

Final Documents
for
Annexation to
Lake Oswego

CL3207

Ordinance: 2497

Annexation: AN 07-0002

DOR: 3-1815-2007

Secretary of State: AN 2007-0336

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 8, 2007

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

Dear Ms. Martin:

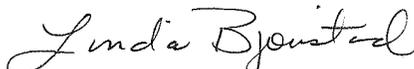
Please be advised that we have received and filed, as of November 8, 2007, the following records annexing territory to the following:

Ordinance/Resolution Number(s)	Our File Number
07-161 (Clean Water Services District)	SD 2007-0164
2007-362 (Boring Water District)	SD 2007-0165
2007-580 (Sunrise Water Authority)	SD 2007-0166
2497 (Lake Oswego)	AN 2007-0336

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

DATE: October 24, 2007

SUBJECT: Final Boundary Change Submission for
AN 07-0002 (Ordinance 2497)

Attached please find:

- Final signed ordinance (with legal descriptions)
- Approved Notices to Taxing Districts from Oregon Department of Revenue
- Filing fee
- Staff Report (September 12, 2007)

Property information:

4855 Upper Drive (21E07DD04300); 4700 Upper Drive (21E07DD05000); 4790 Upper Drive & abutting vacant parcel (21E07DD04801; 21E07DD04802); 4813 Upper Drive (21E07DD04200); 4725 Upper Drive (21E07DD03800)

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

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

Thank you.

ORDINANCE NO. 2497

AN ORDINANCE ANNEXING TO THE CITY OF LAKE OSWEGO, SIX PARCELS COMPRISING APPROXIMATELY 3.88 ACRES AT 4855, 4813, 4725, 4700, AND 4790 UPPER DRIVE AND THE ADJACENT ROAD RIGHT OF WAY; DECLARING CITY OF LAKE OSWEGO ZONING PURSUANT TO LOC 50.05.025; AND REMOVING THE PARCELS FROM CERTAIN DISTRICTS (AN 07-0002).

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 100 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 Section 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 September 12, 2007 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 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:

A tract 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:

Beginning at the northeast corner of Lot 17, Bryant Acres (Plat #0383);

thence along the east line of said Lot 17, and projection thereof, South 19° 24' East, 305.40 feet to a point on the south right of way line of Upper Drive, said point also being on the east line of Lot 27, Bryant Acres;

thence southwesterly along said south right of way line of Upper Drive, 157.92 feet to a point on the east line of Lot 28, Bryant Acres;

thence along the said east line of Lot 28, South 17° 59' East, 275.40 feet to the southeast corner of said Lot 28, said point also being on the north line of the Southern Pacific Railroad right of way, said point also being the southeasterly corner of a tract of land described in Clackamas County Deed No. 96-039829, Grantees being Ronald C. Fitzgerald and Mary D. Fitzgerald, Trustees of the Fitzgerald Family Trust;

thence along said railroad right of way, South 72° 01' West, 75.00 feet to the southwest corner of said Fitzgerald tract;

thence along the west line of said Fitzgerald tract, North 17° 59' West, 275.40 feet to a point on the south right of way line of Upper Drive;

thence along said south right of way line of Upper Drive, South 72° 01' West, 75.00 feet to a point on the east line of Lot 29, Bryant Acres;

thence along said east line of said Lot 29, South 17° 59' East, 275.40 feet to the southeast corner of said Lot 29, said point also being on the north line of the Southern Pacific Railroad right of way, said point also being the southeasterly corner of a tract of land described in Clackamas County Deed No. 2004-061596, Grantees being Robert R. Able and Cari M. Able;

thence along said railroad right of way, South 72° 01' West, 150.00 feet to the southwest corner of said Lot 29, said point also being the southwest corner of said Able tract;

thence along the west line of said Able tract, North 17° 59' West 130.00 feet to the southerly northwest corner of said Able tract;

thence along the boundary of said Able tract, North 72° 01' East, 95.00 feet to a point 55.00 feet southwesterly from the east line of said Lot 29, when measured perpendicularly;

thence along the west line of said Able tract, parallel with and 55.00 feet offset to the southwest from said east line of Lot 29, North 17° 59' West, 145.40 feet to the south right of way line of Upper Drive;

thence along said south right of way line, South 72° 01' West, 738.20 feet to a point on the west line of Lot 34, Bryant Acres;

thence along said west line of Lot 34, North 17° 59' West, 15.00 feet to the centerline of Upper Drive;

thence along the centerline of Upper Drive, North 72° 01' East, 173.20 feet to the southwest corner of Lot 12, Bryant Acres;

thence along the west line of said Lot 12, North 17° 59' West, 15.00 feet to a point on the north right of way line of Upper Drive;

thence along said north right of way line, North 72° 01' East, 320.00 feet to a point on the west line of Lot 14, Bryant Acres;

thence along said west line of Lot 14, North 17° 59' West, 275.40 feet the northwest corner of said Lot 14;

thence along the north line of Lots 14 and 15, Bryant Acres, North 72° 01' East, 225.00 feet to the northwest corner of a tract of land described in Clackamas County Deed No. 85-45534, Grantees being Daniel S. Fulton and Beth A. Marcott-Fulton;

thence along the east line of said Fulton tract, parallel with and 75.00 offset to the northeast from the west line of said Lot 15, South 17° 59' East, 275.40 feet to a point on the north right of way line of Upper Drive;

thence along said north right of way line, North 72° 01' East, 225.00 feet to a point on the west line of Lot 17, Bryant Acres;

thence along said west line of Lot 17, North 17° 59' West, 275.40 feet to the northwest corner of said Lot 17;

thence northeasterly along the north line of said Lot 17, 143.57 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 the annexed area 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 September 12 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 2nd day of October, 2007.

