

ORDINANCE NO. 5602

AN ORDINANCE WITHDRAWING TERRITORY FROM THE ALBANY RURAL FIRE PROTECTION DISTRICT LOCATED ON THE EAST SIDE OF PACIFIC BOULEVARD NORTH OF ELLINGSON ROAD (LINN COUNTY ASSESSOR'S MAP NOS. 11S-03W-30, TAX LOTS 201, AND 204) CONTAINING APPROXIMATELY 2.9 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. 5590 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Section 1: The following described real property to-wit (see attached Exhibit A) is hereby proclaimed to be withdrawn from the Albany Rural Fire Protection District.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-B4-04**

Beginning at a point on the East right-of-way line of State Highway 99 East, said point also being on the South line of, and South  $89^{\circ} 41'$  East 30.28 feet from the Southwest corner of Section 19 in Township 11 South, Range 3 West, of the Willamette Meridian, in Linn County, Oregon. Thence, Southerly along the East right-of-way line of said State Highway 99 East to a point 450.19 feet South of the South line of said Section 19; thence Easterly parallel to the South line of said Section 19 South  $89^{\circ} 41'$  East 352.04 feet to the East right-of-way line of the Southern Pacific Railroad; thence Northerly, along said East railroad right-of-way North  $0^{\circ} 07'$  East 450.19 feet to the South line of said Section 19; thence Westerly along said South Section line North  $89^{\circ} 41'$  West 357.40 feet to the Point of Beginning.

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