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AN ORDINANCE WITHDRAWING CERTAIN REAL PROPERTY HERETOFORE ANNEXED TO THE CITY OF ALBANY FROM THE ALBANY RURAL FIRE PROTECTION DISTRICT, AND DECLARING AN EMERGENCY.

RECITALS: Whereas, certain real property in the territory described below was annexed to the City of Albany by Ord. No. 4019 and 4020 ; and

Whereas, the territory described below is located within the boundaries of the Albany Rural Fire Protection district; and

WHEREAS, pursuant to Ordinance No. 4039 the City Council of the city of Albany held a public hearing for the purpose of hearing any objections to the withdrawal of the property mentioned from the public service district mentioned; now, therefore,

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: WITHDRAWAL

The City Council of the city of Albany determines that the following described territory within the boundaries of the Albany Rural Fire Protection District shall be, upon the effective date of this ordinance, withdrawn from the Albany Rural Fire Protection district,

(Descriptions attached)

Section 2: ASSUMPTION OF OBLIGATION

The City hereby elects to assume obligations of the withdrawn territory and be liable to the district for the amount of taxes which would be extended by the district each year against the property in the part withdrawn if the withdrawal had not taken place.


Section 3: EMERGENCY CLAUSE

Inasmuch as this ordinance is necessary for the immediate preservation of the peace, health and safety 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: July 13, 1977

Approved by the Mayor: July 13, 1977

Effective Date: July 13, 1977

  
\_\_\_\_\_  
Mayor

ATTEST:

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

4019 - Cude 60  
4020 - Mitchell  
4042

*Cube*

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EXHIBIT "A"

Beginning at a point which is North 88°25' East 1454.92 feet from the Southeast corner of Abram Hackleman and wife Donation Land Claim No. 62, in Township 11 South, Range 3 West of the Willamette Meridian, Linn County, Oregon; thence North 88°25' East 444.56 feet; thence North 1°39' West 1207.80 feet to the South line of H. D. Burkhart's land; thence Westerly along said South line 769.56 feet to the Southwest corner of said A. D. Burkhart land; thence South 1°39' East 661.60 feet to a point; thence North 88°25' East 325 feet to a point North 1°39' West from the point of beginning; thence South 1°39' East 566.0 feet to the point of beginning, EXCEPT the South 35 feet of even width lying within the limits of Queen Avenue.

SUBJECT TO: Regulations, including levies, liens, assessments, rights of way and easements of the Grand Prairie Water Control District.

SUBJECT TO: Regulations, including levies, liens, assessments, rights of way and easements of the Periwinkle Sub-District.

SUBJECT TO: An easement in favor of the City of Albany for sewer pipeline recorded in MF Vol. 29, Pg. 745.

SUBJECT TO: City of Albany lien for sewer assessment.

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*Cube*  
*#4019*

112-1115  
2700  
CITY OF ALBANY  
RECEIVED  
KRAUS & DALKE  
CONSULTING ENGINEERS  
428 EAST SECOND AVENUE  
ALBANY, OREGON 97321  
APR 15 1977

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HOWARD G. KRAUS, P.E.  
RICHARD DALKE, P.E.

POST OFFICE BOX 146  
TELEPHONE 503-928-2583

By \_\_\_\_\_

April 15, 1977

MITCHELL SUBDIVISION

Description subject to change  
pending completed boundary survey.

Property to be annexed: The parcel of land located at the Northwest corner of the intersection of Waverly Drive and Grand Prairie Road, more particularly described as follows:

Beginning at a point on the West right-of-way line of Waverly Drive which point is located North  $1^{\circ} 39'$  West 41.22 feet and North  $85^{\circ} 26'$  West 40.24 feet from the Southwest corner of the Anderson Cox Donation Land Claim No. 49 in Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon; thence along the South line of Block 4, Kenwood Addition North  $85^{\circ} 26'$  West 450.20 feet more or less to the Southwest corner thereof; thence South  $0^{\circ} 57'$  West 188.43 feet along the West line of Lot 8 Jason Wheeler's Home Farm to the North right-of-way line of Grand Prairie Road; thence along the North right-of-way line of Grand Prairie Road South  $66^{\circ} 10' 48''$  East 404.21 feet; thence on a 24 foot radius curve to the left a distance of 37.70 feet; thence along a 611.15 foot radius curve to the left (said arc being the West line of Waverly Drive) 271.68 feet; thence North  $1^{\circ} 39'$  West 39.14 feet more or less to point of beginning.

*Mitchell*  
#4020