

Final Documents

For

Annexation to the  
**City of Hillsboro**

WA3004  
Ord. #5374  
DOR 34-1679-2004  
Sec. State: AN-2004-0142

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

Signature:

 \_\_\_\_\_

Date of

Mailing: 6/8/04

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

Signature:

 \_\_\_\_\_

Date of

Mailing: 7/6/04

WA3004

Sent

Received

DOR:

6/8/04

6/30/04

Sec. State:

7/6/04

7/12/04

Assessor:

7/6/04

Elections:

7/6/04

Mapped:

Yes

Addresses:

1N234DD07400

No Site Address

1N234DD07500

No Site Address

1N234DD07600

No Site Address

1N234DD07700

No Site Address

# Proposal No. WA3004

1N2W34

Annexation to the City of Hillsboro

Washington Co.



R L I S  
REGIONAL LAND INFORMATION SYSTEM



600 NE Grand Ave.  
Portland, OR 97232-2736  
Voice 503 797-1742  
FAX 503 797-1909  
Email dic@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

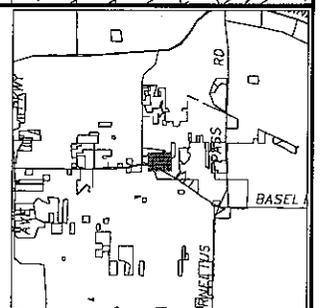
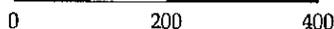
City

Annexation boundary

Urban Growth Boundary

Proposal No. WA3004  
CITY OF HILLSBORO  
Figure 1

Scale: 1" = 250'



Office of the Secretary of State

Bill Bradbury  
Secretary of State



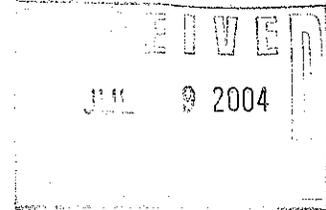
Archives Division  
ROY TURNBAUGH  
Director

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

Facsimile (503) 373-0953

July 7, 2004

City of Hillsboro  
City Recorder  
123 W Main Street  
Hillsboro, Oregon 97123



Dear City Recorder,

Please be advised that we have received and filed, as of July 7, 2004, the following records annexing territory to the City of Hillsboro.

Ordinance/Resolution Number(s)

Our File Number

ORD NO 5374

AN 2004-0142

ORD NO 5362

AN 2004-0143

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)

ODOT

Department of Revenue

Population Research Center

# 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 30, 2004**  
**As Per ORS 308.225**

Description     Map received from: METRO  
On: 6/10/2004

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

**ANNEXATION TO CITY OF HILLSBORO; WITHDRAWAL FROM SEVERAL DISTRICTS**

ORD. #5374 (AN 10-040

has been:     Approved            6/30/2004  
                   Disapproved

Notes:

Department of Revenue File Number: 34-1679-2004

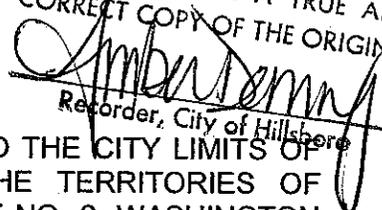
Prepared by: Carolyn Sunderman, 503-945-8882

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

ORDINANCE NO. 5374  
AN 10-04: SMITH ET. AL.

CERTIFIED TO BE A TRUE AND  
CORRECT COPY OF THE ORIGINAL

  
Recorder, City of Hillsboro

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

WHEREAS, 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;

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 18, 2004, 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;

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.

