



ORDINANCE NO. 6033

AN ORDINANCE WITHDRAWING TERRITORY IDENTIFIED ON LINN COUNTY ASSESSOR'S MAP NO. 11S03W09AC TAX LOTS 600, 1000, 2700 & 11S03W09D TAX LOTS 2300, 2600, 3200, & 11S03W03A TAX LOTS 7700 AND 7800, & 11S03W04DD TAX LOTS 1100 AND 1300, & 11S03W10 TAX LOT 401, & 11S04W24 TAX LOTS 625 AND PORTION OF 500 FROM THE ALBANY RURAL FIRE PROTECTION DISTRICT.

WHEREAS, on July 24, 2023, the Albany City Council directed staff to proceed with annexation of nine properties that signed irrevocable requests to annex in exchange for City water and/or sewer service; and

WHEREAS, annexation of the subject property results in withdrawal of the territory from the Albany Rural Fire Protection District (ARFPD); and

WHEREAS, on December 4, 2023, the Albany Planning Commission held a public hearing, considered public testimony, deliberated on the proposed annexations with concurrent zoning map amendments, and recommended approval of the proposal based on evidence presented in the staff report and during the public hearing; and

WHEREAS, on January 10, 2024, the Albany City Council held a public hearing during which time interested persons were given an opportunity to be heard on this matter; and

WHEREAS, the city council, following said public hearing, determined that the withdrawal of territory from the ARFPD is in the best interests of the citizens of Albany.

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

Section 1: The territory described in Exhibit A and shown on the maps in Exhibit B of this ordinance is hereby proclaimed to be withdrawn from the ARFPD.

Section 2: 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 Oregon, State of Oregon Department of Revenue, and the Albany Rural Fire Protection District.

Passed by the Council: January 10, 2024

Approved by the Mayor: January 10, 2024

Effective Date: February 9, 2024

Mayor

ATTEST:

City Clerk

Exhibit 1-A Legal Description for Century Drive Annexation

Annexing the area between the existing City limit line along the east right-of-way line of Century Drive and the Urban Growth Boundary line, north of Knox Butte Road, more particularly described below.

Beginning at the northwest property corner of Parcel 1 of Linn County, Oregon, Partition Plat No. 2006-74, said point laying on the east right-of-way line of Century Drive, said point also lying at the northwest corner of the existing City limit line and on the north line of the Albany Urban Growth Boundary line; thence west 30 feet along the Albany Urban Growth Boundary line to the west line of the Albany Urban Growth Boundary line; thence South 9° 23" West 4,796 feet along the Albany Urban Growth Boundary line to the existing City limit line; thence South 84° East 858 feet along the existing City limit line to the easterly right-of-way line of Century Drive, said easterly right-of-way line also being the current Albany City limit line; thence Northerly along the easterly right-of-way line of Century Drive 5,000 feet, more or less, to the point of beginning. As shown on attached Exhibit 1-B, attached hereto and made a part hereof this legal description.

Exhibit 2-A Legal Description for 4580 and 4610 Knox Butte Road Annexation

Annexing the properties at 4580 and 4610 Knox Butte Road, SE, more particularly described below.

Beginning at the southeast corner of the property conveyed to Raymond C. Johnston by a deed recorded in Linn County Oregon deed records 2016-20868, said point also lying on the Albany City limit line; thence north 218 feet along the east property line of the Johnston property, said line also being the Albany City limit line, to the southeast corner of the property conveyed to Sean and April Johnson by a deed recorded in Linn County Oregon deed records 2018-16527; thence west 70 feet along the south line of said Johnson property, said line also being the City limit line, to the southwest corner of said Johnson property, said point also being the southeast corner of the property conveyed to Wesley and Lila Lokey by a deed recorded in Linn County Oregon deed records MF 1089-489; thence north 214.55 feet along the west property line of said Johnson property, said line also being the Albany City limit line, to the south right-of-way line of Knox Butte Road; thence southwest 418.85 feet along the south right-of-way line of Knox Butte Road, said line also being the Albany City limit line, to the westernmost property corner of the property conveyed to Raymond C. Johnston by a deed recorded in Linn County Oregon deed records 2016-20868; thence southeast along the south property line of said Johnston property 25 feet to an angle point; thence east 207 feet along the south property line of said Johnston property to an angle point; thence south 218 feet along the west property line of said Johnston property to the north line of San Felicia Acres subdivision; thence east 220 feet along the north line of San Felicia Acres subdivision to the point of beginning.

As shown on attached Exhibit 2-B, attached hereto and made a part hereof this legal description.

Exhibit 3-A Legal Description for Goldfish Farm Road right-of-way, 488 Goldfish Farm Road, and Timber Linn Park property Annexation

Annexing an area of Goldfish Farm Road right-of-way, Timber Linn Park property, and 488 Goldfish Farm Road SE, more particularly described below.

Area 1 – Goldfish Farm Road right-of-way.

