

Final Documents
for
Annexation to
Lake Oswego

CL0810
Ordinance/Resolution: 2551
Annexation: AN 10-0001
DOR: 3-1894-2010
Secretary of State: AN 2010-0053

OFFICE OF THE SECRETARY OF STATE

KATE BROWN
SECRETARY OF STATE

FILED

JUN 09 2010



BARRY PACK
DEPUTY SECRETARY OF STATE

ARCHIVES DIVISION
SECRETARY OF STATE

ARCHIVES DIVISION
MARY BETH HERKERT
DIRECTOR
800 Summer Street NE
Salem, Oregon 97310
(503) 373-0701
Facsimile (503) 378-4118

June 3, 2010

Metro
Linda Martin
600 NE Grand Ave
Portland, Oregon 97232-2736

Dear Ms. Martin:

Please be advised that we have received and filed, as of June 3, 2010, the following records annexing territory to the following:

Ordinance/Resolution Number(s)

Our File Number

2551 [Lake Oswego]

AN 2010-0053

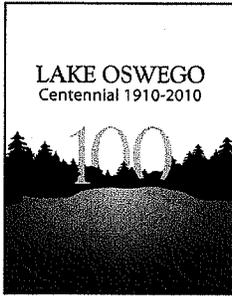
For your records please verify the effective date through the application of ORS 199.519.

Our assigned file number(s) are included in the above information.

Sincerely,

Linda Bjornstad
Official Public Documents

cc: County Clerk(s)
Department of Revenue
ODOT
Population Research Center



Planning & Building Services

Memorandum

TO: Carol Hall
Metro Data Resource Center

FROM: Iris McCaleb, Long Range Planning
Planning & Building Services

DATE: May 26, 2010

SUBJECT: Final Boundary Change Submission for AN 10-0001
Ordinance 2551

Attached please find:

- Final signed resolution, order or ordinance (with legal description)
- Approved Notice to Taxing Districts from Oregon Department of Revenue
- Filing fee
- Staff Report

Property information:

16211 Waluga Drive (21E07DD00900)

This is being sent to you as required by Metro Code 3.09.030 (e). Any questions should be directed to me at:

City of Lake Oswego
P.O. Box 369
Lake Oswego, OR 97034
(503) 697-6591

Thank you.

ORDINANCE NO. 2551

AN ORDINANCE ANNEXING TO THE CITY OF LAKE OSWEGO A PORTION OF ONE PARCEL COMPRISING APPROXIMATELY 0.13 ACRES (LOCATED AT 16211 WALUGA DRIVE); DECLARING CITY OF LAKE OSWEGO ZONING PURSUANT TO LOC 50.05.025; AND REMOVING THE TERRITORY FROM CERTAIN DISTRICTS (AN 10-0001).

WHEREAS, annexation to the City of Lake Oswego of the territory shown in the map in Attachment "A" and described below, would constitute a contiguous boundary change under ORS 222.111, initiated by petition from the property owner as outlined in ORS 222.111(2); and,

WHEREAS, the City has received consent for the proposed annexation from 100 percent of the owners of land within the territory; and,

WHEREAS, the part of the territory that lies within the Lake Grove Fire District #57 will, by operation of ORS 222.520, be withdrawn from that district immediately upon approval of the annexation; and,

WHEREAS, the part of the territory that lies within the Clackamas County Enhanced Sheriff's Patrol District will, by operation of ORS 222.520, be withdrawn from the district upon approval of the annexation; and,

WHEREAS, the part of the territory that lies within the Surface Water Management Agency of Clackamas County will, by operation of ORS 222.520, be withdrawn from the district upon approval of the annexation; and,

WHEREAS, LOC 50.05.025 specifies that, where the Comprehensive Plan Map requires a specific Zoning Map designation to be placed on the territory annexed to the City, such a zoning designation shall automatically be imposed on the territory as of the effective date of the annexation; and,

WHEREAS, the staff report, which addresses applicable criteria, dated March 31, 2010, is hereby incorporated; and,

WHEREAS, this annexation is consistent with Chapter 14, (Urbanization) of the City of Lake Oswego's acknowledged Comprehensive Plan, Oregon Revised Statutes 222.111(2); 222.125; and 222.170 for Boundary Changes and Metro Code 3.09.050(b) and (d).

Now, therefore, the City of Lake Oswego ordains as follows:

Section 1. Legal Description of Properties to be Annexed: The real property described as follows is hereby annexed to the City of Lake Oswego:

A tract of land being part of Lot 208 of Bryant Acres Plat 3 (Plat #442), situated in the southeast quarter of Section 7, Township 2 South, Range 1 East of the Willamette Meridian, Clackamas County, Oregon, being more particularly described as follows:

Beginning at the intersection of the south line of Lot 233 of Bryant Acres Plat 3 and the westerly right of way line of Waluga Drive (30.00 feet wide) (formerly known as Bryant Way);

thence South 00° 10' 00" East, along said westerly right of way line of Waluga Drive, 45.91 feet;

thence leaving said right of way line, South 88° 18' 00" West, 117.08 feet to the westerly line of said Lot 208;

thence along said westerly lot line, North 00° 10' 00" West, 50.24 feet to the southwest corner of said Lot 233;

thence along the southerly lot line of said Lot 233, South 89° 35' 00" East, 117.00 feet to the point of beginning.

Section 2. District Withdrawal: The annexed area lies within the following districts and will be withdrawn from these districts upon the effective date of annexation:

Lake Grove Fire District #57
Clackamas County Enhanced Sheriff's Patrol District
Surface Water Management Agency of Clackamas County

Section 3. Zoning Designation: In accordance with Community Development Code Section 50.05.025, the City zoning designation of R-7.5 will be applied to the 0.13 acre portion of tax lot 900, Map 021E07DD being annexed upon the effective date of annexation.

Section 4. Neighborhood Association Designation: In accordance with Goal 1 of the City's Comprehensive Plan, this territory shall become a part of the Lake Forest Neighborhood Association immediately upon the effective date of the annexation.

Section 5. Adoption of Findings and Conclusions: The City Council hereby adopts the findings of facts and conclusions set forth in the March 31, 2010 staff report in support of this annexation ordinance.

Section 6. Effective Dates:

a. Effective Date of Decision to Annex. Pursuant to Metro Code 3.09.050(f), the effective date of this annexation decision shall be immediately upon adoption, unless a governmental entity that qualifies as a "necessary party" under Metro Code 3.09.020(j) has contested this annexation, in which event this annexation decision shall be effective on the 10th day following the mailing of this ordinance by the City Recorder to Metro and to all necessary parties who appeared in this proceeding.

b. Effective Date of Annexation Ordinance. Pursuant to Lake Oswego City Charter, Section 34, this ordinance shall be effective on the 30th day after its enactment.

c. Effective Date of Annexation. Following the filing of the annexation records with the Secretary of State as required by ORS 222.177, this annexation shall be effective upon the later of either:

1. the 30th day following the date of adoption of this ordinance; or
2. the date of filing of the annexation records with the Secretary of

State.

Provided, however, that pursuant to ORS 222.040(2), if the effective date of the annexation as established above is a date that is within 90 days of a biennial primary or general election or after the deadline for filing notice of election before any other election held by any city, district or other municipal corporation involved in the area to be annexed, then the effective date of the annexation shall be delayed until, and the annexation shall become effective on, the day after the election.

Section 7. Mailing Copies of this Ordinance; Metro Notice.

Within 30 days following the date of adoption:

a. The City Recorder shall mail a copy of this ordinance to all persons and governmental entities that appeared at the public hearing and requested a copy of the ordinance following adoption.

b. The City Recorder shall mail a copy of this ordinance together with the applicable mapping and notice fee charged by Metro pursuant to Metro Code 3.09.110, to the Metro Data Resource Center, 600 NE Grand Ave., Portland, OR 97232.

Read by title only and enacted at the regular meeting of the City Council of the City of Lake Oswego held on 20th day of April, 2010.