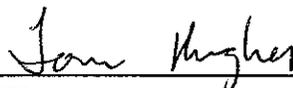
Section 2. The tracts of land annexed by this ordinance and described in Section 1 are withdrawn from the following districts upon the effective date of the annexation: Washington County Rural Fire Protection District No. 2; Washington County Service District for Enhanced Law Enforcement; Washington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

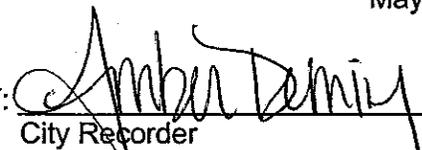
Section 3. The findings attached as Exhibit B are adopted. The City Recorder shall immediately file a certified copy of this Ordinance with Metro and other agencies required by Metro Code Chapter 3.09.050(f) and ORS 222.005. The annexation and withdrawals shall become effective upon filing of the annexation 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 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 18th day of May, 2004.

Approved by the Mayor this 18th day of May, 2004.

  
\_\_\_\_\_  
Mayor

ATTEST:   
\_\_\_\_\_  
City Recorder

City of Hillsboro  
Annexation 10-04: Smith et. al.  
Proposed legal description  
NS, April 30, 2004, MF Revised May 06, 2004

## Exhibit 'A'

A tract of land in Section 34, Township 1 North, Range 2 West, Willamette Meridian, Washington County, Oregon, being more particularly described as follows:

Commencing at the southwest corner of the W.H. Bennett Donation Land Claim;

thence North  $0^{\circ}26'00''$  West, along the west line of said claim, a distance of 634.50 feet to a point in the center of West Baseline Road (C.R. 1778);

thence North  $80^{\circ}40'30''$  East, along the centerline of West Baseline Road, a distance of 183.50 feet to an angle point (P.I.) therein;

thence South  $76^{\circ}15'00''$  East, along said centerline, a distance of 286.80 feet to the southwest corner of that tract of land conveyed to Tomas E. Garreton and Toni R. Garreton by deed recorded July 14, 1987 as Document No. 87036179 in Deed Records of said county and the TRUE POINT OF BEGINNING;

thence North  $4^{\circ}41'00''$  East, along the west line of said tract and the center of Rock Creek, a distance of 207.90 feet to an angle point in said creek;

thence North  $65^{\circ}30'00''$  East, along the northwest line of said tract and the center of Rock Creek, a distance of 234.00 feet to the most northerly corner of said tract, said point being also an angle point on the boundary line of that tract of land conveyed to Terri D.S. Weller and Kevin R. Smith by deed recorded March 3, 2004 as Document No. 2004-021217 in Deed Records of said county;

thence northeasterly, along the most northerly northwest line of said Weller-Smith Tract, a distance of 400 feet, more or less, to the most northerly corner thereof, said point being also the most westerly corner of that tract of land conveyed to Charles F. Jaensch and Mary Jane Jaensch by deed recorded February 25, 1953 in Book 341, Page 535 in Deed Records of said county;

thence South  $57^{\circ}18'00''$  East, along the northeast line of said Weller-Smith Tract and the south line of said Jaensch Tract, a distance of 540.00 feet to a point in the center of Hall Creek, said point being the most easterly northeast corner of said Weller-Smith Tract;

thence southerly, along the centerline of said creek and the most easterly east line of said Weller-Smith Tract, a distance of 400.0 feet more or less to the most easterly southeast corner thereof, also being the most easterly corner of that tract of land described in deed to Patricia E. Vetaly, recorded 9-27-1983 as document number 83035481;

thence North  $53^{\circ}06'30''$  West, along the boundary line of said Vetaly tract, a distance of 281.22 feet to an angle point therein;

thence North  $61^{\circ}51'55''$  West, along said boundary line, a distance of 107.60 to an angle point;

thence South  $24^{\circ}42'40''$  West, along said boundary line and the southwesterly projection thereof, a distance of 360.0 feet to a point on the south right of way line of West Baseline Road (C.R. 1788);

thence along said right of way line, along a 984.93 foot radius curve concave to the northeast, with chord bearing North  $59^{\circ}00'58''$  West 215.02 feet, a distance of 215.45 feet;

thence North  $52^{\circ}45'00''$  West, along said right of way line, a distance of 7.12 feet to the beginning of a 288.32 foot radius curve to the left;

thence along said curve, with chord bearing North  $64^{\circ}30'00''$  West 117.43 feet, a distance of 118.25 feet;

thence North  $76^{\circ}15'00''$  West, along said right of way line, a distance of 59.49 feet to the intersection of said right of way line and the southerly projection of the west line of the aforementioned Garretton Tract;

thence North  $4^{\circ}41'00''$  East, along said southerly projection, a distance of 30.38 feet to the POINT OF BEGINNING.

