

ORDINANCE NO. 5194

AN ORDINANCE WITHDRAWING TERRITORY FROM THE ALBANY RURAL FIRE PROTECTION DISTRICT LOCATED WEST, NORTH, AND SOUTH OF 612 CLOVER RIDGE ROAD NE AND EAST OF THE TERMINUS OF BERNARD AND ADAH AVENUES NE (A PORTION OF TAX LOTS 907, 912, AND 913, LINN COUNTY ASSESSOR'S MAP NO. 10-3W-34) AND CONTAINING 52.50 ACRES MORE OR LESS (File No. AN-01-95).

WHEREAS, on June 28, 1995, the Albany City Council proclaimed the annexation of territory by adoption of Resolution No. 3527 and described in Exhibit A, attached hereto; and

WHEREAS, on June 28, 1995, the Albany City Council adopted Resolution No. 3527 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 July 26, 1995, 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1: The following described territory to-wit: (see attached legal description, Exhibit A) is hereby proclaimed to be withdrawn from the Albany Rural Fire Protection District.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: July 26, 1995

Approved by the Council President: Wayne M Lusk July 26, 1995

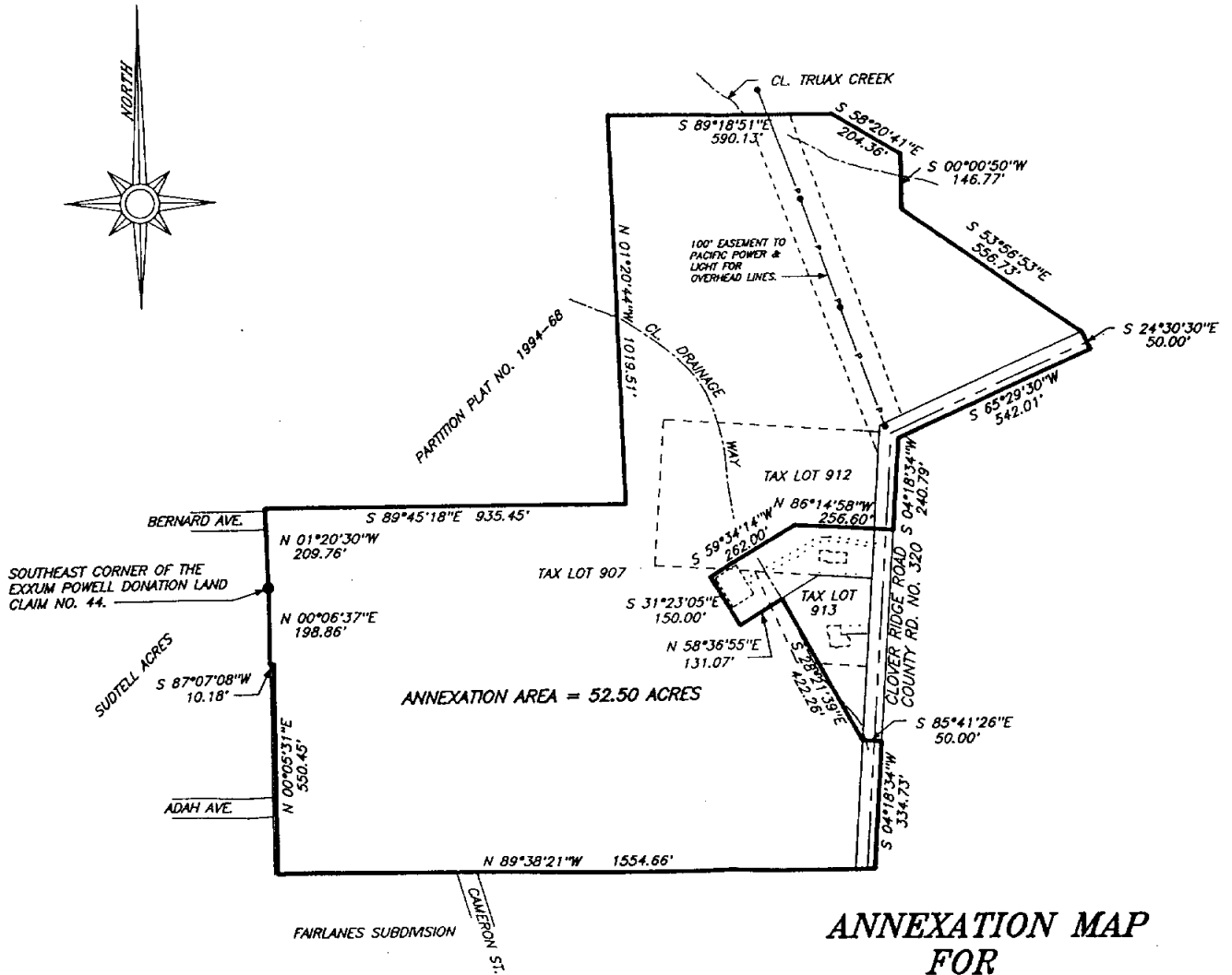
Effective Date: August 25, 1995

Council President

ATTEST:

Norm C. Wilthorn
Deputy City Recorder

**EXHIBIT A
LEGAL DESCRIPTION
CASE NO. AN-01-95**



**ANNEXATION MAP
FOR
WILLIAM AND MARY WORKMAN
AND
FALCON TRUST CORPORATION**

A TRACT OF LAND IN TAX LOTS 907, 912 AND 913 IN THE MILTON HOUSTON DONATION LAND CLAIM NO. 43 IN THE SOUTHEAST 1/4 OF SECTION 33 AND THE SOUTHWEST 1/4 OF SECTION 34, TOWNSHIP 10 SOUTH, RANGE 3 WEST AND IN THE NORTHEAST 1/4 OF SECTION 4, TOWNSHIP 11 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, LINN COUNTY, OREGON AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE EXXUM POWELL DONATION LAND CLAIM NO. 44; THENCE NORTH 