

C

ORDINANCE NO. 4173

TITLE: AN ORDINANCE PROVIDING FOR THE CALLING OF A SPECIAL ELECTION WITHIN THE CITY OF ALBANY, OREGON ON THE 7th DAY OF NOVEMBER, 1978, FOR THE PURPOSE OF SUBMITTING TO THE LEGAL VOTERS OF THE CITY OF ALBANY, OREGON, THE QUESTION OF REPEAL OF ORDINANCE NO. 4153 WHICH ORDINANCE ANNEXED A PORTION OF PROPERTY LYING IMMEDIATELY WEST OF HAZELWOOD ADDITION TO THE CITY OF ALBANY, AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 4153 annexed tax lots 114W12BC 3000, 100, and 2900, and tax lot 114W12CB 1400, to the City of Albany, and

WHEREAS, Referendum petitions have been filed by the legal voters of the City of Albany calling for an election to consider the repeal of Ordinance No. 4153 and said petition contains sufficient names to require the submission of said Ordinance to the legal voters of the City of Albany, and

WHEREAS, It is in the interest of the people of the City of Albany that the question submitted by referendum petition be submitted to the legal voters at the state-wide general election to be held on November 7, 1978, now, therefore,

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: Special Election Called. The proposition set forth in Section 2 of this ordinance shall be submitted in the matter described in this ordinance to the legal voters of the City of Albany, Oregon, at a special election to be held on the 7th day of November, 1978. This is a state-wide general election being held in the State of Oregon and in the City of Albany as a part thereof on the 7th day of November, 1978, and this special election is called to be held concurrently therewith.

Section 2: Proposition to be Voted. At the election there shall be submitted to the legal voters of the City of Albany for their approval or rejection, the following proposition:

"Shall Ordinance No. 4153 of the City of Albany be repealed? The territory described in this ordinance is tax lot 114W12BC 3000, 100, 2900, and tax lot 114W12CB 1400, all property lying immediately west of Hazelwood Addition."

Section 3: Designation of Polling Places, Poll Books and Judges. The regular polling places so designated by the County Clerk of Linn County, and the voting precincts in the City of Albany, are hereby

designated as the polling places for the special City election. The poll books adopted by the County Clerk of Linn County, Oregon, as the poll books for the state-wide general election for the voting precincts in the City of Albany hereby are adopted as the poll books for the special election within the said City, and the judges and clerks of the election appointed by the County Clerk to serve the state-wide general election are hereby designated as the judges and clerks of and for the special election.

Section 4: Hours of Election. The polls for the special City election shall be open in each of the voting precincts at the same hour and shall be kept open until the same hours the polls are opened and closed for the state-wide general election that will be held on the same date.

Section 5: Notice of Election. Notice of election shall be given by publication twice in a newspaper of general circulation in the City of Albany, Oregon, not more than twenty (20) days nor less than ten (10) days before the election. Notice of the election shall be posted for not less than twenty (20) days before the election and in three (3) public places within the City. Notices in the newspaper and those posted in three (3) public places shall be substantially in the following form:

"NOTICE OF SPECIAL ELECTION. On the 7th day of November, 1978, in the City of Albany, Linn County, Oregon, from 8 o'clock a.m. until 8 o'clock p.m., a special election shall be held at which time the following measure shall be submitted to the voters for their approval:

"Shall Ordinance No. 4153 of the City of Albany be repealed? The territory described in this ordinance is tax lot 114W12BC 3000, 100, 2900, and tax lot 114W12CB 1400, all property lying immediately west of Hazelwood Addition."

Yes No

The City and the County precincts within the City of Albany, Linn County, Oregon, shall have uniform boundaries and the same election board. The polling places in the City for the special city election shall be at the places provided by the Clerk of Linn County, for the state-wide general election to be held on the same day, and the judges and clerks for the special election shall be those selected to serve in each of the polling place by the County Clerk.

WITNESS my hand and seal of the City of Albany, Oregon, this _____ day of October, 1978.

Recorder

The Recorder shall advertise and post or cause to be posted the notice as required by this Ordinance. The notices of election required to be given by this Ordinance shall constitute the only notice necessary now withstanding any other notices or resolutions which might be in conflict.

Section 6: Ballot Form. The following form in which the question shall be printed on the official ballot is:

"Vote YES or NO. Mark an "X" in the square for the answer voted for:

_____ Referred to the people by the City Council pursuant to a referendum petition.

_____ Shall Ordinance No. 4153 of the City of Albany be repealed? The territory described in this ordinance is tax lot 114W12BC 3000, 100, 2900, and tax lot 114W12CB 1400, all property lying immediately west of Hazelwood Addition.

* Yes No

Section 7: Emergency Clause.

WHEREAS, it is necessary that an election be called to be held concurrently with the general election in the State of Oregon, an emergency is hereby declared to exist and this Ordinance shall be in effect upon its passage by the Council and approval by the Mayor.

Passed by the Council: August 23, 1978

Approved by the Mayor: August 23, 1978

Effective Date : August 23, 1978



Mayor

ATTEST:



Deputy City Recorder

* A "yes" vote will mean the property will not be annexed to the City of Albany.