

ORDINANCE NO. 4494

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 consisting of approximately 4.40 acres located at the northeast corner of Goldfish Farm Road and Santiam Highway--1259 Goldfish Farm Road.)

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: 11-3W-10, Tax Lot 500 and 501 (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the territory described in Section 1 is currently in a Albany Rural Fire Protection District and the same should be withdrawn therefrom at the time that said territory is annexed to the City of Albany.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 28th day of April, 1982, 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.

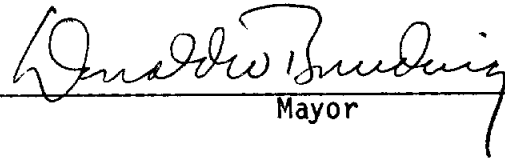
Section 6: Emergency Clause

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: April 14, 1982

Approved by the Mayor: April 14, 1982

Effective Date: April 14, 1982



Mayor

ATTEST:



City Recorder

City limits legal metes and bounds for James D. and Gayle Haring Annexation A-4-82






All land lying within the boundaries of the public road as described herein:

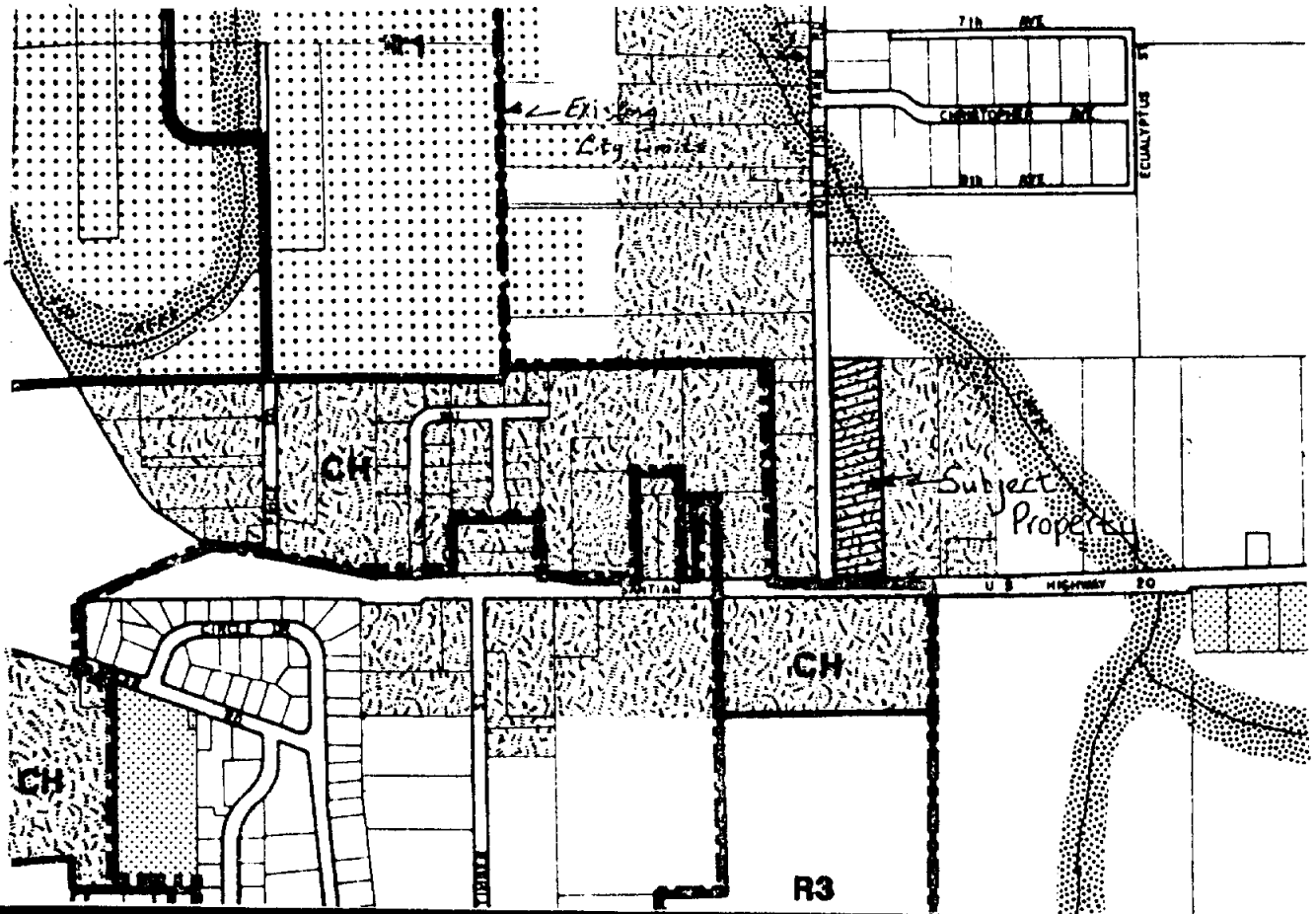
That portion of the Right-of-Way of Linn County Road No. 328 (Goldfish Farm Road) as described as follows:

Beginning at the Southwest Corner of the Hugh Nickerson D. L. C. No. 39, in Section 10, T. 11S., R. 3W., W.M., Linn County, Oregon; and running thence N 89°58'30" E 25.00 ft.; thence South 905.88 ft. to the North Right-of-Way line of U. S. Highway 20 (Santiam Highway); thence S 89°58'30" W 25.00 feet; thence North 905.88 feet to the Point of Beginning.

