

ORDINANCE NO. 5300

AN ORDINANCE WITHDRAWING TERRITORY FROM THE ALBANY RURAL FIRE PROTECTION DISTRICT LOCATED SOUTH OF SPICER ROAD AND EAST OF THE FESCUE STREET EXTENSION AND MORE COMMONLY KNOWN AS 3520 SPICER ROAD SE AND CONTAINING 7.21 ACRES MORE OR LESS. (FILE NO. AN-08-96)

WHEREAS, on July 9, 1997, the Albany City Council proclaimed the annexation of territory by adoption of Ordinance No. 5295 and described in Exhibit A, attached hereto; and

WHEREAS, on July 9, 1997, the Albany City Council adopted Ordinance No. 5295 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 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1: The following described territory to-wit: (see attached legal description, Exhibit A) is hereby proclaimed to be withdrawn from the Albany Rural Fire Protection District.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 Council: August 13, 1997

Approved by Council President August 13, 1997

Effective Date: August 13, 1997



Council President

ATTEST:



City Recorder

EXHIBIT A
LEGAL DESCRIPTION
FILE AN-08-96, CP-02-96, AND ZC-04-96

Linn County Assessor's Map 11-3W-09C, Tax Lots 400 and 402 (Clark Property)

The following described real property in the County of Linn and State of Oregon:

Beginning at a point which is 10.60 chains East and 3.89 chains South from the Northwest corner of the Edward N. White Donation Land Claim No. 48, in Township 11 South, Range 3 West, of the Willamette Meridian, in the County of Linn and State of Oregon; thence South 14.55 chains, more or less, to a Northwest corner of a certain tract of land sold by J. F. Bain to A. W. Cormack; thence East 7.37 chains; thence North 11.37, more or less, to the center of a County Road; thence North 70° 45' West along the center of said County Road to the place of beginning.

EXCEPTING THEREFROM a certain tract of land deeded by John F. Bain to Harold L. Mayfield and Ruth I. Mayfield as described in Deed recorded at Volume 178, Page 647, Linn County Deed Records.

ALSO EXCEPTING THEREFROM a tract of land described as follows:

Beginning at an iron pin in the center of a County Road which is South 6.47 chains and East 17.97 chains from the Northwest corner of the Edward White Donation Land Claim No. 48, in Township 11 South, Range 3 West, of the Willamette Meridian, in the County of Linn and State of Oregon, said pin being the most Northerly Northwest corner of that tract conveyed to A. W. Cormack; et al by Deed recorded August 9, 1920, in Book 120, Page 230, Linn County Deed Records; thence South 0° 06' West 106.83 feet; thence North 89° 14' West 40 feet; thence North 0° 06' East parallel to the East line of the said Cormack tract to the center of the County Road; thence South 70° 24' East along the center of said County Road to the place of beginning.

Linn County Assessor's Map 11-3W-09C, Tax Lot 401 (Chisholm Property):

The following described real property in the County of Linn and State of Oregon:

Beginning at an iron pin in the center of a County Road which is South 6.47 chains and East 17.97 chains from the Northwest corner of the Donation Land Claim of Edward White, Notification No. 694 and Claim No. 48, in Township 11 South, Range 3 West of the Willamette Meridian, Linn County, Oregon, said pin being the most Northerly Northwest corner of that tract conveyed to A.W. Cormack, et al by Deed recorded August 9, 1920, in Book 120, Page 230, Deed Records; thence South 0°06' West 106.83 feet; thence North 89°14' West 40 feet; thence North 0°06' East parallel to the East line of said Cormack tract to the center of the County Road; thence South 70°24' East along the center of said County Road to the point of beginning. (11S 03W 09C 00401)

**EXHIBIT A
LEGAL DESCRIPTION
FILE AN-08-96, CP-02-96, AND ZC-04-96**