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

NOES: none

ABSTAIN: none

EXCUSED: Johnson recused

Judie Hammerstad
Judie Hammerstad, Mayor

Dated:

10/4/07

ATTEST:

Robyn Christie
Robyn Christie, City Recorder

APPROVED AS TO FORM:

David D. Powell
David D. Powell, City Attorney

EXHIBIT A

A tract 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:

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thence along the east line of said Lot 17, and projection thereof, South 19° 24' East, 305.40 feet to a point on the south right of way line of Upper Drive, said point also being on the east line of Lot 27, Bryant Acres;

thence southwesterly along said south right of way line of Upper Drive, 157.92 feet to a point on the east line of Lot 28, Bryant Acres;

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thence along the west line of said Able tract, North 17° 59' West 130.00 feet to the southerly northwest corner of said Able tract;

thence along the boundary of said Able tract, North 72° 01' East, 95.00 feet to a point 55.00 feet southwesterly from the east line of said Lot 29, when measured perpendicularly;

21E07DD 03800, 04200, 04300, 04801, 04802, 05000 & right of way

L:\Annexations\2007 Annexation Cases\AN 07-0002 Reeve-Erdman Upper Dr\Legal Descriptions\Complete desc. for Ordinance.doc

thence along the west line of said Able tract, parallel with and 55.00 feet offset to the southwest from said east line of Lot 29, North 17° 59' West, 145.40 feet to the south right of way line of Upper Drive;

thence along said south right of way line, South 72° 01' West, 738.20 feet to a point on the west line of Lot 34, Bryant Acres;

thence along said west line of Lot 34, North 17° 59' West, 15.00 feet to the centerline of Upper Drive;

thence along the centerline of Upper Drive, North 72° 01' East, 173.20 feet to the southwest corner of Lot 12, Bryant Acres;

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thence along said west line of Lot 14, North 17° 59' West, 275.40 feet the northwest corner of said Lot 14;

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thence along said west line of Lot 17, North 17° 59' West, 275.40 feet to the northwest corner of said Lot 17;

thence northeasterly along the north line of said Lot 17, 143.57 feet to the point of beginning.

Notice to Taxing Districts

ORS 308.225

RECEIVED

OCT 18 2007

City of Lake Oswego
Community Development Dept.



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
October 16, 2007
As Per ORS 308.225

Description Map received from: CITY
On: 10/8/2007

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

ANNEX TO CITY OF LAKE OSWEGO; WITHDRAW FROM SEVERAL DISTRICTS

ORD. #2497 (AN 07-0002)

has been: Approved 10/16/2007
 Disapproved

Notes:

Department of Revenue File Number: 3-1815-2007

Prepared by: Carolyn Sunderman, 503-945-8882

Boundary: Change Proposed Change
The change is for:

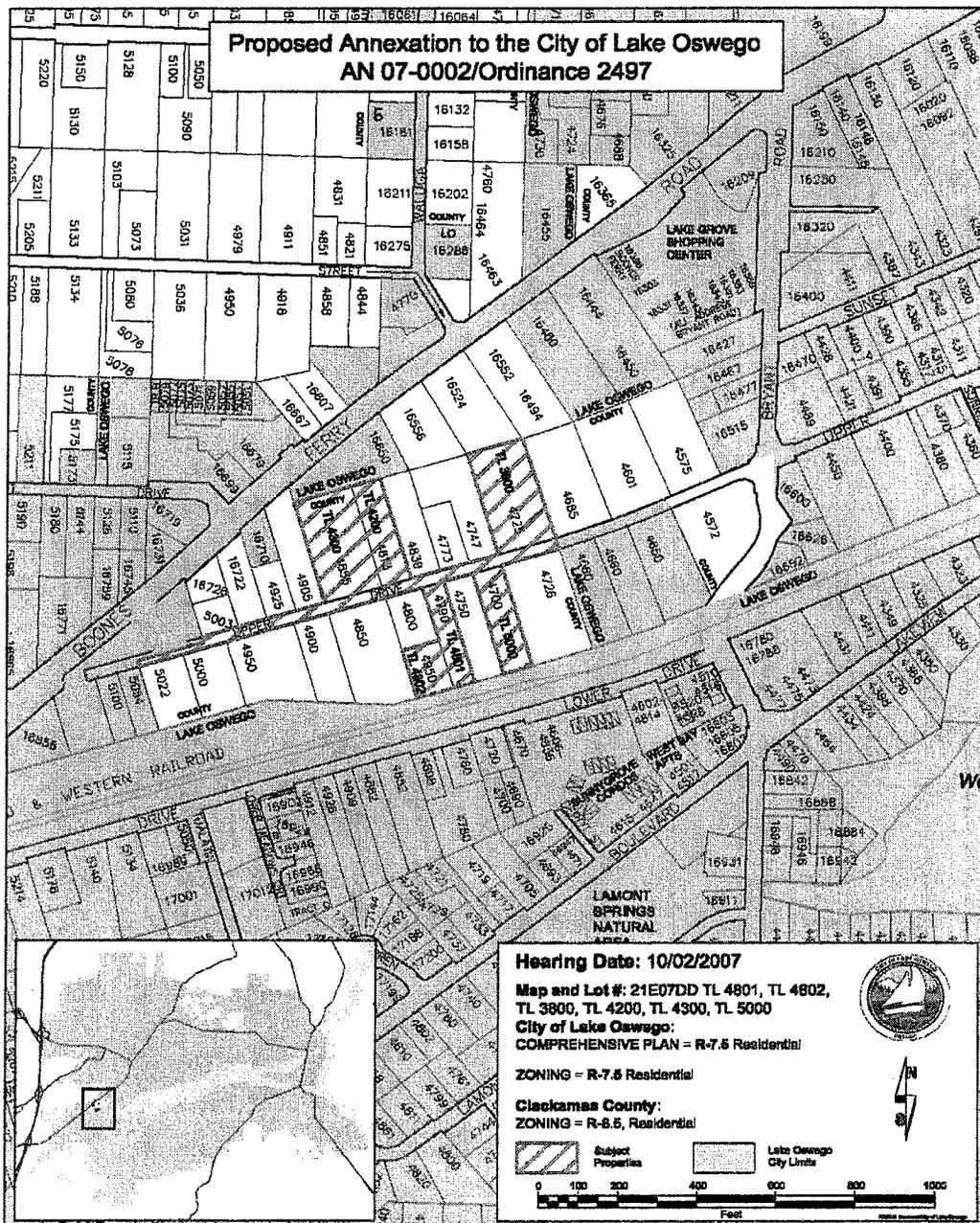
- Formation of a new district
- Annexation of a territory to a district
- Withdrawal of a territory from a district
- Dissolution of a district
- Transfer
- Merge
- Establishment of Tax Zone



