

Final Documents

For

Annexation to the
Sunrise Water Authority

CL1303

Ord. #2003-238

DOR 3-1609-2004

Sec. State: AN-2004-0031

Final to DOR: _____

Signature:

 _____

Date of
Mailing: 2/17/04

Final to Secretary of State: _____

Signature:

 _____

Date of
Mailing: 2/23/04

CL1303

Sent

Received

DOR: 2/17/04 2/19/04

Sec. State: 2/23/04 2/27/04

Assessor: 2/23/04

Elections: 2/23/04

Mapped: Yes

Posted: 3/2/04

Address Information:

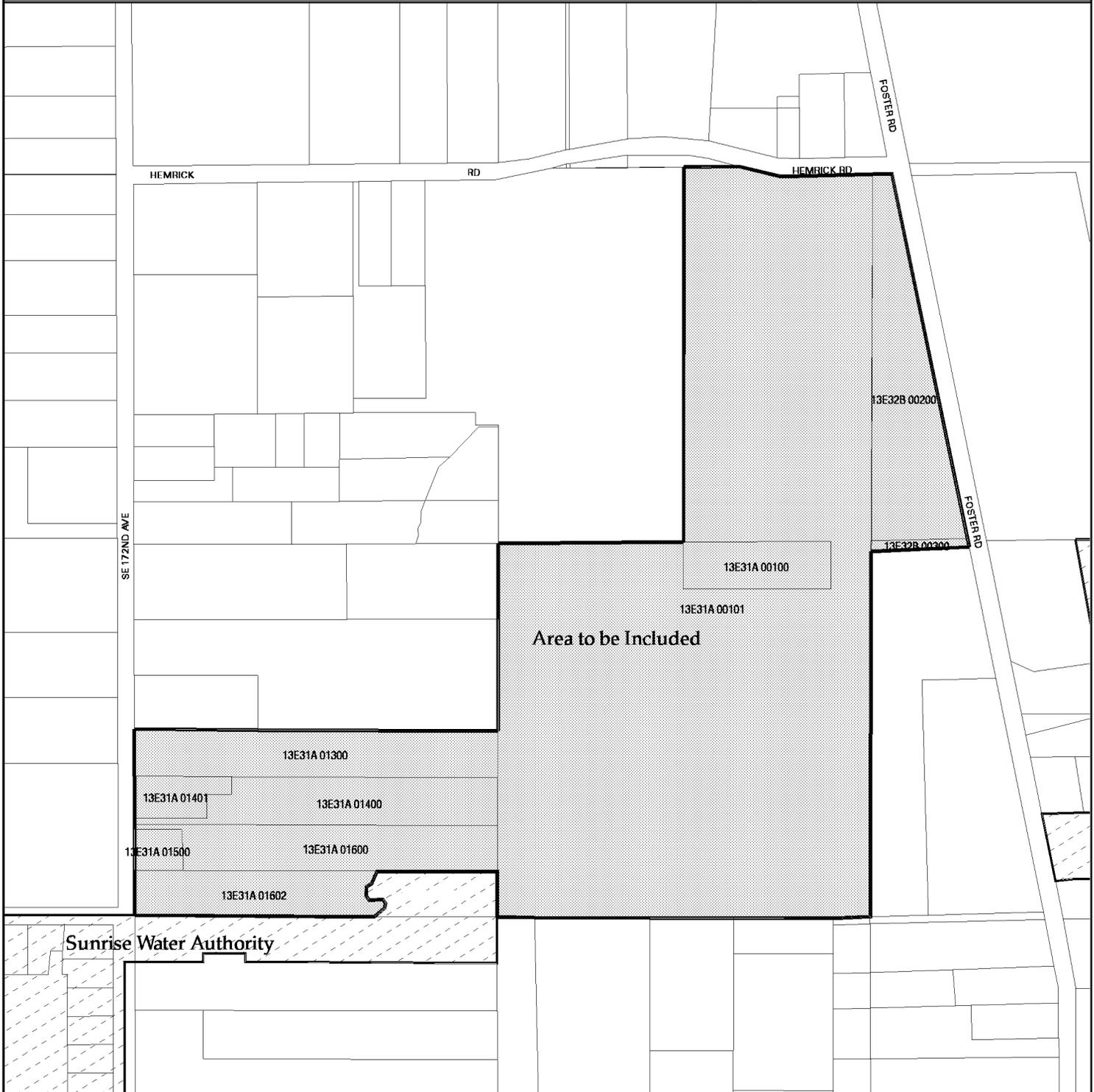
13E31A 00101	No site address
13E31A 00100	No site address
13E31A 01300	11268 SE 172 nd Ave
13E31A 01401	11330 SE 172 nd Ave
13E31A 01400	11360 SE 172 nd Ave
13E31A 01600	11388 SE 172 nd Ave
13E31A 01500	11400 SE 172 nd Ave
13E31A 01602	11444 SE 172 nd Ave
13E32B 00200	No Site Address
13E32B 00300	No Site Address