AYES: Mayor Hoffman, Johnson, Jordan, Hennagin, Moncrieff, Tierney, Olson

NOES: none

ABSTAIN: none

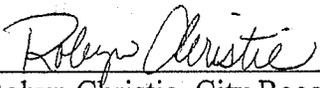
EXCUSED: none



Jack D. Hoffman, Mayor

Dated: April 20, 2010

ATTEST:



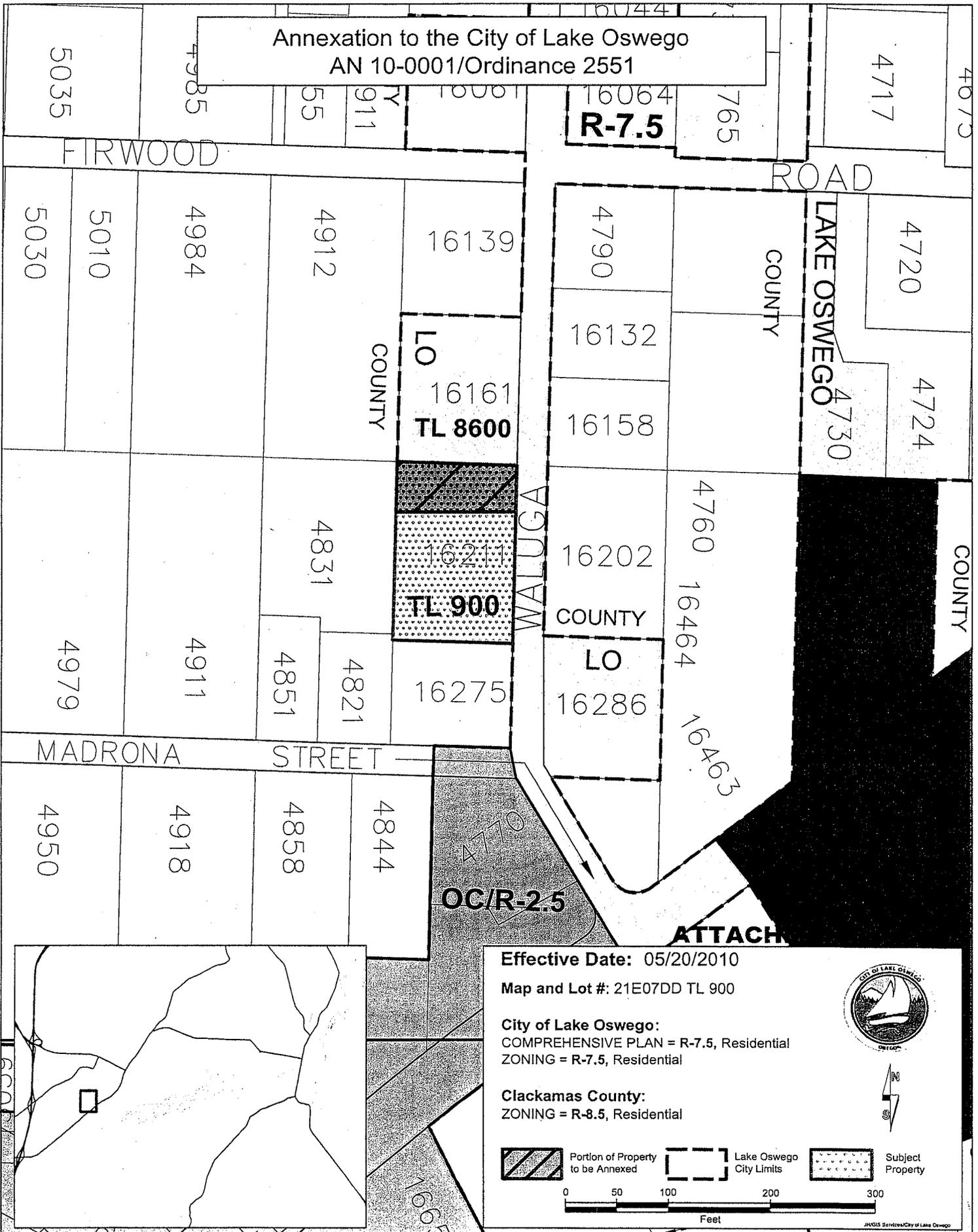
Robyn Christie, City Recorder

APPROVED AS TO FORM:



David Powell
City Attorney

Annexation to the City of Lake Oswego
AN 10-0001/Ordinance 2551



Effective Date: 05/20/2010

Map and Lot #: 21E07DD TL 900

City of Lake Oswego:
COMPREHENSIVE PLAN = R-7.5, Residential
ZONING = R-7.5, Residential

Clackamas County:
ZONING = R-8.5, Residential



- Portion of Property to be Annexed
- Lake Oswego City Limits
- Subject Property

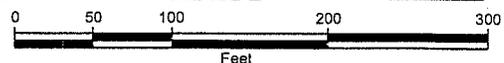


EXHIBIT A

A tract of land being part of Lot 208 of Bryant Acres Plat 3 (Plat #442), situated in the southeast quarter of Section 7, Township 2 South, Range 1 East of the Willamette Meridian, Clackamas County, Oregon, being more particularly described as follows:

Beginning at the intersection of the south line of Lot 233 of Bryant Acres Plat 3 and the westerly right of way line of Waluga Drive (30.00 feet wide) (formerly known as Bryant Way);

thence South 00° 10' 00" East, along said westerly right of way line of Waluga Drive, 45.91 feet;

thence leaving said right of way line, South 88° 18' 00" West, 117.08 feet to the westerly line of said Lot 208;

thence along said westerly lot line, North 00° 10' 00" West, 50.24 feet to the southwest corner of said Lot 233;

thence along the southerly lot line of said Lot 233, South 89° 35' 00" East, 117.00 feet to the point of beginning.

21E07DD00900 (partial)
(Revised 2-26-2010)

Notice to Taxing Districts
ORS 308.225

DOR 3-1894-2010



Cadastral Information Systems Unit
PO Box 14380
Salem, OR 97309-5075
(503) 945-8297, fax 945-8737

City of Lake Oswego Planning Dept.
Attn: Annexation Planner
PO Box 369
Lake Oswego, OR 97034

Description and Map Approved
May 19, 2010
As Per ORS 308.225

Description Map received from: LAKE OSWEGO PLANNING
On: 4/26/2010

This is to notify you that your boundary change in Clackamas County for
ANNEX TO CITY OF LAKE OSWEGO; WITHDRAWAL FROM SEVERAL DISTRICTS.

ORD No. 2551 (AN 10-0001)

has been: Approved 5/19/2010
 Disapproved

Notes:

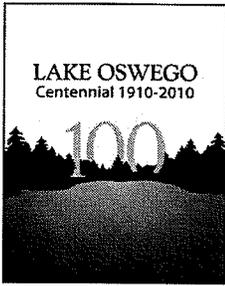
The survey map with the bearings & distances used in the legal should be sent to the Co. Assessor. & other required agencies.
The maps, legal desc & signed Ord must also be filed with the CO. ASSESSOR by 3-31-2011 per ORS 308.225.

Department of Revenue File Number: 3-1894-2010

Prepared by: Elise Bruch 503-945-8344

Boundary: Change Proposed Change
The change is for:

- Formation of a new district
- Annexation of a territory to a district
- Withdrawal of a territory from a district
- Dissolution of a district
- Transfer
- Merge



CITY OF LAKE OSWEGO

380 A Avenue
PO Box 369
Lake Oswego, OR 97034

503-675-3984
www.ci.oswego.or.us

COUNCIL REPORT

TO: Jack Hoffman, Mayor
Members of the City Council
Alex D. McIntyre, City Manager

FROM: Paul Espe, Associate Planner

SUBJECT: Ordinance 2551, an Ordinance Annexing Approximately 0.13 Acres
Located at 16211 Waluga Drive (AN 10-0001)

DATE: March 31, 2010

ACTION

Adopt Ordinance 2551 (Exhibit F-1).

INTRODUCTION

The proposed annexation is owner initiated and will result in the addition of 0.13 acres of residential land to the City. This Council report describes the reasons for the annexation and provides basic background information. The criteria for approving annexations and the findings in support of this annexation are included in Exhibit B-1.

DISCUSSION

Owners (16211 Waluga Drive): Linda Schwartz, Hardebrunnit, LLC

Owners (16161 Waluga Drive) and contract purchasers of property to be annexed: Laura Forest and Hans E. Svensson

Location/Size: The subject property is the northerly 0.13 acres (5,625 sq. ft) of Tax Lot 900 (Tax Map 21E07DD), located at 16211 Waluga Drive. The property is shown on **Exhibit F-1, Attachment A**.

Purpose of Annexation: The property owners have initiated the annexation to complete a proposed lot line adjustment. The contract purchaser and the owners are proposing a property line adjustment to convey 5,625 square feet from Tax Lot 900 (located in unincorporated Clackamas County) to Tax Lot 8600 (abutting to the north located in the City of Lake Oswego). The City and County lot line adjustments have been conditionally approved dependent on this annexation. Approximately 17,277 square feet of Tax Lot 900 will remain in unincorporated Clackamas County.

