Final Documents

for

Annexation to

Clackamas County Service District #1

CL2308

Order/Res: 2008-150

DOR: 3-1854-2008

Secretary of State: SD 2008-0179

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

November 20, 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 November 20, 2008, the following records annexing territory to the following:

Ordinance/Resolution Number(s)		Our File Number
1987	[Milwaukie]	AN 2008-0198
2008-149	[CC Service District #1]	SD 2008-0178
2008-150	[CC Service District #1]	SD 2008-0179
08-29	[West Linn]	AN 2008-0199

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

Linda Bjornstad
Official Public Documents

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

November 14, 2008

Linda Martin
Metro
Data Resources Department
600 N.E. Grand Avenue
Portland, Oregon 97232

RE: Final Boundary Change Documents

Dear Linda,

Attached is the final packet for Boundary Change Proposal No. CL-2308, annexation to CCSD #1. If you have any questions please let me know.

Ken Martin

DOR 3-1854-2008

Notice to Taxing Districts

ORS 308.225

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

Clackamas Co. Serv. Dist. 1
Budget Officer
9101 SE Sunnybrook, Suite 441
Clackamas, OR 97015

Description and Map Approved
November 12, 2008
As Per ORS 308.225

☒ Description ☒ Map received from: KEN MARTIN
On: 10/9/2008, 10/28/2008

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

ANNEX TO CLACKAMAS CO. SERVICE DIST. #1

ORDER #2008-150 (CL 2308)

has been: ☒ Approved 11/12/2008
☐ Disapproved

Notes:

Department of Revenue File Number: 3-1854-2008

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

DOR 3-1854-2008

Notice to Taxing Districts

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☒ Description ☒ Map received from: KEN MARTIN
On: 10/9/2008

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

ANNEX TO CLACKAMAS CO. SERVICE DIST. #1

ORDER #2008-150 (CL 2308)

has been: ☐ Approved
☒ Disapproved 10/15/2008

Notes:

Line 8: "to the SE cor thereof;" Desc. does not match area highlighted on map.
Items for your consideratrion that do not affect approval:
Line 6: "329.9 feet" in desc., assessor's map has 328.9 ft.

Department of Revenue File Number: 3-1854-2008

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

EXHIBIT ONE

A track of land in the Southeast one-quarter of the Southeast one-quarter of Section 2, Township 2 South, Range 2 East of the Willamette Meridian, Clackamas County, Oregon, described as follows:

Beginning at the 1/16 corner on the North line of said Southeast one-quarter; and running thence South, along the West line of the East one-half of said legal subdivision, 1323.35 feet, more or less, to the Northwest corner of the Southeast one-quarter of said Southeast one–quarter, and the true point of beginning hereof; thence East, along the North line of the Northwest one-quarter of the Southeast one-quarterof the Southeast one -quarter, 328.9feet, more or less, to the Northeast corner of the West one-half thereof; thence South, along the East line of said West one-half, 397.2 feet, more or less, to the Southeast corner of a tract of land described in the recorded Statutory Warranty Deed 2006-103412 taxlot 22E02D 00706; thence West along the south of said tract of land 328.7 feet, more or less, to the West line of the East one-half of said Southeast one-quarter; thence North, along said West line, 396.7 feet, more or less, to the true point of beginning.

Together with a non-exclusive easement or ingress, egress and utilities under, over and across a strip of land 50 feet in width, lying 25 feet on each side of a center line described as follows:

Beginning at the Southeast corner of the above described parcel; and running thence North, along the line dividing the West one-half of the East one-half of said Southeast one-quarter of Section 2 into the East and West halves thereof, 1692 feet, more or less, to an intersection with Sunnyside County Road No. 186.

Note: Tax Lot numbers, where included, are for reference only and are not to be considered part of the legal description. All deed reference numbers are based on Clackamas County Deed Records. As well, all Plats, Partitions and Surveys referenced are from Clackamas County Records. And, all Bearings, when cited, are as taken from referenced documents, surveys and Plats and are not to be construed as being on a common basis.