# County Road No. 1778

~~On Petition of~~ ~~By Resolution of the County Court~~

60 Feet wide

## SURVEYOR'S REPORT

Beginning at the quarter section corner of the north line of Sec. 3, T1S, R2W, W.M. and on the North line of Sec. 34, T1N, R2W, W.M., Washington County, Oregon, with a back sight on section corner one-half mile west, and calling that line West, running thence in the following described centerline:

Course	Distance	Station	Remarks
		0/00	Point of beginning described above. A 1" I.P. is N. 4°40' W 30.2 feet and a 1" I.P. is S 4°40' E 30.2 feet
N. 80°40½' E	1087.9	10/87.9	P.O.T. Cross the west line of the Wm. Bennet D.L.C. #47 in T1N, R2W and D.L.C. 39 in T1S, R2W, N 0°26'E 634.5 feet from the southwest corner thereof
	125.02	12/12.92	P.C. Set irons right and left 30.0 feet . Delta 23°04'30" S.T. 58.48
20° C. Rt.	115.38	13/28.3	P.T. Set irons right and left 30.0 feet.
S 76°15' E	292.61	16/29.91	P.C. Set irons right and left 30.0 feet. Delta 23°30' S.T. 66.21
18° C Rt.	130.56	17/51.47	P.T. Set irons right and left 30.0 feet.
S 52°45' E	7.12	17/58.59	P.C. Set irons right and left 30.0 feet. Delta 16° 14½' S. T. 136.27
6° C Lt.	270.69	20/29.28	P.T. Set irons right and left 30.0 feet.
S 68°59½' E	518.02	25/47.3	P.C. Set irons right and left 30.0 feet. Delta 16°21' S.T. 82.31
10° C. Rt.	163.5	27/10.8	P.T. Set irons right and left 30.0 feet.
S 52°38½' E	158.9	28/69.7	P.O.T. An iron pipe at the beginning point of C. R. No. 877 bears S 0°11' E. 25.25 feet. An iron pipe at angle point No. 1 of C. R. No. 877 bears S 0°11' E 826.45 feet.
	467.4	33/37.1	Angle Pt. Delta 2° 50' Lt. Set iron N 35°56½' E 30.0 feet and S 35° 56½' W 30.0 feet
S 55°28½' E	678.2	40/15.3	Angle Pt. Delta 4°40' 30" Rt. at northerly Term of C.R. No. 1648 as determined from reference irons. Angle pt. of C. R. No. 1648 bears S 0°29'E 158.7 feet.
S 50° 48' E	834.8	48/50.1	P. C. Set iron rods right and left 30.0 feet. P.I. Sta. 49/34.1 is the northwest corner of the Richard White D.L.C. No. 47. From claim corner an iron rod bears East 0.35 feet. Set a 1½" x 36" galv. iron pipe N 0° 30' E. 35.0 feet from Cl. cor.
24° C. Lt.	161.53	50/11.6	P. T. Terminus of County Road No. 1778 Set iron rods right and left 30.0 feet.

I hereby certify that the foregoing are the true and correct field notes of County Road No. 1778.