Existing Land Use: Tax Lots 900 and 8600 are both developed with single family dwellings that have frontage on, and take direct access from Waluga Drive through private driveways.

Zoning and Development Potential: The subject property is currently under Clackamas County's jurisdiction and is zoned Low Density Residential R-8.5. Upon annexation to the City of Lake Oswego, the zoning for this property will be automatically changed to Low Density R-7.5, consistent with the City's Comprehensive Plan Map. Tax Lot 8600 is zoned R-7.5.

Upon annexation, Tax Lot 8600 will increase to 28,798 square feet. No additional development is currently proposed for either Tax Lot 8600 or Tax Lot 900. With the lot line adjustment, Tax Lot 8600 will be large enough to divide into three parcels but the existing house is situated in such a way that it would need to be removed to complete any land division.

Neighborhood: The property is located within the Lake Forest Neighborhood.

Sensitive Lands: There are no known sensitive lands located on the property.

Sewer and Water Service: The Lake Grove Water District provides water service to Tax Lot 8600. Sewer service is currently not provided to the site. Any new development on the property would require that sewer service be extended to the site.

Service Districts: Upon annexation, the property will be removed from the Lake Grove Fire District (District #57), the Clackamas County Enhanced Sheriff's Patrol District, and the Surface Water Management Agency of Clackamas County.

Issues: There are no known issues that would complicate annexation of this property.

ALTERNATIVES & FISCAL IMPACT

The draft findings provided in Exhibit B-1 conclude that the proposed annexation complies with all applicable State statutes and Metro code requirements. This annexation is for a portion of one parcel, approximately 0.13 acres in size. The estimated assessed value of this property is \$48,233. Once the property is annexed, the annual tax gain would be approximately \$125.00.

RECOMMENDATION

Staff recommends approval of AN 10-0001.

EXHIBITS

- A. Notice of Appeal [No current exhibits; reserved for hearing use]
- B. Findings and Conclusion
 - B-1: Criteria, Findings, Conclusion, and Effective Date
- C. Minutes [No current exhibits; reserved for hearing use]
- D. Staff Report [No current exhibits; reserved for hearing use]
- E. Graphic Exhibits
- F. Written Materials
 - F-1: Ordinance 2551 and Map
 - F-2: Annexation Petition and Application
- G. Letters-None

Reviewed by:

Department Director

Finance Director

City Attorney

Alex D. McIntyre
City Manager

Exhibit B-1

Criteria, Findings, Conclusion, and Effective Date

APPLICABLE CRITERIA:

- A. Oregon Revised Statutes (ORS), Boundary Changes; Mergers and Consolidations.
1. ORS 222.111(2) - Annexation of Contiguous Territory, Authority and Procedure for Annexation, Generally.
 2. ORS 222.125 - Annexation by consent of all owners of land and the majority of electors.
 3. ORS 222.170 - Annexation by consent of more than half of the owners of land in the territory to be annexed, who also own more than half of the land in the territory.
- B. Metro Code
1. 3.09.040(a)(1-4) Minimum Requirements for Petitions.
 2. 3.09.050 Uniform Hearing Requirements for Final Decisions
Subsections (b)(1-3) and (d).

FINDINGS:

A. Oregon Revised Statutes (ORS), Boundary Changes; Mergers and Consolidations.

1. **ORS 222.111(2) Annexation of Contiguous Territory, Authority and Procedure for Annexation, Generally.**

ORS 222.111(2) provides that a proposal for annexation of territory to a City may be initiated by the legislative body of the City, on its own motion, or by a petition to the legislative body of the City by owners of real property in the territory to be annexed. The property owner has petitioned the City for annexation.

2. **ORS 222.125 - Annexation by consent of all owners of land and the majority of electors.**

ORS 222.125 allows the legislative body of the city the option of holding an election on the question of annexation within the area proposed to be annexed if all of the owners of land in the territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation. There is one voter registered in Clackamas County residing at 16211 Waluga Drive. 100 percent of the property owners have signed the petition. There are no registered voters on the portion of property being annexed.

3. **ORS 222.170 - Annexation by consent of more than half of the owners of land in the territory to be annexed, who also own more than half of the land in the territory.**

ORS 222.170 allows the legislative body of the City the option of holding an election on the question of annexation within the area proposed to be annexed if not less than 50 percent of the owners of land residing on the property consent in writing to the annexation. These owners must also own more than half of the land in the territory to be annexed. The property owner owns all of the property to be annexed and has consented to the annexation on the attached annexation petition (Exhibit F-2). The proposed annexation complies with the statutes.

B. Metro Code

1. 3.09.040 - Minimum Requirements for Petitions.

- (a) A petition for a boundary change shall be deemed complete if it includes the following information:
- 1) The jurisdiction of the approving entity to act on the petition;
 - 2) A map and a legal description of the affected territory in the form prescribed by the reviewing entity;
 - 3) For minor boundary changes, the names and mailing addresses of all persons owning property and all electors within the affected territory as shown in the records of the tax assessor and county clerk; and,
 - 4) For boundary changes under ORS 198.855 (3), 198.857, 222.125 or 222.170, statements of consent to the annexation signed by the requisite number of owners or electors.

The above information was submitted as required by Metro Code. The property owner has signed the application and petition. The providers of urban services include Lake Grove Fire District #57, Clackamas County Enhanced Sheriff's Patrol District, Clackamas County Service District # 5, Surface Water Management Agency of Clackamas County, Lake Grove Water District, Lake Grove Park District and Tri-Met. Upon annexation, the City of Lake Oswego will provide police and fire services as well as sanitary sewer and storm water services. The current estimated total assessed value of the property to be annexed is \$48,233. The annexation application and petition are attached as Exhibit F-2.

2. 3.09.050 Uniform Hearing and Decision Requirements for Final Decisions Other Than Expedited Decisions.

- (b) Not later than 15 days prior to the date set for a boundary change decision, the approving entity shall make available to the public a report that addresses the criteria in subsection (d) below, that includes at a minimum, the following:

- (1) The extent to which urban services presently are available to serve the affected territory including any extra-territorial extensions of service;

The property is located within the Urban Growth Boundary and the City's Urban Services Boundary. Metro Code section 3.09.020 defines urban services as including sanitary sewer, water, fire protection, parks, open space, recreation, streets, roads and mass transit.

Water: The Lake Grove Water District has a 6" water main in Waluga Drive. There is a fire hydrant at the property's northeast corner.

Fire: Lake Grove Fire District #57 provides fire protection services to all of the property to be annexed by agreement with the City of Lake Oswego Fire and Rescue. Upon annexation, the property will be withdrawn from this fire district and will be served directly by the City. The Jean Road Fire Station, located south of the site, would be able to respond to emergencies under the eight minute goal established in the Comprehensive Plan.

Sanitary Sewer: There is no sanitary sewer in Waluga Drive. The closest sewer is located at the intersection of Waluga Drive and Madrona Street, approximately 250 feet to the south. The existing home on TL 900 is currently on a septic system. As a condition of any new

development on the property, or at any time the sewer is constructed, the City will require the sewer to be extended to the property's northern boundary.

Surface Water Management: There are no storm drains, creeks or roadside ditches in this vicinity. Upon annexation, the City of Lake Oswego's storm water management regulations will apply to the subject property.

Police: The property is currently served by the Clackamas County Sheriff's Department. Upon annexation, the property will be withdrawn from the Clackamas County Enhanced Sheriff's Patrol District and will be served by the City of Lake Oswego. The police department has reviewed the proposal and indicated that they would not have any concerns serving this property upon annexation.

Parks: The City has 675 acres of park and open space lands, or 19.76 acres per 1,000 population. The nearest park to this property is Waluga Park north of the subject property.

Lake Grove Park District: The Lake Grove Swim Park, managed by the Lake Oswego School District, is located at 3800 Lakeview Boulevard. The swim park is approximately 1.3 acres in size with rest room play and swim facilities. This property will remain within the Lake Grove Park District following annexation.

Transportation - Streets and Mass Transit:

Waluga Drive: The City's functional street classification system identifies Waluga Drive as a neighborhood collector. It is a two-lane facility with no curbs or sidewalks. The pavement width is approximately 20 feet wide in a 30-foot wide right of way. The Lake Oswego Trails and Pathways Master Plan identifies Waluga Drive as a "proposed community connector trail/pathway" route.

Transit: The nearest bus line is Line 37, which operates along a portion of Boones Ferry Road to the east. Line 37 travels between the Lake Oswego Transit Center and Tualatin.