RECORDING REQUESTED BY
FIDELITY NATIONAL TITLE COMPANY OF OREGON

GRANTOR'S NAME
Robert W. McVicar

GRANTEE'S NAME
139th LLC

SEND TAX STATEMENTS TO:
139th LLC
17902 S. Hidden Lake Drive
Oregon City, OR 97045

AFTER RECORDING RETURN TO:
139th LLC
17902 S. Hidden Lake Drive
Oregon City, OR 97045

Clackamas County Official Records
Sherry Hall, County Clerk
2006-103412
$31.00
01039514200601034120020020
11/07/2006 02:42:58 PM
D-D Cnt=1 Stn=13 BARBARA
$10.00 $11.00 $10.00

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Robert W. McVicar, Grantor, conveys and warrants to

139th LLC, an Oregon Limited Liability Company, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Clackamas, State of Oregon,

SEE EXHIBIT ONE ATTACHED HERETO AND MADE A PART HEREOF

Subject to and excepting:

Rights of the public and governmental agencies in and to any portion of said land lying within the boundaries of streets, roads and highways; Easement(s) recorded February 3, 1978, Recorder's No. 78 4856.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS $1,100,000.00 (See ORS 93.030)

DATED: November 3, 2006

Robert W. McVicar

FIDELITY NATIONAL TITLE CO. 07-710961

STATE OF OREGON
COUNTY OF Clackamas

This instrument was acknowledged before me on

November 3, 2006

by Robert W. McVicar

NOTARY PUBLIC FOR OREGON
MY COMMISSION EXPIRES: 5-7-07

OFFICIAL SEAL
GINA A. NARANJO
NOTARY PUBLIC-OREGON
COMMISSION NO. 367779
MY COMMISSION EXPIRES MAY 7, 2007

OFFICIAL SEAL
Gina A Naranjo
Notary Public - Oregon
Commission No. 367779
my commission expires May 7, 2007

Escrow No. 07-710961-GN -28
Title Order No. 00710961

EXHIBIT ONE

A tract of land in the Southeast one-quarter of the Southeast one-quarter of Section 2, Township 2 South, Range 2 East of the Willamette Meridian, Clackamas County, Oregon, described as follows:

Beginning at the 1/16th corner on the North line of said Southeast one-quarter; and running thence South, along the West line of the East one-half of said legal subdivision, 1323.35 feet, more or less, to the Northwest corner of the Southeast one-quarter of said Southeast one-quarter, and the true point of beginning hereof; thence East, along the North line of the Northwest one-quarter of the Southeast one-quarter of the Southeast one-quarter, 329.9 feet, more or less, to the Northeast corner of the West one-half thereof; thence South, along the East line of said West one-half, 397.2 feet, more or less, to the Southeast corner thereof; thence West 328.7 feet, more or less, to the West line of the East one-half of said Southeast one-quarter; thence North, along said West line, 396.7 feet, more or less, to the true point of beginning.

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Beginning at the Southeast corner of the above described parcel; and running thence North, along the line dividing the West one-half of the East one-half of said Southeast one-quarter of Section 2 into the East and West halves thereof, 1692 feet, more or less, to an intersection with Sunnyside County Road No. 186.

DOR 3-P293-2008
Preliminary Review

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

Ken Martin Consulting
Ken Martin
Attn: K Martin
P.O. Box 29079
Portland, OR 97296-9079

Date: 9/12/2008

This letter is to inform you that the map and description for your PLANNED Annex to Clackamas County Service District #1 (CL-2308) in Clackamas County have been reviewed per your request. They MEET the requirements for use with an Order, Ordinance, or Resolution which must be submitted in final form before March 31, 2009 per ORS 308.225.

