

AN ORDINANCE WITHDRAWING TERRITORY FROM THE ALBANY RURAL FIRE PROTECTION DISTRICT LOCATED ON THE NORTH SIDE OF QUEEN AVENUE WEST OF BROADWAY STREET (LINN COUNTY ASSESSOR'S MAP NO. 11S-04W-13BA, TAX LOTS 400 AND 500) CONTAINING APPROXIMATELY 1.6 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. 5589 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Section 1: The following described real property to-wit (see attached Exhibit A) is hereby proclaimed to be withdrawn from the Albany Rural Fire Protection District.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

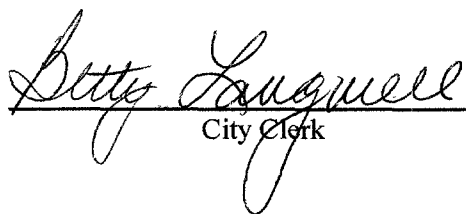
Approved by the Mayor: January 12, 2005

Effective Date: January 12, 2005



Mayor

ATTEST:



City Clerk

EXHIBIT A
LEGAL DESCRIPTION
FILE AN-A3-04

Beginning at a point that is North 1° 30' West 48.84 feet and South 51° 15' West 1176.12 feet from the Southwest corner of DLC No. 55; thence North 13° 10' 28" West 139.50 feet; thence North 89° 40' 34" West 8.0 feet; thence North 14° 41' 12" West 324.73 feet to the South line of Hazelwood Addition; thence along South line of said subdivision South 89° 41' 15" East 214.30 feet to the Northwest corner of that tract of land conveyed to Loma Investments LLC by deed recorded in Microfilm Volume 1142, Page 512, Linn County Deed Records; thence South 31° 14' 48" East 130.89 feet to the Northernmost corner of that tract of land conveyed to John Bachmeier by deed recorded in Microfilm Volume 807, Page 145, Linn County Deed Records; thence South 51° 15' West 117.13 feet to the Westernmost point on said Bachmeier tract; thence South 34° 23' 40" East 165.00 feet to the center line of Queen Avenue; thence South 51° 15' West 206.10 feet along said center line to the Point of Beginning.

Save and except that portion of the above described property lying within public streets and rights-of-way.

ALBANY

11S-04W-13BA NE 1/4 NW 1/4 SEC. 13 T.11S. R.04W. W.M.
LINN COUNTY, OREGON

1" = 100'

AN-A3-04

SEE MAP 11 4W 12CB

SW COR. DLC 55
 WALTER MONTIETH

QUEEN CAVE

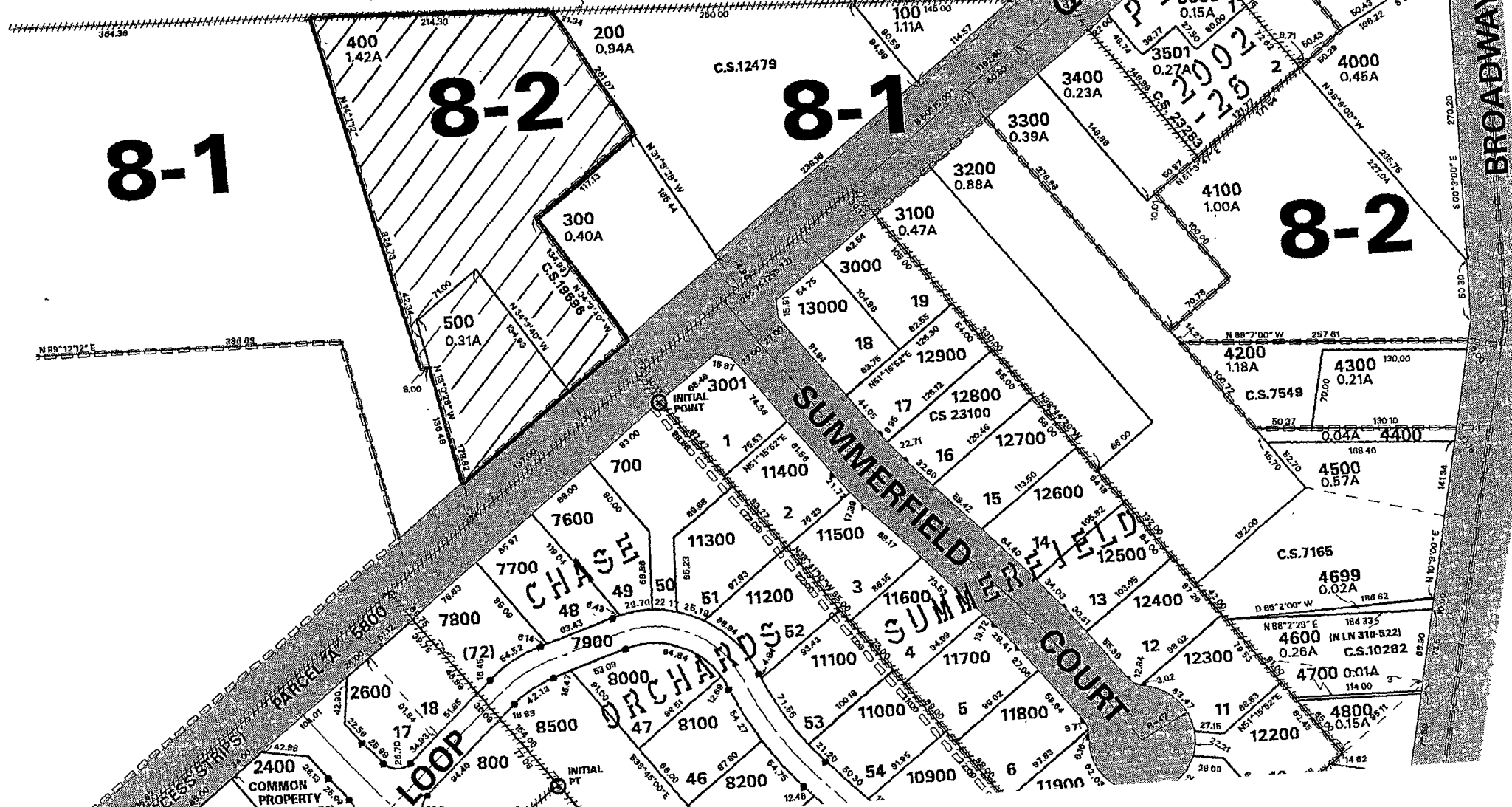
BROADWAY ST

8-1

8-2

8-1

8-2



2400 COMMON PROPERTY

CHAUN

ORCHARD

SUMMERFIELD BLVD

SUMMERFIELD COURT

C.S.7165

C.S.7549

C.S.1605

C.S.12479

SE COR BLK 21 HAZELWOOD ADD

SW COR BLK 7 HAZELWOOD ADD

N 88° 12' 12" E

364.38

44.00

3900 0.27A

3800 1.18A

3700 0.17A

3600 0.17A

3500 0.15A

3501 0.27A

3400 0.23A

3300 0.39A

3200 0.88A

3100 0.47A

3000

13000

12900

12800 CS 23100

12700

12600

12500

12400

12300

12200

12100

12000

11900

4200 1.18A

4300 0.21A

4400

4500 0.57A

4699 0.02A

4600 (N LN 318-522)

4700 0.01A

4800 0.15A

4800 0.15A

4800 0.15A

4800 0.15A

4800 0.15A

4800 0.15A