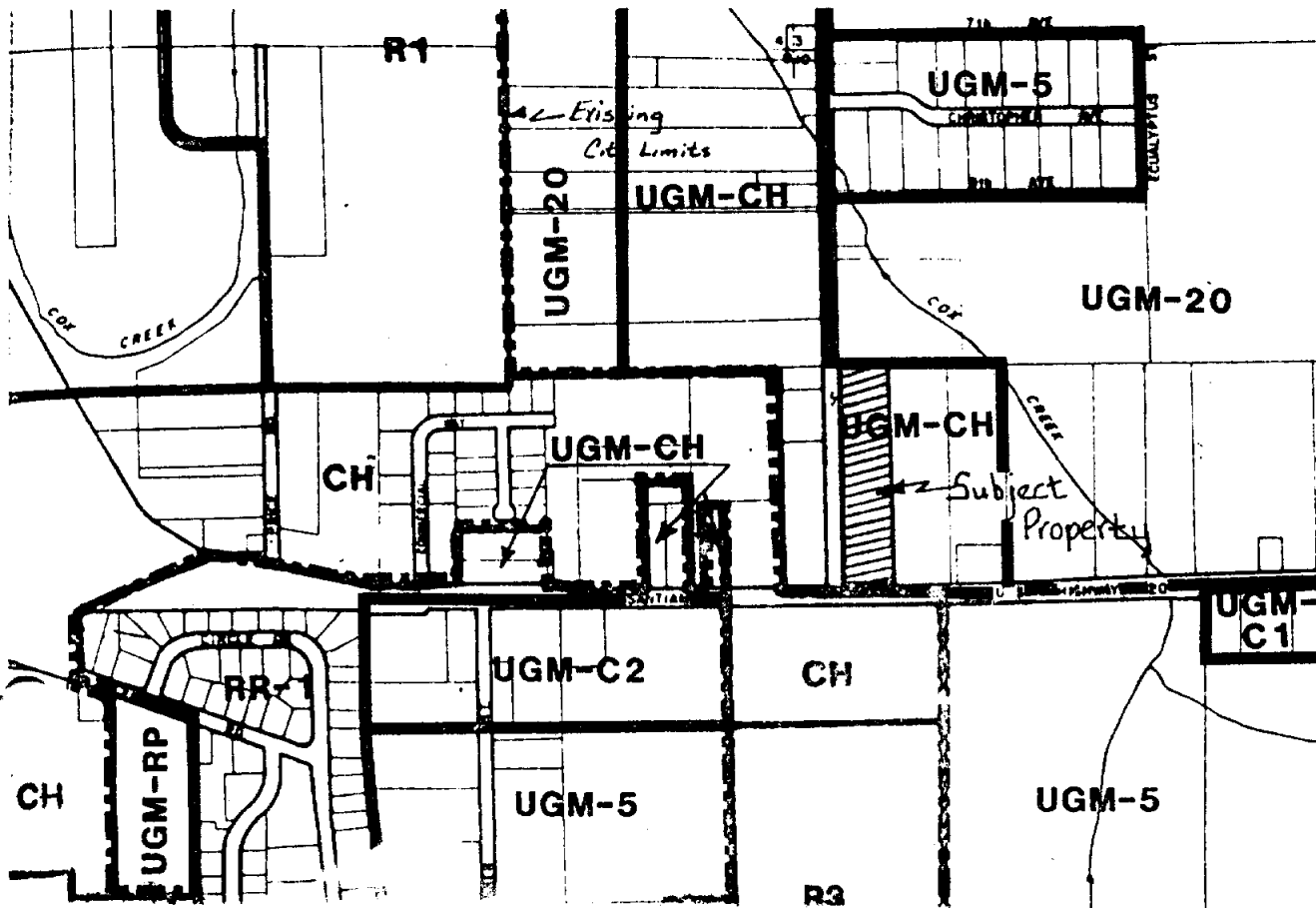
COMPREHENSIVE PLAN DESIGNATIONS - Exhibit 'A'

LEGEND:

-  Light Commercial
-  General Commercial
-  Urban Residential Reserve
-  Public Facilities
-  Open Space



EXISTING ZONING - Exhibit 'B'



LEGEND:

- R1: Low Density Residential
 - R3: Multiple Family
 - CH: Heavy Commercial
 - RR-1: Rural Residential One-Acre min.
 - UGM-5: Urban Growth Management 5-Acre min.
 - UGM-20: Urban Growth Management 20-Acre Min.
 - UGM-CH: Urban Growth Management Heavy Commercial
 - UGM-C1: Urban Growth Management Community Center
 - UGM-C2: Urban Growth Management Community Center
 - UGM-RP: Urban Growth Management Rural Planned
 - RR-1: Rural Residential One-Acre min.
- Overlay Districts:
- UGM-RP
 - UGM-C2
 - UGM-CH