

Final Documents

for
Annexation to
Oregon City

CL2007

Ordinance: 07-1022

Annexation: AN 07-04

DOR: 3-1826-2008

Secretary of State: AN 2008-0085

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 14, 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 14, 2008, the following records annexing territory to the following:

Ordinance/Resolution Number(s)	Our File Number
07-1022 (Oregon City)	AN 2008-0085

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

Notice to Taxing Districts

ORS 308.225



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

City of Oregon City
Robert C. Cullison
P.O. Box 3040
Oregon City, OR 97045

Description and Map Approved
March 10, 2008
As Per ORS 308.225

Description Map received from: CITY
On: 2/21/2008, 3/7/2008

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

ANNEX TO CITY OF OREGON CITY; WITHDRAW FROM SEVERAL DISTRICTS

ORD. #07-1022 /AN07-04

has been: Approved 3/10/2008
 Disapproved

Notes:

THIS REPLACES THE APPROVAL NOTICE DATED 3/10/2008. IT HAS BEEN CHANGED TO CLARIFY THAT THIS IS NOT AN APPROVAL OR PRE-APPROVAL FOR "ANNEX TO TRI-CITY SERVICE DISTRICT".

Department of Revenue File Number: 3-1826-2008

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



CITY OF OREGON CITY

PUBLIC WORKS

ENGINEERING GROUP
CODE ENFORCEMENT GROUP
City Engineer/Public Works Director
P.O. Box 3040
320 Warner Milne Road
Oregon City, OR 97045
(503) 657-0891
Fax (503) 657-7892

OPERATIONS GROUP
122 S. Center Street
Oregon City, OR 97045
(503) 657-8241
Fax (503) 650-9590

www.oregoncity.org

March 10, 2008

Joanna Mensher
Metro/DRC
600 NE Grand Ave
Portland, OR 97232

Re: Oregon City AN07-04 (CL2007) Final Packet

Dear Ms. Mensher:

Enclosed is the final packet for the referenced City of Oregon City annexation proposal for your processing to the Secretary of State. This packet contains:

- Ordinance 07-1022
- Department of Revenue Final Approval
- Legal Description
- Findings of Fact with Conclusions and Reasons for Decision
- Annexation Map
- Certified copy of Election Results
- A check for the Metro Mapping Fee of \$250.00

Your prompt processing is appreciated. If I can be of any further assistance, please call.

Sincerely,

Robert C. Cullison, E.I.T.
Development Services Manager

Encl: Copy as stated

ORDINANCE NO. 07-1022

AN ORDINANCE ANNEXING CERTAIN PROPERTY TO THE CITY OF OREGON CITY

OREGON CITY MAKES THE FOLLOWING FINDINGS:

WHEREAS, The City of Oregon City proposed that certain properties, more fully identified in Exhibit 'A' to this Ordinance, be annexed to the City; and

WHEREAS, the City found that the proposal complied with all applicable legal requirements, as detailed in the findings attached hereto and made a part of this ordinance as Exhibit 'B'; and

WHEREAS, Chapter I, section 3 of the Oregon City Charter of 1982 requires voter approval for annexations such as the one proposed; and

WHEREAS, the annexation of the identified properties was submitted to the voters of the City of Oregon City at a special election held on November 6, 2007; and

WHEREAS, the Clackamas County Clerk has returned the official figures indicating the results of the election held on November 6, 2007; and

WHEREAS, the official figures returned by the Clackamas County Clerk indicate that a majority of the voters of the City of Oregon City voted to approve the annexation of the identified properties; and

WHEREAS, the identified properties are currently in Clackamas County Rural Fire Protection District # 1; and

WHEREAS, the identified properties are currently within the Clackamas County Service District for Enhanced Law Enforcement; and

WHEREAS, the identified properties are currently within the Clackamas River Water District; and

WHEREAS, the Tri-City Service District requires the City's concurrence to annexations into the District; and

WHEREAS, the City Commission concurs that the Tri-City Service District can annex the identified properties into their sewer district.

NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:

Section 1. That the area further identified in the legal description attached hereto as Exhibit "A", is hereby annexed to and made a part of the City of Oregon City.

Section 2. That the findings attached hereto as Exhibit 'B' are hereby adopted.