Proposal No. CL1303

1S3E31A,D and 1S3E32B

Annexation to the Sunrise Water Authority

Clackamas Co.



R L I S
REGIONAL LAND INFORMATION SYSTEM



600 NE Grand Ave.
Portland, OR 97232-2736
Voice 503 797-1742
FAX 503 797-1909
Email drc@metro-region.org

METRO

The information on this map was derived from digital databases on Metro's GIS. Care was taken in the creation of this map. Metro cannot accept any responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of any errors will be appreciated.

County lines

Annexation boundary

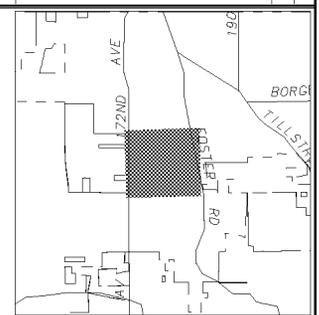
District

Urban Growth Boundary

Proposal No. CL1303
SUNRISE WATER AUTHORITY
Figure 1

Scale: 1" = 500'

0 500 1000



Office of the Secretary of State

Bill Bradbury
Secretary of State



Archives Division
ROY TURNBAUGH
Director

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

Facsimile (503) 373-0953

February 25, 2004

Metro
Robert Knight
600 NE Grand Ave
Portland, OR 97232-2736

Dear Mr. Knight:

Please be advised that we have received and filed on February 25, 2004 the following Annexation(s).

Ordinance(s):	Jurisdiction:	Our File Number(s):
ORD #2003-238	Sunrise Water Authority	AN 2004-0031
ORD #2003-239	Sunrise Water Authority	AN 2004-0032
ORD #178128	City of Portland	AN 2004-0033
ORD #5325	City of Hillsboro	AN 2004-0034
ORD #5343	City of Hillsboro	AN 2004-0035
ORD #4287	City of Beaverton	AN 2004-0036

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,

Linda Bjornstad
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

Sunrise Water Authority
10602 SE 129th Avenue
Portland, OR 97236-6218

Description and Map Approved
February 19, 2004
As Per ORS 308.225

Description Map received from: METRO
On: 2/18/2004

This is to notify you that your boundary change in Clackamas County for
ANNEX TO SUNRISE WATER AUTHORITY

ORDER #2003-238

has been: Approved 2/19/2004
 Disapproved

Notes:

Please correct typo in description. Beginning point is at the SW corner of the NE1/4 of Section 31, not the NW1/4.

Department of Revenue File Number: 3-1609-2004

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-1303

ORDER NO. 2003-238

}
This matter coming before the Board at this time,
and it appearing that the Board received a resolution from the Board of the Sunrise Water
Authority to annex the territory to Sunrise Water Authority;

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 October 30, 2003 and that an order declaring the Board's
approval was entered on October 30, 2003;

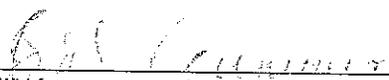
It further appearing that the Board held a second
hearing on December 4, 2003 as required by ORS 198.810 (1); and

It further appearing that written requests for an
election were not filed prior to or at the hearing on December 4, 2003;

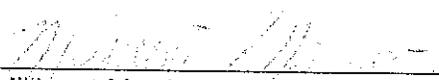
NOW, THEREFORE, IT IS HEREBY ORDERED
that Boundary Change Proposal No. CL-1303 is approved for the reasons stated in attached
Exhibit A and the territory described in Exhibit B and depicted on Exhibit C is annexed to
Sunrise Water Authority.

ADOPTED this 4th day of December, 2003.

