

Final Documents

For

Annexation to the
City of Lake Oswego

CL3705
Ordinance 2434
DOR 3-1710-2005
Sec. State: AN-2006-0003

Final to Secretary of State:

Signature:

A handwritten signature in black ink, appearing to read "Robert J. ...", is written over a horizontal line.

Date of

Mailing: 12/29/05

CL3705

Sent

Received

DOR:

12/28/05

Sec. State:

12/29/05

Assessor:

12/29/05

Elections:

12/29/05

Mapped:

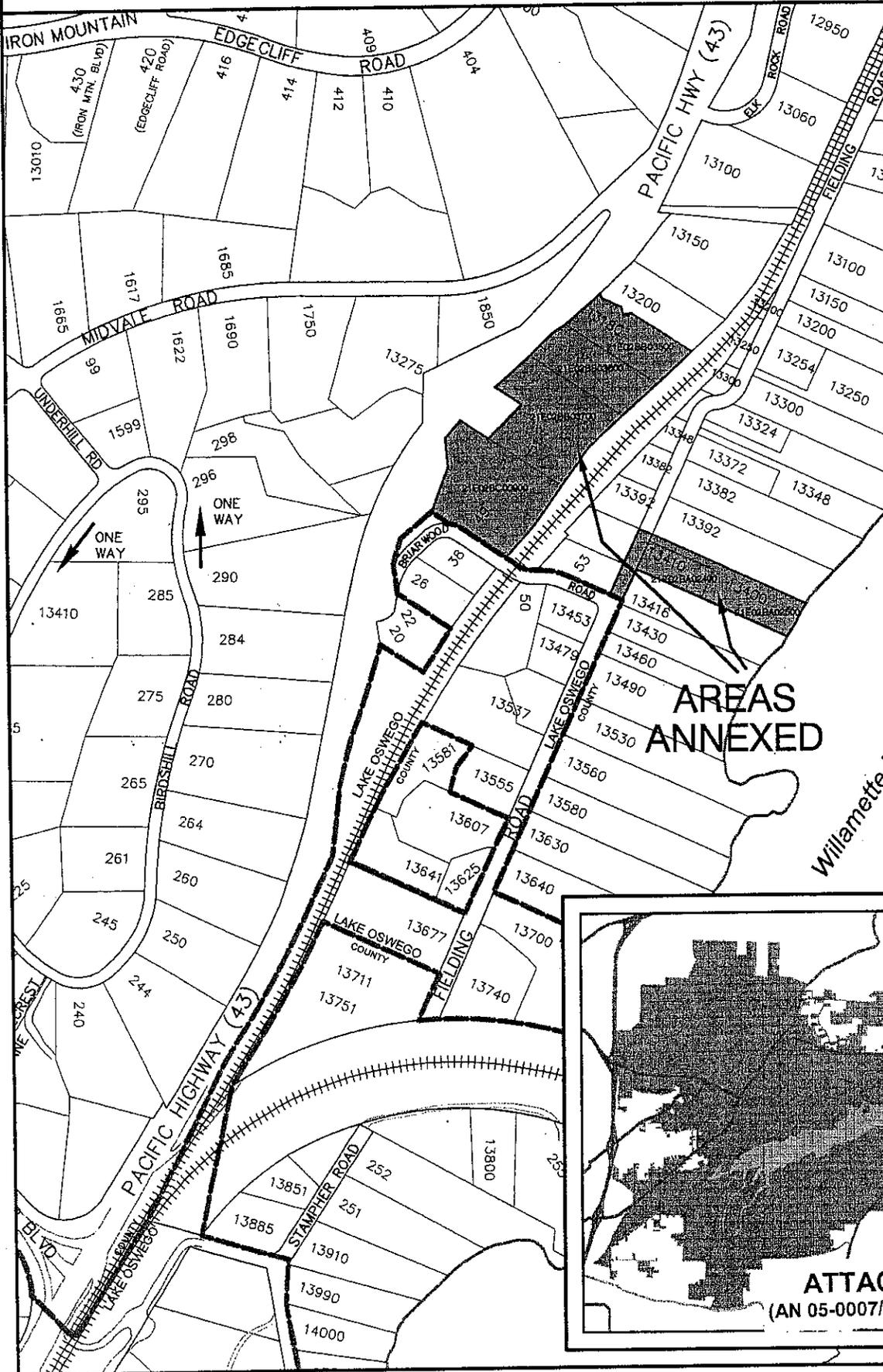
Yes

Address Information:

