

ORDINANCE BILL NO. 28-07

AN ORDINANCE declaring and proclaiming certain territory located at 5791 SKYLINE ROAD S, annexed to the City of Salem, prescribing zoning and withdrawing the territory from the Salem Suburban Rural Fire Protection District.

THE CITY OF SALEM ORDAINS AS FOLLOWS:

Section 1. Findings.

(a) **Initiation.** On April 10, 2006, the City Council of the City of Salem (the Council) adopted Resolution No. 2006-51 to initiate the annexation of certain real property located at 5791 SKYLINE ROAD S (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 May 8, 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-10 (Urban Transition - 10 acres) 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 the Salem Suburban Rural Fire Protection District (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-615 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.

(c) **Referral and Elector Approval.** On June 19, 2006 the Council adopted Resolution

1 No. 2006-125 approving referral of the proposed annexation of the Territory to the electors of
2 the City at the September 19, 2006 election, as required by Salem City Charter Section 61.
3 At the election a majority of the votes cast by the electors residing in the City favored
4 annexation of the Territory into the City. This election result is set forth in the canvass of
5 votes from the election reviewed by the Council at it's October 23, 2006 meeting and
6 proclaimed by the Mayor.

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

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

23 **Section 3. Zoning.** The Territory is designated "Developing Residential" in the Salem Area
24 Comprehensive Plan, and on the Plan Map. The zoning for the Territory is prescribed as RA
25 (Residential Agriculture). The Planning Administrator shall add to the official zoning map the
26 Territory herein annexed.

27 **Section 4. Withdrawal from the Salem Suburban Rural Fire Protection District.** The Territory
28 is hereby withdrawn from the Salem Suburban Rural Fire Protection District, such withdrawal to be

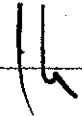
1 effective upon, and contemporaneous with, the date of annexation.

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

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

7 ATTEST:

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10 City Recorder

11 Approved by the City Attorney:  _____

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13 Checked by: C. Urbani

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5791 Skyline Road S

Beginning at the point of intersection of the North Line of Market Road No. 55 (commonly known as Skyline Road S) and the Center Section Line of Section 17, Township 8 South, Range 3 West of the Willamette Meridian, Marion County, Oregon; said point also being on the East Line of that tract of land described in that instrument recorded in Reel 2280, Page 163, Tract 2, Marion County Records; and running thence:

South 95.80 feet along the southerly extension of the East Line of said Tract 2 to a point on the South Line of said Skyline Road S; said point also being on the now existing City Limits Line;

thence South $31^{\circ} 27' 43''$ West 63.23 feet along the South Line of said Skyline Road S and the now existing City Limits Line to the point of intersection of the southerly extension of the West Line of said Tract 2;

thence North 891.38 feet along the southerly extension of the West Line and the West Line of said Tract 2 and the Urban Growth Boundary Line to the northwest corner thereof; said point being on the South Line of Tract 1 of said Reel 2280, Page 163; said point also being on the Urban Growth Boundary Line;

thence North $89^{\circ} 49' 56''$ West 1,287.01 feet along the South Line of said Tract 1 to the southwest corner thereof;

thence North 660.00 feet along the West Line of said Tract 1 and the Urban Growth Boundary Line to the northwest corner thereof;

thence East 1,320.00 feet along the North Line of said Tract 1 to the center section corner of said Section 17;

thence South 1,405.42 feet along the East Line of said Tract 1 and Tract 2 and said Center Section Line to the Point of Beginning.

Approved: J.N.
March 17, 2006

Annexation No.: C-615

DOR No.: 24-P150-2006

DOR Date: 1/3/2007