

**ORDINANCE BILL NO. 9-07**

1  
2 AN ORDINANCE declaring and proclaiming certain territory located at 2655, 2703, AND 2707  
3 BRUSH COLLEGE ROAD NW, annexed to the City of Salem, prescribing zoning and withdrawing  
4 the territory from the Spring Valley Rural Fire Protection District.

5 THE CITY OF SALEM ORDAINS AS FOLLOWS:

6 **Section 1. Findings.**

7 (a) **Initiation.** On December 12, 2005, the City Council of the City of Salem (the  
8 Council) adopted Resolution No. 2005-103 to initiate the annexation of certain real property  
9 located at 2655, 2703, AND 2707 BRUSH COLLEGE ROAD NW (the Territory) into the  
10 City of Salem (the City), as more particularly described in **Exhibit 1**, which is attached  
11 hereto and incorporated herein by reference.

12 (b) **Hearing and Decision.** The Council held a duly advertised public hearing on  
13 February 13, 2006 and February 27, 2006 and received evidence and testimony regarding:  
14 referral to a vote of the people (as required by Salem City Charter Section 61) of the  
15 proposed annexation of the Territory, including whether the public interest would be served;  
16 whether the proposed annexation of the Territory, including the proposed change in the  
17 Territory's zoning designation from Polk County SR (Suburban Residential) to City RA  
18 (Residential Agriculture) upon annexation, complied with Salem Revised Code (SRC)  
19 Chapter 165 and the applicable land use and other criteria; and whether the withdrawal of the  
20 Territory from the Spring Valley Rural Fire Protection District (the District) upon annexation  
21 would be in the best interest of the City. At the conclusion of the public hearing, after due  
22 consideration of the evidence and testimony, the Council adopted Order No. 06-C-590 as its  
23 final decision and findings determining that: the public interest would be furthered by the  
24 referral of the proposed annexation of the Territory to the voters of the City; the proposed  
25 annexation of the Territory, including land use designations, complied with SRC Chapter 165  
26 and the applicable land use and other criteria; and, the withdrawal of the Territory from the  
27 District would be in the best interest of the City.

28

1 (c) **Referral and Elector Approval.** On June 12, 2006 the Council adopted Resolution  
2 No. 2006-100 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 the Spring Valley Rural Fire Protection District (the  
10 District) and to provide the Territory with City services because the public good of the City  
11 and the citizens residing in the Territory would be best served if the citizens residing in the  
12 Territory receive City services without the problems attendant with coordination that would  
13 result from the Territory being subject to the jurisdiction of overlapping urban service  
14 providers. It would not be in the best interest of the City for the citizens residing in the  
15 Territory to pay both City taxes and an additional assessment to the District to receive  
16 services that may readily be supplied by the City without such additional taxation. Since  
17 leaving the Territory in the District would lead to a fragmented approach to delivery of public  
18 services, unequal tax bases and resistance to cooperation, withdrawal would promote  
19 efficiency, economy and sound management in the provision of urban services for the  
20 Territory, and the Territory should be withdrawn from the District.

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

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



**Enclave: 2655, 2703, and 2707 Brush College Road NW**

Beginning at the point of intersection of the West Line of that land described in Book of Records 385, Page 250, and the North Line of County Road No. 6408 (commonly known as Brush College Road NW); said point being 1531.20 feet East and 1651.04 feet South from the northwest corner of the C. O. Hosford Donation Land Claim No. 65; said point being in Section 8, Township 7 South, Range 3 West of the Willamette Meridian, City of Salem, Polk County, Oregon; said point also being on the now existing City Limits Line; and running thence:

North 522.25 feet along said West Line and the West Line of that tract of land described in Instrument No. 2004-0011129 and said now existing City Limits Line to the northwest corner thereof;

thence East 155.00 feet along the North Line of that tract of land described in Instrument No. 2004-0011129 and said now existing City Limits Line to the northeast corner thereof;

thence South 214.95 feet to a point on the North Line of that tract of land described in that instrument recorded in Book of Records 371, Page 2124, Polk County, Oregon;

thence East 346.90 feet along said North Line and said now existing City Limits Line to the northeast corner thereof;

thence South 549.87 feet along the East Line that tract of land described in said Book of Records 371, Page 2124, and said now existing City Limits Line to a point on the North Line of said Brush College Road NW;

thence along the arc of a 925.05 foot radius curve to the right (the chord of which bears North 68° 10' 26" West 154.21 feet) and said now existing City Limits Line a distance of 154.39 feet;

thence North 62° 47' 28" West 404.32 feet along the North Line of said Brush College Road NW and said now existing City Limits Line to the Point of Beginning.

- DOR: 27-P15-2005  
DOR Date: 11/23/2005

Checked By: J.N.  
Project No. C-590  
November 14, 2005