

AN ORDINANCE WITHDRAWING TERRITORY FROM THE ALBANY AND TANGENT RURAL FIRE PROTECTION DISTRICTS LOCATED ON THE WEST SIDE OF COLUMBUS STREET SE AND ON THE NORTH AND SOUTH SIDES OF ELLINGSON ROAD SE (LINN COUNTY ASSESSOR'S MAP NO. 11S-03W-29, TAX LOT 300) CONTAINING APPROXIMATELY 110 ACRES MORE OR LESS.

WHEREAS, the Albany City Council on July 13, 2005, proclaimed the annexation of territory by adoption of Ordinance No. 5623 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 and Tangent Rural Fire Protection Districts; and

WHEREAS, notices of said public hearing were published and posted in the manner and for the time prescribed by law and on July 13, 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 Fire Districts 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real property to-wit (see attached Exhibits A and B for legal descriptions and maps) is hereby proclaimed to be withdrawn from the Albany and Tangent Rural Fire Protection Districts.

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, the Albany Rural Fire Protection District and the Tangent Rural Fire Protection District.

Passed by the Council: July 13, 2005


Approved by the Mayor: July 13, 2005

Effective Date: August 12, 2005



Mayor

ATTEST:



City Clerk

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY TO BE WITHDRAWN FROM THE ALBANY RURAL FIRE PROTECTION DISTRICT (FILE AN-06-04)

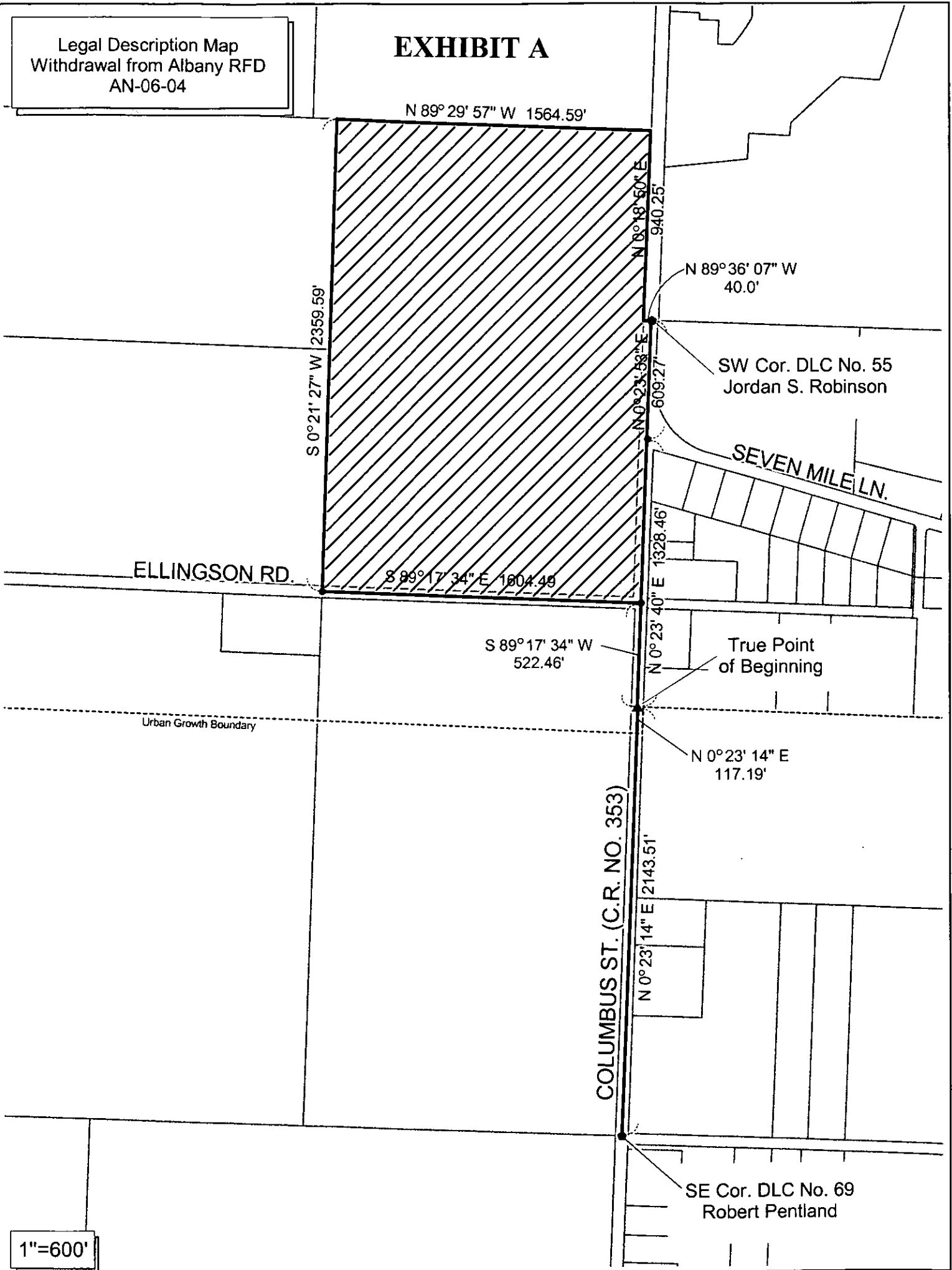
A portion of that tract of land described in Deed Volume 1406, Page 834, recorded April 3, 2003, Linn County Deed Records, being a portion of the Robert Pentland D.L.C. No. 69, located in the southwest one-quarter of Section 20 and the northwest one-quarter of Section 29, Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon, being more particularly described as follows:

