

ORDINANCE BILL NO. 62-07

AN ORDINANCE declaring and proclaiming certain territory located at 2601 ORCHARD HEIGHTS ROAD NW 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) **Petition.** The owner of certain real property located at 2601 ORCHARD HEIGHTS ROAD NW (the Territory) submitted a petition for the annexation of 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 June 19, 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 the change in the Territory's zoning designation from Polk County SR (Suburban Residential) 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-645 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 July 24, 2006 the Council adopted Resolution No. 2006-165 approving referral of the proposed annexation of the Territory to the electors of

1 the City at the November 7, 2006 election, as required by Salem City Charter Section 61. At
2 the election a majority of the votes cast by the electors residing in the City favored
3 annexation of the Territory into the City. This election result is set forth in the canvass of
4 votes from the election reviewed by the Council at it's December 11, 2006 meeting and
5 proclaimed by the Mayor.

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18 Territory, and the Territory should be withdrawn from the District.

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

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

26 **Section 4. Withdrawal from the Salem Suburban Rural Fire Protection District.** The Territory
27 is hereby withdrawn from the Salem Suburban Rural Fire Protection District, such withdrawal to be
28 effective upon, and contemporaneous with, the date of annexation.

2601 Orchard Heights Road NW

Beginning at the point of intersection of the North Line of County Road No. 7304 (commonly known as Orchard Heights Road NW) and the East Line of that partition described and recorded in Book of Records 374, Page 1161, Polk County Records, and also filed as County Survey No. 11381, Polk County Survey Records; said point being in Section 17, Township 7 South, Range 3-West of the Willamette Meridian, Polk County, Oregon; said point being 1,484.02 feet South 89° 57' 30" East, 870.00 feet South 00° 09' 00" East, 244.54 feet South 89° 57' 30" East, 1,336.36 feet South 00° 09' 22" West from the northwest corner of the John Martin Donation Land Claim No. 66 in said section; said point also being on the now existing City Limits Line; and running thence:
North 00° 09' 22" East 889.77 feet;
thence South 88° 04' 40" East 244.49 feet;
thence North 00° 16' 23" West 454.81 feet;
thence South 89° 59' 53" West 487.95 feet to the northwest corner of said Book of Records 374, Page 1160;
thence South 00° 09' 22" West 675.43 feet along the West Line of said Book of Records 374, Page 1160, and the West Line of that tract of land described in that instrument recorded in Instrument No. 2005-006795, Polk County Records, to the southwest corner thereof;
thence South 88° 03' 30" East 184.66 feet along the South Line of said Instrument No. 2005-006795 to the southeast corner thereof;
thence South 00° 09' 22" East 652.62 feet to a point on the North Line of said Orchard Heights Road NW;
thence South 88° 03' 30" East 60.00 feet along the North Line of said Orchard Heights Road NW and the now existing City Limits Line to the Point of Beginning.

Approved: J.N.
May 22, 2006
Annexation No.: C-645
DOR No.: 27-P33-2006
DOR Date: 5/30/06

EXHIBIT 1