Section 3. That the territory identified in Exhibit "A" is hereby withdrawn from Clackamas County Rural Fire Protection District # 1.

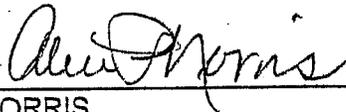
Section 4. That the territory identified in Exhibit "A" is hereby withdrawn from Clackamas County Service District for Enhanced Law Enforcement.

Section 5. That the territory identified in Exhibit "A" is hereby withdrawn from the Clackamas River Water District.

Section 6. The City hereby concurs with and approves the annexing of the territory identified in Exhibit "A" into the Tri-City Service District by the Clackamas County Board of Commissioners, to the extent allowed by law.

Section 7. That the effective date for this annexation is the date this ordinance is submitted to the Secretary of State, as provided in ORS 222.180.

Read for the first time at a regular meeting of the City Commission held on the 19th day of December 2007, and the foregoing ordinance was finally enacted by the City Commission this 19th day of December 2007.



ALICE NORRIS
Mayor

ATTESTED this 19th day of December 2007.



NANCY IDE
City Recorder

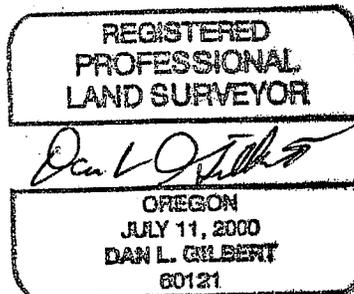
EXHIBIT A

LEGAL DESCRIPTION DOCUMENT NO. 2005-069349 ADJUSTED

PART OF THE M.M. McCARVER DONATION LAND CLAIM IN SECTION 12, TOWNSHIP 3 SOUTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN, CLACKAMAS COUNTY OREGON, FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHWEST BOUNDARY OF SAID McCARVER DONATION LAND CLAIM WHICH IS NORTH 44°08'50" EAST, 2520.4 FEET FROM THE SOUTHWEST CORNER OF SAID LAND CLAIM, WHICH POINT IS ALSO THE MOST NORTHERLY CORNER OF A TRACT OF LAND CONVEYED TO MELVIN D. LEE AND WIFE, BY DEED RECORDED IN DEED BOOK 339, PAGE 550; THENCE NORTH 44°08'50" EAST 211.71 FEET TO A POINT THAT IS NORTH 47°30'27" WEST A DISTANCE OF 30.00 FEET FROM THE SOUTHWEST CORNER OF THE PLAT OF "ASQUITH ESTATES" NO. 2498; THENCE SOUTH 47°30'27" EAST, ALONG THE SOUTH LINE OF SAID PLAT, A DISTANCE OF 805.17 FEET TO THE TRUE POINT OF BEGINNING OF THE TRACT TO BE HEREIN DESCRIBED; THENCE CONTINUING SOUTH 47°30'27" EAST, ALONG SAID SOUTH LINE OF SAID PLAT A DISTANCE OF 422.43 FEET TO THE SOUTHEASTERLY CORNER THEREOF; THENCE SOUTH 40°06'36" WEST A DISTANCE OF 211.97 FEET TO A 1&1/4" BOLT; THENCE NORTH 47°30'00" WEST, ALONG THE NORTHEASTERLY LINE OF SAID LEE TRACT, A DISTANCE OF 437.59 FEET TO A POINT; THENCE NORTH 44°12'39" EAST A DISTANCE OF 211.82 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 2.09 ACRES MORE OR LESS.

TOGETHER WITH A 25-FOOT ACCESS AND UTILITY EASEMENT LOCATED IMMEDIATELY NORTH OF THAT TRACT OF LAND CONVEYED TO ALAN W. AND JANET E. BARKER BY DEED RECORDED MARCH 20, 1987, IN DOCUMENT NO. 87-12213 CLACKAMAS COUNTY DEED RECORDS. SAID EASEMENT FOR THE BENEFIT OF ONE SINGLE FAMILY RESIDENCE.