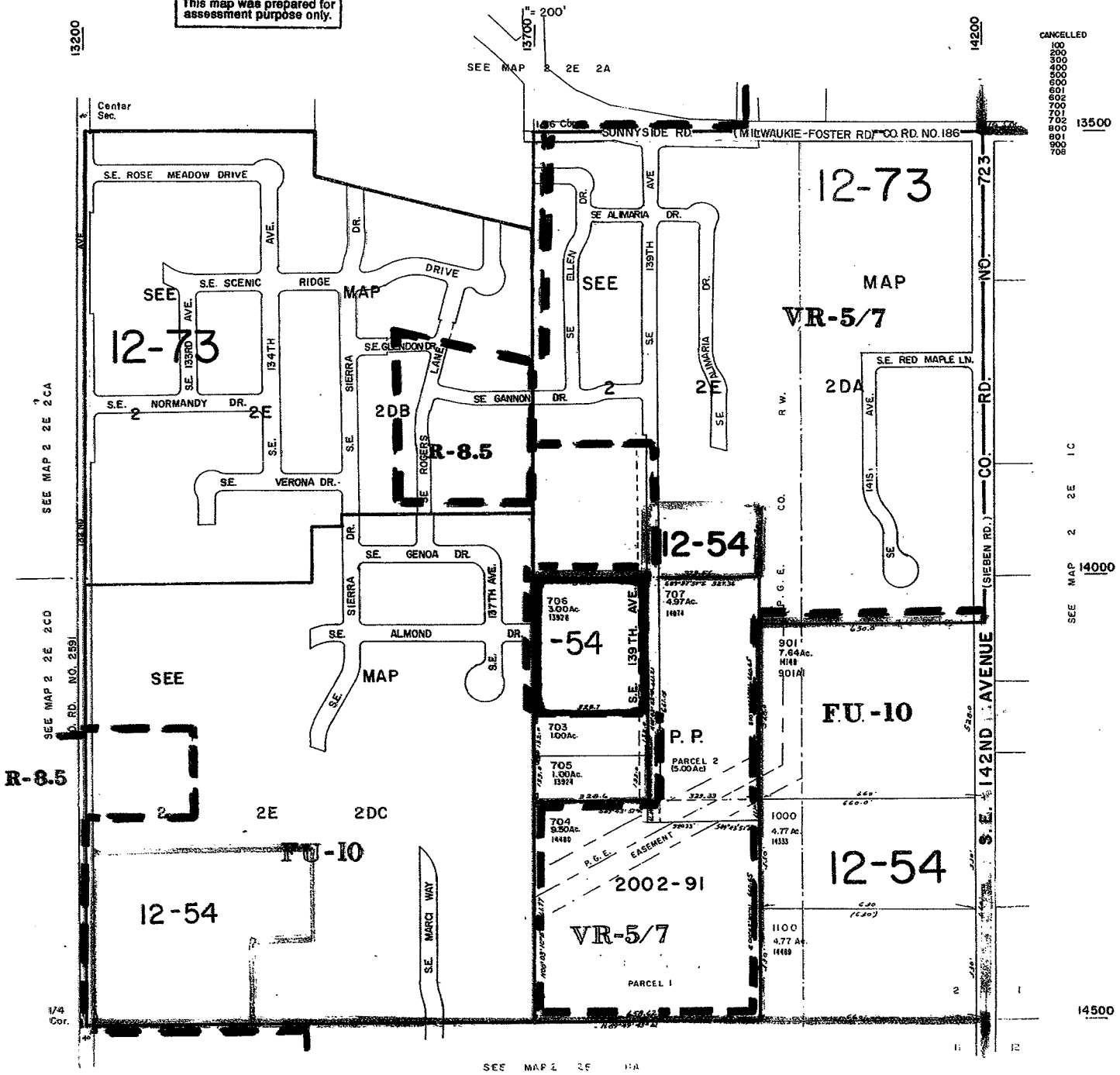
Preliminary Review

If you have any questions please contact: Rick Sandoval 503-945-8230

S.E. 1/4 SEC. 2 T.2S. R.2E. W.M.
CLACKAMAS COUNTY

2 2E 2D
8 INDEX

This map was prepared for assessment purpose only.



2 2E 2D
BOOK 15

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF CLACKAMAS COUNTY, STATE OF OREGON

In the Matter of Approving
Boundary Change Proposal
No. CL-2308

ORDER NO. 2008-150

This matter coming before the Board at this time, and it appearing that more than half the electors and owners of more than half the land in the territory to be annexed have petitioned to annex the territory to Clackamas County Service District No. 1;

It further appearing that this Board is charged with deciding this proposal for a boundary change pursuant to ORS Chapters 198 and Metro Code 3.09; and

It further appearing that staff retained by the County have reviewed the proposed boundary change and issued a report which complies with the requirements of Metro Code 3.09.050(b); and

It further appearing that this matter came before the Board for public hearing on September 18, 2008 and that a decision of approval was made on September 18, 2008;

NOW, THEREFORE, IT IS HEREBY ORDERED that Boundary Change Proposal No. CL-2308 is approved for the reasons stated in attached Exhibit A and the territory described in Exhibit B and depicted on Exhibit C is annexed to Clackamas County Service District No. 1.

ADOPTED this 18th day of September, 2008.

