

Final Documents
for
Annexation to
Lake Oswego

CL0608
Ordinance: 2508
Annexation: AN 07-0008
DOR: 3-1825-2008
Secretary of State: AN 2008-0077

Office of the Secretary of State

BILL BRADBURY
Secretary of State



Archives Division
MARY BETH HERKERT
Director

800 Summer St. NE
Salem, Oregon 97310
(503) 373-0701

Facsimile (503) 373-0953

April 1, 2008

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 April 1, 2008, the following records annexing territory to the following:

Ordinance/Resolution Number(s)	Our File Number
2508 (Lake Oswego)	AN 2008-0077

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



Community Development Planning Division

Memorandum

TO: Carol Hall
Metro Data Resource Center

FROM: Iris Treinen, Long Range Planning
Planning Division

DATE: **March 20, 2008**

SUBJECT: Final Boundary Change Submission for AN 07-0008
Ordinances 2505 and 2508

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 Reports
- Notices of City Council Final Decision

Property information:

**4905 and 4575 Upper Drive
(21E07DD04400 and 21E07DD03500)**

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.

Notice to Taxing Districts

ORS 308.225

DOR 3-1825-2008



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

March 14, 2008

As Per ORS 308.225

Description Map received from: CITY
On: 1/28/2008, 3/12/2008

This is to notify you that your boundary change in Clackamas County for

ANNEX TO CITY OF LAKE OSWEGO; WITHDRAW FROM SEVERAL DISTRICTS
(AMENDING ORD. #2505)

ORD. #2508(AN 07-0008)

has been: Approved 3/14/2008
 Disapproved

Notes:

Department of Revenue File Number: 3-1825-2008

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

Ordinance No. 2508

**AN ORDINANCE OF THE LAKE OSWEGO CITY COUNCIL AMENDING
ORDINANCE 2505 (AN 07-0008) TO CORRECT A SCRIVENER'S ERROR IN
THE TEXT OF A LEGAL DESCRIPTION**

WHEREAS, on January 22, 2008, the City Council adopted Ordinance 2505, which became effective on February 21, 2008; and

WHEREAS, Ordinance 2505 annexed two parcels on the north side of Upper Drive to the City of Lake Oswego and retained or withdrew these parcels from certain service districts; and

WHEREAS, a scrivener's error in the text of the legal description used in the adopted ordinance erroneously omitted the westerly 13 feet and south half of the Upper Drive right of way adjacent to 4575 Upper Drive (Tract 2 of the legal description). (21E07DD03500); and

WHEREAS, Section 1 of Ordinance 2505 should be amended to correct the scrivener's error by including the westerly 13 feet and the south half of the Upper Drive right of way in the legal description of the territory to be annexed, consistent with the City Council's ruling in AN 07-0008.

The City of Lake Oswego ordains as follows:

Section 1. Section 1 of Ordinance 2505 is hereby amended to read as follows:

"Section 1. The real property described as follows is hereby annexed to the City of Lake Oswego:

Two tracts of land located in the southeast quarter of Section 7, Township 2 South, Range 1 East of the Willamette Meridian, Clackamas County, Oregon; more particularly described as follows:

Tract 1: 21E07DD04400 (4905 Upper Dr, Lake Oswego)

The easterly 75.00 feet of Lot 13, Bryant Acres (Plat # 0383), plat records of Clackamas County, Oregon; said 75.00 feet to be cut off by a line drawn parallel with and offset westerly from the east line of said Lot 13.

EXCLUDING therefrom all public rights of way.

Tract 2: 21E07DD03500 (4575 Upper Dr, Lake Oswego) and public right of way

Beginning at an iron pipe set at the northeast corner of Lot 20, Bryant Acres (Plat #0383), plat records of Clackamas County, Oregon;

thence along the east line of said Lot 20, South 25° 12' East, 275.40 feet to an iron pipe set in the north right of way line of Upper Drive (County Road # 1009);

thence along said north right of way line, South 64° 48' West, 137.00 feet to an iron pipe;

thence leaving said right of way line, North 25° 12' West, 275.40 feet to an iron pipe set in the north line of said Lot 20;

thence along said north lot line, North 64° 48' East, 137.00 feet to the point of beginning.

INCLUDING therewith the following described right of way:

All of Upper Drive (30 feet wide) (County Road # 1009) lying adjacent to said Lot 20, Bryant Acres; being 150.00 feet in length.

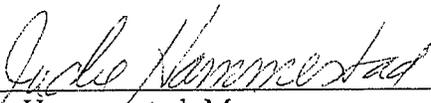
Enacted at the regular meeting of the City Council of the City of Lake Oswego held on 4th day of March, 2008.

AYES: Mayor Hammerstad, Turchi, Groznik, Jordan, Johnson

NOES: none

ABSTAIN: none

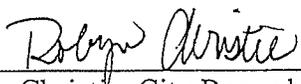
EXCUSED: McPeak, Hennagin



Judge Hammerstad, Mayor

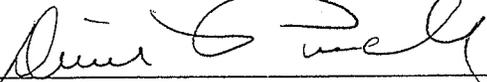
Dated: 3-4-08

ATTEST:



Robyn Christie, City Recorder

APPROVED AS TO FORM:



David Powell, City Attorney

ORDINANCE NO. 2505

AN ORDINANCE ANNEXING TO THE CITY OF LAKE OSWEGO TWO PARCELS COMPRISING APPROXIMATELY 1.41 ACRES AT 4905 AND 4575 UPPER DRIVE AND THE ADJACENT ROAD RIGHT OF WAY ON UPPER DRIVE AND A PORTION OF BRYANT ROAD; DECLARING CITY OF LAKE OSWEGO ZONING PURSUANT TO LOC 50.05.025; AND REMOVING THE PARCELS FROM CERTAIN DISTRICTS (AN 07-0008).

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 and 66 percent of the electors in the territory; and,

WHEREAS, the part of the territory that lies within the Lake Grove Fire District #57 would, 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 would, 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 would, by operation of ORS 222.520, be withdrawn from that agency immediately 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 territory as of the effective date of the annexation; and,

WHEREAS, the staff report, dated January 2, 2008 which addresses applicable criteria, 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 Sections 3.09.050(b) and (d).

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

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

**4905 Upper Drive
21E07DD4400**

All of that portion of Block 13 beginning at the Southwesterly corner of Block 10 of said Bryant Acres, running

thence Southerly and following the Easterly line of Block 13 of Bryant Acres a distance of 290.4 feet to the Southeasterly corner of said Bryant Acres Block 13; thence Westerly and tracing the center of Upper Drive a distance of 75 feet to a point;

thence northerly and parallel to and 75 feet distance from the Easterly line of Block 13 of Bryant Acres a distance of 290.4 feet to a point;

thence Easterly a distance of 75 feet to the place of beginning,

And

Part of Lot 13, Bryant Acres, more particularly described as follows: Beginning at the Intersection of the East line of Lot 13, and the Southeasterly right of way line of Boones Ferry County Road;

thence South along the East line of said Lot 13, a distance of 48.26 feet more or less, to a point which is the Northeast corner of that tract of land conveyed by deed to Clara E. Will, recorded February 9, 1920 in book 166, Page 656, Deed Records;

thence West along the North line of said Hill tract 75 feet, more or less, to the northwest corner of said Hill Tract;

thence north, parallel to the East line of Lot 13, to a point on the South right of way line of Boones Ferry County Road;

thence Northeasterly along said right of way line 65.8 feet more or less, to the point of beginning.

**4575 SW Upper Drive
21E07DD3500**

All of lot 20 except the Westerly 13.00 feet, in the subdivision of Bryant Acres, as platted and recorded in Book 14, Page 11, Record of Town Plats of Clackamas County, Oregon, more particularly described as follows, to wit:

Beginning at an iron pipe set in the Northeasterly corner of said Lot 20, said iron pipe is in the center line of a six foot easement reserved for pedestrian travel. From said beginning point;

thence South 25°12' East 290.40 feet to a point in the center line of Upper Drive in said plat, passing over an iron pipe set 15.00 feet from said center line;

thence South 64°48' West 137.00 feet along said center line to an iron pipe;

thence North 25° 12' West 290.40 feet, passing over an iron pipe set 15.00 feet from said center line, to an iron pipe set in the center line of said six foot easement,

thence North 64°48' East 137.00 feet to the point of beginning.

Section 2. District Retention: The annexed area lies wholly within the following districts and shall be retained within these districts upon the effective date of annexation:

Lake Grove Park District
Lake Grove Water District

Section 3. District Withdrawal: The annexed area lies within the following districts and shall 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 4. Zoning Designation: In accordance with Community Development Code Section 50.05.025, the City zoning of R-7.5 shall be applied to tax lot 3500, and the City zoning of OC/NC shall be applied to tax lot 4400, immediately upon the effective date of annexation.

Section 5. Neighborhood Association Designation: In accordance with Goal 1 of the City's Comprehensive Plan these parcels shall become a part of the Lake Grove Neighborhood Association immediately upon the effective date of annexation.

Section 6. Adoption of Findings and Conclusions: The City Council hereby adopts the findings of facts and conclusions set forth in the January 2, 2008 staff report in support of this annexation ordinance.

Section 7. 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 8. Mailing Copies of this Ordinance; Metro Notice.

Within 30 days following the date of adoption:

a. The City Recorder is hereby directed to 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 Metro Data Resource Center, 600 NE Grand Ave., Portland, OR 97232.

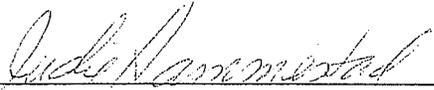
Read by title only and enacted at the regular meeting of the City Council of the City of Lake Oswego held on 22nd day of January, 2008.

AYES: Mayor Hammerstad, Groznik, Hennagin, Jordan, McPeak, Turchi

NOES: None

ABSTAIN: Johnson

EXCUSED: None

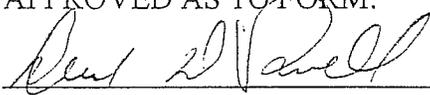


Judie Hammerstad, Mayor

Dated: 1-23-08

ATTEST:


Robyn Christie, City Recorder

APPROVED AS TO FORM:


David D. Powell, City Attorney

Annexation to the City of Lake Oswego
AN 07-0008/Ordinance 2505

ATTACHMENT A
(AN 07-0008/ORDINANCE 2505)

Effective Date: 2/21/2008

Map and Lot #: 21E07DD TL 4400, TL 3500

City of Lake Oswego:

COMPREHENSIVE PLAN = R-7.5, Residential
TL 3500 & OC/NC, Office Campus/Neighborhood
Commercial TL 4400

ZONING = R-7.5, Residential TL 3500 & OC/NC, Office
Campus/Neighborhood Commercial TL 4400

Clackamas County:

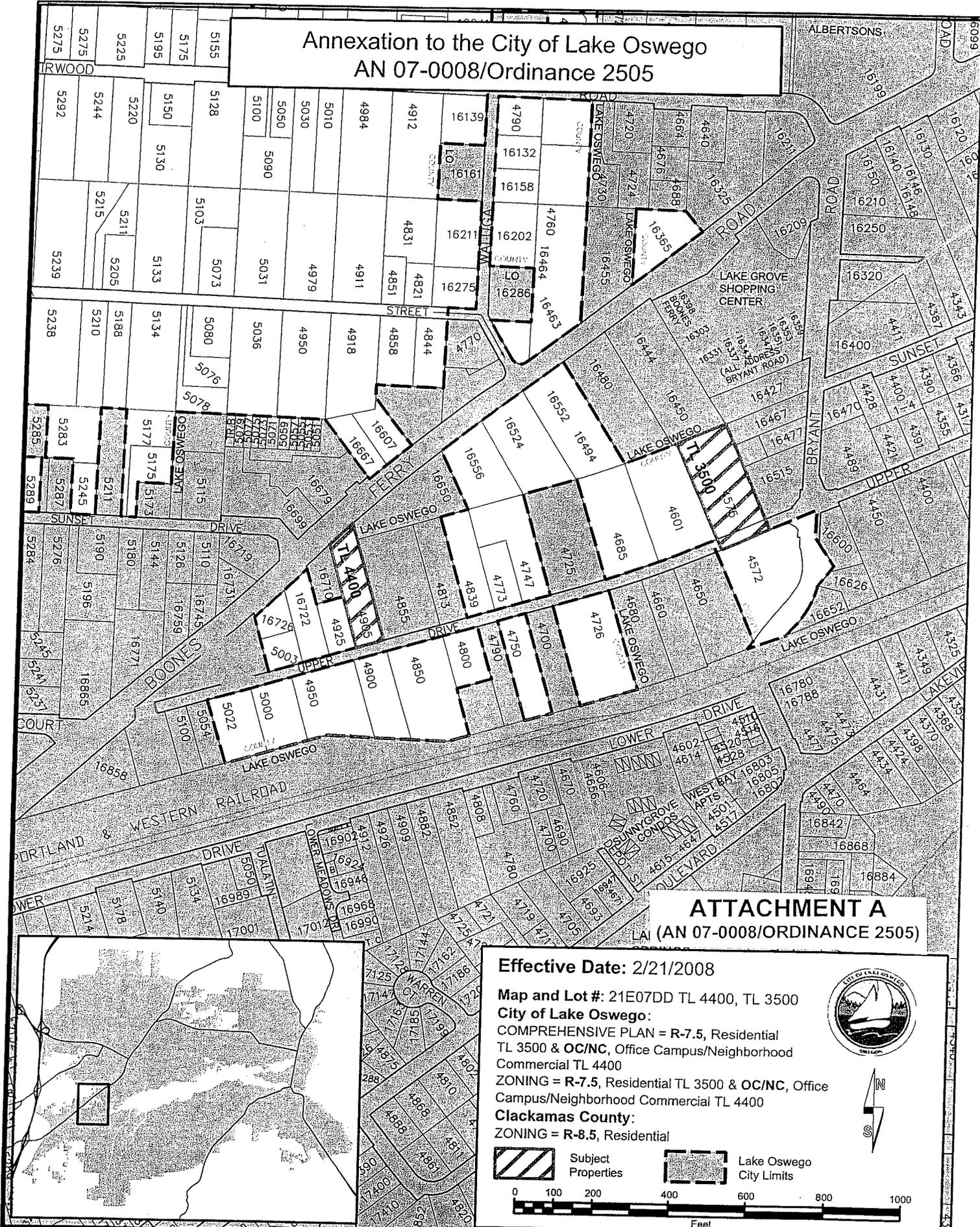
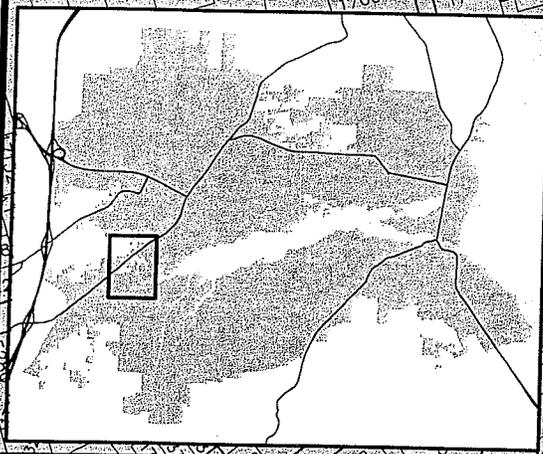
ZONING = R-8.5, Residential



Subject
Properties



Lake Oswego
City Limits



LEGAL DESCRIPTION – AN 07-0008

“Section 1. The real property described as follows is hereby annexed to the City of Lake Oswego:

Two tracts of land located in the southeast quarter of Section 7, Township 2 South, Range 1 East of the Willamette Meridian, Clackamas County, Oregon; more particularly described as follows:

Tract 1: 21E07DD04400 (4905 Upper Dr, Lake Oswego)

The easterly 75.00 feet of Lot 13, Bryant Acres (Plat # 0383), plat records of Clackamas County, Oregon; said 75.00 feet to be cut off by a line drawn parallel with and offset westerly from the east line of said Lot 13.

EXCLUDING therefrom all public rights of way.

Tract 2: 21E07DD03500 (4575 Upper Dr, Lake Oswego) and public right of way

Beginning at an iron pipe set at the northeast corner of Lot 20, Bryant Acres (Plat #0383), plat records of Clackamas County, Oregon;

thence along the east line of said Lot 20, South 25° 12' East, 275.40 feet to an iron pipe set in the north right of way line of Upper Drive (County Road # 1009);

thence along said north right of way line, South 64° 48' West, 137.00 feet to an iron pipe;

thence leaving said right of way line, North 25° 12' West, 275.40 feet to an iron pipe set in the north line of said Lot 20;

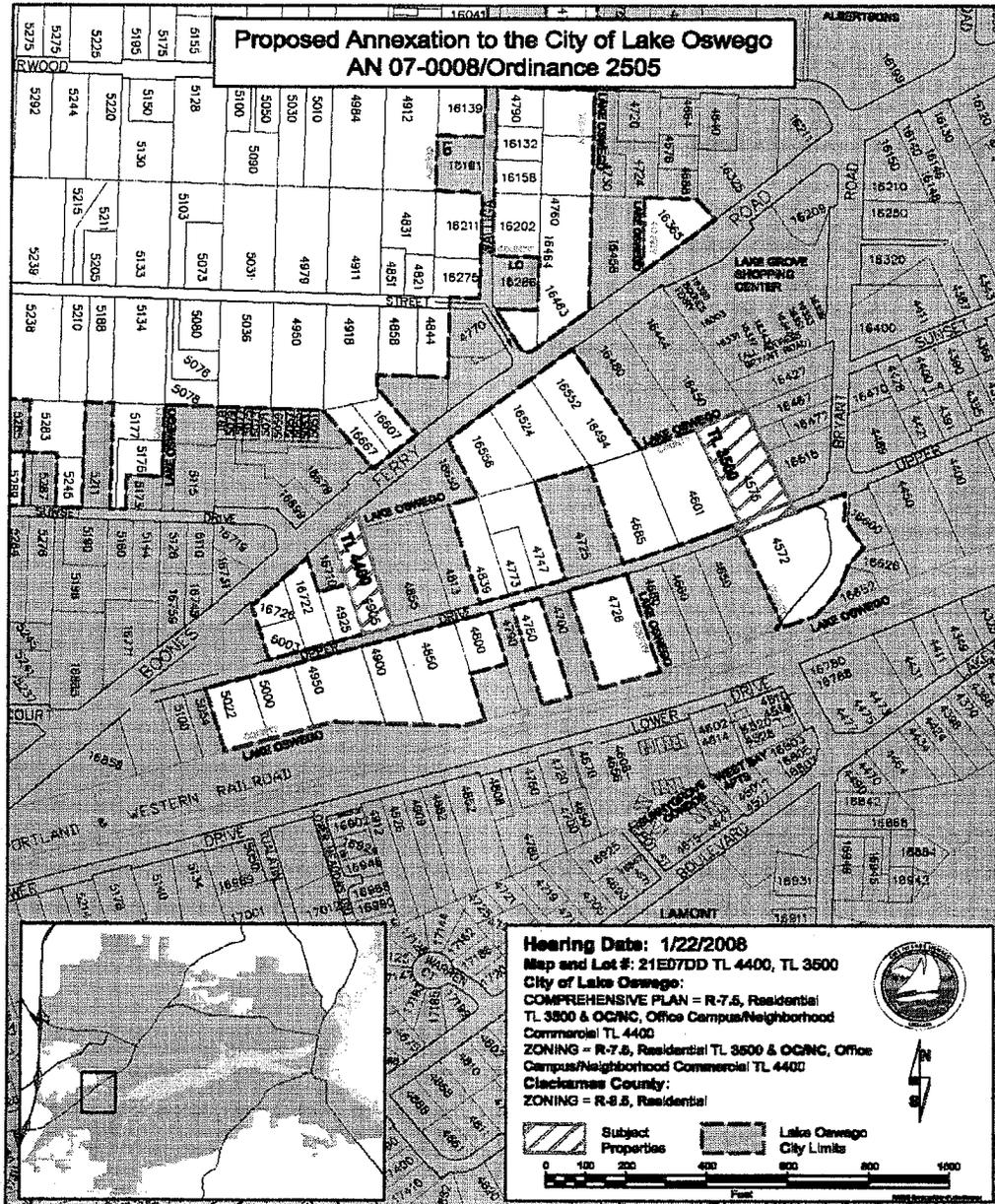
thence along said north lot line, North 64° 48' East, 137.00 feet to the point of beginning.

INCLUDING therewith the following described right of way:

All of Upper Drive (30 feet wide) (County Road # 1009) lying adjacent to said Lot 20, Bryant Acres; being 150.00 feet in length.



CITY COUNCIL PUBLIC HEARING
January 22, 2008
Staff Report for AN 07-0008
CITY OF LAKE OSWEGO ANNEXATION REQUEST
4575 Upper Drive (21E07DD03500); 4905 Upper Drive (21E07DD04400)





CITY OF LAKE OSWEGO COUNCIL REPORT

TO: Judie Hammerstad, Mayor
Members of the City Council
Stephan Lashbrook, Acting City Manager

FROM: Paul Espe, Associate Planner

SUBJECT: Annexation to the City of Lake Oswego two parcels comprising approximately 1.41 acres at 4905 and 4575 Upper Drive and the adjacent right of way on Upper Drive and a portion of Bryant Road; declaring City of Lake Oswego Zoning Pursuant to LOC 50.05.025; and removing the parcels from certain districts (AN 07-0008).

DATE: January 2, 2008

ACTION:

Adopt Ordinance 2505 (Exhibit F-1).

PLANNING COMMISSION SUMMARY:

There was no Planning Commission hearing on this item. Annexation applications go directly to the City Council for a final decision.

BACKGROUND:

The proposed annexation consists of two parcels on the north side of Upper Drive as shown on Exhibit F-1, Attachment A. These parcels are located in the Lake Grove Neighborhood Association. This application was initiated through a request by the property owner of 4905 Upper Drive (tax map 21E07DD tax lot 4400) in order to facilitate future development of this parcel. The other property owners on 4575 Upper Drive responded to a letter inviting them to join the annexation. Both property owners within the territory to be annexed have signed Measure 37 Waivers.¹

The total area of the territory to be annexed consists of 1.41 acres and has an assessed value of \$270,000. The territory is occupied by one single-family dwelling and accessory structures (the dwelling on 4905 Upper Drive was demolished in December 2007) and has three voters (or electors) registered in the territory to be annexed (three at 4575 and none at 4905 Upper Drive).

¹ The adopted language under Measure 49 has replaced Measure 37 and Measure 37 Waivers will no longer be required.

These parcels are currently under Clackamas County's jurisdiction and are zoned Low Density Residential R-8.5. Upon annexation to the City of Lake Oswego, the zoning for tax lot 3500 will be changed to R7.5 and the zoning for tax lot 4400 will be changed to OC/NC, as shown on the City's Comprehensive Plan Map.

