

ORDINANCE BILL NO. 12-07

1 AN ORDINANCE declaring and proclaiming certain territory located at 1690, 1710, AND 1720
2 WALLACE ROAD NW annexed to the City of Salem, prescribing zoning and withdrawing the territory
3 from the Salem Suburban Rural Fire Protection District.

4 THE CITY OF SALEM ORDAINS AS FOLLOWS:

5 **Section 1. Findings.**

6 (a) **Initiation.** On December 12, 2005, the City Council of the City of Salem (the Council)
7 adopted Resolution No. 2005-107 to initiate the annexation of certain real property located at
8 1690, 1710, AND 1720 WALLACE ROAD NW (the Territory) into the City of Salem (the City),
9 as more particularly described in **Exhibit 1**, which is attached hereto and incorporated herein by
10 reference.

11 (b) **Hearing and Decision.** The Council held a duly advertised public hearing on February
12 27, 2006 and received evidence and testimony regarding: referral to a vote of the people (as
13 required by Salem City Charter Section 61) of the proposed annexation of the Territory,
14 including whether the public interest would be served; whether the proposed annexation of the
15 Territory, including the proposed change in the Territory's zoning designation from Polk County
16 SR (Suburban Residential) to City RM1 (Multiple Family Residential) upon annexation,
17 complied with Salem Revised Code (SRC) Chapter 165 and the applicable land use and other
18 criteria; and whether the withdrawal of the Territory from the Salem Suburban Rural Fire
19 Protection District (the District) upon annexation would be in the best interest of the City. At the
20 conclusion of the public hearing, after due consideration of the evidence and testimony, the
21 Council adopted Order No. 06-C-593 as its final decision and findings determining that: the
22 public interest would be furthered by the referral of the proposed annexation of the Territory to
23 the voters of the City; the proposed annexation of the Territory, including land use designations,
24 complied with SRC Chapter 165 and the applicable land use and other criteria; and, the
25 withdrawal of the Territory from the District would be in the best interest of the City.

26 (c) **Referral and Elector Approval.** On June 12, 2006 the Council adopted Resolution No.
27 2006-103 approving referral of the proposed annexation of the Territory to the electors of the
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1 City at the September 19, 2006 election, as required by Salem City Charter Section 61. At the
2 election a majority of the votes cast by the electors residing in the City favored annexation of the
3 Territory into the City. This election result is set forth in the canvass of votes from the election
4 reviewed by the Council at it's October 23, 2006 meeting and proclaimed by the Mayor.

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

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

21 **Section 3. Zoning.** The Territory is designated "Multi-Family Residential" in the Salem Area
22 Comprehensive Plan, and on the Plan Map. The zoning for the Territory is prescribed as RM1 (Multiple
23 Family Residential). The Planning Administrator shall add to the official zoning map the Territory
24 herein annexed.

25 **Section 4. Withdrawal from the Salem Suburban Rural Fire Protection District.** The Territory is
26 hereby withdrawn from the Salem Suburban Rural Fire Protection District, such withdrawal to be
27 effective upon, and contemporaneous with, the date of annexation.

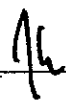
28 **Section 5. Direction.** The City Recorder shall submit a copy of this ordinance and such other

1 information as ORS 222.177 requires to the Oregon Secretary of State, and shall provide the notice and
2 reports required by ORS 222.005(1) and ORS 222.010 to the persons or entities described therein.

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

4 ATTEST:

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7 City Recorder

8 Approved by the City Attorney:  _____

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10 Checked by: C. Urbani

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Enclave: 1690, 1710, and 1720 Wallace Road NW

Beginning at a point on the East Line of the old Right-of-way Line of State Highway No. 221 (commonly known as Wallace Road NW) and the North Line of that Minor Partition, as recorded in Book of Records 103, Page 1022 and 1023, Polk County Records; said point being 3,416.23 feet North $10^{\circ} 10'$ West along the Center Line of said Wallace Road NW 30.50 feet South $89^{\circ} 54' 00''$ East from the point of intersection of the Center Line of said Wallace Road NW with the South Line of the Jesse Harritt Donation Land Claim No. 67 in Township 7 South, Range 3 West of the Willamette Meridian, Polk County, Oregon; said point being on the now existing City Limits Line; said point being in Section 16, Township 7 South, Range 3 West of the Willamette Meridian, City of Salem, Polk County, Oregon; said point being the westerly extension of the North Line of that tract of land described in that Instrument No. 2002-013704, Polk County Records; and running thence:

South $89^{\circ} 54'$ East 764.41 feet along the North Line of said tract of land described in Book of Records 103, Page 1022 and 1023, to the northeast corner thereof;
thence South $18^{\circ} 00'$ East 210.94 feet along the East Line and the now existing City Limits Line to the southeast corner thereof;
thence North $89^{\circ} 55'$ West 793.60 feet along the South Line and the westerly extension of the South Line and the now existing City Limits Line to a point on the old right-of-way of said Wallace Road NW;
thence North $10^{\circ} 10'$ West 204.00 feet along the old Right-of-way Line of said Wallace Road NW and the now existing City Limits Line to the Point of Beginning.

DOR: 27-P16-2005
DOR Date: 11/28/2005

Checked By: J.H.
Project No.: C-593
November 3, 2005