

ORDINANCE NO. 5584

AN ORDINANCE PROCLAIMING THE ANNEXATION AND ZONING OF PROPERTIES LOCATED EAST OF LOCHNER ROAD AND SOUTH OF THE ALBANY SANTIAM CANAL; AND DECLARING AN EMERGENCY.

WHEREAS, the Albany City Council on July 28, 2004, reviewed this annexation request, adopted findings, and concluded that the City's annexation eligibility and timeliness criteria can be met; and

WHEREAS, the Albany City Council on July 28, 2004, referred this annexation request as a ballot measure to the Linn and Benton Counties Elections Filing Officers for the approval or rejection of the proposed annexation by the legal voters of Albany (pursuant to Albany City Charter Chapter 54); and

WHEREAS, the question of annexation of the property generally located on the east side of Lochner Road and south of the Albany Santiam Canal, shown on Linn County Assessor's Map No. 11S-03W-20; Tax Lot(s) 603, and a portion of Tax Lot 602, containing 31.9 acres, more or less, and as further described in the attached legal description labeled Exhibit "A", was submitted to the electorate at a general election held November 2, 2004, as required by Albany City Charter Chapter 54; and

WHEREAS, the City Clerk has certified that the annexation was approved by a majority vote; and

WHEREAS, the Albany Development Code applies specific zoning upon annexation;

NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: The described real property to-wit (see attached Exhibit A) is hereby annexed to the City of Albany and zoned RS-6.5 (Residential Single Family).

Section 2: The City Clerk shall file a copy of the ordinance with the County Assessor of Linn County, Secretary of State of the State of Oregon, and the State of Oregon Department of Revenue. The City Clerk shall also submit to the Secretary of State an abstract of the vote within the City.

Passed by the Council: January 12, 2005


Approved by the Mayor: January 12, 2005

Effective Date: January 12, 2005



Mayor

ATTEST:



City Clerk

EXHIBIT A
LEGAL DESCRIPTION
FILE AN-01-04

Beginning at a 1/2-inch iron rod on the East line of and South 1° 04' 30" East 1433.04 feet from the Northeast corner of the Truett Davis DLC No. 54 in Township 11 South, Range 3 West, of the Willamette Meridian, Linn County, Oregon, said 1/2-inch iron rod being on the South line of the Albany Santiam Canal right-of-way; thence South 1° 04' 30" East 156.83 feet to the Northwest corner of the Robert Pentland DLC No. 69; thence South 0° 55' 10" East 1195.87 feet to the North line of the Northwest Natural Gas Co. easement as recorded in Book 272, Page 827, Linn County Deed Records; thence South 85° 06' 45" East 1448.11 feet to a 5/8-inch iron rod; thence North 0° 55' 10" West 706.40 feet to the North line of the Southern Pacific Railroad right-of-way; thence North 65° 33' West along said North line of railroad 700.46 feet, more or less, to the Southeast corner of that parcel conveyed to BBF Development (Clover Ridge) LLC by deed recorded in MF1542-869; thence North 1° 04' 30" West 428.93 feet to the South line of said canal; thence North 86° 16' West 20.41 feet; thence South 1° 16' 30" East 61.63 feet; thence on a 606.0-foot radius curve to the right (the long chord of which bears South 11° 35' 15" West 269.80 feet) a distance of 272.08 feet; thence South 24° 27' West 61.33 feet to the North right-of-way line of said railroad; thence North 65° 33' West along said North railroad right-of-way line 198.55 feet; thence North 1° 16' 30" West 321.67 feet to the South line of said canal; thence North 86° 16' West 521.23 feet to the Point of Beginning.

Save and except that portion of the above described property that lies within the Lochner Road right-of-way.