APPLICABLE CRITERIA:

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

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

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

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.
- 2) Metro Code 3.09.040(a)(1-7) Minimum Requirements for Petitions.
 3.09.050 Uniform Hearing Requirements for Final Decisions.
 3.09.050(b)(1-5), (d)(1-5).

FINDINGS:

1. **ORS 222.111(2) and 222.170 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.

ORS 222.125 permits the legislative body of the City to waive 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. All of the property owners and two of the three (or 66 percent) of electors have signed the applications and petitions consenting to this annexation (Exhibit F-2). ORS 222.170 permits the same action if 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, give consent to the annexation. The proposed annexation complies with the statutes.

2. **Metro Code**

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 narrative, legal and graphical description of the affected territory in the form prescribed by the Metro Executive Officer;**
- 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;**
- 4) **A listing of the present providers of urban services to the affected territory;**
- 5) **A listing of the proposed providers of urban services to the affected territory following the proposed boundary change;**
- 6) **The current tax assessed value of the affected territory; and**
- 7) **Any other information required by state or local law.**

The above information was submitted as required by Metro Code. All of the property owners and 66 percent of the electors have signed the applications, petitions and Measure 37 waivers. The providers of urban services include Lake Grove Fire District, Lake Grove Water District, Clackamas County Enhanced Sheriff's Patrol District, Surface Water Management Agency of Clackamas County, Lake Grove Park District and Tri-Met. Upon annexation, the City of Lake Oswego will provide police and fire services as well as storm water services. The Lake Grove Water District will provide water service and the City of Lake Oswego will provide sanitary sewer to the site. The current total assessed value of the territory to be annexed is \$270,000.

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

Water: There is a four-inch Lake Oswego water line and a six-inch Lake Grove Water District water line in Upper Drive. This unincorporated territory lies within the District's service boundary, and is expected to continue being a District customer after annexation. There are fire hydrants within 150 feet of each of the parcels. Tax lot 4400 is a through lot that also has frontage on Boones Ferry Road, and may also obtain water service from a Lake Oswego water main in Boones Ferry Road.

Fire: Lake Grove Fire District #57 provides fire protection services to the subject parcels by agreement with the City of Lake Oswego. Upon annexation, the territory will be withdrawn from this fire district and will be served directly by the City. The Jean Road Fire Station located south of the territory to be annexed would be able to respond to emergencies under the eight minute goal as established in the Comprehensive Plan. There are hydrants located at the northwest corner of Upper Drive and Bryant Road, in front of 4747 Upper Drive, between 4800 and 4850 Upper Drive, between 4850 and 4900 Upper Drive, in front of 16722 Upper Drive and in front of 5003 Upper Drive.

Sanitary Sewer: The sewer will be constructed inside and outside the City Limits. Work is currently underway for sewer construction.

There is no public sewer in the immediate vicinity of this territory at this time. However, the City of Lake Oswego has awarded a contract to extend the sewer into this territory and construction is expected to be completed in January of 2008. This project is identified in the Capital Improvement Plan (CIP) and will extend approximately 2,700 lineal feet of sanitary sewer line along the south side of Upper Drive to serve 37 properties located along Upper Drive (Exhibit E-1). Future connections to the sewer will be subject to paying a "line charge" as a condition of receiving a connection permit. Under the present fee schedule, the line charge is \$16,420. The line charge is subject to annual review and adjustment to reflect actual construction costs, as reflected in the Engineering News Record Construction Cost Index as published in November of the preceding year. The northerly part of Tax Lot 4400 may also obtain sewer service from an eight-inch line in Boones Ferry Road.

Surface Water Management: The lots on the north side of Upper Drive have an almost imperceptible slope towards Upper Drive. There are no creeks, storm drains or drainage ditches in the immediate area. No public storm drain improvements are identified in the Public Facilities Plan. However, in conjunction with the sewer extension project mentioned above, the City has extended a storm drain line to Upper Drive from territory to the south. A manhole has been positioned approximately mid way between the two annexing parcels, offering a potential for extending a storm drain system east and west along Upper Drive in the future. Until that storm drain is built, however, any future development will be required to manage site generated runoff on site, presumably in engineered subsurface disposal systems.

Individual drainage systems may be required on each lot for roof runoff, and infiltration trenches along the sides of the roadway. The engineering staff will need to review and consider any street drainage systems needed for future development.

Currently, the territory is under the jurisdiction of the Surface Water Management Agency of Clackamas County (SWMACC). Upon annexation, the territory will be withdrawn from SWMACC and will be subject to the City's storm water management regulations.

Police: The parcels are currently served by the Clackamas County Sheriff's Department. Upon annexation, the site 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 found it to be in compliance with applicable regulations and did not indicate that they would have any problems serving this area.

Parks: The City currently has 675 acres of park and open space lands, or 19.76 acres per 1,000 population. East and West Waluga Parks are located north of the subject parcels. These two parks total 53.2 acres, and are located west of Waluga Drive and south of Carman Drive. Amenities include a playground, picnic tables and covered picnic shelters, restrooms, trails, paths and natural wildlife viewing areas. The City's park system is able to absorb any additional population generated by this annexation approval.

Lake Grove Park District: These parcels are located within the Lake Grove Park District. This district funds the operation of the Lake Grove Swim Park located at 3800 Lakeview Boulevard, which is managed by the Lake Oswego School District. The swim park is approximately 1.3 acres in size with restrooms, play and swim facilities. These parcels will remain within the Lake Grove Park District following annexation.

Transportation - Streets and Mass Transit: Clackamas County has jurisdictional authority over Upper Drive between Bryant Road and Boones Ferry Road (County road maintenance #21199). The County will retain jurisdiction of Upper Drive until a sufficient quantity of the abutting lots annex to the City, whereupon the City will initiate a transfer of jurisdiction. Boones Ferry Road abutting tax lot 4400 is a city maintained major arterial. The westerly part of tax lot 4400 is anticipated to be dedicated for street purposes upon development in order to construct the southerly approach of the Boones Ferry Road/West Sunset signalized intersection.

The owner's representative of tax lot 4400 participated in a pre-application conference with staff regarding the future development potential of this property, and how it fits into the West Lake Grove Design District Plan. The single-family home on tax lot 4400 was demolished in mid December.

Upper Drive is a two-lane 20-foot wide asphalt paved street with a 40-foot right of way and no curbs or sidewalk. The majority of Upper Drive was annexed in October, 2007 under AN07-0002. A small portion of Upper Drive in front of 4575 Upper Drive has not been annexed and will be annexed as a part of this proposal. Upper Drive between Bryant Road and Boones Ferry Road is considered a local street.

The City's Transportation System Plan (TSP) does not identify any roadway, pedestrian or bicycle improvements for Upper Drive. However, for a pre-application conference conducted in December 2006 (PA 06-115) for a four-lot subdivision at 4855 Upper Drive, the Engineering Staff identified required street improvements. These improvements included: pavement widening to achieve a minimum ten-foot travel lane, a three-foot wide gravel shoulder, and a five-foot wide asphalt pathway separated from the roadway by a landscaped planting strip. If the existing roadway does not meet City standards for pavement and road bed thickness, a half-street reconstruction will be required.

The closest bus stop is located at the intersection of Upper Drive and Boones Ferry Road. The area is served by TriMet bus Line 37, which currently operates along Boones Ferry Road to the north, and Line 38, which operates along Kruse Way to the north. Line 37 provides service between downtown Lake Oswego and Tualatin, and Line 38 provides service between downtown Portland 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: 1) Clackamas County (for roadways) 2) Lake Oswego School District, 3) Lake Grove Fire District, and 4) The Southwood Park Water District. Three of these agreements are applicable to this annexation application.

A. Clackamas County Agreement:

The City and Clackamas County entered into an ORS 195.065 urban service agreement for roads in July 2003. The agreement states that the City shall initiate proceedings for the transfer of jurisdiction and maintenance to the City of all County roads within annexed areas.

B. Lake Oswego School District / Lake Grove Swim Park:
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 territory within the Lake Grove Park District by the City shall not cause the withdrawal of the territory from the area benefited by the operation of the Lake Grove Swim Park.

C. 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 of territory within the District by the City, the annexed territory shall be withdrawn from the District and the City shall provide fire protection services.

- (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 (PFP) does not identify any water, storm water or transportation projects on Upper Drive however the PFP identifies several projects on Bryant Road.

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,**

The territory proposed for annexation will, by operation of ORS 222.520, be withdrawn from the Lake Grove Fire District #57, the Clackamas County Enhanced Sheriff's Patrol District, and the Surface Water Management Agency of Clackamas County upon approval of the annexation.

(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 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 territory, or who provides any urban service to any portion of the affected territory." The list of necessary parties for the proposed annexation includes:

Clackamas County
Clackamas County Enhanced Sheriff's Patrol District
Lake Grove Water District
Lake Grove Fire District
Lake Grove Park District
Surface Water Management Agency of Clackamas County
Tri-County-Metropolitan Transportation District

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 two following subsections 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.”

This policy 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 45 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, therefore, 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 and Clackamas County entered into an ORS 195.065 urban service agreement for roads in July 2003. The agreement states that the City shall initiate proceedings for the transfer of jurisdiction and maintenance to the City of all County roads within annexed areas.

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

- a) Comprehensive Plan Map:**

The subject parcels are currently designated Low Density Residential on Clackamas County’s Comprehensive Plan Map and have a County zoning designation of R-8.5.

The City’s Comprehensive Plan Map designates tl 3500 as Low Density Residential R-7.5 and tl 4400 as OC/NC in the West Lake Grove Design District. Pursuant to the Lake Oswego Community Development Code Section 50.05.025, upon annexation, a City zone of R-7.5 for tl 3500 and a zone of OC/NC for tl 4400 will be automatically applied to the territory. 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.

b) **Comprehensive Plan Policies:**

Goal 14, Urbanization:

Policy 10:

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 territory 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 territory. The annexation is consistent with this policy.

Policy 13:

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; and,**

The approval of this annexation will result in the addition of 1.41 acres to be served by the City.

Police: The addition of three residents to the existing population of more than 35,000 will not detract from the City's ability to provide police protection to the existing City residents.

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

Parks: The City currently has 675 acres of park and open space lands, or 19.76 acres per 1,000 population. East and West Waluga Parks are located northwest of the subject site. These parks are 53.2 acres, and are located west of Waluga Drive and south of Carman Drive. Amenities include a playground, picnic tables and covered picnic shelters, restrooms, trails, paths and natural wildlife viewing areas. The City's park system is able to absorb any additional population generated by this annexation approval.

Recreation: The City has many recreation programs available to youth and adults. The potential addition of these parcels would not affect the recreation programs because the increased usage would result in additional revenue to address any greater demand. The addition of three residents within this territory to the existing population of more than 35,000 residents would not detract from the City's ability to provide adequate recreation programs.

Sewer: Sanitary Sewer is currently not available in Upper Drive. However, the City is in the process of extending the sewer service to this area. Service is scheduled to be available by January of 2008. The extension of this service will not detract from the City's ability to provide service to the existing City residents.

Water: The Lake Grove Water District has not indicated that the proposed annexation would degrade their ability to provide water services to existing City residents.

b) Result in property owners paying for urban services which do not benefit their property:

This 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, and transportation systems. Therefore, existing property owners will not pay for urban services that do not benefit their property.

Policy 14:

- 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 the subject parcels.

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 proposed annexation area 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.

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 subject parcels to existing urban services, this annexation will promote the timely, orderly and economical extension of public facilities and services.

CONCLUSION:

Staff concludes that the proposed annexation complies with all applicable State statutes and Metro code requirements.

