

Final Documents

For

Annexation to the
City of Hillsboro

WA1305
Ordinance 5493
DOR 34-1735-2005
Sec. State: AN-2005-0074

Final to DOR: _____

Signature:

 _____

Date of

Mailing: 3/21/05

Final to Secretary of State: _____

Signature:

 _____

Date of

Mailing: 3/24/05

WA1305

Sent

Received

DOR:

3/21/05

3/24/05

Sec. State:

3/24/05

3/25/05

Assessor:

3/24/05

Elections:

3/24/05

Mapped:

Yes

Address Information:

1S203DC00300

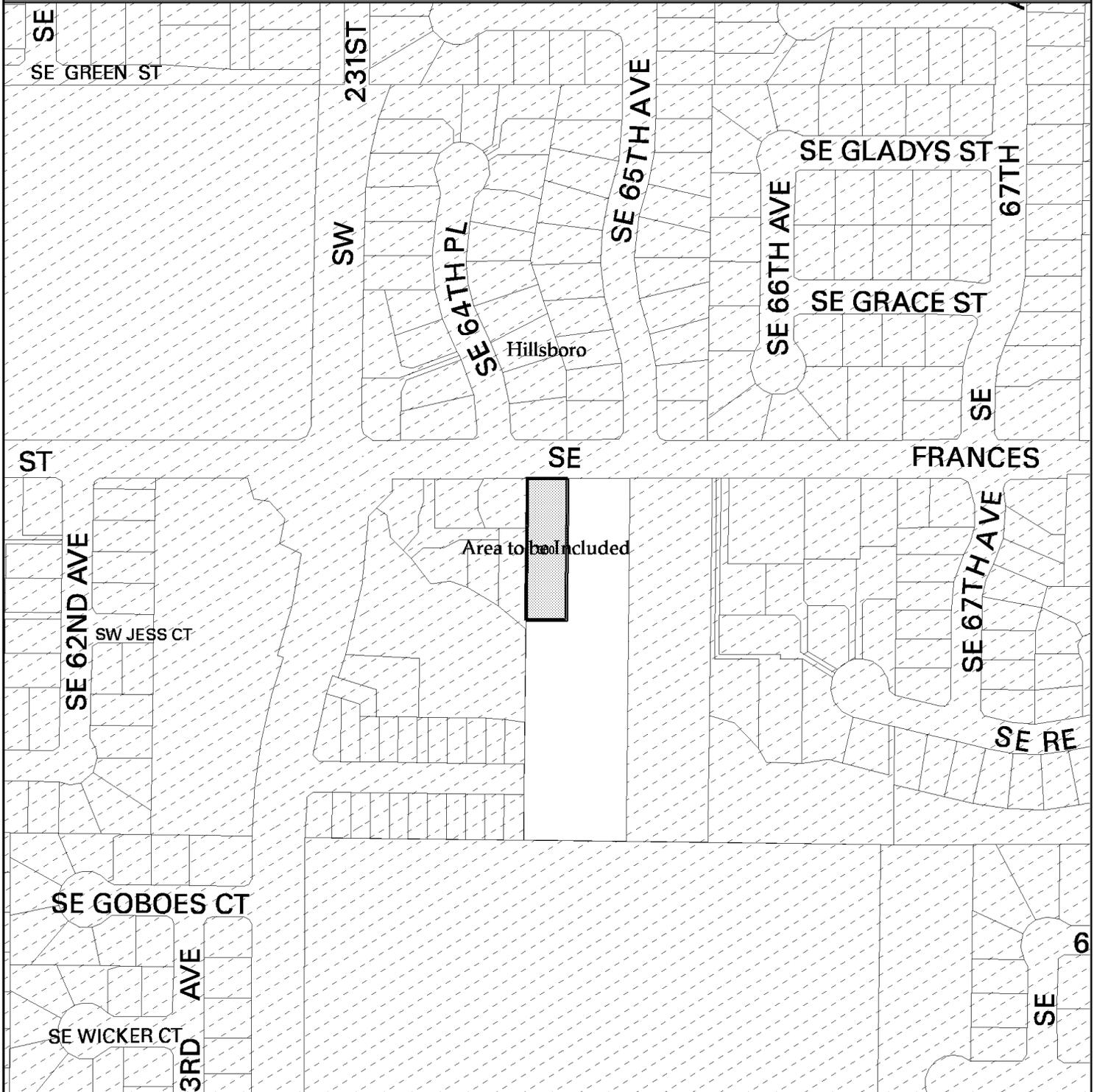
23100 SW Frances St

Proposal No. WA1305

1S2W03

Annexation to the City of Hillsboro

Washington Co.



