

ORDINANCE BILL NO. 10-07

1 AN ORDINANCE declaring and proclaiming certain territory located at 1604, 1684, AND 1712
2 DOAKS FERRY ROAD NW, annexed to the City of Salem, prescribing zoning and withdrawing the
3 territory from the Salem Suburban Rural Fire Protection District.
4

5 THE CITY OF SALEM ORDAINS AS FOLLOWS:

Section 1. Findings.

7 (a) **Initiation.** On December 12, 2005, the City Council of the City of Salem (the
8 Council) adopted Resolution No. 2005-104 to initiate the annexation of certain real property
9 located at 1604, 1684, AND 1712 DOAKS FERRY ROAD NW (the Territory) into the City
10 of Salem (the City), as more particularly described in **Exhibit 1**, which is attached hereto and
11 incorporated herein by reference.

12 (b) **Hearing and Decision.** The Council held a duly advertised public hearing on
13 February 27, 2006 and received evidence and testimony regarding: referral to a vote of the
14 people (as required by Salem City Charter Section 61) of the proposed annexation of the
15 Territory, including whether the public interest would be served; whether the proposed
16 annexation of the Territory, including the proposed change in the Territory's zoning
17 designation from Polk County SR (Suburban Residential) to City RA (Residential
18 Agriculture) upon annexation, complied with Salem Revised Code (SRC) Chapter 165 and
19 the applicable land use and other criteria; and whether the withdrawal of the Territory from
20 the Salem Suburban Rural Fire Protection District (the District) upon annexation would be in
21 the best interest of the City. At the conclusion of the public hearing, after due consideration
22 of the evidence and testimony, the Council adopted Order No. 06-C-591 as its final decision
23 and findings determining that: the public interest would be furthered by the referral of the
24 proposed annexation of the Territory to the voters of the City; the proposed annexation of the
25 Territory, including land use designations, complied with SRC Chapter 165 and the
26 applicable land use and other criteria; and, the withdrawal of the Territory from the District
27 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. 2006-101 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 Salem Suburban 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: 1604, 1684, and 1712 Doaks Ferry Road NW

Beginning at the point of intersection of the South Line of County Road No. 7304 (commonly known as Orchard Heights Road NW) and the West Line of Heights Subdivision, as recorded in Volume 12, Page 38, Book of Town Plats, City of Salem, Polk County, Oregon; said point being in Section 17, Township 7 South, Range 3 West of the Willamette Meridian, Polk County, Oregon; said point also being the northeast corner of that tract of land described in that Instrument No. 2001-008750, Polk County Records; said point also being on the now existing City Limits Line; and running thence:
South 01° 11' 25" East 1234.77 feet along said East Line of Instrument No. 2001-008750 and the West Line of said Heights Subdivision and said now existing City Limits Line to the southeast corner of that tract of land described in Book of Records 268, Page 1672, Polk County Records;
thence North 87° 40' 19" West 483.05 feet along the South Line of said Book of Records 268, Page 1672, and said now existing City Limits Line to a point on the East Line of County Road No. 7303 (commonly known as Doaks Ferry Road NW); said point also being on said now existing City Limits Line;
thence North 00° 59' 43" West 1240.53 feet along the East Line of said Doaks Ferry Road NW and said now existing City Limits Line to the northwest corner of that tract of land described in Instrument No. 2001-008750 and South Line of Orchard Heights Road NW;
thence South 87° 10' 28" East 480.55 feet along said old South Line of Orchard Heights Road NW and said now existing City Limits Line to the Point of Beginning.

DOR: 27-P21-2006
DOR Date: 1/6/2006

Checked By: 
Project No.: C-591 Revised
December 23, 2005