

ORDINANCE BILL NO. 13-07

1
2 AN ORDINANCE declaring and proclaiming certain territory located at 4750 KALE STREET NE,
3 annexed to the City of Salem, prescribing zoning and withdrawing the territory from Marion County
4 Fire District #1.

5 THE CITY OF SALEM ORDAINS AS FOLLOWS:

6 **Section 1. Findings.**

7 (a) **Initiation.** On December 12, 2005, the City Council of the City of Salem (the
8 Council) adopted Resolution No. 2005-115 to initiate the annexation of certain real property
9 located at 4750 KALE STREET NE (the Territory) into the City of Salem (the City), as more
10 particularly described in **Exhibit 1**, which is attached hereto and incorporated herein by
11 reference.

12 (b) **Hearing and Decision.** The Council held a duly advertised public hearing on
13 March 6, 2006 and received evidence and testimony regarding: referral to a vote of the people
14 (as required by Salem City Charter Section 61) of the proposed annexation of the Territory,
15 including whether the public interest would be served; whether the proposed annexation of
16 the Territory, including the proposed change in the Territory's zoning designation from
17 Marion County UT-10 (Urban Transition - 10 acres) to City RA (Residential Agriculture)
18 upon annexation, complied with Salem Revised Code (SRC) Chapter 165 and the applicable
19 land use and other criteria; and whether the withdrawal of the Territory from Marion County
20 Fire District #1 (the District) upon annexation would be in the best interest of the City. At the
21 conclusion of the public hearing, after due consideration of the evidence and testimony, the
22 Council adopted Order No. 06-C-594 as its final decision and findings determining that: the
23 public interest would be furthered by the referral of the proposed annexation of the Territory
24 to the voters of the City; the proposed annexation of the Territory, including land use
25 designations, complied with SRC Chapter 165 and the applicable land use and other criteria;
26 and, the withdrawal of the Territory from the District would be in the best interest of the City.
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1 (c) **Referral and Elector Approval.** On June 12, 2006 the Council adopted Resolution
2 No. 2006-104 approving referral of the proposed annexation of the Territory to the electors of
3 the City at the September 19, 2006 election, as required by Salem City Charter Section 61.
4 At 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 it's October 23, 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 (the District) and to
10 provide the Territory with City services because the public good of the City and the citizens
11 residing in the Territory would be best served if the citizens residing in the Territory receive
12 City services without the problems attendant with coordination that would result from the
13 Territory being subject to the jurisdiction of overlapping urban service providers. It would
14 not be in the best interest of the City for the citizens residing in the Territory to pay both City
15 taxes and an additional assessment to the District to receive services that may readily be
16 supplied by the City without such additional taxation. Since leaving the Territory in the
17 District would lead to a fragmented approach to delivery of public services, unequal tax bases
18 and resistance to cooperation, withdrawal would promote efficiency, economy and sound
19 management in the provision of urban services for the Territory, and the Territory should be
20 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 "Developing Residential" in the Salem Area
25 Comprehensive Plan, and on the Plan Map. The zoning for the Territory is prescribed as RA
26 (Residential Agriculture). The Planning Administrator shall add to the official zoning map the
27 Territory herein annexed.

1 **Section 4. Withdrawal from Marion County Fire District #1.** The Territory is hereby withdrawn
2 from Marion County Fire District #1, such withdrawal to be effective upon, and contemporaneous
3 with, the date of 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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12 City Recorder

13 Approved by the City Attorney: ll

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15 Checked by: C. Urbani


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Enclave: 4750 Kale Street NE

Beginning at the point of intersection of the South Line of Kale Street NE and the East Line of Lot 206 of Jan Ree North Phase 2, as recorded in Volume 42, Page 11, Book of Town Plats, City of Salem, Marion County, Oregon; said point being 430.47 feet North $89^{\circ} 21' 20''$ East 34.00 feet South $00^{\circ} 05' 26''$ East from the northwest corner of the John Martin Donation Land No. 71 in Section 5, Township 7 South, Range 2 West of the Willamette Meridian, City of Salem, Marion County, Oregon; said point also being on the now existing City Limits Line, and running thence:
South $00^{\circ} 05' 26''$ East 421.43 feet along the East Line of said Jan Ree North Phase 2 and said now existing City Limits Line to the northwest corner of Lot 215 of said Jan Ree North Phase 3;
thence North $89^{\circ} 21' 20''$ East 259.44 feet along the North Line of said Lot 215, 217, the easterly terminus of Dorrance Street NE, and Lot 218 to the northeast corner of said Lot 218 of Jan Ree North Phase 3, and said now existing City Limits Line;
thence North $00^{\circ} 38' 40''$ West 435.42 feet along the West Line of Lots 224 through 229 and the northerly extension of the West Line of said Lot 229 of Jan Ree North Phase 3 and said now existing City Limits Line to a point on the South Line of Kale Street NE;
thence South $89^{\circ} 21' 20''$ West 255.12 feet along the South Line of said Kale Street NE and said now existing City Limits Line to an angle point in said South Line;
thence South $00^{\circ} 05' 26''$ East 14.00 feet along the northerly extension of the East Line of said Lot 206, Jan Ree North Phase 2 to the Point of Beginning.

DOR: 24-P103-2006
DOR Date: 1/23/2006

Checked By: 
Project No.: C-594 Revised
January 9, 2006