

ORDINANCE NO. 5587

AN ORDINANCE PROCLAIMING THE ANNEXATION AND ZONING OF PROPERTIES LOCATED ON THE WEST SIDE OF THREE LAKES ROAD; AND DECLARING AN EMERGENCY.

WHEREAS, the Albany City Council on July 14, 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 14, 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 west side of Three Lakes Road and south of 18th Avenue, shown on Linn County Assessor's Map No. 11S-03W-16; Tax Lot(s) 600, 703, 705, 706, 707, 708, 710, 712, 716, and 718, containing 14.4 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 LI (Light Industrial).

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-04-04

Beginning at a point on the South line of and South 89° 59' 30" West, 1496.51 feet from the Southwest corner of the West half of the Edward H. White DLC No. 48 in Township 11 South, Range 3 West, Section 16 of the Willamette Meridian in Linn County, Oregon; thence North 0° 24' East 638.87 feet to a 3/4-inch iron pipe, said point being the Northwest corner of that tract of land conveyed to James and Wilma Randolph by deed recorded in Book 308, Page 722, Linn County Deed Records; thence North 89° 59' 30" East 245.47 feet to a 1/2-inch iron rod, said point being the Southwest corner of that tract of land conveyed to Kenneth R. Ditzler by deed recorded in MF 106-45, Linn County Deed Records; thence North 0° 17' East 245.12 feet to the Northwest corner of said Ditzler tract; thence North 0° 35' 38" East 486.56 feet to a 1/2-inch iron rod, said point being South 0° 35' 38" West 30.0 feet from the Southwest corner of that tract of land conveyed to Carl Haima et ux by deed recorded in Book 314, Page 495, Linn County Deed Records; thence North 89° 22' East 338.98 feet; thence North 0° 17' East 30.0 feet; thence South 89° 22' West 338.89 feet to the Southwest corner of said Carl Haima tract; thence North 0° 31' 20" East 199.38 feet to a 5/8-inch bar; thence South 89° 18' East 76.57 feet; thence South 44° 18' East 25.29 feet; thence North 89° 22' East 243.97 feet; thence parallel to the center line of County Road No. 377 (Three Lakes Road) South 0° 17' West 1583.52 feet to a point on the South line of said Edward H. White DLC No. 48; thence along said South line of DLC No. 48 South 89° 59' 30" West 587.76 feet to the Point of Beginning.

Save and except that portion of the above described property lying within public streets and rights-of-way.

