

AN ORDINANCE PROCLAIMING THE ANNEXATION AND ZONING OF PROPERTY LOCATED ON THE WEST SIDE OF COLUMBUS STREET SE AND ON THE NORTH AND SOUTH SIDES OF ELLINGSON ROAD SE (AN-06-04), AND CONTAINING APPROXIMATELY 110 ACRES.

WHEREAS, the Albany City Council on March 14, 2005, 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 March 14, 2005, 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 on the west side of Columbus Street SE and on the north and south sides of Ellingson Road SE, shown on Linn County Assessor's Map No. 11S-03W-29; Tax Lot 300, containing 110 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 May 17, 2005, 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 is partially zoned RS-5 (Residential Single Family), and partially 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: July 13, 2005

Approved by the Mayor: July 13, 2005

Effective Date: August 12, 2005

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

**EXHIBIT A**  
**LEGAL DESCRIPTION**  
**FILE AN-06-04**

A portion of that tract of land described in Deed Volume 1406, Page 834, recorded April 3, 2003, Linn County Deed Records, being a portion of the Robert Pentland D.L.C. No. 69, located in the southwest one-quarter of Section 20 and the northwest one-quarter of Section 29, Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon, being more particularly described as follows:

Commencing at a 3-1/4" aluminum disk marking the southeast corner of said Robert Pentland D.L.C. No. 69, said point also being on the centerline of Columbus Street (County Road No. 353); thence along said centerline N 0° 23' 14" E, 2143.51 feet to an angle point, said angle point also being the *True Point of Beginning*; thence along said centerline N 0° 23' 40" E, 1328.46 feet to an angle point; thence continuing along said centerline N 0° 23' 53" E, 609.27 feet to the southwest corner of the Jordan S. Robinson D.L.C. No. 55; thence leaving said centerline N 89° 36' 07" W, 40.0 feet to the west right-of-way line of Columbus Street (County Road No. 353); thence along said west right-of-way line N 0° 18' 50" E, 940.25 feet to the southerly line of that tract of land described as Tax Lot 1300 of tax map 11-3W-20 in Deed Volume 1049, Pages 46-62, recorded July 19, 1999, Linn County Deed Records; thence along said southerly line N 89° 29' 57" W, 1564.59 feet to the easterly line of that tract of land described in Deed Volume 781, Pages 462-463, recorded January 3, 1996, Linn County Deed Records; thence along said easterly line and the easterly line of that tract of land described in Deed Volume 1431, Pages 601-602, recorded May 29, 2003, Linn County Deed Records, S 0° 21' 27" W, 2359.59 feet to the centerline of Ellingson Road (County Road No. 350); thence southerly along the easterly line of Partition Plat No. 2004-54, recorded as County Survey 23891, Linn County Survey Records, S 0° 17' 37" W, 639.31 feet to the City of Albany's Urban Growth Boundary; thence along said Urban Growth Boundary S 89° 38' 04" E, 1604.05 feet to the centerline of Columbus Street (County Road No. 353); thence along said centerline N 0° 23' 14" E, 117.19 feet to the *True Point of Beginning*.

Containing 109.6 acres, more or less, including right-of-way.

Legal Description Map  
Ellingson & Columbus  
AN-06-04

N 89° 29' 57" W 1564.59'

S 0° 21' 27" W 2359.59'

N 8° 18' 50" E 940.25'

N 89° 36' 07" W 40.0'

SW Cor. DLC No. 55  
Jordan S. Robinson

SEVEN MILE LN.

ELLINGSON RD.

