

**ORDINANCE BILL NO. 57-07**

1  
2 AN ORDINANCE declaring and proclaiming certain territory located WEST OF 49<sup>TH</sup> AVENUE SE  
3 AND NORTH OF TURQUOISE AVENUE SE AREA annexed to the City of Salem, prescribing  
4 zoning and withdrawing the territory from Marion County Fire District #1.

5 THE CITY OF SALEM ORDAINS AS FOLLOWS:

6 **Section 1. Findings.**

7 (a) **Petition.** The owner of certain real property located WEST OF 49<sup>TH</sup> AVENUE SE  
8 AND NORTH OF TURQUOISE AVENUE SE AREA (the Territory) submitted a petition  
9 for the annexation of the Territory into the City of Salem (the City), as more particularly  
10 described in **Exhibit 1**, which is attached hereto and incorporated herein by reference.

11 (b) **Hearing and Decision.** The Council held a duly advertised public hearing on  
12 June 12, 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 Marion County UT-5 (Urban Transition - 5 acres) 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 Marion County Fire  
19 District #1 (the District) upon annexation would be in the best interest of the City. At the  
20 conclusion of the public hearing, after due consideration of the evidence and testimony, the  
21 Council adopted Order No. 06-C-638 as its final decision and findings determining that: the  
22 public interest would be furthered by the referral of the proposed annexation of the Territory  
23 to the voters of the City; the proposed annexation of the Territory, including land use  
24 designations, complied with SRC Chapter 165 and the applicable land use and other criteria;  
25 and, the withdrawal of the Territory from the District would be in the best interest of the City.

26 (c) **Referral and Elector Approval.** On July 24, 2006 the Council adopted Resolution  
27 No. 2006-162 approving referral of the proposed annexation of the Territory to the electors of  
28 the City at the November 7, 2006 election, as required by Salem City Charter Section 61. At

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

5 **(d) Withdrawal from Special District.** The Council finds it is in the best interest of the  
6 City to withdraw the Territory from Marion County Fire District #1 (the District) and to  
7 provide the Territory with City services because the public good of the City and the citizens  
8 residing in the Territory would be best served if the citizens residing in the Territory receive  
9 City services without the problems attendant with coordination that would result from the  
10 Territory being subject to the jurisdiction of overlapping urban service providers. It would  
11 not be in the best interest of the City for the citizens residing in the Territory to pay both City  
12 taxes and an additional assessment to the District to receive services that may readily be  
13 supplied by the City without such additional taxation. Since leaving the Territory in the  
14 District would lead to a fragmented approach to delivery of public services, unequal tax bases  
15 and resistance to cooperation, withdrawal would promote efficiency, economy and sound  
16 management in the provision of urban services for the Territory, and the Territory should be  
17 withdrawn from the District.

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

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

25 **Section 4. Withdrawal from Marion County Fire District #1.** The Territory is hereby withdrawn  
26 from Marion County Fire District #1, such withdrawal to be effective upon, and contemporaneous  
27 with, the date of annexation.


28 **Section 5. Direction.** The City Recorder shall submit a copy of this ordinance and such other

1 information as ORS 222.177 requires to the Oregon Secretary of State, and shall provide the notice  
2 and reports required by ORS 222.005(1) and ORS 222.010 to the persons or entities described  
3 therein.

4 PASSED by the Council this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

5 ATTEST:

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7  
8 City Recorder

9 Approved by the City Attorney:  \_\_\_\_\_

10 Checked by: C. Urbani

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**West of 49<sup>th</sup> Avenue SE and North of Turquoise Avenue SE Area**

Beginning at the point of intersection of the North Line of Emerald Valley Estates as recorded in Volume 42, Page 92, Book of Town Plats, City of Salem, Marion County, Oregon, and the West Line of 49<sup>th</sup> Avenue SE; and running thence:  
South 86° 12' 34" West 614.46 feet along the North Line of said Emerald Valley Estates and the now existing City Limits Line to the point of intersection with the southwest corner of Lot 10 of Salem Garden and Fruit Tracts, as recorded in Volume 2, Page 62, Book of Town Plats, Marion County, Oregon;  
thence North 04° 18' 42" West 425.81 feet along the West Line of said Lot 10 and Lot 9 of said Salem Garden and Fruit Tracts and the now existing City Limits Line to the northwest corner of that tract of land described in that instrument recorded in Reel 48, Page 1229, Marion County Records;  
thence North 85° 41' 18" East 306.40 feet;  
thence South 04° 25' 30" East 152.00 feet;  
thence North 85° 41' 18" East 306.81 feet to a point on the West Line of 49<sup>th</sup> Avenue SE;  
thence South 04° 32' 18" East 273.81 feet along the West Line of said 49<sup>th</sup> Avenue SE to the Point of Beginning.

Approved: J.N.

June 22, 2006

Annexation No.: C-638

DOR No.: 24-P135-2006

DOR Date: 5/23/2006

**EXHIBIT 1**