21E02BC00900
21E02BB03700
21E02BB03600
21E02BB03500
21E02BA02400
21E02BA02500

49 Briarwood Road
51 Briarwood Road
No site address
13180 Riverside Drive
13410 Fielding Road
13400 Fielding Road

Annexation to the City of Lake Oswego AN 05-0007/Ordinance 2434

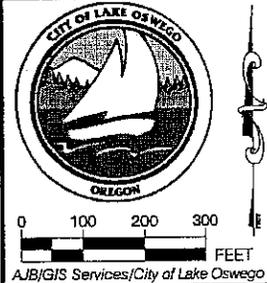


Effective Date:
01/05/06

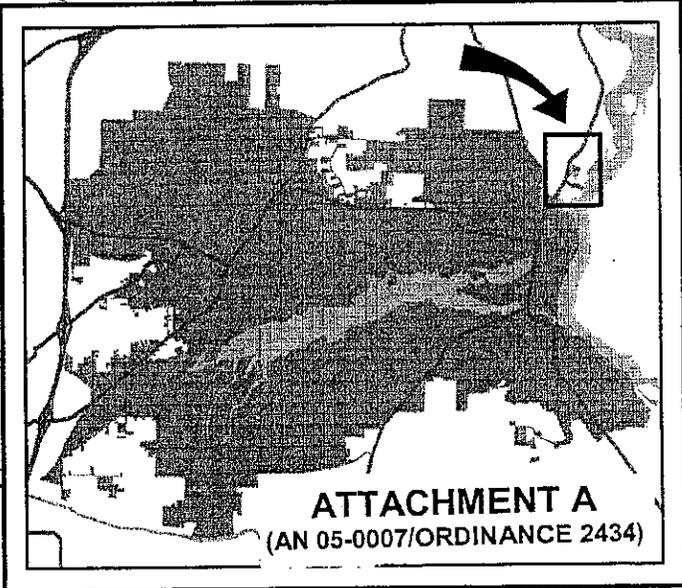
Map and Lot #:
21E02BA
TL 2400 & 2500
21E02BB
TL 3500, 3600 & 3700
21E02BC
TL 900

City of Lake Oswego:
Comprehensive Plan
Designation= **R-10**,
Residential
Zoning= **R-10**,
Residential

Clackamas County:
Zoning= **R-10**,
Residential



**AREAS
ANNEXED**



ATTACHMENT A
(AN 05-0007/ORDINANCE 2434)

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

January 4, 2006

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

Dear Mr. Knight:

Please be advised that we have received and filed, as of January 4, 2006, the following records annexing territory to the following:

Ordinance/Resolution Number(s)	Our File Number
OR NO 2436 (City of Lake Oswego)	AN 2006-0001
OR NO 2435 (City of Lake Oswego)	AN 2006-0002
OR NO 2434 (City of Lake Oswego)	AN 2006-0003
OR NO 2437 (City of Lake Oswego)	AN 2006-0004

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,

A handwritten signature in blue ink that reads "Linda Bjornstad". The signature is written in a cursive, flowing style.

Linda Bjornstad
Official Public Documents

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

Notice to Taxing Districts

ORS 308.225



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

RECEIVED

DEC 21 2005

CITY OF LAKE OSWEGO
Dept. of Planning & Development

City of Lake Oswego Planning Dept.
Attn: Annexation Planner
PO Box 369
Lake Oswego, OR 97034

Description and Map Approved
December 19, 2005
As Per ORS 308.225

Description Map received from: CITY
On: 12/12/2005

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

ANNEX TO CITY OF LAKE OSWEGO; WITHDRAW FROM CLACK CO ESPD AND RIVERDALE-DUNTHORPE FD #60

ORD. #2434 (AN 05-0007)

has been: Approved 12/19/2005
 Disapproved

Notes:

Department of Revenue File Number: 3-1710-2005

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



Community Development Planning Division

Memorandum

TO: Carol Hall
Metro Data Resource Center

FROM: Iris Treinen, Long Range Planning
Planning Division

DATE: December 22, 2005

SUBJECT: Final Boundary Change Submission for AN 05-0007 (Ordinance 2434)
Approved by City Council on December 6, 2005

Attached please find:

- Final signed resolution, order or ordinance (with legal description)
- Approved Notice to Taxing Districts from Oregon Department of Revenue
- Final map(s)
- Filing fee

