

Final Documents

For

Annexation to the
City of Hillsboro

WA2603
Ordinance #5265
DOR 34-1614-2003

Final to DOR:

Signature:



Date of

Mailing: 6/3/03

Final to Secretary of State

Signature:



Date of

Mailing: 6/9/03

WA2603

Sent

Received

DOR:

6/3/03

6/5/03

Sec. State:

6/9/03

Assessor:

6/9/03

Elections:

6/9/03

Mapped:

Yes

Addresses:

1S202CB01000

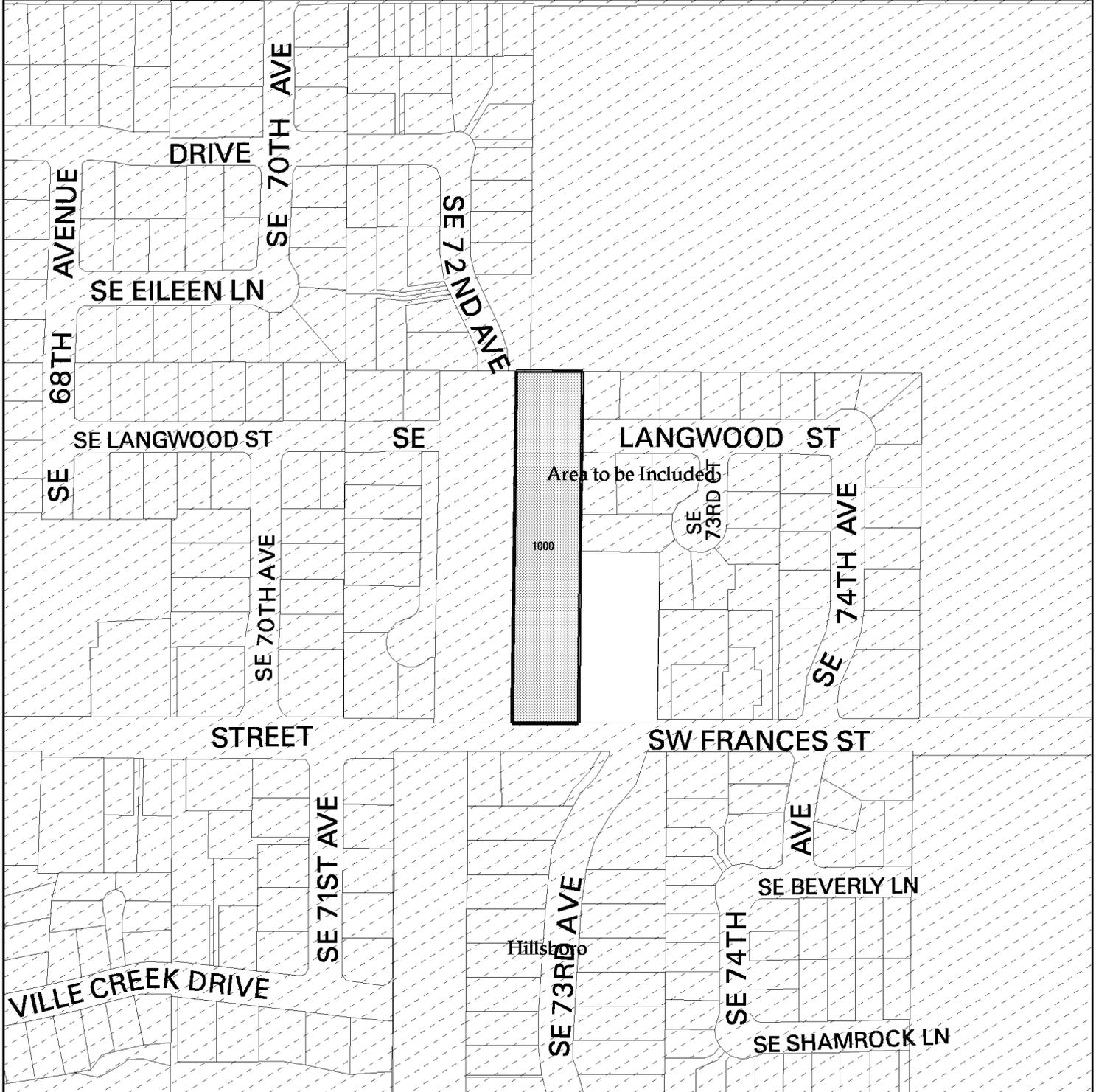
22375 SW FRANCES ST

Proposal No. WA2603

1S2W02

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

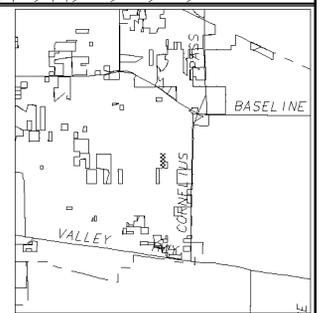
City

Annexation boundary

Urban Growth Boundary

Proposal No. WA2603
CITY OF HILLSBORO
Figure 1

Scale: 1" = 250'