**CITY COMMISSION
FINDINGS AND REASONS FOR DECISION**

AN 07-04 // CL 2007

Based on the Proposed Findings, Reasons for Decision, and Recommendations in the Planning Commission Staff Report, the Commission determined:

1. The Metro Code calls for consistency of the annexation with the Regional Framework Plan or any functional plan. The Commission concludes the annexation is not inconsistent with this criterion because there were no directly applicable criteria for boundary changes found in the Regional Framework Plan, the Urban Growth Management Function Plan, or the Regional Transportation Plan.
2. Metro Code 3.09.050(d)(1) requires the Commission's findings to address consistency with applicable provisions of urban service agreements or annexation plans adopted pursuant to ORS 195. As noted in the Findings, there are no such plans or agreements in place. Therefore the Commission finds that there are no inconsistencies between these plans/agreements and this annexation.
3. The Metro Code, at 3.09.050(d)(3), requires the City's decision to be consistent with any "directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facilities plans." The County Plan also says annexation which converts *Future Urbanizable* lands to *Immediate Urban* lands should ensure the "orderly, economic provision of public facilities and services." The property owner has demonstrated that the City can provide all necessary urban services. Nothing in the County Plan speaks directly to criteria for annexation. Therefore the Commission finds this proposal is consistent with the applicable plan as required Metro Code 3.09.050 (d)(3).
4. The Commission concludes that the annexation is consistent with the City Comprehensive Plan that calls for a full range of urban services to be available to accommodate new development as noted in the Findings above. The City operates and provides a full range of urban services. Specifically with regard to water and sewer service, the City has both of these services available to serve some of the area from existing improvements due to the Hazel Grove IV subdivision improvements.

Water service is available in water mains in both South End Road and Hazelnut Court; the existing home will continue to be serviced by Clackamas River Water (CRW) until such time as the City and CRW confer on the issue or development provides water main extensions and connections.

With regard to storm drainage to the South End Basin, the City has the service available in the form of regulations to protect and control stormwater management. The specifics of applying these will be a part of the development review process.

5. The Commission notes that the Metro Code also calls for consistency of the annexation with urban planning area agreements. As stated in the Findings, the Oregon City-Clackamas County Urban Growth Management Agreement specifically provides for annexations by the City.
6. Metro Code 3.09.050(d)(5) states that another criterion to be addressed is "Whether the proposed change will promote or not interfere with the timely, orderly, and economic provision of public facilities and services." Based on the evidence in the Findings, the Commission concludes that the annexation will not interfere with the timely, orderly, and economic provision of services.
7. The Oregon City Code contains provisions on annexation processing. Section 6 of the ordinance requires that the City Commission consider seven factors if they are relevant. These factors are covered in the Findings and on balance the Commission believes they are adequately addressed to justify approval of this annexation.
8. The City Commission concurs with Tri-City Service District's annexation of the subject property in the enacting City ordinance upon voter approval of the city annexation.
9. The Commission determines that the property should be withdrawn from the Clackamas County Service District for Enhanced Law Enforcement as allowed by statute since the City will provide police services upon annexation.
10. The Commission determines that the property should be withdrawn from the Clackamas County Fire District #1 as allowed by statute.
11. The Commission determines that the property should not be withdrawn from the Clackamas River Water District as allowed by statute until such time as CRW and the City agree based on the ORS 195 agreement for the South End area.
12. The City Commission requires all consenting property owners to sign a waiver of Measure 37 rights and submit them to the City Manager prior to the City Commission adopting a final ordinance accepting a positive annexation election result and directs the City Manager to sign these waivers and record them. Applicant to pay recording fees.
13. The City Commission recognizes that the applicant has not offered a financial solution to the police funding shortcomings for future new homes and businesses.

NOTICE OF HEARINGS

NOTICE IS HEREBY ALSO GIVEN THAT AT 7:00 PM ON WEDNESDAY, AUGUST 1, 2007, IN THE CITY HALL COMMISSION CHAMBERS FOR OREGON CITY, 320 WARNER-MILNE ROAD, OREGON CITY, OREGON; THERE SHALL BE A PUBLIC HEARING BY AND BEFORE THE OREGON CITY **CITY COMMISSION** ON THE BOUNDARY CHANGE PROPOSAL LISTED BELOW.

INTERESTED PERSONS MAY APPEAR AT THESE HEARINGS AND WILL BE GIVEN REASONABLE OPPORTUNITY TO BE HEARD. INTERESTED PERSONS MAY ALSO SUBMIT WRITTEN COMMENTS ON THE PROPOSAL AT OR BEFORE THE HEARINGS.

