

ORDINANCE NO. 5599

AN ORDINANCE WITHDRAWING TERRITORY FROM THE ALBANY RURAL FIRE PROTECTION DISTRICT LOCATED ON THE WEST SIDE OF THREE LAKES ROAD (LINN COUNTY ASSESSOR'S MAP NO. 11S-03W-16, TAX LOTS 600, 703, 705, 706, 707, 708, 710, 712, 716, AND 718) CONTAINING APPROXIMATELY 14.4 ACRES MORE OR LESS, AND DECLARING AN EMERGENCY.

WHEREAS, the Albany City Council on January 12, 2005, proclaimed the annexation of territory by adoption of Ordinance No. ~~5587~~ and described in Exhibit A attached hereto; and

WHEREAS, the Albany City Council set a date for a public hearing concerning the withdrawal of said territory from the Albany Rural Fire Protection District (ARFD); and

WHEREAS, notices of said public hearing were published and posted in the manner and for the time prescribed by law and on January 12, 2005, the Albany City Council did hold 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 ARFD 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Section 1: The following described real property to-wit (see attached Exhibit A) is hereby proclaimed to be withdrawn from the Albany Rural Fire Protection District.

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

Section 3: 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 will be in full force and effect immediately upon passage by the Council and approval by the Mayor.

Passed by the Council: January 12, 2005

Approved by the Mayor: January 12, 2005

Effective Date: January 12, 2005



Mayor

ATTEST:



City Clerk

EXHIBIT A
LEGAL DESCRIPTION
FILE AN-04-04

Beginning at a point on the South line of and South 89° 59' 30" West, 1496.51 feet from the Southwest corner of the West half 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 North 0° 24' East 638.87 feet to a 3/4-inch iron pipe, said point being the Northwest corner of that tract of land conveyed to James and Wilma Randolph by deed recorded in Book 308, Page 722, Linn County Deed Records; thence North 89° 59' 30" East 245.47 feet to a 1/2-inch iron rod, said point being the Southwest corner of that tract of land conveyed to Kenneth R. Ditzler by deed recorded in MF 106-45, Linn County Deed Records; thence North 0° 17' East 245.12 feet to the Northwest corner of said Ditzler tract; thence North 0° 35' 38" East 486.56 feet to a 1/2-inch iron rod, said point being South 0° 35' 38" West 30.0 feet from the Southwest corner of that tract of land conveyed to Carl Haima et ux by deed recorded in Book 314, Page 495, Linn County Deed Records; thence North 89° 22' East 338.98 feet; thence North 0° 17' East 30.0 feet; thence South 89° 22' West 338.89 feet to the Southwest corner of said Carl Haima tract; thence North 0° 31' 20" East 199.38 feet to a 5/8-inch bar; thence South 89° 18' East 76.57 feet; thence South 44° 18' East 25.29 feet; thence North 89° 22' East 243.97 feet; thence parallel to the center line of County Road No. 377 (Three Lakes Road) South 0° 17' West 1583.52 feet to a point on the South line of said Edward H. White DLC No. 48; thence along said South line of DLC No. 48 South 89° 59' 30" West 587.76 feet to the Point of Beginning.

Save and except that portion of the above described property lying within public streets and rights-of-way.