RECOMMENDATION:

Staff recommends approval of AN 07-0008.

EFFECTIVE DATE:

a. Effective Date of Decision to Annex. Pursuant to Metro Code 3.09.050(j), 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 the 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, the 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:

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.

EXHIBITS:

- | | | |
|-----------|--|---|
| A. | Notice of Appeal | [No current exhibits; reserved for hearing use] |
| B. | Findings and Conclusion | [No current exhibits; reserved for hearing use] |
| C. | Minutes | [No current exhibits; reserved for hearing use] |
| D. | Staff Report | [No current exhibits; reserved for hearing use] |
| E. | Graphic Materials | |
| | E-1. Upper Drive Sanitary Sewer Plan | |
| F. | Written Materials | |
| | F-1. Ordinance 2505 and Map | |
| | F-2. Annexation Petitions and Applications | |
| G. | Letters-None | |

Upper Drive Sanitary Sewer Extension Ordinance 2505 AN 07-0008

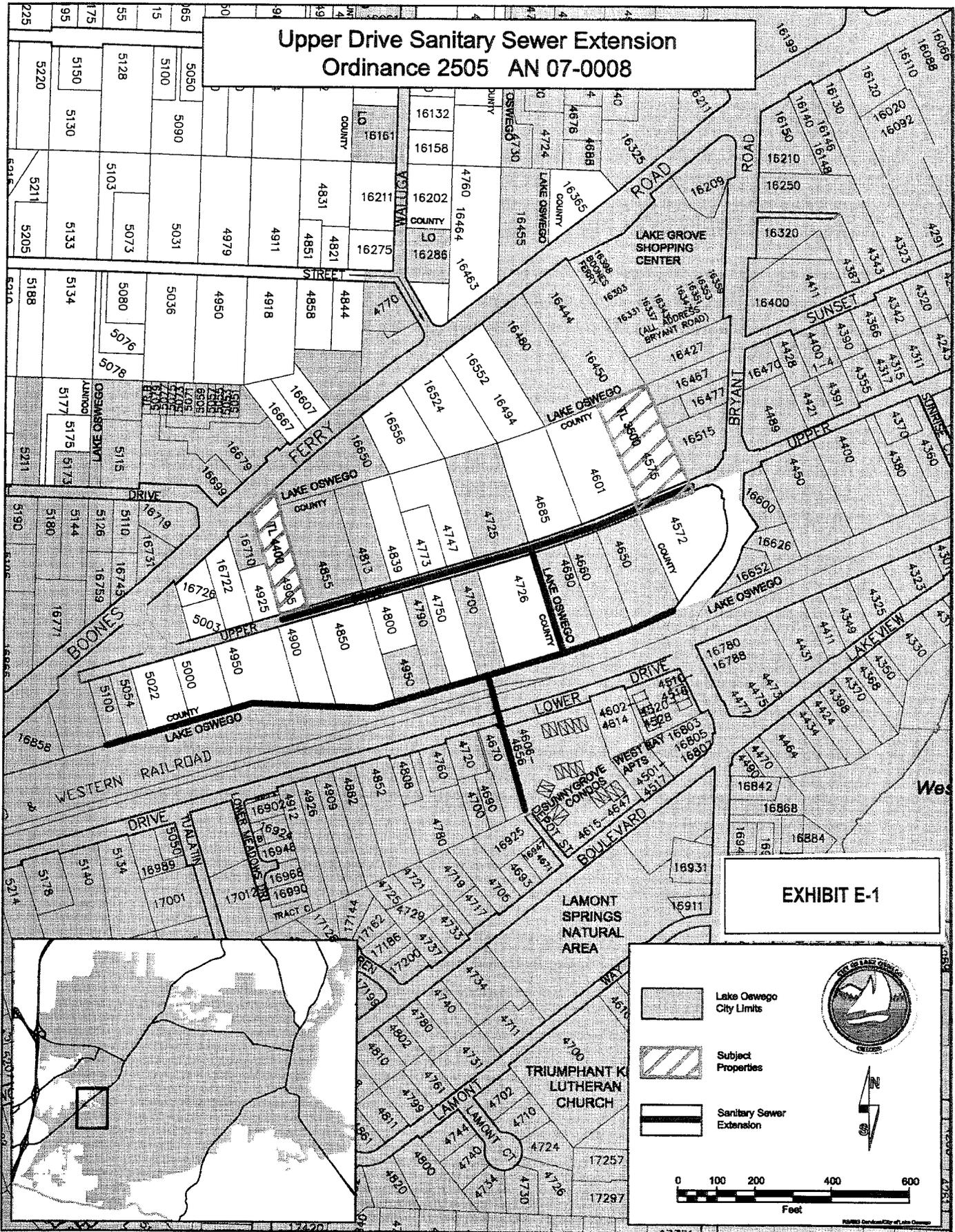


EXHIBIT E-1

-  Lake Oswego City Limits
-  Subject Properties
-  Sanitary Sewer Extension



PLANNED DEVELOPMENT DIVISION

ORDINANCE NO. 2505

AN ORDINANCE ANNEXING TO THE CITY OF LAKE OSWEGO TWO PARCELS COMPRISING APPROXIMATELY 1.41 ACRES AT 4905 AND 4575 UPPER DRIVE AND THE ADJACENT ROAD RIGHT OF WAY ON UPPER DRIVE AND A PORTION OF BRYANT ROAD; DECLARING CITY OF LAKE OSWEGO ZONING PURSUANT TO LOC 50.05.025; AND REMOVING THE PARCELS FROM CERTAIN DISTRICTS (AN 07-0008).

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 and 66 percent of the electors in the territory; and,

WHEREAS, the part of the territory that lies within the Lake Grove Fire District #57 would, 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 would, 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 would, by operation of ORS 222.520, be withdrawn from that agency immediately 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 territory as of the effective date of the annexation; and,

WHEREAS, the staff report, dated January 2, 2008 which addresses applicable criteria, 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 Sections 3.09.050(b) and (d).

EXHIBIT F-1

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

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

**4905 Upper Drive
21E07DD4400**

All of that portion of Block 13 beginning at the Southwesterly corner of Block 10 of said Bryant Acres, running

thence Southerly and following the Easterly line of Block 13 of Bryant Acres a distance of 290.4 feet to the Southeasterly corner of said Bryant Acres Block 13; thence Westerly and tracing the center of Upper Drive a distance of 75 feet to a point;

thence northerly and parallel to and 75 feet distance from the Easterly line of Block 13 of Bryant Acres a distance of 290.4 feet to a point;

thence Easterly a distance of 75 feet to the place of beginning,

And

Part of Lot 13, Bryant Acres, more particularly described as follows: Beginning at the Intersection of the East line of Lot 13, and the Southeasterly right of way line of Boones Ferry County Road;

thence South along the East line of said Lot 13, a distance of 48.26 feet more or less, to a point which is the Northeast corner of that tract of land conveyed by deed to Clara E. Will, recorded February 9, 1920 in book 166, Page 656, Deed Records;

thence West along the North line of said Hill tract 75 feet, more or less, to the northwest corner of said Hill Tract;

thence north, parallel to the East line of Lot 13, to a point on the South right of way line of Boones Ferry County Road;

thence Northeasterly along said right of way line 65.8 feet more or less, to the point of beginning.

**4575 SW Upper Drive
21E07DD3500**

All of lot 20 except the Westerly 13.00 feet, in the subdivision of Bryant Acres, as platted and recorded in Book 14, Page 11, Record of Town Plats of Clackamas County, Oregon, more particularly described as follows, to wit:

Beginning at an iron pipe set in the Northeasterly corner of said Lot 20, said iron pipe is in the center line of a six foot easement reserved for pedestrian travel. From said beginning point;

thence South 25°12' East 290.40 feet to a point in the center line of Upper Drive in said plat, passing over an iron pipe set 15.00 feet from said center line;

thence South 64°48' West 137.00 feet along said center line to an iron pipe;

thence North 25° 12' West 290.40 feet, passing over an iron pipe set 15.00 feet from said center line, to an iron pipe set in the center line of said six foot easement,

thence North 64°48' East 137.00 feet to the point of beginning.

Section 2. District Retention: The annexed area lies wholly within the following districts and shall be retained within these districts upon the effective date of annexation:

Lake Grove Park District
Lake Grove Water District

Section 3. District Withdrawal: The annexed area lies within the following districts and shall 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 4. Zoning Designation: In accordance with Community Development Code Section 50.05.025, the City zoning of R-7.5 shall be applied to tax lot 3500, and the City zoning of OC/NC shall be applied to tax lot 4400, immediately upon the effective date of annexation.

Section 5. Neighborhood Association Designation: In accordance with Goal 1 of the City's Comprehensive Plan these parcels shall become a part of the Lake Grove Neighborhood Association immediately upon the effective date of annexation.

Section 6. Adoption of Findings and Conclusions: The City Council hereby adopts the findings of facts and conclusions set forth in the January 2, 2008 staff report in support of this annexation ordinance.

Section 7. 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 8. Mailing Copies of this Ordinance; Metro Notice.

Within 30 days following the date of adoption:

a. The City Recorder is hereby directed to 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 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 _____, 2008.

AYES:

NOES:

ABSTAIN:

EXCUSED:

Judie Hammerstad, Mayor

Dated: _____

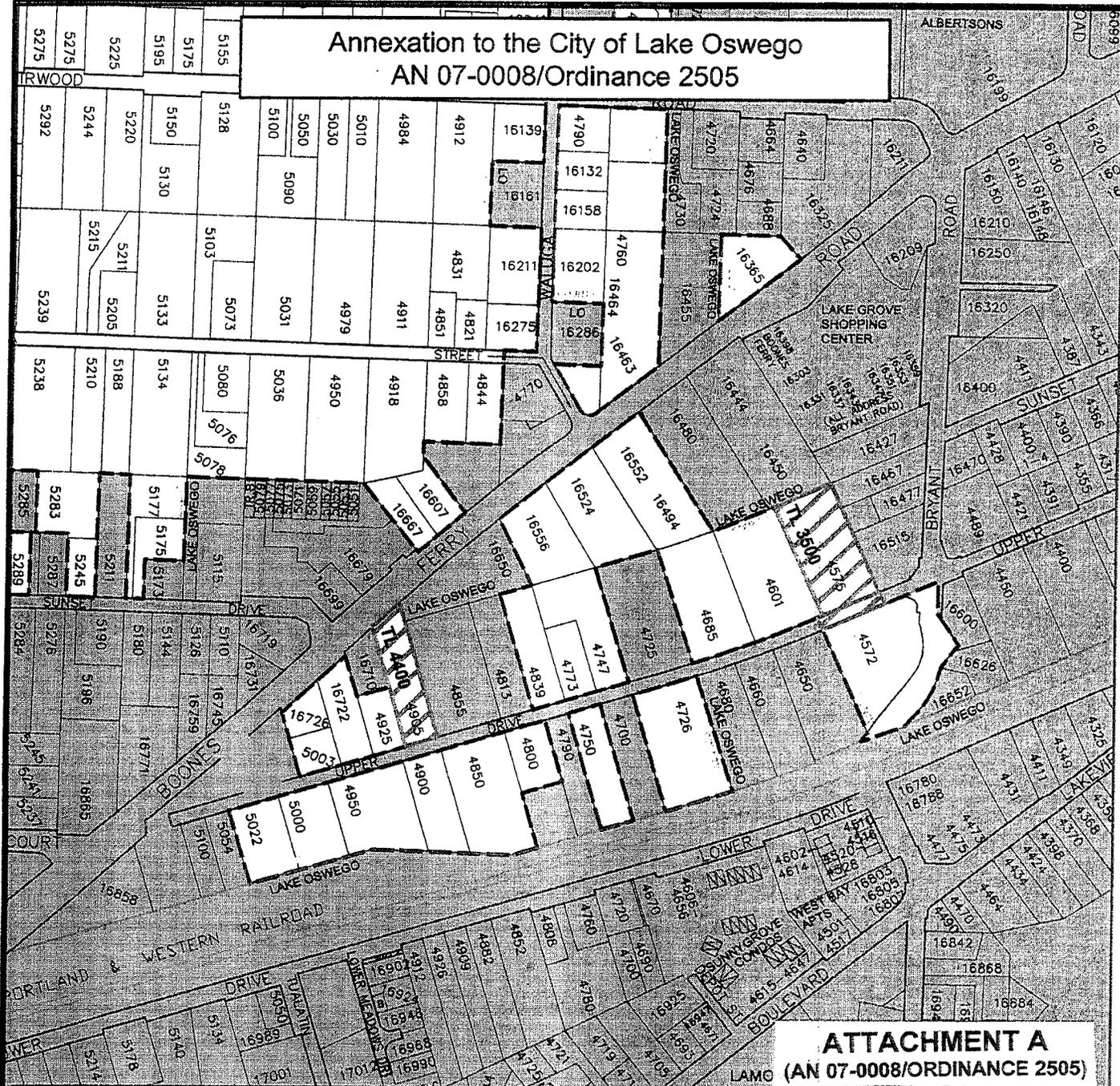
ATTEST:

Robyn Christie, City Recorder

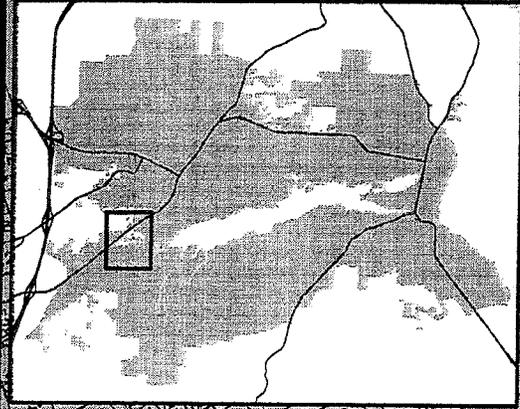
APPROVED AS TO FORM:

David D. Powell, City Attorney

**Annexation to the City of Lake Oswego
AN 07-008/Ordinance 2505**

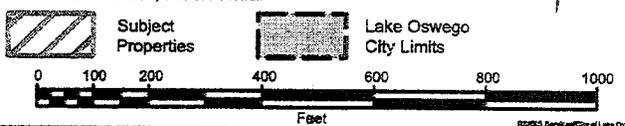


**ATTACHMENT A
LAMO (AN 07-008/ORDINANCE 2505)**



Effective Date: 2/21/2008

Map and Lot #: 21E04BA TL 4400, TL 3500
City of Lake Oswego:
 COMPREHENSIVE PLAN = R-7.5, Residential
 TL 3500 & OC/NC, Office Campus/Neighborhood
 Commercial TL 4400
**ZONING = R-7.5, Residential TL 3500 & OC/NC, Office
 Campus/Neighborhood Commercial TL 4400**
Clackamas County:
ZONING = R-8.5, Residential





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

OCT 24 2007

City of Lake Oswego Community Development Dept		SUBMIT: <u>10-24</u>	REVIEW: <u>10-31</u>
FILE NAME: <u>Pamplin</u>	RESUBMIT: _____	REVIEW: _____	
<u>Upper Drive</u>	HEARING DATE: <u>1-22-08</u>	CHECK #:	
FILE NUMBER(S):	CITY FEE RECEIVED: \$ <u>1,150</u>	METRO FEE RECEIVED: \$ <u>250.00</u>	RECEIPT #: <u>00295970</u>
NEIGHBORHOOD ASSN: <u>Lake Grove</u>	COMPLETENESS DATE: _____		
CHECKLIST:	<input checked="" type="checkbox"/> Legal Description	<input checked="" type="checkbox"/> Title Report	<input checked="" type="checkbox"/> Fees (City and Metro)
	<input checked="" type="checkbox"/> Assessor's Map	<input checked="" type="checkbox"/> Petition	<input checked="" type="checkbox"/> Waiver
	<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

YOUR NAME	Andrea Marek	PHONE #	503-553-0380
BUSINESS NAME	R. B. Pamplin Corporation	FAX #	503-248-1175
ADDRESS	805 SW Broadway	SUITE	2400
CITY	Portland	OR	97205-3341
E-MAIL ADDRESS	amarek@pamplincorporation.com	STATE	ZIP
SIGNATURE (ORIGINAL REQUIRED)	<i>Andrea Marek</i>	DATE	10-24-07
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)

YOUR NAME	Andrea Marek	PHONE #	503-553-0380
BUSINESS NAME	R. B. Pamplin Corporation	FAX #	503-248-1775
ADDRESS	805 SW Broadway	SUITE	2400
CITY	Portland	OR	97205-3341
E-MAIL ADDRESS	amarek@pamplincorporation.com	STATE	ZIP
SIGNATURE (ORIGINAL REQUIRED)	<i>Andrea Marek</i>	DATE	10-24-07
Note: I consent to an on-site inspection by an employee(s) of the City of Lake Oswego			

EXHIBIT F-2

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

4905 Upper Drive; Lake Oswego, OR 97035
 Address
 Across from W. Sunset Drive on the south side of SW Boones Ferry Road
 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
2 1E 7DD	- 4400	.50	R-8.5	OC/NC	\$111,248	0
-	-	-	-	-	-	-
-	-	-	-	-	-	-
-	-	-	-	-	-	-
TOTAL OF PARCEL AREAS:		ACRES .50	SQ. FT. 21,750			
RIGHTS-OF-WAY TO BE INCLUDED: <u>None</u>						
REASON FOR ANNEXATION: <u>Future development</u>						

DESCRIBE NUMBER AND TYPES OF STRUCTURES ON THE PARCEL(S) (USE TAX LOTS AS REFERENCE): <u>One single-family dwelling</u>
EXISTING USE OF AREA TO BE ANNEXED: <u>Vacant</u>
PROPOSED USE OF AREA TO BE ANNEXED: <u>Office space and restaurant</u>
DESCRIBE SURROUNDING LAND USES (USE TAX LOTS AS REFERENCE)
NORTH— properties on north side of SW Boones Ferry Road - office and attached dwelling units
SOUTH— 4700 and other properties south of Upper Drive - detached single-family homes
EAST— 4300 - vacant (no structures)
WEST— 4500 - vacant; 4600 - single-family dwelling

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	
	Andrea Marek	X		805 SW Broadway #2400 Portland, OR 97205-3341	2 1E 7DD	4400	10-24-07

* PO = Property Owner, RV = Registered Voter

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



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

NOV 05 2007

City of Lake Oswego Community Development Dept.		
FILE NAME: <u>Pumpkin, Upper Drive</u>	SUBMIT	REVIEW
<u>AN 07-0009</u>	RESUBMIT	REVIEW
FILE NUMBER(S): <u>AN-07-0008</u>	HEARING DATE: <u>January 23, 2008</u>	
CITY FEE RECEIVED \$ <u>0</u>	METRO FEE RECEIVED \$ <u>0</u>	CHECK # <u>NA</u>
NEIGHBORHOOD ASSN	RECEIPT # <u>NA</u>	
CHECKLIST: <input type="checkbox"/> Legal Description	<input type="checkbox"/> Title Report	COMPLETENESS DATE
<input type="checkbox"/> Assessor's Map	<input type="checkbox"/> Petition	<input type="checkbox"/> Fees (City and Metro)
<input type="checkbox"/> Delineation of Natural Resources (if required)	<input type="checkbox"/> Waiver	
<input type="checkbox"/> Resolution 04-38 given to Applicant on <u>11-2-07</u>		(date)

PRINT OR TYPE ALL INFORMATION BELOW

APPLICANT USE MAILING ADDRESS FOR HEARING NOTIFICATION

DON CONKLIN		503 697 3587
YOUR NAME		PHONE #
BUSINESS NAME		FAX #
4575 SW UPPER DRIVE		
ADDRESS	SUITE	ZIP
LAKE OSWEGO	OR	97035
CITY	STATE	ZIP
mich_conklin@comcast.net		
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 OWNER (ADDITIONAL OWNER-SEE PAGE 2)

DON CONKLIN		503 697 3587
YOUR NAME		PHONE #
BUSINESS NAME		FAX #
4575 SW UPPER DRIVE		
ADDRESS	SUITE	ZIP
LAKE OSWEGO	OR	97035
CITY	STATE	ZIP
mich_conklin@comcast.net		
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		

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

YOUR NAME SUZANNE CONKLIN	PHONE # 503 697 3587
BUSINESS NAME 4575 SW UPPER DRIVE	FAX #
ADDRESS LAKE OSWEGO	SUITE: OR
CITY mich-conklin@comcast.net	STATE OR
E-MAIL ADDRESS	ZIP 97035
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

4575 SW UPPER DRIVE LAKE OSWEGO OR 97035
 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
21E7DD	3500	BRYANT	R8	R7.5	149,724	3
-	-	-	-	-	-	-
-	-	-	-	-	-	-
-	-	-	-	-	-	-
TOTAL OF PARCEL AREAS:		ACRES	SQ. FT.			
			39,784.8 sq ft.			
RIGHTS-OF-WAY TO BE INCLUDED:						
REASON FOR ANNEXATION: Partition and sewer access						

DESCRIBE NUMBER AND TYPES OF STRUCTURES ON THE PARCEL(S) (USE TAX LOTS AS REFERENCE):
1500 # residence, 280 # detached garage, 120 # garden shed, 630 # covered patio

EXISTING USE OF AREA TO BE ANNEXED:
Residential low density

PROPOSED USE OF AREA TO BE ANNEXED:
Residential low density

DESCRIBE SURROUNDING LAND USES (USE TAX LOTS AS REFERENCE)

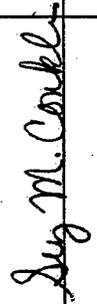
NORTH —	General Comm.	2800
SOUTH —	Low density residential	5500
EAST —	Low density residential	3400, 3401, 3200
WEST —	Low density residential	3600

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	
	DONALD M. CONKLIN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	4573 SW UPPER DR LAKE OSWEGO 97035	21E700	3500	11/2/07
	SUZANNE CONKLIN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	4573 SW UPPER LAKE OSWEGO 97035	21E700	3500	11/2/07

