

ORDINANCE NO. 3631

AN ORDINANCE ELECTING TO DISPENSE WITH AN ELECTION WITHIN THE CITY OF ALBANY, OREGON, UNDER THE PROVISIONS OF ORS SECTIONS 222.111, 222.120 AND 222.170, REGARDING THE ANNEXATION OF AN AREA ON THE SOUTHWEST CORNER OF INTERSTATE 5 AND HIGHWAY 34, SETTING A TIME FOR PUBLIC HEARING ON THE SAME AND DECLARING AN EMERGENCY.

WHEREAS, 100 per cent of the owners of the property which is the subject matter of this annexation have petitioned and requested the City of Albany to annex the area hereinafter described to the City, and the same being contiguous and in all respects qualifying under present statutes for annexation, and

WHEREAS, it is in the best interest of the City of Albany that a public hearing be held at the earliest possible date to consider objections to the annexation of the property herein described.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: DESCRIPTION OF PROPERTY

That an election within the City of Albany regarding the annexation of the following described property to-wit:

The following described real property situated in the County of Linn and State of Oregon, to-wit:

TRACT I: The West one-half of the East one-half of the Southwest one-quarter of Section 4, Township 12 South, Range 3 West of the Willamette Meridian, in Linn County, Oregon; Except that portion situated in the County Road conveyed to Linn County by deed recorded December 28, 1953, in Book 235, page 584, Deed Records; Also Except that portion within Interstate 5 acquired by the State of Oregon by condemnation in the State Circuit Court, Case No. 28535, entitled State of Oregon vs. Oscar W. Olson, et al, final decree entered April 30, 1959; and also Except that portion conveyed to the State of Oregon, by and through its State Highway Commission, by deed recorded February 24, 1967, in Book 322, page 47, Deed Records.

TRACT II: Beginning at the Southwest corner of Section 4, Township 12 South, Range 3 West, Willamette Meridian, Linn County, Oregon; thence along the Section line between Sections 4 and 5, North 1°04' West 750.0 feet; thence South 89°47'00" East 600.00 feet; thence South 1°04' East 750.00 feet to the South line of said Section 4; thence along said South section line, North 89°47'00" West 600.00 feet to the point of beginning.

TRACT III: Beginning at the Southwest corner of that tract conveyed to the State of Oregon by deed recorded January 7, 1966, in Book 314, page 496, Deed Records, said point being South 89°40' East, 1024.87 feet South 0°20' West 91.76 feet, South 1°10'45" East 5.13 feet, North 30°37'49" West 19.70 feet and North 89°40' West 268.43 feet from the quarter corner common to Sections 4 and 5, in Township 12 South, Range 3 West of the Willamette Meridian, Linn County, Oregon; thence North

89°40' West 200 feet along the South edge of the right of way line for the Lebanon-Sevallis Highway No. 34, as conveyed to the State of Oregon by deed recorded October 4, 1955 in Book 319, page 532, Deed Records, Linn County, Oregon, to the true place of beginning; thence South 1°10'45" East 250 feet; thence Easterly 200 feet on a line parallel to the South edge of the right of way of Lebanon-Sevallis Highway No. 34, as conveyed in Book 319, page 532, Deed Records; thence North 1°10'45" West 75 feet to the Southeast corner of that tract conveyed to Gulf Oil Corporation by deed recorded July 22, 1958, in Book 332, page 193, Deed Records; thence Westerly along the South line of said Gulf Oil tract 150 feet to the Southwest corner of said tract; thence North 1°10'45" West 175 feet along the West line of said Gulf Oil tract to the South edge of said Lebanon-Sevallis Highway; thence North 89°40' West 50 feet along the South edge of said Highway to the true place of beginning.