Commencing at a 3-1/4" aluminum disk marking the southeast corner of said Robert Pentland D.L.C. No. 69, said point also being on the centerline of Columbus Street (County Road No. 353); thence along said centerline N 0° 23' 14" E, 2143.51 feet to an angle point, said angle point also being the *True Point of Beginning*; thence along said centerline N 0° 23' 40" E, 1328.46 feet to an angle point; thence continuing along said centerline N 0° 23' 53" E, 609.27 feet to the southwest corner of the Jordan S. Robinson D.L.C. No. 55; thence leaving said centerline N 89° 36' 07" W, 40.0 feet to the west right-of-way line of Columbus Street (County Road No. 353); thence along said west right-of-way line N 0° 18' 50" E, 940.25 feet to the southerly line of that tract of land described as Tax Lot 1300 of tax map 11-3W-20 in Deed Volume 1049, Pages 46-62, recorded July 19, 1999, Linn County Deed Records; thence along said southerly line N 89° 29' 57" W, 1564.59 feet to the easterly line of that tract of land described in Deed Volume 781, Pages 462-463, recorded January 3, 1996, Linn County Deed Records; thence along said easterly line and the easterly line of that tract of land described in Deed Volume 1431, Pages 601-602, recorded May 29, 2003, Linn County Deed Records, S 0° 21' 27" W, 2359.59 feet to the centerline of Ellingson Road (County Road No. 350); thence S 89° 17' 34" E 1604.49 feet to the centerline of Columbus Street (County Road No. 353); thence along said centerline S 0° 23' 40" W, 522.46 feet to the *True Point of Beginning*.

Containing 85.98 acres, more or less, including right-of-way.

Legal Description Map
Withdrawal from Albany RFD
AN-06-04

EXHIBIT A



1"=600'

EXHIBIT B

LEGAL DESCRIPTION OF PROPERTY TO BE WITHDRAWN FROM THE TANGENT RURAL FIRE PROTECTION DISTRICT (FILE AN-06-04)

