

ORDINANCE NO. 5696

AN ORDINANCE PROCLAIMING THE ANNEXATION AND ZONING OF PROPERTIES LOCATED NORTH OF DUNLAP AVENUE AND WEST OF CLOVER RIDGE ROAD NE (AN-01-07), AND CONTAINING APPROXIMATELY 14.9 ACRES.

WHEREAS, the Albany City Council on February 27, 2008, reviewed this annexation request, adopted findings, and concluded that the City's annexation eligibility and timeliness criteria could be met; and

WHEREAS, the Albany City Council on February 27, 2008, 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; and

WHEREAS, the question of annexation of the property generally located on Dunlap Avenue NE, west of Clover Ridge Road NE, shown on Linn County Assessor's Map Nos. 11S-03W-04AB; Tax Lot 700, and 11S-03W-04AC; Tax Lots 100, 200, 203, 300, 400, 500, 501, and 600, containing approximately 14.9 acres, more or less, and as further described in the attached legal description labeled Exhibit "A" and map labeled Exhibit "B" was submitted to the electorate at a general election held May 20, 2008, 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; and

WHEREAS, the City Council adopted Ordinance No. 5688, a zoning map amendment, regarding these properties on February 27, 2008.

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 is zoned RS-5 (Residential Single Family) north of Dunlap Avenue and RM (Residential Medium Density) south of Dunlap Avenue.

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: June 11, 2008


Approved by the Mayor: June 11, 2008

Effective Date: June 11, 2008



Mayor

ATTEST:



City Clerk

G:\City Clerk\Annexations\Annex.Dunlap.CC.Ord.doc

EXHIBIT A

LEGAL DESCRIPTION FILES AN-01-07/ZC-03-07

Beginning at the Southwest corner of Lot 21 of Fairlanes Subdivision, a residential subdivision recorded in County Survey No. 3038, Linn County, Oregon survey records; thence South 89°38' East, along the south line of said Fairlanes Subdivision and its easterly extension, a distance of 1005.79 feet to a 1/2-inch pipe, said pipe also being the Northwest corner of that tract owned by Robert and D. Kay Kingsberry, described in Linn County Microfilm Deed Records MF172-581; thence South 0°16' East, along the Westerly line of said Kingsberry tract, a distance of 120.00 feet, to the Southwest corner of said Kingsberry tract; thence South 89°39' East, along the Southerly line of said Kingsberry tract, a distance of 180.32 feet to the Southeast corner of said Kingsberry tract; thence, North 0°16' West, along the Easterly line of said Kingsberry tract, a distance of 120.20 feet to the Northwest corner of that tract owned by Micheal and Roberta Newman, described in Linn County Microfilm Deed Records MF1262-367; thence South 89°39' East, along the northerly line of said Newman tract, a distance of 44.91 feet, to the Southwest corner of that tract owned by Micheal and Roberta Newman, described in Linn County Microfilm Deed Records MF663-10; thence North 0°16' West, along the West line of said Newman tract, a distance of 80.88 feet to a 3/4-inch rod at the northwest corner of said Newman tract; thence South 89°39' East, along the northerly line of said Newman tract, and the easterly extension thereof, a distance of 259.25 feet, more or less, to the city limits boundary; thence South 0°16' East, along said city limits boundary, a distance of 493.0 feet, more or less, to the intersection of said city limits boundary and the easterly extension of Southerly line of that tract owned by Micheal and Roberta Newman, described in Linn County Microfilm Deed Records MF1268-420; thence North 89°39' West along the Southerly line of said Newman tract, a distance of 1491.83 feet to an iron bar, said point also being the Southwest corner of that tract owned by James and Monica Brooks, described in Linn County Microfilm Deed Records MF1620-910; thence North 0°05' East, along the Westerly line of said Brooks tract and the Northerly extension thereof, a distance of 413.63 feet to the Point of Beginning.

Said area containing 14.9 acres, more or less.

EXHIBIT B

