

ORDINANCE NO. 4426

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 PROPERTY LOCATED IN SOUTH ALBANY, SOUTH OF 34TH AVENUE AND EAST OF HIGHWAY 99E AS M-3, M-2, OS, R-2 AND R-1(8) FOR APPROXIMATELY 198 ACRES)

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-19A-400, 11-3W-18C-300, 11-3W-19-200, 402, 403, 405, 406,
407, 409, 410 and 411 (see attached legal metes and bounds)
(see attached Exhibit "A")

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That the territory described in Section 1 is currently in a Rural Fire Protection District and the same should be withdrawn therefrom at the time that said territory is annexed to the City of Albany.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 24th day of June, 1981, 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: June 11, 1981

Approved by the Mayor: June 11, 1981

Effective Date: June 11, 1981



Mayor

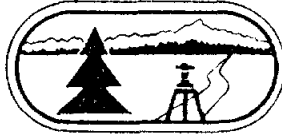
ATTEST:



City Recorder

"A"

Timberland



McCullough

ENGINEERS · SURVEYORS

FORESTERS · PLANNERS

1010 Airport Road, S.E. · P.O. Box 668 · Albany, OR 97321 · (503) 926-9404

OREMET ANNEXATION COMPOSITE LEGAL DESCRIPTION

Beginning at a 5/8 inch iron rod at the northerly northeast corner of that certain described tract in Book 324, Page 286 of the Linn County Deed Records, said point being on the westerly right-of-way of the Southern Pacific Railroad and more particularly described as being South 00°51'15" East 1330.90 feet and North 89°11'31" East a distance of 1332.00 feet from the northwest corner of the Truett Davis Donation Land Claim No. 38 in Township 11 South and Range 4 West of the Willamette Meridian in Linn County, Oregon; and running thence southerly along said westerly right-of-way as described in Book 57, Page 399 of said Linn County Deed Records to a point on the south line of that certain described tract in Book 324, Page 286 of said Deed Records; thence North 89°11'31" East along said south line parallel with the north line of said Donation Land Claim No. 38 to a point on the east line of the west half of said Donation Land Claim No. 38; thence northerly along the east line of said west half of Donation Land Claim No. 38 to the southwest corner of Tract 23 of REDFIELD'S LAND PLAT; thence easterly along the south line of said REDFIELD'S LAND PLAT and extension thereof to a point on the easterly right-of-way of Marion Street; thence northerly along said easterly right-of-way to a point on the extension of the south line of that certain described tract of land in microfilm record 40-872 of the Linn County Deed Records; thence westerly along said south line to the southwest corner thereof; thence northerly along the west line of said tract to a point which is 122.62 feet from the southerly right-of-way of the Southern Pacific Railroad; thence northwesterly along the south line of that certain described tract in microfilm records 40-873 of the Linn County Deed Records to a point on the southerly right-of-way of said Southern Pacific Railroad at a point which is 498.56 feet from the northwest corner and initial point of said REDFIELD'S LAND PLAT; thence northeasterly perpendicular to the centerline of said railroad right-of-way 60.00 feet to the northerly right-of-way thereof; thence northwesterly along said right-of-way to the northerly right-of-way of 34th Avenue at a point which is 44.00 feet North 00°48'29" West from the north line of said Donation Land Claim No. 38; thence North 89°11'31" East along the north line of 34th Avenue to the west line of the Southern Pacific Railroad; thence South 00°09'19" West 1375.10 feet to the true place of beginning.

"A"

ALSO INCLUDING the following described tract of land:

Beginning at a point on the south line of that certain described tract of land in Book 324, Page 286 of the Linn County Deed Records at its intersection with the westerly right-of-way of the Southern Pacific Railroad, said point being more particularly described as being North $88^{\circ}55'00''$ East 1336.10 feet and South $00^{\circ}06'00''$ East 4678.10 feet from the northwest corner of the Truett Davis Donation Land Claim No. 38 in Township 11 South and Range 4 West of the Willamette Meridian in Linn County, Oregon; and running thence South $88^{\circ}55'00''$ West along said south line to the easterly right-of-way of U.S. Highway 99 East; thence southerly along said easterly right-of-way to the extension of the northerly right-of-way of 53rd Avenue as was previously annexed to the City of Albany; thence westerly along said northerly right-of-way and present City Limits to the westerly right-of-way of said U.S. Highway 99 East; thence northerly along the westerly right-of-way of said U.S. Highway 99 East to its intersection with the extension of the north line of that certain described tract of land recorded in microfilm records Book 231, page 613 of the Linn County Deed Records; thence easterly along the north line of and extension thereof of said tract to the westerly right-of-way of said Southern Pacific right-of-way; thence southerly along said right-of-way 1150 feet more or less, to the true place of beginning.