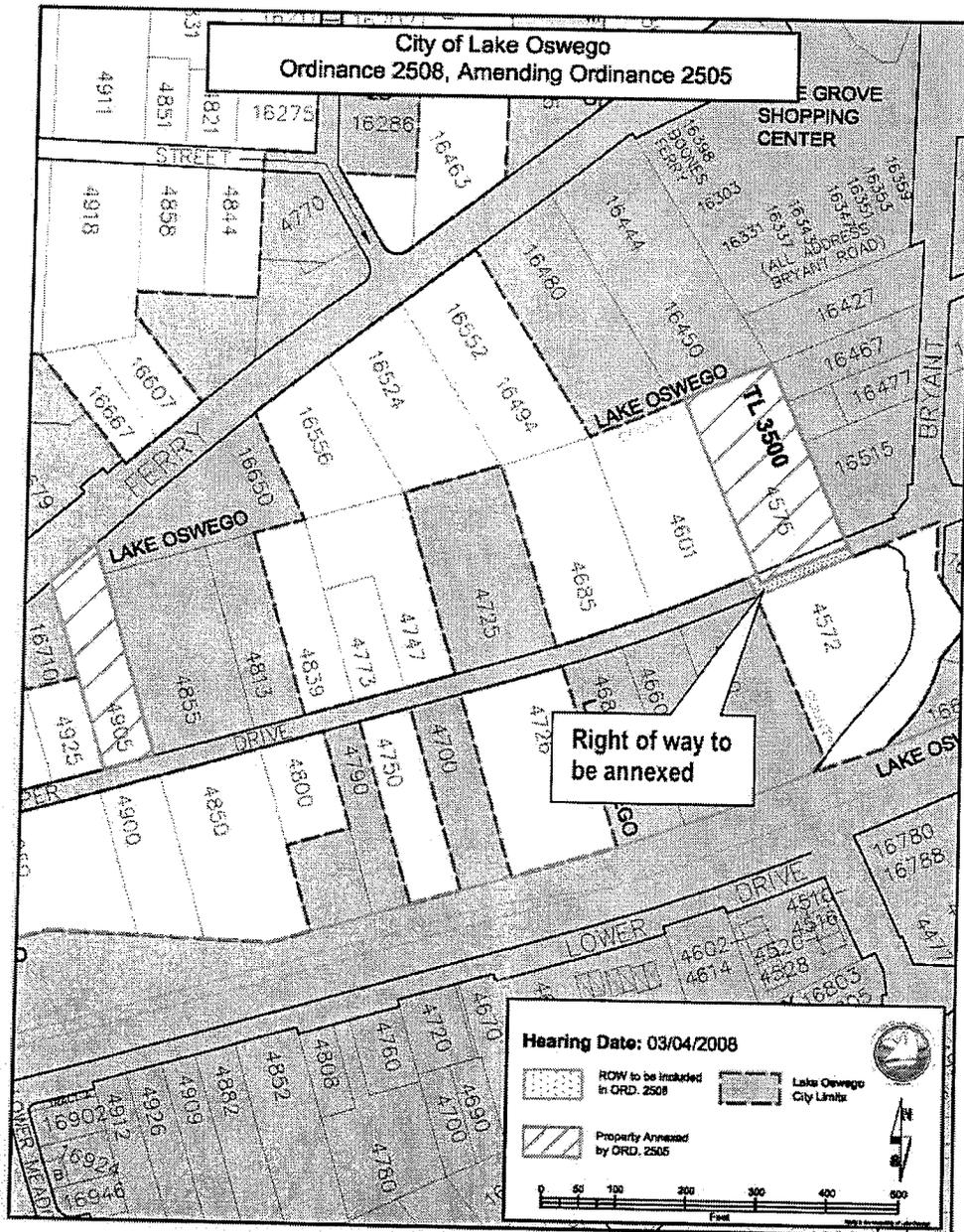
* PO = Property Owner, RV = Registered Voter

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



CITY COUNCIL PUBLIC HEARING
March 4, 2008

CITY OF LAKE OSWEGO ORDINANCE 2508, AN ORDINANCE OF THE LAKE OSWEGO CITY COUNCIL AMENDING ORDINANCE 2505 (AN07-0008) TO INCLUDE THE WESTERLY 13 FEET AND THE SOUTH HALF OF UPPER DRIVE RIGHT OF WAY





CITY OF LAKE OSWEGO

COUNCIL REPORT

TO: Judie Hammerstad, Mayor
Members of the City Council
Alex McIntyre, City Manager

FROM: Paul Espe, Associate Planner

SUBJECT: Adoption of Ordinance 2508, an Ordinance of the Lake Oswego City Council amending Ordinance 2505 (AN07-0008) to include the westerly 13 feet and the south half of the Upper Drive right of way.

DATE: February 13, 2008

ACTION

Adopt Ordinance 2508 (Exhibit F1).

BACKGROUND

Upon further review of the legal description for this territory, it was found that the legal description omitted the westerly 13 feet and south half of the Upper Drive right of way. Ordinance 2508 corrects Ordinance 2505 by including the complete legal description for this portion of right of way.

RECOMMENDATION:

Staff recommends adoption of Ordinance 2508.

EXHIBITS:

- | | | |
|----|-------------------------|---|
| A. | Notice of Appeal | [No current exhibits; reserved for hearing use] |
| B. | Findings and Conclusion | [No current exhibits; reserved for hearing use] |
| C. | Minutes | [No current exhibits; reserved for hearing use] |
| D. | Staff Report | [No current exhibits; reserved for hearing use] |
| E. | Graphics – | |
| F. | Written Materials | |
| | F1. Ordinance 2508 | |
| G. | Letters – None | |

Ordinance No. 2508

**AN ORDINANCE OF THE LAKE OSWEGO CITY COUNCIL AMENDING
ORDINANCE 2505 (AN 07-0008) TO CORRECT A SCRIVENER'S ERROR IN
THE TEXT OF A LEGAL DESCRIPTION**

WHEREAS, on January 22, 2008, the City Council adopted Ordinance 2505, which became effective on February 21, 2008; and

WHEREAS, Ordinance 2505 annexed two parcels on the north side of Upper Drive to the City of Lake Oswego and retained or withdrew these parcels from certain service districts; and

WHEREAS, a scrivener's error in the text of the legal description used in the adopted ordinance erroneously omitted the westerly 13 feet and south half of the Upper Drive right of way adjacent to 4575 Upper Drive (Tract 2 of the legal description). (21E07DD03500); and

WHEREAS, Section 1 of Ordinance 2505 should be amended to correct the scrivener's error by including the westerly 13 feet and the south half of the Upper Drive right of way in the legal description of the territory to be annexed, consistent with the City Council's ruling in AN 07-0008.

The City of Lake Oswego ordains as follows:

Section 1. Section 1 of Ordinance 2505 is hereby amended to read as follows:

"Section 1. The real property described as follows is hereby annexed to the City of Lake Oswego:

Two tracts of land located in the southeast quarter of Section 7, Township 2 South, Range 1 East of the Willamette Meridian, Clackamas County, Oregon; more particularly described as follows:

Tract 1: 21E07DD04400 (4905 Upper Dr, Lake Oswego)

The easterly 75.00 feet of Lot 13, Bryant Acres (Plat # 0383), plat records of Clackamas County, Oregon; said 75.00 feet to be cut off by a line drawn parallel with and offset westerly from the east line of said Lot 13.

EXCLUDING therefrom all public rights of way.

Tract 2: 21E07DD03500 (4575 Upper Dr, Lake Oswego) and public right of way

Beginning at an iron pipe set at the northeast corner of Lot 20, Bryant Acres (Plat #0383), plat records of Clackamas County, Oregon;

EXHIBIT F-1

thence along the east line of said Lot 20, South 25° 12' East, 275.40 feet to an iron pipe set in the north right of way line of Upper Drive (County Road # 1009);

thence along said north right of way line, South 64° 48' West, 137.00 feet to an iron pipe;

thence leaving said right of way line, North 25° 12' West, 275.40 feet to an iron pipe set in the north line of said Lot 20;

thence along said north lot line, North 64° 48' East, 137.00 feet to the point of beginning.

INCLUDING therewith the following described right of way:

All of Upper Drive (30 feet wide) (County Road # 1009) lying adjacent to said Lot 20, Bryant Acres; being 150.00 feet in length.

Enacted at the regular meeting of the City Council of the City of Lake Oswego held on _____ day of _____, 2008.

AYES:

NOES:

ABSTAIN:

EXCUSED:

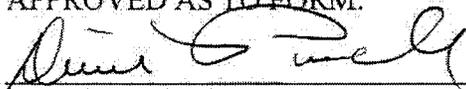
Judie Hammerstad, Mayor

Dated: _____

ATTEST:

Robyn Christie, City Recorder

APPROVED AS TO FORM:



David Powell, City Attorney



NOTICE OF FINAL CITY COUNCIL DECISION ON ANNEXATION

Date Mailed: January 25, 2008

Applicants/Owners: Andrea Marek, RB Pamplin Corp. and Don & Suzanne Conklin

Location of Property:

4905 and 4575 Upper Drive
(21E07DD04400 and 21E07DD03500)

The City zoning of R-7.5 shall be applied to tax lot 3500, and the City zoning of Office Commercial/Neighborhood Commercial (OC/NC) shall be applied to tax lot 4400, immediately upon the effective date of annexation.

Date of Final City Council Decision:

The City Council approved this annexation as set forth in Ordinance 2505 on January 22, 2008.

Effective Dates:

1. The effective date of the annexation Ordinance 2505 shall be on the 30th day after its enactment, February 21, 2008, 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.

Carol Hall
Data Resources Center
Metro
600 NE Grand Avenue
Portland, OR 97232

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 07-0008)

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

Iris Treinen

City of Lake Oswego – Planning Division

503/697-6591 or by e-mail at itreinen@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, January 22, 2008. 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 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. 2505

AN ORDINANCE ANNEXING TO THE CITY OF LAKE OSWEGO TWO PARCELS COMPRISING APPROXIMATELY 1.41 ACRES AT 4905 AND 4575 UPPER DRIVE AND THE ADJACENT ROAD RIGHT OF WAY ON UPPER DRIVE AND A PORTION OF BRYANT ROAD; DECLARING CITY OF LAKE OSWEGO ZONING PURSUANT TO LOC 50.05.025; AND REMOVING THE PARCELS FROM CERTAIN DISTRICTS (AN 07-0008).

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 and 66 percent of the electors in the territory; and,

WHEREAS, the part of the territory that lies within the Lake Grove Fire District #57 would, 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 would, 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 would, by operation of ORS 222.520, be withdrawn from that agency immediately 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 territory as of the effective date of the annexation; and,

WHEREAS, the staff report, dated January 2, 2008 which addresses applicable criteria, 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 Sections 3.09.050(b) and (d).

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

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

**4905 Upper Drive
21E07DD4400**

All of that portion of Block 13 beginning at the Southwesterly corner of Block 10 of said Bryant Acres, running

thence Southerly and following the Easterly line of Block 13 of Bryant Acres a distance of 290.4 feet to the Southeasterly corner of said Bryant Acres Block 13; thence Westerly and tracing the center of Upper Drive a distance of 75 feet to a point;

thence northerly and parallel to and 75 feet distance from the Easterly line of Block 13 of Bryant Acres a distance of 290.4 feet to a point;

thence Easterly a distance of 75 feet to the place of beginning,

And

Part of Lot 13, Bryant Acres, more particularly described as follows: Beginning at the Intersection of the East line of Lot 13, and the Southeasterly right of way line of Boones Ferry County Road;

thence South along the East line of said Lot 13, a distance of 48.26 feet more or less, to a point which is the Northeast corner of that tract of land conveyed by deed to Clara E. Will, recorded February 9, 1920 in book 166, Page 656, Deed Records;

thence West along the North line of said Hill tract 75 feet, more or less, to the northwest corner of said Hill Tract;

thence north, parallel to the East line of Lot 13, to a point on the South right of way line of Boones Ferry County Road;

thence Northeasterly along said right of way line 65.8 feet more or less, to the point of beginning.

