

ORDINANCE BILL NO. 19-07

AN ORDINANCE declaring and proclaiming certain territory located at 4770 KALE STREET NE, annexed to the City of Salem, prescribing zoning and withdrawing the territory from Marion County Fire District #1.

THE CITY OF SALEM ORDAINS AS FOLLOWS:

Section 1. Findings.

(a) **Initiation.** On December 12, 2005, the City Council of the City of Salem (the Council) adopted Resolution No. 2005-114 to initiate the annexation of certain real property located at 4770 KALE STREET NE (the Territory) into the City of Salem (the City), as more particularly described in **Exhibit 1**, which is attached hereto and incorporated herein by reference.

(b) **Hearing and Decision.** The Council held a duly advertised public hearing on March 6, 2006 and received evidence and testimony regarding: referral to a vote of the people (as required by Salem City Charter Section 61) of the proposed annexation of the Territory, including whether the public interest would be served; whether the proposed annexation of the Territory, including the proposed change in the Territory's zoning designation from Marion County UT-10 (Urban Transition - 10 Acres) to City RA (Residential Agriculture) upon annexation, complied with Salem Revised Code (SRC) Chapter 165 and the applicable land use and other criteria; and whether the withdrawal of the Territory from Marion County Fire District #1 (the District) upon annexation would be in the best interest of the City. At the conclusion of the public hearing, after due consideration of the evidence and testimony, the Council adopted Order No. 06-C-601 as its final decision and findings determining that: the public interest would be furthered by the referral of the proposed annexation of the Territory to the voters of the City; the proposed annexation of the Territory, including land use designations, complied with SRC Chapter 165 and the applicable land use and other criteria; and, the withdrawal of the Territory from the District would be in the best interest of the City.

(c) **Referral and Elector Approval.** On June 12, 2006 the Council adopted Resolution No. 2006-110 approving referral of the proposed annexation of the Territory to the electors of

1 the City at the September 19, 2006 election, as required by Salem City Charter Section 61.
2 At 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 October 23, 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 Marion County Fire District #1 (the District) and to
8 provide the Territory with City services because the public good of the City and the citizens
9 residing in the Territory would be best served if the citizens residing in the Territory receive
10 City services without the problems attendant with coordination that would result from the
11 Territory being subject to the jurisdiction of overlapping urban service providers. It would
12 not be in the best interest of the City for the citizens residing in the Territory to pay both City
13 taxes and an additional assessment to the District to receive services that may readily be
14 supplied by the City without such additional taxation. Since leaving the Territory in the
15 District would lead to a fragmented approach to delivery of public services, unequal tax bases
16 and resistance to cooperation, withdrawal would promote efficiency, economy and sound
17 management in the provision of urban services for the Territory, and the Territory should be
18 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.

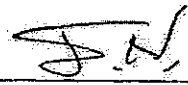
22 **Section 3. Zoning.** The Territory is designated "Developing Residential" in the Salem Area
23 Comprehensive Plan, and on the Plan Map. The zoning for the Territory is prescribed as RA
24 (Residential Agriculture). The Planning Administrator shall add to the official zoning map the
25 Territory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

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

Enclave: 4770 Kale Street NE

Beginning at the point of intersection of the East Line of Lot 229, Jan Ree North Phase 3, as recorded in Volume 42, Page 60, Book of Town Plats, City of Salem, Marion County, Oregon, and the South Line of Kale Street NE; said point being 820.45 feet North 89° 21' 20" East, 34.00 feet South 00° 38' 40" East from the northwest corner of the John Martin Donation Land Claim 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° 38' 40" East 258.42 feet to a point on the North Line of Lot 230 of said Jan Ree North Phase 3;
thence North 89° 21' 20" East 182.00 feet along the North Line of said Lot 230 and Lots 231 and 232 of said Jan Ree North Phase 3 to the northeast corner of Lot 232; said point also being on the now existing City Limits Line;
thence North 00° 38' 40" West 272.42 feet along the East Line of that tract of land described in that instrument recorded in Reel 2214, Page 427, Marion County Records, and said now existing City Limits Line to a point on the South Line of said Kale Street NE;
thence South 89° 21' 20" West 182.00 feet along the South Line of said Kale Street NE and said now existing City Limits Line to an angle point in the South Line of said Kale Street NE;
thence South 00° 38' 40" East 14.00 feet along the northerly extension of the East Line of said Lot 229 of Jan Ree North Phase 3 to the Point of Beginning.

DOR: 24-P102-2006
DOR Date: 1/5/2006

Checked By: 

Project No.: C-601
December 20, 2005