PROPOSAL NO. AN 07-04 - ANNEXATION TO CITY OF OREGON CITY of territory located generally in the south west corner of the City on the southeast side of South End Road, more particularly: Tax Lot 6800 in the SE 1/4 of NW 1/4 of Section 12 (12BD); W.M., Clackamas County, Oregon.

The applicant desires to provide the properties with city services to correct a failing septic system.

The decision on annexation to the City does not authorize or prevent any specific use of land. Current county zoning and planning designations will remain on the property until the City takes action to rezone the property.

Criteria for processing the annexations by the Planning and City Commission are found in Metro Code 3.09, Oregon City Municipal Code Title 14 (Ordinance 99-1030), the Land Use chapter of the Clackamas County Comprehensive Plan, the City / County Urban Growth Management Agreement, and Sections 11 and 14 of the Oregon City Comprehensive Plan. The Planning Commission will forward their recommendation for annexation to the City Commission who then decides whether to send it to the City voters for the final decision.

Any interested party may testify at the hearing or submit written comments on the proposals at or before the hearing. Staff reports will be available 15 days before the hearing. Any issue, which is intended to provide a basis for an appeal, must be raised before the close of the public record. Issues must be raised and accompanied by statements or evidence sufficient to afford the City and all parties an opportunity to respond to the issue.

The applications and all supporting materials and evidence submitted in support of the applications may be inspected at no charge and copies may be obtained at reasonable cost.

General information and/or a copy of the staff reports may be obtained by calling Bob Cullison at 503 496-1561 or email at bcullison@ci.oregon-city.or.us.

JUNE 7, 2007

NANCY IDE, CITY RECORDER

NUMBERED KEY CANVASS
RUN DATE: 11/19/07 02:40 PM

Clackamas County, Oregon
Special Election
November 6, 2007

AN07-04

REPORT-EL52 PAGE 0025

3-277 CITY OF OREGON CITY: ANNEXATION OF 2.1 ACRES INTO CITY

VOTES PERCENT

VOTES PERCENT

VOTE FOR 1
01 = Yes
02 = No

5,024 60.85
3,233 39.15

03 = OVER VOTES
04 = UNDER VOTES

0
552

	01	02	03	04
0001 1	384	251	0	53
0002 2	425	244	0	65
0003 3	317	197	0	37
0005 5	326	176	0	44
0006 6	376	259	0	38
0007 7	807	522	0	90
0008 8	1444	950	0	134
0009 9	424	288	0	45
0011 11	521	346	0	46

