

**ORDINANCE BILL NO. 16-07**

AN ORDINANCE declaring and proclaiming certain territory located at and in the vicinity of 5039 CAPLINGER ROAD SE AREA, annexed to the City of Salem, prescribing zoning and withdrawing the territory from Marion County Fire District #1.

THE CITY OF SALEM ORDAINS AS FOLLOWS:

**Section 1. Findings.**

(a) **Initiation.** On December 12, 2005, the City Council of the City of Salem (the Council) adopted Resolution No. 2005-111 to initiate the annexation of certain real property located at and in the vicinity of 5039 CAPLINGER ROAD SE AREA (the Territory) into the City of Salem (the City), as more particularly described in **Exhibit 1**, which is attached hereto and incorporated herein by reference.

(b) **Hearing and Decision.** The Council held a duly advertised public hearing on February 13, 2006 and received evidence and testimony regarding: referral to a vote of the people (as required by Salem City Charter Section 61) of the proposed annexation of the Territory, including whether the public interest would be served; whether the proposed annexation of the Territory, including the proposed change in the Territory's zoning designation from Marion County UT-5 (Urban Transition - 5 acre minimum) to City RA (Residential Agriculture) upon annexation, complied with Salem Revised Code (SRC) Chapter 165 and the applicable land use and other criteria; and whether the withdrawal of the Territory from Marion County Fire District #1 (the District) upon annexation would be in the best interest of the City. At the conclusion of the public hearing, after due consideration of the evidence and testimony, the Council adopted Order No. 06-C-597 as its final decision and findings determining that: the public interest would be furthered by the referral of the proposed annexation of the Territory to the voters of the City; the proposed annexation of the Territory, including land use designations, complied with SRC Chapter 165 and the applicable land use and other criteria; and, the withdrawal of the 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. 2006-107 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.

28



**Enclave: 5039 Caplinger Road SE Area**

Beginning at the point of intersection of the North Line of Market Road No. 23 (commonly known as Macleay Road SE) and the most southerly East Line of Macleay Village, as recorded in Volume 45, Page 30, Book of Town Plats, City of Salem, Marion County, Oregon; said point being in Section 32, Township 7 South, Range 2 West of the Willamette Meridian, City of Salem, Marion County, Oregon; said point also being on the now existing City Limits Line; and running thence:

North 03° 38' 54" East 132.66 feet along the East Line of Lots 40 and 39, and the now existing City Limits Line to the southwest corner of Lot 38 of said Macleay Village;

thence North 57° 31' 22" East 202.60 feet along the South Line of Lots 38, 37, and 36, and the now existing City Limits Line to the southeast corner thereof;


thence North 03° 32' 53" East 309.23 feet along the East Line of said Macleay Village and the now existing City Limits Line to a point on the West Line of Evergreen Village, as recorded in Volume 44, Page 56, Book of Town Plats, City of Salem, Marion County, Oregon;

thence South 32° 47' 28" East 445.15 feet along the West Line of said Evergreen Village and the now existing City Limits Line to a point on the North Line of County Road 745 (commonly known as Caplinger Road SE);

thence south 57° 13' 47" West 389.48 feet along the North Line of said Caplinger Road SE and the now existing City Limits Line to a point on the North Line of said Macleay Road SE;

thence North 72° 33' 37" West 117.48 feet along the North Line of said Macleay Road SE and the now existing City Limits Line to the Point of Beginning.

DOR: 24-P93-2005  
DOR Date: 12/2/2005

Checked By: 

Project No.: C-597

November 29, 2005