H. P. Barrows, County Surveyor  
by H. L. Jensen, Jr., Deputy

WARRANTY DEED

83035481

KNOW ALL MEN BY THESE PRESENTS, That Vin-El-Pat Corp.

hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by Patricia E. Vetal, hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Washington and State of Oregon, described as follows, to-wit:

BEGINNING at a point in the center of Baseline Road (County Road No. 1770) said point being 404.70 feet North and 883.50 feet East of the Southwest corner of the William H. Bennett Donative Land Claim No. 47 in Section 34, Township 1 North, Range 2 West of the Willamette Meridian, Washington County, Oregon, said point also bears South 24° 42' 40" West 50.00 feet from an iron rod; thence North 24° 42' 40" East 330.06 feet to an iron rod; thence South 61° 51' 55" East 107.60 feet to an iron rod; thence South 53° 06' 30" East 261.22 feet to a point in the center of Hall Creek; thence along said creek South 37° 49' 05" West 251.83 feet to the intersection of said County Road No. 1778 and Hall Creek; thence along said County Road No. 1778 North 68° 59' 30" West 263.94 feet to a point; thence along a 956.96 foot radius curve to the right (the long chord of which bears North 67° 08' 25" West 61.83 feet) 61.84 feet to the point of beginning.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever. And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances

and that grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances. The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ Even Trade

However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration (indicate which). (The sentence between the symbols @, if not applicable, should be deleted. See ORS 93.030.)

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals. In Witness Whereof, the grantor has executed this instrument this 20th day of May, 1982; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

Union R. Jenkins Pres

(If executed by a corporation, affix corporate seal)

STATE OF OREGON, } ss. County of Washington, 1982

Personally appeared the above named

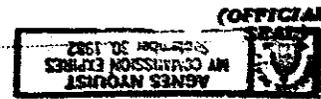
and acknowledged the foregoing instrument to be voluntary act and deed.

Before me: Notary Public for Oregon My commission expires:

Iowa Ottawa, Kan. STATE OF OREGON, County of Washington, 1982. Personally appeared Union R. Jenkins, who is the president and that the secretary of

Vin-El-Pat a corporation and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

Before me: My Notary Public for Iowa My commission expires:



Vin-El-Pat Corp GRANTOR'S NAME AND ADDRESS Patricia E. Vetal

W COUNTY TAX TRANSFER TAX 9-27-83 DATE

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 of writing was received and recorded in book of records of said county.

Washington County, Oregon  
03/03/2004 01:51:35 PM 2004-021217  
D-DBB Cnt=1 Sht=11 C WHITE  
\$20.00 \$6.00 \$11.00 - Total = \$37.00



80541180200400212170040047

I, 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



**AFTER RECORDING RETURN TO:**

James F. Topliff  
Attorney at Law  
818 W. Riverside, Suite 250  
Spokane, WA 99201

**UNTIL A CHANGE IS REQUESTED,  
ALL TAX STATEMENTS SHALL BE  
SENT TO:**

Terri D.S. Weller  
1914 N. 34<sup>th</sup> Street, Suite 101  
Seattle, WA 98103-9058

**BARGAIN AND SALE DEED**

Terri D.S. Weller and Kevin R. Smith, Trustees UTA dated 8/27/76, as amended wherein Theodore Richard Smith & Lloyd Alberta Smith are Trustors, Grantor, conveys to TERRI D.S. WELLER and KEVIN R. SMITH, each as to an undivided one-half interest as tenants-in-common, Grantees, all of Grantor's right, title and interest in and to the following described real property situated in Washington County, Oregon, to-wit:

See Exhibit A, attached

The Property is hereby conveyed "as is" with all defects, latent or patent, and subject to current and subsequent real estate taxes, the rights of any persons in possession, and all matters affecting title to the Property which, as of the date of this deed, are disclosed by the public records, or which would be disclosed by a thorough physical inspection or an accurate survey of the Property, including, but not limited to any easements, claims of easements, boundary line disputes, overlaps, encroachments, and public roads.

The true consideration for this conveyance is zero dollars. (Inheritance)

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.

Executed this 6 day of Feb, <sup>2004</sup>~~2003~~.

