

Final Documents

For

Annexation to the  
**City of Beaverton**

WA0404  
Ord. #4284  
DOR 34-1649-2004  
Sec. State: AN-2004-0018

Final to DOR: \_\_\_\_\_

Signature:

\_\_\_\_\_

Date of  
Mailing: 1/22/04

Final to Secretary of State: \_\_\_\_\_

Signature:

\_\_\_\_\_

Date of  
Mailing: 1/27/04

WA0404

Sent

Received

DOR:

1/22/04

1/27/04

Sec. State:

1/27/04

1/30/04

Assessor:

1/27/04

Elections:

1/27/04

Mapped:

Yes

Addresses:

1S134C000100 12345 NW Barnes Rd

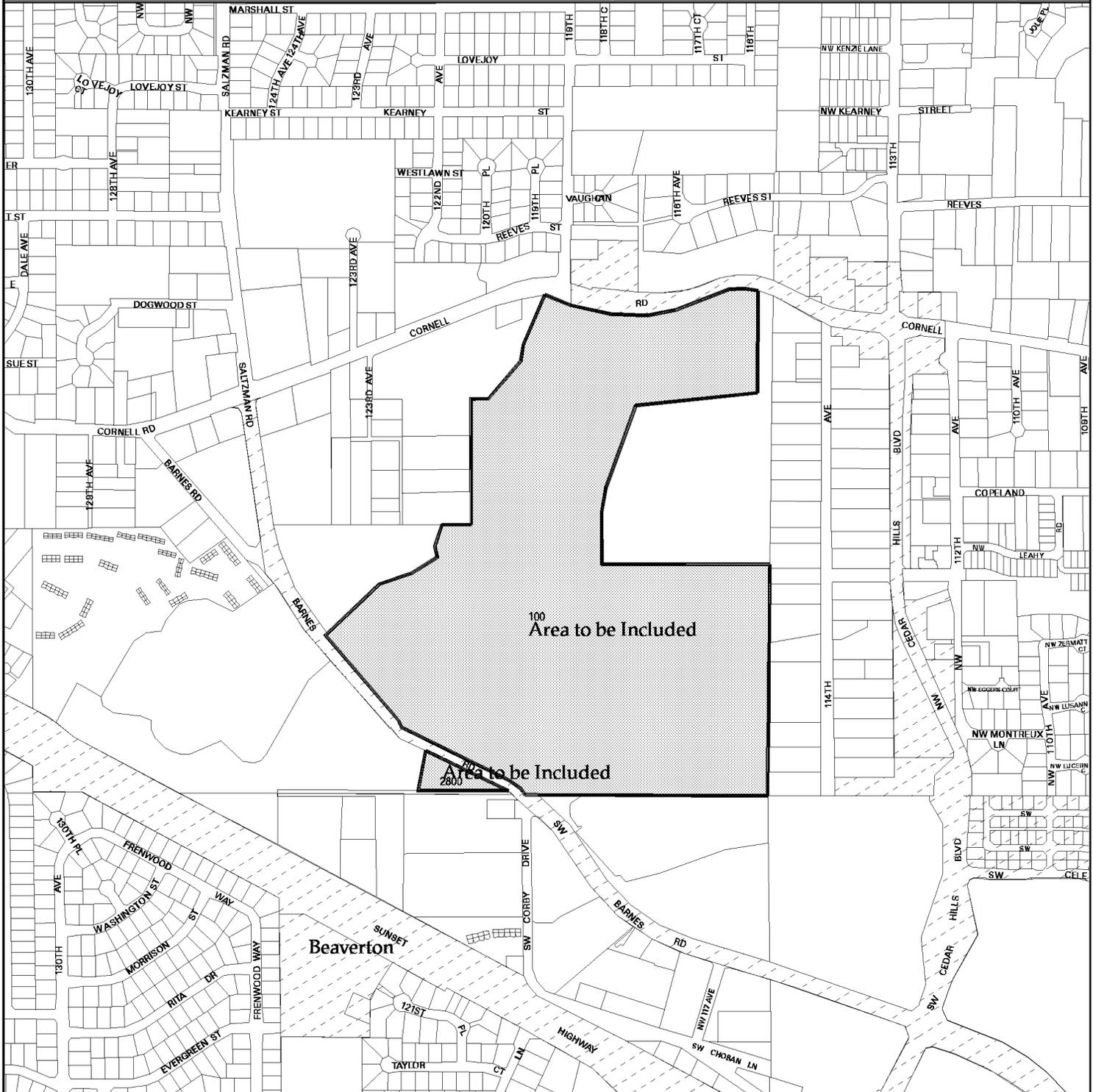
1S134C002800 12345 NW Barnes Rd

# Proposal No. WA0404

1N1W34

Annexation to the City of Beaverton

Washington Co.



