

Final Documents

For

Annexation to the
City of Hillsboro

WA4902
Annexation: AN-7-02
Ordinance: #5196
DOR: 34-1583-2002
Sec. State: AN-2002-0234

Final to DOR: _____

Signature:

 _____

Date of

Mailing: 10/10/02

Final to Secretary of State: _____

Signature:

 _____

Date of

Mailing: 10/22/02

WA4902

Sent

Received

DOR: 10/10/02 10/21/02

Sec. State: 10/22/02 1/15/03

Assessor: 10/22/02

Elections: 10/22/02

Mapped: Yes

Posted to Web: 2/5/03

Addresses: The following list of addresses is intended for the use of interested parties to identify properties included in this annexation and is not a part of the Ordinance.

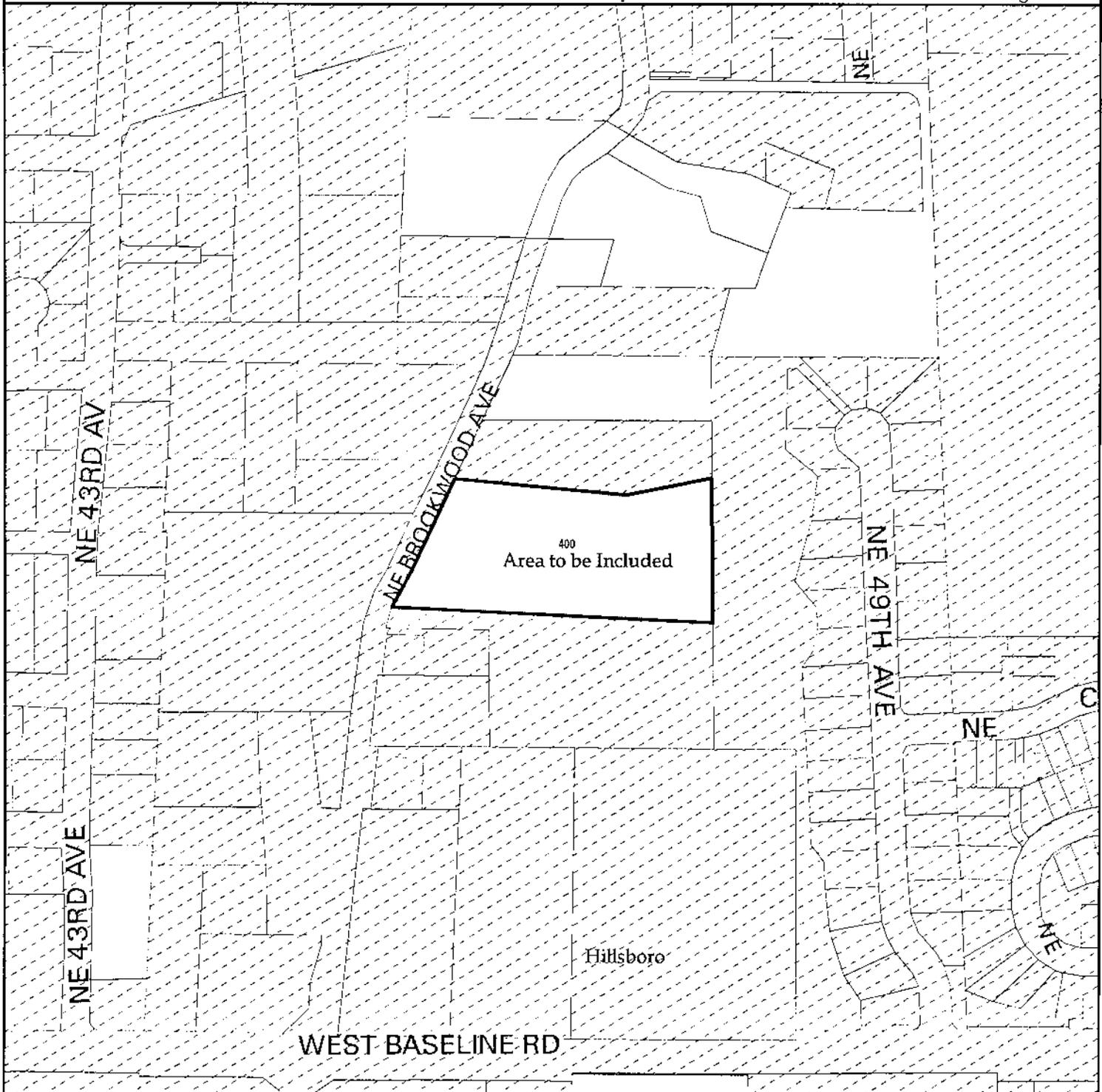
1N233DC00400 380 NW BROOKWOOD AVE

Proposal No. WA4902

1N2W33

Annexation to the City of Hillsboro

Washington Co.