(2) A description of how the proposed boundary change complies with any urban service provider agreements adopted pursuant to ORS 195.065 between the affected entity and all necessary parties;

The City has entered into four ORS 195.065 agreements with: 1) Clackamas County (for roadways), 2) Lake Oswego School District, 3) Lake Grove Fire District; and, 4) the Southwood Park Water District. Two of these agreements are applicable to this proposal.

Lake Oswego School District: The City and the Lake Oswego School District entered into an ORS 195.065 urban service agreement for park services in July, 2003. The School District operates the Lake Grove Swim Park located at 3800 Lakeview Boulevard. The agreement states that the annexation of property by the City within the Lake Grove Park District shall not cause the withdrawal of the property from the area benefited by the operation of the Lake Grove Swim Park.

Lake Grove Fire District #57: The City and District entered into an ORS 195.065 urban service agreement for fire protection in July 2003. The agreement states that upon annexation by the City of property within the District, the annexed property shall be withdrawn from the District and the City shall provide fire protection services. In addition, upon annexation of the entire remaining area of the District by the City, the District shall be extinguished and the City shall be charged with the functions and obligations of the District.

(3) A description of how the proposed boundary change is consistent with the comprehensive land use plans, public facility plans, regional framework and functional plans, regional urban growth goals and objectives, urban planning agreements and similar agreements of the affected entity and of all necessary parties;

Consistency of the proposed boundary change with comprehensive plan policies is discussed in section (d)(3), below.

The City's Public Facilities Plan does not identify any sanitary service, water, or storm water in this area that would affect the subject property.

There are no regional framework plans or regional urban growth goals or objectives that are directly applicable to this annexation.

Compliance with urban planning agreements and other agreements with necessary parties is discussed in section (d)(2), below.

(4) Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party; and,

ORS 222.520 authorizes the City to withdraw the property from the Lake Grove Fire District #57, Clackamas County Enhanced Sheriff's Patrol District, Clackamas County Service District #5 and the Surface Water Management Agency of Clackamas County. Upon approval of the annexation, the ordinance will withdraw the property from these service districts.

(5) The proposed effective date of the decision.

The proposed effective date of the decision is outlined in the final section of this report.

(d) An approving entity's final decision on a boundary change shall include findings and conclusions addressing the following criteria:

(1) Consistency with directly applicable provisions in an urban service provider agreement or annexation plan adopted pursuant to ORS 195.065;

ORS 195.065 agreements are discussed above under Metro Code Section 3.09.050(b)(2).

(2) Consistency with directly applicable provisions of urban planning or other agreements, other than agreements adopted pursuant to ORS 195.065, between the affected entity and a necessary party;

The Metro Code defines necessary party as "a county, city or district whose jurisdictional boundary or adopted urban service area includes any part of the affected property, or who provides any urban service to any portion of the affected." The list of necessary parties for the proposed annexation includes:

Clackamas County Enhanced Sheriff's Patrol District
Clackamas County
Surface Water Management Agency of Clackamas County
Lake Grove Fire District #57
Lake Grove Park District
Lake Grove Water District #15

Tri-County Metropolitan Transportation District

The only agreement with directly applicable provisions is the City's Urban Growth Management Agreement with Clackamas County:

Clackamas County Urban Growth Management Agreement/City of Lake Oswego: The City currently has an urban planning agreement with Clackamas County. This agreement ensures coordination and consistency between the City and County comprehensive plans and outlines responsibilities in providing services and managing growth within the Dual Interest Area. The subsections 6 and 7, provided below, are applicable to annexations.

"6. City and County Notice and Coordination:

The City shall provide notification to the County, and an opportunity to participate, review and comment, at least 35 days prior to the first public hearing on all proposed public facilities plans, legislative changes to the City Comprehensive Plan, or quasi-judicial land use actions adjacent to, or in close proximity to unincorporated areas. The City shall provide notice to the County of private or City initiated annexation requests within five days of the filing of an application with the Portland Metropolitan Boundary Commission."

The Urban Growth Management Agreement specifies that the City notify the County of an annexation request within five days of when it is submitted to the Boundary Commission. There is no longer a Boundary Commission for the Portland Metropolitan area. Staff relies on the notice requirements of Metro Code 3.09.030, which requires notice 20 days prior to the scheduled hearing for an annexation for all necessary parties (other governmental entities), unless a shorter time is agreed upon. The County is a necessary party under the Metro Code definition and has been notified.

"7. City Annexations

A. The City may undertake annexations in the manner provided for by law within the Dual Interest Area. The City annexation proposals shall include adjacent road right-of-way to property proposed for annexation. The County shall not oppose such annexations.

B. Upon annexation, the City shall assume jurisdiction of the County roads and local access roads pursuant to a separate road transfer agreement between the City and county."

The City is undertaking this annexation in the manner provided for in the applicable ORS and Metro Code for the territories that lie within the Dual interest area. Waluga Drive was annexed to the City as a part of previous annexation.

Lake Grove Fire District #57/City of Lake Oswego Agreement: The City and District entered into an ORS 195.065 urban service agreement for fire protection in July 2003. The agreement states that upon annexation of territory by the City within the District, the annexed territory shall be withdrawn from the District and the City shall provide fire protection services. In addition, upon annexation of the entire remaining area of the District by the City, the District shall be extinguished and the City shall be charged with the functions and obligations of the District.

Lake Grove Water District #15 - City of Lake Oswego Agreement: The City and the Water District entered into an agreement in 1994 stipulating that areas within the 1994 district boundary will not be withdrawn from the Water District unless a cooperative agreement is

entered into setting forth roles and responsibilities for future planning and provision of water service within the district boundary. The City and the Water District have not entered into any discussions about the cooperative agreement at this time.

(3) Consistency with specific directly applicable standards or criteria for boundary changes contained in the comprehensive land use plans and public facility plans;

Comprehensive Plan Map: The subject property is currently designated R-8.5 Low Density Residential on Clackamas County's Comprehensive Plan Map, with a zone of R-8.5. The property is designated as Low Density Residential on the City's Comprehensive Plan Map. Upon annexation, a City zoning designation of R-7.5 will be applied to the property.

The City and County have coordinated their comprehensive plans within the "Dual Interest Area" outlined in the City/County Urban Growth Management Agreement (dated February 4, 1992 and updated November 18, 1997), hence the City/County designations have been determined to be compatible. Therefore, this annexation is compatible with the City's Comprehensive Plan Map.

Comprehensive Plan Policies: The relevant Comprehensive Plan policies are addressed below:

Goal 14, Urbanization - Policy 10: The Urban Services Boundary is Lake Oswego's ultimate growth area within which the City shall be the eventual provider of the full range of urban services.

The property to be annexed is within the City's Urban Services Boundary as outlined in the Comprehensive Plan. City services are available or can be made available to the property. The annexation of this property is consistent with this policy.

Goal 14, Urbanization - Policy 13: Ensure that annexation of new territory or expansion of Lake Oswego's Urban Service Boundary does not:

- a) Detract from the City's ability to provide services to existing City residents;*
- b) Result in property owners paying for urban services which do not benefit their property:*

The approval of this annexation will result in the addition of 0.13 acres to be served by the City.

Police: The addition of this property will not detract from the City's ability to provide police protection to the existing City residents. This property is currently included in the Clackamas County Enhanced Sheriff's Patrol District and will be withdrawn from this district upon annexation.

Fire: This property is within the targeted eight-minute response time of the Jean Road Fire Station as specified in the Comprehensive Plan. The potential addition of this property to the City will not detract from the Fire Department's ability to provide fire protection to existing city residents.

Parks: The City has 675 acres of park and open space lands, or 19.76 acres per 1,000 population. The nearest park to this property is Waluga Park north of the subject property.

Recreation: The City has many recreation programs available to youth and adults. The potential addition of this property would not affect the recreation programs because the increased usage would result in additional revenue to address any greater demand. The

addition of one property to the existing population of more than 35,000 residents would not detract from the City's ability to provide adequate recreation programs.

Sewer: Sewer facilities can be made available to serve this property. This would not degrade the ability of the City to provide sanitary service to existing city residents.

Water: Water service is available to serve this property. The proposed annexation would not degrade the City of Lake Oswego's ability to provide water services to existing city residents.

In regard to subsection b) of Policy 13, the policy ensures that existing city property owners do not subsidize newly annexed areas in the provision of urban services. The City has established systems development charges, and imposes rates that result in payment by users for different city services such as sewer, water, surface water, parks and recreation, and transportation systems. Therefore, existing city property owners will not pay for urban services that do not benefit their property.

