

AN ORDINANCE WITHDRAWING TERRITORY FROM THE ALBANY RURAL FIRE PROTECTION DISTRICT LOCATED ON THE WEST SIDE OF THREE LAKES ROAD AND SOUTH OF 18TH AVENUE (LINN COUNTY ASSESSOR'S MAP NOS. 11S-03W-09D, TAX LOTS 1107, 1109, AND 1112) CONTAINING APPROXIMATELY 4.3 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. 594 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Section 1: The following described real property to-wit (see attached Exhibit A) is hereby proclaimed to be withdrawn from the Albany Rural Fire Protection District.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-C8-04**

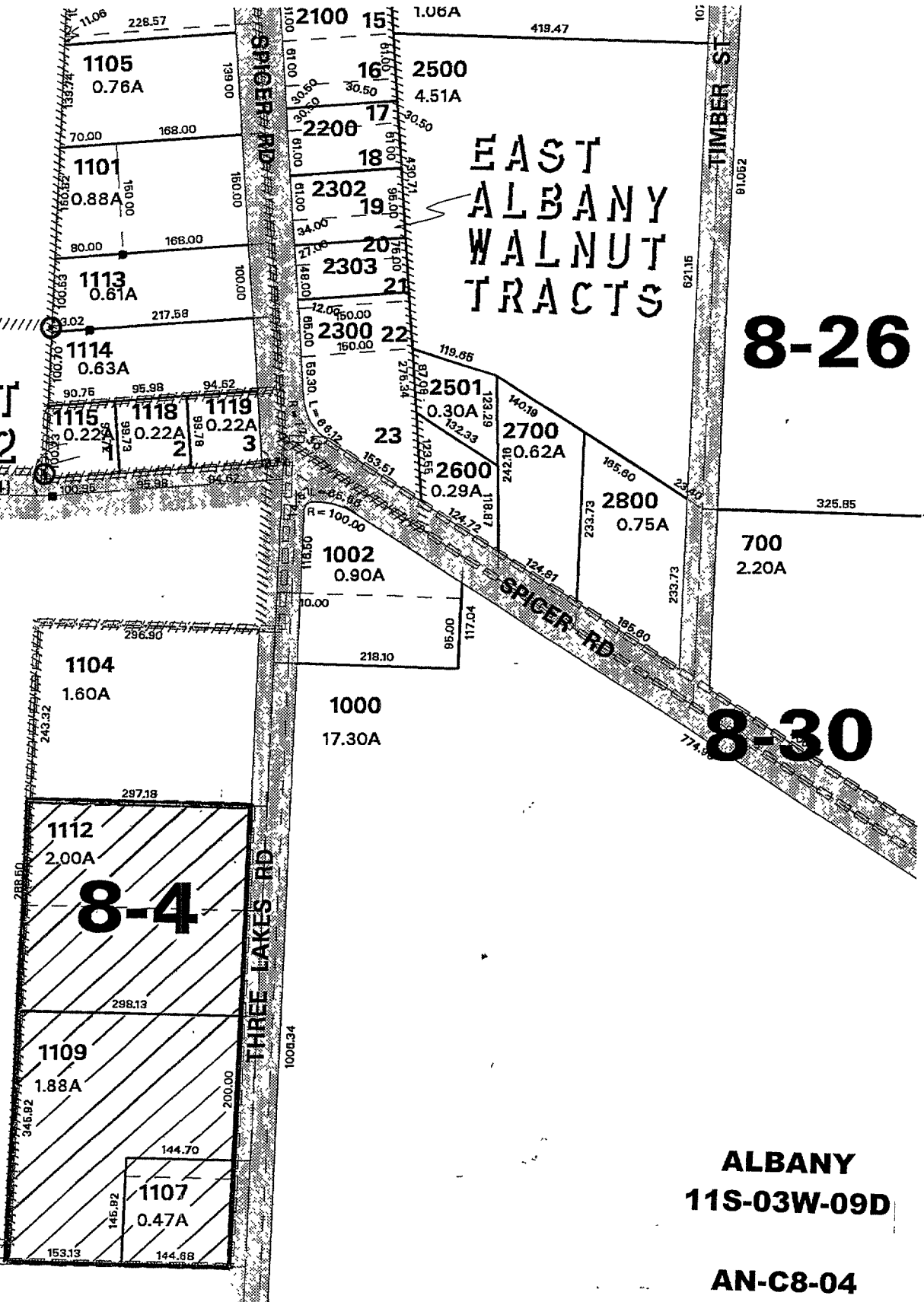
Beginning at a point North 0° 17' East 608.5 feet from the Southeast corner of the Lawndale Subdivision, said point also being described as the Northwest corner of that tract conveyed to Clara M. Dittmer by deed recorded in Microfilm Volume 190, Page 886 of Linn County Deed Records; thence along the East line of said subdivision South 0° 17' West 634.42 feet to the Southwest corner of that tract conveyed to Robert V. and Marjorie I. Collier by deed recorded in Microfilm Volume 21, Page 772 of Linn County Deed Records; thence Easterly along the South line of said Collier tract 297.81 feet, more or less to the West right-of-way line of Three Lakes Road; thence North 0° 17' East along the West line of said road 634.42 feet, more or less, to a point where the West right-of-way line of Three Lakes Road intersects the North line of said Dittmer tract; thence Westerly along the North line of said Dittmer tract 297.18 feet, more or less, to the Point of Beginning.

8-4

SEE

PLAT
1992-02
(CS 20264)

SEE MAP 113W 9DC



**EAST
ALBANY
WALNUT
TRACTS**

8-26

8-30

8-4

**ALBANY
11S-03W-09D**

AN-C8-04