R E G I O N A L L A N D 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

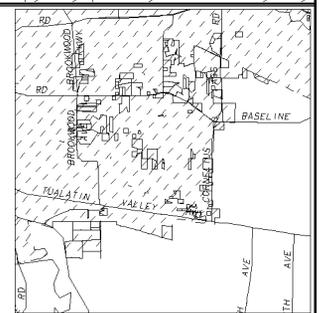
City

Annexation boundary

Urban Growth Boundary

Proposal No. WA1305
CITY OF HILLSBORO
Figure 1

Scale: 1" = 250'





March 25, 2005

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

Dear Mr. Knight:

Please be advised that we have received and filed, as of March 25, 2005, the following records annexing territory to the following:

Ordinance/Resolution Number(s)	Our File Number
ORD NO 5486 (City of Hillsboro)	AN 2005-0073
ORD NO 5493 (City of Hillsboro)	AN 2005-0074

For your records please verify the effective date through the application of ORS 199.519.

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

Sincerely,

Linda Bjornstad
Official Public Documents

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

Notice to Taxing Districts

ORS 308.225



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

City of Hillsboro
City Manager
123 W. Main St.
Hillsboro, OR 97123

Description and Map Approved
March 24, 2005
As Per ORS 308.225

Description Map received from: METRO
On: 3/22/2005

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

ANNEX TO CITY OF HILLSBORO; WITHDRAW FROM SEVERAL DISTRICTS WA1305

ORD.#5493(AN1-05 SOLOMON)

has been: Approved 3/24/2005
 Disapproved

Notes:

Department of Revenue File Number: 34-1735-2005

Prepared by: Carolyn Sunderman, 503-945-8882

Boundary: Change Proposed Change
The change is for:

