

ORDINANCE BILL NO. 45-07

1 AN ORDINANCE declaring and proclaiming certain territory located at 2884 GLEN CREEK
2 ROAD NW annexed to the City of Salem, prescribing zoning and withdrawing the territory from the
3 Salem Suburban Rural Fire Protection District.
4

5 THE CITY OF SALEM ORDAINS AS FOLLOWS:

6 **Section 1. Findings.**

7 (a) **Petition.** The owner of certain real property located at 2884 GLEN CREEK ROAD
8 NW (the Territory) submitted a petition for the annexation of the Territory into the City of
9 Salem (the City), as more particularly described in **Exhibit 1**, which is attached hereto and
10 incorporated herein by reference.

11 (b) **Hearing and Decision.** The Council held a duly advertised public hearing on
12 April 17, 2006 and received evidence and testimony regarding: referral to a vote of the people
13 (as required by Salem City Charter Section 61) of the proposed annexation of the Territory,
14 including whether the public interest would be served; whether the proposed annexation of
15 the Territory, including the proposed the change in the Territory's zoning designation from
16 Polk County SR (Suburban Residential) to City RS (Single Family Residential) upon
17 annexation, complied with Salem Revised Code (SRC) Chapter 165 and the applicable land
18 use and other criteria; and whether the withdrawal of the Territory from the Salem Suburban
19 Rural Fire Protection District (the District) upon annexation would be in the best interest of
20 the City. At the conclusion of the public hearing, after due consideration of the evidence and
21 testimony, the Council adopted Order No. 06-C-624 as its final decision and findings
22 determining that: the public interest would be furthered by the referral of the proposed
23 annexation of the Territory to the voters of the City; the proposed annexation of the Territory,
24 including land use designations, complied with SRC Chapter 165 and the applicable land use
25 and other criteria; and, the withdrawal of the Territory from the District would be in the best
26 interest of the City.

27 (c) **Referral and Elector Approval.** On July 24, 2006 the Council adopted Resolution
28 No. 2006-152 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 "Single Family Residential" in the Salem Area
23 Comprehensive Plan, and on the Plan Map. The zoning for the Territory is prescribed as RS (Single
24 Family Residential). The Planning Administrator shall add to the official zoning map the Territory
25 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.

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

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

6 ATTEST:

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9 City Recorder

10 Approved by the City Attorney:

11 Checked by: C. Urbani

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2884 Glen Creek Road NW

Beginning at the point of intersection of the South Line of County Road No. 7305 (commonly known as Glen Creek Road NW) and the East Line of Block 1, Chatnicka Heights, as recorded in Volume 5, Page 42, Book of Town Plats, Polk County, Oregon; said point being in Section 19, Township 7 South, Range 3 West of the Willamette Meridian, City of Salem, Polk County, Oregon; said point also being on the now existing City Limits Line; and running thence:
South 00° 08' 00" East 185.29 feet along the East Line of said Block 1 and the East Line of Block 6 of Chatnicka Heights No. 2 as recorded in Volume 5, Page 49, Book of Town Plats, Polk County, Oregon, to the northwest corner of that tract of land described in Document No. 2004, Page 018443, Deed Records, Polk County, Oregon;
thence East 220.09 feet to a point on the West Line of County Road No. 2033 (commonly known as Doaks Ferry Road NW);
thence North 09° 12' 00" East 187.70 feet along the West Line of said Doaks Ferry Road NW and the now existing City Limits Line to a point on the South Line of said Glen Creek Road NW;
thence West 250.10 feet along the South Line of said Glen Creek Road NW and the now existing City Limits Line to the Point of Beginning.

Approved: JN
April 5, 2006
Annexation No.: C-624
DOR No.: 27-P25-2006
DOR Date: 4/14/2006

EXHIBIT 1