BOARD OF COUNTY COMMISSIONERS



Bill Kennemer, Chair



Millicent Morrison, Recording Secretary

TO: Board of County Commissioners

FROM: Ken Martin - Local Government Boundary Consultant

Date: October 10, 2003

RE: Boundary Change Proposal No. CL-1303, Annexation to Sunrise Water Authority Scheduled for **Hearing Date** of October 30, 2003

1. Recommendation/Action Requested: Approval And Setting of Final Hearing Date of December 4, 2003
2. Background/Analysis: See Attached Staff Report
3. Financial Impact: None
4. Legal Issues: None
5. Controversial Issues: None
6. Link to Current County Policies: Relationship to the Clackamas County Comprehensive Plan Policies - covered in the attached staff report
7. Citizen Participation: Notice of this hearing invites testimony from any interested party. Notice consisted of: 1) Posting 3 notices near the territory and one notice in the County Courthouse 40 days prior to the hearing; 2) Publishing notice twice in the Clackamas County Review; 3) Mailed notice sent to affected local governments, all property owners within 100 feet of the area to be annexed and to Rock Creek CPO.
8. Other Government Participation: None

PROPOSAL NO. CL-1303 – SUNRISE WATER AUTHORITY - Annexation

Proposal No. CL-1303 was initiated by a resolution by the governing board of the Water Authority. The resolution meets the requirement for initiation set forth in ORS 198.850 (3), ORS 198.835 (section of statute which specifies contents of petition) and Metro Code 3.09.040 (a) (lists Metro's minimum requirements for petition). If the Board approves the proposal and there are no objections from necessary parties, the board must set a date for a final hearing on the proposed annexation (not less than 20 days nor more than 50 days from the date of their initial decision of approval). If no remonstrance is filed at that hearing the Board will enter an order and the boundary change will become effective immediately.

The territory to be annexed is located on the north edge of the Water Authority, east of SE 172nd Ave., south of Hemrick Rd. and west of SE Foster Road. The territory contains 88.08 acres, 7 single family dwellings, a population of 10 and is valued at \$1,191,842.

IMPORTANT ISSUES

This proposal presents the Board with several conditions which should be explained at this point.

First, this proposal lies within a larger area recently added to the regional UGB.

Following inclusion of this area in the regional Urban Growth Boundary the Authority staff contacted all the property owners in this general area asking whether they wished to be included in the Authority. An annexation boundary was then formulated based on contiguity and positive responses from the owners.

Second, this annexation is being initiated by the Board of the Water Authority. Proposals initiated in this fashion are subject to remonstrance (by 15 % of the electors or 100 electors- whichever is less-in the area to be annexed) and require a second hearing. That is different from most proposed annexations which the County Board has heard which have usually been initiated by double-majority petitions and which are approvable after a single hearing.

Third, this annexation is to a water authority, not a water district. The Board may remember from the hearings on the formation of the Sunrise Water Authority, that a major difference relates to the ability of cities to overlap authorities. Should the area ultimately be included in the City of Happy Valley or a proposed city in the Damascus area, the area would still remain in Water Authority.

- Comprehensive land use plans and public facility plans.
4. Consistency with directly applicable standards for boundary changes contained in the Regional framework 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.

LAND USE PLANNING

REGIONAL PLANNING

General Information

This territory to be annexed is included in Metro's jurisdictional boundary and was recently added to the regional Urban Growth Boundary (UGB).

Regional Framework Plan

The law which dictates that Metro 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 free standing construct which is now an element of the Framework Plan is the 2040 Growth Concept.

Metro is authorized to adopt functional plans which are limited purpose plans addressing designated areas and activities of metropolitan concern. Metro has adopted two such plans, 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 water authorities.

The Regional Framework Plan contains chapters on citizen involvement, on policies, on transportation, parks, housing, etc.. However, 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.

governmental entity will provide which service to which area in the long term. The counties are responsible for facilitating the creation of these agreements. The statute was enacted in 1993 but no urban service agreements have yet been adopted in Clackamas County

Water. Prior to formation of the Sunrise Water Authority the two water districts which joined to form the Authority, Damascus and Mt. Scott, did a joint water master plan. That plan encompassed the area to be annexed on the assumption that the area would soon be included in the Urban Growth Boundary. The Water Authority is currently doing a master plan which includes this area to be annexed and which will spell out in greater detail the facilities necessary to serve the area.

