

Final Documents

For

Annexation to the
City of Hillsboro

WA1802
Ordinance #5117
DOR 34-1550-2002
Sec. State: AN-2002-0064

Final to DOR: _____

Signature:

Date of

Mailing: 3/5/02

Final to Secretary of State _____

Signature:

Date of

Mailing: 4/4/02

WA1802

Sent

Received

DOR:

3/5/02

4/3/02

Sec. State:

4/4/02

4/29/02

Assessor:

4/4/02

Elections:

4/4/02

Mapped:

Yes

Posted to Web:

5/8/02

Addresses:

1N233DB00702

495 NW Brookwood Ave.

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

April 24, 2002

Metro
600 NE Grand Ave
Portland, OR 97232-2736

Dear Mr. Martin:

Please be advised that we have received and filed on April 9, 2002 the following Annexation(s).

Ordinance(s):	City of:	Our File Number(s):
1095-02	Tualatin	AN 2002-0062
5116	Hillsboro	AN 2002-0063
5117	Hillsboro	AN 2002-0064
5118	Hillsboro	AN 2002-0065
5119	Hillsboro	AN 2002-0066
5120	Hillsboro	AN 2002-0067

All the above Final Order(s) determination of the effective date 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,

Rita F. Mathews
Official Public Documents

cc: Washington County
ODOT/Highway Dept
PSU/Population ResearchCtr.
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

City of Hillsboro
 Planning Department
 123 W. Main St., Room 250
 Hillsboro, OR 97123

Description and Map Approved
April 3, 2002
As Per ORS 308.225

Description Map received from: METRO
 On: 3/29/02

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

ANNEX TO THE CITY OF HILLSBORO & WITHDRAWAL FROM SEVERAL DIST.

ORD. #5118

has been: Approved 4/3/02
 Disapproved

Notes:

Department of Revenue File Number: 34-1551-2002

Prepared by: Jennifer Dudley, 503-945-8666

Boundary: Change Proposed Change
 The change is for:

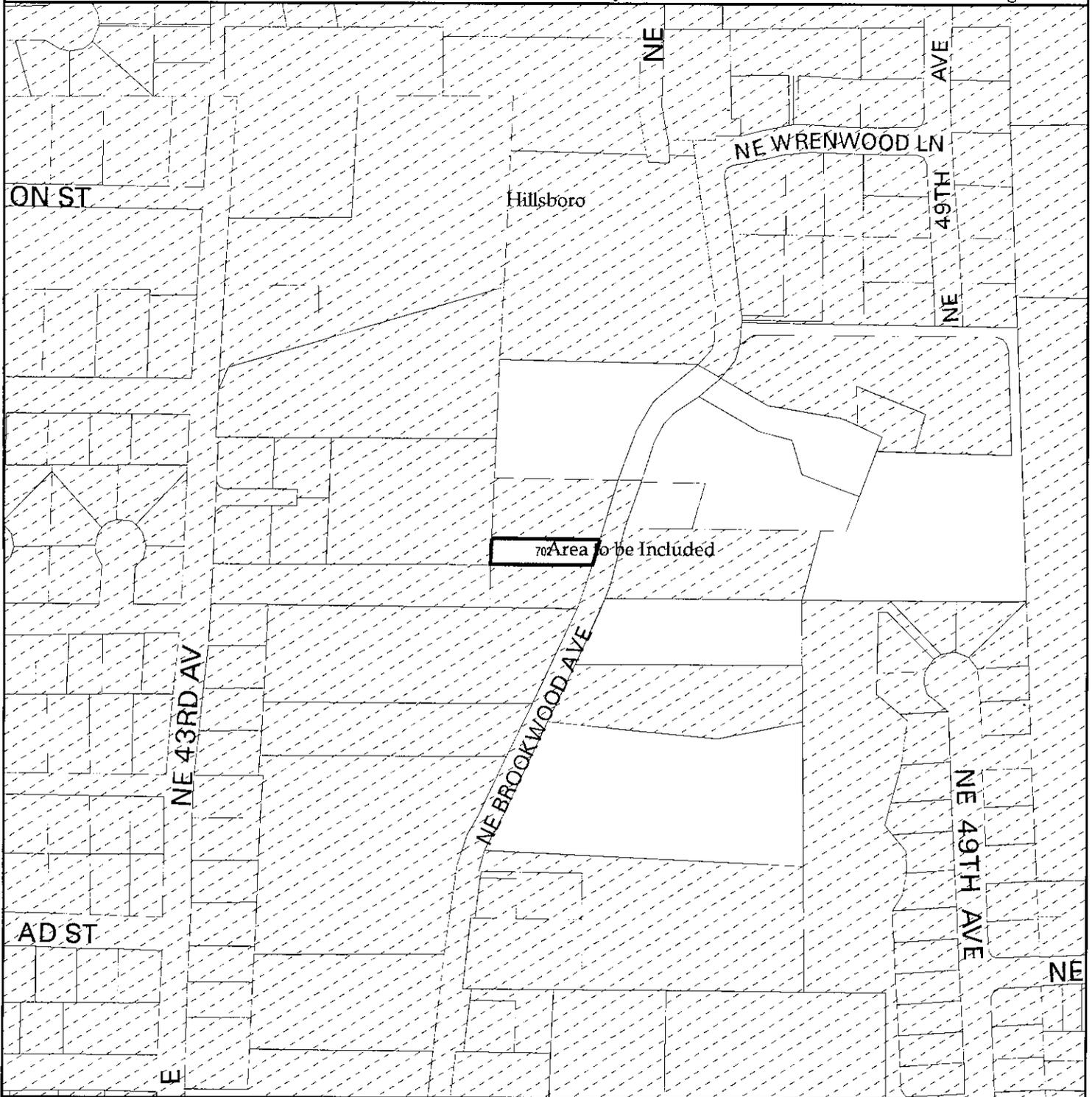
- Formation of a new district
- Annexation of a territory to a district
- Withdrawal of a territory from a district
- Dissolution of a district
- Transfer
- Merge

