

Final Documents

For

Annexation to the
Clackamas County Service District #5
(Street Lighting)

CL0903
Ordinance #2003-157
DOR 3-1594-2003
Sec. State SD-2003-0111

Final to DOR: _____

Signature:

 _____

Date of

Mailing: 8/20/03

Final to Secretary of State: _____

Signature:

 _____

Date of

Mailing: 9/18/03

CL0903

Sent

Received

DOR:

8/20/03

8/28/03

Sec. State:

9/18/03

10/3/03

Assessor:

9/18/03

Elections:

9/18/03

Mapped:

Yes



October 3, 2003

Metro
600 NE Grand Ave
Portland, OR 97232-2736

Dear Mr. Knight:

Please be advised that we have received and filed on September 22, 2003 the following Annexation(s).

Ordinance(s):	Jurisdiction:	Our File Number(s):
2003-157	Clackamas Co. Service District #5	SD 2003-0111
262	City of Happy Valley,	AN 2003-0198
03-101	Tualatin Hills Park & Rec. Dist	SD 2003-0112
03-102	Tualatin Hills Park & Rec. Dist	SD 2003-0113
03-100	Clean Water Services Dist.	SD 2003-0114
4261	City of Beaverton	AN 2003-0199
4262	City of Beaverton	AN 2003-0200

Determination of the effective date for all the above Final Order(s) is subject to ORS199.461 and/or ORS 222.180 and/or ORS 222.750.

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

Sincerely,

Official Public Documents

cc: County Clerk
ODOT/Highway Dept
PSU/Population Research Ctr.
Revenue Cartography Section

Notice to Taxing Districts

ORS 308.225



Cartographic 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
August 28, 2003
As Per ORS 308.225

Description Map received from: METRO
 On: 8/21/2003

This is to notify you that your boundary change in Clackamas County for
 ANNEX TO THE CLACKAMAS COUNTY SERVICE DIST.

ORDER #2003-157

has been: Approved 8/28/2003
 Disapproved

Notes:

Department of Revenue File Number: 3-1594-2003

Prepared by: Jennifer Dudley, 503-945-8666

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

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

In the Matter of Approving
Boundary Change Proposal
No. CL-0903



ORDER NO. 2003-157

This matter coming before the Board at this time, and it appearing that the District Board and the County Board have passed resolutions initiating the annexation of the territory to Clackamas County Service District # 5;

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 June 26, 2003 and that an order declaring the Board's approval was entered on June 26, 2003;

It further appearing that the Board held a second hearing on July 31, 2003 as required by ORS 198.810 (1); and

It further appearing that written requests for an election were not filed prior to or at the hearing on July 31, 2003;

NOW, THEREFORE, IT IS HEREBY ORDERED that Boundary Change Proposal No. CL-0903 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.

ADOPTED this 31st day of July, 2003.

BOARD OF COUNTY COMMISSIONERS

Bill Kennemer, Chair

Millicent Morrison, Recording Secretary

FINDINGS

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

1. The territory to be annexed contains 880 acres, 70 single family homes and a public golf course, a population of approximately 200 and has an assessed value of \$24.8 million.
2. According to the District staff:

The annexation extends to the greater of the boundary of the City of Happy Valley and the Urban Growth Boundary—some of the area is in the City, but outside the UGB and some of the area is in the UGB but not in the City [see Finding 4 below for update]. The land will develop with urban densities and street lights will be required whether a property develops in the City or in the county. It is tremendously more efficient and less expensive to annex the entire area to Clackamas County Service District No. 5 in one action than it would be to annex piece-meal as properties develop. There is no financial consequence for properties annexing to the District until such time that street lights are installed as a result of 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. That Code states that a final decision shall be based on substantial evidence in the record of the hearing and that the written decision must include findings of fact and conclusions from those findings. The findings and conclusions shall address seven minimum criteria:

1. Consistency with directly applicable provisions in ORS 195 agreements or ORS 195 annexation plans [ORS 195 agreements are agreements between various service providers about who will provide which services where. The agreements are mandated by ORS 195 but none are currently in place. Annexation plans are timelines for annexation, which can only be done after all required 195 agreements are in place and which must have been voted on by the City residents and the residents of the area to be annexed.]
2. Consistency with directly applicable provisions of *urban planning area agreements* between the annexing entity and a necessary party.

