NOTICE OF ADOPTED AMENDMENT

04/08/2013

TO: Subscribers to Notice of Adopted Plan or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Salem Plan Amendment
DLCD File Number 016-12

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Wednesday, April 24, 2013

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Lisa Anderson-Ogilvie, City of Salem
Gordon Howard, DLCD Urban Planning Specialist
Angela Lazarean, DLCD Regional Representative

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Notice of Adoption

This Form 2 must be mailed to DLCD within 5-Working Days after the Final Ordinance is signed by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

<table>
<thead>
<tr>
<th>Jurisdiction: City of Salem</th>
<th>Local file number: CA13-01</th>
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<tbody>
<tr>
<td>Date of Adoption: 3/25/2013</td>
<td>Date Mailed: 3/29/2013</td>
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<tr>
<td>Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?</td>
<td>Yes</td>
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<td>Date: 11/29/2012</td>
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<tr>
<td>□ Comprehensive Plan Text Amendment</td>
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<td>□ Comprehensive Plan Map Amendment</td>
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<td>□ Land Use Regulation Amendment</td>
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<td>□ Zoning Map Amendment</td>
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<td>□ Other:</td>
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Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Amending SRC 138 Broadway/High Street Overlay Zone to correct the legal description for Area 3. The current description does not describe the area as intended and currently mapped. This change will not affect the properties currently inside the overlay zone nor will it add any properties to the overlay zone.

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from: NA to: NA
Zone Map Changed from: NA to: NA
Location: Specify Density: Previous: New:
Applicable statewide planning goals:

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Was an Exception Adopted? □ YES ☑ NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing? □ Yes ☑ No
If no, do the statewide planning goals apply? □ Yes □ No
If no, did Emergency Circumstances require immediate adoption? □ Yes □ No

DLCD File No. 016-12 (19607) [17406]
Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: Lisa Anderson-Ogilvie, Planner III  
Phone: (503) 540-2381  
Address: 555 Liberty St SE, Rm 305  
City: Salem  
Fax Number: 503-588-6005  
Zip: 97301-  
E-mail Address: lmanderson@cityofsalem.net

ADDITION SUBMITTAL REQUIREMENTS
This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeal to LUBA is calculated twenty-one (21) days from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit one complete paper copy via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540

9. Need More Copies? Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

http://www.oregon.gov/LCD/forms.shtml

Updated December 30, 2011
March 28, 2013

Si necesita ayuda para comprender esta informacion, por favor llame 503-588-6173.

NOTICE OF FINAL DECISION: Ordinance No. 5-13
Code Amendment No. CA13-01 – SRC Chapter 138 (Broadway/High Street Overlay Zone)

YOU ARE HEREBY NOTIFIED that the City Council of the City of Salem adopted Ordinance No. 5-13 at the March 25, 2013 session. Ordinance No. 5-13 amends Salem Revised Code Chapter 138 (Broadway/High Street Overlay Zone) to correct the legal description of Area A. A copy of the ordinance is attached.

Any person with standing may appeal the City Council’s decision by filing a “Notice of Intent to Appeal” with the Land Use Board of Appeals not later than 21 days after March 28, 2013. Anyone with questions regarding filing an appeal with the Oregon Land Use Board of Appeals should contact an attorney.

The complete case file, including findings, conclusions, modifications, and conditions of approval, if any is available for review at the Community Development Department, 555 Liberty St SE, Room 305, Salem OR 97301. If you have any further questions, you may contact the City of Salem Planning Division at 503-588-6173.

Glenn W. Gross
Urban Planning Administrator

cc: See Attached List
Code Amend. CA13-01  
SRC Chapter 138  
Broadway/High St Overlay Zone  
Ordinance No. 5-13

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Salem OR 97302

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Salem OR 97309

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Sunnyslope NA Land Use Comm.  
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Salem OR 97302

Josh Pollock, Chair  
W Salem NA Land Use Comm.  
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Salem OR 97304

Polk Co Brd of Commissioners  
Polk County Courthouse  
850 Main St  
Dallas OR 97338

Marion Co. Brd of Commissioners  
P.O. Box 14500  
Salem Oregon 97309-5036
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Via EMAIL  
Annie Batteé  
Neighborhood Serv. Specialist  
Community Dev., Room 305

Via EMAIL  
Corinne Fletcher  
Neighborhood Serv. Specialist  
Community Dev., Room 305