Beginning at a point 18 feet west of the southwest corner of Tract B of Brandis Meadows subdivision, in Albany, Linn County, Oregon, said point lying 18 feet west of the east right-of-way of Goldfish Farm Road, said point also lying on the Albany City limit line; thence north 2,957 feet along a line 18 feet west of the east right of way line of Goldfish Farm Road, said line also being the Albany City limit line, to the south right of way line of Knox Butte Road; thence west 50 feet along the south right-of-way line of Knox Butte Road, said line also being the Albany City limit line, to the west right of way line of Goldfish Farm Road; thence south 1,622 feet along the west right of way line of Goldfish Farm Road, said line also being the Albany City limit line, to the south right-of-way line of Dogwood Avenue; thence east 10 feet along the south right-of-way line of Dogwood Avenue to the west right-of-way line of Goldfish Farm Road; thence south 1,341 feet along the west right-of-way line of Goldfish Farm Road to a point directly west of the southwest corner of Tract B of Brandis Meadows subdivision; thence east 40 feet to the point of beginning.

Together with –

Area 2 – Timber Linn Park Property and 488 Goldfish Farm Road

Beginning at a point on the west right-of-way line of Goldfish Farm Road, said point lying on the south property line of that property conveyed to Dennis J. Burton by a deed recorded in Linn County, Oregon, deed records MF 518-563; thence west along the south property line of said Burton parcel 179.79 feet to the southwest corner of said Burton parcel; thence north 110.80 feet along the west property line of said Burton parcel to the northwest corner said Burton parcel; thence north 29.21 feet along the west property line of the property conveyed to the Loretta L. Norris Revocable Living Trust by a deed recorded in Linn County Deed Records 2017-4488, to the northeast corner of the City of Albany property purchased from Karen L Buhl by a deed recorded in Linn County, Oregon deed Records MF 1225-648; thence west 139.96 feet along the north line of said City of Albany property to the east line of the property conveyed to David and Sherri Neighbor by a deed recorded in Linn County Oregon Deed Records 2016-5137, said line also being the Albany City limit line; thence south 59.55 feet along the property line of

said Neighbor parcel, said line also being the City limit line, to the southeast corner of said Neighbor parcel; thence North $71^{\circ} 16' 30''$ West 198.73 feet along said Neighbor parcel south property line and Albany City limit line, to the southwest corner of said Neighbor parcel; thence north 354.06 feet along the east property line of the City of Albany parcel conveyed with the deed recorded in Linn County Oregon Deed records MF 1225-648, said line also being the Albany City limit line, to the northernmost corner of said City of Albany parcel; thence South $73^{\circ} 13' 34''$ West 637.28 feet along the property line of Parcel 2 Linn County, Oregon Partition Plat 1999-46, said line also being the Albany City limit line, to an angle point; thence south 576.25 feet along the east property line of said Parcel 2, said line also being the Albany City limit line, to the southwest corner of the property conveyed to the City by a deed recorded in Linn County Oregon deed records MF 738-003, said point also being the northwest corner of the property conveyed to Hart Bros Holdings LLC by a deed recorded in Linn County, Oregon deed records 2018-12665; thence east 610.02 feet along the north line of said Hart Bros Holdings LLC property to the northernmost northeast corner of said Hart Bros Holding LLC property; thence south 135 feet along the northernmost east property line of said Hart Bros Holdings LLC property to an angle point in said Hart Bros Holdings LLC property; thence east 505 feet along the north property line of said Hart Bros Holdings LLC property to the west right-of-way line of Goldfish Farm Road; thence north 30 feet along the west right-of-way line to the south line of the property conveyed to Thomas and Mary Fields in Linn County Oregon deed records MF 395-131; thence west 475 feet along the south line of said Fields property to the southwest corner of said Fields property; thence north 150 feet along the west property line of said Fields property to the northwest corner of said fields property; thence east 475 feet along the north line of said Fields property to the west right-of-way line of Goldfish Farm Road; thence north 230 feet, more or less, along the west right of way line of Goldfish Farm Road, to the point of beginning.

As shown on attached Exhibit 3-B, attached hereto and made a part hereof this legal description.

Exhibit 4-A Legal Description for Goldfish Farm Road right-of-way and 937 Goldfish Farm Road Annexation

Annexing an area of Goldfish Farm Road right-of-way and 937 Goldfish Farm Road SE, more particularly described below.

Beginning at the southeast corner of the property conveyed to Everett and Shirley Ann Wright by a deed recorded in Linn County Oregon deed records MF975-646; thence North $10^{\circ}51'$ West 196.5 feet along the east property line of said Wright property to the northeast corner of said Wright property; thence west 109.1 feet along the north line of said Wright property to the east right-of-way line of Goldfish Farm Road; thence west 40 feet to the Albany City limit line, said line lying 15 feet east of the west right-of-way line of Goldfish Farm Road; thence south 514 feet along the Albany City limit line, said line lying 40 feet west of the east right-of-way line of Goldfish Farm Road, to a point 10 feet east of the southeast corner of that property conveyed to Blue Ox RV Park of Albany LLC by a deed recorded in Linn County, Oregon deed records 2013-20460, said point also lying on the east-west Albany City limit line; thence east 40 feet along the Albany City limit line to the east right-of-way line of Goldfish Farm Road; thence north 317 feet along the east right of way line of Goldfish Farm Road to the south line of the aforementioned Wright property; thence east 146 feet along the south line of said Wright property to the point of beginning.