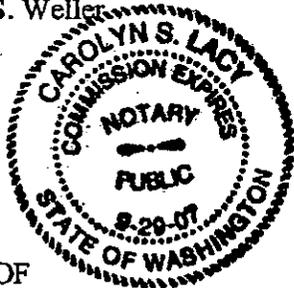
GRANTOR:

Terri D. S. Weller  
Terri D.S. Weller, Co-Trustee UTA dated 8/27/76, as amended wherein Theodore Richard Smith & Lloyd Alberta Smith are Trustors

Kevin R. Smith  
Kevin R. Smith, Co-Trustee UTA dated 8/27/76, as amended wherein Theodore Richard Smith & Lloyd Alberta Smith are Trustors

STATE OF \_\_\_\_\_ )  
County of \_\_\_\_\_ ) ss.

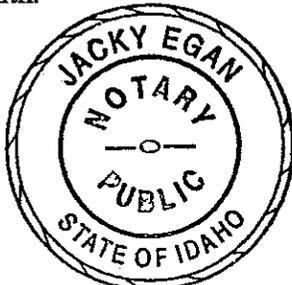
This instrument was acknowledged before me this 6 day February, <sup>2004</sup>~~2003~~, by Terri D.S. Weller.



Carolyn S. Lacy  
NOTARY PUBLIC FOR Washington  
My Commission Expires: Sept. 29, 2007

STATE OF \_\_\_\_\_ )  
County of \_\_\_\_\_ ) ss.

This instrument was acknowledged before me this 13 day Feb., <sup>2004</sup>~~2003~~, by Kevin R. Smith.



Jacky Egan  
NOTARY PUBLIC FOR Idaho  
My Commission Expires: 6/05



EXHIBIT A

The following described property in Section 3, T1S, R2W, W.M. , and Section 34, T1N, R2W, W.M., Washington County, Oregon:

Beginning at the Southwest corner of the William H. Bennett DLC No. 47, in T1N, R2W, W.M., Washington County, Oregon, and running thence along the West line of said claim, N. 0° 26' W. 634.5 feet to a point in the center of the Baseline Road; thence following the center of the Baseline Road, N. 80° 40' 30" E. 183.5 feet to an angle point; thence continuing along said center S. 76° 15' E. 286.8 feet to a point in the center of a creek, thence following the center of the Baseline Road, running S. 76° 15' E. 130.5 feet; thence following the arc of a 318.3 feet radius curve to the right (the long chord bearing and distance being S. 70° 22' 30" E. 65.16 feet) a distance of 65.28 feet to the true place of beginning of the tract to be described; thence following the radial line of the last mentioned curve, N. 25° 30' E. 55.0 feet to an iron rod; running thence parallel to and 55.0 feet from the center of the Baseline Road, along the arc of a 373.3 foot radius curve to the right (the long chord bearing and distance being S. 58° 37' 30" E. 76.42 feet) a distance of 76.56 feet to an iron rod; running thence S. 52° 45' E. 7.1 feet to an iron rod; running thence along the arc of a 900.0 foot radius curve to the left (the long chord bearing and distance being S. 52° 58' E. 6.8 feet) a distance of 6.8 feet to an iron rod; running thence N. 34° 20' E. 260.9 feet to an iron rod; running thence N. 55° 40' W. 248.7 feet to the center of Rock Creek and the westerly line of that certain tract conveyed to Cecil B. Henderson and Alvena Henderson, by deed recorded Oct. 5, 1951, in Book 325, page 452, Washington County, Deed Records; thence Northeasterly along said Westerly line of said Henderson tract 400 feet, more or less, to the most Westerly corner of that certain tract conveyed to Charles F. Jaensch and Mary Jane Jaensch, by deed recorded Feb. 25, 1953, in Book 341, pg. 535, Washington County, Oregon, Deed Records; thence S. 57° 18' E. 540 feet along the southwesterly line of said Jaensch tract to the center of Cedar Creek, also known as Hall Creek; thence Southerly along the center line of said Creek to its intersection with the center line of Baseline Road, County Road #1778; thence Northwesterly along said center line 720 feet, more or less, to the true place of beginning, EXCEPTING THEREFROM that portion thereof conveyed to Washington County, a political subdivision of the State of Oregon, by deed recorded May 14, 1956, in Book 381, pg. 616, Washington County, Oregon, Deed Records.



