

AN ORDINANCE PROCLAIMING THE ANNEXATION OF PROPERTY ON CLOVER RIDGE ROAD NE (AN-02-06), AND CONTAINING APPROXIMATELY 15.9 ACRES.

WHEREAS, the Albany City Council on February 14, 2007, reviewed this annexation request, adopted findings, and concluded that the City's annexation eligibility and timeliness criteria could be met; and

WHEREAS, the Albany City Council on February 14, 2007, through Resolution No. 5377 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; and

WHEREAS, it was the choice of the property owner and the Council to amend Resolution No. 5377 by changing the date from the May 15, 2007, ballot to the May 20, 2008 ballot (Resolution No. 5401); and

WHEREAS, the question of annexation of the property generally located west of Clover Ridge Road NE, shown on Linn County Assessor's Map No. 11S-03W-04AB; Tax Lots 400, 500, 600, and 900 containing approximately 15.9 acres, more or less, and as further described in the attached legal description labeled Exhibit "B" and map labeled Exhibit "A" was submitted to the electorate at a general election held May 20, 2008, as required by Albany City Charter Chapter 54; and

WHEREAS, the City Clerk has certified that the annexation was approved by a majority vote.

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 and Exhibit B) is hereby annexed to the City of Albany.

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: June 11, 2008


Approved by the Mayor: June 11, 2008

Effective Date: June 11, 2008



Mayor

ATTEST:



City Clerk

EXHIBIT A

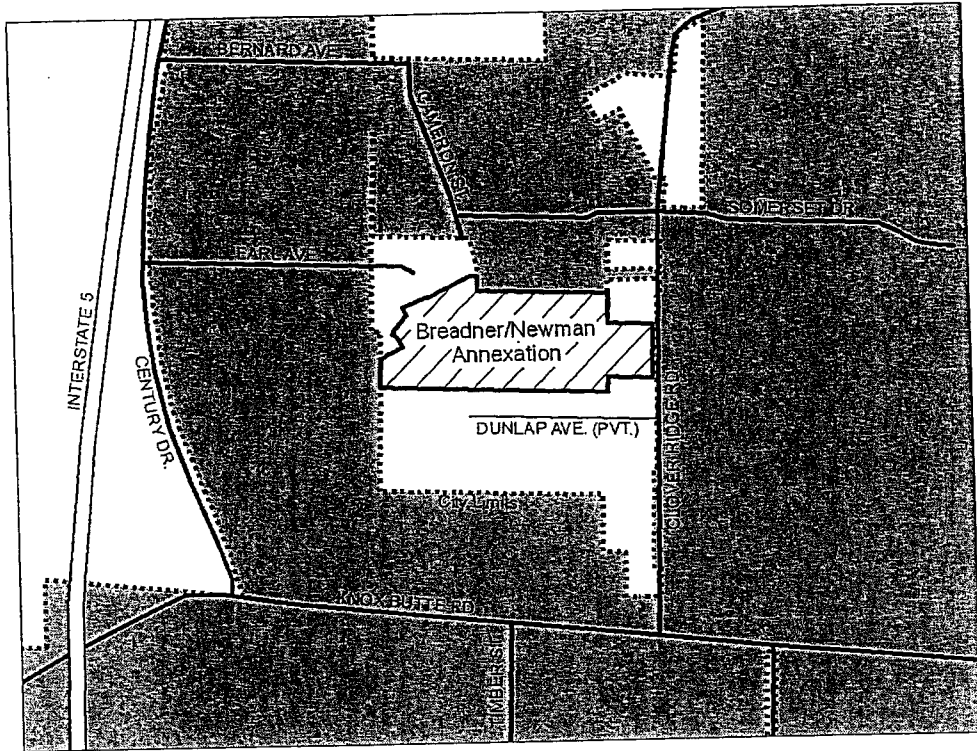
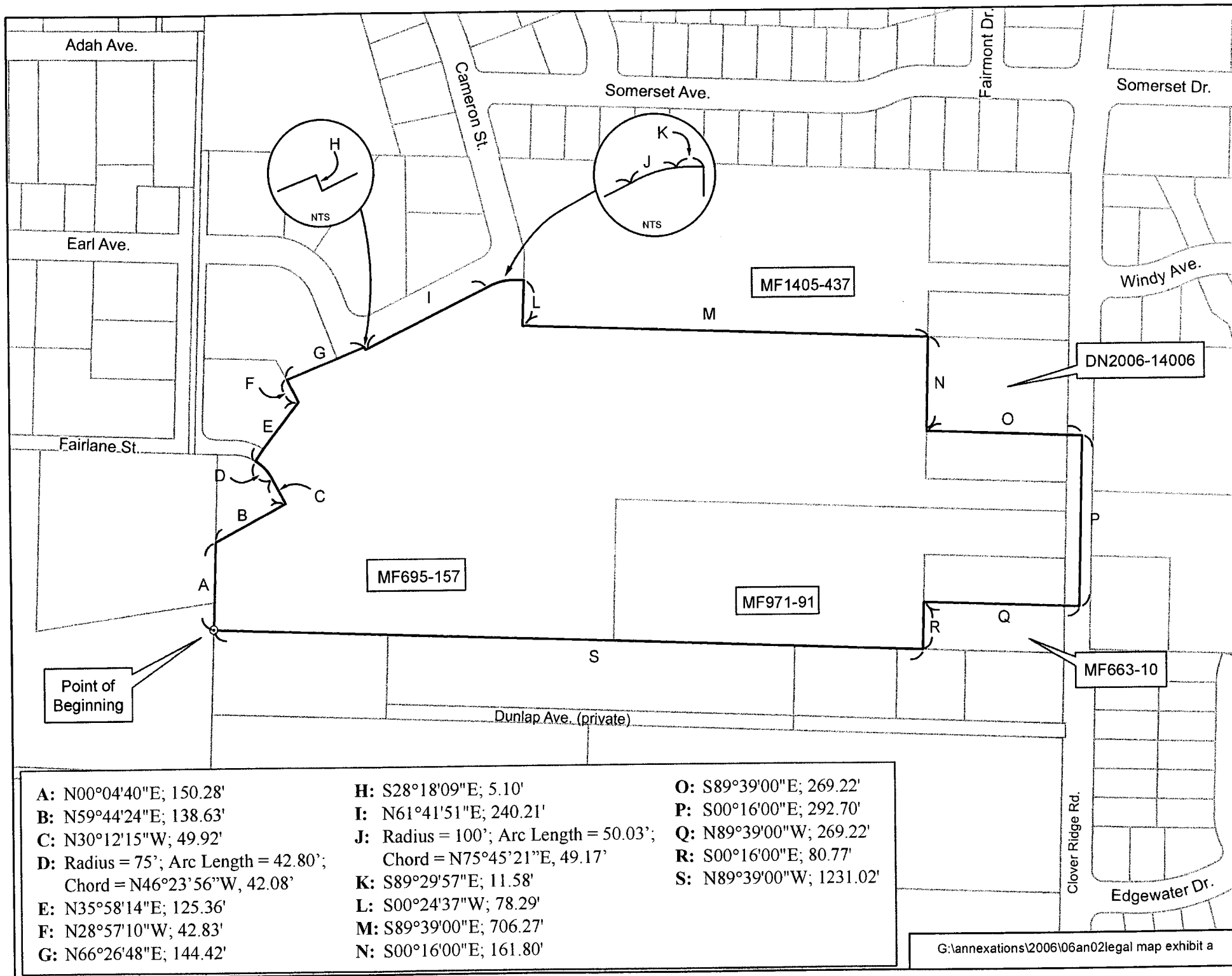