**4575 SW Upper Drive
21E07DD3500**

All of lot 20 except the Westerly 13.00 feet, in the subdivision of Bryant Acres, as platted and recorded in Book 14, Page 11, Record of Town Plats of Clackamas County, Oregon, more particularly described as follows, to wit:

Beginning at an iron pipe set in the Northeasterly corner of said Lot 20, said iron pipe is in the center line of a six foot easement reserved for pedestrian travel. From said beginning point;

thence South 25°12' East 290.40 feet to a point in the center line of Upper Drive in said plat, passing over an iron pipe set 15.00 feet from said center line;

thence South 64°48' West 137.00 feet along said center line to an iron pipe;

thence North 25° 12' West 290.40 feet, passing over an iron pipe set 15.00 feet from said center line, to an iron pipe set in the center line of said six foot easement,

thence North 64°48' East 137.00 feet to the point of beginning.

Section 2. District Retention: The annexed area lies wholly within the following districts and shall be retained within these districts upon the effective date of annexation:

Lake Grove Park District
Lake Grove Water District

Section 3. District Withdrawal: The annexed area lies within the following districts and shall 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 4. Zoning Designation: In accordance with Community Development Code Section 50.05.025, the City zoning of R-7.5 shall be applied to tax lot 3500, and the City zoning of OC/NC shall be applied to tax lot 4400, immediately upon the effective date of annexation.

Section 5. Neighborhood Association Designation: In accordance with Goal 1 of the City's Comprehensive Plan these parcels shall become a part of the Lake Grove Neighborhood Association immediately upon the effective date of annexation.

Section 6. Adoption of Findings and Conclusions: The City Council hereby adopts the findings of facts and conclusions set forth in the January 2, 2008 staff report in support of this annexation ordinance.

Section 7. 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 8. Mailing Copies of this Ordinance; Metro Notice.

Within 30 days following the date of adoption:

a. The City Recorder is hereby directed to 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 Metro Data Resource Center, 600 NE Grand Ave., Portland, OR 97232.

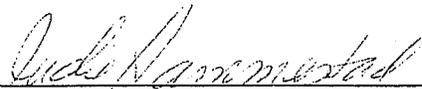
Read by title only and enacted at the regular meeting of the City Council of the City of Lake Oswego held on 22nd day of January, 2008.

AYES: Mayor Hammerstad, Groznik, Hennagin, Jordan, McPeak, Turchi

NOES: None

ABSTAIN: Johnson

EXCUSED: None



Judie Hammerstad, Mayor

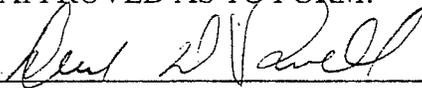
Dated: 1-23-08

ATTEST:



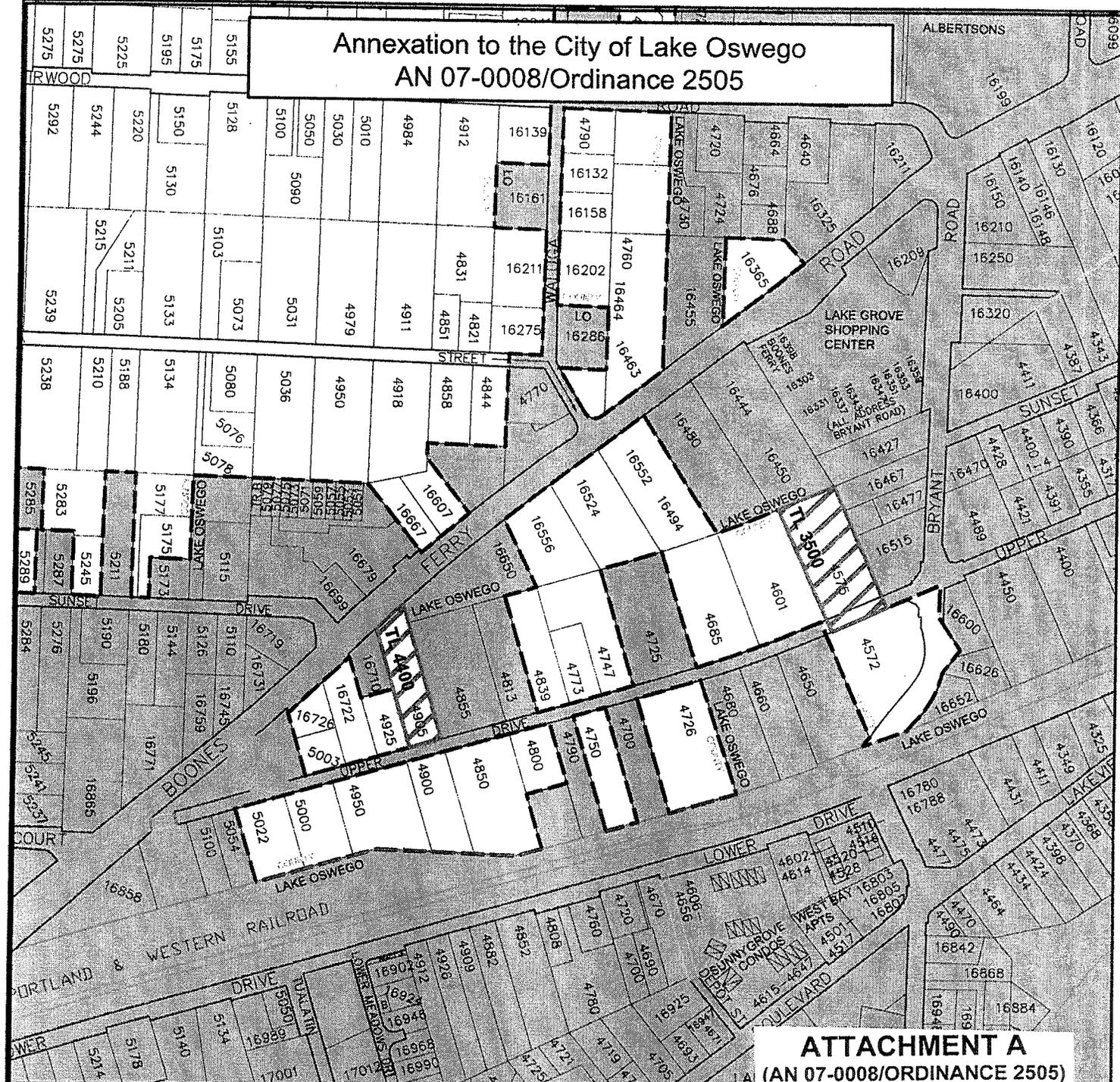
Robyn Christie, City Recorder

APPROVED AS TO FORM:

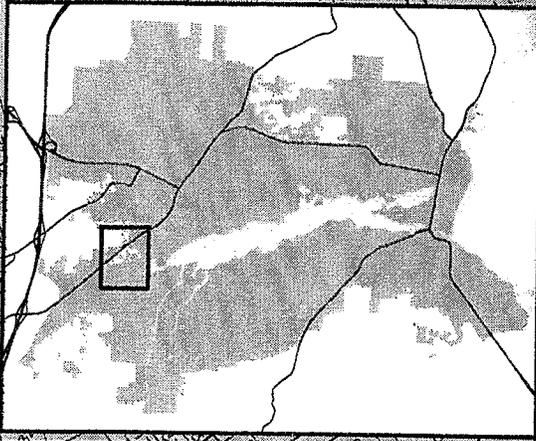


David D. Powell, City Attorney

**Annexation to the City of Lake Oswego
AN 07-0008/Ordinance 2505**



**ATTACHMENT A
(AN 07-0008/ORDINANCE 2505)**



Effective Date: 2/21/2008

Map and Lot #: 21E07DD TL 4400, TL 3500

City of Lake Oswego:
 COMPREHENSIVE PLAN = R-7.5, Residential
 TL 3500 & OC/NC, Office Campus/Neighborhood
 Commercial TL 4400
 ZONING = R-7.5, Residential TL 3500 & OC/NC, Office
 Campus/Neighborhood Commercial TL 4400

Clackamas County:
 ZONING = R-8.5, Residential

Legend:
 Subject Properties
 Lake Oswego City Limits

Scale: 0 100 200 400 600 800 1000 Feet

RS/MS Services, City of Lake Oswego



SUPPLEMENTAL NOTICE OF FINAL CITY COUNCIL DECISION ON ANNEXATION

Date Mailed: March 11, 2008

Applicants/Owners: Andrea Marek, RB Pamplin Corp. and Don & Suzanne Conklin

Location of Property:

4905 and 4575 Upper Drive
(21E07DD04400 and 21E07DD03500)

The City zoning of R-7.5 shall be applied to tax lot 3500, and the City zoning of Office Commercial/Neighborhood Commercial (OC/NC) shall be applied to tax lot 4400, immediately upon the effective date of annexation.

Date of Final City Council Decision:

The City Council approved this annexation as set forth in Ordinance 2505 on January 22, 2008. Upon further review of the legal description for this territory it was found that the legal description omitted a portion of the right of way. On March 4, 2008 the City Council approved Ordinance 2508 which corrects Ordinance 2505 by including the complete legal description for the right of way.

Effective Dates:

1. Pursuant to the Lake Oswego City Charter, the effective dates of the annexation ordinances shall be on the 30th day after their enactment, February 21, 2008 for Ordinance 2505 and April 3, 2008 for Ordinance 2508.

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 07-0008)

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

Iris Treinen

City of Lake Oswego – Planning Division

503/697-6591 or by e-mail at itreinen@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, March 4, 2008. 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 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. 2505

AN ORDINANCE ANNEXING TO THE CITY OF LAKE OSWEGO TWO PARCELS COMPRISING APPROXIMATELY 1.41 ACRES AT 4905 AND 4575 UPPER DRIVE AND THE ADJACENT ROAD RIGHT OF WAY ON UPPER DRIVE AND A PORTION OF BRYANT ROAD; DECLARING CITY OF LAKE OSWEGO ZONING PURSUANT TO LOC 50.05.025; AND REMOVING THE PARCELS FROM CERTAIN DISTRICTS (AN 07-0008).

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 and 66 percent of the electors in the territory; and,

WHEREAS, the part of the territory that lies within the Lake Grove Fire District #57 would, 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 would, 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 would, by operation of ORS 222.520, be withdrawn from that agency immediately 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 territory as of the effective date of the annexation; and,

WHEREAS, the staff report, dated January 2, 2008 which addresses applicable criteria, 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 Sections 3.09.050(b) and (d).

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

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

**4905 Upper Drive
21E07DD4400**

All of that portion of Block 13 beginning at the Southwesterly corner of Block 10 of said Bryant Acres, running

thence Southerly and following the Easterly line of Block 13 of Bryant Acres a distance of 290.4 feet to the Southeasterly corner of said Bryant Acres Block 13; thence Westerly and tracing the center of Upper Drive a distance of 75 feet to a point;

thence northerly and parallel to and 75 feet distance from the Easterly line of Block 13 of Bryant Acres a distance of 290.4 feet to a point;

thence Easterly a distance of 75 feet to the place of beginning,

And

Part of Lot 13, Bryant Acres, more particularly described as follows: Beginning at the Intersection of the East line of Lot 13, and the Southeasterly right of way line of Boones Ferry County Road;

thence South along the East line of said Lot 13, a distance of 48.26 feet more or less, to a point which is the Northeast corner of that tract of land conveyed by deed to Clara E. Will, recorded February 9, 1920 in book 166, Page 656, Deed Records;

thence West along the North line of said Hill tract 75 feet, more or less, to the northwest corner of said Hill Tract;

thence north, parallel to the East line of Lot 13, to a point on the South right of way line of Boones Ferry County Road;

thence Northeasterly along said right of way line 65.8 feet more or less, to the point of beginning.