Proposal No. WA1802

1N2W33

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

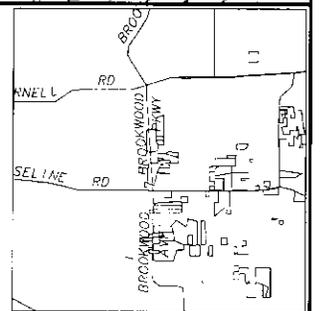
Annexation boundary

Urban Growth Boundary

Proposal No. WA1802
CITY OF HILLSBORO
Figure 1

Scale: 1" = 250'

0 200 400



ORDINANCE NO. 5117
AN 24-01: THORSRUD

Paul Uebel

AN ORDINANCE ANNEXING A CERTAIN TRACT OF LAND INTO THE CITY LIMITS OF HILLSBORO AND 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.

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 Planning Area Agreement between Washington County and the City of Hillsboro, adopted on December 15, 1998;

WHEREAS, the Urban Planning Area Agreement specifies that all land in Urban Planning Area A shall annex to the City prior to development;

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 5, 2002, 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:

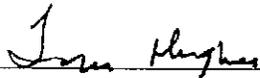
Section 1. The tract of land, described in Exhibit A, is declared to be annexed to the City of Hillsboro, Oregon.

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.

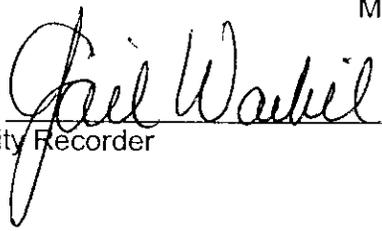
Section 3. The findings attached as Exhibit B are adopted. The City Recorder shall immediately file a certified copy of this Ordinance with Metro and other agencies required by Metro Code Chapter 3.09.050(f) and ORS 222.005. The annexation and withdrawals shall become effective upon filing of the annexation records with the Secretary of State as provided by ORS 222.180, and after the primary election on May 21, 2002, pursuant to ORS 222.040.

Passed by the Council this 5th day of March, 2002.

Approved by the Mayor this 5th day of March, 2002.



