

ORDINANCE NO. 4482

AN ORDINANCE PROCLAIMING THE ANNEXATION TO THE CITY OF ALBANY CERTAIN TERRITORY REFERRED TO AS THE DRAPERVILLE-CENTURY DRIVE AREA LOCATED EAST OF INTERSTATE 5 AND NORTH OF KNOX BUTTE ROAD PURSUANT TO THE PROVISIONS OF ORS 222.850 TO 222.915 DUE TO CONDITIONS CAUSING A DANGER TO PUBLIC HEALTH AND WITHDRAWING SAID TERRITORY FROM THE ALBANY RURAL FIRE PROTECTION DISTRICT AND DECLARING AN EMERGENCY.

Whereas, on February 7, 1978, a petition was submitted to the Linn County Board of Health signed by 17 residents alleging existence of a health hazard within the subject annexation area and requesting initiation of health hazard annexation procedures under ORS 222.850 to 222.915; and

Whereas, on July 5, 1978, the Linn County Board of Health adopted a resolution requesting that the Oregon State Health Division initiate a study of the subject area to determine if evidence exists to warrant further proceedings; and

Whereas, on August 15, 1978, a public hearing was held at 7:00 pm in the Old Linn County Armory before a Hearings Officer of the Oregon State Health Division during which substantial evidence was presented indicating the existence of a public health hazard within the subject area; and

Whereas, on September 8, 1978, the Hearings Officer of the Oregon State Health Division issued 19 pages of findings concluding that a danger to public health exists within the subject area; and

Whereas, on December 1, 1978, after receiving comments on the findings of the Hearings Officer, the Oregon State Health Division adopted the findings of the Hearings Officer and ordered the City of Albany to proceed with plans for alleviation of the health hazard and to initiate annexation of the subject area; and

Whereas, the City of Albany has prepared a plan known as the "Albany-Draperville Wastewater Facility Plan" and has adopted proposals, specifications, and time schedules contained therein by Resolution No. 2183; and

Whereas, the State of Oregon Department of Environmental Quality has approved the Albany-Draperville Wastewater Facility Plan for the Draperville-Century Drive area.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: The following described property to-wit (See Exhibit A attached hereto and by this reference incorporated herein) is hereby annexed to the City of Albany, Oregon, in accordance with ORS 222.850 to 222.915.

Section 2: That the above described territory annexed to the City of Albany is hereby withdrawn from the Albany Rural Fire Protection District.

Section 3: That the plans, specifications, and time schedules as approved by the State Health Division and Department of Environmental Quality for alleviating the existing health hazard which is referred to as the "Albany-Draperville Wastewater Facility Plan" and which is on file with the City Recorder is hereby adopted.

Section 4: That the City Recorder shall submit to the Secretary of the State of Oregon a copy of this ordinance, and the City Recorder shall also, within ten days of the effective date of this annexation, report this annexation to the County Clerk and to the County Assessor of Linn County, Oregon.

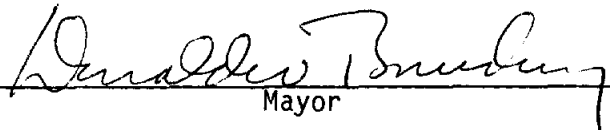
Section 5: Inasmuch as this ordinance is necessary for the immediate preservation of the peace, safety, and health of the City of Albany, Oregon, an emergency is hereby declared to exist; and this ordinance shall be in full force and effect immediately upon passage by the Council and approval by the Mayor.

Passed by the Council: January 27, 1982

Approved by the Mayor: January 27, 1982

Effective Date of this Ordinance: January 27, 1982

Effective Date of this Annexation: February 3, 1982  
(date filed with Oregon Secretary of State)

  
Mayor

ATTEST:

  
City Recorder