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

Description and Map Approved
June 5, 2003
As Per ORS 308.225

Description Map received from: METRO
On: 6/4/2003

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

ORD. #5265

has been: Approved 6/5/2003
 Disapproved

Notes:

Department of Revenue File Number: 34-1614-2003

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

ORDINANCE NO. 5265
AN 3-03: FATTOM

AN ORDINANCE ANNEXING A CERTAIN TRACT OF LAND INTO THE CITY LIMITS OF HILLSBORO AND WITHDRAWING THE TRACT FROM THE TERRITORIES OF TUALATIN VALLEY FIRE AND RESCUE, 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 owner 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: Tualatin Valley Fire and Rescue; 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 May 20, 2003, 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;

CERTIFIED TO BE A TRUE AND
CORRECT COPY OF THE ORIGINAL

Janet Demery

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.

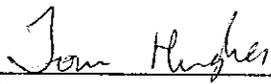
Section 2. The tract of land annexed by this ordinance and described in Section 1 is withdrawn from the following districts upon the effective date of the annexation: Tualatin Valley Fire and Rescue; Washington County Service District for Enhanced Law Enforcement; Washington County Service District for 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.

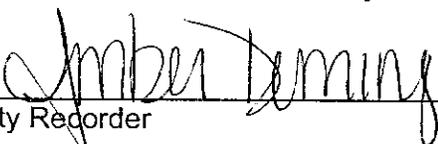
Section 4. Inasmuch as it is necessary that this annexation become effective soon, so as to avoid unnecessary hardship to the property owner and allow for the immediate provision of City services, an emergency is declared to exist and this ordinance shall become effective immediately upon its passage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

Passed by the Council this 20th day of May, 2003.

Approved by the Mayor this 20th day of May, 2003.



Mayor

ATTEST: 

City Recorder

City of Hillsboro
Annex 3-03: Fattom
Proposed legal description
NS, March 26, 2003, revised May 5, 2003

Exhibit 'A'

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

BEGINNING at the northeast corner of Lot 36, Block 6, Reedville Homes, a duly recorded subdivision in said county;

thence South $89^{\circ}55'$ West, along the north boundary of said Lot 36, a distance of 66.0 feet, more or less, to the northeast corner of that tract of land conveyed to Ernest W. Nelson, et ux, by deed recorded in Deed Book 241, Page 669 in Deed Records of said county;

thence South $0^{\circ}32'$ West, along the east boundary of said Nelson Tract, a distance of 630.0 feet, more or less, to the north right-of-way line of SE Frances Street (C.R. 1359);

thence North $89^{\circ}55'$ East, along said right-of-way line, a distance of 120.0 feet;

thence North $0^{\circ}32'$ East, parallel with the west boundary of Lot 35, Block 6, Reedville Homes, a distance of 630.0 feet, more or less, to the north boundary of said Lot 35;

thence South $89^{\circ}55'$ West, along the north boundary of said Lot 35, a distance of 54.0 feet to the POINT OF BEGINNING.

EXHIBIT B

FINDINGS IN SUPPORT FATTOM ANNEXATION FILE NO. AN 3-03

I. BACKGROUND INFORMATION AND SITE DESCRIPTION

A petitioner representing one property requested City Council approval for annexation of approximately 1.75 acres into the City Limits of Hillsboro.

The property under consideration is located generally east of SE 70th Avenue, west of SE 74th Avenue, north of SW Francis Street, and south of SE Eileen Lane. The property can be specifically identified as Tax Lot 1000 on Washington County Tax Assessor's Map 1S2-02CB. The total assessed value of the property is \$253,860.

The property is relatively flat with scattered vegetation and trees. Tax Lot 1000 has a single-family house with associated accessory buildings addressed at 22375 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 May 20, 2003.

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-6 Single Family Residential pursuant to Section 97 of Hillsboro Zoning Ordinance No. 1945, unless the property owners apply for a different zoning designation.

- 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 a ten-inch City line located in the SW Frances Street right-of-way. Sanitary sewer is available through an eight-inch City line located in the SW Frances Street right-of-way. Storm water disposal is available through a fifteen-inch City line located in the SW Frances Street right-of-way.

