

A RESOLUTION PROCLAIMING THE ANNEXATION AND ZONING OF PROPERTY LOCATED EAST OF THE CALAPOOIA RIVER AND NORTH OF THE FORMER SANITARY LANDFILL, APPROXIMATELY 1,800 FEET NORTH OF 53RD AVENUE SW (A PORTION OF TAX LOT 100, LINN COUNTY ASSESSOR'S MAP NO. 11-4W-23) AND CONTAINING APPROXIMATELY 28.11 ACRES AND SETTING A PUBLIC HEARING FOR THE REMOVAL OF TERRITORY FROM THE ALBANY RURAL FIRE PROTECTION DISTRICT (CASE FILE NO. AN-06-96).

WHEREAS, the City Council has proposed to annex in accordance with the provisions of ORS 222.750 certain property described by attached Exhibit A and which is adjacent to the City of Albany; and

WHEREAS, provisions of state law and the Albany Development Code waive requirements for Planning Commission review and public hearings for such annexations; and

WHEREAS, the Albany Development Code provides for the application of specific zoning districts upon annexation of territory under these circumstances; and

WHEREAS, a public hearing should be held concerning the withdrawal of said territory from the Albany Rural Fire Protection District under the provisions of ORS 222.524.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that the territory described by attached Exhibit A is hereby proclaimed to be annexed to the City of Albany and zoned RS-6.5 (Residential Single Family - 6,500 square foot lot minimum) and OS (Open Space).

BE IT FURTHER RESOLVED that the statements for this annexation be found in the staff report for Planning Case File No. AN-06-96.

BE IT FURTHER RESOLVED by the Albany City Council that a public hearing on the matter of removal of the territory described in Exhibit A from the Albany Rural Fire Protection District be held by the City Council on September 25, 1996, at 7:15 p.m.

BE IT FURTHER RESOLVED that the City Recorder shall give notice of the hearing by publication once each week for two (2) successive weeks prior to the day of said hearing in a newspaper of general circulation within the City. The City Recorder shall further cause notice of this hearing to be posted in four (4) public places within the City for a like time.

BE IT FURTHER RESOLVED that the property described by attached Exhibit A shall be effectively annexed to the City of Albany on the date that the complete abstract of the annexation proceedings described above is filed with the Secretary of State of the State of Oregon.

DATED THIS 4TH DAY OF SEPTEMBER 1996.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
  
\_\_\_\_\_  
City Recorder

**EXHIBIT A  
LEGAL DESCRIPTION  
CASE FILE NO. AN-06-96**

Beginning at the southeast corner of said Rozelle Tract, which point is on the south line of and 22 chains WEST of the southeast corner of the Jarvis Briggs Donation Land Claim No. 83 in Township 11 South, Range 4 West, Willamette Meridian, Oregon; thence North  $87^{\circ}41'00''$  West, along the south line of said Rozelle Tract, 1300.70 feet to the centerline of the Calapooia River; thence along said centerline the following twelve (12) courses: (1) North  $25^{\circ}13'43''$  East 103.71 feet; (2) thence North  $12^{\circ}57'05''$  East 71.03 feet; (3) thence North  $24^{\circ}22'54''$  West 140.11 feet; (4) thence North  $37^{\circ}37'33''$  West 140.07 feet; (5) thence North  $04^{\circ}18'47''$  West 99.30 feet; (6) thence North  $45^{\circ}28'33''$  East 171.20 feet; (7) thence North  $55^{\circ}37'03''$  East 182.61 feet; (8) thence North  $67^{\circ}33'52''$  East 78.93 feet; (9) thence North  $68^{\circ}33'01''$  East 491.23 feet; (10) thence North  $73^{\circ}14'55''$  East 324.82 feet; (11) thence North  $72^{\circ}10'17''$  East 255.79 feet; (12) thence North  $63^{\circ}21'49''$  East 77.83 feet to a point on the east line of said Rozelle Tract; thence South  $01^{\circ}45'45''$  West 1193.51 feet to the Point of Beginning; Containing 28.11 acres of land, more or less.