R E G I O N A L I N F O R M A T I O N S Y S T E M



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

City

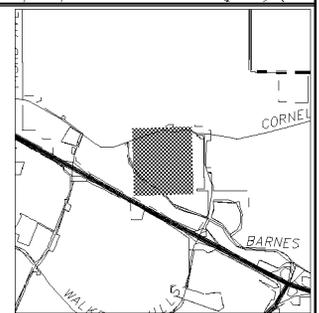
Annexation boundary

Urban Growth Boundary

Proposal No. WA0404  
CITY OF BEAVERTON  
Figure 1

Scale: 1" = 750'

0 500 1000



# Notice to Taxing Districts

ORS 308.225



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

City of Beaverton  
% Sue Ann Koniak  
P.O. Box 4755  
Beaverton, OR 97076

**Description and Map Approved**  
**January 27, 2004**  
**As Per ORS 308.225**

Description     Map received from: METRO  
On: 1/26/2004

This is to notify you that your boundary change in Washington County for  
ANNEX TO THE CITY OF BEAVERTON & WITHDRAWAL FROM SEVERAL DIST.

ORD. #4284

has been:     Approved            1/27/2004  
                   Disapproved

Notes:

Department of Revenue File Number: 34-1649-2004

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

Office of the Secretary of State

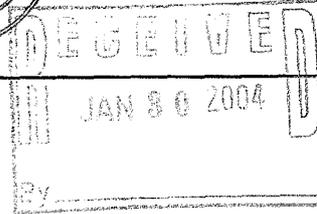
Bill Bradbury  
Secretary of State



Archives Division  
ROY TURNBAUGH  
Director

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

Facsimile (503) 373-0953



January 28, 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 January 28, 2004 the following Annexation(s).

Ordinance(s):	Jurisdiction:	Our File Number(s):
ORD #4278	City of Beaverton	AN 2004-0016
ORD #4280	City of Beaverton	AN 2004-0017
ORD #4284	City of Beaverton	AN 2004-0018

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

**ORDINANCE NO. 4284**

AN ORDINANCE ANNEXING PROPERTY GENERALLY  
LOCATED AT 12345 NW BARNES ROAD TO THE CITY OF  
BEAVERTON; EXPEDITED ANNEXATION 2003-0012.

**WHEREAS,** This expedited annexation was initiated under authority of ORS 222.125, whereby the owners of the property and a majority of the electors have consented to annexation; and

**WHEREAS,** City policy as adopted in Resolution No. 2660, Sections 2 and 4 is to extend City services to properties through annexation; now, therefore,

**THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:**

**Section 1.** The property shown on Exhibit A and more particularly described in Exhibit B is hereby annexed to the City of Beaverton, effective 30 days after Council approval and signature by the Mayor.

**Section 2.** The Council accepts the staff report, dated December 16, 2003 attached hereto as Exhibit C, and finds that:

- a. There are no provisions in urban service provider agreements adopted pursuant to ORS 195.065 that are directly applicable to this annexation; and
- b. This annexation is consistent with the City-Agency agreements between the City and Clean Water Services, in that partial responsibility for sanitary and storm sewer facilities within the area annexed will transfer to the City upon this annexation.

**Section 3.** The Council finds that this annexation will promote and not interfere with the timely, orderly and economic provision of public facilities and services, in that:

- a. The part of the property that lies within Washington County Urban Road Maintenance District will be withdrawn from the district; and
- b. The part of the property that lies within Washington County Street Lighting District #1 will be withdrawn from the district; and
- c. The part of the property that lies within the Washington County Enhanced Sheriff Patrol District will be withdrawn from the district; and
- d. The City having annexed into the Tualatin Valley Fire and Rescue District in 1995, the property to be annexed by this Ordinance shall be annexed to or remain within that district.
- e. The territory will remain within the boundaries of the Tualatin Valley Water District until the City withdraws it by separate action.