Goal 14, Urbanization - Policy 14: Prior to the annexation of non-island property, the City shall ensure urban services are available and adequate to serve the subject property or will be made available in a timely manner by the City or a developer commensurate with the scale of the proposed development. Urban services consist of water, sanitary sewer, surface water management, police and fire protection, parks, and transportation including: streets, transit, pedestrian and bicycle facilities.

Community Development Code Section 50.64.015 requires that all development be provided with the following utility services: sanitary sewer, water, sidewalks, pedestrian and bicycle paths, traffic control signs and devices, street lights, streets, and TV cable. These utilities are now in place or can be put in place to serve this property.

In the event that future development occurs, an applicant for development is obligated to construct all necessary public facilities to serve their development. [Community Development Code 50.87.020, see also discussion of consistency with Public Facilities Plan (Section 2, Metro Code 3.09.050 above) and discussion regarding effect on service of existing City residents (Section 2, Goal 14, Policy 13) for current impacts and planned improvements.]

As noted above, police and fire services are available upon annexation. The amount of protection provided will be similar to protection provided to other city residents because the property proposed to be annexed is not isolated from other areas of the City.

(4) Consistency with specific standards or criteria for boundary changes contained in the Regional Framework Plan or any functional plan; and

There are no Regional Framework Plan or Functional Plan criteria or standards applicable to annexations at this time.

(5) Whether the proposed change will promote or not interfere with the timely, orderly and economic provisions of public facilities and services.

Due to the proximity of the property to existing city services, this annexation will promote the timely, orderly and economical extension of public facilities and services. If and when additional development occurs in the area, provision of public facilities and services will occur.

CONCLUSION:

Based on the criteria and findings set forth above, the City Council concludes that AN 10-0001 complies with all applicable criteria and should be annexed to the City.

EFFECTIVE DATE:

A. Effective Date of Annexation Ordinance. Pursuant to Lake Oswego City Charter, Section 34, the ordinance shall be effective on the 30th day after its enactment.

B. Effective Date of Annexation. Following the filing of the annexation records with the Secretary of State as required by ORS 222.177, this annexation shall be effective upon the later of:

1. the 30th day following the date of adoption of this ordinance; or
2. the date of filing of the annexation records with the Secretary of State;

provided however that pursuant to ORS 222.040(2), if the effective date of the annexation as established above is a date that is within 90 days of a biennial primary or general election or after the deadline for filing notice of election before any other election held by any City, district or other municipal corporation involved in the area to be annexed, then the effective date of the annexation shall be delayed until, and the annexation shall become effective on, the day after the election.

ORDINANCE NO. 2551

AN ORDINANCE ANNEXING TO THE CITY OF LAKE OSWEGO A PORTION OF ONE PARCEL COMPRISING APPROXIMATELY 0.13 ACRES (LOCATED AT 16211 WALUGA DRIVE); DECLARING CITY OF LAKE OSWEGO ZONING PURSUANT TO LOC 50.05.025; AND REMOVING THE TERRITORY FROM CERTAIN DISTRICTS (AN 10-0001).

WHEREAS, annexation to the City of Lake Oswego of the territory shown in the map in Attachment "A" and described below, would constitute a contiguous boundary change under ORS 222.111, initiated by petition from the property owner as outlined in ORS 222.111(2); and,

WHEREAS, the City has received consent for the proposed annexation from 100 percent of the owners of land within the territory; and,

WHEREAS, the part of the territory that lies within the Lake Grove Fire District #57 will, by operation of ORS 222.520, be withdrawn from that district immediately upon approval of the annexation; and,

WHEREAS, the part of the territory that lies within the Clackamas County Enhanced Sheriff's Patrol District will, by operation of ORS 222.520, be withdrawn from the district upon approval of the annexation; and,

WHEREAS, the part of the territory that lies within the Surface Water Management Agency of Clackamas County will, by operation of ORS 222.520, be withdrawn from the district upon approval of the annexation; and,

WHEREAS, LOC 50.05.025 specifies that, where the Comprehensive Plan Map requires a specific Zoning Map designation to be placed on the territory annexed to the City, such a zoning designation shall automatically be imposed on the territory as of the effective date of the annexation; and,

WHEREAS, the staff report, which addresses applicable criteria, dated March 31, 2010, is hereby incorporated; and,

WHEREAS, this annexation is consistent with Chapter 14, (Urbanization) of the City of Lake Oswego's acknowledged Comprehensive Plan, Oregon Revised Statutes 222.111(2); 222.125; and 222.170 for Boundary Changes and Metro Code 3.09.050(b) and (d).

**EXHIBIT F-1
AN 10-0001**

Now, therefore, the City of Lake Oswego ordains as follows:

Section 1. Legal Description of Properties to be Annexed: The real property described as follows is hereby annexed to the City of Lake Oswego:

A tract of land being part of Lot 208 of Bryant Acres Plat 3 (Plat #442), situated in the southeast quarter of Section 7, Township 2 South, Range 1 East of the Willamette Meridian, Clackamas County, Oregon, being more particularly described as follows:

Beginning at the intersection of the south line of Lot 233 of Bryant Acres Plat 3 and the westerly right of way line of Waluga Drive (30.00 feet wide) (formerly known as Bryant Way);

thence South 00° 10' 00" East, along said westerly right of way line of Waluga Drive, 45.91 feet;

thence leaving said right of way line, South 88° 18' 00" West, 117.08 feet to the westerly line of said Lot 208;

thence along said westerly lot line, North 00° 10' 00" West, 50.24 feet to the southwest corner of said Lot 233;

thence along the southerly lot line of said Lot 233, South 89° 35' 00" East, 117.00 feet to the point of beginning.

Section 2. District Withdrawal: The annexed area lies within the following districts and will be withdrawn from these districts upon the effective date of annexation:

Lake Grove Fire District #57
Clackamas County Enhanced Sheriff's Patrol District
Surface Water Management Agency of Clackamas County

Section 3. Zoning Designation: In accordance with Community Development Code Section 50.05.025, the City zoning designation of R-7.5 will be applied to the 0.13 acre portion of tax lot 900, Map 021E07DD being annexed upon the effective date of annexation.

Section 4. Neighborhood Association Designation: In accordance with Goal 1 of the City's Comprehensive Plan, this territory shall become a part of the Lake Forest Neighborhood Association immediately upon the effective date of the annexation.

Section 5. Adoption of Findings and Conclusions: The City Council hereby adopts the findings of facts and conclusions set forth in the March 31, 2010 staff report in support of this annexation ordinance.

Section 6. Effective Dates:

a. Effective Date of Decision to Annex. Pursuant to Metro Code 3.09.050(f), the effective date of this annexation decision shall be immediately upon adoption, unless a governmental entity that qualifies as a "necessary party" under Metro Code 3.09.020(j) has contested this annexation, in which event this annexation decision shall be effective on the 10th day following the mailing of this ordinance by the City Recorder to Metro and to all necessary parties who appeared in this proceeding.

b. Effective Date of Annexation Ordinance. Pursuant to Lake Oswego City Charter, Section 34, this ordinance shall be effective on the 30th day after its enactment.

c. Effective Date of Annexation. Following the filing of the annexation records with the Secretary of State as required by ORS 222.177, this annexation shall be effective upon the later of either:

1. the 30th day following the date of adoption of this ordinance; or
2. the date of filing of the annexation records with the Secretary of

State.

Provided, however, that pursuant to ORS 222.040(2), if the effective date of the annexation as established above is a date that is within 90 days of a biennial primary or general election or after the deadline for filing notice of election before any other election held by any city, district or other municipal corporation involved in the area to be annexed, then the effective date of the annexation shall be delayed until, and the annexation shall become effective on, the day after the election.

Section 7. Mailing Copies of this Ordinance; Metro Notice.

Within 30 days following the date of adoption:

a. The City Recorder shall mail a copy of this ordinance to all persons and governmental entities that appeared at the public hearing and requested a copy of the ordinance following adoption.

b. The City Recorder shall mail a copy of this ordinance together with the applicable mapping and notice fee charged by Metro pursuant to Metro Code 3.09.110, to the Metro Data Resource Center, 600 NE Grand Ave., Portland, OR 97232.

Read by title only and enacted at the regular meeting of the City Council of the City of Lake Oswego held on _____ day of _____, 2010.

