

AN ORDINANCE PROCLAIMING THE ANNEXATION AND ZONING OF PROPERTY LOCATED AT 2540 BROADWAY STREET SW (LINN COUNTY ASSESSOR'S MAP NO. 11S-04W-13B, TAX LOT 4200) CONTAINING APPROXIMATELY 4.79 ACRES (FILE AN-01-98); 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 2540 Broadway Street SW (Linn County Assessor's Map No. 11S-04W-13B, Tax Lot 4200) 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 RS-6.5 (Residential Single Family).

" A parcel of land consisting of that Chapin Tract described by document recorded in Volume MF 920, Page 435 of the Linn County Deed Records on February 6, 1998, that is more particularly described as follows: Beginning at the southwest corner of that Linn County Oregon Tract described by deed recorded in Book 122, Page 193 of the said deed records, which point being North 89°40'19" West 781.59 feet and North 10°48'00" East 413.49 feet and North 89°54'43" West 30.00 feet from the southeast corner of the George Cline donation Land Claim No. 84 in Township 11 South, Range 4 West, Willamette Meridian, Linn County, Oregon, which point being on the south line of said Chapin Tract; thence North 10°48'00" East 313.39 feet to the northwest corner of said Linn County Oregon Tract, which point being on the north line of said Chapin Tract; thence North 89°53'19" West 751.18 feet to the northwest corner of said Chapin Tract; thence South 16°01'48" East 320.86 feet to the southwest corner of said Chapin Tract; thence South 89°54'43" East, along the south line of said Chapin Tract, 603.85 feet to the Point of Beginning. Containing 4.79 acres of land, more or less."

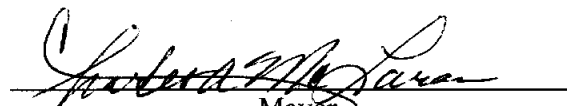
Section 2: Said property is hereby proclaimed to be withdrawn from the Albany Rural Fire Protection District.

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-01-98**

Legal Description of 2540 Broadway (11S-04W-13B, Tax Lot 4200)

A parcel of land consisting of that Chapin Tract described by document recorded in Volume MF 920, Page 435 of the Linn County Deed Records on February 6, 1998 that is more particularly described as follows:

Beginning at the southwest corner of that Linn County Oregon Tract described by deed recorded in Book 122, Page 193 of the said deed records, which point being North 89°40'19" West 781.59 feet and North 10°48'00" East 413.49 feet and North 89°54'43" West 30.00 feet from the southeast corner of the George Cline Donation Land Claim No. 84 in Township 11 South, Range 4 West, Willamette Meridian, Linn County, Oregon, which point being on the south line of said Chapin Tract; thence North 10°48'00" East 313.39 feet to the northwest corner of said Linn County Oregon Tract, which point being on the north line of said Chapin Tract; thence North 89°53'19" West 751.18 feet to the northwest corner of said Chapin Tract; thence South 16°01'48" East 320.86 feet to the southwest corner of said Chapin Tract; thence South 89°54'43" East, along the south line of said Chapin Tract, 603.85 feet to the Point of Beginning. Containing 4.79 acres of land, more or less.