The Water Authority has water lines in this area which can provide water service for the current level of development. These lines include: a 6-inch line S.E. 172nd from Sunnyside Rd. north to a point beyond TL 1300 (See Fig. 1); an 18-inch line in S.E. 172nd from S.E. Hagen Rd. north to the end of the aforementioned 6-inch line; a 6-inch line S.E. Hagen Rd. from S.E. 172nd west to S.E. 162nd and then south to S.E. Monner Rd.; 8-inch lines in S.E. Monner Rd. and in S.E. 162nd south of Monner Rd.

Except for the 18-inch line, significant improvements will need to be made in the distribution system and likely the storage system as well, as the area develops to urban densities. The Water Authority's master plan will dictate what those improvements must be. The Authority finances such infrastructure plans with system development charges (SDC's) and revenue bonds. No general obligation bonds are necessary. Therefore the Authority Board can provide adequate financing without depending on a future vote with unknown outcome. Growth projections for the area would also support the reliability of the two revenue streams to underwrite the necessary improvements.

Sewer. There are no sewers in this area. As development occurs sewer service will be provided by Clackamas County Service District No. 1.

Police Service. The Clackamas County Sheriff serves this area with a ratio of sworn officers per thousand population of approximately .5. When development occurs service could be provided by a city or by expansion of the County's Enhanced Law Enforcement District.

Fire. The territory is within Clackamas R.F.P.D. # 1. This service will not be affected by annexation to the Water Authority.

RECOMMENDATION

Based on the study and the Proposed Findings and Reasons for Decision attached in Exhibit A, the staff recommends Proposal No. CL-1303 be **approved** and that the Board set a final hearing date of December 4, 2003.

FINDINGS

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

1. The territory to be annexed is located on the north edge of the Water Authority, east of SE 172nd Ave., south of Hemrick Rd. and west of SE Foster Road. The territory contains 88.08 acres, 7 single family dwellings, a population of 10 and is valued at \$1,191,842.
2. The Authority states in its application:

Sunrise Water Authority is requesting this boundary change in order to establish the parameters of the service area that it is anticipated that the utility will serve within the next five to ten years, in order to assist in planning infrastructure requirements. Predetermining the parameters of the area to be served by Sunrise will also assist with system mapping, planning for and acquisition of properties and easements for infrastructure such as transmission mains, reservoirs, distribution mains, pump stations, potential well sites, and well head protection buffer zones.

This is an area included in the urban growth boundary expansion that recently received final approval from LUBA. Sunrise Water Authority is making a concerted effort to anticipate growth patterns in the area that it serves and plan for system expansions in a timely manner, rather than being behind the curve and being forced to plan and construct system expansions in a short window of time. Planned expansions and well-planned designs require prior access to the area to be developed and sufficient time within which to explore the most cost effective method for installing the system expansions.

There are no specific developments being proposed at this time.

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." That is the primary statutory criteria which applies to the entire area to be annexed.

A second set of criteria can be found in the Metro Code. The Metro 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

5. The western portion of the territory to be annexed (Tax Lots 1300, 1400, 1401, 1500, 1600 & 1602) is identified as "Rural" on the Clackamas County Nonurban Area Land Use Plan Map (Map IV-7). The eastern part of the territory (Tax Lots 100, 101, 200 & 300) is identified as "Agriculture."

Zoning on the area to be annexed is RRFF-5, Rural Residential, Farm/Forest five-acre minimum lot sizes on the western portion and EFU, Exclusive Farm Use on the eastern part.

Because the area was just recently included in the UGB no changes have been made in County planning or zoning designations.

The Public Facilities and Services Element of the Comprehensive Plan contains the following Goals:

- Provide for the location and development of drinking water facilities to support existing and future land development.
- Coordinate the location and size of drinking water facilities with appropriate water purveyors.

Specifically with regard to *water* the Plan says:

12.0 Require all public water purveyors to design the extension of water facilities at levels consistent with the land use element of the Comprehensive Plan.

13.0 In urban areas, require water purveyors to coordinate the extension of water services with other key facilities, i.e., transportation, sanitary sewers, and storm drainage facilities, which are necessary to serve additional lands.

14.0 Encourage development in urban areas where adequate urban water facilities already exist.

15.0 In nonurban areas, require water purveyors to provide water services for nonurban areas at levels which are appropriate for nonurban use.