As shown on attached Exhibit 4-B, attached hereto and made a part hereof this legal description.

Exhibit 5-A Legal Description for Highway 20 & 3525 and 3605 Circle Annexation

Annexing an area of Highway 20 right-of-way and Lots 6 and 10 of the Supplemental Plat, East Albany Walnut Tracts, also known as 3525 and 3605 Circle Drive SE, more particularly described below.

Beginning at the southeast corner of Lot 1, Block 2 of Commercial Way Subdivision, said point being on the north right-of-way line of Highway 20, said line also being the Albany City limit line; thence west 325.05 feet along the south line of Commercial Way Subdivision to the southwest corner of Lot 1, Block 1 of Commercial Way Subdivision, said line also being the Albany City limit line; thence north 17.8 feet north along the west line of Lot 1, Block 1 of Commercial Way Subdivision, said line also being the City limit line, to the north right-of-way line of Highway 20; thence North 79° 44' West 251.50 feet along the north right-of-way line of Highway 20, said line also being the Albany City limit line, thence North 78° 47' West 171.47 feet along the north right-of-way of Highway 20 to the east right-of-way line of Price Road, said line also being the Albany City limit line; thence North 60° West 57 feet along the north right-of-way line of Highway 20, said line also being the Albany City limit line, to the west right-of-way line of Price Road; thence west 244 feet along the north right-of-way line of Highway 20, said line also being the Albany City limit line, to the westernmost south property corner of that property described in Linn County, Oregon, Deed Records MF 1346-0954; thence South 59° West 393 feet along the Albany City limit line to the northwest corner of Lot 5 of the Supplemental Plat, East Albany Walnut Tracts; thence east 140 feet along the north property line of said lot 5 to the northwest corner of Lot 6 of the Supplemental Plat, East Albany Walnut Tracts; thence southeast 131.68 feet along the west property line of said Lot 6 to the Circle Drive right-of-way, said point also being the southwest corner of said Lot 6; thence easterly 67.94 feet along a 120 foot radius curve line to the right, said line being the south property line of said Lot 6 and the north right-of-way line of Circle Drive, to the southeast corner of said Lot 6; thence north 105.09 feet along the east property line of said Lot 6 to the northeast corner of said Lot 6, said point lying on the south right-of-way line of Highway 20; thence east 300.0 feet along the south right of way line of Highway 20 to the northwest corner of Lot 10 of the Supplemental Plat, East Albany Walnut Tracts; thence south 105.0 feet along the west line of Lot 10 to the southwest corner of Lot 10, said point being on the north right-of-way line of Circle Drive; thence east 100.0 feet along the south property line of Lot 10 to the southeast corner of Lot 10; thence north 105.0 feet along the east line of Lot 10 to the northeast corner of Lot 10, said point lying on the south right-of-way line of Highway 20; thence east 254.94 feet along the south right-of-way line of Highway 20 to a point 54.99 feet east of the northwest

property corner of Lot 12 of the Supplemental Plat, East Albany Walnut Tracts; thence southeasterly 265 feet, more or less, along the south right-of-way line of Highway 20 to the Albany City limits line; thence continuing southeasterly 276 feet along the south right-of-way line of Highway 20, said line also being the Albany City limit line, to a point 107.37 feet west of the Timber Street right-of-way; thence northerly 170 feet along the Albany City limit line to the point of beginning. As shown on attached Exhibit 5-B, attached hereto and made a part hereof this legal description.

Exhibit 6-A Legal Description for 3545 Spicer Road Annexation

Annexing an area of Spicer Road and Lot 23 of the Supplemental Plat, East Albany Walnut Tracts, also known as 3545 Spicer Road SE, more particularly described below.

Beginning at the northeast corner of Lot 23 of the Supplemental Plat , East Albany Walnut Tracts; thence southwest along the east line of said Lot 23, 131.5 feet to the southeast corner of said Lot 23, said point also being on the north right-of-way line of Spicer Road SE; thence continuing southwest along a projection of the east property line of Lot 23, 60 feet to the south right-of-way line of Spicer Road SE; thence west 445 feet, more or less, along the south right-of-way line of Spicer Road SE to the north-south Albany City Limit line; thence north 66 feet, more or less, along the Albany City limit line to the southwest corner of Lot 3 of the Supplemental Plat, East Albany Walnut Tracts, said point also lying on the north right-of-way line of Spicer Road SE; thence southeast 385 feet, more or less, along the north right of way line of Spicer Road SE, to the southwest corner of Lot 23 of the Supplemental Plat , East Albany Walnut Tracts; thence northeast 120.4 feet, along the west property line of said Lot 23 to the northwest corner of said Lot 23; thence east 90.6 feet, along the north property line of said Lot 23, to the point of beginning.

As shown on attached Exhibit 6-B, attached hereto and made a part hereof this legal description.