BOARD OF COUNTY COMMISSIONERS

Lynn Peterson, Chair

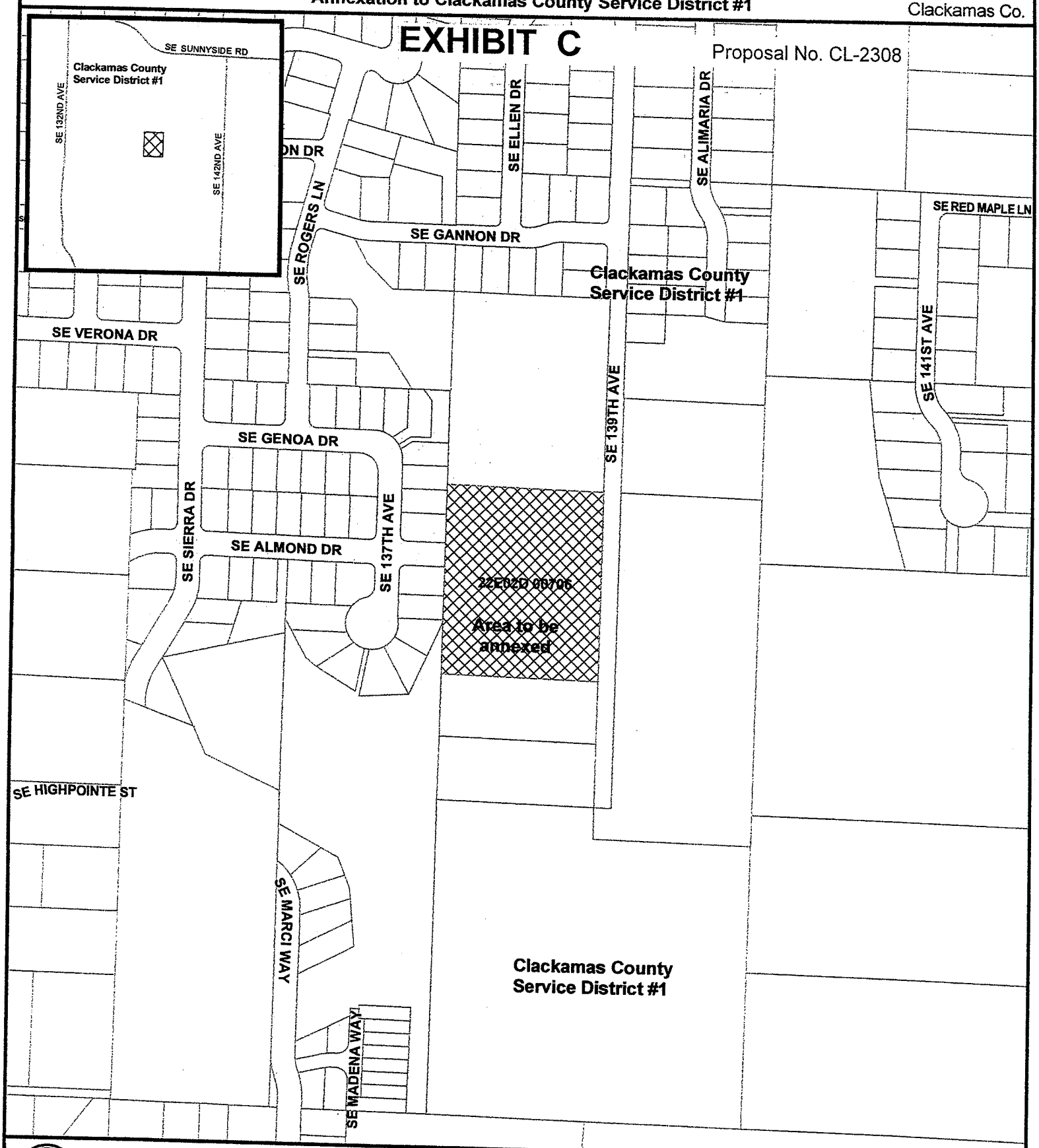
Mary Raethke, Recording Secretary

Proposal No. CL2308

2S2E02

Annexation to Clackamas County Service District #1

Clackamas Co.