AYES:

NOES:

ABSTAIN:

EXCUSED:

Jack D. Hoffman, Mayor

Dated:

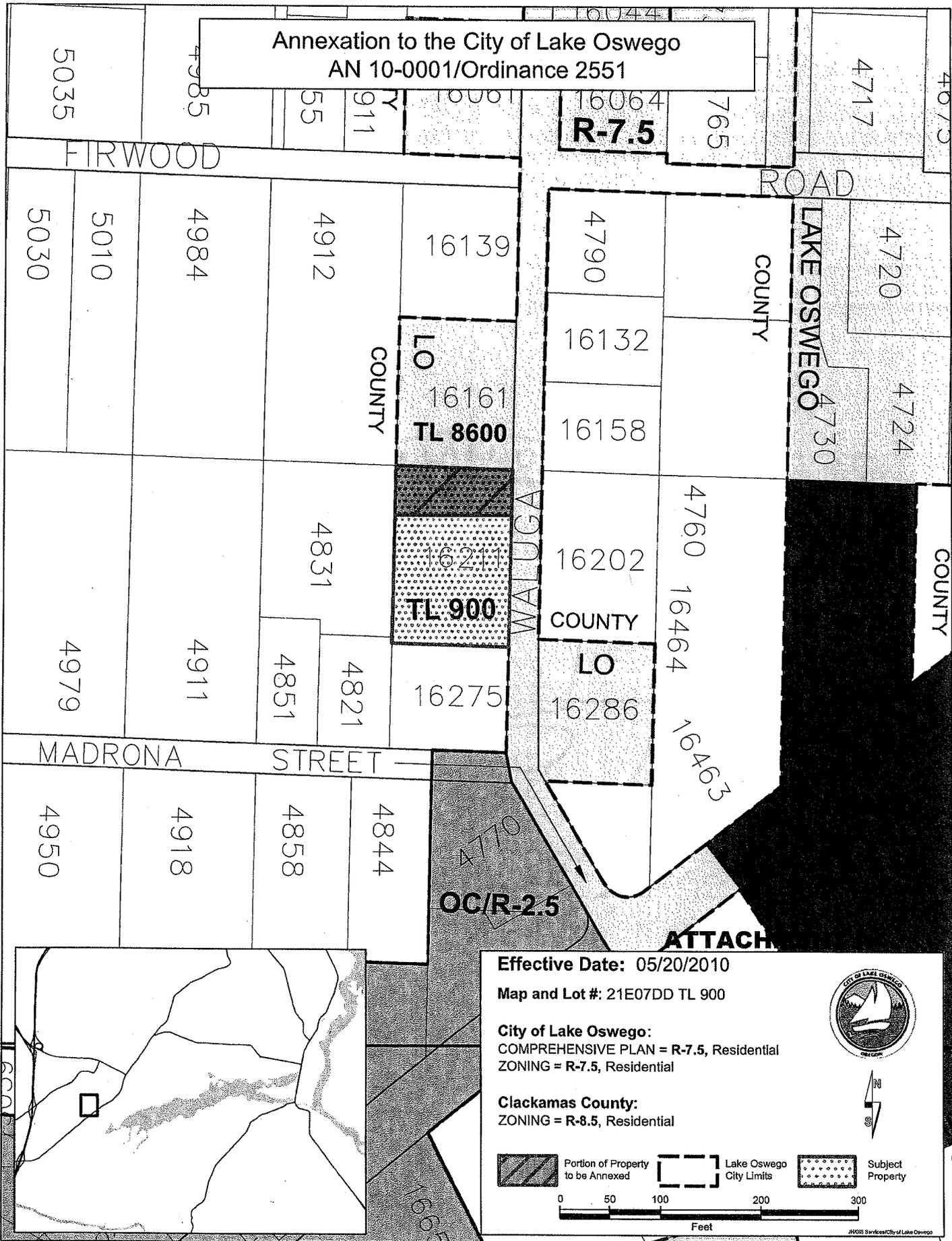
ATTEST:

Robyn Christie, City Recorder

APPROVED AS TO FORM:

David Powell
City Attorney

Annexation to the City of Lake Oswego
AN 10-0001/Ordinance 2551



Effective Date: 05/20/2010

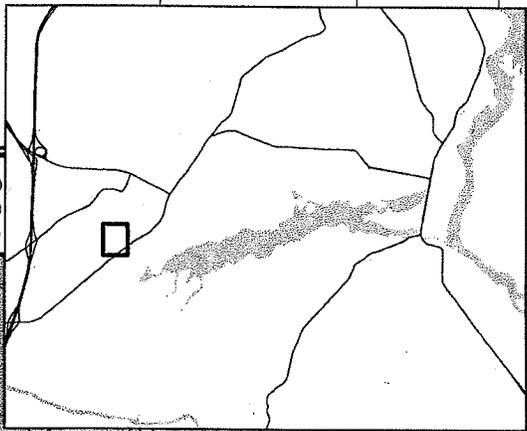
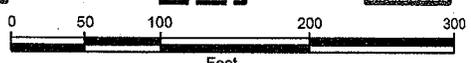
Map and Lot #: 21E07DD TL 900

City of Lake Oswego:
COMPREHENSIVE PLAN = R-7.5, Residential
ZONING = R-7.5, Residential

Clackamas County:
ZONING = R-8.5, Residential



- Portion of Property to be Annexed
- Lake Oswego City Limits
- Subject Property





CITY OF LAKE OSWEGO
 COMMUNITY DEVELOPMENT DEPARTMENT
 PLANNING DIVISION
 380 A Avenue
 P.O. BOX 369
 Lake Oswego, OR 97034
 PHONE: (503) 635-0290

APPLICATION FOR ANNEXATION

RECEIVED

JAN 11 2010

FILE NAME: <u>Forrest 16211 + 16161 SW</u>	City of Lake Oswego Community Development Dept. <u>19</u>	SUBMIT: <u>1-8-09</u>	REVIEW: <u>1-8-09</u>
<u>Waluga Drive</u>	RESUBMIT: _____	REVIEW: _____	
FILE NUMBER(S): <u>AN 10-0001</u>	HEARING DATE: _____		
CITY FEE RECEIVED: \$ <u>0</u>	METRO FEE RECEIVED: \$ <u>150.00</u>	CHECK #: <u>1851</u>	
NEIGHBORHOOD ASSN.: <u>Waluga</u>	RECEIPT #: <u>0035554</u>		
CHECKLIST: <input checked="" type="checkbox"/> Legal Description <input type="checkbox"/> Title Report <input type="checkbox"/> Assessor's Map <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Fees (City and Metro)			
COMPLETENESS DATE: _____			
<input type="checkbox"/> Delineation of Natural Resources (if required)			
<input type="checkbox"/> Resolution 04-38 given to Applicant on _____ (date)			

PRINT OR TYPE ALL INFORMATION BELOW

APPLICANT USE MAILING ADDRESS FOR HEARING NOTIFICATION

<u>LAUKA FORREST</u>		<u>503 636 9933</u>	
YOUR NAME	PHONE #	<u>503 210 0253</u>	
BUSINESS NAME	FAX #		
<u>16161 SW Waluga Dr</u>			
ADDRESS	SUITE	<u>97035</u>	
<u>Lake Oswego, OR</u>	CITY	STATE	ZIP
E-MAIL ADDRESS			
<u>[Signature]</u>		<u>1/4/10</u>	
SIGNATURE (ORIGINAL REQUIRED)		DATE	
Note: I consent to an on-site inspection by an employee(s) of the City of Lake Oswego			

PROPERTY OWNER (ADDITIONAL OWNER-SEE PAGE 2)

<u>Hans Srensson</u>		<u>503-636 9933</u>	
YOUR NAME	PHONE #		
BUSINESS NAME	FAX #		
<u>16161 SW WALUGA DR</u>			
ADDRESS	SUITE	<u>OR 97035</u>	
<u>Lake Oswego</u>	CITY	STATE	ZIP
E-MAIL ADDRESS			
<u>ready_2_go@comcast.net</u>		<u>12-10-09</u>	
SIGNATURE (ORIGINAL REQUIRED)		DATE	
Note: I consent to an on-site inspection by an employee(s) of the City of Lake Oswego			

Revised: 05/09/08

ATTACH ANNEXATION PETITION AND LEGAL DESCRIPTION FROM DEED
ADDITIONAL PROPERTY OWNER IF MORE THAN ONE OWNER

Linda C Schwartz		503-974-9840
YOUR NAME	PHONE #	
HARDET BRUNNIT, LLC		
BUSINESS NAME	FAX #	
		Jesterjess2@yahoo.com
ADDRESS	SUITE	
CITY	STATE	ZIP
E-MAIL ADDRESS: Linda Schwartz		
SIGNATURE (ORIGINAL REQUIRED)		DATE
Linda Schwartz		3/3/10

Note: I consent to an on-site inspection by an employee(s) of the City of Lake Oswego

