

ORDINANCE NO. 5598

AN ORDINANCE WITHDRAWING TERRITORY FROM THE ALBANY RURAL FIRE PROTECTION DISTRICT LOCATED AT 440 CLOVER RIDGE ROAD NE(LINN COUNTY ASSESSOR'S MAP NO. 11S-03W-04AB, TAX LOT 901) CONTAINING APPROXIMATELY 4.98 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. ~~5586~~ 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Section 1: The following described real property to-wit (see attached Exhibit A) is hereby proclaimed to be withdrawn from the Albany Rural Fire Protection District.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

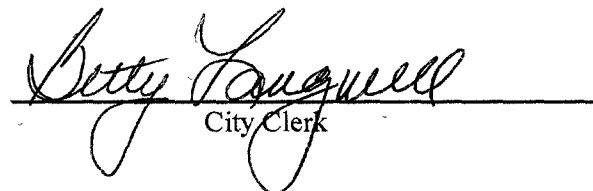
Approved by the Mayor: January 12, 2005

Effective Date: January 12, 2005



Mayor

ATTEST:



City Clerk

EXHIBIT A
LEGAL DESCRIPTION
FILE AN-03-04

Beginning at a point which bears South 0° 05' West 550.44 feet and North 89° 39' West 1879.08 feet from the Northeast corner of the Robert Houston DLC No. 38, in the Northeast Quarter of Section 4, Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon; thence South 0° 16' East 156.19 feet to a 1/2-inch rod; thence South 89° 39' East 269.22 feet to a point on the center line of Clover Ridge Road (Co. Rd. No. 320); thence along said center line South 0° 16' East 50.0 feet; thence North 89° 39' West 269.22 feet to a 1/2-inch iron rod, said point being the Northwest corner of that tract of land conveyed to Daniel Reyes by deed recorded in Microfilm Volume 1394, Page 575, Linn County Deed Records; thence along the west line of said Reyes tract South 0° 16' East 77.61 feet to a 1/2-inch rod, said point being the Southwest corner of said Reyes tract; thence North 89° 39' West 706.14 feet to a 1/2-inch rod, said point being the Southwest corner of that tract of land conveyed to BBF Development (Clover Ridge) LLC by deed recorded in Microfilm Volume 1405, Page 437, Linn County Deed Records; thence North 0° 21' East 127.61 feet to a 3/4-inch rod; thence North 16° 34' West 162.90 feet to the Northwest corner of said BBF tract; thence South 89° 39' East 749.76 feet to the Point of Beginning.

Said area containing 4.98 acres, more or less