TRACT IV: Beginning at a 3/4 inch iron pipe marking the Southwesterly corner of that tract of land conveyed to Shell Oil Company by deed recorded in Volume 314, page 499, Linn County records of deeds, which is recorded as bearing South 89°40' East 1084.87 feet and South 0°20' West 91.75 feet and South 1°10'45" East 151.34 feet and North 85°53'30" West 278.77 feet from the quarter corner between Sections 4 and 5, Township 12 South, Range 3 West of the Willamette Meridian, Linn County, Oregon, and running thence from the true place of beginning, North 1°10'45" West 149.93 feet along the Westerly boundary line of said Shell Oil Company tract to the Northwest corner of said tract; thence South 89°40' East 93.03 feet along the Northerly boundary line of said Shell Oil Company tract to a point; thence South 1°10'45" East 154.22 feet parallel to the Westerly boundary line of said Shell Oil Company tract to a point on the Southerly boundary line of said tract; thence North 85°53'20" West 99.21 feet along said Southerly boundary line to the place of beginning.

TRACT V: All that portion of the West one-half of the Southwest one-quarter of Section 4, Township 12 South, Range 3 West of the Willamette Meridian, Linn County, Oregon, lying South of the South edge of the right of way line for the Lebanon-Sevallis Highway No. 34; Except that portion conveyed to H. D. Tibbals, H. L. Oldright, and G. R. Altman, Co-partners, doing business as KSA Company, by John Gale Swatzka in deed recorded July 22, 1958, in Book 332, page 197, Deed Records; Also except that portion conveyed to Tripp & Tripp, a partnership consisting of Rodney W. Tripp and Russell W. Tripp, by John Gale Swatzka in deed recorded January 7, 1956, in Book 314, page 499, Deed Records; Also except that portion conveyed to G. Robert Altman, H. D. Tibbals, and H. L. Oldright, by John Gale Swatzka, by deed recorded June 4, 1971, in Book 16, page 983, Microfilm Records.

TRACT VI: A parcel of land lying in the Northwest quarter of the Southwest quarter of Section 4, Township 12 South, Range 3 West of the Willamette Meridian, Linn County, Oregon, and being a portion of that property described in these deeds to State of Oregon, by and through the State Highway Commission, recorded in Book 314, page 496; in Book 319, page 532 and in Parcel 3 of Book 259, page 652, all of Linn County record of records; the said parcel being that portion of said property lying Southerly of the following described line: Beginning at a point opposite and 80 feet Southerly of Engineer's Station 157+00 on the centerline of the relocated Sevallis-Lebanon Highway; thence Easterly in a straight line to a point opposite and 100 feet Southerly of Engineer's Station 350+00 on said centerline; thence Easterly parallel to said centerline to the East line of said Northwest quarter of the Southwest quarter. Except that portion conveyed to Atlantic Richfield Company by Hermada Corporation in deed recorded September 9, 1971, in Volume 23, page 605, Microfilm Records.

be dispensed with.

Section 2: HEARING

That there shall be a public hearing as to the advisability of annexing the property described in Section 1 to the City of Albany, on the 28th day of June 1972, at 7:15 p.m. o'clock, and the City Recorder is hereby directed to give notice of said public hearing by publishing in a newspaper of general circulation, published in the said City once a week for two (2) successive and consecutive weeks and by posting in four (4) public places, a notice setting forth the time and place of said hearing and the description of the property to be considered for annexation and the purpose for which the hearing is held.

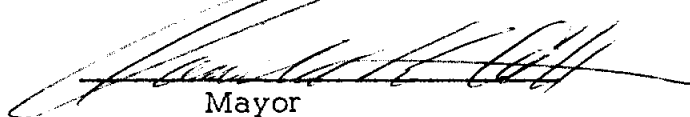
Section 3: EMERGENCY CLAUSE

WHEREAS, it is in the betterment of the public health, interest safety and general welfare of the citizens of the City of Albany that this matter of annexation of the property described herein be disposed of at the earliest possible moment, and, should the same be annexed, that the City facilities be made available to this property, therefore, an emergency is hereby declared to exist and this ordinance shall become immediately effective upon its passage by the Council and approval by the Mayor.

Passed by the Council: May 10, 1972

Approved by the Mayor: May 10, 1972

Effective Date: May 10, 1972


Mayor

ATTEST:

Ernest W. Asham
City Recorder