G:\CD\PLANNING\Case Application Files 2011 \ CODE AMENDMENTS \ CA13-01 Broadway/High St Overlay zone \ CA13-01 Council ORDINANCE Mailing Matrix.doc
ORDINANCE BILL NO. 5-13
AN ORDINANCE RELATING TO THE BROADWAY/HIGH STREET OVERLAY ZONE;
AMENDING SRC 138.030

The City of Salem ordains as follows:

Section 1. SRC Chapter 138.030 is amended to read as follows:

138.030. Establishment of Broadway/High Street Overlay Zone. For the purpose of placing special restrictions on the use of land within districts shown on the official zoning map on January 1, 1999, the Broadway/High Street Overlay Zone is created, to wit:

(a) Area I. Beginning at the intersection of the north line of Belmont Street NE and the center line of the alley between Broadway Street NE and Fourth Street NE; thence northerly along the center line of said alley between Broadway Street NE and Fourth Street NE to a point which measures 132.0 feet more or less from the intersection of the north line of Belmont Street NE and the alley between Broadway Street NE and Fourth Street NE; thence westerly 122.50 feet more or less to the point of intersection with the east line of Fourth Street NE; thence northerly 330.80 feet more or less along the east line of Fourth Street to a point; thence easterly 130.50 feet more or less to a point along the center line of the alley between Broadway Street NE and Fourth Street NE; thence northerly 132.80 feet along said center line of the alley between Broadway Street NE and Fourth Street NE to a point north of the north line of Hood Street NE, if measured perpendicular thereto; thence easterly and parallel to the north line of Hood Street NE 490.50 feet more or less to the point of intersection with the west line of Fifth Street NE; thence southerly 986.14 feet more or less along said west line of Fifth Street to a point; thence westerly 130.50 feet more or less to the point of intersection with the center line of the alley between Fifth Street NE and Broadway Street NE; thence southerly 132.0 feet more or less to the point of intersection of said alley and the north line of Belmont Street NE; thence westerly 360.0 feet more or less along the north line of said Belmont Street NE to the point of beginning.

(b) Area II. Beginning at a point 279.20 feet southwest of the intersection of the west line of Liberty Street NE and the west line of Broadway Street NE; thence westerly 20.0 feet more or less to a point; thence northerly 730.0 feet more or less along a line
perpendicular to Broadway Street NE to the point of intersection with south line of
Belmont Street NE; thence easterly 398.73 feet more or less along the south line of
Belmont Street NE to the point of intersection of the south line of Belmont Street NE and
the center line of the alley between Broadway Street NE and Fifth Street NE; thence
southerly 655.0 feet more or less along the center line of said alley to a point; thence
westerly 229.50 feet more or less to a point along the west line of Broadway Street NE;
thence northerly 170.0 feet more or less to the point of intersection of the west line of
Liberty Street NE and the west line of Broadway Street NE; thence southwesterly 279.20
feet more or less along the west line of Liberty Street to the point of beginning.

c) Area III. Beginning at the intersection of the north line of Union Street NE and the
center line of the alley between High Street NE and Liberty Street NE; thence northerly
along the northerly said centerline and the northerly extension of said centerline 773.32
feet more or less along the extended center line of said alley to the point of intersection
with the north bank of Mill Creek; thence westerly along said north bank of Mill Creek to
the point of intersection with the east line of Liberty Street NE; thence northeasterly
638.70 feet more or less along said east line of Liberty Street NE to the point of
intersection of the east line of Liberty Street NE and the west line of High Street NE;
thence southerly 220.60 feet more or less along said west line of High Street NE to a
point of intersection of the westerly extension of the north line of Knapp's Place NE;
thence westerly easterly 134.0 feet more or less from said point along the north line of
said Knapp's Place NE to a point; thence southerly 103.00 feet more or less to a point;
thence easterly 115.0 feet more or less to a point; thence southerly 100.0 feet more or less
to the a point of intersection with the on the north line of Willow Street NE; thence
easterly westerly 60.0 feet more or less to a point; thence southerly 140.0 feet more or
less to a point; thence easterly 110.0 feet more or less to the point of intersection with the
west bank of Mill Creek; thence westerly and southwesterly along said west bank of Mill
Creek to the point of intersection with the center line of the alley between High Street and
Church Street NE; thence southerly along said center line of the alley between High
Street NE and Church Street NE to the point of intersection with the north line of Union
Street NE; thence easterly westerly 447.74 feet more or less along said north line of
Union Street to the point of beginning.

