

Final Documents

For

Annexation to the
City of Hillsboro

WA3202
Ordinance #5162
DOR: 34-1568-2002
SOS: AN-2002-0149

Final to DOR: _____

Signature:

Date of

Mailing: 7/16/02

Final to Secretary of State _____

Signature:

Date of

Mailing: 8/5/02

WA3202

Sent

Received

DOR:	7/16/02	7/24/02
Sec. State:	8/5/02	9/16/02
Assessor:	8/5/02	
Elections:	8/5/02	
Mapped:	Yes	
Posted to Web:	9/16/02	
Addresses:	1N325AC02000	<u>31080</u> NW Lenox St

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

September 13, 2002

Metro
600 NE Grand Ave
Portland, OR 97232-2736



Dear Sir or Madam:

Please be advised that we have received and filed on August 8, 2002 the following Annexation(s).

Ordinance(s):	City of:	Our File Number(s):
4209	Beaverton	AN 2002-0146
1114-02	Tualatin	AN 2002-0147
4216	Beaverton	AN 2002-0148
5162	Hillsboro	AN 2002-0149
5162	Hillsboro	AN 2002-0150
4219	Beaverton	AN 2002-0152

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

Description and Map Approved
July 24, 2002
As Per ORS 308.225

Description Map received from: METRO
On: 7/18/2002

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

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

ORD. #5162

has been: Approved 7/24/2002
 Disapproved

Notes:

Department of Revenue File Number: 34-1568-2002

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

ORDINANCE NO. 5162
AN 2-02: SMITHNAGEL

CERTIFIED TO BE A TRUE AND
CORRECT COPY OF THE ORIGINAL

Amber Downing
Recorder, City of Hillsboro

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

WHEREAS, the City received a complete petition from the property 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: 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, delay in the effective date of the annexation could cause inconvenience and additional financial cost to the property owner and unnecessary delay in the provision of City services;

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 July 2, 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.

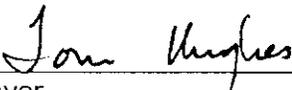
Section 2. The tract of land annexed by this ordinance and described in Section 1 is withdrawn from the following districts upon the effective date of the annexation: Washington County Rural Fire Protection District No. 2; Washington County Service District for Enhanced Law Enforcement; Washington County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

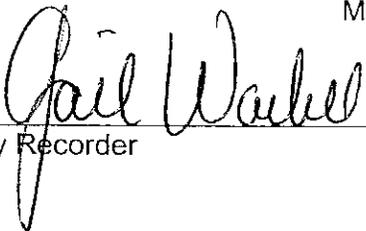
Section 4. Inasmuch as it is necessary that this annexation become effective soon, so as to avoid unnecessary hardship to the property owners and allow for the immediate provision of City services, an emergency is declared to exist and this ordinance shall become effective immediately upon its passage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

Passed by the Council this 2nd day of July, 2002.

Approved by the Mayor this 2nd day of July, 2002.



Mayor

ATTEST: 

City Recorder

City of Hillsboro
Annex 2-02: City of Hillsboro
Proposed legal description
NS, May 20, 2002

Exhibit 'A'

A tract of land in Section 25, Township 1 North, Range 3 West, Willamette Meridian, Washington County, Oregon, more particularly described as follows:

Commencing at the northeast corner of Lot 24 of Milne Acres, a duly recorded subdivision in said county;

thence South $89^{\circ}52'00''$ West, along the north line of said lot, a distance of 174.0 feet to the northwest corner of a tract of land conveyed to Jack R. Bascomb and Alice L. Bascomb by deed, recorded in Book 260, Page 703 of Deed Records of said county, said corner being the TRUE POINT OF BEGINNING;

thence South $89^{\circ}52'00''$ West, along the north line of said Lot 24, a distance of 160.4 feet to the northwest corner thereof;

thence South $0^{\circ}00'00''$ West, along the west line of said Lot 24, a distance of 100.0 feet to the northwest corner of a tract of land conveyed to Edgar L. Word and Claudine F. Word by deed, recorded in Book 275, Page 63 of Deed Records of said county;

thence North $89^{\circ}52'00''$ East, along the north line of said Word tract, a distance of 160.4 feet to the southwest corner of said Bascomb tract;

thence North $0^{\circ}00'00''$ East, a distance of 100.0 feet to the POINT OF BEGINNING.