**Section 4.** The Council finds that this annexation complies with all other applicable criteria set out in Metro Code Chapter 3.09.

**Section 5.** The City Recorder shall place a certified copy of this Ordinance in the City's permanent records and forward a certified copy of this Ordinance to Metro and all necessary parties within five days after the Mayor's signature.

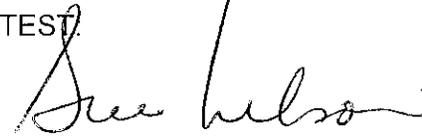
**Section 6.** The City Recorder shall transmit copies of this ordinance and all other required materials to all public utilities and telecommunications utilities operating within the City in accordance with ORS 222.005.

First reading this 5<sup>th</sup> day of January, 2004.

Passed by the Council this 12<sup>th</sup> day of January, 2004.

Approved by the Mayor this 13<sup>th</sup> day of JANUARY, 2004.

ATTEST:

  
\_\_\_\_\_  
SUE NELSON, City Recorder

APPROVED:

  
\_\_\_\_\_  
ROB DRAKE, Mayor

STATE OF OREGON,  
COUNTY OF WASHINGTON, } ss CERTIFICATION  
CITY OF BEAVERTON.

I, Sue Nelson, Recorder for  
City of Beaverton, Washington County, Oregon, certify  
that this instrument is a true copy of the original which is  
part of the official records of the City of Beaverton, Oregon.