01°20'30" WEST, 209.76 FEET; THENCE SOUTH 89°45'18" EAST, 935.45 FEET; THENCE NORTH 01°20'44" WEST, 1019.51 FEET; THENCE SOUTH 89°18'51" EAST, 590.13 FEET; THENCE SOUTH 58°20'41" EAST, 204.36 FEET; THENCE SOUTH 00°00'50" WEST, 146.77 FEET; THENCE SOUTH 53°58'53" EAST, 556.73 FEET; THENCE SOUTH 24°30'30" EAST, 50.00 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF CLOVER RIDGE ROAD, COUNTY ROAD NO. 320; THENCE ALONG SAID RIGHT OF WAY LINE, SOUTH 65°29'30" WEST, 542.01 FEET; THENCE SOUTH 04°18'34" WEST, 240.79 FEET; THENCE LEAVING SAID RIGHT OF WAY LINE, NORTH 86°08'26" WEST, 256.60 FEET; THENCE SOUTH 59°34'14" WEST, 262.00 FEET; THENCE SOUTH 28°21'39" EAST, 422.26 FEET; THENCE SOUTH 85°41'26" EAST, 50.00 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF SAID CLOVER RIDGE ROAD, COUNTY ROAD NO. 320; THENCE ALONG SAID RIGHT OF WAY LINE, SOUTH 04°18'34" WEST, 334.73 FEET; THENCE LEAVING SAID RIGHT OF WAY LINE, NORTH 89°38'21" WEST, 1554.66 FEET; THENCE NORTH 00°05'31" EAST, 550.45 FEET; THENCE SOUTH 87°07'08" WEST, 10.18 FEET; THENCE NORTH 00°06'37" EAST, 198.86 FEET TO THE SOUTHEAST CORNER OF THE EXXUM POWELL DONATION LAND CLAIM NO. 44 AND THE POINT OF BEGINNING OF THIS DESCRIPTION.

THE ABOVE DESCRIBED TRACT CONTAINS 52.50 ACRES OF LAND, MORE OR LESS.

THE BASIS FOR THIS DESCRIPTION IS A SURVEY IN PROGRESS AND NOT YET COMPLETED. THE BASIS OF BEARINGS IS FROM PARTITION PLAT NO. 1994-68. BEARINGS AND DISTANCES SHOWN ARE BASED ON FIELD TIES TO FOUND MONUMENTS.

IN TAX LOTS 907, 912 & 913 IN THE SOUTHEAST 1/4 OF SECTION 33 AND THE SOUTHWEST 1/4 OF SECTION 34, TOWNSHIP 10 SOUTH, RANGE 3 WEST AND IN THE NORTHEAST 1/4 OF SECTION 4, TOWNSHIP 11 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, LINN COUNTY, OREGON.

