

**ORDINANCE BILL NO. 15-07**

1  
2 AN ORDINANCE declaring and proclaiming certain territory located at 4842 and 4852  
3 SUNNYVIEW ROAD NE, annexed to the City of Salem, prescribing zoning and withdrawing the  
4 territory from the East Salem Service District and Marion County Fire District #1.

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. 2005-113 to initiate the annexation of certain real property  
9 located at 4842 and 4852 SUNNYVIEW ROAD NE (the Territory) into the City of Salem  
10 (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 March 6, 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 the proposed change in the Territory's zoning designation from  
17 Marion County RS (Single Family Residential) to City RS (Single Family Residential) upon  
18 annexation, complied with Salem Revised Code (SRC) Chapter 165 and the applicable land  
19 use and other criteria; and whether the withdrawal of the Territory from the East Salem  
20 Service District and Marion County Fire District #1 (the District) upon annexation would be  
21 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-596 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. 2006-106 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 East Salem Service District and Marion County Fire  
10 District #1 (the District) and to provide the Territory with City services because the public  
11 good of the City and the citizens residing in the Territory would be best served if the citizens  
12 residing in the Territory receive City services without the problems attendant with  
13 coordination that would result from the Territory being subject to the jurisdiction of  
14 overlapping urban service providers. It would not be in the best interest of the City for the  
15 citizens residing in the Territory to pay both City taxes and an additional assessment to the  
16 District to receive services that may readily be supplied by the City without such additional  
17 taxation. Since leaving the Territory in the District would lead to a fragmented approach to  
18 delivery of public services, unequal tax bases and resistance to cooperation, withdrawal  
19 would promote efficiency, economy and sound management in the provision of urban  
20 services for the 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 "Single Family Residential" in the Salem Area  
25 Comprehensive Plan, and on the Plan Map. The zoning for the Territory is prescribed as RS (Single  
26 Family Residential). The Planning Administrator shall add to the official zoning map the Territory  
27 herein annexed.

28



**Enclave: 4842 and 4852 Sunnyview Road NE**

Beginning at the point of intersection of the South Line of Market Road No. 21 (commonly known as Sunnyview Road NE) and the East Line of Lot 4, Block 2, McNary Homes Addition, as recorded in Volume 14, Page 37, Book of Town Plats, City of Salem, Marion County, Oregon; said point being in Section 20, Township 7 South, Range 2 West of the Willamette Meridian, City of Salem, Marion County, Oregon; said point being on the now existing City Limits Line; and running thence:


South 01° West 212.00 feet along the East Line of said Lot 4, Block 2, and the now existing City Limits Line to the southeast corner thereof;

thence North 89° 31' West 180.00 feet along the South Line of said Lot 4 and the South Line of Lot 5, Block 2, of said McNary Homes Addition and the now existing City Limits Line to the southwest corner thereof;

thence North 01° East 212.00 feet along the West Line of said Lot 5, Block 2, and the now existing City Limits Line to a point on the South Line of said Sunnyview Road NE;

thence South 89° 31' East 180.00 feet along the South Line of said Sunnyview Road NE and the now existing City Limits Line to the Point of Beginning.

DOR: 24-P92-2005  
DOR Date: 12/2/2005

Checked By:   
Project No.: C-596  
November 29, 2005