

A BILL FOR ORDINANCE NO. 95-07

AN ORDINANCE annexing certain territory located SOUTH OF WARD DRIVE NE, WEST OF CORDON ROAD NE (4205 CORDON ROAD NE), into 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) On February 9, 1993, Michael E. Dwyer and Debra A. Dwyer (the Petitioners) signed an annexation agreement with the City of Salem agreeing to the eventual annexation of certain real property located at 4205 CORDON ROAD NE (the Territory), as more particularly described in Exhibit 1, which is attached hereto and incorporated herein by reference.

(b) On January 23, 2007, the Petitioners filed an annexation application and submitted a signed triple majority petition and consent for annexation of the Territory.

(c) The signed triple majority petition and consent filed by Petitioners are valid and, there is no requirement under ORS 222.170 to hold an election in the Territory on the annexation to the City of Salem.

(d) Salem City Charter, Section 61 exempts "annexations that are made pursuant to annexation contracts effective prior to May 16, 2000" from voter approval, and there is no requirement to hold an election in the City on the annexation into the City of Salem.

(e) The City Council of the City of Salem held a duly advertised public hearing on May 29, 2007, to consider the proposed annexation of the Territory; the change in zoning designation of the Territory from Marion County UT-5 (Urban Transition - 5 acres) to City of Salem RA (Residential Agriculture) upon annexation; and the withdrawal of the Territory from Marion County Fire District #1 upon annexation. At the May 29, 2007 hearing the City Council received evidence and testimony on the proposed annexation of the Territory; the proposed rezoning of the Territory; and the question of whether withdrawal of the Territory from Marion County Fire District #1 would be in the best interest of the City.

(f) On May 29, 2007, after due consideration of such evidence and testimony, the Council

1 adopted City Council Order No. 07-C-659 approving the annexation, zoning designation, and
2 withdrawal of the territory from Marion County Fire District #1.

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

16 (h) On June 1, 2007, notice of the City Council decision by adoption of the City Council Order
17 No. 07-C-659 was duly given as required by law to all entitled to notice. No appeal of the City
18 Council decision has been filed and the time limit for appeal has lapsed.

19 **Section 2. Annexation.** The Territory described in "Exhibit 1" is hereby annexed to the City of Salem,
20 Oregon.

21 **Section 3. Land Use Designations.** The Territory is designated "Developing Residential" on the Salem
22 Area Comprehensive Plan, and 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 Territory
24 herein annexed.

25 **Section 4. Withdrawal from the 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 with,
27 the date of annexation.

1 **Section 5.** The City Recorder shall submit a copy of this ordinance and such other information as ORS
2 222.177 requires to the Oregon Secretary of State, and shall provide the notice and reports required by
3 ORS 222.005(1) and ORS 222.010 to the persons or entities described therein.

4 PASSED by the Council this _____ day of _____, 2007.

5 ATTEST:

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8 City Recorder

9 Approved by the City Attorney: 

10 Checked by: F. Davis

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South of Ward Drive NE and West of Cordon Road NE
(4205 Cordon Road NE)

Beginning at the point of intersection of the South Line of the Homestead No. 3 Subdivision, as recorded in Volume 44, Page 109, Book of Town Plats, City of Salem, Marion County, Oregon, and the East Line of Deer Park Estates Subdivision, as recorded in Volume 40, Page 79, Book of Town Plats, City of Salem, Marion County, Oregon; said point being in Section 8, Township 7 South, Range 2 West of the Willamette Meridian, Marion County, Oregon; said point also being on the now existing City Limits Line; said point also being the northeast corner of Lot 15 of said Deer Park Estates; and running thence:

South 72° 18' 30" East 491.55 feet along the South Line of said The Homestead No. 3 and the now existing City Limits Line and the North Line of that tract of land described in that instrument recorded in Reel 1556, Page 700, Marion County Records to the point of intersection of the West Line of that tract of land described in that instrument recorded in Reel 76, Page 1611, Marion County Records;

thence South 09° 29' 00" West 100 feet to the southwest corner thereof;

thence South 72° 22' 00" East 348 feet along the South Line of said tract described in Reel 76 and Page 1611 to a point on the West Right-of-way Line of Market Road No. 97 (commonly known as Cordon Road NE); said point also being on the Urban Growth Boundary (UGB) Line;

thence South 09° 26' 06" West 327.09 feet along the West Right-of-way Line of said Cordon Road NE and the UGB Line to the point of intersection with the South Line of said tract described in Reel 1556, Page 700;

thence North 89° 07' 00" West 730.22 feet along the said South Line of said tract to the southwest corner thereof; said point also being on the East Line of said Deer Park Estates;

thence North 00° 20' 57" West 664.02 feet along the East Line of said Deer Park Estates and the West Line of that tract described in Reel 1556, Page 700, to the Point of Beginning.

EXHIBIT 1

Approved: J.N.
May 14, 2007
Annexation No.: C-659
DOR No.: 24-P156-2007
DOR Date: 5/24/2007