RECEIVED
NOV 26 2007
CITY RECORDER
CITY OF OREGON CITY, OR

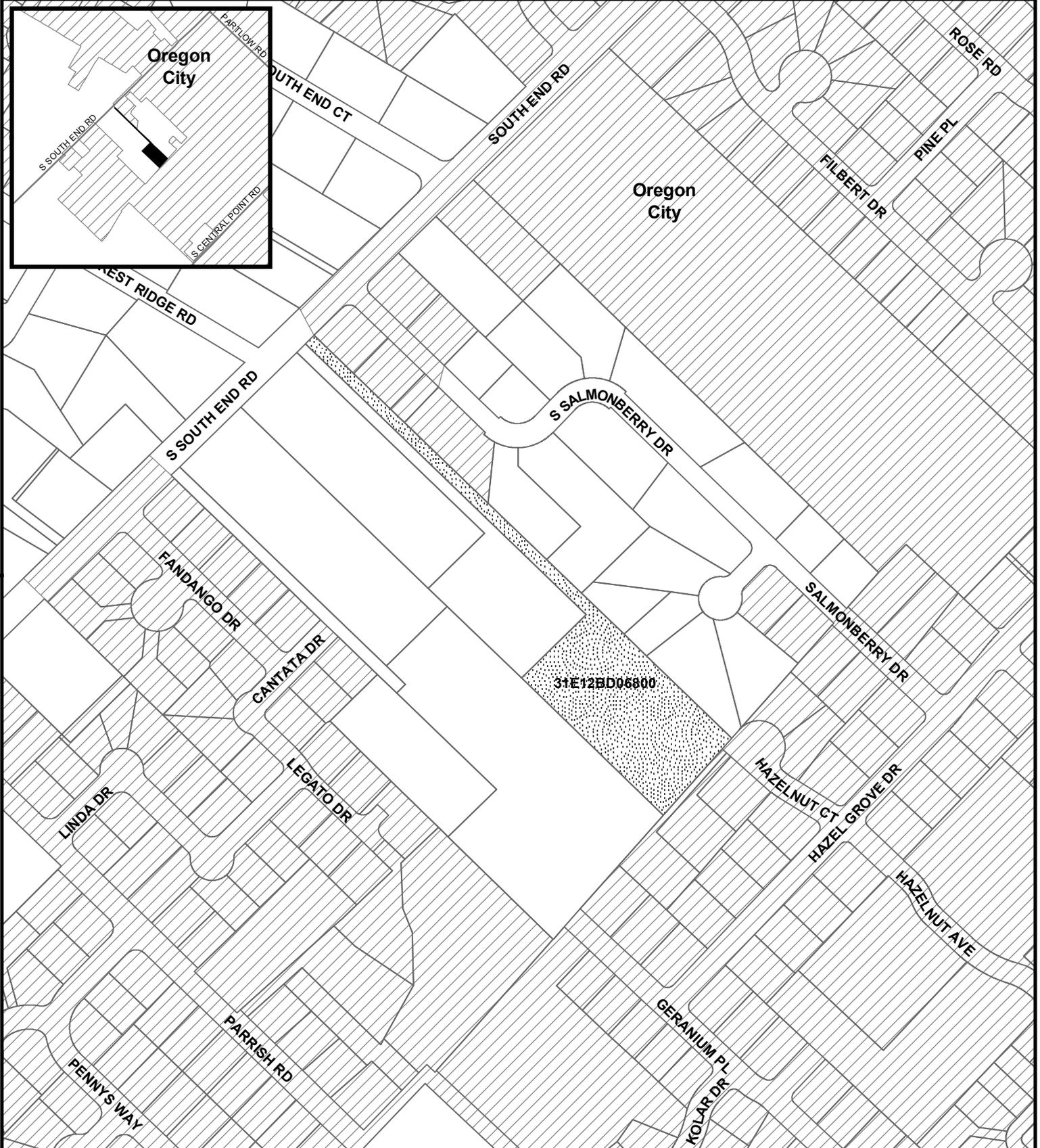
CERTIFIED COPY OF THE ORIGINAL
SHERRY HALL, COUNTY CLERK
BY: *Sherry Hall*
NOV 20 2007

Proposal No. CL2007

3s1e12

Annexation to Oregon City

Clackamas Co.



