

Final Documents

For

Annexation to the
City of Hillsboro

WA2803
Ordinance #5266
34-1616-2003

Final to DOR:

Signature:



Date of

Mailing: 6/3/03

Final to Secretary of State

Signature:



Date of

Mailing: 6/9/03

WA2803

Sent

Received

DOR: 6/3/03 6/5/03

Sec. State: 6/9/03

Assessor: 6/9/03

Elections: 6/9/03

Mapped: Yes

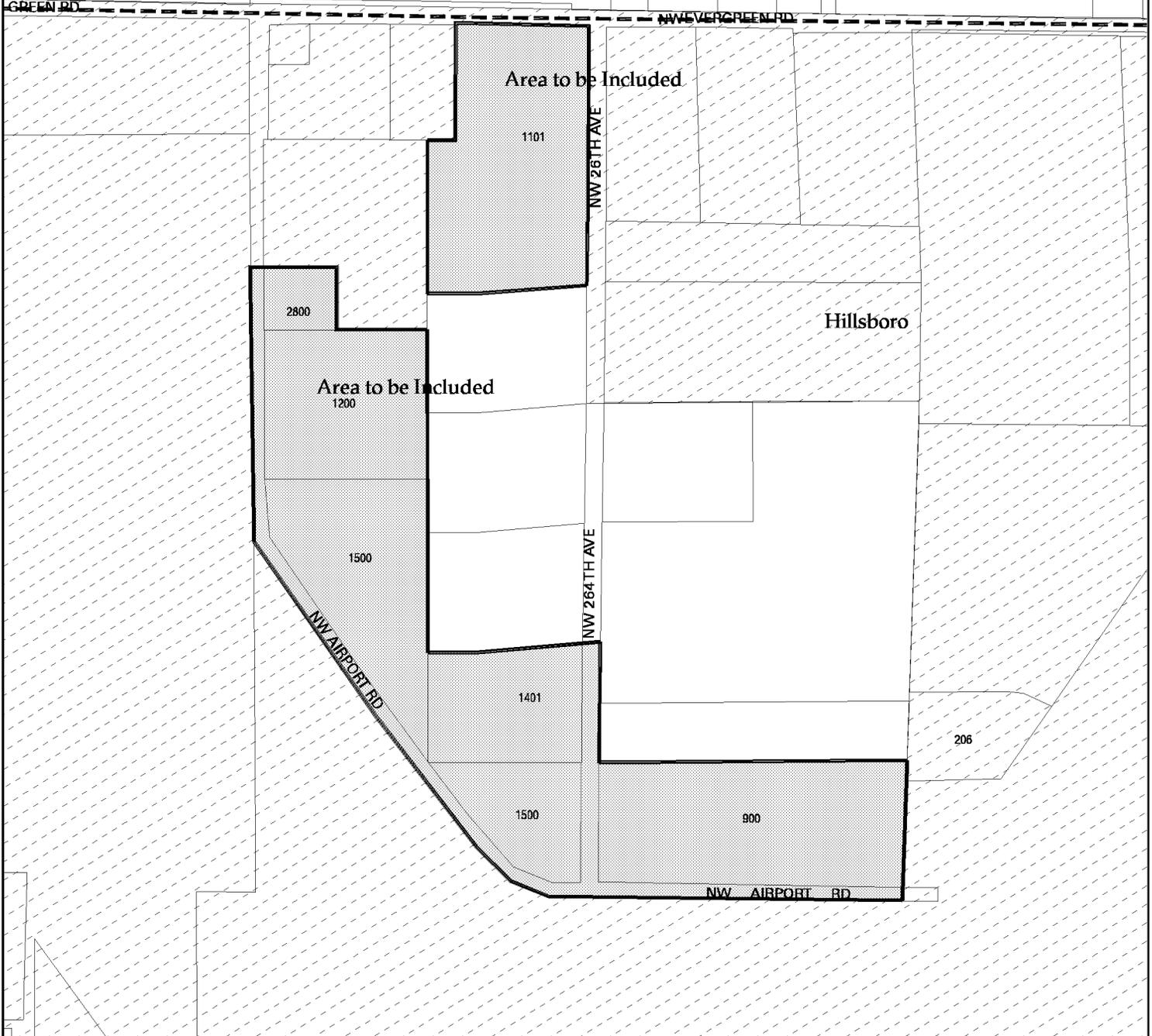
Addresses:	1N2280001101	No Site Address
	1N2280002800	3960 NW 268 th Ave
	1N2280001200	3740 NW 268 th Ave
	1N2280001401	No Site Address
	1N2280000900	No Site Address
	1N2280001500	2315 NE Brookwood Pkwy