6. ORS 195 requires agreements between providers of urban services. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit. These agreements are to specify which governmental entity will provide which service to which area in the long term. The counties are responsible for facilitating the creation of these agreements. The statute was enacted in 1993 but no urban service agreements have yet been adopted in

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. 6 there are no ORS 195 agreements in place in this area. The Board therefore 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 (Sunrise Water Authority) 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 plan, which is the Clackamas County Comprehensive and concludes this proposal complies with it. Specifically the Plan calls for providing water to "support existing and future development" as noted in Finding No. 5. 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 critical service available to an area which will ultimately develop with urban densities. The Water Authority has demonstrated through its existing and currently underway master plan that it intends to service this area and that it will be capable of serving this area. The Board therefore concludes that annexation promotes the timely, orderly and economic provision of this service.



10602 S.E. 129TH AVENUE
PORTLAND, OR • 97236-6271
PHONE: (503) 761-0220
FAX: (503) 761-7406

CERTIFIED COPY
SUNRISE WATER AUTHORITY

Date: 8/22/03

Signature: [Handwritten Signature]

RESOLUTION 2003-9

WATER AUTHORITY INITIATED ANNEXATION OF TERRITORY

WHEREAS, The Sunrise Water Authority, organized and operating under Chapter 450 of Oregon Revised Statutes, desires to annex the territory legally described in Exhibit A; and,

WHEREAS, by authority of ORS 198.850 (3) the Board of the District may initiate the annexation.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE SUNRISE WATER AUTHORITY, at a Regular Meeting held on the 5th day of August, 2003, that:

- Section 1. The Board, pursuant to ORS 198.850 (3) hereby initiates proceedings for annexation of the territory to the Authority, as described in the legal description contained in Attachment 1.
- Section 2. The Board hereby approves the proposed annexation and requests Clackamas County to approve it.
- Section 3. The Authority General Manager is hereby directed to file a certified copy of the Resolution with the County.

The foregoing Resolution adopted the 5th day of August, 2003.

[Handwritten Signature]
Robert Frentress, Chair

[Handwritten Signature]
Judy Grycko, Secretary

ATTACHMENT 1
SUNRISE WATER AUTHORITY
ANNEXATION NO. 2002-03
LEGAL DESCRIPTION

CERTIFIED COPY
SUNRISE WATER AUTHORITY

Date: 8/22/03

Signature: [Handwritten Signature]

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

3
4 Beginning at a point on the existing boundary of the Sunrise Water Authority,
5 said point also being the SW corner of the NW1/4 of Section 31;

6
7 1. Thence South $89^{\circ} 52' 53''$ East along said boundary and quarter section
8 line 30 feet to the east line of S.E. 172nd Ave. (A 60 foot RW); said point being
9 the true point of beginning;

10
11 2. Thence North $89^{\circ} 47'$ East along the east-west one-quarter line of Section
12 31, T1S, R3E, 804.85 feet to the centerline of a creek;

13
14 3. Thence along said creek the following courses and distances:

15
16 North $38^{\circ} 59'$ East 20.47 feet,

17
18 North $66^{\circ} 08'$ East 29 feet,

19
20 North $20^{\circ} 43'$ East 18 feet,

21
22 North $45^{\circ} 55'$ West 24 feet,

23
24 South $87^{\circ} 34'$ West 37 feet

25
26 North $30^{\circ} 04'$ West 21 feet,

27
28 North $13^{\circ} 27'$ East 25 feet,

29
30 North $62^{\circ} 57'$ East 19 feet,

31
32 North $21^{\circ} 45'$ East 59.29 feet to a point;

33
34 4. Thence South $88^{\circ} 47' 56''$ East 460.96 feet to the one-sixteenth line in the
35 northeast one-quarter of said Section 31;

36
37 5. Thence South along said one-sixteenth line, 165.00 feet to the one-quarter
38 section line of said section;

39
40 6. Thence (Leaving said boundary) North $89^{\circ} 47'$ East along said line,
41 1322.75 feet to the east quarter corner of Section 31, T1S, R3E, WM;

42

Date: 8/22/03

Signature: [Handwritten Signature]

