is the subject of this report:

The following described real property situated in the County of Linn and State of Oregon, to-wit:

Beginning on the North line of and South 89°59' West 2956.56 feet from the Northeast corner of the Ed M. White Donation Land Claim No. 48 in Township 11 South, Range 3 West of the Willamette Meridian in Linn County, Oregon, running thence South 0°06' East 342 feet to a 3/4 inch rod, thence South 89°54' West 127.37 feet to a 1/2 inch rod thence North 0°6' West 342 feet to the North line of said Donation Land Claim, thence North 89°54' East 127.37 feet to the place of beginning, in Linn County, Oregon.

SAVE AND EXCEPT that portion granted to the State of Oregon, by and through its Department of Transportation in Condemnation Suit filed November 16, 1977, Suit No. 50943.-----

FINDING NECESSARY TO ACCOMPANY THIS APPLICATION:

THIS PROPERTY COMPLIES WITH ALBANY'S LDC'S GOALS AND GUIDELINES

Report No. 22-70079