Proposal No. WA2803

1N2W28

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

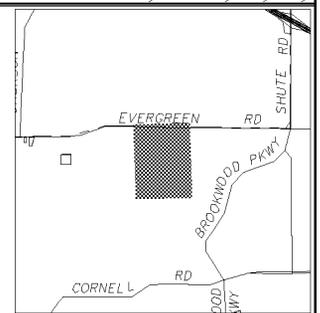
City

Annexation boundary

Urban Growth Boundary

Proposal No. WA2803
CITY OF HILLSBORO
Figure 1

Scale: 1" = 500'



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. #5266

has been: Approved 6/5/2003
 Disapproved

Notes:

Department of Revenue File Number: 34-1616-2003

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. 5266
AN 4-03: PORT OF PORTLAND

AN ORDINANCE ANNEXING CERTAIN TRACTS OF LAND INTO THE CITY LIMITS OF HILLSBORO AND WITHDRAWING THE TRACTS 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 owner of certain tracts of land, described in Exhibit A to this ordinance, requesting that the properties 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 tracts of land are 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 tracts of land are 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 tracts of land lie 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 May 20, 2003, and does hereby favor the annexation of the subject tracts 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;

DECLARED TO BE A TRUE &
CORRECT COPY OF THE ORIGINAL
Amber Deming
Recorder, City of Hillsboro

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

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

Section 2. The tracts of land annexed by this ordinance and described in Section 1 are 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 owners 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.

Jon Hughes
Mayor

ATTEST: Amber Deming
City Recorder

City of Hillsboro
Annex Airport Rd.
Proposed legal description
NS, April 21, 2003, revised April 30, 2003 MF, revised May 27, 2003 NS

Exhibit 'A'

A tract of land in Section 28, Township 1 North, Range 2 West, Willamette Meridian, Washington County, Oregon, being more particularly described as follows:

Commencing at the northwest corner of Lot 39 of James H. Sewell's Acreage, a duly recorded subdivision in said county, said point being also the beginning of the centerline of County Road No. 1463;

thence South $0^{\circ}28'$ East, along said centerline, a distance of 362.0 feet to the northwest corner of that tract of land described in deed to the Port of Portland recorded as document No. 2003-021876 in deed records of said county, said point being the TRUE POINT OF BEGINNING;

thence South $88^{\circ}19'$ East, along the north boundary of said tract, a distance of 272.3 feet to the northeast corner thereof;

thence South $0^{\circ}28'00''$ East, along the east boundary of said tract, a distance of 160.0 feet to the southeast corner thereof and a point on the north boundary of that tract of land described in deed to Frank and Bertha Pfleger, recorded in Book 219, Page 387 in deed records of said county;

thence South $88^{\circ}19'$ East, along said north boundary, a distance of 329.98 feet to a point on the west boundary of Lot 28, James H. Sewell's Acreage;

thence South $0^{\circ}34'00''$ West, along the west boundaries of Lot 28, Lot 27, and Lot 26 of said subdivision, a distance of 1102.0 feet to the southwest corner of said Lot 26;

thence South $88^{\circ}19'00''$ East, along the south boundary of Lot 26 and easterly projection thereof, a distance of 556.80 feet to east right-of-way line of NW 264th Avenue;

thence South $0^{\circ}34'00''$ West, along said east right-of-way line, a distance of 406.0 feet to a point on the north boundary of Lot 8 of said subdivision;

thence South $88^{\circ}19'00''$ East, along said north boundary, a distance of 1053.7 feet to the northeast corner thereof;

thence South $0^{\circ}34'00''$ West, along the east boundary of James H. Sewell's Acreage, a distance of 446.0 feet to a point on the south right-of-way line of NW Airport Road (CR 2266);