- 43 7. Thence North 0°14'12" West along the east line of said Section 31,
44 1,300.04 feet to the northwest corner of Parcel 1, of Partition Plat No. 1993-117;
45
- 46 8. Thence North 89° 07'56" East along the north line of said parcel, 332.75
47 feet to the north east corner of said parcel, said corner also being on the west
48 line of Foster Rd. (Market Rd. No. 18, a 60-foot R/W);
49
- 50 9. Thence North 12°00'14" West along said east line, 1335 feet, more or
51 less, to the point of intersection with the south line of S.E. Hemrick Rd. (County
52 Rd. No. 494, a 60 foot R/W);
53
- 54 10. Thence West and Northwest along said south line, 530 feet, more or less,
55 to the point of intersection with the most northerly line of a tract of land
56 (13E31A101) conveyed to Cozzetto Family LLC, as recorded in deed reference
57 No. 98-87610;
58
- 59 11. Thence West along said north line, 205 feet more or less to the northwest
60 corner of said Cozzetto tract;
61
- 62 12. Thence South along the west line of said Cozzetto tract, 1320 feet;
63
- 64 13. Thence West, 647.30 feet to the most southerly northwest corner of said
65 Cozzetto tract;
66
- 67 14. Thence South along the most westerly west line of said Cozzetto tract,
68 660 feet, more or less, to the northeast corner of tract of land (13E31A1300)
69 conveyed to Roger W. and Beverly A. Kuchinka, as recorded in deed reference
70 No. Book 696, Page 259;
71
- 72 15. Thence West along the north line of said Kuchinka tract, 1292.2 feet to the
73 northwest corner of said tract, said corner also being on the east line of S.E.
74 172nd Ave.
75
- 76 16. Thence South 0° 0'40" East along said east line, 657.97 feet more or less
77 to the true point of beginning.
78

79 Note: Tax lot numbers are for reference only and are not to be considered part of
80 the legal description. All deed reference numbers are based on Clackamas
81 County Records.
82

83 Located on Assessors Maps 13E, 31A and 13E32B.

P
K
20

After recording return to:

Bruce D. Kayser
1001 SW Fifth Avenue, Suite 2100
Portland, OR 97204

Until a change is requested, send
all tax statements to:

Cozzetto Family LLC
2499 NW Cornell Road
Portland, OR 97210

(For Recorder)

BARGAIN AND SALE DEED
(ORS 93.860)

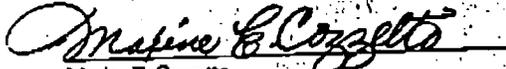
MAXINE E. COZZETTO and LOUIE J. COZZETTO, tenants in common, Grantors, convey to COZZETTO FAMILY LLC, Grantee, their one-half interest in the following described real property located in Clackamas County, Oregon.

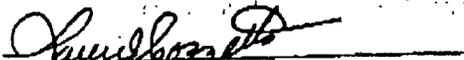
See Reverse

The true consideration for this transfer is \$0.00, a gift.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

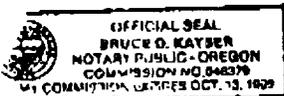
DATED this 17th day of September, 1998.

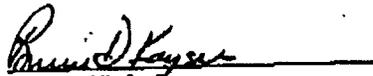

Maxine E. Cozzetto


Louie J. Cozzetto

STATE OF OREGON)
) ss.
County of Multnomah)

This instrument was acknowledged before me on the 17th day of Sept, 1998, by Maxine E. Cozzetto and Louie J. Cozzetto.




Notary Public for Oregon

98-087610

IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON

PARCEL I:

Beginning at the northeast corner of said southeast one-quarter of the northeast one-quarter of Section 31, T. 1 S., R. 3 E., of the W.M.; running thence West and parallel with the section line 9 rods to the true point of beginning of the tract to be described; thence South parallel with the section line, 10 rods; thence West 32 rods; thence North 10 rods; thence East, parallel with the section line, 32 rods to the point of beginning.

PARCEL II:

All of the north one-half of the northwest one-quarter of Section 32, T. 1 S., R. 3 E., of the W.M., lying westerly of the center line of Foster Road.

