

AN ORDINANCE WITHDRAWING TERRITORY FROM THE ALBANY RURAL FIRE PROTECTION DISTRICT LOCATED ON CLOVER RIDGE ROAD NE (LINN COUNTY ASSESSOR'S MAP NO. 11S-03W-04AB, TAX LOTS 400, 500, 600, AND 900), CONTAINING APPROXIMATELY 15.9 ACRES MORE OR LESS, AND DECLARING AN EMERGENCY.

WHEREAS, the Albany City Council on June 11, 2008, proclaimed the annexation of territory by adoption of Ordinance No. 5697 and described in Exhibits A and B, 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 June 25, 2008, 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real property to-wit (see attached legal description, Exhibit A, and map, Exhibit B) is hereby proclaimed to be withdrawn from the Albany Rural Fire Protection District.

Section 2: The City Clerk 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: June 25, 2008

Approved by the Mayor: June 25, 2008

Effective Date: June 25, 2008

  
\_\_\_\_\_  
Mayor

ATTEST:

  
  
\_\_\_\_\_  
City Clerk

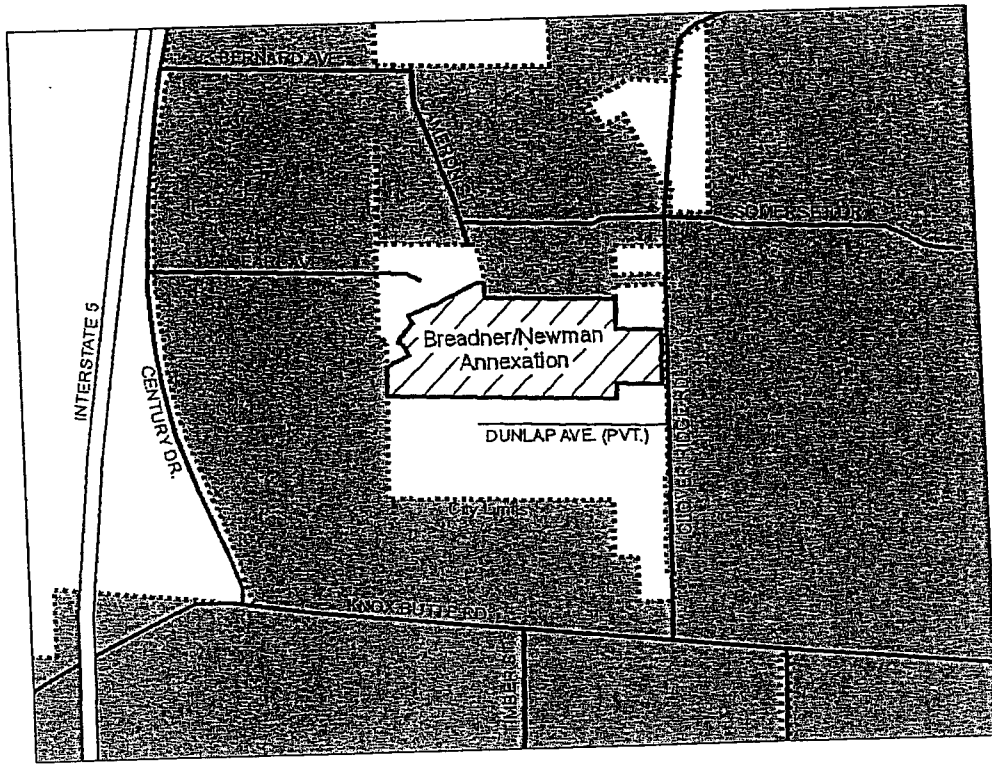
## EXHIBIT B

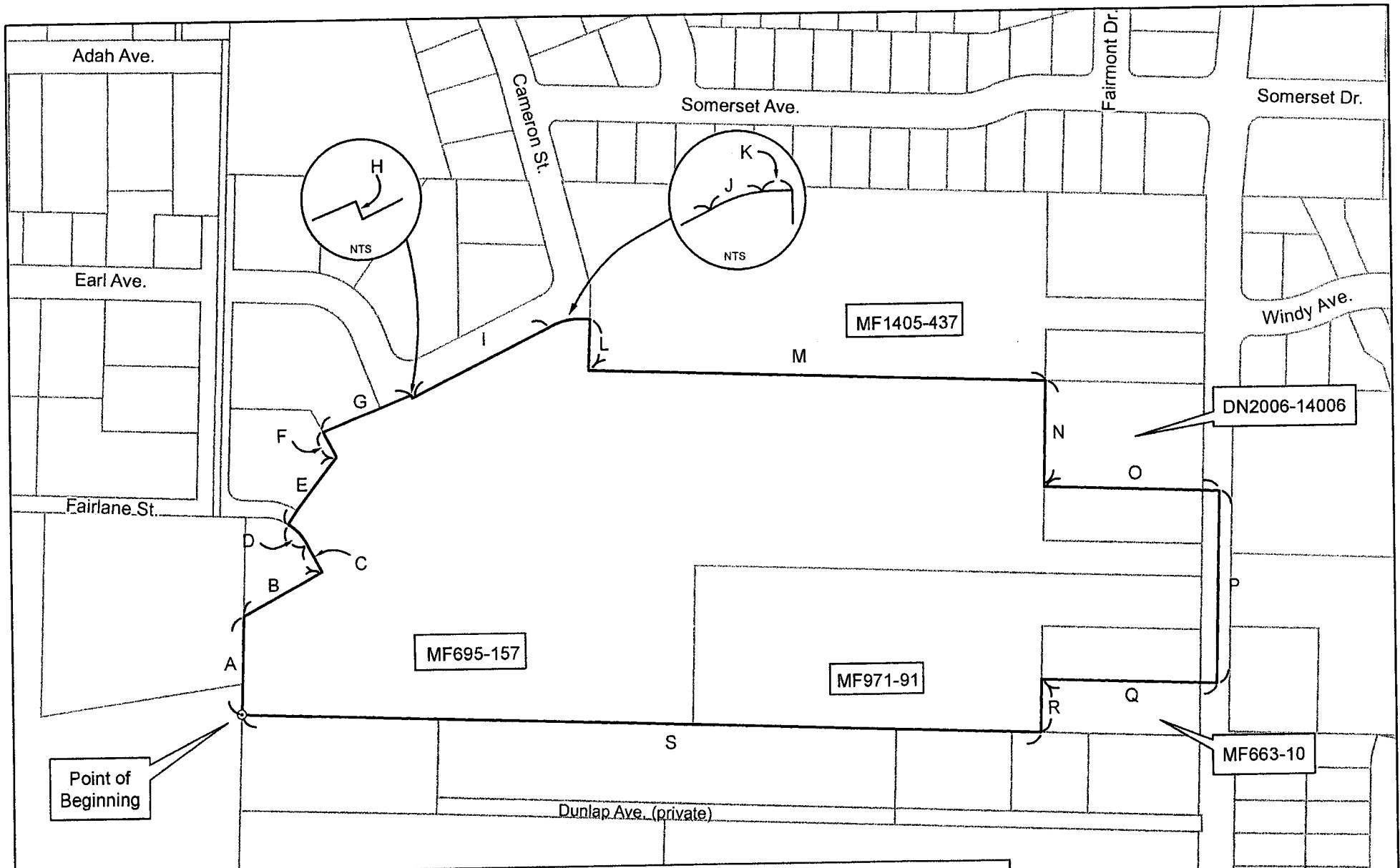
### LEGAL DESCRIPTION FILES AN-02-06/ZC-01-06

