

**ORDINANCE BILL NO. 50-07**

1  
2 AN ORDINANCE declaring and proclaiming certain territory located at 2510 BRUSH COLLEGE  
3 ROAD NW annexed to the City of Salem, prescribing zoning and withdrawing the territory from the  
4 Salem Suburban Rural Fire Protection District.

5 THE CITY OF SALEM ORDAINS AS FOLLOWS:

6 **Section 1. Findings.**

7 (a) **Petition.** The owner of certain real property located at 2510 BRUSH COLLEGE  
8 ROAD NW (the Territory) submitted a petition for the annexation of the Territory into the  
9 City of Salem (the City), as more particularly described in **Exhibit 1**, which is attached  
10 hereto and incorporated herein by reference.

11 (b) **Hearing and Decision.** The Council held a duly advertised public hearing on  
12 June 5, 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 RA (Residential Agriculture) 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-631 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. 2006-157 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 its 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.

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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2510 Brush College Road NW

Beginning at the point of intersection of the South Line of County Road No. 6408 (commonly known as Brush College Road NW) and the East Line of that tract of land described in that instrument recorded in Document No. 2003-014119, Polk County Records; said point being in Section 8, Township 7 South, Range 3 West of the Willamette Meridian, Polk County, Oregon; said point also being on the now existing City Limits Line; and running thence:

South 14° 58' 15" West 674.56 feet along the East Line of said Document No. 2003-014119 and the East Line of Parcel II of Document No. 2006-003465, Polk County Records, to the southeast corner thereof; said point being on the North Line of Shadow Creek Estates No. 2, as recorded in Volume 11, Page 12, Book of Town Plats, City of Salem, Polk County, Oregon; said point also being on the now existing City Limits Line;

thence North 74° 08' 21" West 215.50 feet along the South Line of said Document No. 2006-003465 and the now existing City Limits Line to the southwest corner thereof;

thence North 07° 46' 00" East 657.38 feet along the West Line of said Document No. 2006-003465 and the West Line of Document No. 2003-014119 to a point on the South Line of said Brush College Road NW;

thence South 85° 02' 03" East 55.02 feet along the South Line of said Brush College Road NW and the now existing City Limits Line;

thence along the arc of a 924.93-foot radius curve to the right (the chord of which bears South 77° 15' 00" East 244.04 feet) 244.76 feet along the South Line of said Brush College Road NW and the now existing City Limits Line to the Point of Beginning.

Approved: J.N.  
May 5, 2006  
Annexation No.: C-631  
DOR No.: 27-PCB-2006  
DOR Date: 5/23/06

EXHIBIT 1