Legal Description:

The property described below is generally identified as Tax lot 101, in Sec. 31, T1S, R3E, W.M., Clackamas Co.

a) Part of the Northeast one-quarter of the Northeast one-quarter of Section 31, T. 1 S., R. 3 E., of the W.M., in the County of Clackamas and State of Oregon, described as: Beginning at a point on the East line of Section 31, 40.00 rods South of the Northeast corner thereof; thence South on section line 40.00 rods; thence West 41.00 rods; thence North 40.00 rods; thence East 1.00 rods to the place of beginning; EXCEPT a strip of land 1 1/2 feet wide along the entire East side of the North 20 rods of the above described land.

b) The Southeast one-quarter of the Northeast one-quarter of Section 31, T. 1 S., R. 3 E., of the W.M., in the County of Clackamas and State of Oregon, EXCEPTING therefrom that certain tract of land conveyed to Clifford J. Eberhart and Virginia Jean Eberhart, by deed recorded May 12, 1943, in Book 307, page 107, Dead Records, containing

c) Beginning at the Northeast corner of the Northeast one-quarter of the Northeast one-quarter of Section 31, T. 1 S., R. 3 E., of the W.M., in the County of Clackamas and State of Oregon; thence running South along the Section line 40 rods; thence 41 rods West; thence North 40 rods to the section line; thence East along the section line 41 rods to the place of beginning, EXCEPTING a strip of land 1 rod in width along the east end of said tract, reserved for road purposes and subject to the rights of the public in that portion thereof within the boundaries of the County Road.

The property described below is generally identified as Tax lot 300, in Sec. 32, T 1S, R. 3 E., W.M., Clackamas County.

d) Beginning at the Northwest corner of the Southwest one-quarter of the Northwest one-quarter of Section 32, T. 1 S., R. 3 E., of the W.M., in the County of Clackamas and State of Oregon; thence South along the West line of said Section 32, a distance of 20 feet; thence East parallel with the North line of the Southwest one-quarter of the Northwest one-quarter of said Section 32, to the South branch of Foster Road; thence Northwesterly along said road to the North line of the Southwest one-quarter of the Northwest one-quarter of said Section 32; thence West along the North line of the Southwest one-quarter of the Northwest one-quarter of said Section 32 to the place of beginning.

STATE OF OREGON 98-087610
 CLACKAMAS COUNTY
 Received and placed in the public
 records of Clackamas County
 RECEIPTS AND FEE: 72847 840.00
 DATE AND TIME: 09/21/98 09:05 AM
 JOHN KAUFFMAN, COUNTY CLERK

2

Form No. 112 - WARRANTY DEED

357101 KNOW ALL MEN BY THESE PRESENTS, That LEW L. ROBERTS and PATTY R. ROBERTS, husband and wife



in consideration of Ten and no/100 Dollars, and other good and valuable consideration to grantee paid by ROGER W. KUCHINKA and BEVERLY A. KUCHINKA, husband and wife does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereto belonging or appertaining, situated in the County of Clackamas and State of Oregon, described as follows, to-wit:

A tract of land lying in the Northeast quarter of Section 31, T.18., R.38. of the W.M. in Clackamas County, Oregon, being more particularly described as follows: Beginning at the Northwest corner of the South half of the Southwest quarter of the Northeast quarter of said Section 31; thence Easterly along the North line of said South half of the Southwest quarter of the Northeast quarter of said Section 31, a distance of 1322.20 feet to the Northeast corner thereof; thence Southerly along the East line of said South half of the Southwest quarter of the Northeast quarter of said Section 31, a distance of 165.50 feet to a point; thence Westerly a distance of 1322.60 feet to a point on the West line of said South half of the Southwest quarter of the Northeast quarter of said Section 31, which point is Southerly along the said West line 165.67 feet from the Northwest corner of said South half of the Southwest quarter of the Northeast quarter of said Section 31; thence Northerly along the said West line 165.62 feet to the point of beginning.

To Have and to Hold the above described and granted premises unto the said grantee and grantee's heirs, successors and assigns forever. And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances except taxes due but not payable; rights of the public in and to that portion of the herein described property lying within the boundaries of public roads and/or highways; right of way contract and easement in Deed Book 563, page 482, assigned in Deed Bk 353, page 822; easement in Deed Bk 617, page 332 and that grantor will warrant and forever defend the above granted premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever.

In construing this deed and where the context so requires, the singular includes the plural. WITNESS grantor's hand this 29th day of August, 1967.

Signature of Lew L. Roberts and Patty R. Roberts

STATE OF OREGON, County of Clackamas August 29, 1967. Personally appeared the above named Lew L. Roberts and Patty R. Roberts.

Notary Public for Oregon My commission expires 12/31/68. Signature of Notary Public and official seal.