S 0° 17' 37" W 839.31'

N 0° 23' 38" E 609.27'

True Point  
of Beginning

N 0° 23' 40" E 1328.46'

Urban Growth Boundary

S 89° 38' 04" E 1604.05'

N 0° 23' 14" E 117.19'

COLUMBUS ST. (C.R. NO. 353)

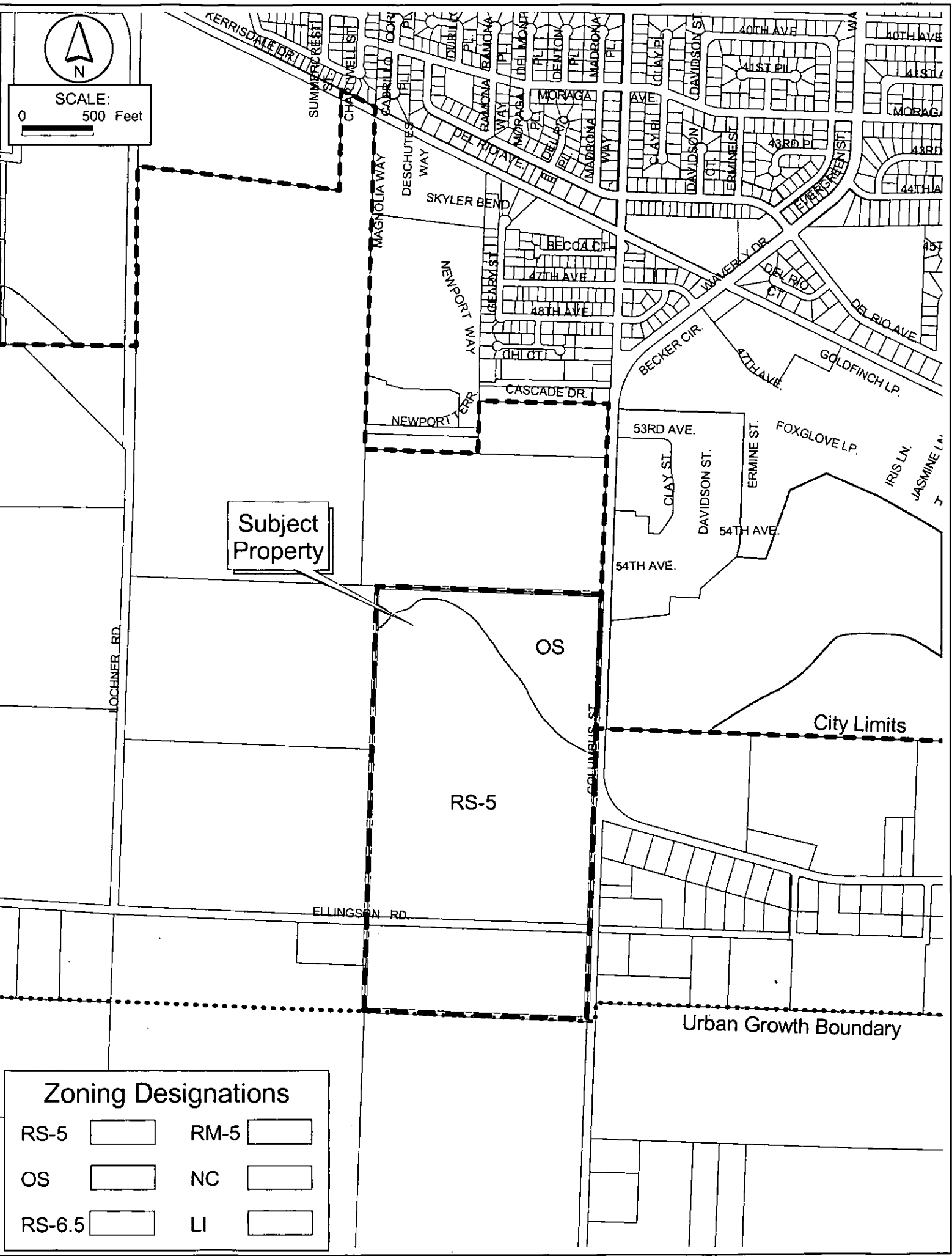
N 0° 23' 14" E 2143.51'

SE Cor. DLC No. 69  
Robert Pentland

1"=600'



SCALE:  
0 500 Feet



Subject Property

OS

RS-5

City Limits

Urban Growth Boundary

### Zoning Designations

RS-5	<input type="checkbox"/>	RM-5	<input type="checkbox"/>
OS	<input type="checkbox"/>	NC	<input type="checkbox"/>
RS-6.5	<input type="checkbox"/>	LI	<input type="checkbox"/>