thence North $88^{\circ}19'00''$ West, along said right-of-way line, a distance of 1073.49 feet to an angle point in said right-of-way line;

thence South $0^{\circ}34'00''$ West, along said right-of-way line, a distance of 5.0 feet to an angle point therein;

thence North $88^{\circ}19'00''$ West, along said right-of-way line, a distance of 97.17 feet to a point of curvature therein;

thence along the arc of a 362.03 foot radius curve to the right, through a central angle of $51^{\circ}43'59''$ an arc distance of 326.89 feet to a point of tangency in the southwest right-of-way line of NW Airport Road (C.R. 2266);

thence North $37^{\circ}18'$ West, along said southwest right-of-way line, a distance of 1159.72 feet to a point of curvature in said right-of-way line;

thence along the arc of a 362.03 foot radius curve to the right, through a central angle of $36^{\circ}01'28''$, an arc distance of 227.62 feet to a point of tangency on the west right-of-way line of NW Airport Rd.(C.R. 2266);

thence North $88^{\circ}43'28''$ East, along said right-of-way line, a distance of 5.0 feet to a point on the west right-of-way line of Airport Road (C.R. 1463)

thence North $0^{\circ}28'00''$ West, along said west line, a distance of 860.0 feet to the westerly projection of the north boundary of that tract of land described in deed to the Port of Portland recorded as document No. 2003-021876 in deed records of said county;

thence South $88^{\circ}19'$ East, along said projection a distance of 20.01 feet to the POINT OF BEGINNING.

TOGETHER WITH:

BEGINNING at the southwest corner of Lot 29, James H. Sewell's Acreage;

thence South $88^{\circ}19'$ East, along the south boundary of Lot 29, a distance of 516.80 feet to a point on the west right-of-way line of NW 264th Avenue;

thence North $0^{\circ}34'00''$ East, along said right-of-way line, a distance of 848.0 feet to a point on the north boundary of Lot 30 of said subdivision;

thence North $89^{\circ}14'00''$ West, along the north boundary of Lot 30 of said subdivision, a distance of 473.0 feet to the northwest corner of said Lot 30;

thence South $0^{\circ}34'$ West, along the west boundary of said Lot 30, a distance of 436.5 feet to the southwest corner thereof and a point on the north boundary of Lot 29 of said subdivision;

thence North $88^{\circ}19'00''$ West, along said north line, a distance of 43.8 feet to the northwest corner of said Lot 29;

thence South $0^{\circ}34'00''$ West, along the west line of said Lot 29, a distance of 406.0 feet to the POINT OF BEGINNING.

IN 228 - 0000

5000MDA1 CE 24 FEB 2003
220449
CHICAGO

AFTER RECORDING RETURN TO:

Port of Portland
121 NW Everett
Portland, Oregon 97209

Washington County, Oregon 2003-021876

02/13/2003 01:41:29 PM
D-DW Crg#1 Btm#7 K GRUNEWALD
\$15.00 \$6.00 \$11.00 \$246.00 - Total = \$278.00



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



Until a change is requested all tax statements shall be sent to the following address:

Port of Portland
121 NW Everett, Portland, Oregon 97209

Escrow No: 5000-14091-CE
Order No: 220449

WARRANTY DEED - STATUTORY FORM
(INDIVIDUAL or CORPORATION)

JON D. NEWTON



WASHINGTON COUNTY
REAL PROPERTY TRANSFER TAX
\$246.00 2-13-03
FEE PAID DATE

Grantor, conveys and warrants to THE PORT OF PORTLAND, a port district of the State of Oregon

Grantee, the following described real property free of encumbrances except as specifically set forth herein:

(Continued)

SEE ATTACHED EXHIBIT "A", made a part hereof by reference.

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.

ENCUMBRANCES:

(Continued)

SEE ATTACHED EXHIBIT "B", made a part hereof by reference.

The true consideration for this conveyance is \$245,885.00

Dated February 13, 2003 ; if a corporate grantor, it has caused its name to be signed by order of its board of directors.

Jon D. Newton
Jon D. Newton

STATE OF OREGON, County of Multnomah) ss.

