

**ORDINANCE BILL NO. 41-07**

1  
2 AN ORDINANCE declaring and proclaiming certain territory located EAST OF I-5 BYPASS,  
3 WEST OF FISHER ROAD NE AREA (4075 FISHER ROAD NE) annexed to the City of Salem,  
4 prescribing zoning and withdrawing the territory from Marion County Fire District #1 and the East  
5 Salem Service District.

6 THE CITY OF SALEM ORDAINS AS FOLLOWS:

7 **Section 1. Findings.**

8 (a) **Petition.** The owner of certain real property located EAST OF I-5 BYPASS, WEST  
9 OF FISHER ROAD NE AREA (4075 FISHER ROAD NE) (the Territory) submitted a  
10 petition for the annexation of the Territory into the City of Salem (the City), as more  
11 particularly described in **Exhibit 1**, which is attached hereto and incorporated herein by  
12 reference.

13 (b) **Hearing and Decision.** The Council held a duly advertised public hearing on  
14 April 3, 2006 and received evidence and testimony regarding: referral to a vote of the people  
15 (as required by Salem City Charter Section 61) of the proposed annexation of the Territory,  
16 including whether the public interest would be served; whether the proposed annexation of  
17 the Territory, including the proposed the change in the Territory's zoning designation Marion  
18 County UD (Urban Development) to City RM2 (Multiple Family Residential) upon  
19 annexation, complied with Salem Revised Code (SRC) Chapter 165 and the applicable land  
20 use and other criteria; and whether the withdrawal of the Territory from Marion County Fire  
21 District #1 and the East Salem Service District (the District) upon annexation would be in the  
22 best interest of the City. At the conclusion of the public hearing, after due consideration of  
23 the evidence and testimony, the Council adopted Order No. 06-C-606 as its final decision and  
24 findings determining that: the public interest would be furthered by the referral of the  
25 proposed annexation of the Territory to the voters of the City; the proposed annexation of the  
26 Territory, including land use designations, complied with SRC Chapter 165 and the  
27 applicable land use and other criteria; and, the withdrawal of the Territory from the District  
28 would be in the best interest of the City.

1 (c) **Referral and Elector Approval.** On July 24, 2006 the Council adopted Resolution  
2 No. 2006-148 approving referral of the proposed annexation of the Territory to the electors of  
3 the City at the November 7, 2006 election, as required by Salem City Charter Section 61. At  
4 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 December 11, 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 and the East Salem  
10 Service District (the District) and to provide the Territory with City services because the  
11 public good of the City and the citizens residing in the Territory would be best served if the  
12 citizens residing in the Territory receive City services without the problems attendant with  
13 coordination that would result from the Territory being subject to the jurisdiction of  
14 overlapping urban service providers. It would not be in the best interest of the City for the  
15 citizens residing in the Territory to pay both City taxes and an additional assessment to the  
16 District to receive services that may readily be supplied by the City without such additional  
17 taxation. Since leaving the Territory in the District would lead to a fragmented approach to  
18 delivery of public services, unequal tax bases and resistance to cooperation, withdrawal  
19 would promote efficiency, economy and sound management in the provision of urban  
20 services for the Territory, and the Territory should be 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 "Multi-Family Residential" in the Salem Area  
25 Comprehensive Plan, and on the Plan Map. The zoning for the Territory is prescribed as RM2  
26 (Multiple Family Residential). The Planning Administrator shall add to the official zoning map the  
27 Territory herein annexed.

28 **Section 4. Withdrawal from Marion County Fire District #1 and the East Salem Service**



**East of I-5 Bypass, West of Fisher Road NE Area  
(4075 Fisher Road NE)**

Beginning at a point on the West Line of County Road No. 719 (commonly known as Fisher Road NE); said point being 1,920.00 feet South and 1,275.00 feet East, 165.00 feet North and West 25.00 feet from the northwest corner of the Tower Savage Donation Land Claim No. 37; said point being in Section 12, Township 7-South, Range 3 West of the Willamette Meridian, Marion County, Oregon; said point also being an angle point in the now existing City Limits Line; said point also being the most northerly northeast corner of that tract of land described in that instrument recorded in Reel 2556, Page 401, Marion County Records; and running thence:  
West 270.33 feet, more or less, along the North Line of said Reel 2556, Page 401, and the now existing City Limits Line to the northwest corner thereof;  
thence South 165.00 feet along the West Line of said Reel 2556, Page 401, to the southwest corner thereof;  
thence East 140.00 feet;  
thence North 150.00 feet;  
thence East 130.69 feet, more or less, to a point on the West Line of said Fisher Road NE;  
thence North 15.00 feet along the West Line of said Fisher Road NE to the Point of Beginning.

Approved: J.N.  
March 14, 2006  
Annexation No.: C-606  
DOR No.: 2A-P116-2006  
DOR Date: 3/27/2006

**EXHIBIT 1**