3. Consistency with directly applicable standards for boundary changes contained in comprehensive land use plans and public facility plans.
4. Consistency with directly applicable standards for boundary changes contained in the Regional Framework Plan or any functional plans.
5. Whether the proposed boundary change will promote or not interfere with the timely, orderly and economic provision of public facilities and services.
6. If the boundary change is to Metro, determination by Metro Council that territory should be inside the UGB shall be the primary criteria.
7. Consistency with other applicable criteria for the boundary change in question under state and local law.

The Metro Code also contains a second set of 10 factors which are to be considered where no ORS 195 agreements have been adopted and the boundary change is being contested by a necessary party. This boundary change is not being contested by a necessary party.

4. This territory is inside of Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB). When the District began work on this proposal some of the territory to be annexed was not within the Regional Urban Growth Boundary. On December 12, 2002 Metro approved a large expansion of the UGB and all of the territory to be annexed is now within the UGB.

The law that requires Metro to adopt criteria for boundary changes specifically states that those criteria shall include ". . . compliance with adopted regional urban growth goals and objectives, functional plans . . . and the regional framework plan of the district [Metro]." In fact, while the first two mentioned items were adopted independently, they are actually now part of Metro's Regional Framework Plan. Another previously freestanding construct that is now an element of the Framework Plan is the 2040 Growth Concept.

Metro has adopted the Urban Growth Management Functional Plan and the Regional Transportation Functional Plan. Nothing in these two functional plans speaks to criteria for deciding on boundary changes for street lighting districts.

The Regional Framework Plan contains chapters on citizen involvement, on policies, parks, housing, etc. All of these chapters of the Framework Plan have been examined and found not to contain any directly applicable standards and criteria for boundary changes.

5. The Clackamas County Comprehensive Plan covers the portions of this area which are not inside the City of Happy Valley. County Plan designations for this area include Low Density Residential, Rural and Agricultural. Zoning is Rural Residential 5 acre minimum lot size (RRFF-5), Farm Forest 10 acre minimum lot size (FF-10), Rural Agricultural 2 acre minimum lot size (RA-2) and a little Exclusive Farm Use (EFU). These designations are from the original County Plan and have not been updated following the inclusion of this area within the regional Urban Growth Boundary. The PUBLIC FACILITIES AND SERVICES Element of the Comprehensive Plan contains the following policy:

POLICIES

Street Lighting

- 27.0 Encourage provision of street lighting for all new and existing developments inside the Urban Growth Boundary.
 - 28.0 Outside Urban Growth Boundaries, discourage installation of street lighting except in Rural Centers and in subdivisions with lots of one (1) acre or less. This policy is not intended to prevent installation of individual lights for security or public safety.
6. The bulk of the territory is inside the City of Happy Valley and covered by the City's Rock Creek Area Comprehensive Plan. This Plan designates various portions of the area as Low Density Residential (2/4 Dwelling Units Per Net Acre), Hillside Residential (5-8 Dwelling Units Per Net Acre), Mixed Use Residential (6-24 Dwelling Units Per Acre Average, 12 DU/Acre Net), Mixed Use Commercial and Mixed Use Employment. Zoning includes R-8.5 (1 Unit per 8500 sq. ft.), R-10 (1 Unit per 10,000 sq. ft.), R-15 (1 Unit per 15,000 sq. ft.), PMU (Planned Mixed Use) and IPU (Institutional and Public Use). Some of the properties within the City continue to carry Clackamas County zoning designations including RRFF-5, FF-10 and FU-10.
 7. 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 relative to street lights.
 8. Clackamas County Service District No. 5 provides a mechanism for acquiring street lights. Street lights can only be acquired by being in the District. However, street lights are only provided in the District to areas desiring them. Annexation to the District does not impose any financial consequence on the property owners being annexed. Subsequent to annexation areas which desire street lights can acquire them and would

pay for them through a yearly assessment on their property.