R L I S
REGIONAL LAND INFORMATION SYSTEM



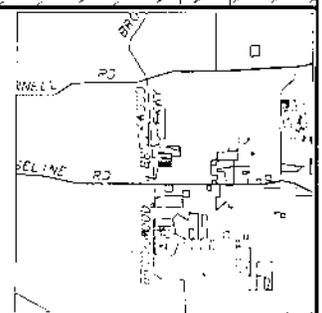
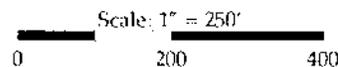
600 NE Grand Ave.
Portland, OR 97232-2736
Voice 503 797-1742
FAX 503 797-1909
Email dro@metro-region.org

METRO

The information on this map was derived from digital databases on Metro's GIS Clear and taken on this 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, no dilution of any errors will be appreciated.

-  County lines
-  City
-  Annexation boundary
-  Urban Growth Boundary

Proposal No. WA4902
CITY OF HILLSBORO
Figure 1



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

January 14, 2003

Metro
Att. Bob Knight
600 NE Grand Ave
Portland, OR 97232-2736

Dear Sir or Madam:

Please be advised that we have received and filed on December 26, 2002 the following Annexation(s).

Ordinance(s):	City of:	Our File Number(s):
5196	Hillsboro	AN 2002-0234
5197	Hillsboro	AN 2002-0235
5198	Hillsboro	AN 2002-0236

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
October 21, 2002
As Per ORS 308.225

Description Map received from: METRO
On: 10/15/2002

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

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

ORD. #5196

has been: Approved 10/21/2002
 Disapproved

Notes:

Department of Revenue File Number: 34-1583-2002

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. 5196
AN 7-02: BLANCHETTE

CERTIFIED TO BE A TRUE AND
CORRECT COPY OF THE ORIGINAL
Jail Waidell
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 October 1, 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.

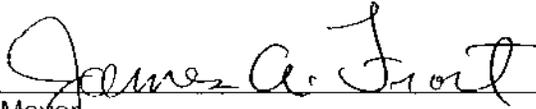
Section 2. The tract of land annexed by this ordinance and described in Section 1 is withdrawn from the following districts upon the effective date of the annexation: Washington County Rural Fire Protection District No. 2; Washington County Service District for Enhanced Law Enforcement; Washington County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

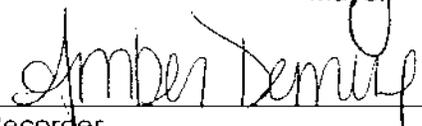
Section 4. Inasmuch as it is necessary that this annexation become effective soon, so as to avoid unnecessary hardship to the property owners and allow for the immediate provision of City services, an emergency is declared to exist and this ordinance shall become effective immediately upon its passage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

Passed by the Council this 1st day of October, 2002.

Approved by the Mayor this 1st day of October, 2002.



Mayor

ATTEST: 

City Recorder

City of Hillsboro
Annex 7-02: Blanchette
Proposed legal description
NS, July 25, 2002, Revised Aug. 19, 2002 MF

Exhibit 'A'

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

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

thence North $89^{\circ}50'00''$ East along the south boundary of said section, a distance of 436.1 feet to the original east right-of-way line of NW Brookwood Ave (C.R. 1511, 40' wide);

thence North $6^{\circ}15'00''$ East along said original east right-of-way line, a distance of 752.6 feet to an angle point therein;

thence North $25^{\circ}46'00''$ East along said right-of-way line, a distance of 45.0 feet to the TRUE POINT OF BEGINNING;

thence South $87^{\circ}50'00''$ East, along the north boundary of that tract of land described in Book 346, Page 285, deed records of said county, a distance of 577.4 feet to the east boundary of that tract of land described in Book 264, Page 343, recorded in deed records of said county;

thence North $2^{\circ}26'00''$ West, along said east boundary, a distance of 251.1 feet to the easterly corner of a tract of land described in Deed Book 370, Page 539, recorded in deed records of said county;

thence South $76^{\circ}12'00''$ West, along the southeast boundary of said tract, a distance of 153.4 feet to an angle point therein;

thence North $83^{\circ}33'00''$ West along the southwest boundary of said tract, a distance of 310.4 feet to a point on the east right-of-way line of Northwest Brookwood Avenue (C.R. 1511);

thence South $25^{\circ}46'00''$ West along said east boundary, a distance of 250.71 feet to the TRUE POINT OF BEGINNING.

