

ORDINANCE NO. 5299

AN ORDINANCE WITHDRAWING TERRITORY FROM THE ALBANY RURAL FIRE PROTECTION DISTRICT LOCATED EAST OF THE CALAPOOIA RIVER AND NORTH OF THE FORMER SANITARY LANDFILL, APPROXIMATELY 1,800 FEET NORTH OF 53RD AVENUE SW (A PORTION OF TAX LOT 100, LINN COUNTY ASSESSOR'S MAP NO. 11-4W-23) AND CONTAINING APPROXIMATELY 28.11 ACRES. (FILE NO. AN-06-96)

WHEREAS, on August 28, 1996, the Albany City Council proclaimed the annexation of territory by adoption of Resolution No. 3686 and described in Exhibit A, attached hereto; and

WHEREAS, notices of a public hearing were published and posted in the manner and for the time prescribed by law and on August 13, 1997, 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Section 1: The following described territory as Described in Exhibit A is hereby proclaimed to be withdrawn from the Albany Rural Fire Protection District.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: August 13, 1997

Approved by the Council President: August 13, 1997

Effective Date: August 13, 1997

Wayne M Fiske
Council President

ATTEST:

[Signature]
City Recorder

**EXHIBIT A
LEGAL DESCRIPTION
CASE FILE NO. AN-06-96**

Beginning at the southeast corner of said Rozelle Tract, which point is on the south line of and 22 chains WEST of the southeast corner of the Jarvis Briggs Donation Land Claim No. 83 in Township 11 South, Range 4 West, Willamette Meridian, Oregon; thence North $87^{\circ}41'00''$ West, along the south line of said Rozelle Tract, 1300.70 feet to the centerline of the Calapooia River; thence along said centerline the following twelve (12) courses: (1) North $25^{\circ}13'43''$ East 103.71 feet; (2) thence North $12^{\circ}57'05''$ East 71.03 feet; (3) thence North $24^{\circ}22'54''$ West 140.11 feet; (4) thence North $37^{\circ}37'33''$ West 140.07 feet; (5) thence North $04^{\circ}18'47''$ West 99.30 feet; (6) thence North $45^{\circ}28'33''$ East 171.20 feet; (7) thence North $55^{\circ}37'03''$ East 182.61 feet; (8) thence North $67^{\circ}33'52''$ East 78.93 feet; (9) thence North $68^{\circ}33'01''$ East 491.23 feet; (10) thence North $73^{\circ}14'55''$ East 324.82 feet; (11) thence North $72^{\circ}10'17''$ East 255.79 feet; (12) thence North $63^{\circ}21'49''$ East 77.83 feet to a point on the east line of said Rozelle Tract; thence South $01^{\circ}45'45''$ West 1193.51 feet to the Point of Beginning; Containing 28.11 acres of land, more or less.