The City of Happy Valley does not provide street lighting service as a city service. It relies on the District to provide service within the City.

9. Sewer service is provided in this area by Clackamas County Service District No. 1. Sewers are gradually being extended in this area as development occurs.
10. The territory is within the Sunrise Water Authority.
11. The area outside Happy Valley receives police service from the Clackamas County Sheriff and the Clackamas County Enhanced Law Enforcement County Service District. Within the City of Happy Valley police service is provided by the City.
12. 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 street lights.

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 any urban service agreements under ORS 195. As noted in Finding No. 7 there are no ORS 195 agreements relating to street lights. The Board concludes that its decision is not inconsistent with any such agreements.
2. The Metro Code calls for consistency with directly applicable provisions of urban planning area agreements between the annexing entity and any necessary party. The annexing entity (CCSD # 5) does not have an urban planning area agreement with any necessary party.
3. The Metro Code at 3.09.050 (d) (3) calls for consistency between the Board decision and any "specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facility plans." ORS 198 requires consideration of the comprehensive plan and any service agreements affecting the area. The Board has reviewed the applicable comprehensive plans, which are the Clackamas

County Comprehensive Plan and Happy Valley's Rock Creek Area Comprehensive Plan and concludes this proposal complies with it. No directly applicable service agreements were found to exist.

4. The Metro Code at 3.09.050 (d) (4) calls for consistency between the Board decision and any "specific directly applicable standards or criteria for boundary changes contained in the regional framework or any functional plans."

There are no directly applicable criteria in Metro's two adopted functional plans, the Urban Growth Management Functional Plan and the Regional Transportation Functional Plan. All elements of the Regional Framework Plan were examined and found not to contain any directly applicable standards and criteria for service district boundary changes.

5. Metro Code 3.09.050 (d) (5) states that another criteria to be addressed is: "Whether the proposed change will promote or not interfere with the timely, orderly and economic provisions of public facilities and services." Annexation is necessary to make this urban service available to accommodate current and future development. The Board therefore concludes that annexation promotes the timely, orderly and economic provision of this service.

ANNEXATION TO CLACKAMAS COUNTY SERVICE DISTRICT NO. 5
LEGAL DESCRIPTION

A tract of land situated in Section 35 and 36, T1S, R2E; Section 31, T1S, R3E; Section 1, T2S, R2E and Section 6, T2S, R3E, W.M., Clackamas County, Oregon and more particularly described as follows:

Beginning at the common section corner of Section 35 and 36, T1S, R2E and Section 1 and 2, T2S, R2E;

Thence North $00^{\circ} 43'$ East, along the westerly line of that certain tract of land (12E36CC TL700) described as Parcel B conveyed to Gary J. MacDonald by the deed recorded as instrument No. 97-55176, 140.41 feet to a point;

Thence continuing along the westerly line of said MacDonald tract, along the arc of a non-tangent 50.00 foot radius curve to the left, for an arc distance of 104.72 feet (the long chord of which bears North $00^{\circ} 43'$ East, 86.60 feet);

Thence continuing along the westerly line of said MacDonald tract, North $00^{\circ} 43'$ East, 107.24 feet;

Thence continuing along the westerly line of said MacDonald tract, along the arc of a 150.00 foot radius curve to the right, for an arc distance of 230.78 feet (the long chord of which bears North $44^{\circ} 47' 30''$ East, 208.68 feet);

Thence North $88^{\circ} 52'$ East, along the northerly line of said MacDonald tract, 9.38 feet to a point;

Thence continuing along the northerly line of said MacDonald tract, along the arc of a non-tangent 50.00 foot radius curve to the left, for an arc distance of 20 feet, more or less, to a point at the intersection of the north line of said MacDonald tract and the southerly extension of the east line of the tract of land (12E36CC TL500) described as Parcel 1 conveyed to Robert J. Schriever and Carlene H. Schriever by the deed recorded as instrument No. 85-26162;

Thence North, along the southerly extension of the east line of said Schriever tract, 50 feet, more or less, to the southeast corner of said Schriever tract;