PROPERTY/ZONING DATA

Address _____

Location Description _____

MAP & TAX LOT (list one per line)	(DO NOT USE LOT & BLOCK)	SITE ACRES	ZONING/PROPERTY INFORMATION			
			EXISTING COUNTY ZONING DESIGNATION	CITY COMPREHENSIVE PLAN DESIGNATION	CURRENT ASSESSED VALUE	TOTAL EXISTING POPULATION
-						
-						
-						
-						
-						
TOTAL OF PARCEL AREAS:		ACRES	SQ. FT.			
RIGHTS-OF-WAY TO BE INCLUDED:						
REASON FOR ANNEXATION:						

DESCRIBE NUMBER AND TYPES OF STRUCTURES ON THE PARCEL(S) (USE TAX LOTS AS REFERENCE):
EXISTING USE OF AREA TO BE ANNEXED:
PROPOSED USE OF AREA TO BE ANNEXED:
DESCRIBE SURROUNDING LAND USES (USE TAX LOTS AS REFERENCE)
NORTH —
SOUTH —
EAST —
WEST —

**ATTACH ANNEXATION PETITION AND LEGAL DESCRIPTION FROM DEED
 ADDITIONAL PROPERTY OWNER IF MORE THAN ONE OWNER**

YOUR NAME		PHONE #
BUSINESS NAME		FAX #
ADDRESS		SUITE
CITY	STATE	ZIP
E-MAIL ADDRESS		
SIGNATURE (ORIGINAL REQUIRED)		DATE
Note: I consent to an on-site inspection by an employee(s) of the City of Lake Oswego		

PROPERTY/ZONING DATA

Address 16211 Waluga Dr. (small portion of lot.)

Location Description _____

MAP & TAX LOT (list one per line)	(DO NOT USE LOT & BLOCK)	SITE ACRES	ZONING/PROPERTY INFORMATION			TOTAL EXISTING POPULATION
			EXISTING COUNTY ZONING DESIGNATION	CITY COMPREHENSIVE PLAN DESIGNATION	CURRENT ASSESSED VALUE	
21E01DD - 00900		0.13	R8.5	R7.5		
-						
-						
-						
-						
TOTAL OF PARCEL AREAS:		ACRES 0.13	SQ. FT. 5,625.			
RIGHTS-OF-WAY TO BE INCLUDED: _____						
REASON FOR ANNEXATION: <u>MAKE YARD BIGGER</u>						

DESCRIBE NUMBER AND TYPES OF STRUCTURES ON THE PARCEL(S) (USE TAX LOTS AS REFERENCE):

EXISTING USE OF AREA TO BE ANNEXED: yard-green space

PROPOSED USE OF AREA TO BE ANNEXED: yard-green space

DESCRIBE SURROUNDING LAND USES (USE TAX LOTS AS REFERENCE)

NORTH — family residence

SOUTH — Boones km, commercial

EAST — family residence

WEST — family residence

PETITION FOR ANNEXATION TO THE CITY OF LAKE OSWEGO, OREGON

To the City Council of the City of Lake Oswego:

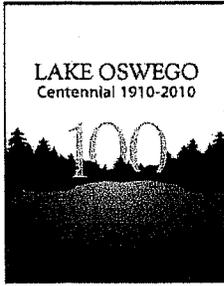
We, the undersigned owners and/or electors, petition and consent to be annexed to the City of Lake Oswego.

A map is attached, marked Exhibit A, showing the affected territory and its relationship to the present City boundaries.

PETITION SIGNERS							
Signature	Printed Name	I Am A* (check both if applicable)		Owner's /Elector's Mailing Address	Property Description		Date**
		PO	RV		Tax Map	Tax Lot	
	JOHN MATTHEWICK	<input type="checkbox"/>	<input checked="" type="checkbox"/>	110211 Whitlock Dr Lake Oswego, OR	21E0700	00900	1/8/10

* PO = Property Owner, RV = Registered Voter

** Within 1 year from the date of filing petition with City



NOTICE OF FINAL CITY COUNCIL DECISION ON ANNEXATION

Date Mailed: April 23, 2010

Owner/Applicant: Laura Forrest, Hans Svensson and Linda Schwartz, Hardebrunnit LLC

Location of Property: 16211 Waluga Drive (21E07DD00900)

File No.: AN 10-0001

In accordance with LOC 50.05.025, the City zoning designation of R-7.5 will be applied to the northerly portion of tax lot 900 (Tax Map 21E07DD), immediately upon the effective date of annexation.

Date of Final City Council Decision:

The City Council approved this annexation as set forth in Ordinance 2551 on April 20, 2010.

Effective Dates:

1. The effective date of the annexation Ordinance 2551 shall be on the 30th day after its enactment, May 30, 2010, pursuant to the Lake Oswego City Charter.
2. Effective Date of Annexation.

Following the filing of the annexation with the Secretary of State, the effective date of the annexation shall be upon the **later of either** (see note below):

- a. The 30th day following the date of adoption of the ordinance, or
- b. The date of filing of the annexation records with the Secretary of State.

Note: Pursuant to ORS 222.040(2), if the effective date of the annexation as established above is a date that is within 90 days of a biennial primary or general election or after the deadline for filing notice of election before any other election held by any city, district or other municipal corporation involved in the area to be annexed, then the effective date of the annexation shall be delayed until, and the annexation shall become effective on, the day after the election.

To Learn More About the Effective Date of an Annexation

Once the City of Lake Oswego has been notified that the Secretary of State has filed the documents (generally 3 to 4 weeks from the City Council's decision), the effective date of the annexation will be posted to the City's web site at:

<http://www.ci.oswego.or.us/plan/Annexations/AnnexationCases.htm>

(select annexation file number AN 10-0001)

For additional information on the effective date, you may also contact:

Iris McCaleb

City of Lake Oswego – Planning Division

503/697-6591 or by e-mail at imccaleb@ci.oswego.or.us

Right to Appeal: This decision may be appealed by filing a written Notice of Intent to Appeal with the State of Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of the decision, May 11, 2010. For more information, contact LUBA at:

Land Use Board of Appeals
550 Capitol St. NE, Suite 235
Salem, OR 97301-2552
(503) 373-1265

How to Obtain More Information: The decision is available for review, and a copy may be obtained at cost at the following address:

Lake Oswego Building & Planning Services
Planning Department
Lake Oswego City Hall
P. O. Box 369
380 A Avenue
Lake Oswego, OR 97034
Phone (503) 697-6591

Or call

Paul Espe, Associate Planner
Phone (503) 697-6577

ORDINANCE NO. 2551

AN ORDINANCE ANNEXING TO THE CITY OF LAKE OSWEGO A PORTION OF ONE PARCEL COMPRISING APPROXIMATELY 0.13 ACRES (LOCATED AT 16211 WALUGA DRIVE); DECLARING CITY OF LAKE OSWEGO ZONING PURSUANT TO LOC 50.05.025; AND REMOVING THE TERRITORY FROM CERTAIN DISTRICTS (AN 10-0001).

WHEREAS, annexation to the City of Lake Oswego of the territory shown in the map in Attachment "A" and described below, would constitute a contiguous boundary change under ORS 222.111, initiated by petition from the property owner as outlined in ORS 222.111(2); and,

WHEREAS, the City has received consent for the proposed annexation from 100 percent of the owners of land within the territory; and,

WHEREAS, the part of the territory that lies within the Lake Grove Fire District #57 will, by operation of ORS 222.520, be withdrawn from that district immediately upon approval of the annexation; and,

WHEREAS, the part of the territory that lies within the Clackamas County Enhanced Sheriff's Patrol District will, by operation of ORS 222.520, be withdrawn from the district upon approval of the annexation; and,

WHEREAS, the part of the territory that lies within the Surface Water Management Agency of Clackamas County will, by operation of ORS 222.520, be withdrawn from the district upon approval of the annexation; and,

WHEREAS, LOC 50.05.025 specifies that, where the Comprehensive Plan Map requires a specific Zoning Map designation to be placed on the territory annexed to the City, such a zoning designation shall automatically be imposed on the territory as of the effective date of the annexation; and,

WHEREAS, the staff report, which addresses applicable criteria, dated March 31, 2010, is hereby incorporated; and,

WHEREAS, this annexation is consistent with Chapter 14, (Urbanization) of the City of Lake Oswego's acknowledged Comprehensive Plan, Oregon Revised Statutes 222.111(2); 222.125; and 222.170 for Boundary Changes and Metro Code 3.09.050(b) and (d).