Exhibit 7-A Legal Description for 3815 Spicer Drive, Spicer Drive right-of-way, and two City of Albany parcels Annexation

Annexing 3815 Spicer Drive SE, Spicer Drive right-of-way, and 2 City of Albany properties, more particularly described below.

Beginning at the northeast corner of Parcel 1 of Linn County Oregon Partition Plat 2009-02, said point also being the northeast corner of that property conveyed to Richard Deer by a deed recorded in Linn County Oregon deed records 2013-12523; thence South 83°58'25" West 150 feet along the north line of said Parcel 1, to the east right-of-way line of Spicer Drive SE; thence continuing South 83°58'25" West 60 feet, to the west right of way line of Spicer Drive SE; thence south 217 feet along the west right-of-way line of Spicer Drive SE, said line also being the Albany City limit line, to the north right-of-way line of 18th Avenue SE; thence east 133 feet along the Albany City limit line to a point on north right-of-way line of Spicer Drive, said point also lying on the south property line of Tract A of Partition Plat 2009-02; thence southeast 225 feet along the north line of Spicer Drive, said line also being the Albany City limit line, to the east property line of the property conveyed to the City of Albany by a deed recorded in Linn County Oregon deed records 2007-28015; thence north 242.16 feet along the east line of said City of Albany property to the north line of said City of Albany property; thence northwest 119.65 feet along said City of Albany property to the east property line of Tract A of Partition Plat 2009-02; thence north 77.13 feet along the east line of Partition Plat 2009-02 to the point of beginning.

As shown on attached Exhibit 7-B, attached hereto and made a part hereof this legal description.

Exhibit 8-A Legal Description for Interstate 5 Annexation

Annexing the 300 foot wide area of the Interstate 5 right-of-way from approximately 1,300 feet south of Highway 20, south approximately 7,543 feet to the south line of the Albany Santiam Canal, more particularly described below.

Beginning at the northwest property corner of Parcel A of Linn County, Oregon, Partition Plat No. 1991-17, said point laying on the east right-of-way line of Interstate 5, said point also lying on the north and east lines of the City of Albany City limits; thence west 300 feet along the Albany City limits line to the west right of way line of Interstate 5, said right-of-way line also being the Albany City limit line; thence south 7,543 feet along the west right of way line of Interstate 5, said line also being the city of Albany City limit line, to the south line of the Albany Santiam Canal; thence east 300 feet along the south line of the Albany Santiam Canal, to the east right-of-way line of Interstate 5; thence north 3,225 feet along the east right of way line of Interstate 5 to the South line of the Edward H. White DLC No. 48 in Township 11 South, Range 3 West, Section 16 of the Willamette Meridian in Linn County, Oregon; thence continuing north 4,318 feet along the east right-of-way line of Interstate 5, said line also being the City limit line, to the point of beginning. As shown on attached Exhibit 8-B, attached hereto and made a part hereof this legal description.

Exhibit 9-A Legal Description for 2958 53rd Avenue Annexation

Annexing an area of 53rd Avenue right-of-way, 2958 53rd Avenue SW, and a remainder piece of a large City of Albany parcel that was previously annexed, more particularly described below.

Beginning at the southwest corner of Lot 5 of Rancho Rio Ralpho subdivision, said point also being the southwest corner of the property conveyed to Linn Benton Community College (LBCC) by a deed recorded in Linn County Oregon deed records MF 1215-0887; thence north 844.40 feet along the west line of said LBCC property, said line also being the Albany Urban Growth Boundary line, to the northwest corner of said LBCC property; thence continuing north 108.28 feet along the Albany Urban Growth Boundary line to the south line of the property previously annexed by the City of Albany by Ordinance 4232 as described in Volume 223, Page 150 of the Linn County Records, Linn County Oregon; thence South 87° 29' 23" East 541 feet along the south line of the property previously annexed by the City of Albany by Ordinance 4232, to the west property line of the property conveyed to Darrell and Bobbi Jo Johnson by a deed recorded in Linn County Oregon deed records 2018-3230; thence south 63 feet along the west property line of said Johnson property, said line also being the Albany City limit line, to the north right-of-way line of 53rd Avenue; thence east 449.60 feet along the north right-of-way line of 53rd Avenue, said line also being the Albany City limit line, to the southeast corner of said Johnson property; thence south 60 feet to the south right of way line of 53rd Avenue; thence west 450 feet, more or less, along the south right-of-way line of 53rd Avenue to the northernmost southeast corner of the property conveyed to LBCC by a deed recorded in Linn County Oregon deed records MF 1215-0887; thence west along the property line of said LBCC property 155.22 feet, to an angle point; thence south 514 feet along the east line of said LBCC property to an angle point; thence west 91.62 feet to an angle point; thence south 300 feet to the south line of said LBCC property; thence west 292.5 feet to the point of beginning.

As shown on attached Exhibit 9-B, attached hereto and made a part hereof this legal description.