Thence west, along the south line of said Schriever tract, 131.22 feet to the southwest corner thereof;

Thence Northerly, along the west line of said Schriever tract and the northerly extension thereof, 384.26 feet, more or less, to a point on the south line of Lot 5, Plat of "Eastbourne Downs" (Plat No. 2898);

Thence West, along the south line of said Lot 5, Plat of "Eastbourne Downs", 60 feet, more or less, to the southwest corner thereof;

Thence North, along the west line of said Lot 5, Plat of "Eastbourne Downs", 418.54 feet to the northwest corner thereof, said corner also being on the existing city limits of the City of Happy Valley;

Thence North, along the west line of the southwest $\frac{1}{4}$ of Section 36, T1S, R2E, W.M., Clackamas County, Oregon, 1320 feet, more or less, to the north line of Krause Lane (a 25 foot easement);

Thence East, along the north line said Krause Lane and the easterly extension thereof, 1350 feet, more or less, to a point on the east right-of-way line of S.E. 147th Avenue;

Thence South, along said east line of 147th Avenue, 1320 feet, more or less, to a point on the north line of that certain tract of land (12E36 TL1700) conveyed to Robert John Bower and Frieda Bower, by the deed recorded in Deed Book 545, Page 77;

Thence East, along the north line of said Bower tract, 1300 feet, more or less, to the northeast corner thereof;

Thence South, along the east line of said Bower tract, 70 feet, more or less, to the thread of a seasonal drainage way;

Thence Southeasterly, along said thread as depicted on Clackamas County assessor's map No. 12E 36DC, a distance of 690 feet, more or less to a point of intersection with the most westerly north line of Parcel 4 of Partition Plat No. 1999-021, said point being South 89° 43'52" East 330 feet more or less from the northwest corner of said Parcel 4;

Thence continuing Southeasterly along said thread (said thread being within a 100 foot conservation easement as noted on said partition plat), across Parcels 4 and 3, 1835.00 feet more or less to the point of intersection on the west line of a tract of land (12E 36DD TL600) conveyed to Roy and Phyllis Jaeger, by the deed recorded as instrument No. 68-10176, said point being South 00° 00' 28" East, 20 feet more or less from the northwest corner of said Jaeger tract;

Thence South 0°0'28" East, 178 feet, more or less, to the southwest corner of said Jaeger tract;

Thence South 89° 43' 52" East, along the south line of said Jaeger tract and the easterly projection thereof, 345 feet, more or less, to a point on the east right-of-way line of 162nd Avenue;

Thence North, along the east right-of-way line of said 162nd Avenue, 1494 feet, more or less, to the northwest corner of lot 11, Block 2, Plat of "Pleasant Valley Golf Estates", (Plat No. 1355);

Thence South 71 degrees 13' 38" East, along the north line of said Lot 11, 134.11 feet to the northeast corner thereof;

Thence North 21 degrees 09' 30" West, along the east line of Lot 12, Block 2, "Pleasant Valley Golf Estates", 157.18 feet to an angle point in the east line of said Lot 12;

Thence North 22° 07'48" East, along the east line of Lot 12, block 2, "Pleasant Valley Golf Estates", 100.83 feet;

Thence North 43° 44'21" East, along said east line of Lot 12 and Lot 13, Block 2, of said "Pleasant Valley Golf Estates", 101.35 feet;

Thence North 0°44'08" East, along the east lines of Lots 13,14,15, and 16, Block 2, of said "Pleasant Valley Golf Estates", 361.08 feet to the northeast corner of said Lot 16;

Thence North 89° 50' 58" East, 1110.0 feet to the most southeast corner of Lot 28, Block 2, "Pleasant Valley Golf Estates";

Thence North 0° 07'07" East, 25.35 feet to the southwest corner of Lot 29, Block 2, "Pleasant Valley Golf Estates";

Thence South 89° 48'33" East, 1267.58 feet to the most southerly southeast corner of Lot 41, Block 2, "Pleasant Valley Golf Estates";

Thence North 4°24'35" East, 82.59 feet;

Thence North 89° 42' 01" East, 50.65 feet to the most northerly southeast corner of said Lot 41;