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

METRO

Clackamas County Service District #1

Area to be annexed

Figure 1

1:3,200

Ken Martin Consulting
P.O. Box 29079
Portland, OR 97296-9079
(503) 222-0955

KMC

Exhibit A
Proposal No. CL-2308

FINDINGS

Based on the study and the public hearing the Board found:

1. The territory to be annexed contains 3 acres, is vacant and is valued at $633,639.

2. The property owners desire annexation to facilitate development of a 16 unit planned unit development.

3. Oregon Revised Statute 198 directs the Board to "consider the local comprehensive plan for the area and any service agreement executed between a local government and the affected district."

   A second set of criteria can be found in the Metro Code. To approve a boundary change, the reviewing entity [the County Board] must apply the criteria and consider the factors set forth in Section 3.09 of the Metro Code. To approve a boundary change the County must:

   (1) Find that the change is consistent with expressly applicable provisions in:

   (A) Any applicable urban service agreement adopted pursuant to ORS 195.205;

   (B) Any applicable annexation plan adopted pursuant to ORS 195.205;

   (C) Any applicable cooperative planning agreement adopted pursuant to ORS 195.020 (2) between the affected entity and a necessary party;

   (D) Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services; and

   (E) Any applicable comprehensive plan; and

   (2) Consider whether the boundary change would:

   (A) Promote the timely, orderly and economic provision of public facilities and services;

   (B) Affect the quality and quantity of urban services; and

   (C) Eliminate or avoid unnecessary duplication of facilities and services.

There are no cooperative agreements, urban service agreements or annexation plans specifically adopted pursuant to ORS 195 in effect in this area. The original public facility plan for this area does call for service by the District. The proposal is consistent with the Comprehensive Plan as stated in Finding No. 5 below.

4. This territory is inside of Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB).

The law that requires Metro to adopt criteria for boundary changes specifically states that Metro shall " . . . *ensure that a boundary change is in compliance with the Metro regional framework plan as defined in ORS 197.015 and cooperative agreements and urban service agreements adopted pursuant to ORS 195.*" ORS 197.015 says "Metro regional framework plan means the regional framework plan required by the 1992 Metro Charter or its separate components." The Regional Framework Plan was reviewed and found not to contain specific criteria applicable to boundary changes.

There are two adopted regional functional plans, the Urban Growth Management Functional Plan and the Regional Transportation Plan, which were examined and found not to contain any directly applicable standards and criteria for boundary changes.

5. The Clackamas County Comprehensive Plan's Sunnyside Village Plan (Map X-SV-1) designates the area as Standard-Lot Single-Family. Zoning is VR-5/7, 5,000-7,000 square foot lots.

The PUBLIC FACILITIES AND SERVICES Element of the Comprehensive Plan contains the following Goal:

POLICIES

Sanitary Sewage Disposal

* * *

6.0 Require sanitary sewerage service agencies to coordinate extension of sanitary services with other key facilities, i.e., water, transportation, and storm drainage systems, which are necessary to serve additional lands.

6. ORS 195 requires agreements between providers of urban services. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit. These agreements are to specify which governmental entity will provide which service to which area in the long term. The counties are responsible for facilitating the creation of these agreements. There are no urban service agreements under ORS 195 relative to sewer service in this area of

Clackamas County.

7. The District can provide sewer service to the area from an 8 inch District line SE Almond Drive.

8. The territory is within Sunrise Water Authority which can serve the site from its 8 inch water lines in SE Almond Drive and SE 139th Avenue.

9. The area receives police service from Clackamas County and the Clackamas County Enhanced Law Enforcement County Service District.

10. The territory is within the Clackamas County R.F.P.D. #1. This service will not be affected by annexation to the County Service District for sanitary sewers.

11. The area to be annexed is within the North Clackamas County Service District for Parks & Recreation.

CONCLUSIONS AND REASONS FOR DECISION

Based on the Findings, the Board determined:

1. The Metro Code requires the boundary change decision to be consistent with expressly applicable provisions in any urban service provider agreements, cooperative agreements and annexation plans adopted pursuant to ORS 195. As noted in Findings 3 & 6 there are no such agreements or plans in place in this area. The Board concludes that its decision is not inconsistent with any such agreements and plans.

2. The Metro Code calls for consistency between the Board decision and any "applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services." The Board notes the original public facility plan for this area does call for sewer service by the District.

3. ORS 198 requires consideration of the comprehensive plan and any service agreements affecting the area. The Board has reviewed the applicable comprehensive plan, which is the County's Comprehensive Plan and concludes this proposal complies with it. All other urban services necessary for development are available.