Exhibit 1-B Map of Century Drive Annexation

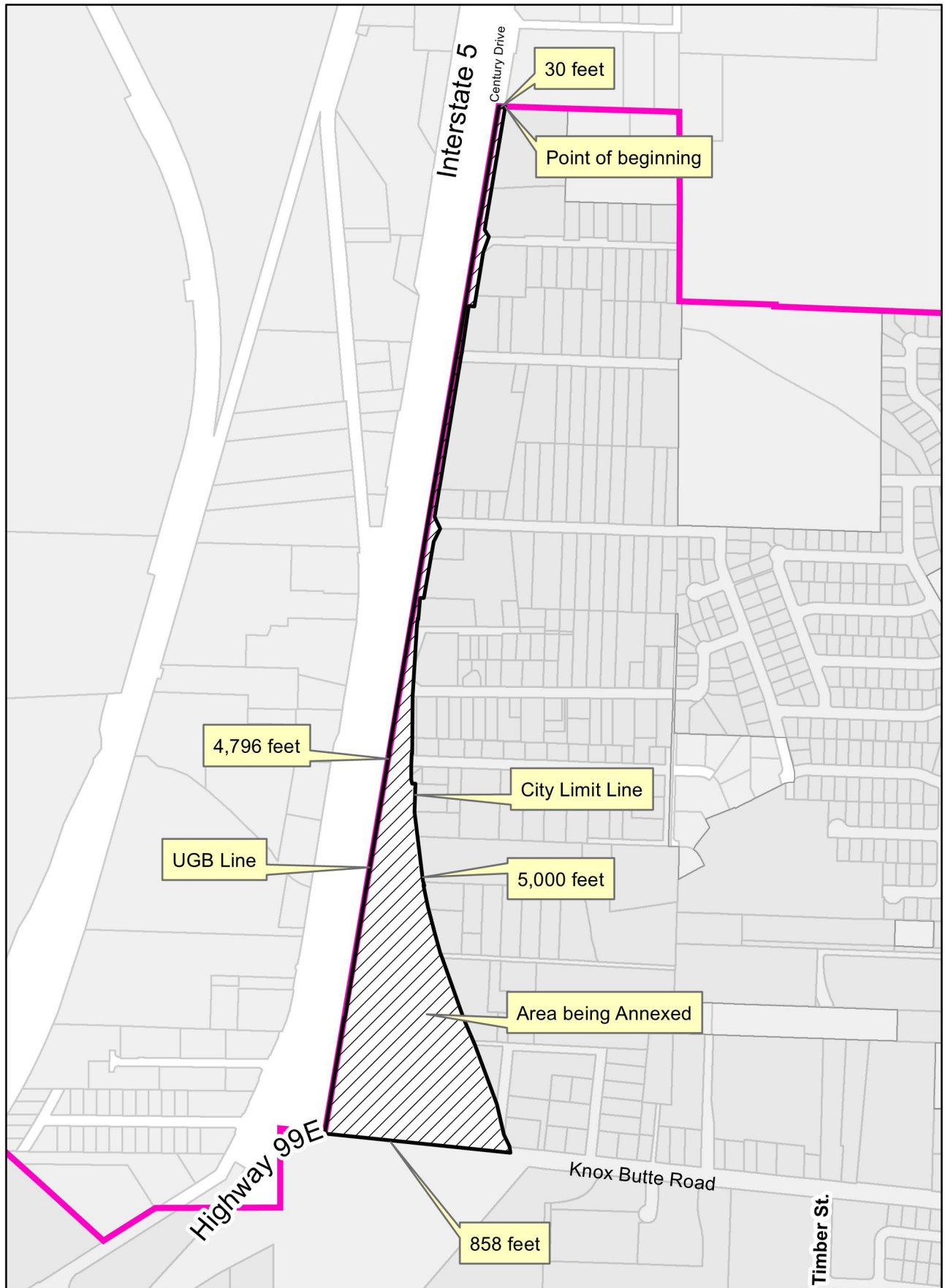


Exhibit 2-B Map of 4580 & 4610 Knox Butte Road Annexation

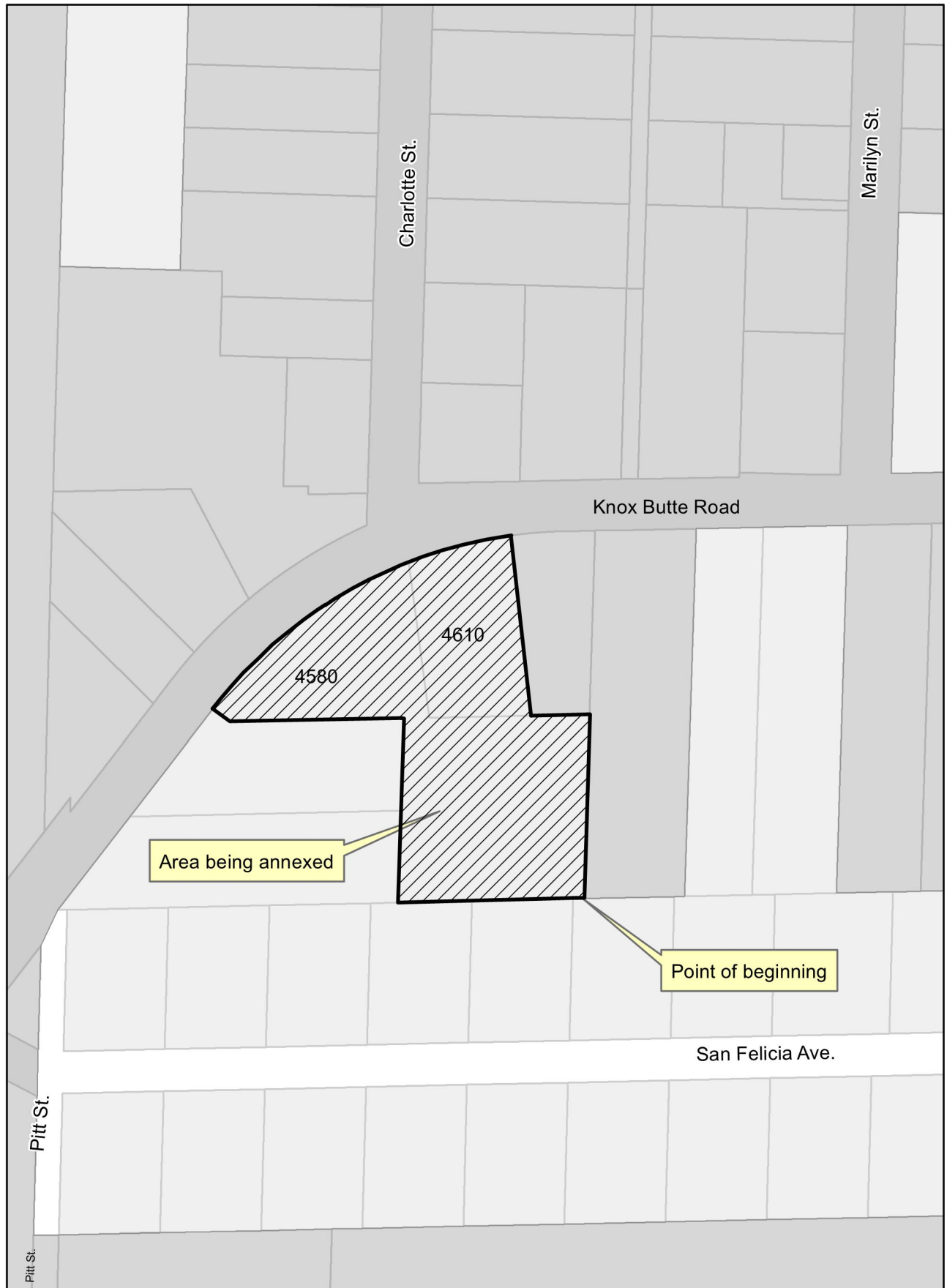