Thence South 04° 12'33" West, 82.29 feet;

Thence South 89°47' 19" East, 18.43 feet;

Thence South 0°51' 48" West, 1054.49 feet to the southwest corner of Lot 53, Block 2, "Pleasant Valley Golf Estates";

Thence South 89° 52' 53" East, 166.12 feet to the southeast corner of said lot 53, said corner also being on the west line of S.E. 172nd Avenue (a 70-foot R/W on county Road No. 494);

Thence South 0°47' 15" West, along said west line 25.0 feet to the northeast corner of Lot 1, Block 3, "Pleasant Valley Golf Estates";

Thence North 89°52' 53" West, 166.15 feet to the northwest corner of said Lot 1;

Thence South 0°51' 48" West, 391.21 feet to the southwest corner of Lot 2, Block 3, "Pleasant Valley Golf Estates";

EXHIBIT B

Proposal No. CL-0903

Clackamas County Service District No. 5
Annexation Legal Description

Thence North 40°35' 44" East, 260.30 feet to the southeast corner of said Lot 2;

Thence South 89°52'53" East, 10.0 feet to a point on the west line of said S.E. 172nd Avenue (a 60-foot R/W);

Thence South along said west line of S.E. 172nd Avenue, 1515.44 feet to a point on the south line of that certain tract of land (23E06BA TL190) described in the ASSIGNMENT OF LAND SALE CONTRACT to REAC L.L.C., by the deed recorded as instrument No. 94-56073;

Thence West, along the south line of said REAC L.L.C. tract (23E06BA TL190 & TL100), 1161.96 feet to a point on the east line of a tract of land (23E 6BB TL300) conveyed to John A. Brockamp and Bonnie Brockamp by the deed recorded in Deed Book 581, Page 391;

Thence South, along the east line of said Brockamp tract and the east line of the parcel of land (23E06BB TL1000) described as Parcel II conveyed to Logan L. Creswell and Beverlee R. Creswell, Trustee, by the deed recorded as instrument No. 96-16791, , 365.50 feet to the north line of that certain tract of land (23E06BA TL1100) conveyed to Roy A. Park and Barbara A. Park by the deed recorded as instrument No. 99-64619;

Thence West, along the north line of said Park tract, 178.81 feet to the northwest corner thereof;

Thence South, along the west line of said Roy Park tract and the southerly extension thereof, 755 feet, more or less, to the southeast corner of the tract of land (23E06B TL300) conveyed John W. Cheatham and Joyce M. Cheatham by the deed recorded as instrument No. 80-41475;

Thence West, along the south line of said Cheatham tract, 170.8 feet, more or less, to the northeast corner of that certain tract of land (23E06B TL200) conveyed to Elwood L. Kenworthy and Jane M. Kenworthy, trustees, by the deed recorded as instrument No. 94-53938;

Thence South, along the east line of said Kenworthy tract, 257 feet, more or less, to the northerly right-of-way line of Sunnyside Road;

Thence Westerly, along the northerly right-of-way line of said Sunnyside Road, 350 feet, more or less, to the southeast corner of that certain tract of land (23E06B TL501) conveyed to Erma C. Kline by the deed recorded as instrument No. 94-04764;

Thence Southerly, across said right-of-way of Sunnyside Road, 150 feet, more or less, to the northeast corner of the tract of land (23E06B TL902) described as Parcel 2 as conveyed to Randall W. Haveman by the deed recorded as instrument No. 94-61842;

Thence South, along the east line of said Parcel 2 conveyed to Randall W. Haveman by the deed recorded as instrument No. 94-61842 and the east line of that certain tract of land (23E06B TL900) described as Parcel 1 as conveyed to Continental Telephone Company of the Northwest, Inc., by the deed recorded as instrument No. 73-2529, 802.51 feet to the southeast corner of said Continental Telephone Company of the Northwest, Inc. tract;

Thence West, along the south line of said Continental Telephone Company of the Northwest, Inc. tract, 418 feet, more or less, to the northeast corner of a tract of land (23E06C TL7900) conveyed to Fredrick and Deborah Oerther by the deed recorded as instrument No. 74-33105;