Mayor

ATTEST: 

City Recorder

City of Hillsboro
Annex 24-01: Thorsrud
Proposed legal description
MF, January 16, 2002

Exhibit 'A'

A tract of land in Section 33, Township 1 North, Range 2 West, Willamette Meridian, Washington County, Oregon, more particularly described as follows:

Commencing at the southeast corner of Brogden Acres, a duly recorded subdivision in said county;

thence North 2° East, along the east boundary of said tract, a distance of 1318.0 feet to the southwest corner of that tract of land described in deed to Anthony Spilios and Helene Spilios, recorded in Book 187, Page 93 in deed records of said county;

thence East, along the south boundary of said Spilios tract, a distance of 497.2 feet to the southwest corner of that tract of land described in deed recorded 9/11/2001 as document number 2001092543, in deed records of said county, and also the TRUE POINT OF BEGINNING;

thence North 01° 57' East, along the west boundary of said tract, a distance of 50.0 feet to the northwest corner thereof;

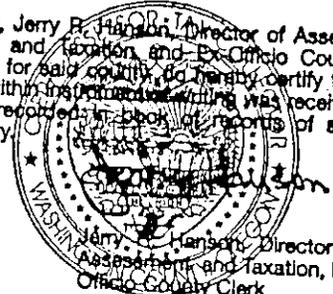
thence North 89° 57' East, along the north boundary of said tract, a distance of 196.13 feet to the west right-of-way line of NW Brookwood Avenue (C.R. 1511);

thence South 17°22' West, along said right-of-way lane, a distance of 52.37 feet to the southeast corner of said tract;

thence South 89° 57' West, along the south boundary of said tract, a distance of 182.2 feet to the TRUE POINT OF BEGINNING.

STATE OF OREGON }
County of Washington } SS

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



Jerry P. Hanson, Director of Assessment and Taxation, Ex-Officio County Clerk

Doc : 2001092543
Rect: 287568 32.00
09/11/2001 02:34:00pm

WASHINGTON COUNTY 2001-092543



1-3

1015
6
11
\$

4/13/31

TRUSTEE'S DEED

THIS INDENTURE, made this 30th day of August, 2001, between David E. Fennell, hereinafter called the Trustee and Ocwen Financial Services, Inc., hereinafter called the second party;

RECITALS:

RECITALS: John R. Barth, III and Jill L. Barth, husband and wife, as grantors, executed and delivered to: Oregon Title, as trustee, for the benefit of Ocwen Financial Services, Inc., as beneficiary, a trust deed dated 05/28/98, duly recorded on 06/09/98 in the mortgage records of Washington County, Oregon in 98061220, and re-recorded 6/19/98 as No. 98065821. In the trust deed, the real property described below ("Property") was conveyed by the grantor to the trustee to secure, among other things, the performance of the grantor's obligations to the beneficiary. The grantor thereafter defaulted in the performance of those obligations and such default(s) still existed at the time of the trustee's sale of the Property described below.

Because of the default(s), the record beneficiary under the trust deed or its predecessor declared all sums secured by the trust deed immediately due and owing; therefore, a Notice of Default, containing an election to sell the Property and to foreclose the trust deed by advertisement and sale to satisfy grantor's obligations owed to the beneficiary was recorded in the mortgage records of the county in which the Property is located on 02/08/01, in 2001010090.

After recording the Notice of Default, the trustee gave notice of the time for and place of sale of the Property as required by law; copies of the Trustee's Notice of Sale were served pursuant to ORCP 7D.(2) and 7D.(3) or mailed by both first class and certified mail with return receipt requested to the last known address of the persons or their legal representatives, if any, named in ORS 86.740(1) and (2)(a), at least 120 days before the date the Property was sold, and the Trustee's Notice of Sale was mailed by first class and certified mail with return receipt requested, to the last-known address of the guardian, conservator or administrator or executor of any person named in ORS 86.740(1), promptly after the trustee received knowledge of the disability, insanity or death of any such person; the Trustee's Notice of Sale was served upon occupants of the Property in the manner in which a summons is served pursuant to ORCP 7D.(2) and 7D.(3) at least 120 days before the date the Property was sold, pursuant to ORS 86.750(1). If the foreclosure was stayed and released from stay, copies of an Amended Notice of Sale in the form required by ORS 86.755(6) were mailed within thirty days after release from stay by registered or certified mail to the last-known address of those persons listed in ORS 86.740 and 86.750(1) and any person requesting notice who was present at the time and place set for the sale which was stayed. Further, the trustee published a copy of the Trustee's Notice of Sale in a newspaper of general circulation in each county in which the Property is located, once a week for four successive weeks; the last publication of Notice of Trustee's Sale occurred more than twenty days prior to the date of sale. The mailing, service and publication of the Trustee's Notice of Sale are evidenced by one or more affidavits or proofs of service duly recorded prior to the date of sale in the official records of the county in which the Property is located.