Property information:

49 Briarwood Road (21E02BC00900)
 51 Briarwood Road (21E02BB03700)
 Parcel identified as 21E02BB03600, with no situs address, adjacent to 51 Briarwood Road.
 13180 Riverside Drive (21E02BB03500)
 13410 Fielding Road (21E02BA02400)
 13400 Fielding Road (21E02BA02500)

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. 2434

AN ORDINANCE ANNEXING TO THE CITY OF LAKE OSWEGO SIX PARCELS COMPRISING APPROXIMATELY 3.8 ACRES (49 & 51 BRIARWOOD ROAD, 13400 & 13410 FIELDING ROAD, 13180 RIVERSIDE DRIVE, AND A VACANT PARCEL (21E02BB 03600); DECLARING CITY OF LAKE OSWEGO ZONING PURSUANT TO LAKE OSWEGO COMMUNITY DEVELOPMENT CODE 50.05.25; AND REMOVING THE PARCELS FROM CERTAIN DISTRICTS (AN 05-0007).

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; and

WHEREAS, the City has received consent to the proposed annexation from 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 and represent more than half of the assessed value of all property in the territory and, not less than 50% of the registered voters residing in the territory; and

WHEREAS, the part of the territory that lies within the Riverdale-Dunthorpe Fire District, #60 may, 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 may, by operation of ORS 222.520, be withdrawn from the district upon approval of the annexation; and,

WHEREAS, the City of Lake Oswego Community Development Code, 50.05.25, 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 City's Resources Conservation and Resource Protection District Designations to 21E02BC tax lot 900 and 21E02BB tax lots 3500, 3600 and 3700 was approved through Ordinance 2432 (LU 05-0048); and,

WHEREAS, the parcels located at 13400 and 13410 Fielding Road (21E02BA tax lots 2500 and 2400) are located within the Federal Emergency Management Agency's 100-year floodplain; and,

WHEREAS, the Staff Report, which addresses applicable criteria, dated October 6, 2005, 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 3.09.050(b) and (d).

The City of Lake Oswego ordains as follows:

Section 1. The real property described as follows is hereby annexed to the City of Lake Oswego:

Six tracts of land located in the northwest quarter of Section 2, Township 2 South, Range 1 East of the Willamette Meridian, Clackamas County, Oregon; more particularly described as follows:

Tract 1 (21E 02BA TL 02400):

Beginning at the most northerly corner of Lot 12, FIELDING TRACT;

thence along the northerly line of said lot, South 67° 25' East, 81.60 feet to the easterly line of a 25.00 foot road;

thence following said easterly line of a 25.00 foot road, South 22° 35' West, 257.40 feet to the southerly line of a tract described in Book 326, Page 484, Clackamas County Deed Records and the True Point of Beginning;

thence South 67° 25' East, 156.00 feet;

thence North 22° 35' East, 66.00 feet;

thence North 67° 25' West, 156.00 feet to the easterly line of said 25.00 foot road;

thence following said easterly road line, South 22° 35' West, 66.00 feet to the True Point of Beginning.

Tract 2 (21E 02BA TL 02500):

Beginning at a point on the east line of Lot 12, FIELDING TRACT, said point being South 32° 06' West, 177.7 feet from the northeast corner of said Lot 12, said point also being the southeast corner of a tract conveyed by Vernon W. Hansen and Nelle P. Hansen, to Donald Gene Wilson and Susan Jean Wilson by deed recorded June 1, 1964, in Book 640, Page 798, Clackamas County Deed Records;

thence following the southerly boundary of said Wilson tract, North 67° 25' West, to the southeasterly right of way line of Fielding Road, as it existed August 29, 1967;

thence along said right of way line, South 22° 35' West, 15.00 feet, more or less, to the northwest corner of a tract of land conveyed by Donald Gene Wilson to Ronald P. Hoxie and Richard Ausman, by deed recorded October 5, 1970 in Fee No. 70-22440, Clackamas County Deed Records;

thence South 67° 25' East, 156.00 feet to the northeast corner of said Hoxie and Ausman tract;

thence South 22° 35' West, 66.00 feet to the southeast corner of said Hoxie and Ausman tract;

thence South 67° 25' East, to the easterly line of said Lot 12;

thence northeasterly following said easterly lot line to the point of beginning.