Thence South, along the east line of said Oerther tract, 612.48 feet to the southeast corner of said Oerther tract, said corner also being on the north line of the Plat of "Rock Creek Green" (Plat No. 1623);

Thence West, along the south line of said Oerther tract, 568.92 feet to the southwest corner of said Oerther tract, said corner also being on the common section line of Section 1, T2S, R2E and Section 6, T2S, R3E, W.M.;

Thence South, along said common section line, 2020.89 feet to the common section corner of Section 1, T2S, R2E, Section 6, T2S, R3E, Section 7, T2S, R3E and Section 12, T2S, R2E, W.M., said corner also being the southeast corner of a tract of land (22E01 TL2100) conveyed to Douglas W. Bollam by the deed recorded as instrument No. 94-33971;

Thence West, along the south line of said Bollam tract and the south line of said Section 1, 1,306.04 feet, more or less, to the southwest corner of said Bollam tract;

Thence North, along the west line of said Bollam tract and its northerly extension, 1,316.04 feet, more or less, to the northeast corner of that certain tract of land (22E01D TL2202) conveyed to Douglas Bollam by the deed recorded as instrument No. 96-53259;

Thence South 89°35'42" West, along the north line of said Bollam tract conveyed by the deed recorded as instrument No. 96-53259, 275.5 feet, more or less, to the southeast corner of a tract of land (22E01D TL1100) conveyed to Philip and Paula Petrequin by the deed recorded as instrument No. 68-05795;

Thence South 89°35'42" West, along the south line of said Petrequin tract, 220 feet, more or less, to the southwest corner thereof;

Thence North, along the west line of said Petrequin tract and the northerly extension thereof, 2000 feet, more or less, to the northerly right-of-way line of Sunnyside Road;

Thence Westerly, along the northerly right-of-way line of said Sunnyside Road, 3000 feet, more or less, to the southeast corner of that certain tract of land (22E01BC TL3800) described in the deed to North Pacific Union Conference Association of Seventh-Day Adventists, Trustees, by the deed recorded as instrument No. 2000-13008;

Thence North, along the east line of said North Pacific Union Conference Association of Seventh-Day Adventists, Trustees tract, 570.08 feet, more or less, to a point of intersection with the easterly extension of the most northerly line of the Plat of "Piper Meadows" (Plat No. 3463);

Thence North 89°18'35" West, along the north line of said Plat of "Piper Meadows" and the easterly extension thereof, 660.00 feet, more or less, to the Initial Point of the Plat of "Piper Meadows" (Plat No. 3463), said Initial Point being on the west line of the northwest ¼ of section 1, T2S, R2E, W.M.;

Thence North, along said west line of the northwest ¼ of section 1, T2S, R2E, W.M., 1993 feet, more or less, to the point of beginning.

Also including the following described tract of land:

A tract of land situated in the northeast ¼ of Section 25, T1S, R2E, W.M., Clackamas County, Oregon being more particularly described as follows:

Beginning at the northwest corner of the northeast ¼ of the northwest ¼ of the northeast ¼ of said Section 25, also being the northwest corner of that certain tract of land (12E25A TL1900) conveyed to Peter T. Lett and Dawn-Rose Lett by the deed recorded as instrument No. 92-76523;

Thence South, along the west line of said Lett tract and the southerly extension thereof, 2677.95 feet, more or less, to the southwest corner of that certain tract of land (12E25A TL1590) conveyed to The Lawrence R. Burright, SR, Revocable Trust, by the deed recorded as instrument No. 99-69476;

Thence East, along the south line of said Burright tract, 647.90 feet, more or less, to the southeast corner thereof;

Thence North, along the east line of said Burright tract and the northerly extension thereof, 2660 feet, more or less, to the northeast corner of that certain tract of land (12E25A TL200) conveyed to Petru Fora and Daniela Fora, by the deed recorded as instrument No. 99-110832, also being at the northeast corner of the northwest ¼ of the northeast ¼ of said Section 25;

Thence West, along the north line of the northeast $\frac{1}{4}$ of said Section 25, 652.26 feet, more or less, to the Point of Beginning.