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

CITY COUNCIL PUBLIC HEARING October 2, 2007

Staff Report for AN 07-0002
CITY OF LAKE OSWEGO ANNEXATION REQUEST
4855, 4813, 4725, 4700 and 4790 Upper Drive and the adjacent road right of way
(Tax Map 21E07DD Tax Lots 4300, 4200, 3800, 5000, 4801 and 4802)





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, five single family homes on six parcels comprising approximately 3.88 acres at 4855, 4813, 4725, 4700, and 4790 Upper Drive and the adjacent road right of way; declaring City of Lake Oswego Zoning Pursuant to LOC 50.05.025; and removing the parcels from certain districts (AN 07-0002).

DATE: September 12, 2007

ACTION:

Adopt Ordinance 2497 (Exhibit F-1).

PLANNING COMMISSION SUMMARY:

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

BACKGROUND:

The proposed annexation consists of six parcels (occupied by five single family homes) on the north and south sides of Upper Drive as shown on Exhibit F-1, Attachment A. The parcels are located in the Lake Grove Neighborhood Association. This application was initiated through a request by the property owner of 4855 Upper Drive (tax map 21E07DD tax lot 4300) in order to facilitate future development of his parcel. The other property owners on Upper Drive responded to a letter inviting them to join the annexation. All of the property owners within the territory to be annexed have signed Measure 37 Waivers.

The total area of the territory to be annexed consists of 3.88 acres and has an assessed value of \$1,005,130. The territory is occupied by five single family dwellings and has seven voters (or electors) registered in Clackamas County.

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 the territory will be automatically changed to City Low Density R-7.5 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 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 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 \$1,005,130.

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 territory is 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, surface water and mass transit.

Water: The territory is served by the Lake Grove Water District. There is a four-inch and a six-inch waterline in Upper Drive. The four-inch line was constructed prior to the six-inch line and continues to function as a connector that loops two separate water systems on either side of Upper Drive. A six-inch line was recently constructed to augment the four-inch line when the four-inch line was

found to be inadequate. Future development in the Upper Drive area may connect to the new six-inch water line.

The City of Lake Oswego has entered into an agreement with the Lake Grove Water District on June 7, 1994 for water services. The City and the District agreed to construct an interconnection between the two water systems and that the City will furnish and sell surplus water to the District under certain conditions and set rates for District purchase of City water. The City Council also adopted a resolution in 1994 (Resolution 94-22) indicating that the City would not withdraw parcels from the District upon annexation. The territory will not be withdrawn from the Lake Oswego Water District upon annexation.

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 to acquire the necessary utility easements adjacent to the railroad right of way and 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 November or December of 2007. 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.

Surface Water Management: The lots on the north side of Upper Drive are relatively flat, and those on the south side of Upper Drive slope southerly towards the railroad tracks. 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. Future development will therefore 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. Pervious pavement systems should also be considered for driveways and access roads as a part of any future development plans in this territory.

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). This roadway section will be annexed to the City.

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 City has not assigned a functional classification to the section of Upper Drive outside of the City; however, the sections of Upper Drive to the east and west of this territory that are inside the City are designated as a Neighborhood Collector. This section of Upper Drive would also be classified as a Neighborhood Collector once this section of roadway is annexed.

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 on December 2006 (PA 06-115) for a four-lot subdivision at 4855 Upper Drive, the engineering staff identified likely 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 in this area.

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-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 has a County zoning designation of R-8.5.

The City’s Comprehensive Plan Map designates the parcels as Low Density Residential R-7.5. Pursuant to the Lake Oswego Community Development Code Section 50.05.025, upon annexation, a City zone of R-7.5 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 3.88 acres to be served by the City.

Police: The addition of these additional 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 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 December of 2007. 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 07-0002.

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 2497 and Map
 - F-2. Annexation Petitions and Applications
- G. Letters-None

