

AN ORDINANCE WITHDRAWING TERRITORY FROM THE ALBANY RURAL FIRE PROTECTION DISTRICT LOCATED NORTH OF RIVERSIDE CEMETERY AND SOUTH TO THE CALAPOOIA RIVER (LINN COUNTY ASSESSOR'S MAP NOS. 11S-04W-12BA, TAX LOTS 200, 300, AND A PORTION OF 400) CONTAINING APPROXIMATELY 3.6 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. ~~5588~~ 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Section 1: The following described real property to-wit (see attached Exhibit A) is hereby proclaimed to be withdrawn from the Albany Rural Fire Protection District.

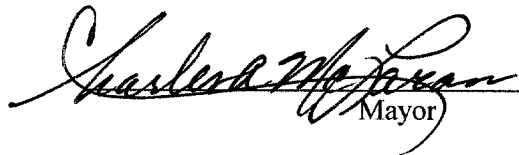
Section 2: The City Recorder shall, within 10 days of the effective date of this ordinance, file a copy of the ordinance with the County Assessor of Linn County, Secretary of State of the State of Oregon, State of Oregon Department of Revenue, and the Albany Rural Fire Protection District.

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-A2-04

Beginning at a point North 1° 24' West 635.0 feet from the Southeast corner of the Harvey Gorden DLC No. 54, in Section 12 of Township 11 South, Range 4 West of the Willamette Meridian in Linn County, Oregon, said point also being the intersection of the East line of said DLC No. 54 and the center line of the Oregon Electric Railroad; thence along the existing city limits boundary North 22° 37' West 52.0'; thence along the existing city limits boundary West 10.0 feet; thence along the existing city limits boundary North approximately 220 feet to the center line of the Calapooia River; thence Easterly along said center line of the Calapooia River approximately 1300 feet to the point of intersection of said Calapooia River center line and the Northerly extension of the East line of the vacated Umatilla Street; thence Southerly along the existing city limits boundary South 9° 05' 33" East approximately 300 feet to a point on the North line of said railroad; thence along said East line of vacated Umatilla Street South 9° 05' 33" East 163.68 feet; thence along the existing city limits boundary South 80° 55' 06" West 67.52 feet to a 5/8-inch bolt, said point being the Northwest corner of that tract of land conveyed to Albany General Hospital by deed recorded in Microfilm Volume 481, Page 994 in Linn County Deed Records; thence Westerly along the South line of said railroad approximately 1200 feet to the East line of said DLC No. 54; thence Northerly along said East line of DLC No. 54 to the Point of Beginning.

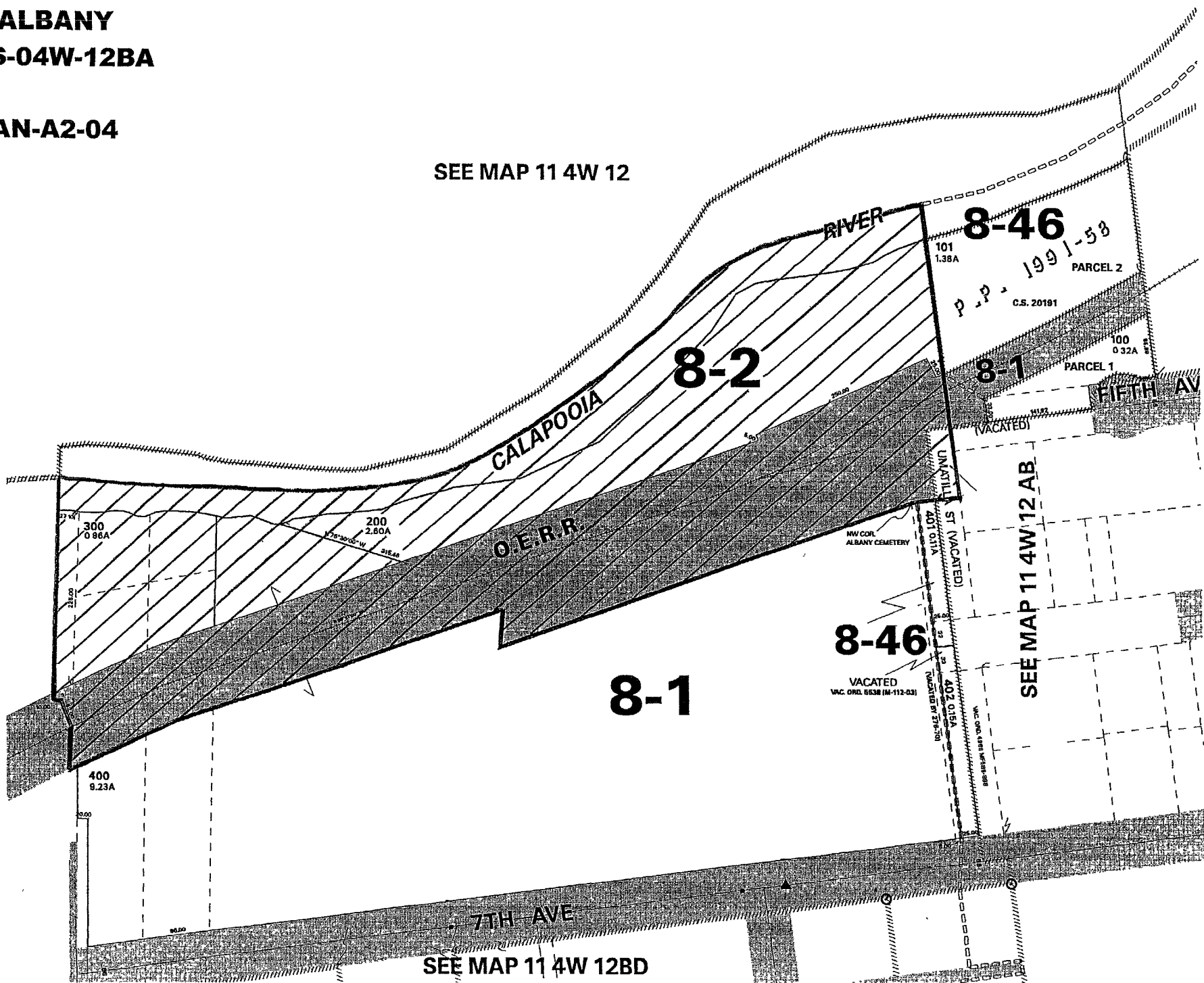
NE 1/4 NW 1/4 SEC. 12 T. 11S. R. 04W. W.M.
LINN COUNTY, OREGON

1" = 100'

ALBANY
11S-04W-12BA

AN-A2-04

SEE MAP 11 4W 12



RIVER

8-46

101
1.38A
P.P. 1991-58
C.S. 20191
PARCEL 2

8-2

CALAPOOYA

8-1

100
0.32A
PARCEL 1

FIFTH AV

O.E.R.R.

8-46

VACATED
VAC. ORD. 6538 (M-112-03)

SEE MAP 11 4W 12 AB

8-1

7TH AVE

SEE MAP 11 4W 12 BD