

ORDINANCE BILL NO. 24-07

1 AN ORDINANCE declaring and proclaiming certain territory located NORTH OF HAYESVILLE
2 DRIVE NE AND EAST OF CONRAD STREET NE (5141 HAYESVILLE DRIVE NE), annexed to
3 the City of Salem, prescribing zoning and withdrawing the territory from Marion County Fire
4 District #1.
5

6 THE CITY OF SALEM ORDAINS AS FOLLOWS:

7 **Section 1. Findings.**

8 (a) **Initiation.** On April 10, 2006, the City Council of the City of Salem (the Council)
9 adopted Resolution No. 2006-48 to initiate the annexation of certain real property located
10 NORTH OF HAYESVILLE DRIVE NE AND EAST OF CONRAD STREET NE (5141
11 HAYESVILLE DRIVE NE) (the Territory) into the City of Salem (the City), as more
12 particularly described in **Exhibit 1**, which is attached hereto and incorporated herein by
13 reference.

14 (b) **Hearing and Decision.** The Council held a duly advertised public hearing on May 1,
15 2006 and received evidence and testimony regarding: referral to a vote of the people (as
16 required by Salem City Charter Section 61) of the proposed annexation of the Territory,
17 including whether the public interest would be served; whether the proposed annexation of
18 the Territory, including the proposed change in the Territory's zoning designation from
19 Marion County UT-5 (Urban Transition - 5 acres) to City RA (Residential Agriculture) upon
20 annexation, complied with Salem Revised Code (SRC) Chapter 165 and the applicable land
21 use and other criteria; and whether the withdrawal of the Territory from Marion County Fire
22 District #1 (the District) upon annexation would be in the best interest of the City. At the
23 conclusion of the public hearing, after due consideration of the evidence and testimony, the
24 Council adopted Order No. 06-C-611 as its final decision and findings determining that: the
25 public interest would be furthered by the referral of the proposed annexation of the Territory
26 to the voters of the City; the proposed annexation of the Territory, including land use
27 designations, complied with SRC Chapter 165 and the applicable land use and other criteria;
28 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 19, 2006 the Council adopted Resolution
2 No. 2006-121 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 **Section 4. Withdrawal from Marion County Fire District #1.** The Territory is hereby withdrawn

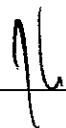
1 from Marion County Fire District #1, such withdrawal to be effective upon, and contemporaneous
2 with, the date of annexation.

3 **Section 5. Direction.** The City Recorder shall submit a copy of this ordinance and such other
4 information as ORS 222.177 requires to the Oregon Secretary of State, and shall provide the notice
5 and reports required by ORS 222.005(1) and ORS 222.010 to the persons or entities described
6 therein.

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

8 ATTEST:

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11 City Recorder

12 Approved by the City Attorney:  _____

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14 Checked by: C. Urbani

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North of Hayesville Drive NE and East of Conrad Street NE
(5141 Hayesville Drive NE)

Beginning at the point which is South 89° 39' 00" East 91.00 feet from the intersection of the North Line of Hayesville Drive and the East Line of Conrad Street; said point being in Section 5, Township 7 South, Range 2 West of the Willamette Meridian, Marion County, Oregon; said point also being an angle point in the now existing City Limits Line; and running thence:
South 89° 39' 00" East 295.94 feet along the North Line of said Hayesville Drive NE to the point of intersection of the East Line of that tract of land described in that instrument recorded in Reel 1854, Page 395, Marion County Records;
thence North 10° 08' 26" East 263.61 feet along the East Line of said Reel 1854, Page 395, to the northeast corner thereof;
thence South 89° 27' 00" West 296.97 feet along the North Line of said Reel 1854, Page 395, to the northwest corner thereof; said point being on the East Line of Jan Ree North Phase VI as recorded in Volume 44, Page 53, Book of Town Plats, City of Salem, Marion County, Oregon; said point also being on the now existing City Limits Line,
thence South 10° 08' 26" West 258.26 feet along the East Line of said Jan Ree North Phase VI and the now existing City Limits Line to the Point of Beginning.

Approved: JN.
Revised March 21, 2006
Annexation No.: C-611
DOR No.: 2A-P120-2006
DOR Date: 3/31/06

EXHIBIT 1