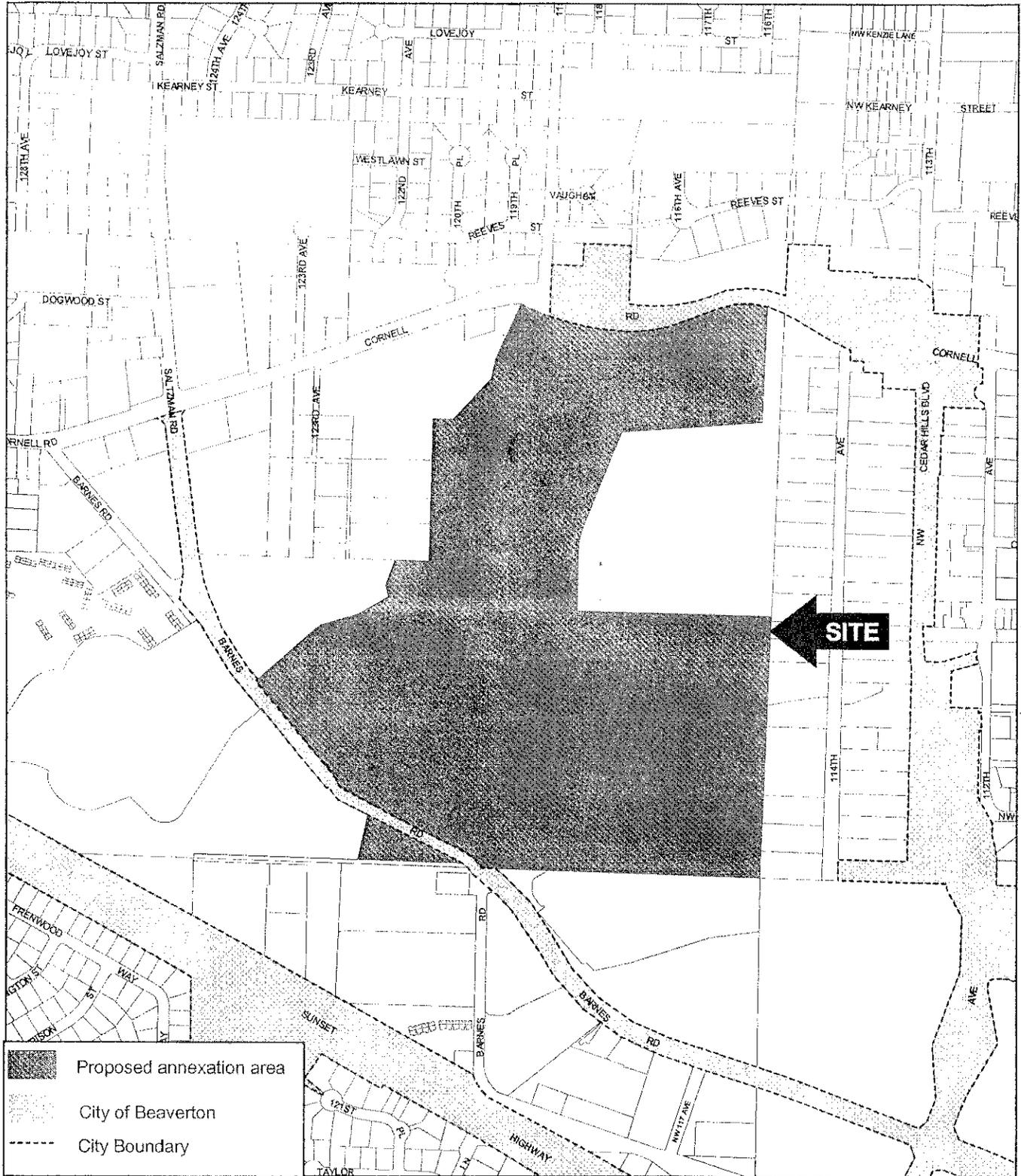
Dated this 14 day of January, 2004

  
\_\_\_\_\_  
Sue Nelson  
City Recorder

# ANNEXATION MAP

ORDINANCE  
NO. 4284

# EXHIBIT "A"



City of Beaverton

## TEUFEL EXPEDITED ANNEXATION

### COMMUNITY DEVELOPMENT DEPARTMENT

Planning Services Division

12/8/03

Map #

1s134c

Application #

ANX 2003-0012



**Teufel Annexation Legal Description****Parcel 1:**

Beginning at the SE corner of the SW ¼ Section 34; Township 1 North; Range 1 West; Willamette Meridian, Washington County, Oregon; said point also being the SE corner of the Josiah Hall DLC No. 53; thence running west along the south line of said Josiah Hall DLC to a point where the south line of said DLC intersects the easterly right of way line of Barnes Road; thence northwesterly along the easterly right of way line of Barnes Road to a point on said easterly right of way, said point being North 840.1 feet and East 245.2 feet from the SW corner of Section 34 T1N; R1W; W.M.; Washington County, Oregon; said point also being the point where the right of way of Barnes Road widens from 70 feet to 89 feet; thence N46 41'E, 426.0 feet; thence N70 32'50"E, 184.4 feet; thence N58 02'42"E 160.2 feet; thence N14 47'55"W, 54.3 feet; thence N17 55'36"E, 125.0 feet to the North line of the Josiah Hall DLC No. 53; Thence east along said line, 158 feet more or less, to a stone; thence North, 467.7 feet; thence N88 43'E, 91.80 feet; thence N49 38"E, 259.20 feet; thence N07 30'E, 84.0 feet; thence N22 45'E, 294.73 feet to the south right of way of Cornell Road; thence easterly along said right of way line to a point approximately 85 feet west of the east line of the SW ¼ of said Section 34, thence south parallel with said east line 540.65 feet; thence S82 45'19"W, 652.67 feet; thence S18 53'20"W, 463.22 feet; thence southerly along the arc of a 378 foot radius curve to the left, 138 feet; thence South, 270.54 feet; thence N88 26'51"E, 899.67 feet to the east line of Josiah Hall DLC No. 53; thence South, 1228.82 feet to the Point of Beginning.

**Parcel 2:**

Beginning at point which is East, 763.62 feet and North 19.8 feet from the SW Corner of Section 34, T1N; R1W; W.M., Washington County, Oregon; thence N12° E, 203.93 feet to the southerly right of way line of Barnes Road; thence S64 10 E, 460.31 feet along said southerly right of way line, to a point where the southerly right of way line of Barnes Road intersects a point which is 19.8 feet North of the south line of said Section 34; thence West, parallel with said section line, 456.77 feet to the place of beginning.

## ANNEXATION AGREEMENT

This Agreement is between and among the City of Beaverton, an Oregon municipal corporation ("City"), and Ilona M. Teufel as Trustee of the Teufel Marital Trust A and Trustee of the Teufel Residual Trust B, Teufel Nursery, Inc., an Oregon corporation, and Teufel Properties, LLC an Oregon limited liability company (collectively "Owners") and Polygon Northwest Company, a Washington corporation ("Buyer"). This agreement shall be effective when signed by all parties.