Upper Drive Sanitary Sewer Extension Ordinance 2497 AN 07-0002

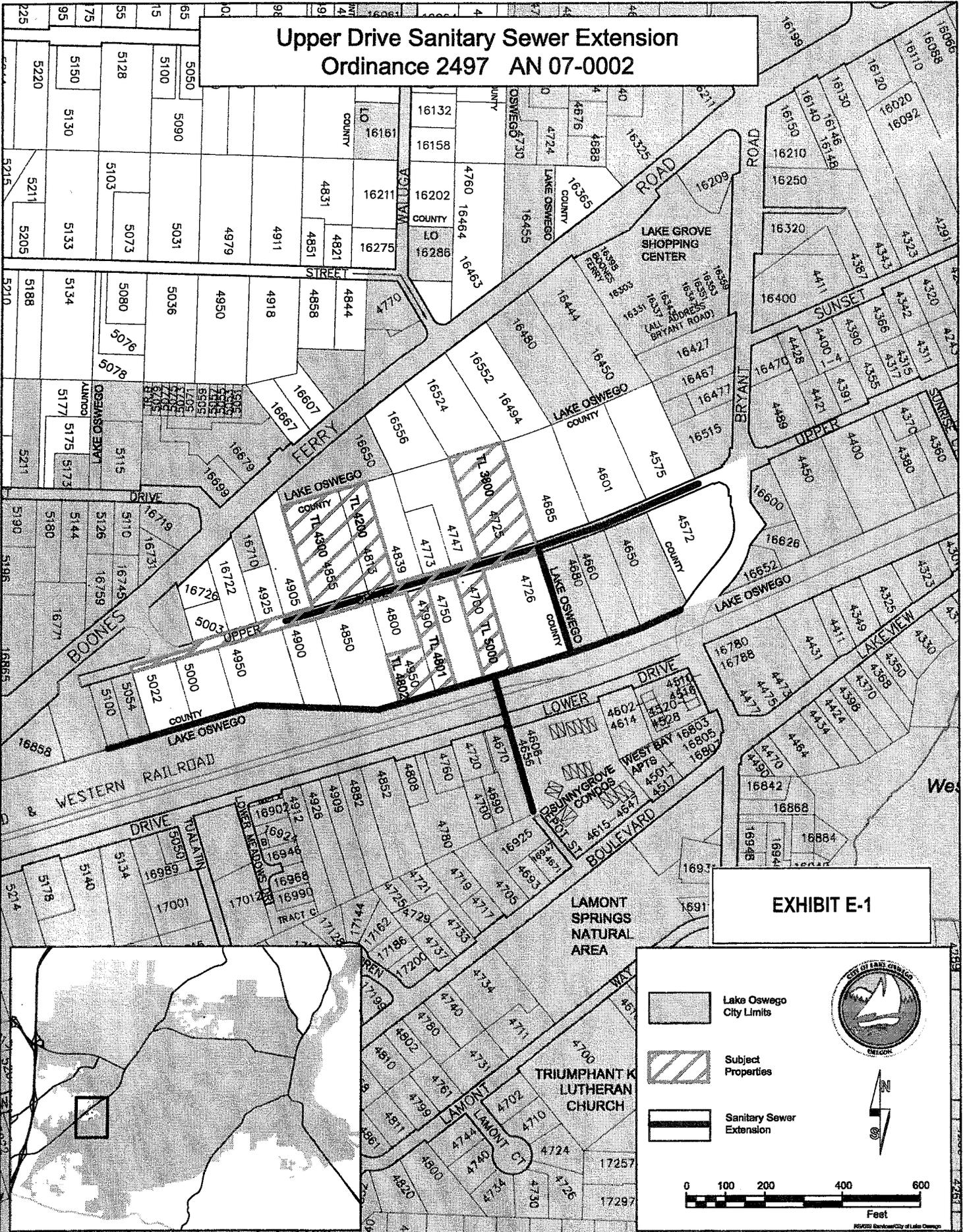


EXHIBIT E-1

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

City of Lake Oswego
Oregon

0 100 200 400 600
Feet

ORDINANCE NO. 2497

AN ORDINANCE ANNEXING TO THE CITY OF LAKE OSWEGO, SIX PARCELS COMPRISING APPROXIMATELY 3.88 ACRES AT 4855, 4813, 4725, 4700, AND 4790 UPPER DRIVE AND THE ADJACENT ROAD RIGHT OF WAY; DECLARING CITY OF LAKE OSWEGO ZONING PURSUANT TO LOC 50.05.025; AND REMOVING THE PARCELS FROM CERTAIN DISTRICTS (AN 07-0002).

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 100 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 Section 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 September 12, 2007 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 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:

A tract 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:

Beginning at the northeast corner of Lot 17, Bryant Acres (Plat #0383);

thence along the east line of said Lot 17, and projection thereof, South 19° 24' East, 305.40 feet to a point on the south right of way line of Upper Drive, said point also being on the east line of Lot 27, Bryant Acres;

thence southwesterly along said south right of way line of Upper Drive, 157.92 feet to a point on the east line of Lot 28, Bryant Acres;

thence along the said east line of Lot 28, South 17° 59' East, 275.40 feet to the southeast corner of said Lot 28, said point also being on the north line of the Southern Pacific Railroad right of way, said point also being the southeasterly corner of a tract of land described in Clackamas County Deed No. 96-039829, Grantees being Ronald C. Fitzgerald and Mary D. Fitzgerald, Trustees of the Fitzgerald Family Trust;

thence along said railroad right of way, South 72° 01' West, 75.00 feet to the southwest corner of said Fitzgerald tract;

thence along the west line of said Fitzgerald tract, North 17° 59' West, 275.40 feet to a point on the south right of way line of Upper Drive;

thence along said south right of way line of Upper Drive, South 72° 01' West, 75.00 feet to a point on the east line of Lot 29, Bryant Acres;

thence along said east line of said Lot 29, South 17° 59' East, 275.40 feet to the southeast corner of said Lot 29, said point also being on the north line of the Southern Pacific Railroad right of way, said point also being the southeasterly corner of a tract of land described in Clackamas County Deed No. 2004-061596, Grantees being Robert R. Able and Cari M. Able;

thence along said railroad right of way, South 72° 01' West, 150.00 feet to the southwest corner of said Lot 29, said point also being the southwest corner of said Able tract;

thence along the west line of said Able tract, North 17° 59' West 130.00 feet to the southerly northwest corner of said Able tract;

thence along the boundary of said Able tract, North 72° 01' East, 95.00 feet to a point 55.00 feet southwesterly from the east line of said Lot 29, when measured perpendicularly;

thence along the west line of said Able tract, parallel with and 55.00 feet offset to the southwest from said east line of Lot 29, North 17° 59' West, 145.40 feet to the south right of way line of Upper Drive;

thence along said south right of way line, South 72° 01' West, 738.20 feet to a point on the west line of Lot 34, Bryant Acres;

thence along said west line of Lot 34, North 17° 59' West, 15.00 feet to the centerline of Upper Drive;

thence along the centerline of Upper Drive, North 72° 01' East, 173.20 feet to the southwest corner of Lot 12, Bryant Acres;

thence along the west line of said Lot 12, North 17° 59' West, 15.00 feet to a point on the north right of way line of Upper Drive;