(d) Area IV. Beginning at the intersection of the north line of Market Street NE and the east line of Fifth Street NE; thence northerly 448.0 feet more or less along said east line of Fifth Street NE to the point of intersection of a line that is 116.40 feet more or less north of the north line of Hood Street NE, if measured perpendicular thereto; thence easterly and parallel to the north line of Hood Street NE 130.50 feet more or less to a point; thence northerly 16.40 feet more or less to point; thence easterly 125.00 feet more or less to the point of intersection with the west line of Hood Street NE; thence southerly 463.80 feet more or less along said west line of Church Street to the point of intersection with the north line of Gaines Street NE; thence westerly 130.50 feet more or less along said north line of Gaines Street NE to a point; thence southerly 331.60 feet more or less to the point of intersection with the north line of Market Street NE; thence westerly 130.50 feet more or less along said north line of Market Street NE to the point of beginning.

Section 2. Codification. In codifying this ordinance the City Recorder may change the word “ordinance,” “code,” “article,” “section,” or “chapter” to reflect the proper terminology; may renumber sections, subsections, paragraphs and clauses to reflect proper sequencing; may correct any cross-references; and may correct any typographical errors in the text which do not affect the meaning of text.

Section 3. Severability. Each section of this ordinance, and any part thereof, is severable, and if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

PASSED by the City Council this 25th day of March, 2013.

ATTEST:

[Signature]

City Recorder

Approved by City Attorney:  

[Signature]

Checked by: L. Anderson-Ogilvie
FOR COUNCIL MEETING OF: March 11, 2013
AGENDA ITEM NO.: 4 (a)

TO: MAYOR AND CITY COUNCIL
THROUGH: LINDA NORRIS, CITY MANAGER
FROM: VICKIE HARDIN WOODS, DIRECTOR COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: SUPPLEMENT REPORT FOR AMENDMENTS TO SALEM REVISED CODE (SRC) CHAPTER 138 (BROADWAY/HIGH STREET OVERLAY ZONE) TO CORRECT THE LEGAL DESCRIPTION OF AREA 3 (CA 13-01).

ISSUE:

Should the City Council amend SRC Chapter 138 (Broadway/High Street Overlay Zone) to correct the legal description of Area 3 and advance Ordinance Bill No. 5-13 to second reading for enactment?

RECOMMENDATION:

Staff recommends that the City Council amend SRC Chapter 138 (Broadway/High Street Overlay Zone) to correct the legal description of Area 3 and advance Ordinance Bill No. 5-13 to second reading for enactment.

SUMMARY:

This amendment will correct the legal description of Area 3 of the Broadway/High Street Overlay Zone. The current description does not describe the area as intended and currently mapped.

BACKGROUND:

On January 28, 2013 the City Council initiated the proposed code amendments, held first reading of ordinance Bill No. 5-13 and moved to hold a public hearing on the matter. The facts and findings related to the proposed amendments are attached as part of the future report dated January 28, 2013 (Attachment 1).

Prepared by Lisa Anderson-Ogilvie, Planner III

Glenn W. Gross, Urban Planning Administrator
FUTURE REPORT: January 18, 2013
FOR COUNCIL MEETING OF: January 28, 2013
AGENDA ITEM NO.: 8.1 (b) March 11, 2013

TO: \[Signature\] MAYOR AND CITY COUNCIL
THROUGH: LINDA NORRIS, CITY MANAGER

FROM: VICKIE HARDIN WOODS, DIRECTOR COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: AMENDMENTS TO SALEM REVISED CODE (SRC) CHAPTER 138 (BROADWAY/HIGH STREET OVERLAY ZONE) TO CORRECT THE LEGAL DESCRIPTION OF AREA 3 (CA 13-01).

ISSUE:

Should the City Council schedule for public hearing Ordinance Bill No. 5-13, amending SRC Chapter 138 (Broadway/High Street Overlay Zone) to correct the legal description of Area 3?

RECOMMENDATION:

Staff recommends that the City Council schedule for public hearing Ordinance Bill No. 5-13, amending SRC Chapter 138 (Broadway/High Street Overlay Zone) to correct the legal description of Area 3.