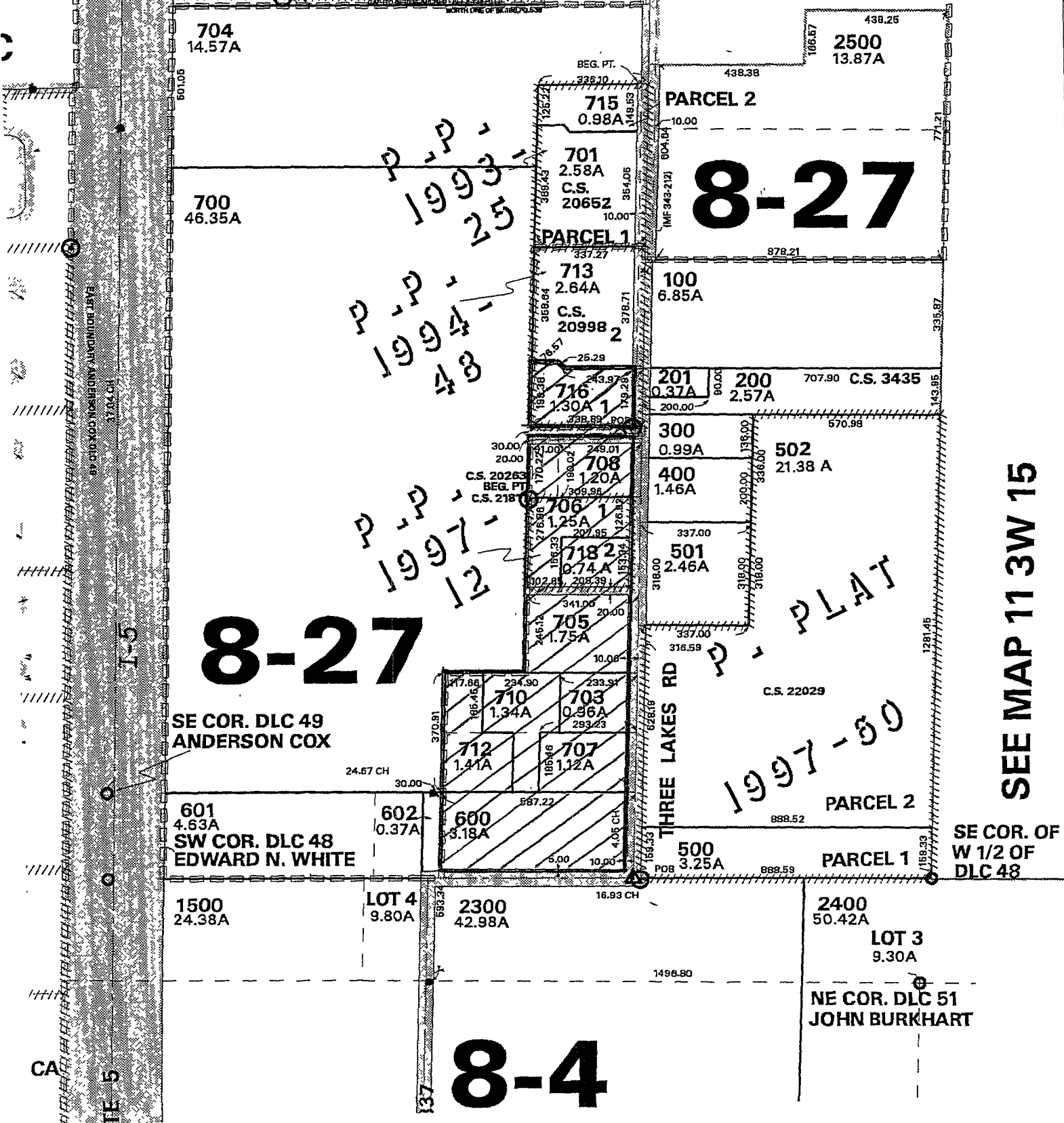
Said area containing 14.39 acres, more or less.

SEC. 16 T. 11S. R. 03W. W.M.
LINN COUNTY, OREGON

AN-04-04

SEE MAP 11 3W 9D

1" = 400'



8-27

8-27

8-4

SEE MAP 11 3W 15

P.P. 1997-60

P.P. 1993-25

P.P. 1994-48

P.P. 1997-12

SE COR. DLC 49
ANDERSON COX

601
4.63A
SW COR. DLC 48
EDWARD N. WHITE

SE COR. OF
W 1/2 OF
DLC 48

NE COR. DLC 51
JOHN BURKHART

THREE LAKES RD

PARCEL 2

PARCEL 1

PARCEL 1

PARCEL 2

C.S. 22029

C.S. 218

C.S. 20263

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