4. The Board considered the timing & phasing of public facilities to this area, the quantity and quality of services available and the potential for duplication of services. The Board concludes this annexation is timely, the District has an adequate quantity and quality of services available and that the services are not duplicative.

EXHIBIT B

Proposal No. CL-2308

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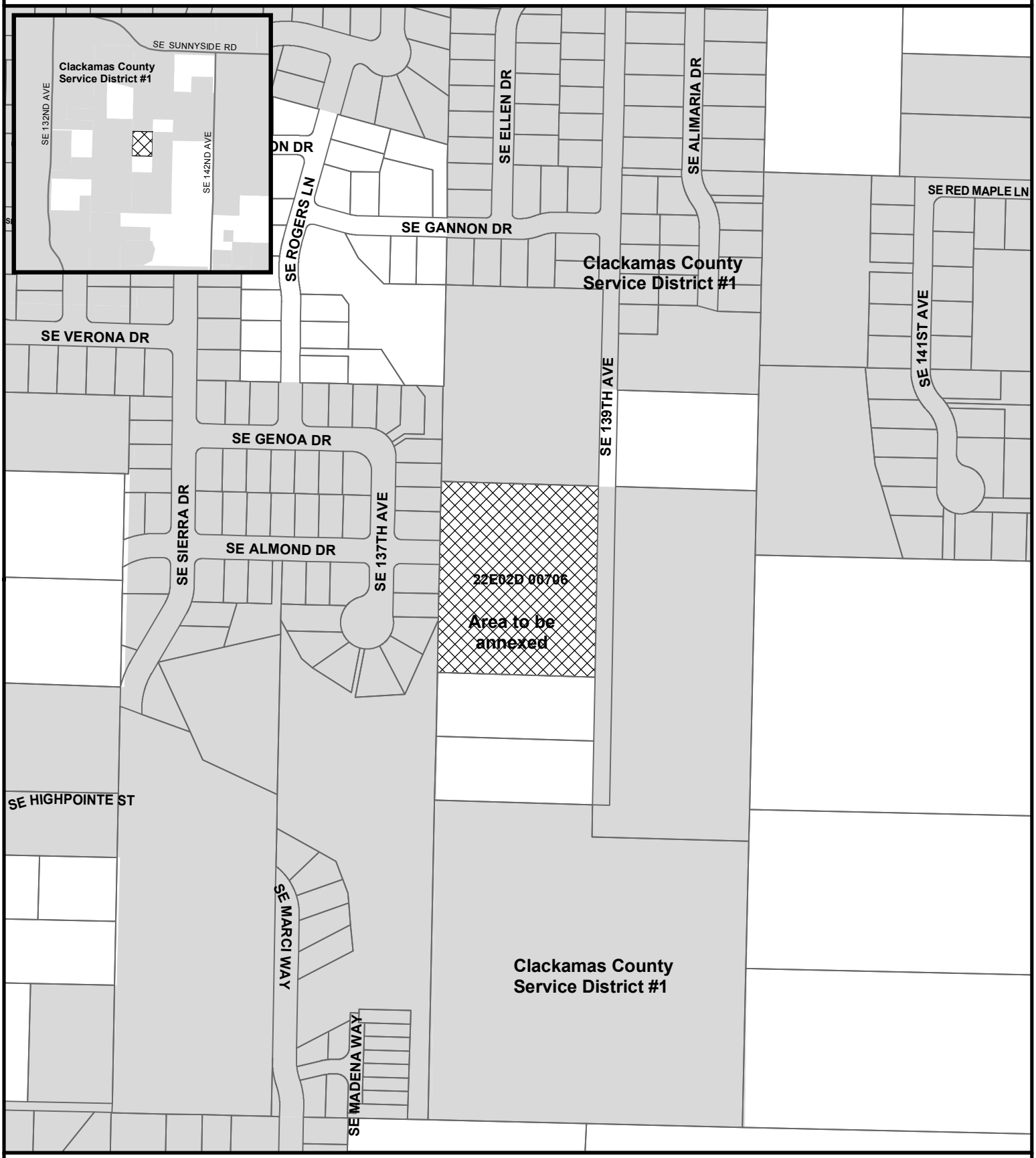
JUN 2008
RECEIVED
CLACKAMAS
COUNTY
ASSESSOR

Proposal No. CL2308

2S2E02 **Annexation to Clackamas County Service District #1** Clackamas Co.



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Clackamas County Service District #1

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