thence along said north right of way line, North 72° 01' East, 320.00 feet to a point on the west line of Lot 14, Bryant Acres;

thence along said west line of Lot 14, North 17° 59' West, 275.40 feet the northwest corner of said Lot 14;

thence along the north line of Lots 14 and 15, Bryant Acres, North 72° 01' East, 225.00 feet to the northwest corner of a tract of land described in Clackamas County Deed No. 85-45534, Grantees being Daniel S. Fulton and Beth A. Marcott-Fulton;

thence along the east line of said Fulton tract, parallel with and 75.00 offset to the northeast from the west line of said Lot 15, South 17° 59' East, 275.40 feet to a point on the north right of way line of Upper Drive;

thence along said north right of way line, North 72° 01' East, 225.00 feet to a point on the west line of Lot 17, Bryant Acres;

thence along said west line of Lot 17, North 17° 59' West, 275.40 feet to the northwest corner of said Lot 17;

thence northeasterly along the north line of said Lot 17, 143.57 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 the annexed area 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 September 12 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 _____, 2007.

AYES:

NOES:

ABSTAIN:

EXCUSED:

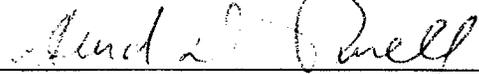
Judie Hammerstad, Mayor

Dated: _____

ATTEST:

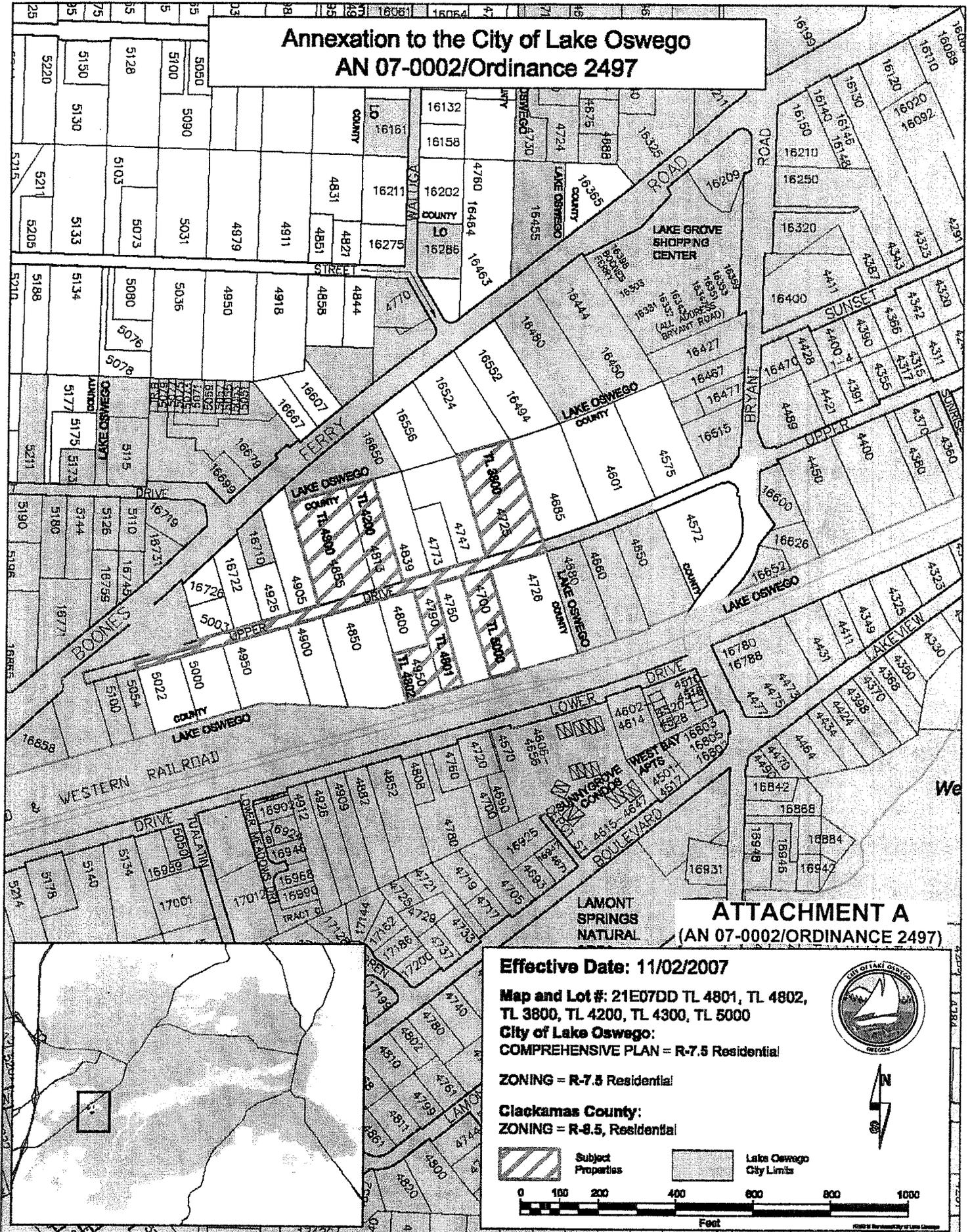
Robyn Christie, City Recorder

APPROVED AS TO FORM:



David D. Powell, City Attorney

**Annexation to the City of Lake Oswego
AN 07-0002/Ordinance 2497**



**ATTACHMENT A
(AN 07-0002/ORDINANCE 2497)**

Effective Date: 11/02/2007

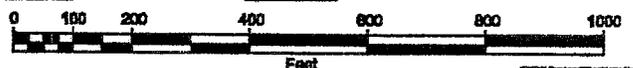
**Map and Lot #: 21E07DD TL 4801, TL 4802,
TL 3800, TL 4200, TL 4300, TL 5000**