Now, therefore, the City of Lake Oswego ordains as follows:

Section 1. Legal Description of Properties to be Annexed: The real property described as follows is hereby annexed to the City of Lake Oswego:

A tract of land being part of Lot 208 of Bryant Acres Plat 3 (Plat #442), situated in the southeast quarter of Section 7, Township 2 South, Range 1 East of the Willamette Meridian, Clackamas County, Oregon, being more particularly described as follows:

Beginning at the intersection of the south line of Lot 233 of Bryant Acres Plat 3 and the westerly right of way line of Waluga Drive (30.00 feet wide) (formerly known as Bryant Way);

thence South 00° 10' 00" East, along said westerly right of way line of Waluga Drive, 45.91 feet;

thence leaving said right of way line, South 88° 18' 00" West, 117.08 feet to the westerly line of said Lot 208;

thence along said westerly lot line, North 00° 10' 00" West, 50.24 feet to the southwest corner of said Lot 233;

thence along the southerly lot line of said Lot 233, South 89° 35' 00" East, 117.00 feet to the point of beginning.

Section 2. District Withdrawal: The annexed area lies within the following districts and will be withdrawn from these districts upon the effective date of annexation:

- Lake Grove Fire District #57
- Clackamas County Enhanced Sheriff's Patrol District
- Surface Water Management Agency of Clackamas County

Section 3. Zoning Designation: In accordance with Community Development Code Section 50.05.025, the City zoning designation of R-7.5 will be applied to the 0.13 acre portion of tax lot 900, Map 021E07DD being annexed upon the effective date of annexation.

Section 4. Neighborhood Association Designation: In accordance with Goal 1 of the City's Comprehensive Plan, this territory shall become a part of the Lake Forest Neighborhood Association immediately upon the effective date of the annexation.

Section 5. Adoption of Findings and Conclusions: The City Council hereby adopts the findings of facts and conclusions set forth in the March 31, 2010 staff report in support of this annexation ordinance.

Section 6. Effective Dates:

a. Effective Date of Decision to Annex. Pursuant to Metro Code 3.09.050(f), the effective date of this annexation decision shall be immediately upon adoption, unless a governmental entity that qualifies as a "necessary party" under Metro Code 3.09.020(j) has contested this annexation, in which event this annexation decision shall be effective on the 10th day following the mailing of this ordinance by the City Recorder to Metro and to all necessary parties who appeared in this proceeding.

b. Effective Date of Annexation Ordinance. Pursuant to Lake Oswego City Charter, Section 34, this ordinance shall be effective on the 30th day after its enactment.

c. Effective Date of Annexation. Following the filing of the annexation records with the Secretary of State as required by ORS 222.177, this annexation shall be effective upon the later of either:

1. the 30th day following the date of adoption of this ordinance; or
2. the date of filing of the annexation records with the Secretary of

State.

Provided, however, that pursuant to ORS 222.040(2), if the effective date of the annexation as established above is a date that is within 90 days of a biennial primary or general election or after the deadline for filing notice of election before any other election held by any city, district or other municipal corporation involved in the area to be annexed, then the effective date of the annexation shall be delayed until, and the annexation shall become effective on, the day after the election.

Section 7. Mailing Copies of this Ordinance; Metro Notice.

Within 30 days following the date of adoption:

a. The City Recorder shall mail a copy of this ordinance to all persons and governmental entities that appeared at the public hearing and requested a copy of the ordinance following adoption.

b. The City Recorder shall mail a copy of this ordinance together with the applicable mapping and notice fee charged by Metro pursuant to Metro Code 3.09.110, to the Metro Data Resource Center, 600 NE Grand Ave., Portland, OR 97232.

Read by title only and enacted at the regular meeting of the City Council of the City of Lake Oswego held on 20th day of April, 2010.

AYES: Mayor Hoffman, Johnson, Jordan, Hennagin, Moncrieff, Tierney, Olson

NOES: none

ABSTAIN: none

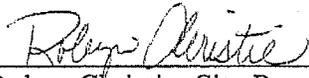
EXCUSED: none



Jack D. Hoffman, Mayor

Dated: April 20, 2010

ATTEST:



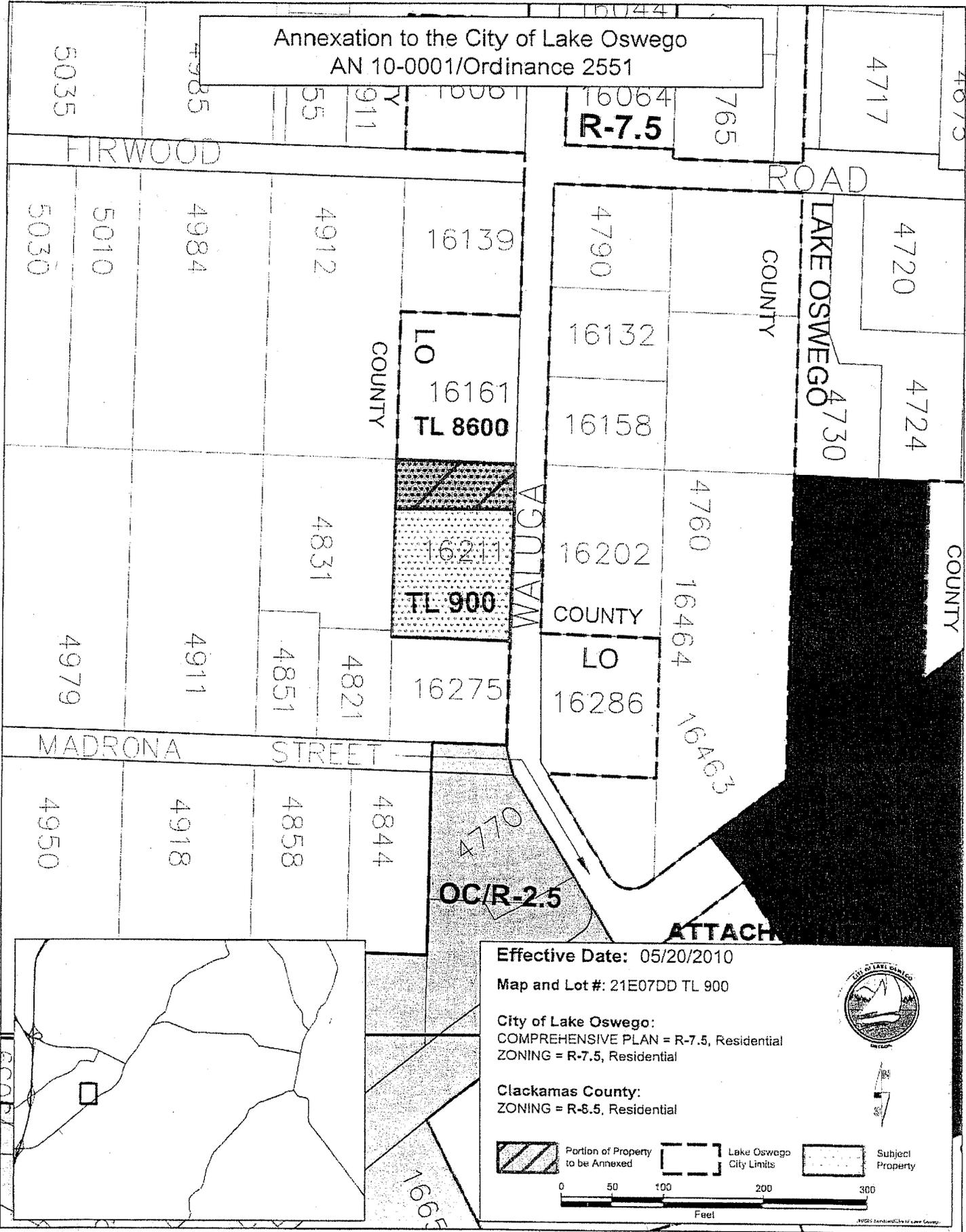
Robyn Christie, City Recorder

APPROVED AS TO FORM:



David Powell
City Attorney

Annexation to the City of Lake Oswego
AN 10-0001/Ordinance 2551



Effective Date: 05/20/2010

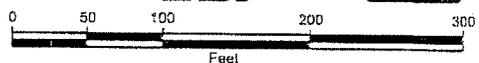
Map and Lot #: 21E07DD TL 900

City of Lake Oswego:
COMPREHENSIVE PLAN = R-7.5, Residential
ZONING = R-7.5, Residential

Clackamas County:
ZONING = R-8.5, Residential



-  Portion of Property to be Annexed
-  Lake Oswego City Limits
-  Subject Property



©2010 Landmark of Lake Oswego