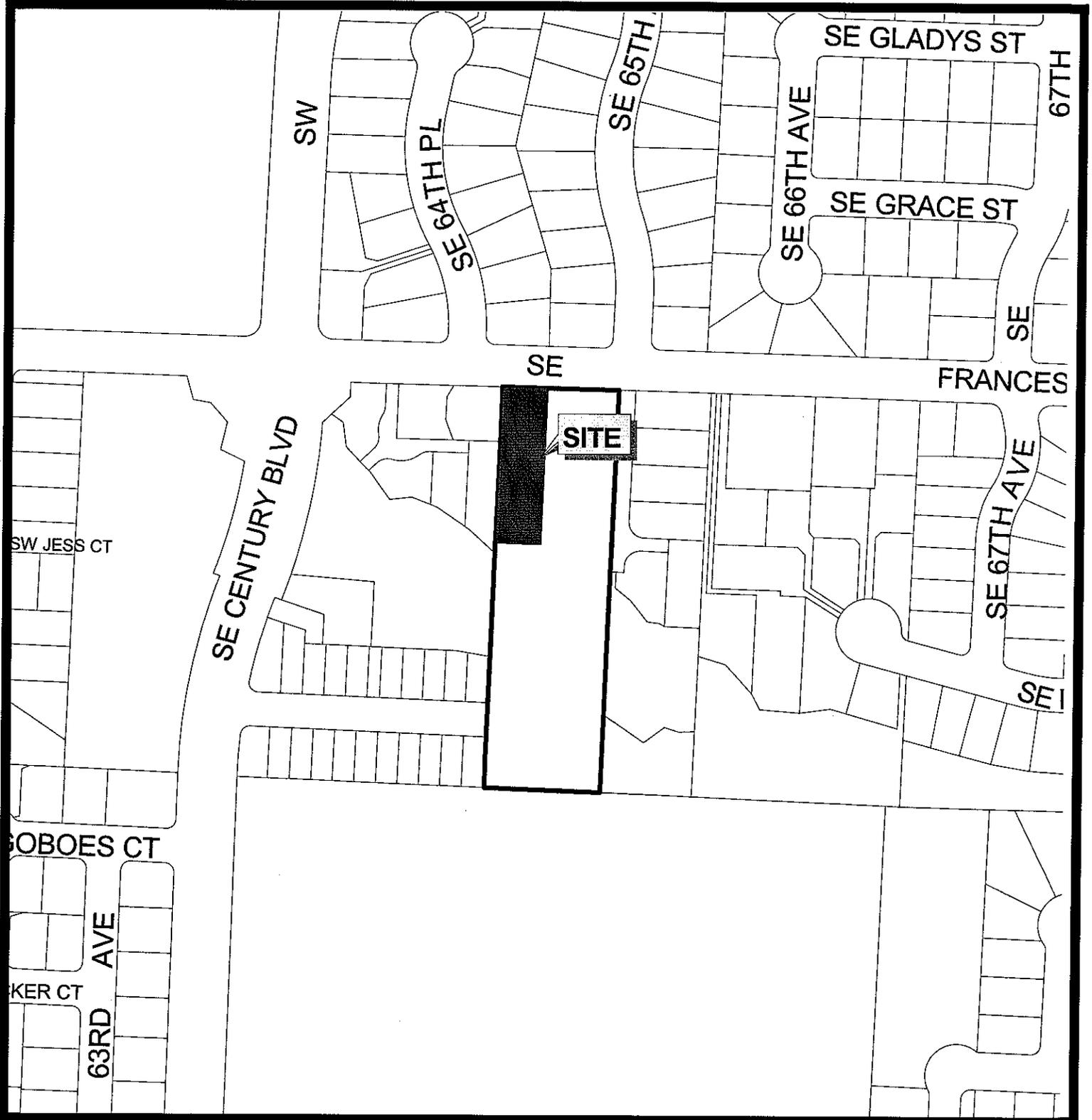
- Formation of a new district
- Annexation of a territory to a district
- Withdrawal of a territory from a district
- Dissolution of a district
- Transfer
- Merge



AN 1-05: SOLOMON
ZC 3-05: SOLOMON



Request for Annexation of One Property and a Request for Zone Change Approval from County R-9 Residential (Nine Units per Acre) to City R-7 Single Family Residential



CERTIFIED TO BE A TRUE AND
CORRECT COPY OF THE ORIGINAL

ORDINANCE NO. 5493
AN 1-05: SOLOMON

Jail Waitel
Recorder, City of Hillsboro

AN ORDINANCE ANNEXING A CERTAIN TRACT OF LAND INTO THE CITY LIMITS OF HILLSBORO, WITHDRAWING THE TRACT FROM THE TERRITORIES OF WASHINGTON COUNTY RURAL FIRE PROTECTION DISTRICT NO. 2, WASHINGTON COUNTY SERVICE DISTRICT FOR ENHANCED LAW ENFORCEMENT, WASHINGTON COUNTY SERVICE DISTRICT FOR URBAN ROAD MAINTENANCE, AND WASHINGTON COUNTY SERVICE DISTRICT NO. 1 FOR STREET LIGHTS, AND DECLARING AN EMERGENCY.

WHEREAS, the City received a complete petition from the property owners of a certain tract of land, described in Exhibit A to this ordinance, requesting that the property be annexed to the city limits of Hillsboro;

WHEREAS, the petition represented 100 percent of the property owners of the territory requesting to be annexed into the City Limits of Hillsboro as required by ORS 222.125 in order to consent to an annexation;

WHEREAS, the tract of land is contiguous to the City and can be served by City services;

WHEREAS, the City Council dispenses with submitting the question of the proposed annexation to the electors of the City for their approval or rejection;

WHEREAS, the tract of land is located within Urban Planning Area A of the Urban Area Agreement between Washington County and the City of Hillsboro, adopted on December 15, 1998;