SUMMARY:

This amendment will correct the legal description of Area 3 of the Broadway/High Street Overlay Zone. The current description does not describe the area as intended and currently mapped.

BACKGROUND:

The City prepared the North Downtown Plan in July 1997 which identified the North Downtown area as a place to successfully develop a wide range of new housing, mixed-use projects, and retail developments. The Broadway/High Street Overlay Zone was created to implement the vision of the North Downtown Plan and was adopted by City Council in 1998. Through the Unified Development Code (UDC) project staff discovered errors in the legal description that incorrectly describe the mapped area. The errors include using “easterly” when it should be “westerly” and omitting portions of the description.

FACTS AND FINDINGS:

Procedural Findings

1. Under SRC 300.1110(a)(3), legislative land use proceedings may be initiated by staff through preparation and placement of an ordinance bill on the City Council agenda for first reading. The City Council may schedule a public hearing on the ordinance bill, refer it to another Review Authority for review and recommendation, or may decline to advance the ordinance bill to second reading.
Subsequent to initiation of the proposed amendments, notice of public hearing will be provided as required under SRC Chapter 300.

ORS 197.610 and OAR 660-018-0020 require that notice be provided to the Department of Land Conservation and Development (DLCD) on any proposed amendment to a local land use regulation at least 35 days prior to the first public hearing. Notice to DLCD was delivered on November 29, 2012.

Proposed Code Amendments

2. As part of the UDC project staff reviewed the legal descriptions of all of the overlay zones. During this review staff discovered that the current legal description does not match what is currently mapped or what was intended to be mapped in 1998. The errors include using “easterly” when it should be “westerly” and the omitting portions of the description. Attachment 1 shows the area as mapped by following the current legal description. Attachment 2 shows the area as it was intended and as it is currently mapped. The amendment to the legal description will align the map and the legal description to match the area shown in Attachment 2.

3. The amendment will not add or remove any properties from the area mapped as the overlay zone. Staff has been using the map as shown in Attachment 2 since the adoption of the overlay zone in 1998.

Consistency with the Salem Area Comprehensive Plan

4. The North Downtown Plan and the adoption of the Broadway/High Street Overlay Zone were public processes that involved outreach to affected property owners and nearby residents, as required by the citizen involvement goal and policy of the Salem Area Comprehensive Plan. The City has an obligation to correct the mistake that was made in the legal description and adopt the correct boundaries of Area 3.

Glenn W. Gross, Urban Planning Administrator

Attachment: 1. Area 3 – based on current legal description
                2. Area 3 – based on revised legal description

Prepared by Lisa Anderson-Ogilvie, Planner III
Broadway/High Street Overlay Zone - Area 3
(based on revised legal description)
ORDINANCE BILL NO. 5-13

AN ORDINANCE RELATING TO THE BROADWAY/HIGH STREET OVERLAY ZONE;
AMENDING SRC 138.030

The City of Salem ordains as follows:

Section 1. SRC Chapter 138.030 is amended to read as follows:

138.030. Establishment of Broadway/High Street Overlay Zone. For the purpose of placing special restrictions on the use of land within districts shown on the official zoning map on January 1, 1999, the Broadway/High Street Overlay Zone is created, to wit:

(a) Area I. Beginning at the intersection of the north line of Belmont Street NE and the center line of the alley between Broadway Street NE and Fourth Street NE; thence northerly along the center line of said alley between Broadway Street NE and Fourth Street NE to a point which measures 132.0 feet more or less from the intersection of the north line of Belmont Street NE and the alley between Broadway Street NE and Fourth Street NE; thence westerly 122.50 feet more or less to the point of intersection with the east line of Fourth Street NE; thence northerly 330.80 feet more or less along the east line of Fourth Street to a point; thence easterly 130.50 feet more or less to a point along the center line of the alley between Broadway Street NE and Fourth Street NE; thence northerly 132.80 feet along said center line of the alley between Broadway Street NE and Fourth Street NE to a point north of the north line of Hood Street NE, if measured perpendicular thereto; thence easterly and parallel to the north line of Hood Street NE 490.50 feet more or less to the point of intersection with the west line of Fifth Street NE; thence southerly 986.14 feet more or less along said west line of Fifth Street to a point; thence westerly 130.50 feet more or less to the point of intersection with the center line of the alley between Fifth Street NE and Broadway Street NE; thence southerly 132.0 feet more or less to the point of intersection of said alley and the north line of Belmont Street NE; thence westerly 360.0 feet more or less along the north line of said Belmont Street NE to the point of beginning.