### RECITALS

A. The Agreement concerns the Teufel Nursery property, located at 12345 NW Barnes Road, in Washington County, Oregon, Tax Lot Numbers 00100 and 02800 on Assessor's Map 1N1 34C("Property"). The Property is shown on the map attached as Exhibit 1 and legally described in Exhibit 2. These exhibits are incorporated herein by reference. The Property is contiguous to the jurisdictional limits of the City and is subject to annexation by the City.

B. Buyer wishes to develop the Property into a mixed use planned unit development with housing to be limited to a certain density. In order to attain this objective, the City must make the following discretionary decisions: annexation of the Property; withdrawal of the Property from the Washington County Service Districts for Enhanced Sheriff's Patrol and Urban Road Maintenance; designation of the Property as "Town Center" on the Beaverton Comprehensive Plan Land Use Map and related text amendments; amendment to the Beaverton Transportation System Plan; rezoning of the Property to Town Center – High Density Residential (TC-HDR) and Town Center – Multiple Use (TC-MU) zoning districts, with one proposal for such rezoning generally shown on Exhibit 3, which is attached and incorporated herein; approval of a master plan, planned unit development concept, preliminary planned unit development and final planned unit development on the first phase of the PUD; design review; land division; and, a Planning Director's Interpretation of density credit to Map 1N134C, Tax Lot 101, not necessarily in the foregoing order ("Decisions"). In order to facilitate development of the Property, City wishes to provide assurances on withdrawal of the Property if those Decisions are not made and to agree to fair tax treatment of the Property pending its development.

### AGREEMENT

1. Consent to Annexation. Owners consent to annexation of the Property to the City, subject to the terms of this Agreement. The Property is unoccupied and this consent suffices to excuse the need for an annexation election under ORS 222.125 and 222.170. The City agrees to initiate annexation of the Property.

2. Withdrawal from City. If City has not made final Decisions by July 1, 2005, the City agrees to facilitate withdrawal of the Property from the City in the following ways:

2.1. The City Council will initiate a withdrawal of the Property from the City by a resolution adopted under ORS 222.460(2) no later than September 1, 2005;

2.2. The City staff will support withdrawal in the public hearings on the withdrawal;

2.3. If Buyer is unable to purchase and develop the Property as planned and there is a lack of need of municipal facilities and services, the lack of need shall be a determinative factor in adjudicating the withdrawal.

3. Property Tax Differential Approval. The parties will estimate the amount of property taxes to be levied by the City upon the Property over the first two fiscal years that follow the effective date of annexation. As part of any annexation approval, the City will approve a property tax differential under ORS 222.111 for those two years allowing the rate of taxation for City purposes on the Property to be at a specified ratio of the highest rate of taxation applicable for City purposes to other property in the City. The approval shall provide for the ratio to be 25% of the rate of taxation for the first two fiscal years in which City taxes are imposed upon the Property; thereafter the City taxes will be imposed at 100% of the rate of taxation.

4. Building Permit Fees. In order to facilitate allocation of private resources to quicker development of the Property, and in partial consideration of Owners' consent to annexation, City will discount the fees charged for the following permits and reviews by 10% of the amount customarily charged: building permits fees, including structural, mechanical, plumbing and master building permit fees, but not including electrical permit fees, structural plan review, fire and life safety plan review inspection and re-inspection fees, temporary certificate of occupancy fees, sidewalk and driveway and demolition permit fees. The discount shall be applied to fees imposed for the first building permit or plan review for the Property after the annexation is effective and for any fees imposed during a three year period after imposition of that first building permit or plan review fee.

5. Allocation of Dwelling Units. Cedar Hills-Cedar Mill Community Plan, Area of Special Concern No. 4, Policy C provides for development of 1,946 dwelling units on property identified as Tax Lots 00100, 00101 and 02800 on Assessor's Map 1N1 34C. The policy, however allows the required number of dwelling units to "...be reduced proportionally for future plan amendments which change residential development area to institutional land use designations." Tax Lot 00101 on Assessor's Map 1N1 34C has been acquired by the Beaverton School District for a school site and the appropriate zone for such a use is an institutional zone. Therefore, the City agrees to consider a Planning Director's Interpretation of the relevant City ordinance, to assign required dwelling units to Tax Lot 00100 on Assessors's Map 1N1 34C so as to reflect the lost potential for residential development of Tax Lot 00101 on Assessor's Map 1N1 34C.

