

ORDINANCE NO. 5586

AN ORDINANCE PROCLAIMING THE ANNEXATION AND ZONING OF PROPERTIES LOCATED AT 440 CLOVER RIDGE ROAD NE; AND DECLARING AN EMERGENCY.

WHEREAS, the Albany City Council on July 28, 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 28, 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 east side of Clover Ridge Road, shown on Linn County Assessor's Map No. 11S-03W-04AB; Tax Lot 901, containing 4.98 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 RS-6.5 (Residential Single Family).

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

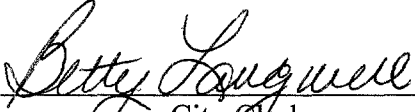
Approved by the Mayor: January 12, 2005

Effective Date: January 12, 2005



Mayor

ATTEST:



City Clerk

EXHIBIT A
LEGAL DESCRIPTION
FILE AN-03-04

Beginning at a point which bears South 0° 05' West 550.44 feet and North 89° 39' West 1879.08 feet from the Northeast corner of the Robert Houston DLC No. 38, in the Northeast Quarter of Section 4, Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon; thence South 0° 16' East 156.19 feet to a 1/2-inch rod; thence South 89° 39' East 269.22 feet to a point on the center line of Clover Ridge Road (Co. Rd. No. 320); thence along said center line South 0° 16' East 50.0 feet; thence North 89° 39' West 269.22 feet to a 1/2-inch iron rod, said point being the Northwest corner of that tract of land conveyed to Daniel Reyes by deed recorded in Microfilm Volume 1394, Page 575, Linn County Deed Records; thence along the west line of said Reyes tract South 0° 16' East 77.61 feet to a 1/2-inch rod, said point being the Southwest corner of said Reyes tract; thence North 89° 39' West 706.14 feet to a 1/2-inch rod, said point being the Southwest corner of that tract of land conveyed to BBF Development (Clover Ridge) LLC by deed recorded in Microfilm Volume 1405, Page 437, Linn County Deed Records; thence North 0° 21' East 127.61 feet to a 3/4-inch rod; thence North 16° 34' West 162.90 feet to the Northwest corner of said BBF tract; thence South 89° 39' East 749.76 feet to the Point of Beginning.

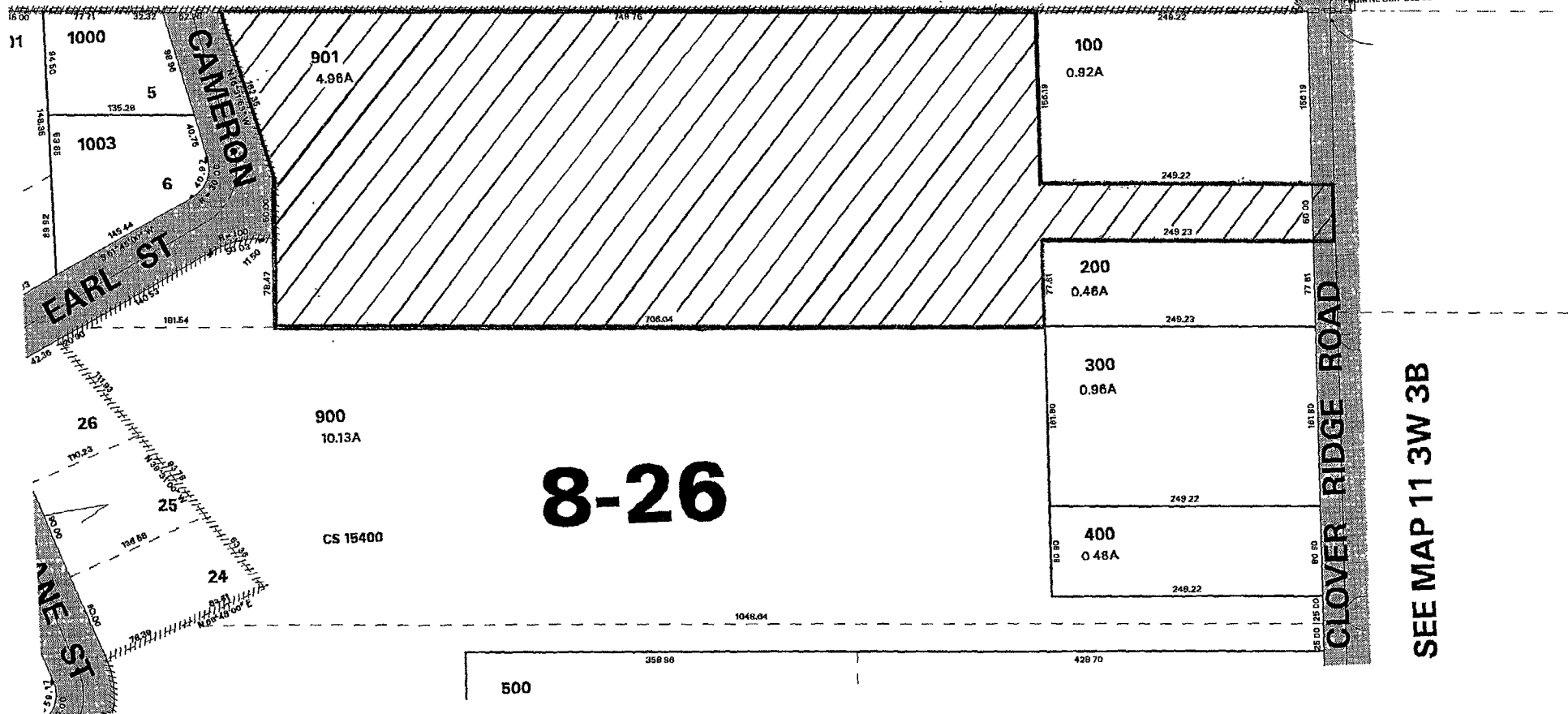
NW1/4 NE1/4 SEC.04 T.11S. R.03W. W.M.
LINN COUNTY, OREGON

ALBANY
11S-03W-04AB

AN-03-04

SEE MAP 10 3W 33D

SEE MAP 10 3W 34



8-26

SEE MAP 11 3W 3B