

ORDINANCE NO. 5147

AN ORDINANCE WITHDRAWING TERRITORY FROM THE ALBANY RURAL FIRE PROTECTION DISTRICT LOCATED AT THE TERMINUS OF DIAN AVENUE NE AND MORE COMMONLY KNOWN AS A 12-FOOT WIDE STRIP ADJACENT TO THE EAST PROPERTY LINE OF LOT 83, SUPPLEMENTAL PLAT TO TRACT 69 AND 70 of SUDTELL ACRES, CITY OF ALBANY, LINN COUNTY, OREGON, AND CONTAINING 3,049.2 SQUARE FEET MORE OR LESS (CASE FILE NO. AN-04-94).

WHEREAS, on August 10, 1994, the Albany City Council proclaimed the annexation of this territory by adoption of Resolution No. 3391, and described in Exhibit A, attached hereto; and

WHEREAS, on August 10, 1994, the Albany City Council adopted Resolution No. 3391, 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 September 14, 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:

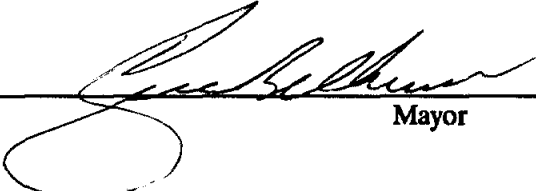
Section 1: The following described territory to-wit: (see attached legal description, Exhibit A) is hereby proclaimed to be withdrawn from the Albany Rural Fire Protection District.

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: September 14, 1994

Approved by the Mayor: September 14, 1994

Effective Date: September 14, 1994



Mayor

ATTEST:



Deputy City Recorder

**EXHIBIT A
LEGAL DESCRIPTION
CASE NO. AN-04-94**

A portion of that tract conveyed to Andrew V. and Kathryn L. Mitchell per Microfilm Volume 511, Page 590, Microfilm Records of Linn County, lying in the Southeast 1/4 of Section 33, T10S, R3W, W.M., Linn County, Oregon, being more particularly described as follows:

Beginning at a 1/2" iron pipe at the northwest corner of said Mitchell tract; thence along the west line thereof, S 1°20'48" E 6.31 feet to the northeast corner of Tract 83, Supplemental Plat to Tracts 69 and 70 of Sudtell Acres, a subdivision in said County; thence continuing S 1°20'48" E 257.19 feet to a 1/2" iron rod at the southeast corner of said Tract 83; thence leaving said west line S 89°45'59"E 12.00 feet to a 5/8" iron rod; thence N 1°20'48"W 263.49 feet to a 5/8" iron rod on the Mitchell north line; thence N 89°43'28" W 12.00 feet to the point of beginning; containing 0.07 acres, more or less.

C.S. 20900
PROPERTY LINE ADJUSTMENT SURVEY
for
**ANDREW V. MITCHELL and
JOHN E. FOSDICK**
in
SE 1/4 SECTION 33,
T 10 S, R 3 W, W.M.,
MILTON HOUSTON D.L.C. No. 43,
TRACTS 82 and 83 of SUPPLEMENTAL PLAT
TO TRACTS 69 & 70 OF SUTTELL ACRES
CITY OF ALBANY
LINN COUNTY, OREGON
JANUARY 20, 1994

REGISTERED
PROFESSIONAL
LAND SURVEYOR
Freddie Johnston
CREATED
BY THE STATE OF OREGON
THEODORE JAMES LAWTON
1823
Renewal Date 12/31/94

NARRATIVE

The purpose of this survey is to adjust the common property line between TL 3700, Map 10-3W-33DB and TL 1500, Map 10-3W-33D, I oriented to the same field control that I used for CS 20733, and tied the additional monuments shown. The two owners agreed to move the new line 12 feet from the encroaching corner. The westerly line of TL 3700 was computed for this map only to give reasonably accurate areas.