DAVID E. FENNEL
P.O. Box 4143
Bellevue, WA 98009-4143
Grantor's Name and Address

Ocwen Financial Services, Inc. c/o Ocwen Federal Bank, FSB
The Forum, Suite 10C
1655 Palm Beach Lakes Blvd.
West Palm Beach, FL 33401
Grantee's Name and Address

After Recording Return to:
Ocwen Financial Services, Inc. c/o Ocwen Federal Bank,
FSB
The Forum, Suite 10C
1655 Palm Beach Lakes Blvd.
West Palm Beach, FL 33401 17404625//7069.22847

Until a change is required all tax statements shall be sent to the following address:
Ocwen Financial Services, Inc. c/o Ocwen Federal Bank, FSB
The Forum, Suite 10C
1655 Palm Beach Lakes Blvd.
West Palm Beach, FL 33401
Name, Address, Zip

FOR COUNTY USE:

Consideration: \$95,625.00

2

Bl. 216 pg. 201
367

Know All Men by These Presents, That we, Homer Young and Lucille Young,
husband and wife

of State of Oregon.
in consideration of Ten and no/100 (\$10.00) Dollars.

to us paid by Richard E. Herman and Grace F. Herman, husband
and wife

of
State of Oregon, have bargained and sold, and by these presents do grant, bargain, sell and convey
unto said Richard E. Herman and Grace F. Herman, husband and wife,

their heirs and assigns, all the following bounded and
described real property, situated in the County of Washington and State of Oregon:

Beginning at an iron pipe in place at the southeasterly
corner of that certain 7.34 acre tract of land in section 33, T. 1 N.,
R. 2 W. W.M., conveyed to Anthony Spilios by deed recorded at page
93 of book 187 of Washington County, Oregon, deed records, and running
thence S. 89° 57' W. along the south line of the said Spilios tract
182.2 feet to an iron pipe; thence N. 17° 57' E. 724.4 feet to an iron
pipe; thence S. 89° 03' E. parallel with and 90 feet south of the
monumented north line of the George W. Smith L.L.C. No. 44, a distance
of 331.5 feet to an iron pipe; thence S. 6° 40' E. along the westerly
line of a 40 foot wide roadway 341.1 feet to an angle in same; thence
S. 44° 42' W. on said westerly roadway line 197.2 feet to angle in same;
the same being also the most easterly corner of the said Spilios tract;
thence S. 17° 22' W. 251 feet to the place of beginning, excepting the
north 2 acres thereof. Containing 3 acres, more or less.



together with all and singular the
tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and also
all our estate, right, title and interest in and to the same, including dower and claim of dower.

TO HAVE AND TO HOLD, the above described and granted premises unto the said Richard
E. Herman and Grace F. Herman, husband and wife,

heirs and assigns forever. And we, Homer Young and
Lucille Young, husband and wife,

grantors above named do covenant to and with Richard E.
Herman and Grace F. Herman, husband and wife,

the above named grantees their heirs and assigns that we are
lawfully seized in fee simple of the above granted premises, that the above granted premises are free
from all incumbrances,

and that we will and our heirs, executors and administrators,
shall 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 WITNESS WHEREOF, the grantors
hands and seals this 2nd day of March 19 47.

EXECUTED IN THE PRESENCE OF

Homer Young (SEAL)
Lucille Young (SEAL)
_____ (SEAL)

1819

Know All Men by These Presents, that we, Edwin J. Books and Flossie V. Books, husband and wife

of State of Oregon, in consideration of Ten and no/100 (\$10.00) Dollars.

to us paid by Anthony Spilios and Hellene Spilios, husband and wife

State of Oregon have bargained and sold and by these presents do grant, bargain, sell and convey unto said Anthony Spilios and Hellene Spilios, husband and wife, their

heirs and assigns, all the following bounded and described real property, situated in the County of Washington and State of Oregon:

Part of the Geo. H. Smith and wife D. L.C. No. 44, of L. 1 N. 2. 2 W. of W. M., in Washington County, Oregon; Beginning at an iron pipe 1 inch diameter, set on the eastern boundary of Brogden Acres, a regularly recorded subdivision in said county, 1318.0 feet N. 2° E., from the southeast corner of said subdivision, which is on the Base Line, and running from said pipe, N. 2° 00' E. 310.3 feet to an iron pipe, in the bottom of narrow gulch; thence N. 33° 25' E. 42.5 feet to an iron pipe 1 inch diameter; thence N. 73° 45' E. 705 feet to a point in creek (an iron pipe, 2 ins. dia., is set S. 73° 25' W., 7 feet dist.); thence (not following creek) S. 8° 16' E., 311.6 feet to an iron pipe 2 ins. dia., on right bank of creek; thence S. 17° 22' W., 251 feet to an iron pipe, 2 ins. dia., and thence west 679.4 feet to the place of beginning, containing 7.34 acres, more or less.



together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and also all our estate, right, title and interest in and to the same, including dower and claim of dower.

TO HAVE AND TO HOLD, the above described and granted premises unto the said Anthony Spilios and Hellene Spilios, husband and wife, their

heirs and assigns forever. And we, Edwin J. Books and Flossie V. Books, husband and wife,

grantor, do above named do covenant to and with Anthony Spilios and Hellene Spilios, husband and wife,

the above named grantee, their heirs and assigns that we are lawfully seized in fee simple of the above granted premises, that the above granted premises are free from all incumbrances.

and that we will and our heirs, executors and administrators, shall 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 WITNESS WHEREOF, the grantor, above named, have hereunto set their hand and seal this 6th day of February, 1940.

EXECUTED IN THE PRESENCE OF

Edwin J. Books (SEAL)

Flossie Books (SEAL)

(SEAL)

(SEAL)

EXHIBIT B

FINDINGS IN SUPPORT THORSRUD ANNEXATION FILE NO. AN 24-01

I. BACKGROUND INFORMATION AND SITE DESCRIPTION

Two petitioners representing one property requested City Council approval for annexation of approximately 0.20 acres into the City Limits of Hillsboro.

The property under consideration is located generally east of NE 43rd Avenue, west of NE Brookwood Avenue, north of West Baseline Road, and south of NE Hannah Court. The property can be specifically identified as Tax Lot 702 on Washington County Tax Assessor's Map 1N2-33DB. The total assessed value of the property is \$93,730.

The property slopes to the east with trees and shrubs scattered along the southern boundary of the site. A single-family residence is located on Tax Lot 702, addressed at 495 NW Brookwood Avenue.

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 5, 2002.

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 are currently no urban service provider agreements as required by ORS 195.065 (Senate Bill 122) in place for this area. The City is currently working with other urban service providers to establish these required agreements.

- 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 petitioner 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 7. Air, Water and Land Resource Quality Policy (III)(B) The City shall design a storm sewer and sanitary sewer master plan and

develop implementation measures necessary to assure that a storm sewer and sanitary system are provided to areas designated urban. The plan shall be designed to accommodate the growth anticipated in undeveloped portions of the Hillsboro Planning Area.

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 will be rezoned to R-10 Single Family Residential pursuant to Section 97 of Hillsboro Zoning Ordinance No. 1945, unless the property owner applies for a different single family residential zone.

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

FINDING: Water is available to the property from an eight-inch City line currently located in the NW Brookwood Avenue right-of-way. Sanitary sewer is available through an eight-inch City line located in the NW Brookwood Avenue right-of-way. Storm water disposal is available in a 12-inch line adjacent to NW Brookwood Avenue.