Exhibit 3-B Map of 488 Goldfish Farm Road area Annexation

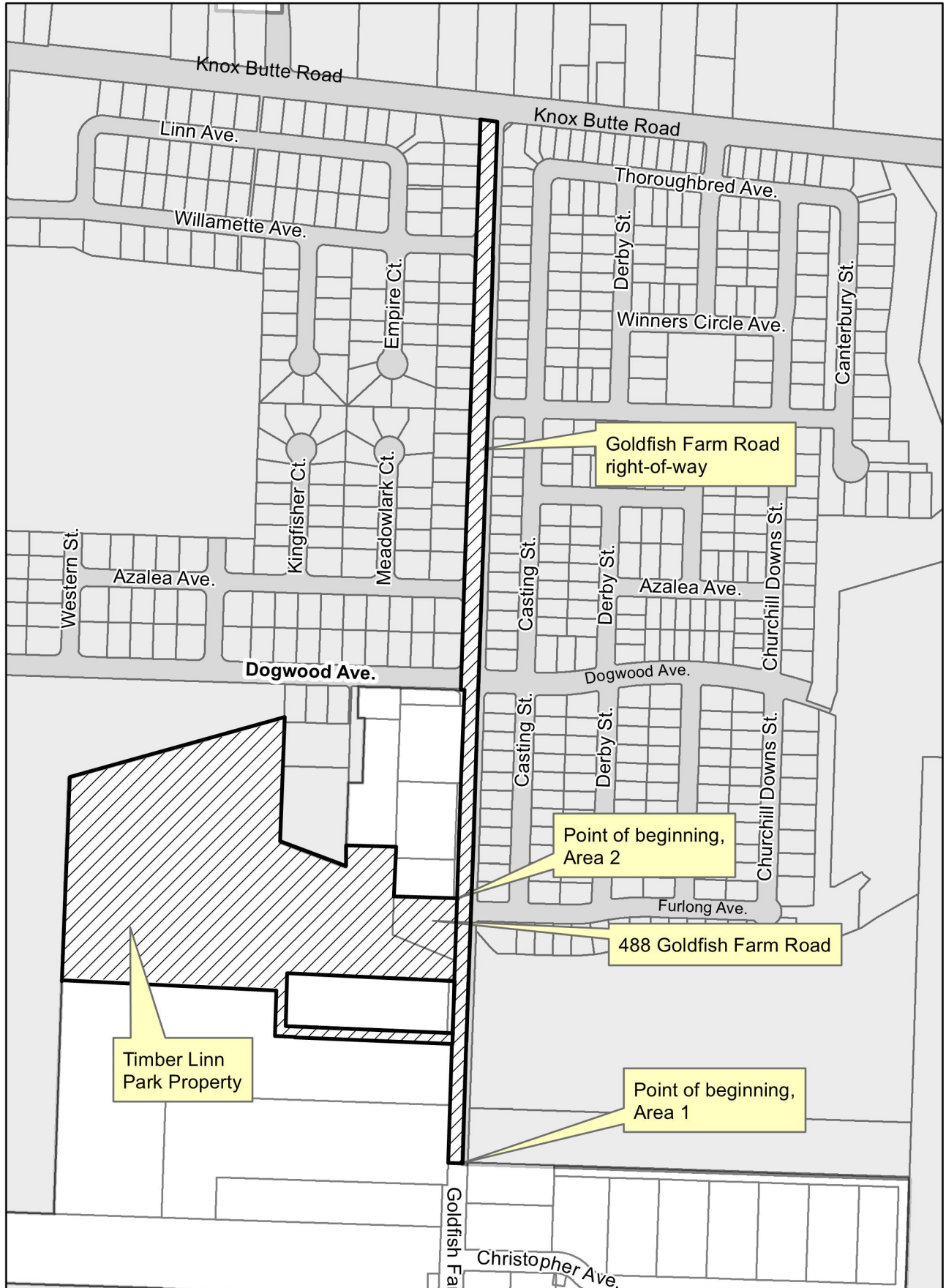


Exhibit 4-B Map of 937 Goldfish Farm Road Annexation