EXHIBIT B

LEGAL DESCRIPTION FILES AN-02-06/ZC-01-06

Beginning at the Southwest corner of Lot 21 of Fairlanes Subdivision, a residential subdivision recorded in County Survey No. 3038, Linn County, Oregon survey records; thence North 0°04'40" East, along the west line of said subdivision plat, a distance of 150.28 feet to an iron bar; thence North 59°44'24" East, along the northerly line of Lot 20 of said Fairlanes Subdivision, a distance of 138.63 feet, to an iron rod at the centerline of the vacated portion of Fairlane Street; thence North 30°12'15" West, along said centerline, a distance of 49.92 feet to an iron rod; thence further along said centerline, along a curve to the left with a radius of 75.00 feet, (the chord of which bears North 46°23'56" West, 42.08 feet), a distance of 42.80 feet to an iron rod; thence North 35°58'14" East, leaving said centerline, and along the northerly line of Lot 15 of Fairlanes Subdivision, a distance of 125.36 feet, to an iron rod at the southeast corner of Lot 13 of said subdivision; thence North 28°57'10" West, along the east line of said Lot 13 a distance of 42.83 feet to an iron rod at the northwest corner of Lot 12 of Fairlanes Subdivision; thence North 66°26'48" East, along the northerly line of said Lot 12, and the easterly extension thereof, a distance of 144.42 feet to an iron rod; thence South 28°18'09" East, a distance of 5.10 feet, to an iron rod on the southerly right-of-way line of Earl Street; thence North 61°41'51" East along said Earl Street right-of-way line, a distance of 240.21 feet to an iron rod; thence along a curve to the right, with a radius of 100.00 feet, (the chord of which bears North 75°45'21" East, 49.17 feet), a distance of 50.03 feet to an iron rod; thence South 89°29'57" East, a distance of 11.58 feet to an iron rod on the West boundary of that parcel owned by BBF Development (Clover Ridge) LLC, described in Linn County Microfilm Deed Records MF1405-437; thence South 0°24'37" West, leaving said Earl Street right-of-way line, a distance of 78.29 feet to an iron rod at the Southwest corner of said BBF Development parcel; thence South 89°39'00" East, along the South boundary of said BBF Development parcel, a distance of 706.27 feet to an iron rod at the Northwest corner of that parcel owned by Ben Kauffman, described in Linn County Microfilm Deed Records DN2006-14008; thence South 0°16'00" East, along the West boundary of said Kauffman parcel, a distance of 161.80 feet to the Southwest corner of said Kauffman parcel; thence South 89°39'00" East, along the South boundary of said Kauffman parcel, and its extension, a distance of 269.22 feet to the existing City Limits boundary; thence South 0°16'00" East, along said City Limits boundary, a distance of 292.70 feet, to the Easterly extension of the North boundary of that parcel owned by Michael and Roberta Newman, described in Linn County Microfilm Deed Records MF663-10; thence North 89°39'00" West, along said North boundary a distance of 269.22 feet to the Northwest corner of said Newman parcel; thence South 00°16'00" East, along the West boundary of said Newman parcel, a distance of 80.77 feet to the Southwest corner of said parcel; thence North 89°39'00" West, along the south boundaries of those parcels described in Linn County Deed Records MF971-91 and MF695-157, a distance of 1,231.02 feet to the Point of Beginning.

Said area containing 15.9 acres, more or less.



Point of Beginning

A: N00°04'40"E; 150.28'
B: N59°44'24"E; 138.63'
C: N30°12'15"W; 49.92'
D: Radius = 75'; Arc Length = 42.80';
 Chord = N46°23'56"W, 42.08'
E: N35°58'14"E; 125.36'
F: N28°57'10"W; 42.83'
G: N66°26'48"E; 144.42'

H: S28°18'09"E; 5.10'
I: N61°41'51"E; 240.21'
J: Radius = 100'; Arc Length = 50.03';
 Chord = N75°45'21"E, 49.17'
K: S89°29'57"E; 11.58'
L: S00°24'37"W; 78.29'
M: S89°39'00"E; 706.27'
N: S00°16'00"E; 161.80'

O: S89°39'00"E; 269.22'
P: S00°16'00"E; 292.70'
Q: N89°39'00"W; 269.22'
R: S00°16'00"E; 80.77'
S: N89°39'00"W; 1231.02'