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

ZONING = R-7.5 Residential

**Clackamas County:
ZONING = R-8.5, Residential**

 **Subject Properties**  **Lake Oswego City Limits**





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

RECEIVED APPLICATION FOR
 ANNEXATION

MAY 02 2007

CITY OF LAKE OSWEGO
 Community Development Dept

FILE NAME: _____ SUBMIT: _____ REVIEW: _____
 _____ RESUBMIT: _____ REVIEW: _____
 FILE NUMBER(S): AN 07-00072 HEARING DATE: _____
 CITY FEE RECEIVED: \$ _____ METRO FEE RECEIVED: \$ _____ CHECK #: _____
 NEIGHBORHOOD ASSN.: _____ RECEIPT #: _____
 CHECKLIST: Legal Description Title Report COMPLETENESS DATE: _____
 Assessor's Map Petition Fees (City and Metro) Waiver
 Delineation of Natural Resources (if required)
 Resolution 04-38 given to Applicant on _____ (date)

PRINT OR TYPE ALL INFORMATION BELOW

APPLICANT USE MAILING ADDRESS FOR HEARING NOTIFICATION

ROBERT ABLE
 YOUR NAME PHONE # 503 522 5168
 BUSINESS NAME FAX # 503 639-0211
915 NW 11th
 ADDRESS SUITE
CANBY, OR 97013
 CITY STATE ZIP
BABLE@H-A CONSTRUCTION.COM
 E-MAIL ADDRESS
[Signature] 4/25/07
 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)

ROBERT ABLE
 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

EXHIBIT F-2

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

YOUR NAME CARL ABLE		PHONE # 503 318 7770
BUSINESS NAME 975 NW 11th		FAX #
ADDRESS CANBY, OR 97013		SUITE
CITY CANBY, OR	STATE	ZIP
E-MAIL ADDRESS CARLABLE817@YAHOO.COM		
SIGNATURE (ORIGINAL REQUIRED) <i>[Signature]</i>		DATE 4/25/07
Note: I consent to an on-site inspection by an employee(s) of the City of Lake Oswego		

PROPERTY/ZONING DATA

4790 UPPER DRIVE, LAKE OSWEGO, OR
 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
21E07000-4801		0.38 .38				
21E07000-4807		.37				
-						
-						
-						
TOTAL OF PARCEL AREAS:		ACRES .75	SQ. FT.			

RIGHTS-OF-WAY TO BE INCLUDED:

REASON FOR ANNEXATION: **CITY SEWER REQUIRED**

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

EXISTING USE OF AREA TO BE ANNEXED: **RESIDENTIAL**

PROPOSED USE OF AREA TO BE ANNEXED: **RESIDENTIAL**

DESCRIBE SURROUNDING LAND USES (USE TAX LOTS AS REFERENCE)

NORTH — **RESIDENTIAL**

SOUTH — **RAILROAD - RESIDENTIAL**

EAST — **RESIDENTIAL**

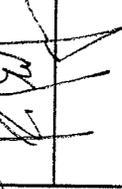
WEST — **RESIDENTIAL**

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	
	Cari M. Able	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	_____			5/2/04 5/2/04
	ROBERT R. ABLE	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	_____			5/2/04

* PO = Property Owner, RV = Registered Voter

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



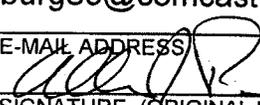
CITY OF LAKE OSWEGO
 COMMUNITY DEVELOPMENT DEPARTMENT
 PLANNING DIVISION
 380 A Avenue
 P.O. BOX 369
 Lake Oswego, OR 97034
 PHONE: (503) 635-0290

APPLICATION FOR ANNEXATION

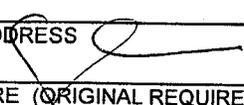
FILE NAME: Burge SUBMIT: _____ REVIEW: _____
 _____ RESUBMIT: _____ REVIEW: _____
 FILE NUMBER(S): AN 07-0002 HEARING DATE: _____
 CITY FEE RECEIVED: \$ _____ METRO FEE RECEIVED: \$ _____ CHECK #: _____
 NEIGHBORHOOD ASSN.: Lake Grove RECEIPT #: _____
 CHECKLIST: Legal Description Title Report COMPLETENESS DATE: _____
 Assessor's Map Petition Fees (City and Metro) Waiver
^{NA} Delineation of Natural Resources (if required)
 Resolution 04-38 given to Applicant on 5-16-07 (date)

PRINT OR TYPE ALL INFORMATION BELOW

APPLICANT USE MAILING ADDRESS FOR HEARING NOTIFICATION

Allen Burge (503)699-9507
 4725 Upper Drive PHONE #
 Lake Oswego, Oregon 97035 FAX #
 ADDRESS SUITE
 burge5@comcast.net
 E-MAIL ADDRESS
 5-23-07
 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)

Kathryn Burge (503)699-9507
 4725 Upper Drive PHONE #
 Lake Oswego, Oregon 97035 FAX #
 ADDRESS SUITE
 CITY STATE ZIP
 E-MAIL ADDRESS
 5-23-07
 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	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

4725 Upper Drive, Currently zoned as County R8.5

Address

Location Description

MAP & TAX LOT (list one per line)	(DO NOT USE LOT & BLOCK)	SITE ACRES	ZONING/PROPERTY INFORMATION			TOTAL EXISTING POPULATION
			EXISTING COUNTY ZONING DESIGNATION	CITY COMPREHENSIVE PLAN DESIGNATION	CURRENT ASSESSED VALUE	
TL 3800 21E07DD	Lot 17	.90 AC	R8.5	R7.5		5 (3 Minors)
-						
-						
-						
-						
TOTAL OF PARCEL AREAS:		ACRES	SQ. FT.			