WHEREAS, the Urban Planning Area Agreement specifies that all property owners in Urban Planning Area A interested in annexation are welcome to contact the City for information and assistance they need to initiate and complete the annexation process;

WHEREAS, the tract of land lies within the following districts: Washington County Rural Fire Protection District No. 2; Washington County Service District for Enhanced Law Enforcement; Washington County Service District for Urban Road Maintenance; and Washington County Service District #1 for Street Lights;

WHEREAS, notice of the proposed annexation and withdrawals has been published, mailed and posted in the manner provided by law;

WHEREAS, the City Council conducted a public hearing on this matter on March 1, 2005, and does hereby favor the annexation of the subject tract of land and withdrawals from the districts based on the findings attached hereto as Exhibit B;

WHEREAS, the annexation and withdrawals are not contested by any necessary party;

NOW, THEREFORE, THE CITY OF HILLSBORO DOES ORDAIN AS FOLLOWS:

Section 1. The tract of land, described in Exhibit A, is declared to be annexed to the City of Hillsboro, Oregon.

Section 2. The tract of land annexed by this ordinance and described in Section 1 is withdrawn from the following districts upon the effective date of the annexation: Washington County Rural Fire Protection District No. 2; Washington County Service District for Enhanced Law Enforcement; Washington County Service District for Urban Road Maintenance; and Washington County Service District #1 for Street Lights.

Section 3. The findings attached as Exhibit B are adopted. The City Recorder shall immediately file a certified copy of this Ordinance with Metro and other agencies required by Metro Code Chapter 3.09.050(f) and ORS 222.005. The annexation and withdrawals shall become effective upon filing of the annexation records with the Secretary of State as provided by ORS 222.180.

Section 4. Inasmuch as it is necessary that this annexation become effective soon, so as to avoid unnecessary hardship to the property owner and allow for the immediate provision of City services, an emergency is declared to exist and this ordinance shall become effective immediately upon its passage by the Council and approval by the Mayor.

Passed by the Council this 1st day of March, 2005.

Approved by the Mayor this 1st day of March, 2005.



Mayor

ATTEST: 

City Recorder

City of Hillsboro
Annexation 1-05: Solomon
Proposed legal description
NS, February 16, 2005
Revised March 2, 2005

Exhibit 'A'

A tract of land in Section 3, Township 1 South, Range 2 West, Willamette Meridian, Washington County, Oregon, being more particularly described as follows:

Commencing at the northwest corner of Lot 54, Block 7 of Reedville Homes, a duly recorded subdivision in said county;

thence South $0^{\circ}33'00''$ West, along the west line of said lot, a distance of 25.0 feet to the northwest corner of that tract of land dedicated to the City of Hillsboro by deed recorded December 16, 2002 as Document No. 2002-152599 in Deed Records of said county and the POINT OF BEGINNING;

thence North $89^{\circ}55'00''$ East, along the north line of said tract, a distance of 71.50 feet to the northeast corner thereof, said point being also a point on the east line of that tract of land conveyed to Gregory C. Owens and Janet K. Owens by deed recorded April 30, 1987 as Document No. 87021780 in Deed Records of said county;

thence South $0^{\circ}33'00''$ West, along said east line, a distance of 257.00 feet to the southeast corner of said tract;

thence South $89^{\circ}55'00''$ West, along the south line of said tract, a distance of 71.50 feet to the southwest corner thereof;

thence North $0^{\circ}33'00''$ East, along the west line of said tract, a distance of 257.00 feet to the POINT OF BEGINNING.

15
6
11

After recording, return to:
City of Hillsboro Engineering Division
123 West Main Street
Hillsboro, OR 97123

Until a change is requested, all
Tax statements shall be sent to:
City of Hillsboro
123 West Main Street
Hillsboro, OR 97123



J. Jerry Hanson, Director of Assessment and Taxation
and Ex-Officio County Clerk for Washington County,
Oregon, do hereby certify that the within instrument of
writing was received and recorded in the book of
records of said county.
Jerry R. Hanson
Jerry R. Hanson, Director of Assessment and Taxation,
Ex-Officio County Clerk



DEDICATION DEED

Gregory Owens and Janet K. Owens, Grantor, conveys and warrants to the CITY OF HILLSBORO, an Oregon municipal corporation, Grantee, the real property described in Exhibit A, free from all monetary liens or encumbrances. The real property shall be used only for public street, public utility, and / or other public purposes deemed appropriate by Grantee. This conveyance is a dedication. The true consideration for this conveyance consists of other property or other value given or promised.

