

AN ORDINANCE WITHDRAWING TERRITORY FROM THE ALBANY RURAL FIRE PROTECTION DISTRICT LOCATED ON THE EAST SIDE OF LOCHNER ROAD AND SOUTH OF THE ALBANY SANTIAM CANAL (LINN COUNTY ASSESSOR'S MAP NO. 11S-03W-20, TAX LOTS 603 AND A PORTION OF TAX LOT 602) CONTAINING APPROXIMATELY 31.9 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. ~~5584~~ 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Section 1: The following described real property to-wit (see attached Exhibit A) is hereby proclaimed to be withdrawn from the Albany Rural Fire Protection District.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-01-04

Beginning at a 1/2-inch iron rod on the East line of and South 1° 04' 30" East 1433.04 feet from the Northeast corner of the Truett Davis DLC No. 54 in Township 11 South, Range 3 West, of the Willamette Meridian, Linn County, Oregon, said 1/2-inch iron rod being on the South line of the Albany Santiam Canal right-of-way; thence South 1° 04' 30" East 156.83 feet to the Northwest corner of the Robert Pentland DLC No. 69; thence South 0° 55' 10" East 1195.87 feet to the North line of the Northwest Natural Gas Co. easement as recorded in Book 272, Page 827, Linn County Deed Records; thence South 85° 06' 45" East 1448.11 feet to a 5/8-inch iron rod; thence North 0° 55' 10" West 706.40 feet to the North line of the Southern Pacific Railroad right-of-way; thence North 65° 33' West along said North line of railroad 700.46 feet, more or less, to the Southeast corner of that parcel conveyed to BBF Development (Clover Ridge) LLC by deed recorded in MF1542-869; thence North 1° 04' 30" West 428.93 feet to the South line of said canal; thence North 86° 16' West 20.41 feet; thence South 1° 16' 30" East 61.63 feet; thence on a 606.0-foot radius curve to the right (the long chord of which bears South 11° 35' 15" West 269.80 feet) a distance of 272.08 feet; thence South 24° 27' West 61.33 feet to the North right-of-way line of said railroad; thence North 65° 33' West along said North railroad right-of-way line 198.55 feet; thence North 1° 16' 30" West 321.67 feet to the South line of said canal; thence North 86° 16' West 521.23 feet to the Point of Beginning.

Save and except that portion of the above described property that lies within the Lochner Road right-of-way.

Said area containing 31.9 acres, more or less.

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSES ONLY

SEC. 20 T. 11S. R. 03W. W.M.
LINN COUNTY, OREGON

SEE MAP 11 3W 18DD

NW COR.
DLC 69
ROBERT PENTLAND

602
4.85A

8-4

8-1

604
12.30A

8-27

NORTHWEST CORNER
OF THE FIRST ADDITION
TO PINEWAY SUBDIVISION

SEE MAP
11 3W 20BA

603
29.46A

700
10.03A

600
109.45A

703
22.79A

SEE MAP 11 3W 20BD

SEE MAP 11 3W 19A

ALBANY
11S-03W-20

AN-01-04

LOCHNER RD. C.S. 17790
N 00° 55' 10" W

ALBANY - SANTIAM CANAL

S.P.H.R.

B.P.A.
EASEMENT 812.64