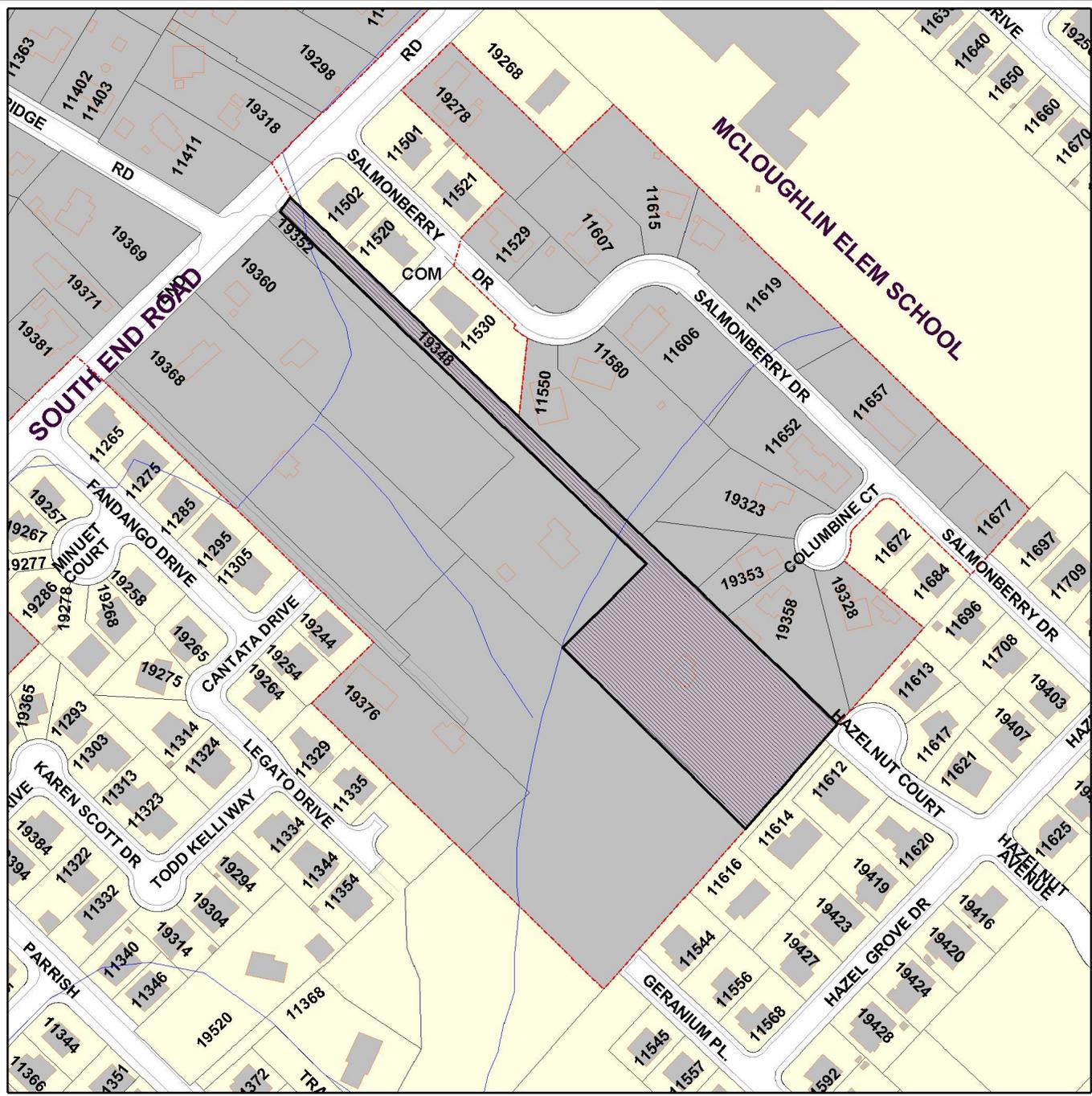
Data Resource Center
600 NE Grand Ave
Portland, OR 97232-2736
(503) 797-1742
<http://www.metro-region.org/drc>

- County boundary
- ▨ Area to be annexed
- ▨ Oregon City

Figure 1

1:3,200

AN 07-04



4



City of Oregon City
 P.O. Box 3040
 320 Warner Milne Rd
 Oregon City, OR 97045
 (503) 657-0891
www.orcity.org

This map is not suitable for survey, engineering, legal, or navigation purposes. Errors and omissions may exist.

