

**RESOLUTION NO. 2007-109**

A RESOLUTION DENYING MEASURE 37 CLAIM 07-4 FOR PROPERTY LOCATED AT 3600 ECHO DRIVE NW, SALEM, OREGON

**Whereas**, the City of Salem (the City) received a claim from Thomas A. and Belinda B. Wilde (the Claimants) under Measure 37 and Salem Revised Code Chapter 166. The property is identified as T7S R3W, Section 18, Tax Lot 703 as recorded in Polk County Records, Book 380, Page 220, and is commonly known as 3600 Echo Drive NW, Salem, Oregon (the Property); and

**Whereas**, the Claimants have continuously owned and possessed or held legal, equitable, or reversionary ownership in the Property since June 15, 1999; and

**Whereas**, the Property was zoned Suburban Residential (SR) in Polk County on the date acquired; and

**Whereas**, the Property lies outside the City limits but within the Salem Urban Growth Boundary; and

**Whereas**, the Property was designated Developing Residential on the Salem Area Comprehensive Plan Map on the date acquired; and

**Whereas**, the zoning and comprehensive plan map designations have not changed since the date the Property was acquired by the Claimants; and

**Whereas**, the Claimants have not identified, nor does evidence exist that any land use regulations have been enforced on the Property by the City; and

**Whereas**, the Property lies outside the City limits, City regulations do not apply directly to the property and the City does not hold jurisdiction over the property; and

**Whereas**, the City Council considered Measure 37 Claim 07-4 at a public hearing conducted November 5, 2007;

NOW, THEREFORE, THE CITY OF SALEM RESOLVES AS FOLLOWS:

**Section 1. Findings.** The Council of the City of Salem finds as follows:

- a. The Claimants originally acquired the property on June 15, 1999.
- b. The boundaries of the Urban Growth Boundary and the City limits as they apply to the Property have not changed since the Property was acquired.

c. The Developing Residential designation on the Salem Area Comprehensive Plan Map was applied prior to acquisition of the Property by the current owners. \_\_\_\_\_

d. City of Salem regulations do not apply directly to the Property and the City of Salem does not hold jurisdiction over the Property.

**Section 2. Order.** Measure 37 claim 07-4 does not meet the criteria of Measure 37 as there is no evidence that value has been lost, therefore, this claim is denied.

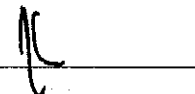
**Section 3.** This resolution shall be recorded in the deed history for the Property in the office of the Polk County Clerk. The Claimants are responsible for recordation.

ADOPTED by the Council this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

ATTEST:

CITY RECORDER

Approved by City Attorney: \_\_\_\_\_



Checked by: J. Moore

G:\GROUP\LEGAL\Council\112607 Measure 37 Claim denial reso.wpd