WARRANTY DEED

Lew L. Roberts and Patty R. Roberts TO Robert W. Kuchinka and Beverly A. Kuchinka

AFTER RECORDING RETURN TO TRANSAMERICA TITLE INS CO 918 Main St Oregon City, Oregon 97045

14615

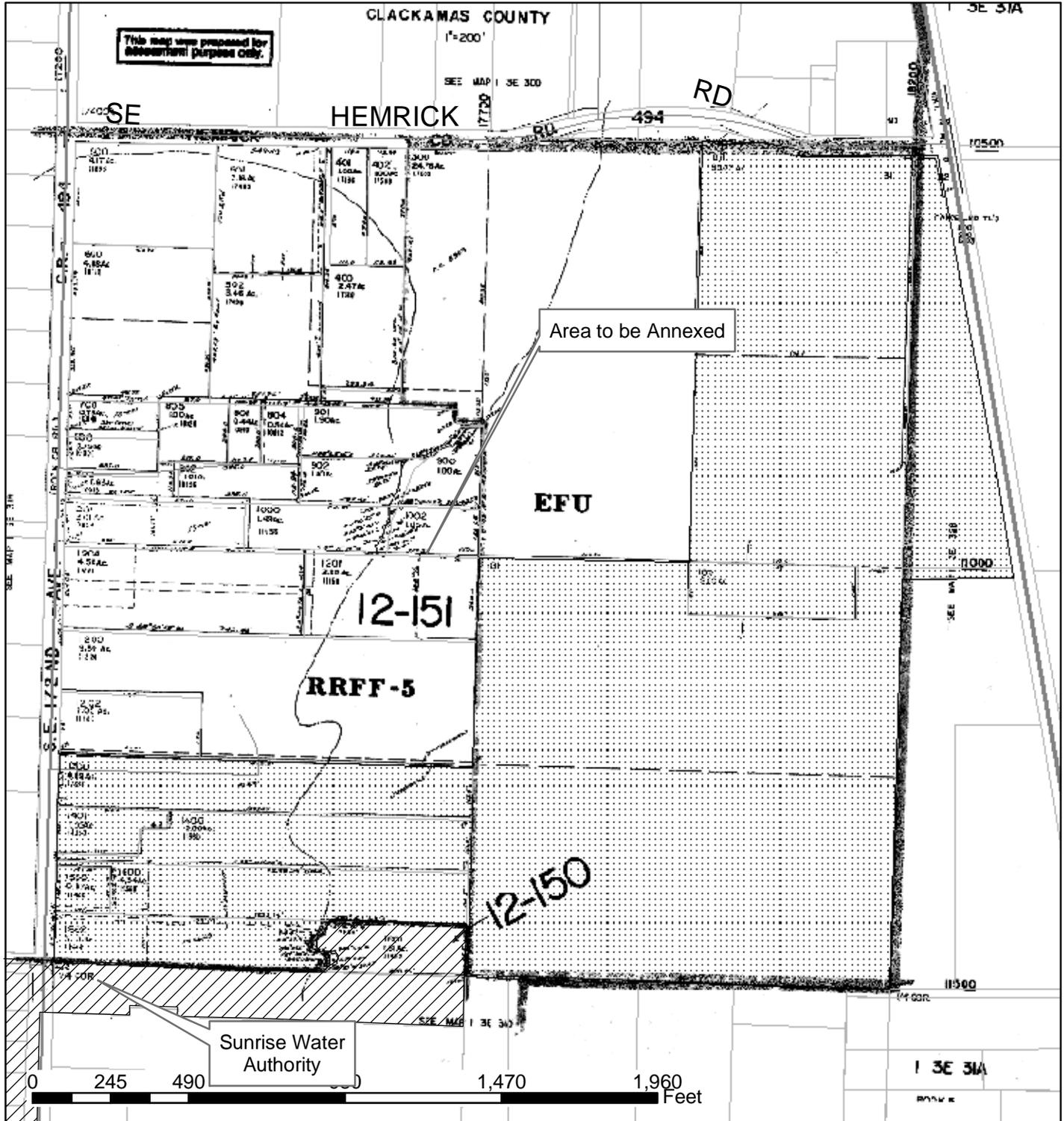
696 259

Proposal No. CL1303

K M C

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

Annexation to the Sunrise Water Authority
Clackamas Co.
1S3E31A, D & 32b



PROPOSAL No. CL1303
Sunrise Water Authority
Figure 2