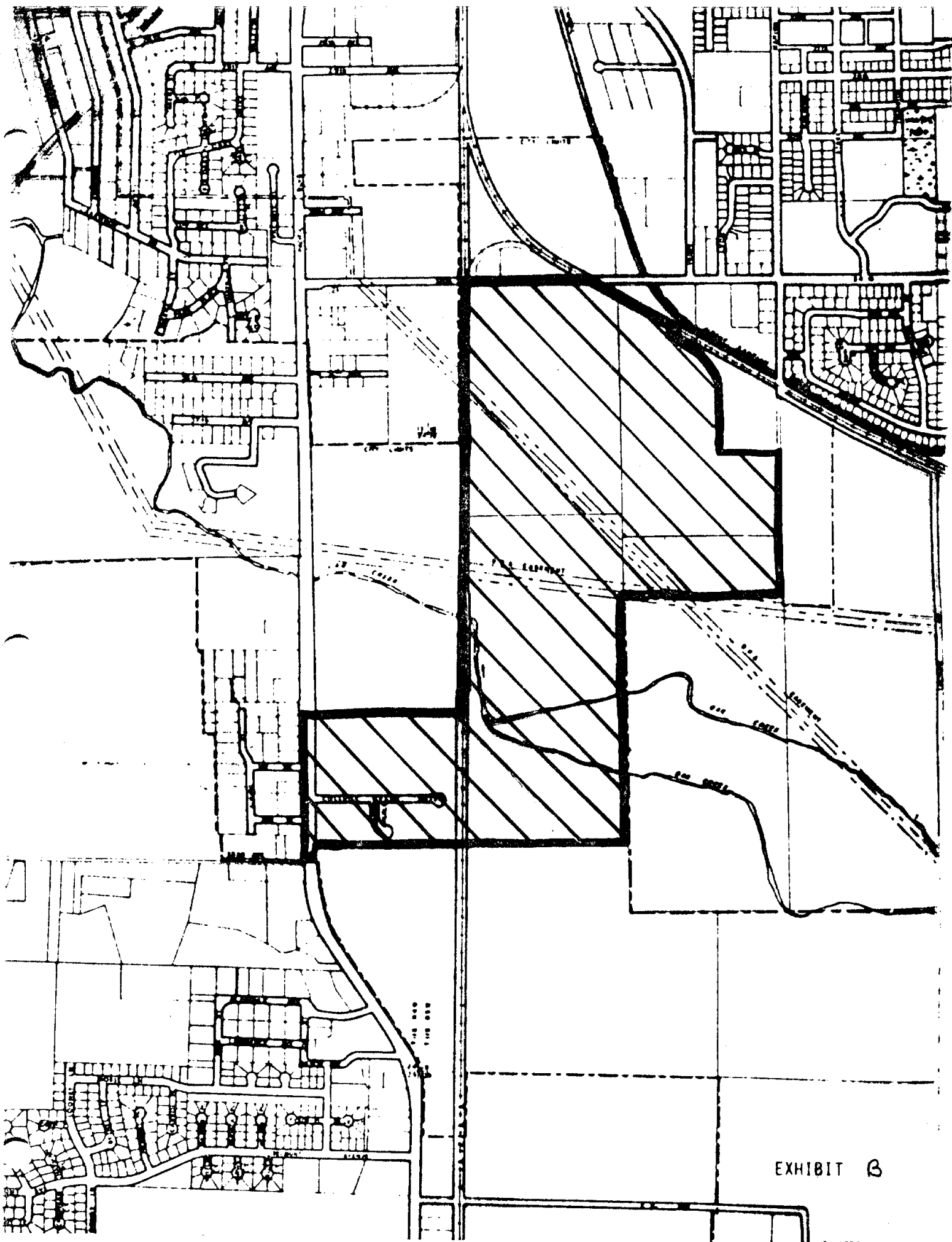


EXHIBIT B