(b) Area II. Beginning at a point 279.20 feet southwest of the intersection of the west line of Liberty Street NE and the West line of Broadway Street NE; thence westerly 20.0 feet more or less to a point; thence northerly 730.0 feet more or less along a line...
perpendicular to Broadway Street NE to the point of intersection with south line of 
Belmont Street NE; thence easterly 398.73 feet more or less along the south line of 
Belmont Street NE to the point of intersection of the south line of Belmont Street NE and 
the center line of the alley between Broadway Street NE and Fifth Street NE; thence 
southerly 655.0 feet more or less along the center line of said alley to a point; thence 
westerly 229.50 feet more or less to a point along the west line of Broadway Street NE; 
thence northerly 170.0 feet more or less to the point of intersection of the west line of 
Liberty Street NE and the west line of Broadway Street NE; thence southwesterly 279.20 
feet more or less along the west line of Liberty Street to the point of beginning. 
(c) Area III. Beginning at the intersection of the north line of Union Street NE and the 
center line of the alley between High Street NE and Liberty Street NE; thence northerly 
along the northerly said centerline and the northerly extension of said centerline 773.32 
feet more or less along the extended center line of said alley to the point of intersection 
with the north bank of Mill Creek; thence westerly along said north bank of Mill Creek to 
the point of intersection with the east line of Liberty Street NE; thence northeasterly 
638.70 feet more or less along said east line of Liberty Street NE to the point of 
intersection of the east line of Liberty Street NE and the west line of High Street NE; 
thence southerly 220.60 feet more or less along said west line of High Street NE to a 
point of intersection of the westerly extension of the north line of Knapp's Place NE; 
thence westerly easterly 134.0 feet more or less from said point along the north line of 
said Knapp's Place NE to a point; thence southerly 103.00 feet more or less to a point; 
thence easterly 115.0 feet more or less to a point; thence southerly 100.0 feet more or less 
to the a point of intersection with the on the north line of Willow Street NE; thence 
easterly westerly 60.0 feet more or less to a point; thence southerly 140.0 feet more or 
less to a point; thence easterly 110.0 feet more or less to the point of intersection with the 
west bank of Mill Creek; thence westerly and southwesterly along said west bank of Mill 
Creek to the point of intersection with the center line of the alley between High Street and 
Church Street NE; thence southerly along said center line of the alley between High 
Street NE and Church Street NE to the point of intersection with the north line of Union 
Street NE; thence easterly westerly 447.74 feet more or less along said north line of
Union Street to the point of beginning.

(d) Area IV. Beginning at the intersection of the north line of Market Street NE and the east line of Fifth Street NE; thence northerly 448.0 feet more or less along said east line of Fifth Street NE to the point of intersection of a line that is 116.40 feet more or less north of the north line of Hood Street NE, if measured perpendicular thereto; thence easterly and parallel to the north line of Hood Street NE 130.50 feet more or less to a point; thence northerly 16.40 feet more or less to point; thence easterly 125.00 feet more or less to the point of intersection with the west line of Church Street NE; thence southerly 463.80 feet more or less along said west line of Church Street to the point of intersection with the north line of Gaines Street NE; thence westerly 130.50 feet more or less along said north line of Gaines Street NE to a point; thence southerly 331.60 feet more or less to the point of intersection with the north line of Market Street NE; thence westerly 130.50 feet more or less along said north line of Market Street to the point of beginning.

Section 2. Codification. In codifying this ordinance the City Recorder may change the word “ordinance,” “code,” “article,” “section,” or “chapter” to reflect the proper terminology; may renumber sections, subsections, paragraphs and clauses to reflect proper sequencing; may correct any cross-references; and may correct any typographical errors in the text which do not affect the meaning of text.

Section 3. Severability. Each section of this ordinance, and any part thereof, is severable, and if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

PASSED by the City Council this ______ day of ____________________, 2013.

ATTEST:

City Recorder

Approved by City Attorney: 

Checked by: L. Anderson-Ogilvie

COUNCIL OF THE CITY OF SALEM, OREGON