Fire and police protection would be provided by the City of Hillsboro and the property would be withdrawn from the Tualatin Valley Fire and Rescue; 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 property from the Tualatin Valley Fire and Rescue, 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 May 6, 2003

522CB-01000



Washington County, Oregon 2002-125896
10/25/2002 10:41:48 AM
D-DW Cnt#1 Rtn#22 I REED
\$10.00 \$6.00 \$11.00 \$290.00 - Total=\$317.00



00188221200201258960020022

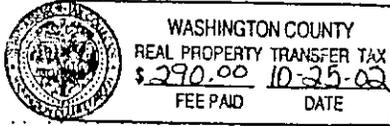
I, Jerry Hanson, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.
Jerry Hanson
Jerry R. Hanson, Director of Assessment and Taxation, Ex-Officio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



After Recording, Return to:
Mazouz A. Fattom
5220 SW 153rd Ave
Beaverton OR 97007

Until a change is requested, tax statements shall be sent to the following address:
Same as above until further notice

STATUTORY WARRANTY DEED
(Individual)



(Above Space Reserved for Recorder's Use)

William F. Lynn and Helen E. Lynn, or thier successor in trust, as Trustees of the Lynn Family Trust
conveys and warrants to
Mazouz A. Fattom

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

Part of Block 6, REEDVILLE HOMES, in the County of Washington and State of Oregon, described as follows, to-wit:

The West 54 feet of Lot 35, REEDVILLE HOMES, ALSO that part of Lot 36, REEDVILLE HOMES, described as follows:

Beginning at the Northeast corner of said Lot 36; thence West on the North line of said Lot 36, a distance of 66 feet, more or less, to the Northeast corner of that tract conveyed to Ernest W. Nelson, et ux, by deed recorded in Deed Book 241, Page 669; thence South on the East line of said Nelson tract, 660.0 feet, more or less, to the Southeast
(Continued)

Tax Account Number(s): R297501

This property is free of encumbrances, EXCEPT:

1. The subject property lies within the boundaries of the Clean Water Services, formerly known as Unified Sewerage Agency and is subject to the levies and assessments thereof. (We find no liens of record as of September 17, 2002.)
2. The rights of the public in and to that portion of the herein described property lying within the limits of roads and highways.

The true consideration for this conveyance is \$290,000.00

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

DATED this 23rd day of October, 2002.

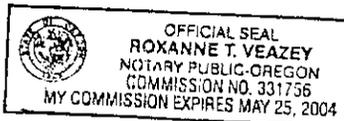
William F. Lynn, Trustee
William F. Lynn, Trustee

Helen E. Lynn, Trustee
Helen E. Lynn, Trustee

STATE OF OREGON, COUNTY OF Washington)ss.

The foregoing instrument was acknowledged before me this 23rd day of October, 2002, by William F. Lynn and Helen E. Lynn, Trustees of the Lynn Family Trust.

Roxanne T. Veazey
Notary Public for Oregon
My Commission Expires: 5-25-2004



Order No.: 668515w

OREGON TITLE INS. CO. 668515w

1/2

STATUTORY WARRANTY DEED
(CONTINUED)

LEGAL DESCRIPTION (Continued)

Order No.: 668515w

corner of said Nelson tract; thence East on the South line of said Lot 36, a distance of 66 feet to the Southeast corner thereof; thence North on the East line of said Lot 36, a distance of 660 feet to the Northeast corner thereof and the place of beginning.



2002-125896

2/2

291,669

10420

KNOW ALL MEN BY THESE PRESENTS, that Jane O. Myers, husband and wife,

in consideration of Ten and no/100- Dollars

to them paid by Ernest W. Nelson and Artie M. Nelson, husband and wife,

do hereby grant, bargain, sell and convey unto said Ernest W. Nelson and Artie M. Nelson,

their heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances situated in the County of Washington and State of Oregon, bounded and described as follows, to-wit:

The West two acres of that part of Lots 35 and 36, Block 6, REDVILLE HOMES, described as follows, to-wit; Commencing at a point in the Northerly boundary line of said Lot 36, which is 132 feet east of the northwest corner of Lot 36; thence easterly along the northerly boundary line of said Lots 36 and 35, 265 feet to a point in said Northerly boundary line, which is 86 feet east of the northwest corner of said Lot numbered 35, thence South in a straight line, 660 feet, more or less, to a point in the southerly boundary line of said Lot 35, 66 feet east of the Southwest corner of Lot 35; thence West 265 feet to a point on the southerly boundary of said Lot numbered 36, which is 132 feet east of the southwest corner of said Lot 36; thence northerly in a straight line 660 feet, more or less, to the place of beginning.



To Have and to Hold, the above described and granted premises unto the said Ernest W. Nelson and Artie M. Nelson, husband and wife,

their heirs and assigns forever

And Robert Roland Myers and Jane O. Myers, husband and wife,

the grantor^s have agreed to covenant to and with the above named grantee, their heirs and assigns that they are lawfully seized in fee simple of the above granted premises, that the above granted premises are free from all encumbrances.

and that they will and their 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.

Witness our hand^s and seal^s this 1st day of March, 1945 Executed in the Presence of

Robert L. Myers (SEAL)
also Robert Roland Myers (SEAL)
by Jane O. Myers (SEAL)
also Jane O. Myers (SEAL)