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 O.R.S. 30.930.

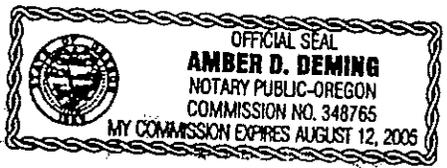
Dated as of June 21, 2002, 2002

By: [Signature]
Gregory Owens

By: Janet K. Owens
Janet K. Owens

STATE OF OREGON)
COUNTY OF Washington) ss

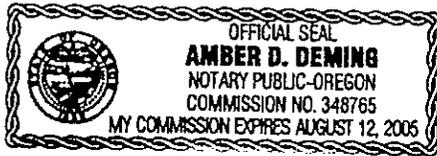
This instrument was acknowledged before me by Gregory Owens, on the 21st day of June, 2002.



[Signature]
Notary Public for Oregon
My commission expires: Aug. 12, 2005



This instrument was acknowledged before me by Janet K. Owens, on the 21st day of June, 2002.



Amber D. Deming
Notary Public for Oregon
My commission expires: Aug. 12, 2005

APPROVAL AND ACCEPTANCE BY THE CITY OF HILLSBORO

The City Council of the City of Hillsboro hereby approves and accepts the foregoing dedication this 5th day of November, 2002

Tom Hughes
Tom Hughes, Mayor

ATTEST: Gail Warbel
City Recorder



2002-152599

EXHIBIT "A"

A tract of land located in Section 3, Township 1 South, Range 2 West, Willamette Meridian, Washington County, Oregon, being a portion of that parcel of land described in deed to Gregory C. Owens and Janet K. Owens, recorded April 30, 1987, as document number 87021780, in deed records of said county, being more particularly described as follows:

The south 8.0 feet of the north 33.0 feet of said Owens parcel as described in document number 87021780.

EXCEPTING THEREFROM any portion thereof which lies within the right-of-way of SE Frances St.

87021780

APR 30 1987

OREGON TITLE INS CO 354366



OREGON TITLE Insurance Company

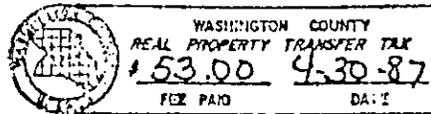
STATUTORY WARRANTY DEED (Individual or Corporation)

BENEDICT A. DITTRICH, also known as Benedickt A. Dittrich and DARLENE C. DITTRICH, husband and wife, Grantor, conveys and warrants to GREGORY C. OWENS and JANET K. OWENS, husband and wife, Grantee,

the following described real property in the County of Washington and State of Oregon free of liens and encumbrances, except as specifically set forth herein:

Beginning at the Northwest corner of Lot 54, Block 7, REEDVILLE HOMES, a plat of record in Sections 2 and 3, Township 1 South, Range 2 West, Willametta Meridian, in the County of Washington and State of Oregon and running thence North 89°55'00" East along the North line of said Lot 54, Block 7, also being the centerline of Southwest Frances Street (County Road No. 1359) 71.50 feet to a point; thence South 0°33'00" West 282.00 feet to an iron rod; thence South 89°55'00" West 71.50 feet to an iron rod on the West line of said Lot 54, Block 7; thence North 0°33'00" East along the said West line 282.00 feet to the point of beginning.

This property is free of liens and encumbrances, EXCEPT: Statutory powers and assessments of Unified Sewerage Agency; Rights of the public in and to any portion of the above described property within boundaries or roads or highways.



The true consideration for this conveyance is \$ 53,000.00 (Here comply with the requirements of ORS 93.030*)

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.

DATED this 28th day of April 19 87. If a corporate grantor, it has caused its name to be signed by resolution of its board of directors.