6. Transfer of Allocated Dwelling Units. City agrees to allow transfer of up to 20% of the City's required number of dwelling units on the Property to other residential/multiple use properties in which Buyer has a recorded property interest and located within the City of Beaverton. The transfer can only occur in conjunction with a City approved rezoning of another residential/multiple use property to a higher residential density, and/or through City final approval of a residential development on another property that exceeds 80% of the maximum allowed density of dwelling units on the development site but does not exceed the maximum

density allowed by law. The transfer will be considered to be final when the required number of dwelling units on the Property is reduced through a final Planning Director's Interpretation. Buyer may need to amend the Concept Master Plan for the Property.

7. Covenants Running With the Land. Except for the obligations of paragraph six of this Agreement, the provisions of this Agreement touch and concern the Property, bind the heirs and successors of the parties, and are covenants running with the Property. This Agreement shall be recorded upon its execution. The Agreement may be assigned.

8. Modification of Agreement. This Agreement may only be modified by a writing signed by all parties.

9. Counterparts. This Agreement may be signed in counterparts.

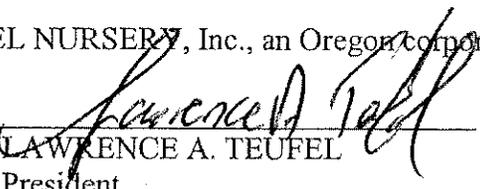
IN WITNESS WHEREOF, the parties have executed this agreement.

