

ORDINANCE NO. 4463

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 1.6 acres located in East Albany north of Highway 20 to be zoned CH, Heavy Commercial.)

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-9A, TL 1408 and 1409 (see attached legal description).

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That the territory described in Section 1 is currently in a Rural Fire Protection District and the same should be withdrawn therefrom at the time that said territory is annexed to the City of Albany.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 16th day of December, 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 Albany 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: December 2, 1981

Approved by the Mayor: December 2, 1981

Effective Date: December 2, 1981



Mayor

ATTEST:



City Recorder

Fot
Timberland



McCullough

ENGINEERS · SURVEYORS

FORESTERS · PLANNERS

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Mr. Robert T. Scott
Scott & Norman, PC
Attorneys at Law
P.O. Box 901
Albany, Oregon 97321

LEGAL DESCRIPTION

1.67 Acre Tract (TL 1408 & 1409 11-3W-9A)

Beginning at a point on the northerly right-of-way of South Santiam Highway, said point also lying South 910.45 feet and South 89°59'00" West a distance of 1039.95 feet from the southwest corner of the Hugh Nickerson Donation Land Claim No. 39 in Township 11 South and Range 3 West of the Willamette Meridian in Linn County, Oregon; and running thence South 89°59'00" West along the north line of said right-of-way a distance of 107.00 feet; thence North 103.00 feet; thence South 89°59'00" West 18.00 feet; thence North 492.44 feet to a 1/2" iron rod; thence North 89°59'00" East 125.00 feet to a 1/2" iron rod; thence South 595.44 feet to the true place of beginning.

BASED ON CS 10469

Kenneth M. Wightman
Kenneth M. Wightman, PLS #942

November 9, 1981

C.S. 70 1/2

DAN STECKLEY

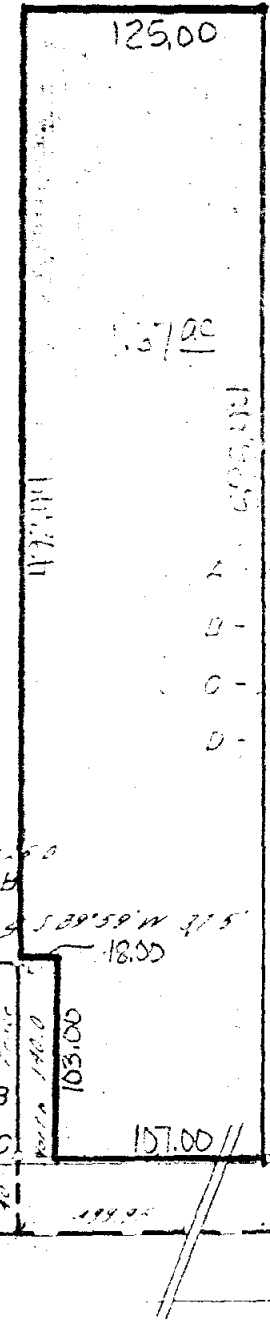
SEC. 9, T. 11 S., R. 3 W., W.M., LINN CO., ORE.

Scale 1" = 100'

October 9, 1962

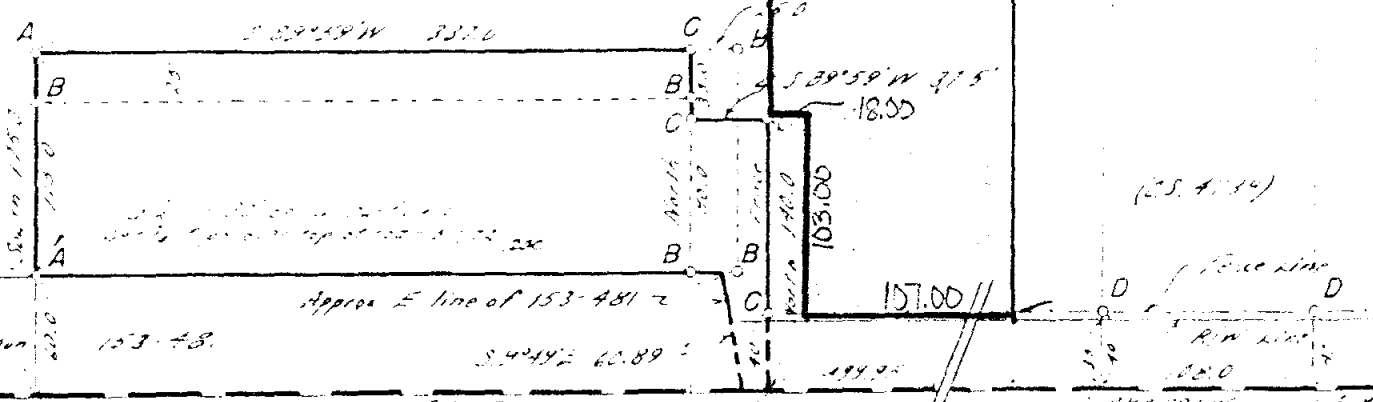
CHRIS A. GARNERIE
COUNTY SURVEYOR

By: G. W. Strat



- A - 1/2 Section 10 (S. 105)
- B - 1/2 Section 10 (S. 105)
- C - 1/2 Section 10 (S. 105)
- D - 1/2 Section 10 (S. 105)

Chris A. Garnerie



320.0 (to fence)
675.47

Deeded to State of Oregon

Approx E line of 153-481-2

S. 89° 59' W 40.89

Edward D. Miller S.L.C. 48

South Section Highway

(S. 4184)

Fence line
Rim line
103.0

Final