**4575 SW Upper Drive
21E07DD3500**

All of lot 20 except the Westerly 13.00 feet, in the subdivision of Bryant Acres, as platted and recorded in Book 14, Page 11, Record of Town Plats of Clackamas County, Oregon, more particularly described as follows, to wit:

Beginning at an iron pipe set in the Northeasterly corner of said Lot 20, said iron pipe is in the center line of a six foot easement reserved for pedestrian travel. From said beginning point;

thence South 25°12' East 290.40 feet to a point in the center line of Upper Drive in said plat, passing over an iron pipe set 15.00 feet from said center line;

thence South 64°48' West 137.00 feet along said center line to an iron pipe;

thence North 25° 12' West 290.40 feet, passing over an iron pipe set 15.00 feet from said center line, to an iron pipe set in the center line of said six foot easement,

thence North 64°48' East 137.00 feet to the point of beginning.

Section 2. District Retention: The annexed area lies wholly within the following districts and shall be retained within these districts upon the effective date of annexation:

Lake Grove Park District
Lake Grove Water District

Section 3. District Withdrawal: The annexed area lies within the following districts and shall 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 4. Zoning Designation: In accordance with Community Development Code Section 50.05.025, the City zoning of R-7.5 shall be applied to tax lot 3500, and the City zoning of OC/NC shall be applied to tax lot 4400, immediately upon the effective date of annexation.

Section 5. Neighborhood Association Designation: In accordance with Goal 1 of the City's Comprehensive Plan these parcels shall become a part of the Lake Grove Neighborhood Association immediately upon the effective date of annexation.

Section 6. Adoption of Findings and Conclusions: The City Council hereby adopts the findings of facts and conclusions set forth in the January 2, 2008 staff report in support of this annexation ordinance.

Section 7. 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 8. Mailing Copies of this Ordinance; Metro Notice.

Within 30 days following the date of adoption:

a. The City Recorder is hereby directed to 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 Metro Data Resource Center, 600 NE Grand Ave., Portland, OR 97232.

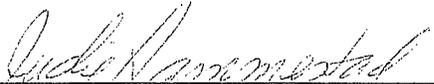
Read by title only and enacted at the regular meeting of the City Council of the City of Lake Oswego held on 22nd day of January, 2008.

AYES: Mayor Hammerstad, Groznik, Hennagin, Jordan, McPeak, Turchi

NOES: None

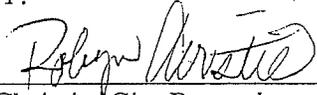
ABSTAIN: Johnson

EXCUSED: None

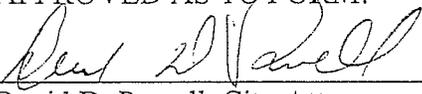


Judie Hammerstad, Mayor

Dated: _____
1-23-08

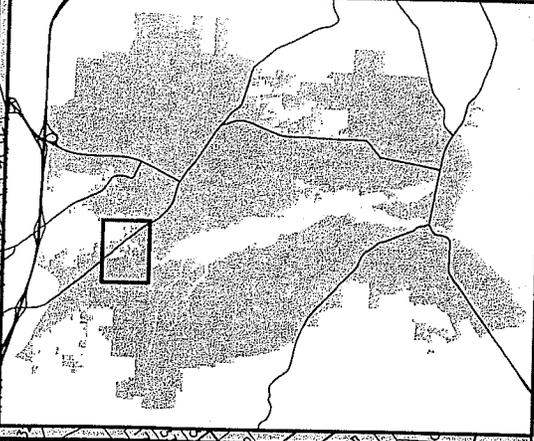
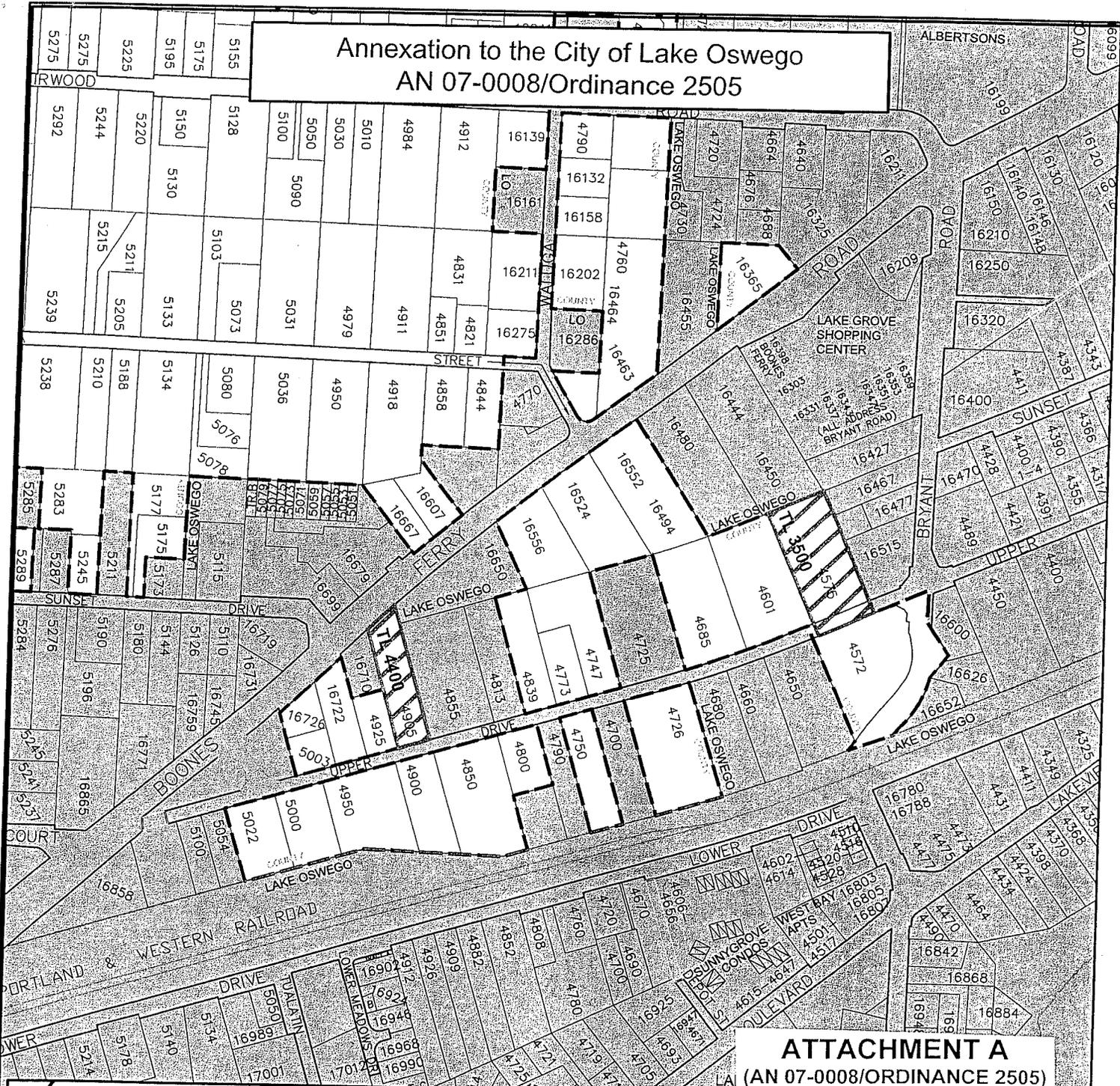
ATTEST:


Robyn Christie, City Recorder

APPROVED AS TO FORM:


David D. Powell, City Attorney

Annexation to the City of Lake Oswego AN 07-0008/Ordinance 2505



ATTACHMENT A (AN 07-0008/ORDINANCE 2505)

Effective Date: 2/21/2008

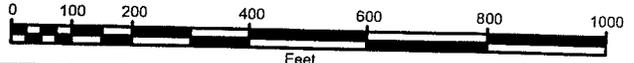
Map and Lot #: 21E07DD TL 4400, TL 3500

City of Lake Oswego:
 COMPREHENSIVE PLAN = R-7.5, Residential
 TL 3500 & OC/NC, Office Campus/Neighborhood
 Commercial TL 4400

**ZONING = R-7.5, Residential TL 3500 & OC/NC, Office
 Campus/Neighborhood Commercial TL 4400**

Clackamas County:
 ZONING = R-8.5, Residential

- Subject Properties
- Lake Oswego City Limits



Ordinance No. 2508

**AN ORDINANCE OF THE LAKE OSWEGO CITY COUNCIL AMENDING
ORDINANCE 2505 (AN 07-0008) TO CORRECT A SCRIVENER'S ERROR IN
THE TEXT OF A LEGAL DESCRIPTION**

WHEREAS, on January 22, 2008, the City Council adopted Ordinance 2505, which became effective on February 21, 2008; and

WHEREAS, Ordinance 2505 annexed two parcels on the north side of Upper Drive to the City of Lake Oswego and retained or withdrew these parcels from certain service districts; and

WHEREAS, a scrivener's error in the text of the legal description used in the adopted ordinance erroneously omitted the westerly 13 feet and south half of the Upper Drive right of way adjacent to 4575 Upper Drive (Tract 2 of the legal description). (21E07DD03500); and

WHEREAS, Section 1 of Ordinance 2505 should be amended to correct the scrivener's error by including the westerly 13 feet and the south half of the Upper Drive right of way in the legal description of the territory to be annexed, consistent with the City Council's ruling in AN 07-0008.

The City of Lake Oswego ordains as follows:

Section 1. Section 1 of Ordinance 2505 is hereby amended to read as follows:

"Section 1. The real property described as follows is hereby annexed to the City of Lake Oswego:

Two tracts of land located in the southeast quarter of Section 7, Township 2 South, Range 1 East of the Willamette Meridian, Clackamas County, Oregon; more particularly described as follows:

Tract 1: 21E07DD04400 (4905 Upper Dr, Lake Oswego)

The easterly 75.00 feet of Lot 13, Bryant Acres (Plat # 0383), plat records of Clackamas County, Oregon; said 75.00 feet to be cut off by a line drawn parallel with and offset westerly from the east line of said Lot 13.

EXCLUDING therefrom all public rights of way.

Tract 2: 21E07DD03500 (4575 Upper Dr, Lake Oswego) and public right of way

Beginning at an iron pipe set at the northeast corner of Lot 20, Bryant Acres (Plat #0383), plat records of Clackamas County, Oregon;

thence along the east line of said Lot 20, South 25° 12' East, 275.40 feet to an iron pipe set in the north right of way line of Upper Drive (County Road # 1009);

thence along said north right of way line, South 64° 48' West, 137.00 feet to an iron pipe;

thence leaving said right of way line, North 25° 12' West, 275.40 feet to an iron pipe set in the north line of said Lot 20;

thence along said north lot line, North 64° 48' East, 137.00 feet to the point of beginning.

INCLUDING therewith the following described right of way:

All of Upper Drive (30 feet wide) (County Road # 1009) lying adjacent to said Lot 20, Bryant Acres; being 150.00 feet in length.

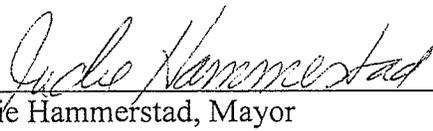
Enacted at the regular meeting of the City Council of the City of Lake Oswego held on 4th day of March, 2008.

AYES: Mayor Hammerstad, Turchi, Groznik, Jordan, Johnson

NOES: none

ABSTAIN: none

EXCUSED: McPeak, Hennagin



Judge Hammerstad, Mayor

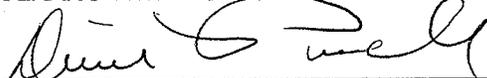
Dated: 3-4-08

ATTEST:



Robyn Christie, City Recorder

APPROVED AS TO FORM:



David Powell, City Attorney