

ORDINANCE NO. 4351

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 APPROXIMATELY 20 ACRES NORTH OF 34TH AVENUE, WEST OF FERRY STREET AS M-3 HEAVY INDUSTRIAL)

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:

11-3W-18C; 103, 104

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That the territory described in Section 1 is currently in a Rural Fire Protection District and the same should be withdrawn therefrom at the time that said territory is annexed to the City of Albany.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 26th day of March, 1980, 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.

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: March 12, 1980

Approved by the Mayor: March 12, 1980

Effective Date: March 12, 1980

Richard S. Olsen
Mayor

ATTEST:

Holliday
City Recorder

89° E

100

5-9

DLC 70
DLC 53

10.00 CH

ISAAC HUTCHINS
HIRAM SMEAD

200

S.W. Cor.
Hiram Smead
D.L.C. 53

(524.49')

102

(100)

411.04'

13.16

0.30 CH

N 88° 56' E 7.98 CH

5.61 CH

34TH

5.09 CH

2.26 CH

TRUETT DAVIS

300

TO BE STAMPED BY
A REGISTERED ENGINEER



7.99 CH

7.54 CH

S 88° 55' W
This print is made solely for the purpose of assisting
in locating said premises. The company assumes no
liability for variations, if any, in dimensions and
location ascertained by actual survey.

30-41908

TRANSAMERICA TITLE INSURANCE COMPANY
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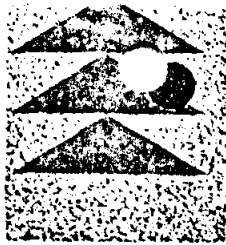
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900

1 CH

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4



TIMBERLAND

Services, Inc.

(503) 926-9404

1010 AIRPORT ROAD - P. O. BOX 666 - ALBANY, OREGON 97321

July 11, 1979

Estate Builders

Legal Descriptions

13.90 Acres

Beginning at a point on the west line of and North $01^{\circ}29'30''$ West 512.87 feet from the southwest corner of the Hiram N. Smead Donation Land Claim No. 53 in Township 11 South and Range 3 West of the Willamette Meridian in Linn County, Oregon; and running thence North $01^{\circ}29'30''$ West along said west line a distance of 139.71 feet; thence North $17^{\circ}45'00''$ West 538.50 feet; thence South $88^{\circ}57'00''$ West 973.29 feet to the easterly right-of-way of the Southern Pacific Railroad; thence southeasterly along a 1879.86 foot radius curve left (the long chord of which bears South $28^{\circ}35'25''$ East 738.85 feet) a distance of 743.69 feet; thence North $88^{\circ}58'35''$ East 787.49 feet to the true place of beginning.

5.88 Acres

Beginning at a point which is North $01^{\circ}29'30''$ West 44.00 feet from the southwest corner of the Hiram N. Smead Donation Land Claim No. 53 in Township 11 South and Range 3 West of the Willamette Meridian in Linn County, Oregon; said point also being on the northerly right-of-way of 34th Street; and running thence North $01^{\circ}29'30''$ West along the west line of said D.L.C. a distance of 468.87 feet; thence South $88^{\circ}58'35''$ West 787.49 feet to the easterly right-of-way of the Southern Pacific Railroad; thence southeasterly along a 1879.86 foot radius curve left (the long chord of which bears South $51^{\circ}08'40''$ East 731.63 feet) a distance of 736.33 feet to said northerly right-of-way; thence North $88^{\circ}57'00''$ East 229.86 feet to the true place of beginning.