Beginning at the Southwest corner of Lot 21 of Fairlanes Subdivision, a residential subdivision recorded in County Survey No. 3038, Linn County, Oregon survey records; thence North  $0^{\circ}04'40''$  East, along the west line of said subdivision plat, a distance of 150.28 feet to an iron bar; thence North  $59^{\circ}44'24''$  East, along the northerly line of Lot 20 of said Fairlanes Subdivision, a distance of 138.63 feet, to an iron rod at the centerline of the vacated portion of Fairlane Street; thence North  $30^{\circ}12'15''$  West, along said centerline, a distance of 49.92 feet to an iron rod; thence further along said centerline, along a curve to the left with a radius of 75.00 feet, (the chord of which bears North  $46^{\circ}23'56''$  West, 42.08 feet), a distance of 42.80 feet to an iron rod; thence North  $35^{\circ}58'14''$  East, leaving said centerline, and along the northerly line of Lot 15 of Fairlanes Subdivision, a distance of 125.36 feet, to an iron rod at the southeast corner of Lot 13 of said subdivision; thence North  $28^{\circ}57'10''$  West, along the east line of said Lot 13 a distance of 42.83 feet to an iron rod at the northwest corner of Lot 12 of Fairlanes Subdivision; thence North  $66^{\circ}26'48''$  East, along the northerly line of said Lot 12, and the easterly extension thereof, a distance of 144.42 feet to an iron rod; thence South  $28^{\circ}18'09''$  East, a distance of 5.10 feet, to an iron rod on the southerly right-of-way line of Earl Street; thence North  $61^{\circ}41'51''$  East along said Earl Street right-of-way line, a distance of 240.21 feet to an iron rod; thence along a curve to the right, with a radius of 100.00 feet, (the chord of which bears North  $75^{\circ}45'21''$  East, 49.17 feet), a distance of 50.03 feet to an iron rod; thence South  $89^{\circ}29'57''$  East, a distance of 11.58 feet to an iron rod on the West boundary of that parcel owned by BBF Development (Clover Ridge) LLC, described in Linn County Microfilm Deed Records MF1405-437; thence South  $0^{\circ}24'37''$  West, leaving said Earl Street right-of-way line, a distance of 78.29 feet to an iron rod at the Southwest corner of said BBF Development parcel; thence South  $89^{\circ}39'00''$  East, along the South boundary of said BBF Development parcel, a distance of 706.27 feet to an iron rod at the Northwest corner of that parcel owned by Ben Kauffman, described in Linn County Microfilm Deed Records DN2006-14008; thence South  $0^{\circ}16'00''$  East, along the West boundary of said Kauffman parcel, a distance of 161.80 feet to the Southwest corner of said Kauffman parcel; thence South  $89^{\circ}39'00''$  East, along the South boundary of said Kauffman parcel, and its extension, a distance of 269.22 feet to the existing City Limits boundary; thence South  $0^{\circ}16'00''$  East, along said City Limits boundary, a distance of 292.70 feet, to the Easterly extension of the North boundary of that parcel owned by Michael and Roberta Newman, described in Linn County Microfilm Deed Records MF663-10; thence North  $89^{\circ}39'00''$  West, along said North boundary a distance of 269.22 feet to the Northwest corner of said Newman parcel; thence South  $00^{\circ}16'00''$  East, along the West boundary of said Newman parcel, a distance of 80.77 feet to the Southwest corner of said parcel; thence North  $89^{\circ}39'00''$  West, along the south boundaries of those parcels described in Linn County Deed Records MF971-91 and MF695-157, a distance of 1,231.02 feet to the Point of Beginning.

Said area containing 15.9 acres, more or less.

EXHIBIT A





**A:** N00°04'40"E; 150.28'  
**B:** N59°44'24"E; 138.63'  
**C:** N30°12'15"W; 49.92'  
**D:** Radius = 75'; Arc Length = 42.80';  
 Chord = N46°23'56"W, 42.08'  
**E:** N35°58'14"E; 125.36'  
**F:** N28°57'10"W; 42.83'  
**G:** N66°26'48"E; 144.42'

**H:** S28°18'09"E; 5.10'  
**I:** N61°41'51"E; 240.21'  
**J:** Radius = 100'; Arc Length = 50.03';  
 Chord = N75°45'21"E, 49.17'  
**K:** S89°29'57"E; 11.58'  
**L:** S00°24'37"W; 78.29'  
**M:** S89°39'00"E; 706.27'  
**N:** S00°16'00"E; 161.80'

**O:** S89°39'00"E; 269.22'  
**P:** S00°16'00"E; 292.70'  
**Q:** N89°39'00"W; 269.22'  
**R:** S00°16'00"E; 80.77'  
**S:** N89°39'00"W; 1231.02'