Also including the following described tract of land;

A tract of land situated in Section 31, T1S, R3E, W.M., Clackamas County, Oregon, being more particularly described as follows:

Beginning at the southeast corner of Lot 53, Block 2 of the Plat "Pleasant Valley Golf Estates" (Plat No. 1355), said corner also being on the west line of S.E. 172nd Avenue (a 70 foot right-of-way on county road No. 494);

Thence East, along the easterly extension of the south line of said Lot 53, 70 feet to a point on the east line of said 172nd Avenue, said point being 22 feet, more or less, northerly of the north right-of-way line of Troge Road (a 40 foot right-of-way on County Road No. 1631);

Thence North, along the said east line, 1257.94 feet, more or less, to the north line of the S.E. $\frac{1}{4}$ of said Section 31;

Thence continuing North, along said east line, 540 feet, more or less, to the point of intersection with the easterly extension of the north line of that certain tract of land (13E 31B TL1700) conveyed to Reac LLC by the deed recorded as instrument No. 94-56072;

Thence West, along said extension and north line of said Reac LLC (13E 31B TL1700) tract, 690 feet, more or less, to a point on the east line of that certain tract of land (13E 31B TL1300) conveyed to Reac LLC by the deed recorded as instrument No. 94-56074;

Thence North 792 feet, more or less, to the northeast corner of said Reac LLC (13E 31B TL1300) tract conveyed by the deed recorded as instrument No. 94-56074;

Thence West, along the north line of said Reac LLC tract (13E 31B TL1300), 660 feet, more or less, to the northwest corner thereof;

Thence South, along the west line of said Reac LLC tract (13E 31B TL1300), 1294 feet, more or less, to the southwest corner thereof and the north line of Hagen Road (County Road No. 335);

Thence West, along the north line of said Hagen Road, 765 feet, more or less, to the southeast corner of that certain tract of land (13E 31B TL900) conveyed to The Pendarvis Family Limited Partnership by the deed recorded as instrument No. 97-21813;

Thence North, along the east line of said Pendarvis Family Limited Partnership tract (13E 31B TL900), 1291.2 feet, more or less, to the north line of the S.W. $\frac{1}{4}$ of the N.W. $\frac{1}{4}$ of said Section 31;

Thence West, along the north line of the S.W. $\frac{1}{4}$ of the N.W. $\frac{1}{4}$ of said Section 31, 399.96 feet, more or less, to the west line of said Pendarvis tract;

Thence South, along the west line of said Pendarvis tract (13E 31B TL900) and the southerly projection of said west line, 1350.82 feet, more or less, to a point on the south right-of-way line of said Hagen Road, said point being 65 feet more or less easterly from the northwest corner of Lot 19 Block 2, of said "Pleasant Valley Golf Estates";

Thence South $89^{\circ}52'53''$ East, along the south line of Hagen Road and the north line of said "Pleasant Valley Golf Estates", 2438.66 feet, more or less, to the northeast corner of Lot 42, Block 2 of said "Pleasant Valley Golf Estates", said corner also being the point of intersection with the west line of S.E. 172nd Avenue (a 70 foot right-of-way on County Road No. 494);

Thence South $00^{\circ}47'15''$ West, along the west line of said S.E. 172nd Avenue, 1130.00 feet to the northeast corner of Lot 53, Block 2 of said "Pleasant Valley Golf Estates";

EXHIBIT **B**
Clackamas County Service District No. 5
Annexation Legal Description

Thence North $89^{\circ}52'53''$ West, along the north line of said Lot 53, 166.00 feet to the northwest corner thereof;

Thence South $00^{\circ}51'48''$ West, along the west line of said Lot 53, 100.00 feet to the southwest corner thereof;

Thence South $89^{\circ}52'53''$ East, along the south line of said Lot 53, 166.12 feet to the Point of Beginning.

Note: Tax lot numbers are for reference only and are not to be considered part of the legal description. All deed reference instrument numbers are based on Clackamas County Deed Records.