Less:

Beginning at a point in the center of Baseline Road (County Road No. 1778) said point being 404.70 feet North and 883.50 feet East of the Southwest corner of the William H. Bennett Donation Land Claim No. 47 in Section 34, Township 1 North, Range 2 West, of the Willamette Meridian, Washington County, Oregon, said point also bears South 24°42'40" West 50.00 feet from an iron rod; thence North 24°42'40" East 330.06 feet to an iron rod; thence South 61°51'55" East 107.60 feet to an iron rod; thence South 53°06'30" East 281.22 feet to a point in the center of Hall Creek; thence along said creek South 37°49'05" West 251.83 feet to the intersection of said County Road No. 1778 and Hall Creek; thence along said County Road No. 1778 North 68°59'30" West 263.94 feet to a point; thence along a 956.96 radius curve to the right (the long chord of which bears North 67°08'25" West 61.83 feet) 61.84 feet to the point of beginning.

WARRANTY DEED

TZ  
7600  
(4202)

KNOW ALL MEN BY THESE PRESENTS, That JAMES T. CARLSON and JOLENE HENDERSON CARLSON aka JOLENE R. HENDERSON CARLSON, husband and wife, hereinafter called the grantor, for the consideration hereinafter stated, is grantor paid by TOMAS R. GARRETTON and TOBI R. GARRETTON, husband and wife, hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Washington and State of Oregon, described as follows, to-wit:

Beginning at the Southwest corner of the William H. Bennet Donation Land Claim No. 47 in Section 34, Township 1 North, Range 2 West, Willamette Meridian, in the County of Washington and State of Oregon, and running thence along the West line of said Claim, North 0°26' West 634.5 feet to a point in the center of the Baseline Road; thence following the center of the Baseline Road, North 80°40'30" East 183.5 feet to an angle point; thence continuing along said center, South 76°15' East 286.8 feet to a point in the center of a creek, which point is the true place of beginning of the hereafter described tract of land in Section 34, Township 1 North, Range 2 West, Willamette Meridian; thence from said true place of beginning, following the center of the Baseline Road, running South 76°15' East 130.5 feet; thence following the arc of a 318.3 feet radius curve to the right (the long chord bearing and direction being South 70°22'30" East 65.17 feet) a distance of 65.28 feet to a point; thence following the radial line of the last mentioned curve, North 25°30' East 55.0 feet to an iron rod; running thence parallel to and 55.0 feet from the center of the Baseline Road, along the arc of a 373.3 foot radius.

IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE (continued on back)

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever. And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances

and that grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$90,000.00. However, the actual consideration consists of or includes other property or value given or promised which is hereby acknowledged (indicate which). (The amount in words in parentheses, if not applicable, should be deleted from this section.)

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals. In Witness Whereof, the grantor has executed this instrument this 6th day of July, 1987, if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

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.

*James T. Carlson*  
*Jolene Henderson Carlson*  
*aka Jolene R. Henderson Carlson*

STATE OF OREGON,  
County of Washington }  
July 6, 1987

STATE OF OREGON, County of \_\_\_\_\_ }  
Personally appeared \_\_\_\_\_, 19\_\_\_\_  
who, being duly sworn,

Personally appeared the above named JAMES T. CARLSON and JOLENE HENDERSON CARLSON aka JOLENE R. HENDERSON CARLSON

each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of \_\_\_\_\_

and acknowledged the foregoing instrument to be their voluntary act and deed.

and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in the face of said corporation by authority of its board of directors, and each of them acknowledged said instrument to be its voluntary act and deed.