Benedict A. Dittrich (Signature)

Darlene C. Dittrich (Signature)

STATE OF OREGON, County of Washington ss. CORPORATE ACKNOWLEDGEMENT STATE OF OREGON, County of ss.

The foregoing instrument was acknowledged before me this 28th day of April 19 87 by Benedict A. Dittrich and Darlene C. Dittrich

The foregoing instrument was acknowledged before me this ___ day of ___ 19 ___ by ___ and by ___ of ___ a corporation, on behalf of the corporation.

Notary Public for Oregon My commission expires: 9-12-88 (Signature)

Notary Public for Oregon My commission expires:

*If the consideration consists of or includes other property or value, add the following: "The other property or value given or promised which is the whole consideration (indicate which) part of the"

Order No. 354366 W

After recording return to: Gregory C. Owens and Janet K. Owens 23100 S. W. Francis Street Hillaboro, Oregon 97123

NAME, ADDRESS, ZIP Until a change is requested all tax statements shall be sent to the following address: Gregory C. Owens & Janet K. Owens 23100 S. W. Francis Street Hillaboro, Oregon 97123

OTIC 508 NAME, ADDRESS, ZIP

THIS SPACE RESER... STATE OF OREGON County of Washington ss. I, Donald W. Mason, Director of Assessment and Taxation and Ex-Officio Recorder of Conveyances for said county, do hereby certify that the within instrument was received and recorded in book of records of said county. Donald W. Mason, Director of Assessment and Taxation, Ex-Officio County Clerk WASHINGTON COUNTY

1987 APR 30 PM 2:19

EXHIBIT B

FINDINGS IN SUPPORT SOLOMON ANNEXATION FILE NO. AN 1-05

I. BACKGROUND INFORMATION AND SITE DESCRIPTION

One petitioner representing one property requested City Council approval for annexation of approximately 0.41 acres into the City Limits of Hillsboro.

The property under consideration is located generally south of SW Frances Street, east of SE Century Boulevard and west of SE 67th Avenue. The assessed value of the property is \$165,870. The Measure 50 Base Value is \$104,560.

The property has a gentle downward slope to the northwest with mature trees along the center portion of the site. A single family residence and associated accessory structures are located on Tax Lot 300, which is addressed at 23100 SW Frances Street.

II. PROCEDURAL REQUIREMENTS

In accordance with ORS 222.125 the petition for annexation from the property owners constituted 100 percent of the property owners and at least 50 percent of the registered voters residing on the property. Notice of the proposed annexation was given as specified by Metro Code Chapter 3.09.030 and ORS 222.120. A staff report was prepared and available 15 days prior to the hearing as stipulated by Metro Code Chapter 3.09.050. A public hearing on the matter was conducted by the City Council on March 1, 2005.

III. APPLICABLE APPROVAL CRITERIA

Metro Code Chapter 3.09.050(d) specifies the minimum review criteria for a proposed annexation. The six minimum applicable criteria are as follows:

- 1) *Consistency with directly applicable provisions in an urban service provider agreement or annexation plan adopted pursuant to ORS 195.065;*

FINDING: There is currently a Hillsboro Urban Service Provider Agreement in place for this area, dated April 2, 2003, as required by ORS 195.065 (Senate Bill 122). The units of local government which have entered into this agreement are as follows: Washington County; City of Hillsboro; City of Beaverton; Metro; Clean Water Services; TriMet; Tualatin Valley Park and Recreation District; Tualatin Valley Fire and Rescue District; Tualatin Valley Water District; and Washington County Fire District No. 2. The annexation is consistent with the applicable provisions of the Agreement, specifically Section 1 Roles and Responsibilities(C) and (E).