Fire and police protection would be provided by the City of Hillsboro and the property would be withdrawn from the following districts as of 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
Washington County Service District #1 for Street Lights

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 property from the following districts is in the best interest of the City:

Washington County Rural Fire Protection District No. 2
Washington County Service District for Enhanced Law Enforcement
Washington County Service District for Urban Road Maintenance
Washington County Service District #1 for Street Lights

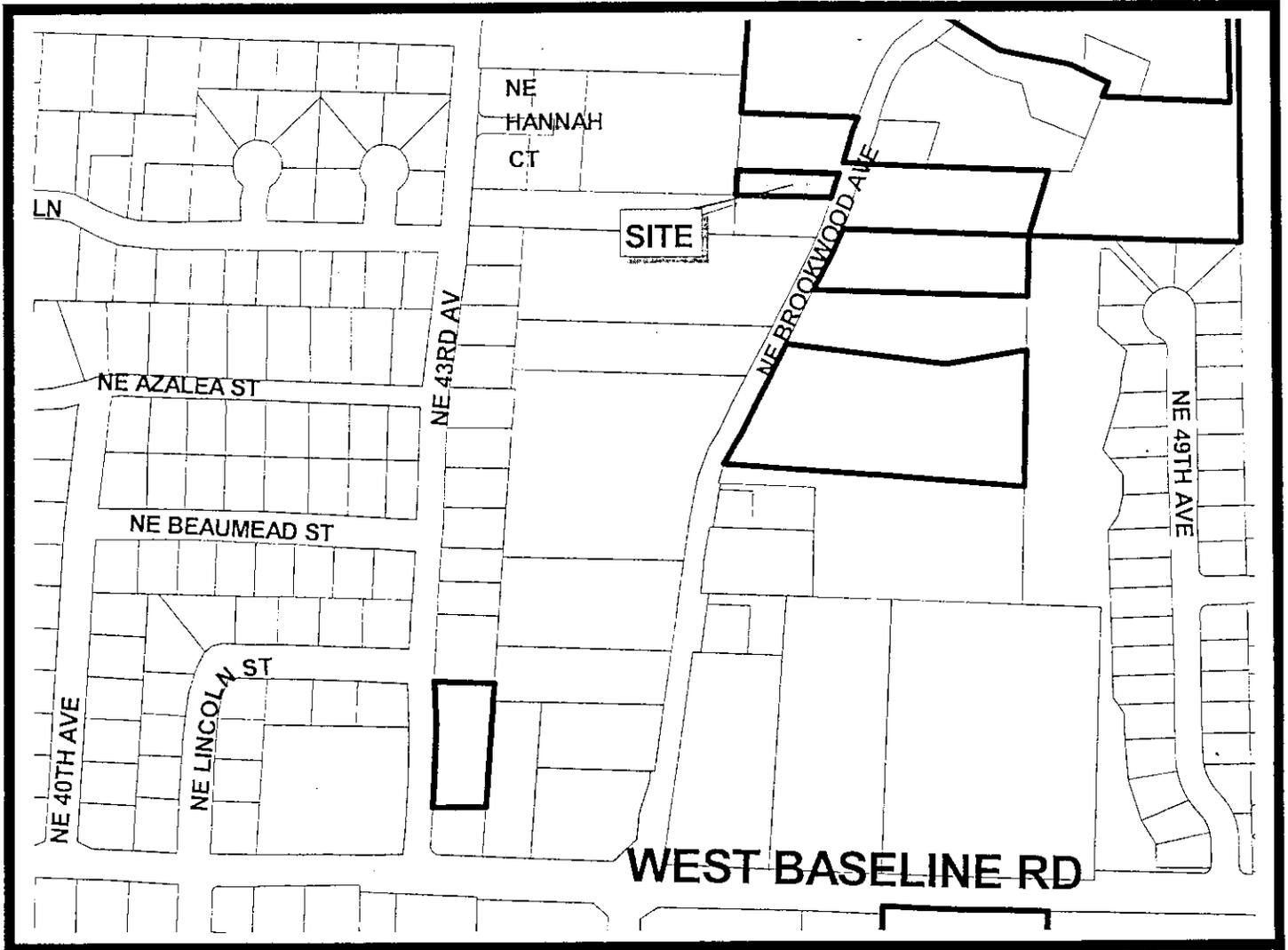
IV. TESTIMONY FROM NECESSARY PARTIES

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.

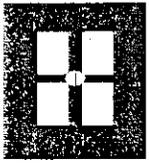
V. ADDITIONAL MATERIALS CITED BY REFERENCE AND INCLUDED IN FINDINGS

- Staff Report dated February 19, 2002

ANNEXATION 24-01 THORSRUD



-  Hillsboro City Limits
-  Site



**CITY OF
HILLSBORO**
PLANNING DEPARTMENT (503) 681-6153

