

ORDINANCE NO. 4284

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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. (ANNEXATION AND M-2 LIGHT INDUSTRIAL AND C-1 NEIGHBORHOOD COMMERCIAL FOR PROPERTY CONTAINING 293.46 ACRES LOCATED EAST OF HIGHWAY 99E IN THE AREA OF COLLEGE GREEN AND LBCC, NORTH AND SOUTH OF ELLINGSON ROAD)

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:

Assessor's Parcel Map 11-3W-30, Tax Lots 200, 202, 311, 500, 700, 701, 1100 and portion of 1200 See attached legal and map

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That the territory described in Section 1 is currently in a Rural Fire Protection District and the same should be withdrawn therefrom at the time that said territory is annexed to the City of Albany.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 June, 1979, 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.

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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: May 23, 1979

Approved by the Mayor: May 23, 1979

Effective Date: May 23, 1979

Richard S. Olsen
Mayor

ATTEST:

[Signature]
City Recorder

OFFICE OF SURVEYOR
LINN COUNTY, ALBANY, OREGON

April 3, 1979

With C. S. 3929

Harrison Weatherford

Proposed Annexation (Revised)

Beginning at the Northwest corner of the Northeast quarter of Section 30 in T. 11 S., R. 3 W. of the Will. Mer., Linn County, Oregon; and running thence South, along the West line of the East half of said Section 30 to a point 36.38 chains North of the Southwest corner of said East half; thence East 11.55 chains; thence South, parallel to the West line of the East half of said Section 30, a distance of 36.38 chains to the South line of said Section 30; thence West, along said South line, 11.55 chains to the Southwest corner of the Southeast quarter of said Section 30; thence North 20.0 feet; thence West, parallel to the South line of said Section 30, a distance of 31.77 chains to the East right of way line of the Southern Pacific Railroad; thence Northerly, along said right of way line 15.79 chains, more or less, to a point which bears S.89°37'E. of a point on the West line of and S.0°31'30"W. 1593.9 feet from the Northwest corner of the Southwest quarter of said Section 30; thence N.89°37'W., parallel to the South line of said Section 30, a distance of 380.74 feet to the East right of way line of the State Highway; thence N.0°32'E., along said highway, 30.0 feet; thence S.89°37'E. 380.51 feet to the East right of way line of said Southern Pacific Railroad; thence Northerly, along said right of way line, to a point 531.3 feet South of the North line of the Southwest quarter of said Section 30; thence West 372.5 feet to the East right of way line of the aforementioned State Highway; thence N.0°32'E. along said highway, 20.0 feet; thence East 372.4 feet to the East right of way line of said Southern Pacific Railroad; thence Northerly, along said railroad right of way line, to a point 16.10 chains South of the North line of said Section 30; thence West, parallel to the North line of said Section 30, a distance of 356.87 feet to the East right of way line of the State Highway; thence N.0°32'E., along said highway, 612.41 feet to a point 450.19 feet South of the North line of said Section 30; thence Easterly, parallel to the North line of said Section 30, a distance of 352.4 feet to the East right of way line of the Southern Pacific Railroad; thence Northerly, along said railroad 450.19 feet to the North line of said Section 30; thence Easterly, along said Section line to the point of beginning.