INCLUDING THEREWITH a portion of Fielding Road, 25.00 foot in width, as platted in FIELDING TRACT and approximately 147 feet in length; said portion of roadway to be terminated on the north by the westerly projection of the most northerly line of the above described tract and terminated on the south by the easterly projection of the north right of way line of Briarwood Road.

Tract 3 (21E 02BB TL 03500):
All of Lot 13, ARCADIA;

EXCEPTING THEREFROM the following described tract:
Beginning at the north corner of said Lot 13; thence South 58° 27' East, 50.00 feet to a point on the northeasterly line of said lot; thence North 74° 29' West, 56.14 feet to a point on the northwesterly line of said Lot 13, being also the easterly side of SW Riverside Drive; thence along said northwesterly line, North 45° 53' East, 16.00 feet to the point of beginning.

FURTHER EXCEPTING THEREFROM the following described tract:
Beginning at an iron pipe in the northeasterly line of said Lot 13, which iron pipe bears South 60° 03' East (Deed South 58° 27' East), 50.00 feet from the most northerly corner of said Lot 13; thence continuing along said northeasterly line of Lot 13, 24.99 feet to an iron rod; thence leaving said northeasterly line of Lot 13, South 76° 37' 30" West, 16.67 feet; thence North 18° 22' 30" West, 17.20 feet to the place of beginning.

ALSO INCLUDING THEREWITH the following described tract:
Beginning at in iron rod in the northwesterly line of said Lot 13, which iron rod bear South 44° 28' West, 12.82 feet from the most northerly corner of said Lot 13; thence continuing along said northwesterly line of Lot 13, South 44° 28' West, 3.18 feet; thence leaving said northwesterly line of Lot 13, South 76° 03' 20" East, 11.73 feet; thence North 60° 53' 55" West, 10.48 feet to the place of beginning.

Tract 4 (21E 02BB TL 03600):
All of Lot 12, ARCADIA;

EXCEPTING THEREFROM that portion of Lot 12 included within a 40.00 foot strip of right of way lying on the southerly and easterly side of and parallel and contiguous to the 1930 relocated center line of the Pacific Highway; said portion being more particularly described as follows: Beginning at an iron pipe set at the west corner of said Lot 12; thence North 57° 45' West along the westerly extension of the southwesterly line of said Lot 12, 32.16 feet to a point in the center of the old county road; thence North 53° 22' East, along the center of said old road 106.7 feet; thence South 57° 45' East, along the northeasterly line of said Lot 12, 23.5 feet to a point which is 40.00 feet distant southeasterly from, when measured at right angles to, the 1930 relocated center line of the Pacific Highway approximately at Engineer's Station 328+26; thence southwesterly parallel to the relocated center line of a 1472.5 foot radius curve right, 101.5 feet to an intersection with the southwesterly line of said Lot 12; thence North 57° 45' West along said southwesterly line, 8.42 feet to the point of beginning.

Tract 5 (21E 02BB TL 03700):
All of Lots 10 and 11, ARCADIA;

EXCEPTING THEREFROM that portion conveyed for roadway to the State of Oregon by deed recorded November 13, 1930, in Book 208, Page 586, Deed Records of Clackamas County and;

FURTHER EXCEPTING THEREFROM that portion awarded for roadway to the State of Oregon by judgment entered March 18, 1932, in Suit No. 25749, Clackamas County Circuit Court.

Tract 6 (21E 02BC TL 00900):
All of Lots 8 and 9, ARCADIA;

EXCEPTING THEREFROM that portion conveyed for roadway to the State of Oregon by deed recorded November 13, 1930, in Book 208, Page 594, Deed Records of Clackamas County.

Section 2. The annexed area lies within the following districts and will be withdrawn from these districts upon the effective date of annexation:

Clackamas County Enhanced Sheriff's Patrol District
Riverdale-Dunthorpe Fire District #60

Section 3. In accordance with the Community Development Code 50.05.25, the City zoning designation of R-10 will be applied to the property immediately upon the effective date of annexation.

In accordance with the Community Development Code 50.05.25, the City Resource Conservation (RC) and Resource Protection (RP) District Designation will be applied, immediately upon the effective date of annexation, to 21E02BC tax lot 900 and 21E02BB tax lots 3500, 3600 and 3700 as mapped on the Sensitive Lands Atlas and as shown in the map in Attachment "B".

In accordance with the Community Development Code 50.05.25, the City's Greenway Management Overlay District will be applied, immediately upon the effective date of annexation, to 13400 Fielding Road (21E02BA tax lot 2500) and as shown in the map in Attachment "C".

