

ORDINANCE NO. 4672

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 at 1010 Goldfish Farm Road consisting of 7.91 acres with concurrent zone change from Urban Growth Management/Heavy Commercial (UGM/CH) to Heavy Commercial (CH).]7

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 Albany 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: (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the territory described in Section 1 is currently in the Albany Rural Fire Protection District and the same should be withdrawn therefrom at the time that said territory is annexed to the City of Albany.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 13th day of March, 1985, 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: February 27, 1985

Approved by the Mayor: February 27, 1985

Effective Date: February 27, 1985

Tom Holman

Mayor

ATTEST:

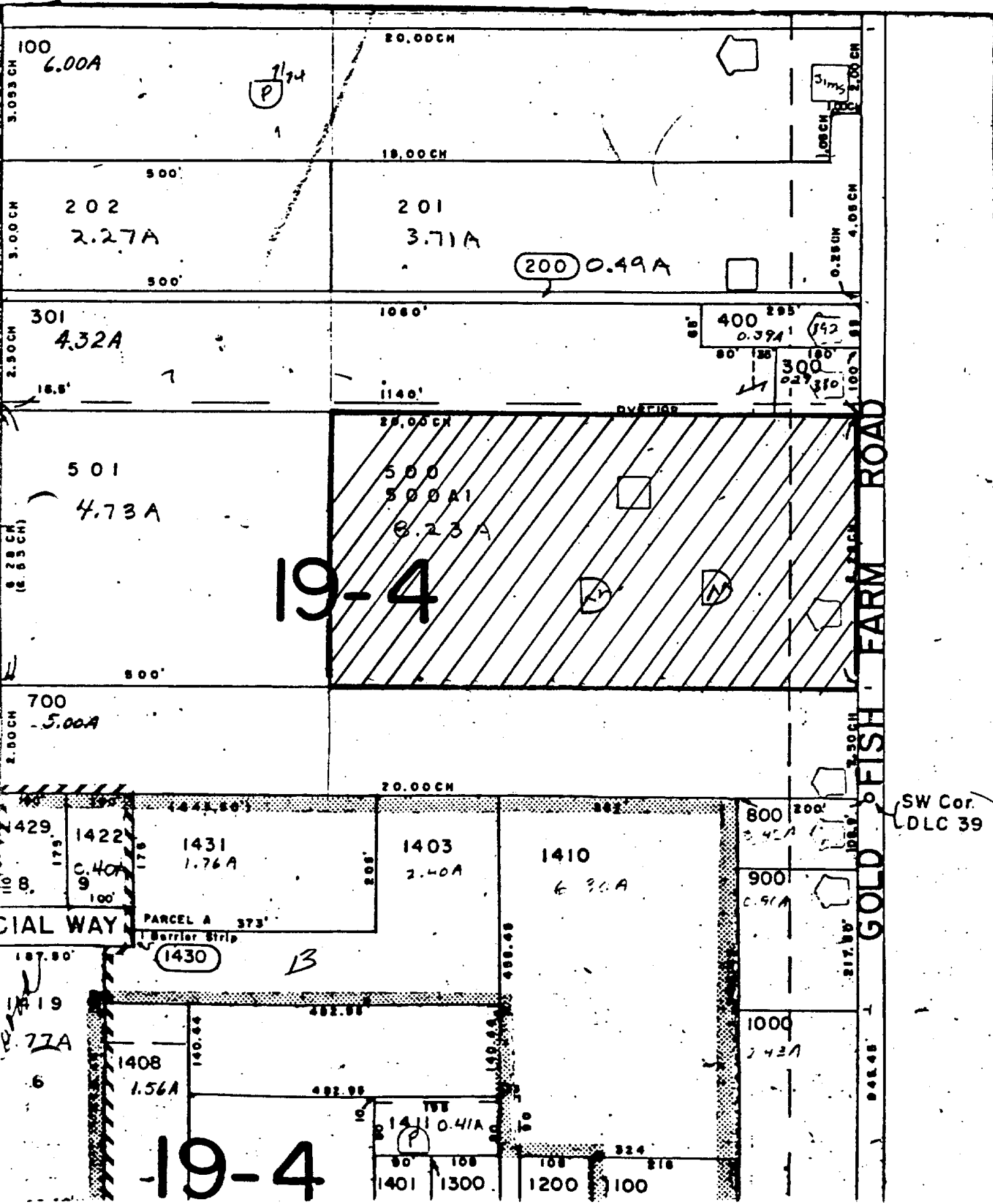
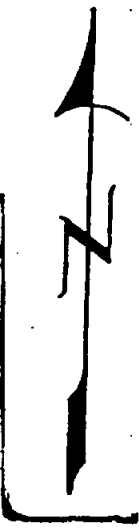
W. J. ...

City Recorder

The sketch below is made solely for the purpose of assisting in locating said premises and the Company assumes no liability for variations, if any, in dimensions and location ascertained by actual survey.

TICOR TITLE INSURANCE CO.

MAP NO. 11-3W-9A



SW Cor. DLC 39

See Map 11 3W 10

DESCRIPTION SHEET

See page 1 for vesting and encumbrances, if any.

Description of the tract of land which is the subject of this report:

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

Beginning 9.03 chains North of the Southwest corner of the Donation Land Claim of Hugh Nickerson and wife, Notification No. 708, Claim No. 39, Township 11 South, Range 3 West of the Willamette Meridian, Linn County, Oregon; thence West 20 chains; thence South 6.53 chains; thence East 20 chains; thence North 6.53 chains to the place of beginning. EXCEPT the West 500 feet of even width thereof.-----

Report No.

22-69647