

ORDINANCE NO 5546

AN ORDINANCE PROCLAIMING THE ANNEXATION AND ZONING OF PROPERTIES LOCATED ON THE SOUTH SIDE OF KNOX BUTTE ROAD (LINN COUNTY ASSESSORS MAP NOS. 11S-03W-03A, TAX LOTS 8000, 8300, 8400, 8500, 10603, AND 10604) CONTAINING APPROXIMATELY 4.9 ACRES; AND DECLARING AN EMERGENCY.

WHEREAS, the Albany City Council on July 24, 2002, 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 24, 2002, 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 properties located on the south side of Knox Butte Road (AN-02-02) (Linn County Assessor's Map No. 11S-03W-03A, Tax Lots 8000, 8400, 8500, 10603, and 10604) was submitted to the electorate at a general election held November 5, 2002, as required by Albany City Charter Chapter 54; and

WHEREAS, the City Recorder 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 following described real property to-wit (also see attached Exhibit A) is hereby annexed to the City of Albany and zoned RS-6 5 (Single Family Residential).

Section 3: The City Recorder shall, within 10 days of the effective date of this ordinance, 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 Recorder shall also submit to the Secretary of State an abstract of the vote within the City.

Passed by Council: December 11, 2002

Approved by Mayor: December 11, 2002

Effective Date: December 11, 2002



Mayor

ATTEST:



City Recorder

**RESOLUTION EXHIBIT A
LEGAL DESCRIPTIONS
FILE AN-02-02**

Area I:

(Tract I) Beginning at a point on the South line of Linn County Market Road No. 7, said point being East 763.42 feet and South 68.11 feet from the Northwest corner of the South half of the Matthew C Chambers Donation Land Claim No. 40 in Township 11 South, Range 3 West of the Willamette Meridian, thence South 87° 02' West along the South line of said Market Road 100 feet; thence South 436 feet thence North 87° 02' East 100 feet; thence North 436 feet to the place of beginning.

(Tract II) Beginning at a ½-inch rod on the South right-of-way line of Linn County Market Road No. 7, being East 643.58 feet and South 74.30 feet from the Northwest corner of the South half of the Matthew C. Chambers Donation Land Claim No. 40 in Township 11 South, Range 3 West of the Willamette Meridian, thence South 436.0 feet to a ½-inch iron rod on the North line of San Felicia Acres; thence North 87° 02' East along the North line of said San Felicia Acres, a distance of 20.0 feet; thence North 436.0 feet to the south right-of-way line of the aforementioned Market Road No. 7; thence South 87° 02' West 20.0 feet to the place of beginning.

Area II:

The following described real property situated in the County of Linn and State of Oregon, to wit:
Beginning at a ¾-inch iron bolt on the South line of Linn County Market Road No. 7, 1242.78 feet East 43.25 feet South and South 87° 02' West 300 feet from the Northwest corner of the South one-half of Matthew C. Chambers donation Land Claim No. 40, Township 11 South, Range 3 West of the Willamette Meridian;
thence South 436.0 feet to a ¾-inch iron pipe on the north line of San Felicia Acres;
thence North 87° 02' East along said North line of San Felicia Acres to the East line of Meredith Street;
thence North along said East line of Meredith Street to the Southwest corner of that parcel conveyed to James D. Haring by deed recorded in MF 186-379, Linn County Deed Records said point being 18.83 chains East and South 0° 14' East 399.98 feet from the Northwest corner of the South half of the Matthew C. Chambers Donation Land Claim No. 40, Township 11 South, Range 3 West, Willamette Base and Meridian, Linn County, Oregon;
thence East 108.91 feet along the South line of said Haring parcel to said parcel's Southeast corner;
thence North 0° 12' West along the East line of said Haring parcel and along the projection of said East line to the North line of Linn County Market Road No. 7;
thence South 87° 02' West along said North line of Linn County Market Road No. 7 to the East line of Marilyn Street;
thence South along the projection of said East line of Marilyn Street to the South line of Linn County Market Road No. 7;
thence South 87° 02' West along said South line to the point of beginning