Exhibit 5-B Map of Highway 20 & 3525 & 3605 Circle Annexation

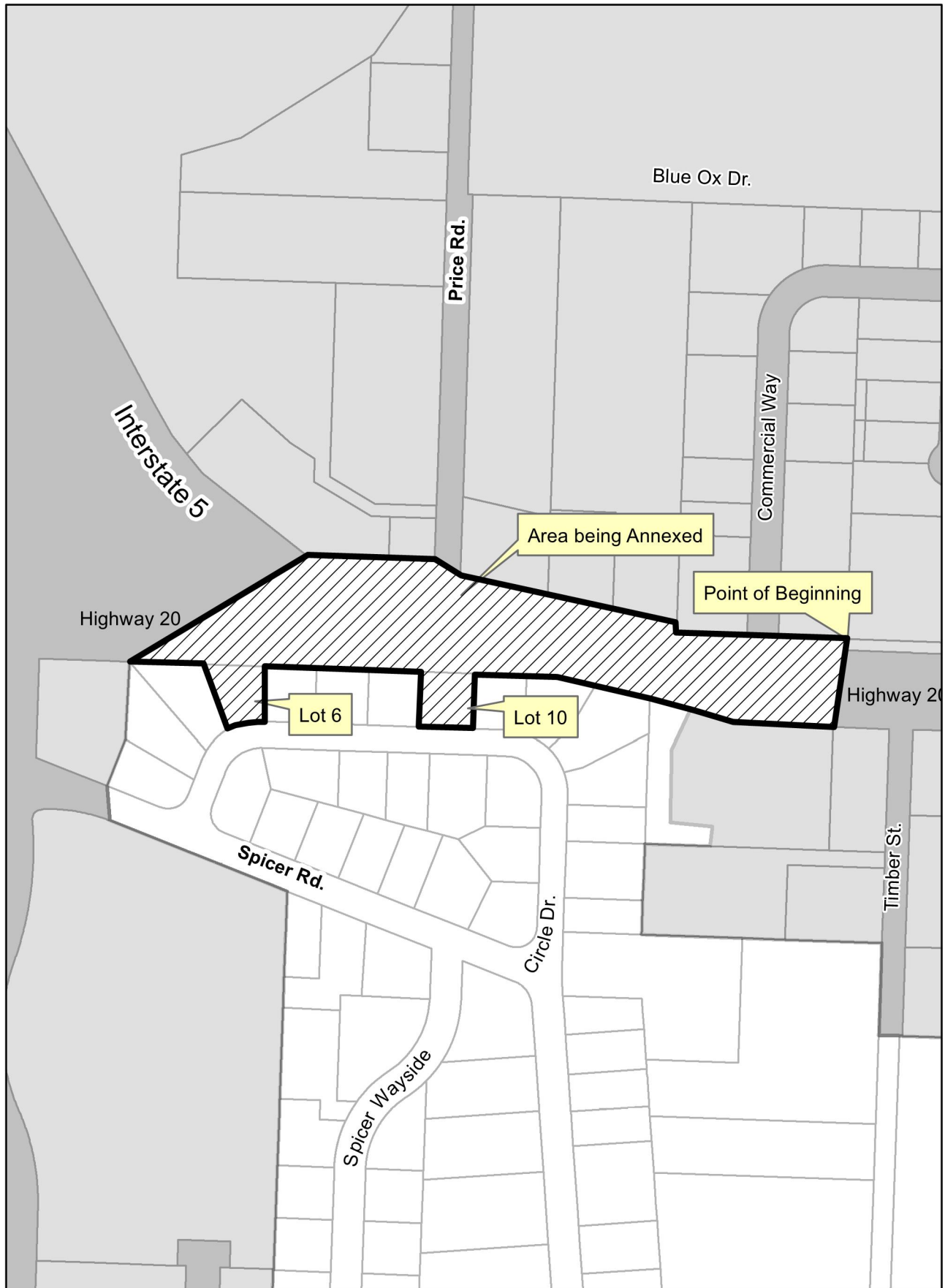


Exhibit 6-B Map of 3545 Spicer Road SE Annexation



