

ORDINANCE BILL NO. 14-07

1 AN ORDINANCE declaring and proclaiming certain territory located at 4300 AND 4310 KALE
2 STREET NE, annexed to the City of Salem, prescribing zoning and withdrawing the territory from
3 Marion County Fire District #1.
4

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. 2005-116 to initiate the annexation of certain real property
9 located at 4300 AND 4310 KALE STREET NE (the Territory) into the City of Salem (the
10 City), as more particularly described in **Exhibit 1**, which is attached hereto and incorporated
11 herein by reference.

12 (b) **Hearing and Decision.** The Council held a duly advertised public hearing on
13 April 24, 2006 and received evidence and testimony regarding: referral to a vote of the people
14 (as required by Salem City Charter Section 61) of the proposed annexation of the Territory,
15 including whether the public interest would be served; whether the proposed annexation of
16 the Territory, including changing the Salem Area Comprehensive Plan Map designation from
17 "Community Service - Education" to "Developing Residential"; the proposed change in the
18 Territory's zoning designation from Marion County UT-10 (Urban Transition - 10 acres) to
19 City RA (Residential Agriculture) upon annexation, complied with Salem Revised Code
20 (SRC) Chapter 165 and the applicable land use and other criteria; and whether the
21 withdrawal of the Territory from Marion County Fire District #1 (the District) upon
22 annexation would be in the best interest of the City. At the conclusion of the public hearing,
23 after due consideration of the evidence and testimony, the Council adopted Order No. 06-C-
24 595 as its final decision and findings determining that: the public interest would be furthered
25 by the referral of the proposed annexation of the Territory to the voters of the City; the
26 proposed annexation of the Territory, including land use designations, complied with SRC
27 Chapter 165 and the applicable land use and other criteria; and, the withdrawal of the
28 Territory from the District would be in the best interest of the City.

1 (c) **Referral and Elector Approval.** On June 12, 2006 the Council adopted Resolution
2 No. 2006-105 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 District) and to
10 provide the Territory with City services because the public good of the City and the citizens
11 residing in the Territory would be best served if the citizens residing in the Territory receive
12 City services without the problems attendant with coordination that would result from the
13 Territory being subject to the jurisdiction of overlapping urban service providers. It would
14 not be in the best interest of the City for the citizens residing in the Territory to pay both City
15 taxes and an additional assessment to the District to receive services that may readily be
16 supplied by the City without such additional taxation. Since leaving the Territory in the
17 District would lead to a fragmented approach to delivery of public services, unequal tax bases
18 and resistance to cooperation, withdrawal would promote efficiency, economy and sound
19 management in the provision of urban services for the Territory, and the Territory should be
20 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: 4300 and 4310 Kale Street NE

Beginning at the point of intersection of the West Line of Jan Ree West, as recorded in Volume 42, Page 7, Book of Town Plats, City of Salem, Marion County, Oregon, and the northeast corner of that tract of land described in that instrument recorded in Reel 1950, Page 97, Marion County Records; said point being 20 feet south of the Center Line of said Kale Street NE; said point being on the now existing City Limits Line; said point being in Section 6, Township 7 South, Range 2 West of the Willamette Meridian, City of Salem, Marion County, Oregon, and running thence:

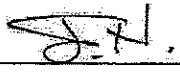
South 00° 13' 15" West 347.00 feet along the West Line of said Jan Ree West and said now existing City Limits Line to the point of intersection of the easterly extension of the North Line of Lot 40 of said Jan Ree West;

thence West 238.00 feet along the easterly extension of said Lot 40, and the North Line of Lots 40, 41, and 42 and said now existing City Limits Line to the northwest corner of said Lot 42; said point being on the East Line of Tract 1 of Jan Ree Meadows Phase 2, as recorded in Volume 44, Page 65, Book of Town Plats, City of Salem, Marion County, Oregon;

thence North 00° 13' 15" East 347.00 feet along the East Line of said Tract 1 and said now existing City Limits Line to a point on the South Line of said Kale Street NE; said point being 20.00 feet southerly of Center Line of said Kale Street NE;

thence East 238.00 feet along the South Line of said Kale Street NE and said now existing City Limits Line to the Point of Beginning.

DOR: 24-P91-2005
DOR Date: 12/2/2005

Checked By: 
Project No.: C-595
November 29, 2005