

ORDINANCE BILL NO. 3-07

1
2 AN ORDINANCE declaring and proclaiming certain territory located EAST OF 45TH AVENUE NE
3 AND SOUTH OF BETH STREET NE AREA (4540 BETH STREET NE), annexed to the City of
4 Salem, prescribing zoning and withdrawing the territory from Marion County Fire District #1, the
5 East Salem Service District, and the Suburban East Salem Water District.

6 THE CITY OF SALEM ORDAINS AS FOLLOWS:

7 **Section 1. Findings.**

8 (a) **Initiation.** On April 10, 2006, the City Council of the City of Salem (the Council)
9 adopted Resolution No. 2006-46 to initiate the annexation of certain real property located
10 EAST OF 45TH AVENUE NE AND SOUTH OF BETH STREET NE AREA (4540 BETH
11 STREET NE) (the Territory) into the City of Salem (the City), as more particularly described
12 in **Exhibit 1**, which is attached hereto and incorporated herein by reference.

13 (b) **Hearing and Decision.** The Council held a duly advertised public hearing on May 1,
14 2006 and received evidence and testimony regarding: referral to a vote of the people (as
15 required by Salem City Charter Section 61) of the proposed annexation of the Territory,
16 including whether the public interest would be served; whether the proposed annexation of
17 the Territory, including the proposed change in the Territory's zoning designation from
18 Marion County RS (Single Family Dwelling) to City RS (Single Family Residential) upon
19 annexation, complied with Salem Revised Code (SRC) Chapter 165 and the applicable land
20 use and other criteria; and whether the withdrawal of the Territory from Marion County Fire
21 District #1, the Suburban East Salem Water District and the East Salem Service District (the
22 District) upon annexation would be in the best interest of the City. At the conclusion of the
23 public hearing, after due consideration of the evidence and testimony, the Council adopted
24 Order No. 06-C-549 as its final decision and findings determining that: the public interest
25 would be furthered by the referral of the proposed annexation of the Territory to the voters of
26 the City; the proposed annexation of the Territory, including land use designations, complied
27 with SRC Chapter 165 and the applicable land use and other criteria; and, the withdrawal of
28 the Territory from the District would be in the best interest of the City.

1 (c) **Referral and Elector Approval.** On June 19, 2006 the Council adopted Resolution
2 No. 2006-118 approving referral of the proposed annexation of the Territory to the electors of
3 the City at the September 19, 2006 election, as required by Salem City Charter Section 61.
4 At the election a majority of the votes cast by the electors residing in the City favored
5 annexation of the Territory into the City. This election result is set forth in the canvass of
6 votes from the election reviewed by the Council at it's October 23, 2006 meeting and
7 proclaimed by the Mayor.

8 (d) **Withdrawal from Special District.** The Council finds it is in the best interest of the
9 City to withdraw the Territory from Marion County Fire District #1, the Suburban East Salem
10 Water District and the East Salem Service District (the District) and to provide the Territory
11 with City services because the public good of the City and the citizens residing in the
12 Territory would be best served if the citizens residing in the Territory receive City services
13 without the problems attendant with coordination that would result from the Territory being
14 subject to the jurisdiction of overlapping urban service providers. It would not be in the best
15 interest of the City for the citizens residing in the Territory to pay both City taxes and an
16 additional assessment to the District to receive services that may readily be supplied by the
17 City without such additional taxation. Since leaving the Territory in the District would lead
18 to a fragmented approach to delivery of public services, unequal tax bases and resistance to
19 cooperation, withdrawal would promote efficiency, economy and sound management in the
20 provision of urban services for the Territory, and the Territory should be withdrawn from the
21 District.

22 **Section 2. Annexation.** The City Council of the City of Salem declares and proclaims that the
23 Territory described in **Exhibit 1**, which is attached hereto and incorporated herein by reference, is
24 hereby annexed to the City of Salem, Oregon.

25 **Section 3. Zoning.** The Territory is designated "Single Family Residential" in the Salem Area
26 Comprehensive Plan, and on the Plan Map. The zoning for the Territory is prescribed as RS (Single
27 Family Residential). The Planning Administrator shall add to the official zoning map the Territory
28 herein annexed.

1 **Section 4. Withdrawal from Marion County Fire District #1, the Suburban East Salem Water**

2 **District and the East Salem Service District.** The Territory is hereby withdrawn from Marion
3 County Fire District #1, the Suburban East Salem Water District and the East Salem Service District,
4 such withdrawal to be effective upon, and contemporaneous with, the date of annexation.

5 **Section 5. Direction.** The City Recorder shall submit a copy of this ordinance and such other
6 information as ORS 222.177 requires to the Oregon Secretary of State, and shall provide the notice
7 and reports required by ORS 222.005(1) and ORS 222.010 to the persons or entities described
8 therein.

9 PASSED by the Council this _____ day of _____, 2007.

10 ATTEST:

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13 City Recorder

14 Approved by the City Attorney:  _____

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16 Checked by: C. Urbani

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East of 45th Avenue NE and South of Beth Street NE Area
(4540 Beth Street NE)

Beginning at the point of intersection of the South Line of Beth Street NE and the East Line of Lot 1 of Mitchell Addition, as recorded in Volume 15, Page 18, Book of Town Plats, Marion County, Oregon; said point being in Section 30, Township 7 South, Range 2 W est of the Willamette Meridian, Marion County, Oregon; said point also being the northeast corner of Parcel 3 of Minor Partition No. 78-118 and recorded in Reel 133, Page 1576, Marion County Records; and running thence:

South 01° 47' 30" West 100 feet along the East Line of said Parcel 3 to the southeast corner thereof; thence North 89° 01' 30" W est 80.20 feet along the South Line of said Parcel 3 to the southwest corner thereof;

thence North 01° 48' East 100 feet along the West Line of said Parcel 3 to a point on the South Line of said Beth Street NE;

thence South 89° 01' 30" East 80.19 feet along the South Line of said Beth Street NE to the point of beginning.

Checked By: J.W.

Project No.: C-549

March 14, 2001

DOR 24-P22-2001

Date: 03/28/2001

EXHIBIT 1