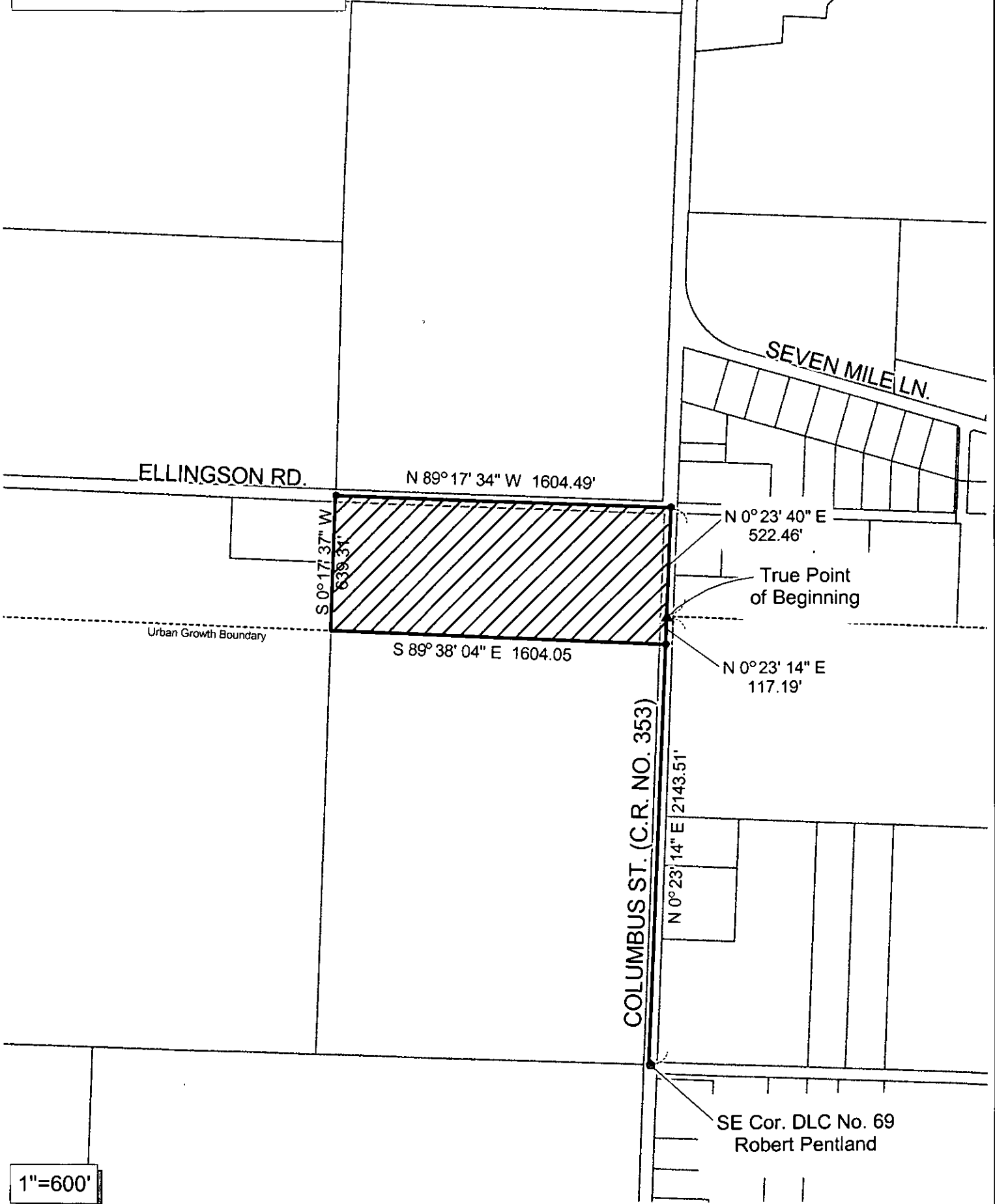
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Commencing at a 3-1/4" aluminum disk marking the southeast corner of said Robert Pentland D.L.C. No. 69, said point also being on the centerline of Columbus Street (County Road No. 353); thence along said centerline N 0° 23' 14" E, 2143.51 feet to an angle point, said angle point also being the *True Point of Beginning*; thence along said centerline N 0° 23' 40" E, 522.46 feet to the intersection of the centerline of Columbus Street (County Road No. 353) and the centerline of Ellingson Road (County Road No. 350); thence along said Ellingson Road centerline N 89° 17' 34" W, 1604.49 feet to the northerly extension of the easterly line of Partition Plat No. 2004-54, recorded as County Survey 23891, Linn County Survey Records; thence southerly along said easterly line of Partition Plat No. 2004-54 (County Survey 23891), S 0° 17' 37" W, 639.31 feet to the City of Albany's Urban Growth Boundary; thence along said Urban Growth Boundary S 89° 38' 04" E, 1604.05 feet to the centerline of Columbus Street (County Road No. 353); thence along said centerline N 0° 23' 14" E, 117.19 feet to the *True Point of Beginning*.

Containing 23.55 acres, more or less, including right-of-way.

Legal Description Map
Withdrawal from Tangent RFD
AN-06-04

EXHIBIT B



1"=600'