

ORDINANCE NO. 5097

AN ORDINANCE WITHDRAWING TERRITORY FROM THE ALBANY RURAL FIRE PROTECTION DISTRICT WHICH IS LOCATED APPROXIMATELY 4,000 FEET WEST OF PACIFIC BOULEVARD SW, ON THE NORTH SIDE OF 53RD AVENUE SW AND MORE COMMONLY KNOWN AS 2605 53RD AVENUE SW CONTAINING 0.46 ACRES MORE OR LESS (File No. AN-02-93).

WHEREAS, on December 15, 1993, the Albany City Council proclaimed the annexation of territory by adoption of Resolution No. 3312 and described in Exhibit A, attached hereto; and

WHEREAS, on January 12, 1994, the Albany City Council adopted Resolution No. 3312 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 January 12, 1994, 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1: The following described territory to-wit: (see attached legal description, Exhibit A) is hereby proclaimed to be withdrawn from the Albany Rural Fire Protection District.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: January 12, 1994

Approved by the Mayor: January 12, 1994

Effective Date: February 11, 1994

  
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Mayor

ATTEST:

  
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City Recorder Deputy

**EXHIBIT A  
LEGAL DESCRIPTION  
CASE NO. AN-02-93**

Commencing at the Northwest corner of the Robert E. Harmon Donation Land Claim No. 77, in Township 11 South, Range 4 West of the Willamette Meridian, Linn County, Oregon; and running thence South 00° 42' 08" East 1, 870.21 feet along the West line of Claim No. 77 to a 5/8" iron rod, thence South 89° 07' 34" East 599.59 feet to a 5/8" iron rod (C.S. 14257) on the centerline of the right of way of 53rd Avenue, a County Road, thence North 00° 22' 00" East 30.00 feet to a 5/8" iron rod (C.S. 14257) on the North line of the right of way of said County Road, the true point of beginning, from this point of beginning; South 89° 38' 00" east 449.60 feet along the North line of the right of way of said County Road to a 5/8" iron rod; thence North 00° 22' 00" East 209.27 feet to a 5/8" iron rod, thence North 89° 38' 00" West 449.60 feet to a 5/8" iron rod; thence South 00° 22' 00" West 209.27 feet to the true point of beginning, the land so described all lying in Linn County, Oregon. SAVE AND EXCEPT that portion previously annexed to the City of Albany by Ordinance 4232 as described in Volume 223, Page 150 of the Linn County Records, Linn County Oregon.