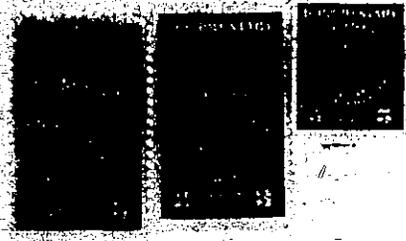
215-65

Know All Men by These Presents, That we, J. A. Johnson and Dolly Johnson, husband and wife of State of Oregon, in consideration of Ten and no/100 (\$10.00) Dollars,

to us sold by Edgar L. Word and Claudine F. Word, husband and wife,

of State of Oregon, have bargained and sold, and by these presents do grant, bargain, sell and convey unto said Edgar L. Word and Claudine F. Word, 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 lot 24, Milne Acres, described as follows: Beginning 100 feet south of the northeast corner of said lot 24, thence south on the east line of said lot 24, 84.46 feet to the southeast corner thereof; thence west on the south line of said lot 24, 334.4 feet to the southwest corner thereof; thence north on the west line of said lot, 84.46 feet; thence east 334.4 feet to the place of beginning.



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 Edgar L. Word and Claudine F. Word, husband and wife, their heirs and assigns forever. And

we, J. A. Johnson and Dolly Johnson, husband and wife grantors above named do covenant to and with Edgar L. Word and Claudine F. Word, 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 above named, have hereunto set their hand and seals this 9th day of June 1947.

EXECUTED IN THE PRESENCE OF

J. A. Johnson (SEAL)
Dolly Johnson (SEAL)
(SEAL)
(SEAL)

31-21

200-703

KNOW ALL MEN BY THESE PRESENTS, That *****
 ***** J. A. JOHNSON and DOLLY JOHNSON, his wife *****
 in consideration of TEN DOLLARS AND OTHER VALUABLE CONSIDERATIONS ***** Dollars,
 to US paid by ***** JACK R. BASCOMB and ALICE L. BASCOMB, husband and wife ...
 do hereby grant, bargain, sell and convey unto said JACK R. BASCOMB and ALICE L. BASCOMB,
 husband and wife their heirs and assigns, all the following real property, with the tase-
 ments, hereditaments and appurtenances situated in the
 County of Washington and State of Oregon, bounded and described as follows, to-wit:

Beginning at the northeast corner of Tract No. 24, of Milne Acres, as shown on
 the duly recorded map and plat thereof, running thence west on and along the north
 line thereof, a distance of 17 1/2 feet, running thence south and parallel with the
 east line of said tract a distance of 100 feet, running thence east parallel with
 the northline of said tract a distance of 17 1/2 feet to the east line of said tract,
 running, thence north on and along the east line thereof to the place of beginning.



To Have and to Hold, the above described and granted premises unto the said
 ***** JACK R. BASCOMB and ALICE L. BASCOMB, husband and wife *****
 their heirs and assigns forever

And ***** J. A. JOHNSON and DOLLY JOHNSON, his wife *****
 the grantor
 above named do covenant to and with the above named grantee s 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 encumbrances,

and that we 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 _____ day of June, 19 46
 Executed in the Presence of

Billie Johnson (SEAL)
J. A. Johnson (SEAL)
 (SEAL)
 (SEAL)