Section 4. The City Council hereby adopts the findings of facts and conclusions set forth in the above referenced staff report in support of this Annexation Ordinance.

Section 5.

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 6. 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 6th day of December, 2005.

AYES: Mayor Hammerstad, Peterson, Turchi, Graham, Hoffman

NOES: none

ABSTAIN: none

EXCUSED: McPeak, Groznik

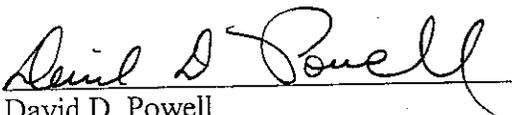


Judie Hammerstad, Mayor

Dated: 12-7-05

ATTEST:


Robyn Christie, City Recorder

APPROVED AS TO FORM:


David D. Powell
City Attorney

Greenway Management Overlay District (GMOD)

AN 05-0007/Ordinance 2434

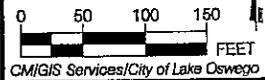
Hearing Date:
11/01/05

Map and Lot #:
21E02BA
TL 2500

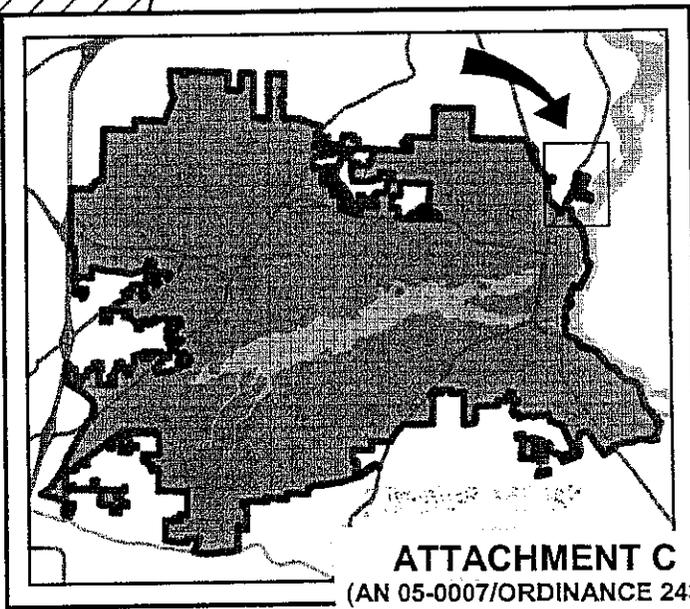
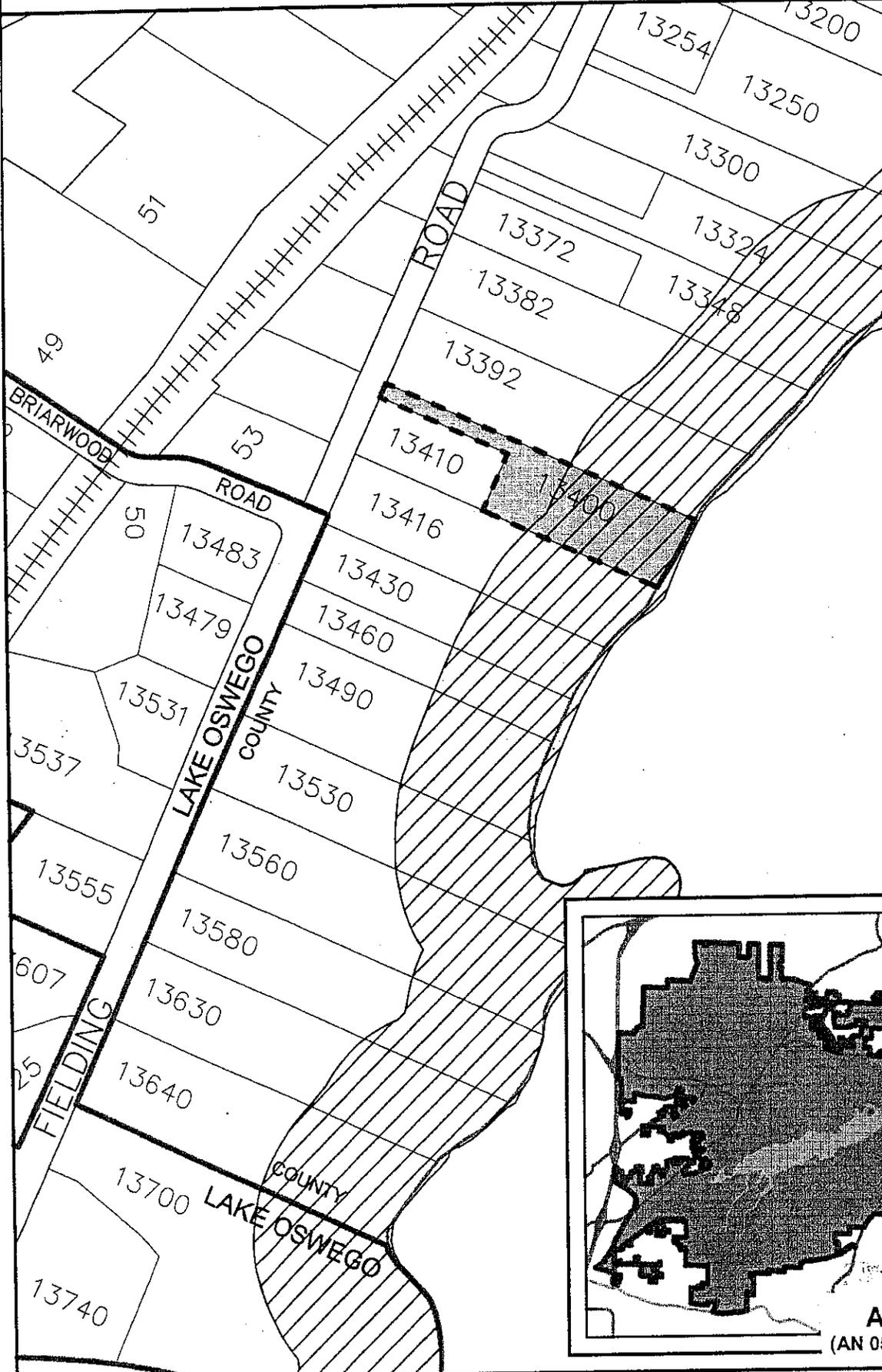
Address:
13400 Fielding Road