This instrument was acknowledged before me on February 13, 2003
by Jon D. Newton

This instrument was acknowledged before me on _____,
by _____ as _____,
of _____

Clyde Stahel
Notary Public for Oregon
My commission expires: 5/15/03

OFFICIAL SEAL
CHERYLE STAHEL-EASTMAN
NOTARY PUBLIC-OREGON
COMMISSION NO. 320729
MY COMMISSION EXPIRES MAY 15, 2003



LEGAL DESCRIPTION

Part of Lots 38 and 39, JAMES H. SEWELL'S ACREAGE, in the County of Washington and State of Oregon, described as follows:

Beginning at the Northwest corner of the land sold to Frank Pflieger and wife, as recorded in Deed Book 219, Page 387, which point is on the West line of Lot 38, 290 feet North of the Southwest corner thereof; thence East on the North line of said Pflieger Tract, 272.3 feet; thence North parallel with the West line of Lots 38 and 39, 160 feet; thence West parallel with the South line of Lot 38, 272.3 feet to the West line of Lot 39; thence South on the West line of Lots 39 and 38, 160 feet to the place of beginning.



EXHIBIT "B"

1. The premises herein described are within and subject to the statutory powers including the power of assessment of the Unified Sewerage Agency.
2. The rights of the public in and to that portion of the premises herein described lying within the limits of S.W. 268th Avenue.

2711

Know All Men by These Presents, that FREDERICK R. DION and DOBOTHEA A. DION of the County of Washington State of Oregon.

in consideration of Five Dollars,

to us paid by FRANK PFLEGER and BERTHA PFLEGER (Husband and wife) of Astoria, State of Oregon,

have bargained and sold and by these presents do grant, bargain, sell and convey unto said FRANK PFLEGER and BERTHA PFLEGER their heirs and assigns, all the following bounded and described real property, situated in the County of Washington and State of Oregon:

To-wit, the south 290 feet of Lot 36, JAMES H. SEWELL acreage, containing Four acres more or less.

together with all and singular the tenements, hereditaments and appurtenances thereto 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

FRANK PFLEGER and BERTHA PFLEGER their heirs and assigns forever. And FREDERICK R. DION and DOBOTHEA A. DION

grantors above named do covenant to and with FRANK PFLEGER and BERTHA PFLEGER the above named grantee their heirs and assigns that NO ONE lawfully seized in fee simple of the above granted premises, that the above granted premises are free from all incumbrances.

and that we, the undersigned, our successors and administrators, shall warrant and forever defend the title to the above described premises and every part and parcel thereof, against the lawful claims and demands of all persons.

In Testimony Whereof, we have hereunto set our hand and seal this 12th day of July, 1912.

FREDERICK R. DION (SEAL)
DOBOTHEA A. DION (SEAL)

EXHIBIT B

FINDINGS IN SUPPORT PORT OF PORTLAND ANNEXATION FILE NO. AN 4-03

I. BACKGROUND INFORMATION AND SITE DESCRIPTION

A petitioner representing six properties requested City Council approval for annexation of approximately 46.06 acres into the City Limits of Hillsboro.

The properties under consideration are located generally north and east of NW Airport Road, west of NE Brookwood Parkway and south of NW Evergreen Road. The properties can be specifically identified as Tax Lots 900, 1101, 1200, 1401, 1500 and 2800 on Washington County Tax Assessor's Map 1N2-28. The total assessed value of the property is \$19,387,950.

The properties are relatively flat with no vegetation except grasses and some field crops. Tax Lot 2800 has a single-family house with associated accessory buildings addressed at 3960 NW 268th 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 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 properties are 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 properties is IN – Industrial except for Tax Lot 1500 which is designated PF – Public Facility, which is consistent with the regional urban growth goals and objectives. The properties will be rezoned to M-P Industrial Park 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 eighteen-inch City line located in the NW Evergreen Road right-of-way. Sanitary sewer is available through a sixteen-inch City line located in the NW Evergreen Road right-of-way. Storm water disposal is available via county ditches beside the NW Evergreen Road and NW Airport Road.

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 properties 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 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 May 6, 2003