

ORDINANCE NO. 4339-A

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 110.85 ACRES LOCATED SOUTH OF THE ALBANY-SANTIAM CANAL, WEST OF LOCHNER 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:

11-3W-19; Tax Lots 100, 300, 104, 105 (see attached)

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That the territory described in Section 1 is currently in a Rural Fire Protection District and the same should be withdrawn therefrom at the time that said territory is annexed to the City of Albany.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<sup>1</sup> and the question of withdrawal of said territory shall be held at the City Hall of Albany, Oregon, on the 27th day of February, 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: February 13, 1980

Approved by the Mayor: February 13, 1980

Effective Date: February 13, 1980

Richard S. Olsen  
Mayor

ATTEST:

[Signature]  
City Recorder

**KRAUS & DALKE**  
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HOWARD G. KRAUS, P.E.  
RICHARD DALKE, P.E.

TELEPHONE 803-928-2583

October 2, 1979

Description  
Parcel A

Marion Industrial Park  
East  $\frac{1}{2}$  Section 19, T.11S., R.3W., W.M.  
Linn County, Oregon

Beginning at a point on the West right-of-way line of Lockner Road; said point being 30.00 feet South  $88^{\circ} 34' 35''$  West and 1133.99 feet North  $00^{\circ} 51' 00''$  West of the Southeast corner of the Truett Davis Donation Land Claim No. 54 in Township 11 South, Range 3 West of the Willamette Meridian in Linn County, Oregon; running thence South  $88^{\circ} 56' 05''$  West, 2665.33 feet; thence North  $01^{\circ} 02' 10''$  West, 1455.00 feet to a  $\frac{3}{4}$  inch iron pipe; thence North  $88^{\circ} 56' 05''$  East 1355.16 feet to a  $\frac{3}{4}$  inch iron pipe, thence South  $00^{\circ} 53' 10''$  East, 48.94 feet to a  $\frac{5}{8}$  inch iron rod; thence South  $85^{\circ} 03' 40''$  East 462.39 feet; thence North  $00^{\circ} 53' 10''$  West 1468.91 feet to the Southerly right-of-way line of County Road No. 346, thence along said right-of-way line on a 6955.52 foot radius curve left (the chord of which bears South  $64^{\circ} 22' 15''$  East 298.13 feet) 298.15 feet to a  $\frac{5}{8}$  inch iron rod; thence South  $65^{\circ} 35' 55''$  East 367.47 feet to a  $\frac{5}{8}$  inch iron rod; thence along a 447.47 foot radius curve right (the chord of which bears South  $33^{\circ} 13' 30''$  East 479.20 feet) 505.68 feet to a  $\frac{5}{8}$  inch iron rod on the West right-of-way line of Lockner Road; thence along said right-of-way line South  $0^{\circ} 51' 00''$  East 2128.97 feet to the point of beginning.

Containing 110.83 acres.

DWB:jg