City of Lake Oswego:
Comprehensive Plan
Designation= R-10,
Residential
Zoning= R-10,
Residential & GMOD

Clackamas County:
Zoning= R-10,
Residential

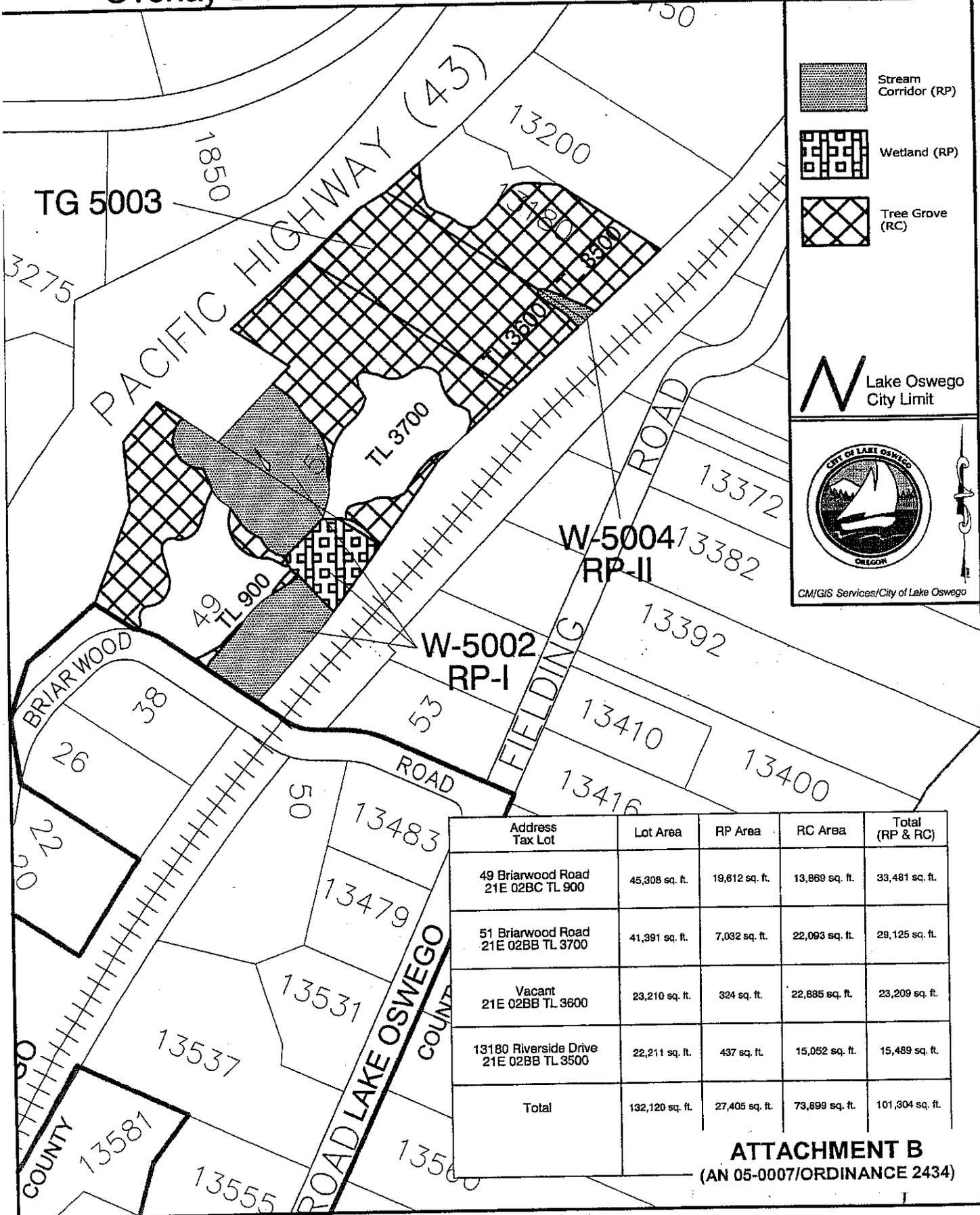


CMGIS Services/City of Lake Oswego



Resource Protection (RP) and Resource Conservation (RC) Overlay Districts

AN 05-0007 / ORD 2434



Legend:

- Stream Corridor (RP)
- Wetland (RP)
- Tree Grove (RC)

North Arrow: Lake Oswego City Limit

City of Lake Oswego Logo: OREGON

Source: CM/GIS Services/City of Lake Oswego

Address Tax Lot	Lot Area	RP Area	RC Area	Total (RP & RC)
49 Briarwood Road 21E 02BC TL 900	45,308 sq. ft.	19,612 sq. ft.	13,869 sq. ft.	33,481 sq. ft.
51 Briarwood Road 21E 02BB TL 3700	41,991 sq. ft.	7,032 sq. ft.	22,093 sq. ft.	29,125 sq. ft.
Vacant 21E 02BB TL 3600	23,210 sq. ft.	324 sq. ft.	22,885 sq. ft.	23,209 sq. ft.
13180 Riverside Drive 21E 02BB TL 3500	22,211 sq. ft.	437 sq. ft.	15,052 sq. ft.	15,489 sq. ft.
Total	132,120 sq. ft.	27,405 sq. ft.	73,899 sq. ft.	101,304 sq. ft.

ATTACHMENT B
(AN 05-0007/ORDINANCE 2434)

EXHIBIT A

Six tracts of land located in the northwest quarter of Section 2, Township 2 South, Range 1 East of the Willamette Meridian, Clackamas County, Oregon; more particularly described as follows:

Tract 1 (21E 02BA TL 02400):

Beginning at the most northerly corner of Lot 12, FIELDING TRACT;

thence along the northerly line of said lot, South 67° 25' East, 81.60 feet to the easterly line of a 25.00 foot road;

thence following said easterly line of a 25.00 foot road, South 22° 35' West, 257.40 feet to the southerly line of a tract described in Book 326, Page 484, Clackamas County Deed Records and the True Point of Beginning;

thence South 67° 25' East, 156.00 feet;

thence North 22° 35' East, 66.00 feet;

thence North 67° 25' West, 156.00 feet to the easterly line of said 25.00 foot road;

thence following said easterly road line, South 22° 35' West, 66.00 feet to the True Point of Beginning.