RIGHTS-OF-WAY TO BE INCLUDED: Right of way on Northeast and Southwest sides

REASON FOR ANNEXATION: Future division of property

DESCRIBE NUMBER AND TYPES OF STRUCTURES ON THE PARCEL(S) (USE TAX LOTS AS REFERENCE):
One single family residence on Lot 17
 Single family residence

EXISTING USE OF AREA TO BE ANNEXED:
Same

PROPOSED USE OF AREA TO BE ANNEXED:
Single family residences and mixed use commercial to the north

DESCRIBE SURROUNDING LAND USES (USE TAX LOTS AS REFERENCE)

NORTH — **OC R2.5 and other Mixed Use Commercial**

SOUTH — **Single family dwellings**

EAST — **Single family dwellings**

WEST — **Single Family Dwellings**

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			
	Allen Burge	X	X	4725 Upper Drive Lake Oswego, Oregon 97035	21E07DD 03800	5-23-07
	Kathy Burge	X	X	_____		5-23-07

* 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

MAY 17 2007

City of Lake Oswego
 Community Development Dept.

FILE NAME: Fulton SUBMIT: _____ REVIEW: _____
 RESUBMIT: _____ REVIEW: _____
 FILE NUMBER(S): AN-07-0002 HEARING DATE: _____
 CITY FEE RECEIVED: \$ _____ METRO FEE RECEIVED: \$ _____ CHECK #: _____
 NEIGHBORHOOD ASSN.: Lake Grove RECEIPT #: _____
 CHECKLIST: Legal Description → Title Report COMPLETENESS DATE: _____
 Assessor's Map Petition Fees (City and Metro) Waiver 37
 Delineation of Natural Resources (if required)
 Resolution 04-38 given to Applicant on _____ (date)

PRINT OR TYPE ALL INFORMATION BELOW

APPLICANT USE MAILING ADDRESS FOR HEARING NOTIFICATION

Daniel Fulton 503 697-4663
 YOUR NAME PHONE #
 BUSINESS NAME
4813 Upper Drive FAX #
 ADDRESS
Lake Oswego SUITE
 CITY STATE ZIP
Fulton@gol.com
 E-MAIL ADDRESS
[Signature] 05/15/07 Beth Mavutha-Felt
 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)

As Above
 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

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

YOUR NAME <i>Beth Fulton</i>		PHONE # <i>503 697-4663</i>	
BUSINESS NAME <i>4813 Upper Drive</i>		FAX #	
ADDRESS <i>Lake Oswego</i>		SUITE	
CITY <i>Fulton @ golic.com</i>		STATE <i>OR</i>	ZIP <i>97035</i>
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

4813 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			TOTAL EXISTING POPULATION
			EXISTING COUNTY ZONING DESIGNATION	CITY COMPREHENSIVE PLAN DESIGNATION	CURRENT ASSESSED VALUE	
<i>21E0700 - 4200</i>		<i>.5</i>	<i>R 8.5</i>	<i>R 7.5</i>	<i>1,84,727</i>	
-						
-						
-						
-						
TOTAL OF PARCEL AREAS:		ACRES	SQ. FT.			

RIGHTS-OF-WAY TO BE INCLUDED: *6' pedestrian way easement on North property line*

REASON FOR ANNEXATION: *Eventual sewer hookup*

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

1 single family residence, 1 outbuilding

EXISTING USE OF AREA TO BE ANNEXED:
Single family residence

PROPOSED USE OF AREA TO BE ANNEXED:
2 single family residences

DESCRIBE SURROUNDING LAND USES (USE TAX LOTS AS REFERENCE)

NORTH - *Lot 2200 Vacated dental lab*

SOUTH - *Lot 4800 Vacated single family residence*

EAST - *Lot 4100 Occupied single family residence*

WEST - *Lot 4300 Vacant lot*

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	
	Danie S. Fulton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	4813 Upper Drive Lake Oswego	21E0700	4206	05/16/07
	Beth A. Fulton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	4813 Upper Drive Lake Oswego	21E0700	4200	05/16/07
	Nathan J. Fulton	<input type="checkbox"/>	<input checked="" type="checkbox"/>	4813 Upper Drive Lake Oswego	21E0700	4000	05/16/07

* 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

MAR 27 2007

City of Lake Oswego
Community Development Dept.

FILE NAME: Fitzgerald Family Trust SUBMIT: 3-27-07 REVIEW: _____
4700 Upper Drive RESUBMIT: _____ REVIEW: _____

FILE NUMBER(S): AN 07-0003 AN 07-0004 HEARING DATE: _____
 CITY FEE RECEIVED: \$ 0 METRO FEE RECEIVED: \$ 150.00 CHECK#: 1499
 NEIGHBORHOOD ASSN.: Lake Grove RECEIPT #: 00280459

CHECKLIST: Legal Description Title Report COMPLETENESS DATE: _____
 Assessor's Map Petition Fees (City and Metro) Waiver ^{M-27}
 Delineation of Natural Resources (if required) NA
 Resolution 04-38 given to Applicant on 3-15-07 (date)

PRINT OR TYPE ALL INFORMATION BELOW

APPLICANT USE MAILING ADDRESS FOR HEARING NOTIFICATION

THE FITZGERALD FAMILY TRUST
RONALD C. FITZGERALD & MARY D. FITZGERALD TRUSTEES

YOUR NAME _____ PHONE # 503-697-0120

BUSINESS NAME _____ FAX # _____

ADDRESS 4700 UPPER DR. MAILING: P.O. Box 2124
LAKE OSWEGO, OR. SUITE _____ LAKE OSWEGO, OR.
 CITY STATE ZIP 97035 97035

E-MAIL ADDRESS _____

SIGNATURE (ORIGINAL REQUIRED) [Signature] DATE 27-Mar-07
 Note: I consent to an on-site inspection by an employee(s) of the City of Lake Oswego Trustee

PROPERTY OWNER (ADDITIONAL OWNER-SEE PAGE 2)

THE FITZGERALD FAMILY TRUST, RONALD C. FITZGERALD & MARY D. FITZGERALD TRUSTEES

YOUR NAME _____ PHONE # _____

BUSINESS NAME _____ FAX # _____

ADDRESS 4700 UPPER DR. MAILING: P.O. Box 2124
LAKE OSWEGO, OR. SUITE _____ LAKE OSWEGO, OR.
 CITY STATE ZIP 97035 97035

E-MAIL ADDRESS _____

SIGNATURE (ORIGINAL REQUIRED) [Signature] DATE 3/27/07
 Note: I consent to an on-site inspection by an employee(s) of the City of Lake Oswego Trustee

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

R7.5
 Address 4100 UPPER DR., LAKE OSWEGO, OR. 97035
 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
MAP 21 E 07 D 005000 LOT 25 5000 RCE		.5 AC		R 7.5	\$174,125	2
-						
-						
-						
TOTAL OF PARCEL AREAS:		ACRES .5 AC	SQ. FT. 21,750 SQ. FT.			