KNOW ALL MEN BY THESE PRESENTS, That
LORAIN J. CARPIS AND DOROTHY J. CARPIS HUSBAND AND WIFE

for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto
DIANE (AUBRELINE) LANDRETH
31020 N.W. LEMOX AVE. HILLSBORO, OR. 97123
hereinafter called grantee, and unto grantee's heirs, successors and assigns all of that certain real property with the
tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County
of WASHINGTON, State of Oregon, described as follows, to-wit:

Situate in the County of Washington, State of Oregon, to wit: Part of
Lot 24, Milne Acres, described as follows:
Beginning at the northwest corner of the Bascomb tract as described
in deed book 260, page 703; thence south 89° 52' West on the north
line of said lot 24, a distance of 160.4 feet to the northwest corner
of said lot 24, thence south 100 feet to the northwest corner of the
Word tract as described in deed book 275, page 63; thence North
89° 52' East on the north line of said Word tract a distance of
160.4 feet to the southwest corner of said Bascomb tract; thence
north 100 feet to the place 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 the grantor hereby covenants to and with the said grantee and grantee's heirs, successors and assigns
that said real property is free from incumbrances created or suffered thereon by grantor and that grantor will war-
rant and defend the same and every part and parcel thereof against the lawful claims and demands of all persons
claiming by, through, or under the grantor.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ *
However, the actual consideration consists of or includes other property or value given or promised which is
part of the consideration (indicate which).⁰

In construing this deed the singular includes the plural as the circumstances may require.

Witness grantor's hand this 24th day of January, 1991

Lorain J. Carpis
Dorothy J. Carpis

STATE OF OREGON, County of Washington) ss.
Personally appeared the above named LORAIN J. CARPIS and DOROTHY CARPIS

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

Before me: W. W. Henderson
Notary Public for Oregon
My commission expires April 23, 1993

NOTE—The provision for words the symbols (0), if not applicable, should be deleted. See Chapter 661, Oregon Laws 1967, as amended by the 1967 Special Session.

Special
WARRANTY DEED

DIANE B LANDRETH
31020 N.W. LEMOX AVE
HILLSBORO, OR 97123

(DON'T USE THIS
SPACE; RESERVED
FOR RECORDING
LABEL IN COUN-
TIES WHERE
USED.)

STATE OF OREGON }
County of Washington } SS

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

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

Doc : 91046050
Rect: 60563 33.00
08/20/1991 04:21:49PM

MUG 2 0 199

0100341

EXHIBIT B

FINDINGS IN SUPPORT CITY OF HILLSBORO ANNEXATION FILE NO. AN 2-02

I. BACKGROUND INFORMATION AND SITE DESCRIPTION

One petitioner representing one property requested City Council approval for annexation of approximately 0.37 acres into the City limits of Hillsboro.

The property under consideration is located generally east of NW Third Avenue, west of NE Glencoe Road, north of NW Merle Drive, and south of NW Lenox Street. The property can be specifically identified as Tax Lot 2000 on Washington County Tax Assessor's Map 1N3-25AC. The assessed value of the property is \$87,360.

The property is relatively flat. A single family house, addressed at 31080 NW Lenox Street, is located on the property.

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 July 2, 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 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 Policy (III)(F), assisting property owners with the annexation process; 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-7 Single Residential pursuant to Section 97 of Hillsboro Zoning Ordinance No. 1945, unless the property owner requests R-8.5 or R-10 zoning.

- 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 existing eight-inch water line located in the NW Lenox Street right-of-way. Sanitary sewer is available through a ten-inch City line located at the intersection of NE Glencoe Road and NW Lenox Street. Storm water disposal is available via ditches within the NW Lenox Street right-of-way.