Tract 2 (21E 02BA TL 02500):

Beginning at a point on the east line of Lot 12, FIELDING TRACT, said point being South 32° 06' West, 177.7 feet from the northeast corner of said Lot 12, said point also being the southeast corner of a tract conveyed by Vernon W. Hansen and Nelle P. Hansen, to Donald Gene Wilson and Susan Jean Wilson by deed recorded June 1, 1964, in Book 640, Page 798, Clackamas County Deed Records;

thence following the southerly boundary of said Wilson tract, North 67° 25' West, to the southeasterly right of way line of Fielding Road, as it existed August 29, 1967;

thence along said right of way line, South 22° 35' West, 15.00 feet, more or less, to the northwest corner of a tract of land conveyed by Donald Gene Wilson to Ronald P. Hoxie and Richard Ausman, by deed recorded October 5, 1970 in Fee No. 70-22440, Clackamas County Deed Records;

thence South 67° 25' East, 156.00 feet to the northeast corner of said Hoxie and Ausman tract;

thence South 22° 35' West, 66.00 feet to the southeast corner of said Hoxie and Ausman tract;

thence South 67° 25' East, to the easterly line of said Lot 12;

thence northeasterly following said easterly lot line to the point of beginning.

INCLUDING THEREWITH a portion of Fielding Road, 25.00 foot in width, as platted in FIELDING TRACT and approximately 147 feet in length; said portion of roadway to be terminated on the north by the westerly projection of the most northerly line of the above described tract and terminated on the south by the easterly projection of the north right of way line of Briarwood Road.

Tract 3 (21E 02BB TL 03500):

All of Lot 13, ARCADIA;

EXCEPTING THEREFROM the following described tract:

Beginning at the north corner of said Lot 13; thence South 58° 27' East, 50.00 feet to a point on the northeasterly line of said lot; thence North 74° 29' West, 56.14 feet to a point on the northwesterly line of said Lot 13, being also the easterly side of SW Riverside Drive; thence along said northwesterly line, North 45° 53' East, 16.00 feet to the point of beginning.

FURTHER EXCEPTING THEREFROM the following described tract:

Beginning at an iron pipe in the northeasterly line of said Lot 13, which iron pipe bears South 60° 03' East (Deed South 58° 27' East), 50.00 feet from the most northerly corner of said Lot 13; thence continuing along said northeasterly line of Lot 13, 24.99 feet to an iron rod; thence leaving said northeasterly line of Lot 13, South 76° 37' 30" West, 16.67 feet; thence North 18° 22' 30" West, 17.20 feet to the place of beginning.

ALSO INCLUDING THEREWITH the following described tract:

Beginning at in iron rod in the northwesterly line of said Lot 13, which iron rod bear South 44° 28' West, 12.82 feet from the most northerly corner of said Lot 13; thence continuing along said northwesterly line of Lot 13, South 44° 28' West, 3.18 feet; thence leaving said northwesterly line of Lot 13, South 76° 03' 20" East, 11.73 feet; thence North 60° 53' 55" West, 10.48 feet to the place of beginning.

Tract 4 (21E 02BB TL 03600):

All of Lot 12, ARCADIA;

EXCEPTING THEREFROM that portion of Lot 12 included within a 40.00 foot strip of right of way lying on the southerly and easterly side of and parallel and contiguous to the 1930 relocated center line of the Pacific Highway; said portion being more particularly described as follows: Beginning at an iron pipe set at the west corner of said Lot 12; thence North 57° 45' West along the westerly extension of the southwesterly line of said Lot 12, 32.16 feet to a point in the center of the old county road; thence North 53° 22' East, along the center of said old road 106.7 feet; thence South 57° 45' East, along the northeasterly line of said Lot 12, 23.5 feet to a point which is 40.00 feet distant southeasterly from, when measured at right angles to, the 1930 relocated center line of the Pacific Highway approximately at Engineer's Station 328+26; thence southwesterly parallel to the relocated center line of a 1472.5 foot radius curve right, 101.5 feet to an intersection with the southwesterly line of said Lot 12; thence North 57° 45' West along said southwesterly line, 8.42 feet to the point of beginning.

Tract 5 (21E 02BB TL 03700):

All of Lots 10 and 11, ARCADIA;

EXCEPTING THEREFROM that portion conveyed for roadway to the State of Oregon by deed recorded November 13, 1930, in Book 208, Page 586; Deed Records of Clackamas County and;

FURTHER EXCEPTING THEREFROM that portion awarded for roadway to the State of Oregon by judgment entered March 18, 1932, in Suit No. 25749, Clackamas County Circuit Court.

Tract 6 (21E 02BC TL 00900):

All of Lots 8 and 9, ARCADIA;

EXCEPTING THEREFROM that portion conveyed for roadway to the State of Oregon by deed recorded November 13, 1930, in Book 208, Page 594, Deed Records of Clackamas County.