TEUFEL PROPERTIES, LLC, an Oregon limited liability company

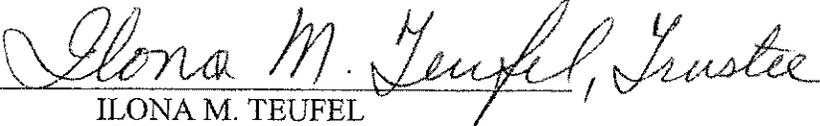
By:   
LAWRENCE A. TEUFEL  
Manager

Date: 12-26-03

TEUFEL NURSERY, Inc., an Oregon Corporation

By:   
LAWRENCE A. TEUFEL  
President

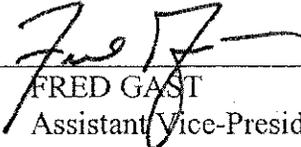
Date: 12-26-03

  
ILONA M. TEUFEL

Trustee of the Teufel Marital Trust A and Trustee of the Teufel Residual Trust B

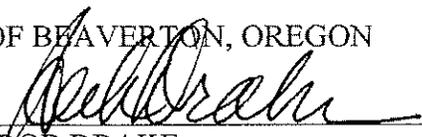
Date: 12-26-03

POLYGON NORTHWEST COMPANY

By:   
FRED GAST  
Assistant Vice-President

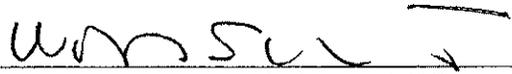
Date: 12/23/03

CITY OF BEAVERTON, OREGON

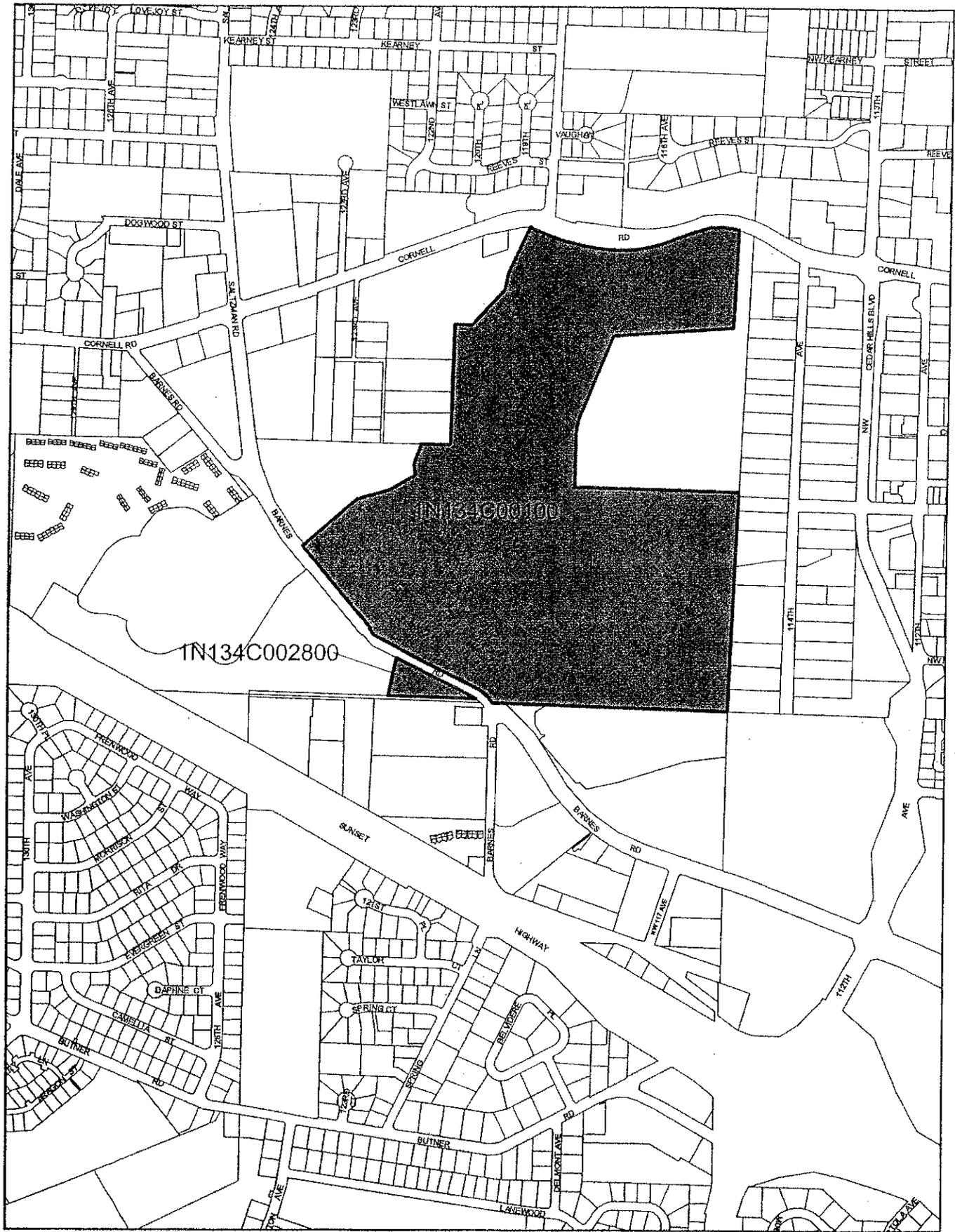
By:   
ROB DRAKE  
Mayor

Date: 12/17/03

Approved As To Form:

  
WILLIAM SCHEIDERICH  
Assistant City Attorney

# EXHIBIT 1



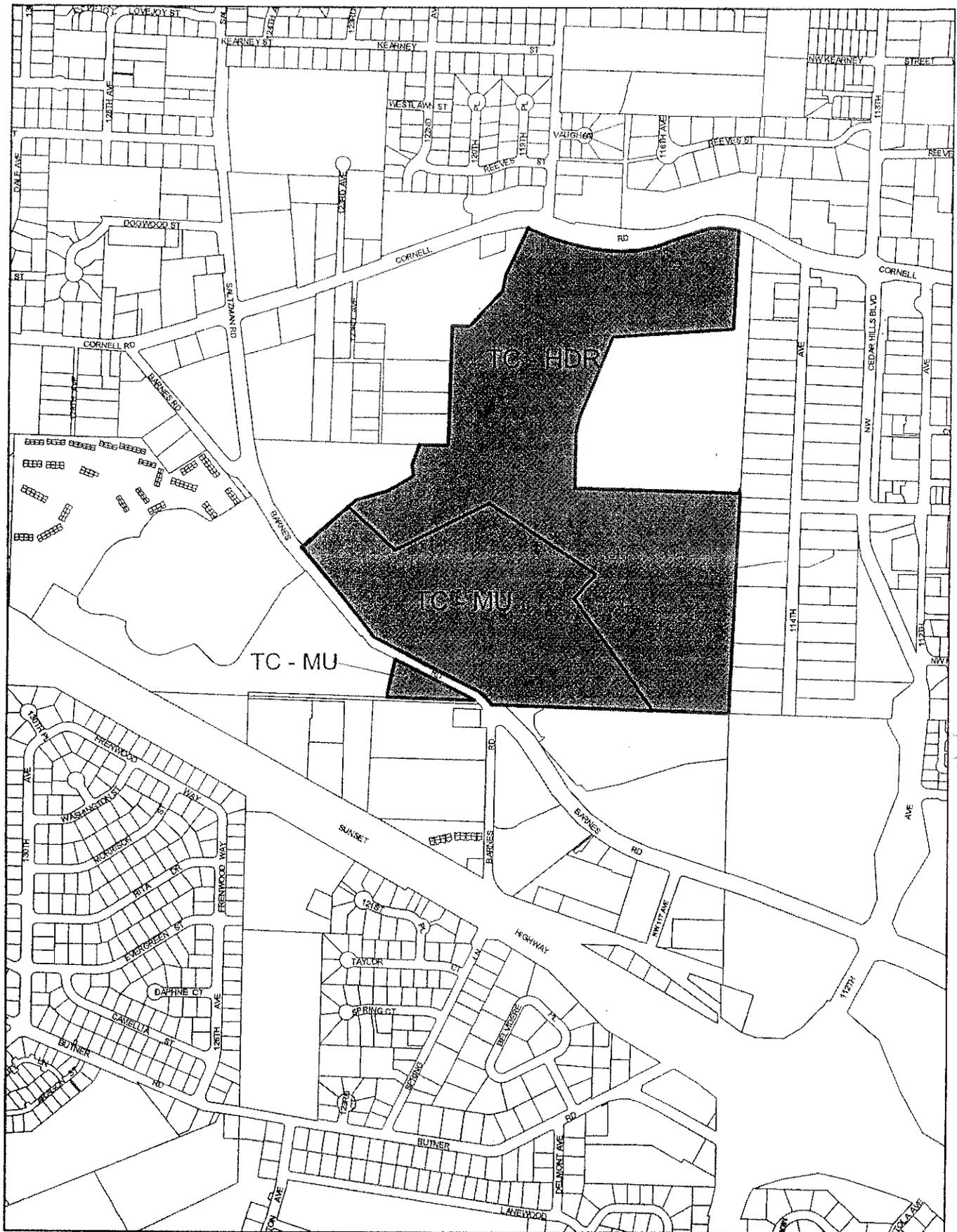
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**Parcel 2:**

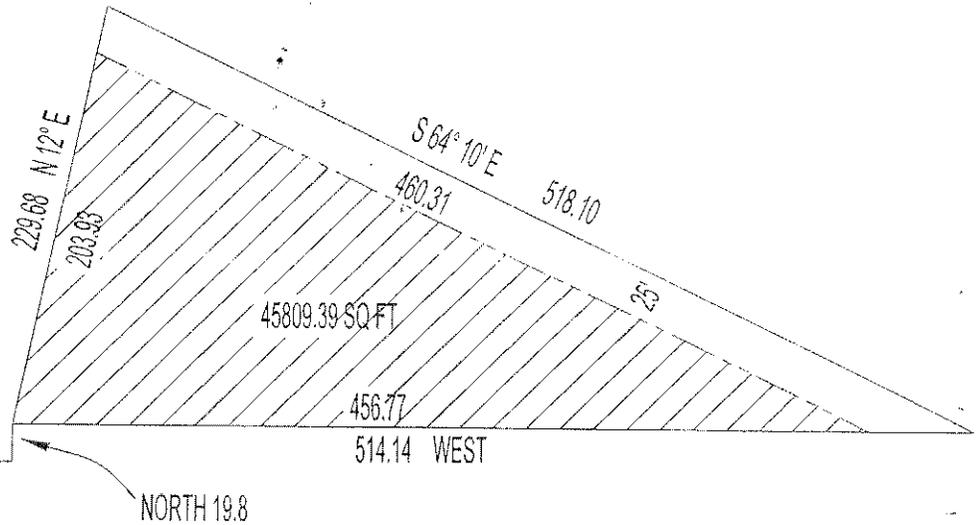
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# EXHIBIT 3



33 | 34  
 ————  
 4 | 3

EAST 763.62



City Of Beaverton

ENGINEERING  
DEPARTMENT

TUEFEL ANNEXATION LEGAL DESCRIPTION  
EXHIBIT B

CITY ENGINEER

DATE

DRAWN BY

DRAWING NO.

12-12-03

CG

1