

ORDINANCE NO. 4183

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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. (Zoning to be Business/Professional and Commercial)

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 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:

4.82 acres located on the north side of Highway 20 east of Commercial Way and west of Goldfish Farm Road (Assessor's Parcel Map 11-3W-9A, Tax Lots 1400 and a portion of 1410)

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That the territory described in Section 1 is currently in a Rural Fire Protection District and the same should be withdrawn therefrom at the time that said territory is annexed to the City of Albany.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 25th day of October, 1978, 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 Rural Fire Protection District.

38  
4183

H2

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: October 11, 1978

Approved by the Mayor: October 11, 1978

Effective Date: October 11, 1978

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Recorder

Fox / Jordan

EXHIBIT "A"

lying in the County of Linn and State of Oregon more particularly described as follows:

Beginning 200 feet West of the Southwest corner of the Hugh Nickerson Donation Land Claim No. 39 in Section 9, Township 11 South, Range 3 West of the Willamette Meridian, Linn County, Oregon; thence South 545.45 feet to the Northeast corner of the tract conveyed to F. E. Drushella, et al, by deed recorded August 7, 1957, in Book 255, Page 455, Deed Records, Linn County, Oregon; thence South 89° 59' West along the North line of said Drushella Tract and the North line of Tract II of the tract conveyed to Roy R. Duggan, et ux, by deed recorded November 12, 1954, in Book 240, Page 283, Deed Records, a distance of 324 feet to the Northwest corner of said Tract II of said Duggan Tract; thence South along the West line of said Tract II of said Duggan Tract, 400 feet to the South line of the Jesse B. Parrish Donation Land Claim, Notification No. 3843 in said township and range; thence West along the South boundary line of said Parrish Donation Land Claim, 33 feet to the Southeast corner of Tract I of tract conveyed to Roy R. Duggan, et ux, by deed recorded November 12, 1954, in Book 240, Page 283, Deed Records; thence North along said East line of said Tract I and continuing North a distance of 490 feet to the Northeast corner of tract conveyed to Alson Mitchell, et ux, recorded November 15, 1967, in Book 327, Page 371, Deed Records, Linn County, Oregon; thence South 89°59' West 198 feet along said North line of Mitchell Tract to the Northwest corner of said Mitchell Tract; thence South along said West line of the Mitchell Tracts and continuing South along the West line of the tract conveyed to Roy R. Duggan, et ux, as recorded in Book 266, Page 390, Deed Records, Linn County, Oregon, 490 feet to the Southwest corner of said Duggan Tract, being on the South line of said Parrish Donation Land Claim, Notification No. 3843; thence West along the South line of said Parrish Donation Land Claim, Notification No. 3843, a distance of 284.95 feet to the Southeast corner of the tract of land conveyed to Hubert M. Castoe, et ux, in Book 309, Page 138, Deed Records, Linn County, Oregon; thence North 630.44 feet to the Northeast corner of said Castoe Tract; thence South 89°59' West along Castoe North line, 125 feet to the Castoe's Northwest corner; thence North to the Northeast corner Lot 6, Block 2, Commercial Way Subdivision, City of Albany, Linn County, Oregon; thence North 89°59' East 44.95 feet; thence North along the East boundary line of said Commercial Way Subdivision, a distance of 30.00 feet; thence North 89°59' East 373 feet; thence North 205 feet to a point South 89°59' West of the Southwest corner of the Hugh Nickerson Donation Land Claim No. 39; thence North 89°59' East 544.0 feet to the point of beginning. EXCEPT that portion within that tract conveyed to the Oregon State Highway Department, recorded February 19, 1941, in Book 153, Page 481, Linn County Deed Records.