EXHIBIT C

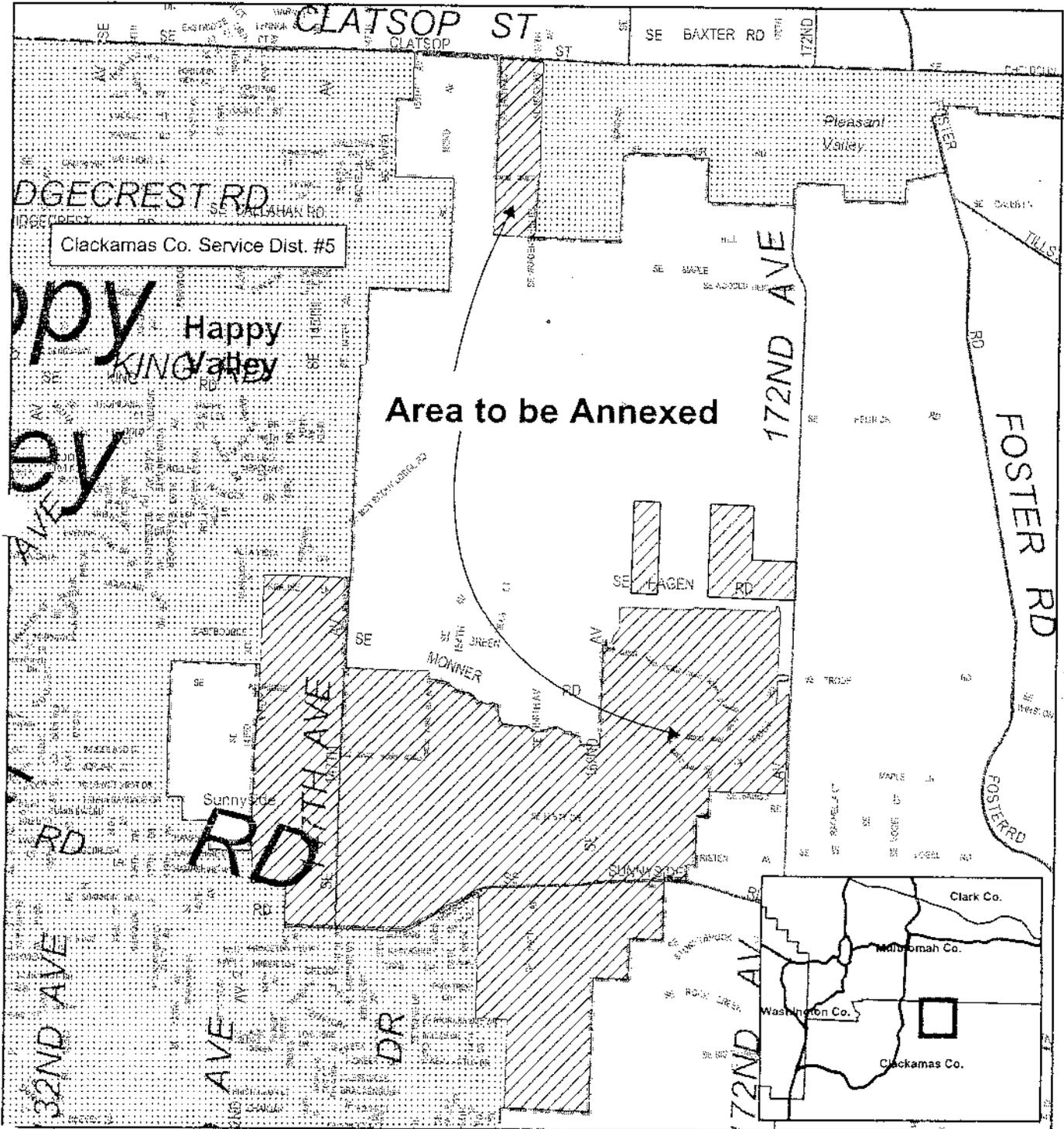
Proposal No. CL-0903

Proposal No. CL0903

K M C

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Annexation to the Clackamas Co. Service Dist. #5
Clackamas Co.



PROPOSAL No. CL0903
Clackamas Co. Service Dist. #5
Figure 1