(OFFICIAL SEAL) *Jeann Krantschid*  
Notary Public for Oregon  
My commission expires: 6/25/91

(OFFICIAL SEAL)  
Notary Public for Oregon  
My commission expires: \_\_\_\_\_

JAMES T. & JOLENE R. HENDERSON CARLSON

STATE OF OREGON,  
County of \_\_\_\_\_

GRANTOR'S NAME AND ADDRESS  
TOMAS R. GARRETTON & TOBI R. GARRETTON

I certify that the written instrument was received for record on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

GRANTEE'S NAME AND ADDRESS  
TOMAS R. GARRETTON & TOBI R. GARRETTON  
22875 W. Baseline  
Willamette, OR 97123

at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and recorded in book \_\_\_\_\_/volume No. \_\_\_\_\_ on page \_\_\_\_\_ of \_\_\_\_\_ or as fee/file/instrument/microfilm/reception No. \_\_\_\_\_

NAME ADDRESS ZIP  
*\_\_\_\_\_*

Record of Deeds of said county  
Witness my hand and seal of County aforesaid.

NAME ADDRESS ZIP  
*\_\_\_\_\_*

By \_\_\_\_\_ Deputy



curve to the right (the long chord bearing and distance being South 58°37'30" East 75.42 feet) a distance of 76.56 feet to an iron rod; running thence South 52°45' East 7.1 feet to an iron rod; running thence along the arc of a 900.0 foot radius curve to the left (the long chord bearing and distance being South 52°58' East 26.8 feet) a distance of 6.8 feet to an iron rod; running thence North 34°20' East 260.9 feet to an iron rod; running thence North 53°46' West 248.7 feet to a point in the center of a creek from which an iron rod bears South 55°40' East 20.0 feet; thence following down the center of said creek South 65°30' West 234.0 feet to an angle in said creek; thence continuing down said creek South 4°41' West 207.9 feet to the true place of beginning.

STATE OF OREGON

County of Washington

I, Dorris W. Moore, Clerk of Assessment and Taxation and Ex-Officio Receiver of Concessions for said county, do hereby certify that the above described property was assessed and received in block of amounts of said amounts.

Dorris W. Moore, Clerk of Assessment and Taxation, Ex-Officio Receiver of Concessions



1987 JUL 14 PM 3:05



## EXHIBIT B

### FINDINGS IN SUPPORT SMITH ET. AL. ANNEXATION FILE NO. AN 10-04

#### I. BACKGROUND INFORMATION AND SITE DESCRIPTION

Four petitioners representing four properties requested City Council approval for annexation of approximately 6.96 acres into the City Limits of Hillsboro.

The properties under consideration are located generally east of NW 231<sup>st</sup> Avenue, west of SW 227<sup>th</sup> Avenue, north of West Baseline Road and south of NW Quatama Road. The properties can be specifically identified as Tax Lots 7400, 7500, 7600 and 7700 on Washington County Tax Assessor's Map 1N2-34DD. The total assessed value of the property is \$682,390.

The properties have a downward slope to the southwest with mature vegetation on site. Tax Lot 7700 has a single family residence and accessory structures, addressed as 22855 SW Baseline Road. Tax Lots 7500 and 7600 each have a single family residence and are respectively addressed as 22875 SW Baseline Road and 22875#A SW Baseline Road.

#### 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 18, 2004.

#### 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 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 these properties would be consistent with the UPAA, and allow the petitioner the ability to further develop the site.

- 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

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 properties will be rezoned to R-6 Single Family Residential pursuant to Section 97 of Hillsboro Zoning Ordinance No. 1945. Pursuant to the Zoning Ordinance Section 131.A (3) (a), the portion of the site identified as Impact Area or Protected Resource would be included in the Significant Natural Resource Overlay District.

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

**FINDING:** There is an eight-inch City Water District water line located in the NE 66<sup>th</sup> Avenue right-of-way. There is an eight-inch City sanitary sewer line located in the West Baseline Road right-of-way. There is a twelve-inch City storm water line located in the NE 66<sup>th</sup> Avenue 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 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 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 May 3, 2004.



# AN 10-04: SMITH ET. AL.



Request for Annexation of Four Properties  
Totaling Approximately 6.96 Acres in Area