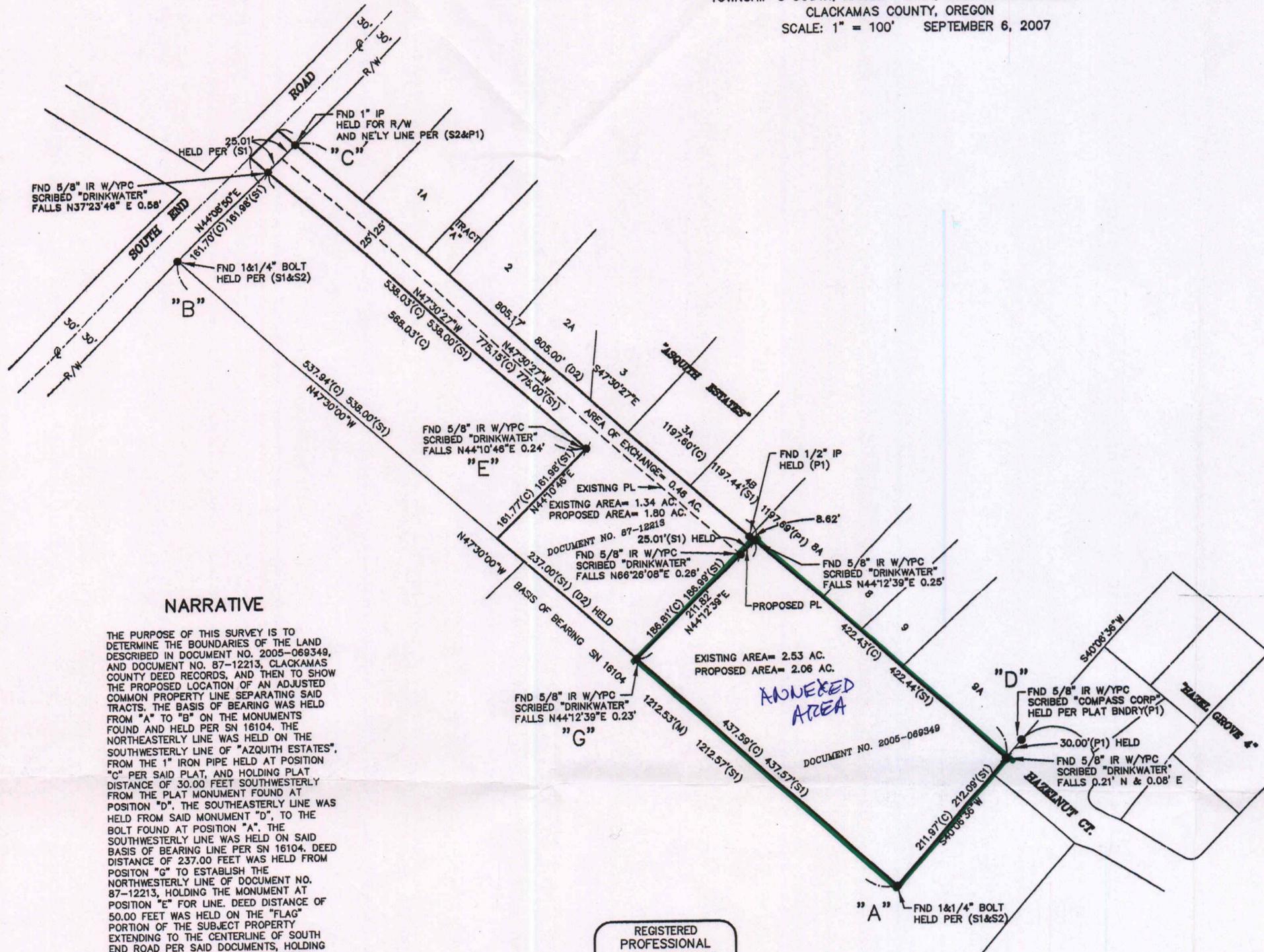
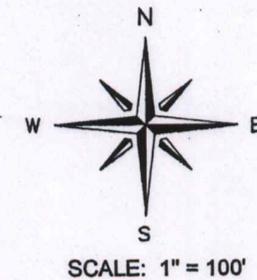
Map created with OCMaP 2006

05/29/2007

PROPERTY LINE ADJUSTMENT
 LOCATED IN THE NORTHWEST 1/4 OF SECTION 12
 TOWNSHIP 3 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN
 CLACKAMAS COUNTY, OREGON
 SCALE: 1" = 100' SEPTEMBER 6, 2007

CLACKAMAS COUNTY SURVEYOR
 DATE RECEIVED: 10-16-07
 DATE ACCEPTED/FILED: 11-2-07
 SURVEY NUMBER: 2007-376

RECEIVED
 MAR 07 2008
 DEPT. OF REVENUE
 STATE OF OREGON



NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO DETERMINE THE BOUNDARIES OF THE LAND DESCRIBED IN DOCUMENT NO. 2005-069349, AND DOCUMENT NO. 87-12213, CLACKAMAS COUNTY DEED RECORDS, AND THEN TO SHOW THE PROPOSED LOCATION OF AN ADJUSTED COMMON PROPERTY LINE SEPARATING SAID TRACTS. THE BASIS OF BEARING WAS HELD FROM "A" TO "B" ON THE MONUMENTS FOUND AND HELD PER SN 16104. THE NORTHEASTERLY LINE WAS HELD ON THE SOUTHWESTERLY LINE OF "AZQUITH ESTATES", FROM THE 1" IRON PIPE HELD AT POSITION "C" PER SAID PLAT, AND HOLDING PLAT DISTANCE OF 30.00 FEET SOUTHWESTERLY FROM THE PLAT MONUMENT FOUND AT POSITION "D". THE SOUTHEASTERLY LINE WAS HELD FROM SAID MONUMENT "D", TO THE BOLT FOUND AT POSITION "A". THE SOUTHWESTERLY LINE WAS HELD ON SAID BASIS OF BEARING LINE PER SN 16104. DEED DISTANCE OF 237.00 FEET WAS HELD FROM POSITION "G" TO ESTABLISH THE NORTHWESTERLY LINE OF DOCUMENT NO. 87-12213, HOLDING THE MONUMENT AT POSITION "E" FOR LINE. DEED DISTANCE OF 50.00 FEET WAS HELD ON THE "FLAG" PORTION OF THE SUBJECT PROPERTY EXTENDING TO THE CENTERLINE OF SOUTH END ROAD PER SAID DOCUMENTS, HOLDING RECORD DISTANCE OF 30.00 FEET FROM POSITION "B" AND "C" PER SAID PLAT, AND SN 16803. THE LINE WAS THEN ADJUSTED AS SHOWN PER MY CLIENTS INSTRUCTIONS AND PLANNING FILE NO. Z0615-07-PLA.