Exhibit 7-B Map of 3815 Spicer Drive area Annexation



Exhibit 8-B Map of I-5 Annexation

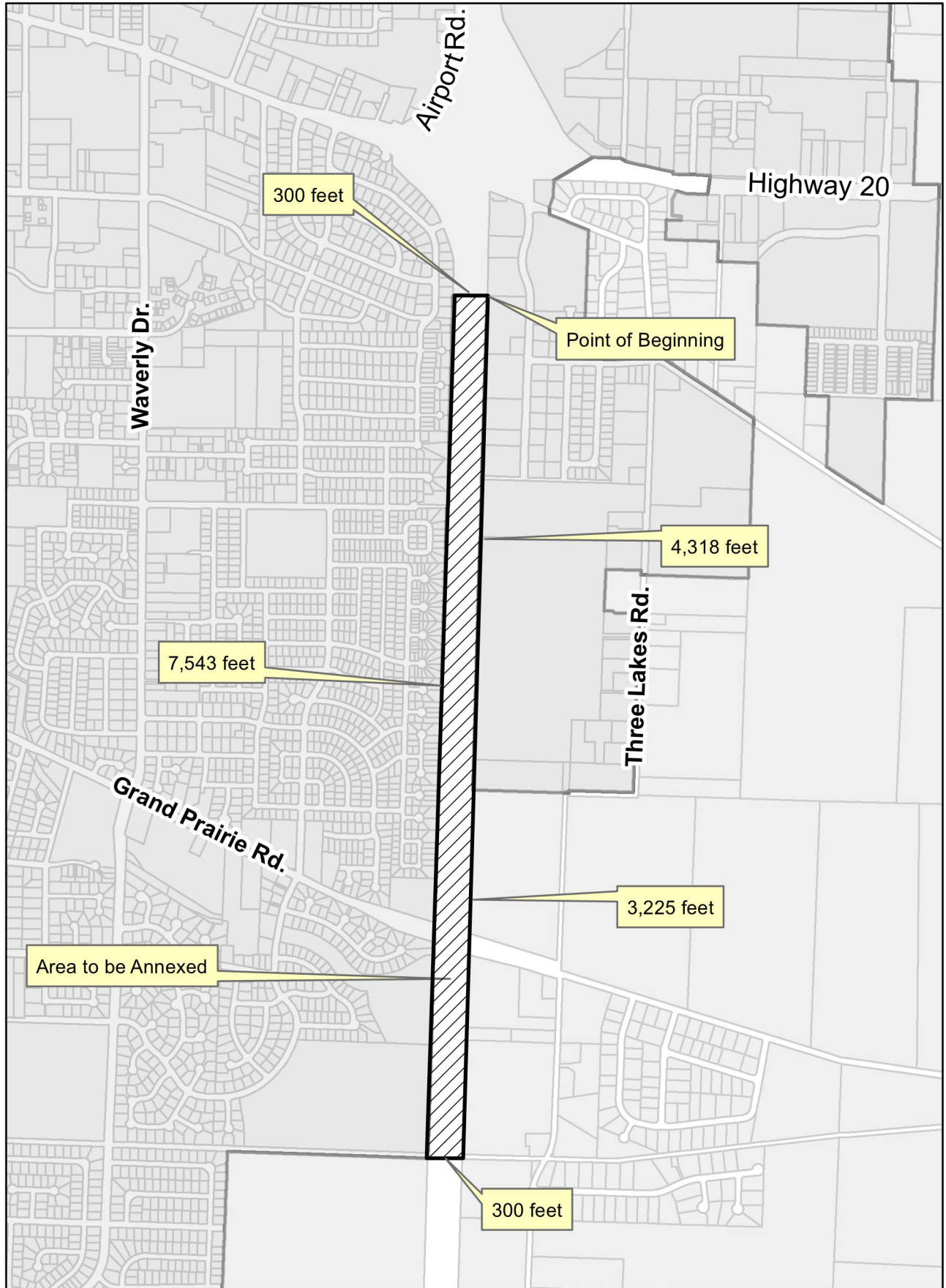


Exhibit 9-B Map of 2958 53rd Avenue Annexation

