

ORDINANCE BILL NO. 39-07

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2 AN ORDINANCE declaring and proclaiming certain territory located NORTH OF MILTON
3 STREET NE AND WEST OF HOMER ROAD NE (4095 MILTON STREET NE) annexed to the
4 City of Salem, prescribing zoning and withdrawing the territory from Marion County Fire District #1
5 and the East Salem Service District.

6 THE CITY OF SALEM ORDAINS AS FOLLOWS:

7 **Section 1. Findings.**

8 (a) **Petition.** The owner of certain real property located NORTH OF MILTON STREET
9 NE AND WEST OF HOMER ROAD NE (4095 MILTON STREET NE) (the Territory)
10 submitted a petition for the annexation of the Territory into the City of Salem (the City), as
11 more particularly described in **Exhibit 1**, which is attached hereto and incorporated herein by
12 reference.

13 (b) **Hearing and Decision.** The Council held a duly advertised public hearing on
14 April 3, 2006 and received evidence and testimony regarding: referral to a vote of the people
15 (as required by Salem City Charter Section 61) of the proposed annexation of the Territory,
16 including whether the public interest would be served; whether the proposed annexation of
17 the Territory, including the proposed the change in the Territory's zoning designation from
18 Marion County RS (Single Family Residential) to City RS (Single Family Residential) upon
19 annexation, complied with Salem Revised Code (SRC) Chapter 165 and the applicable land
20 use and other criteria; and whether the withdrawal of the Territory from Marion County Fire
21 District #1 and the East Salem Service District (the District) upon annexation would be in the
22 best interest of the City. At the conclusion of the public hearing, after due consideration of
23 the evidence and testimony, the Council adopted Order No. 06-C-600 as its final decision and
24 findings determining that: the public interest would be furthered by the referral of the
25 proposed annexation of the Territory to the voters of the City; the proposed annexation of the
26 Territory, including land use designations, complied with SRC Chapter 165 and the
27 applicable land use and other criteria; and, the withdrawal of the Territory from the District
28 would be in the best interest of the City.

1 (c) **Referral and Elector Approval.** On July 24, 2006 the Council adopted Resolution
2 No. 2006-146 approving referral of the proposed annexation of the Territory to the electors of
3 the City at the November 7, 2006 election, as required by Salem City Charter Section 61. At
4 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 its December 11, 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 and the East Salem
10 Service District (the District) and to provide the Territory with City services because the
11 public good of the City and the citizens residing in the Territory would be best served if the
12 citizens 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 **Section 4. Withdrawal from Marion County Fire District #1 and the East Salem Service**

1 **District.** The Territory is hereby withdrawn from Marion County Fire District #1 and the East
2 Salem Service District, such withdrawal to be effective upon, and contemporaneous with, the date of
3 annexation.

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

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

9 ATTEST:


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City Recorder

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Approved by the City Attorney: 

14 Checked by: C. Urbani

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**North of Milton Street NE and West of Homer Road NE
(4095 Milton Street NE)**

Beginning at the point of intersection of the North Line of Milton Street NE and the West Line of Lot 23, Reimann Gardens, as recorded in Volume 13, Page 12, Book of Town Plats, Marion County, Oregon; said point being in Section 6, Township 7 South, Range 2 West of the Willamette Meridian, Marion County, Oregon; and running thence:

North 00° 07' 09" East 300.21 feet along the West Line of said Lot 23 and the now existing City Limits Line to the northwest corner thereof;

thence South 89° 32' 47" East 132 feet along the North Line of Lot 23 and the now existing City Limits Line to the northeast corner thereof;

thence South 00° 07' 09" West 360.21 feet along the East Line of Lot 23 and the southerly extension of said line to a point on the South Line of said Milton Street NE;

thence North 89° 32' 47" West 132 feet to the point of intersection of the southerly extension of the West Line of Lot 23;

thence North 00° 07' 09" East 60 feet along the southerly extension of the West Line of said Lot 23 to the Point of Beginning.

Approved: _____

J.N.

Project No.: C-600

DOR #: 24-P115-2006 3/13/06

February 15, 2006

EXHIBIT 1