REGISTERED PROFESSIONAL LAND SURVEYOR
Dan L. Gilbert
 OREGON
 JULY 11, 2000
 DAN L. GILBERT
 60121
 EXPIRES 06/30/09

I CERTIFY THAT THIS SURVEY WAS PREPARED USING HP 51640A INK ON HWAN WMF POLYESTER FILM

APPROVAL:
 CLACKAMAS COUNTY FILE NO: Z0615-07-PLA
 BY: *[Signature]* DATE: 10-31-07

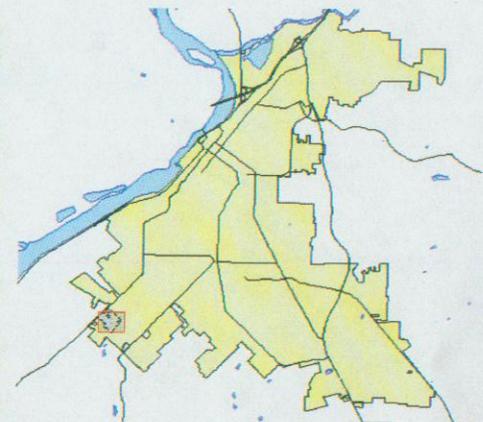
- LEGEND:**
- INDICATES FOUND MONUMENT AS NOTED HEREON
 - ⦿ FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "DRINKWATER"
 - FND INDICATES FOUND
 - W/YPC INDICATES WITH YELLOW PLASTIC CAP
 - IP INDICATES IRON PIPE
 - IR INDICATES IRON ROD
 - NO. INDICATES NUMBER
 - Ⓢ INDICATES CENTERLINE
 - R/W INDICATES RIGHT-OF-WAY
 - PL INDICATES PROPERTY LINE
 - AC. INDICATES ACRES
 - (M) INDICATES MEASURED VALUE
 - (C) INDICATES CALCULATED VALUE
 - SN INDICATES SURVEY NUMBER, CLACKAMAS COUNTY SURVEY RECORDS
 - (D1) INDICATES RECORD VALUE PER DOCUMENT NO. 2005-069349, CLACKAMAS COUNTY DEED RECORDS
 - (D2) INDICATES RECORD VALUE PER DOCUMENT NO. 87-12213, CLACKAMAS COUNTY DEED RECORDS
 - (P1) INDICATES RECORD VALUE PER SUBDIVISION PLAT "ASQUITH ESTATES"
 - (S1) INDICATES RECORD VALUE PER SN 16104
 - (S2) INDICATES RECORD VALUE PER SN 16803

NOTE
 FALLINGS ON FOUND MONUMENTS ARE CARDINAL DIRECTION UNLESS OTHERWISE NOTED.

FIRWOOD DESIGN GROUP, LLC
 SURVEYING • ENGINEERING • PLANNING
 39120 PROCTOR BLVD., SUITE #1 SANDY, OREGON 97055
 BUS: (503) 668-3737 FAX: (503) 668-3788

CLIENT: THOMAS C. MILLER

AN 07-04



City of Oregon City
P.O. Box 3040
320 Warner Milne Rd
Oregon City, OR 97045
(503) 657-0891
www.orcity.org

This map is not suitable for survey, engineering, legal, or navigation purposes. Errors and omissions may exist.

Map created with OCEditMap 2008

03/06/2008