RIGHTS-OF-WAY TO BE INCLUDED: _____

REASON FOR ANNEXATION: SEWER INSTALLATION

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

EXISTING USE OF AREA TO BE ANNEXED:
RESIDENTIAL

PROPOSED USE OF AREA TO BE ANNEXED:
RESIDENTIAL

DESCRIBE SURROUNDING LAND USES (USE TAX LOTS AS REFERENCE)

NORTH —	RESIDENTIAL
SOUTH —	RESIDENTIAL
EAST —	RESIDENTIAL
WEST —	RESIDENTIAL

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*		Owner's /Elector's Mailing Address	Property Description		Date**
		(check both if applicable)			Tax Map	Tax Lot	
	RONALD C. FITZGERALD	<input checked="" type="checkbox"/> PO	<input checked="" type="checkbox"/> RV	P.O. BOX 2127, LAKE OSWEGO, OR 97035	21F07DD 05000	5000	3/27/07
	MARK D. FITZGERALD	<input checked="" type="checkbox"/> PO	<input checked="" type="checkbox"/> RV	P.O. BOX 2127, LAKE OSWEGO, OR 97035	21F07DD 05000	5000	3/27/07

* 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

RECEIVED

MAR 14 2007

PLANNING DEPT.

APPLICATION FOR ANNEXATION

FILE NAME: Reeve / Erdman SUBMIT: _____ REVIEW: _____
4955 SW Upper Drive RESUBMIT: _____ REVIEW: _____
 FILE NUMBER(S): AN 07-0012 HEARING DATE: _____
 CITY FEE RECEIVED: \$ 2500.00 METRO FEE RECEIVED: \$ 250.00 CHECK #: 5682
 NEIGHBORHOOD ASSN.: Lake Grove RECEIPT #: 279140
 CHECKLIST: Legal Description Title Report COMPLETENESS DATE: _____
 Assessor's Map Petition Fees (City and Metro) Waiver
 Delineation of Natural Resources (if required) N/A
 Resolution 04-38 given to Applicant on _____ (date)

PRINT OR TYPE ALL INFORMATION BELOW

APPLICANT USE MAILING ADDRESS FOR HEARING NOTIFICATION

RANDY REEVE 503-690-8388
 YOUR NAME **HERITAGE HOMES** PHONE # 503-690-2850
 BUSINESS NAME 21145 NW WEST UNION RD FAX #
 ADDRESS **HILLSBORO** OR SUITE 97124
 CITY **HeritageHomesUSA@Yahoo.com** STATE ZIP
 E-MAIL ADDRESS
 SIGNATURE (ORIGINAL REQUIRED) [Signature] DATE 3-8-07
 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)

Nancy Erdman
 YOUR NAME PHONE # 541-996-6446
 BUSINESS NAME 3131 NE Jones Loop FAX #
 ADDRESS **Neotsu** OR SUITE 97364
 CITY STATE ZIP
 E-MAIL ADDRESS
 SIGNATURE (ORIGINAL REQUIRED) [Signature] DATE 3/12/07
 Note: I consent to an on-site inspection by an employee(s) of the City of Lake Oswego

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

4855 SW Upper Drive, Lake Oswego, OR 97035

Address **North side of SW Upper Dr., Approx.675' east of its intersection with SW Boones Ferry Road**

Location Description

MAP & TAX LOT (list one per line)	(DO NOT USE LOT & BLOCK)	SITE ACRES	ZONING/PROPERTY INFORMATION			TOTAL EXISTING POPULATION
			EXISTING COUNTY ZONING DESIGNATION	CITY COMPREHENSIVE PLAN DESIGNATION	CURRENT ASSESSED VALUE	
2 1E 7DD - Lot 4300		1.23	R 8.5	R 7.5	\$84,962	0
-						
-						
-						
-						

TOTAL OF PARCEL AREAS:	ACRES 1.23	SQ. FT.
------------------------	---------------	---------

RIGHTS-OF-WAY TO BE INCLUDED: **SW Upper Drive along property frontage**

REASON FOR ANNEXATION: **4 Lot Subdivision**

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

EXISTING USE OF AREA TO BE ANNEXED: **Vacant**

PROPOSED USE OF AREA TO BE ANNEXED: **4-Lot Subdivision**

DESCRIBE SURROUNDING LAND USES (USE TAX LOTS AS REFERENCE)

NORTH — **Commercial Tax Lot 2200**

SOUTH — **Single Family Residential Tax Lot 4700**

EAST — **Single Family Residential Tax Lot 4200**

WEST — **Single Family Residential Tax Lot 4400**

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						Date**	
Signature	Printed Name	I Am A* (check both if applicable)		Owner's /Elector's Mailing Address	Property Description		
		PO	RV		Tax Map	Tax Lot	
	Nancy Erdman	X		3131 NE Jones Loop, Neotsu, OR 97384	2 1E 7DD	4300	3-12-07

* PO = Property Owner, RV = Registered Voter

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

** No registered voters located at this address.*

RECEIVED
MAR 13 2007
PLANNING DEPT.