

RESOLUTION NO. 4994

A RESOLUTION PROPOSING THE ANNEXATION OF PROPERTIES LOCATED ON THE NORTH SIDE OF QUEEN AVENUE WEST OF BROADWAY STREET, AND FORWARDING THE QUESTION OF ANNEXATION TO THE VOTERS ON THE NOVEMBER 2, 2004 BALLOT.

THE CITY COUNCIL OF THE CITY OF ALBANY resolves that the findings and conclusions contained in Resolution Exhibit B (which consists of the complete staff report to the Albany City Council, including attachments, and dated July 2004; File AN-A3-04), and by this reference incorporated herein, are hereby adopted.

THE CITY COUNCIL OF THE CITY OF ALBANY FURTHER RESOLVES that this annexation, which would annex approximately 1.6 acres of property located on the north side of Queen Avenue west of Broadway Street, all within Linn County, Oregon, is to be submitted to the legal voters of Albany, Oregon, for their approval or rejection pursuant to Albany City Charter Chapter 54 at an election to be held on November 2, 2004. This election will be conducted by mail-in ballot.

The ballot title of this measure and the form in which it shall be printed on the official ballot is as follows:

CAPTION: MEASURE PROPOSING ANNEXATION OF PROPERTY ON QUEEN AVENUE

QUESTION: Shall two parcels totaling approximately 1.6 acres on the north side of Queen Avenue west of Broadway Street be annexed?

SUMMARY: Approval of this measure would annex approximately 1.6 acres to the City of Albany. The properties to be annexed are located on the north side of Queen Avenue and west of Broadway Street. These properties are surrounded on all sides by the city limits of Albany. Upon annexation, the zoning would be RS-6.5 (Single-Family Residential).

The text of the measure is as follows:

The following described real property, all located in Linn County, Oregon, shall be annexed to the City of Albany upon obtaining a favorable majority vote of the people.

The property generally located on the north side of Queen Avenue and west of Broadway Street, shown on Linn County Assessor's Map No. 11S-04W-13BA; Tax Lot(s) 400 and 500, as further described in the attached legal description labeled Resolution Exhibit A. The subject properties containing 1.6 acres, more or less.

The City Clerk is authorized and directed to give notice of the submission of this question to the voters, including a true copy of the complete text and the ballot title for the measure in the form in which it shall be printed on the official ballot and any other information required by law to be published. That notice shall be published in not less than two successive and consecutive weekly issues of the *Albany Democrat-Herald*.

IN EFFECT AND DATED THIS 14 DAY OF July, 2004.

Charles M. Lavan
Mayor

ATTEST:

Betty Langwell
City Clerk

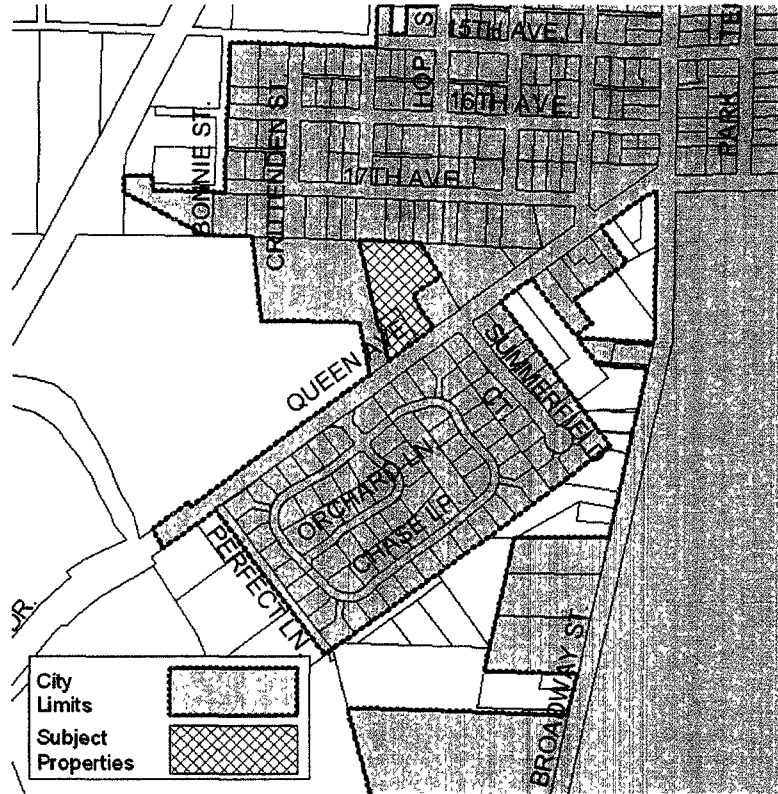
RESOLUTION EXHIBIT A
LEGAL DESCRIPTION
FILE AN-A3-04

Beginning at a point that is North 1° 30' West 48.84 feet and South 51° 15' West 1176.12 feet from the Southwest corner of DLC No. 55; thence North 13° 10' 28" West 139.50 feet; thence North 89° 40' 34" West 8.0 feet; thence North 14° 41' 12" West 324.73 feet to the South line of Hazelwood Addition; thence along South line of said subdivision South 89° 41' 15" East 214.30 feet to the Northwest corner of that tract of land conveyed to Loma Investments LLC by deed recorded in Microfilm Volume 1142, Page 512, Linn County Deed Records; thence South 31° 14' 48" East 130.89 feet to the Northernmost corner of that tract of land conveyed to John Bachmeier by deed recorded in Microfilm Volume 807, Page 145, Linn County Deed Records; thence South 51° 15' West 117.13 feet to the Westernmost point on said Bachmeier tract; thence South 34° 23' 40" East 165.00 feet to the center line of Queen Avenue; thence South 51° 15' West 206.10 feet along said center line to the Point of Beginning.

Save and except that portion of the above described property lying within public streets and rights-of-way.

**Island Annexation Staff Report
Resolution Exhibit B
July 2004 (AN-A3-04)**

Queen Avenue Island (Map A Island 3)



Number of Parcels - 2	Gross Area - 1.6 Acres
Comprehensive Plan Designations - Public/Semi-Public (1 acre) Medium Density Residential (0.6 acres)	Proposed Zoning Designation - Medium Density Residential (RM-5)
Current Land Uses - Electric Power Substation (1.3 acres) Single-Family Residence (0.3 acres)	Current Infrastructure Availability - Sanitary Sewer - Yes Water - Yes Storm Drainage - Yes Street (Access) - Yes