- 2) *Consistency with directly applicable provisions of urban planning or other agreements, other than agreements adopted pursuant to ORS 195.065, between the affected entity and a necessary party;*

FINDING: The property is identified as being within Urban Area A of the Urban Planning Area Agreement (UPAA) between Washington County and the City of Hillsboro, adopted on December 15, 1998. Pursuant to that agreement, "the City shall regulate the conversion of vacant land to urban uses in Urban Area A through the extension of water and sewer service, land partitioning requirements, provision of transportation facilities and annexations within the area. Land within Urban Area A shall not be converted to urban uses prior to annexation to the City." Section IV (A) of the UPAA also specifies that "all land in Area A shall annex to the City prior to development. As used in this subsection, "development" includes the construction of any residential dwelling, unit structure or related accessory structures." Annexation of this property would be consistent with the UPAA, and allow the petitioners the ability to further develop the property.

- 3) *Consistency with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facility plans;*

FINDING: The annexation would be consistent with the following Comprehensive Plan policies and implementation measures:

Section 2. Urbanization Policy (III)(A) Urbanization within the planning area shall be consistent with the goals and policies of this Plan. Development shall occur according to the availability of urban services and within the context of the Urban Planning Area Agreement. The City and other government agencies shall encourage property owners to maintain the present rural use and character of undeveloped or underdeveloped lands within the Hillsboro Planning Area until such land is required and proposed for urban use and the necessary urban services are available.

Section 2. Urbanization Implementation Measure (IV)(A)(5) The infill of vacant, bypassed lands, between areas of development, at an urban level, shall be encouraged. Appropriate measures shall be taken to insure that new development in infill areas is compatible with existing developed areas. The City will support a proposed annexation of infill areas and allow subsequent development to occur under the clear and objective standards in its implementing ordinances, including the Zoning and Subdivision ordinances.

Section 2. Urbanization Implementation Measure (IV)(F) All land in the Hillsboro Planning Area is assumed to be available for annexation and/or development, consistent with the Comprehensive Plan, zoning, subdivision regulations, and the Urban Planning Area Agreement.

Section 12. Public Services Implementation Measure (V)(C)(2) The City shall require properties to annex to the City prior to the provision of sanitary sewer service.

Section 12. Public Services Implementation Measure (V)(I)(2) The City shall require properties in the urban area to annex to the City prior to the provision of water service.

In particular, the annexation would be consistent with Section 2. Urbanization Implementation Measure (IV)(A)(5), supporting the annexation of infill areas; and Section 2. Urbanization Implementation Measure (F), all land in the Hillsboro Planning Area is assumed to be available for annexation.

- 4) *Consistency with specific directly applicable standards or criteria for boundary changes contained in the Regional Framework Plan or any functional plan;*

FINDING: The annexation would be consistent with regional framework and functional plans. The City's current plan designation for the property is RL – Low Density Residential, which is consistent with the regional urban growth goals and objectives. The property has been recommended for R-7 Single Family Residential zoning, and the City Council will consider the recommended zone immediately following approval of the annexation (Casefile No. ZC 3-05).

- 5) *Whether the proposed change will promote or not interfere with the timely, orderly and economic provisions of public facilities and services;*

FINDING: A ten-inch City water line, an eight-inch City sanitary sewer line, and an eighteen-inch City storm water line are all located in the SW Frances Street right-of-way.

Fire and police protection would be provided by the City of Hillsboro and the properties would be withdrawn from the Washington County Rural Fire Protection District No. 2; Washington County Service District for Enhanced Law Enforcement; Washington County Service District for Urban Road Maintenance; and Washington County Service District No. 1 for Street Lights as of the effective date of the annexation.

Annexation of the subject property would not interfere with the provisions of public facilities and services.

- 6) *Consistency with other applicable criteria for the boundary change in question under state and local law.*

FINDING: Pursuant to ORS 222.524, the City of Hillsboro has determined that withdrawal of the properties from the Washington County Rural Fire Protection District No. 2; Washington County Service District for Enhanced Law Enforcement; Washington County Service District for Urban Road Maintenance; and Washington County Service District No. 1 for Street Lights is in the best interest of the City.

IV. TESTIMONY FROM NECESSARY PARTIES

No written testimony was received prior to or at the public hearing from a necessary party as defined in Metro Code Chapter 3.09.020(j), nor was oral testimony received by the City Council from a necessary party at the public hearing.

V. ADDITIONAL MATERIALS CITED BY REFERENCE AND INCLUDED IN FINDINGS

- Staff Report dated February 14, 2005