

ORDINANCE NO. 5038

AN ORDINANCE WITHDRAWING TERRITORY FROM THE ALBANY RURAL FIRE PROTECTION DISTRICT LOCATED AT 1980 53RD AVENUE SW (TAX LOTS 600 AND 619, 11-4W-24) AND CONTAINING 10.23 ACRES MORE OR LESS (File No. AN-07-91).

WHEREAS, on December 18, 1991 the Albany City Council proclaimed the annexation of territory by adoption of Resolution No. 3118 and described in Exhibit A, attached hereto; and

WHEREAS, on March 10, 1993 the Albany City Council adopted Resolution No. 3238 setting a date for a public hearing concerning the withdrawal of said territory from the Albany Rural Fire Protection District; and

WHEREAS, notices of said public hearing were published and posted in the manner and for the time prescribed by law and on March 31, 1993 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 District 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1: The following described territory to-wit: (see attached legal description, Exhibit A) is hereby proclaimed to be withdrawn from the Albany Rural Fire Protection District.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, the State of Oregon Department of Revenue, and the Albany Rural Fire Protection District.

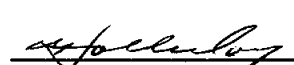
Passed by the Council: March 31, 1993

Approved by the Mayor: March 31, 1993

Effective Date: April 30, 1993


MAYOR

ATTEST:


Gary Holliday, City Recorder

**EXHIBIT A
LEGAL DESCRIPTION
CASE NO. AN-07-91**

A portion of that certain tract conveyed to Ray H. and Velma L. Maddy per Deed Book 233, Page 858, Linn County Deed Records; said tract lying in the Southwest 1/4 of Section 24, T11S, R4W, W.M., Linn County, Oregon; said portion being more particularly described as follows:

Beginning at a 5/8" iron rod on the southerly right-of-way line for County Road No. 135 (53rd Avenue) at the northeast corner of that tract conveyed to M-3-X, Inc. per MF Volume 462, Page 293, said deed records which lies along said right-of-way S 89°38'00" E 1483.27 feet from a 5/8" iron rod at the northeast corner of Lot 1, Rancho Rio Ralpho Subdivision; thence leaving said right-of-way line along the easterly line of said M-3-X tract S 2°37'56" W 823.48 feet to a 5/8" iron rod at the southeast corner thereof lying on the south line of said Maddy tract; thence along the Maddy south line S 89°24'37" E 489.66 feet to a 1/2" iron rod at the southwest corner of that tract conveyed to Ruby Nielsen per MF Volume 154, Page 590, said deed records; thence leaving said south line, along the Nielsen westerly line, N 21°33'21" W 529.21 feet to a 1/2" iron rod at the westerly-northwest corner thereof; thence continuing along said Nielsen boundary S 79°31'35" E 624.98 feet to a 1/2" iron rod; thence N 15° 10'15" E 85.90 feet to a 1/2" iron rod; thence N 21°19'25" W 60.02 feet to a 1/2" iron rod at the southeast corner of that tract conveyed to Donald and Peggy Stacy per MF Volume 184, Page 101, said deed records; thence leaving the westerly line of said Nielsen tract, along the Stacy south line, N 89°38' W 189.17 feet to the southwest corner thereof; thence along the Stacy westerly line N 18°00' E 102.4 feet, more or less, to the northerly edge of an existing lake at a point lying S 18°00' W, 25 feet, more or less from a 1/2" iron rod, said point being the southeast corner of that tract conveyed to Harold E. and Aretha B. Shelton per Deed Book 303, Page 622, said deed records; thence along the Shelton Southerly line approximately N 67° W 118 feet, more or less, to a point on the northerly edge of said lake lying S 0°22' W 18 feet, more or less, from a 1/2" iron rod, said point being the southeast corner of that tract conveyed to Lloyd K. and Esther D. Evenson per Deed Book 345, Page 219, said deed records; thence along the Evenson southerly line approximately N 85° W 115.5 feet, more or less, to the southwest corner thereof, on the northerly line of said lake, lying S 0°22' W 17 feet, more or less from a 1/2" iron rod; thence along the Evenson westerly line N 0°22' E 107 feet, more or less, to a 5/8" iron rod at the northwest corner thereof, on said southerly right-of-way line for County Road No. 135; thence continuing N 0°22' E 30.00 feet to the centerline of said road right-of-way; thence along said centerline N 89°38'00" W 402.33 feet; thence leaving said centerline; thence S 0°22' W 30.00 feet to the point of beginning; containing 9.86 acres, more or less.