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 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

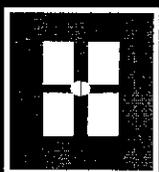
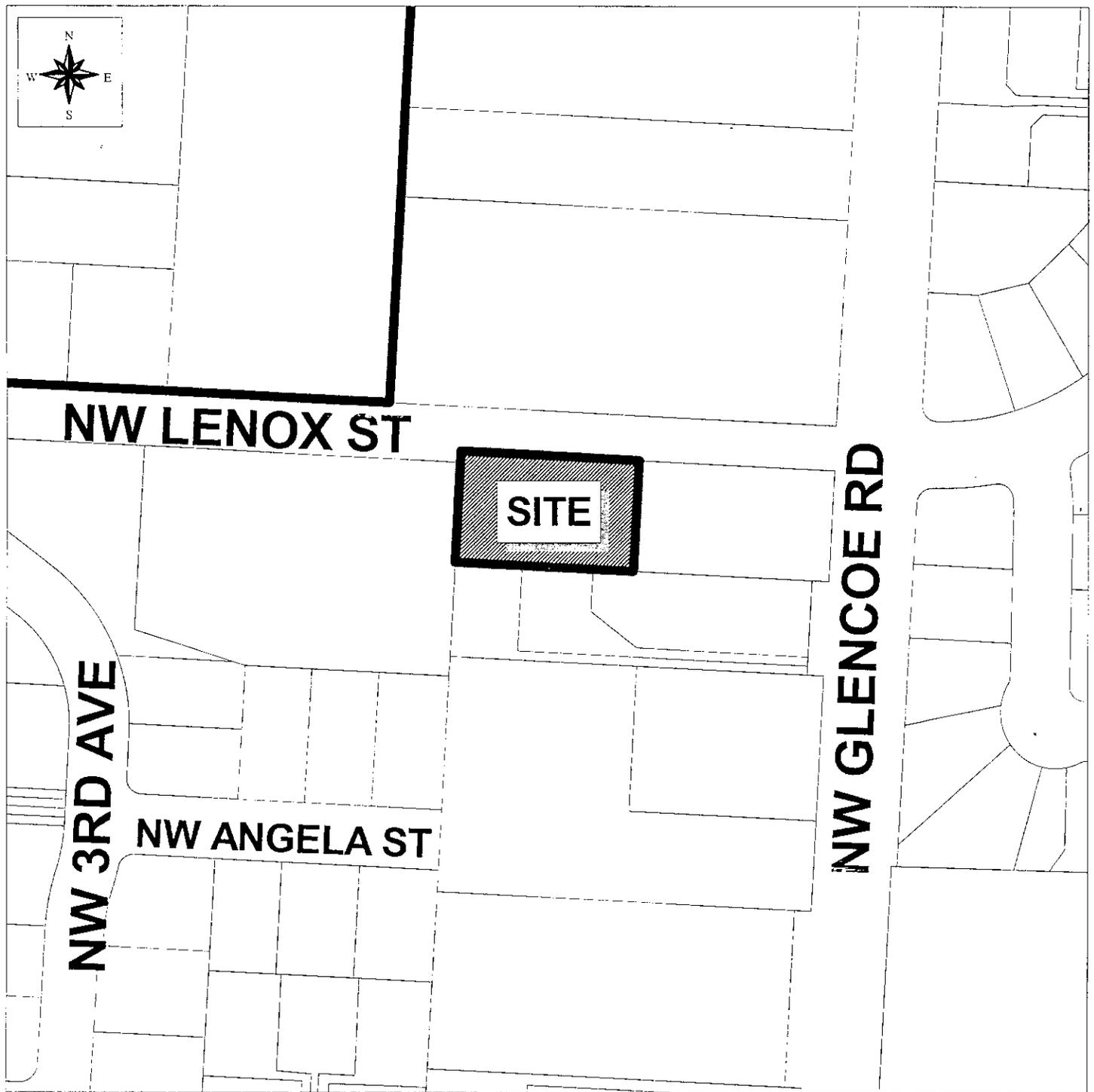
IV. TESTIMONY FROM NECESSARY PARTIES

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 June 17, 2002

AN 2-02: SMITHNAGEL



CITY OF
HILLSBORO

PLANNING DEPARTMENT (503) 681-6153



SITE



CITY LIMITS