that part of the George L. Smith place in Township 1 North, Range 2 West of the S.W. Washington County, Oregon, being more particularly described as follows:

Beginning at the southeast corner of Program Acres, a duly recorded subdivision in Washington County, Oregon and running thence North 89° 50' East to the south line of Section 35, Township 1 North, Range 2 West of the S.W. a distance of 436.1 feet to a point; thence North 6° 18' East on the east line of a 40.0 foot wide roadway 375.7 feet to an iron pipe at the true place of beginning of the described tract; thence from the described place of beginning North 6° 18' East on the east line of said road 78.8 feet to an iron; thence North 25° 46' East on the east line of said road 35.0 feet to an iron; thence South 87° 50' East (at 361.2 feet then and at 471.2 an iron) 677.4 feet to a point on the East line of a tract of land conveyed to Elmer G. Gilligan and Dorothy E. Gilligan by deed as recorded on page 343 of Volume 364 of Washington County, Oregon Deed Records; thence South 2° 28' East 220.6 feet to a corner of said Gilligan tract; thence South 89° 50' West 417.3 feet to a corner of said tract; thence North 0° 10' West 126.0 feet to a corner of said tract; thence South 89° 50' West along a line of said tract 1974.0 feet to the place of beginning.

To Have and to Hold the above described and bounded premises unto the said George L. Smith and his heirs forever, together with the right and privilege therein and thereunto in all respects.

Witness my hand and seal this 6th day of June 1950

Elmer G. Gilligan (GIVEN)
Dorothy E. Gilligan (GIVEN)

County of Washington, Oregon, on the 6th day of June 1950

Before me, the undersigned a Notary Public in and for the County and State, personally appeared the within named Elmer G. Gilligan and Dorothy E. Gilligan, husband and wife, who are known to me to be the persons individually described in and who executed the within and foregoing instrument, they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal, and you my above written, this 6th day of June 1950.
Paul L. De
Notary Public in Oregon
My Commission expires June 1, 1951



INDEXED

8670	INDEXED	WARRANTY DEED	Elmer G. Gilligan	Dorothy E. Gilligan	Paul L. De	Notary Public in Oregon	My Commission Expires June 1, 1951
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do hereby grant, bargain, sell and convey unto ELLEN C. GILLIGAN and Dorothy E. GILLIGAN, husband and wife, 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:

Part of Sec. 8, Smith D. L. C. #41, in Township 1 North of Range 2 West of the Willamette Meridian, Washington County, Oregon;
Beginning at the southeast corner of Brogden Acres a duly recorded subdivision and running thence north 89° 50' east along the south line of Section 33, Township 1 North of Range 2 West of the Willamette Meridian, 436.1 feet to a point; thence north 6° 15' east along the line of a 40 foot wide surveyed roadway 673.7 feet to an iron pipe; which pipe is the true place of beginning of tract herein described; thence from the above described true beginning point north 6° 15' east 76.9 feet to an iron pipe; thence north 25° 46' east 539.7 feet along the easterly line of a 40 foot roadway to a point; thence north 82° 30' east 347.4 feet to an iron pipe; thence south 2° 26' east 490.3 feet to an iron pipe; thence south 89° 50' west 417.3 feet to an iron pipe; thence north 07° 10' west 125 feet to an iron pipe; thence south 89° 50' west 182 feet to the place of beginning. Except the North 2 acres as described in deeds recorded in book 234 at page 539 and book 235 at page 225, see records.



To Have and to Hold, the above described and granted premises unto the said ELLEN C. GILLIGAN and Dorothy E. GILLIGAN, husband and wife, their heirs and assigns forever

And We, Richard C. Schunk and Ruth J. Schunk, husband and wife, the grantors, above named do covenant to and with 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, 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.

Witness our hand and seal, this 21st day of August, 1945

EXECUTED IN THE PRESENCE OF

[Handwritten signatures and names]

Know all men by these presents that I, the undersigned, do hereby certify that the following is a true and correct copy of the original as the same appears in the records of the County of Washington, State of Washington.

County of Washington, State of Washington.

Be it remembered that on this 1st day of May, 1911, at the County of Washington, Oregon, before me, the undersigned, a Justice of the Peace, personally appeared Robert Sparks and Mildred Sparks, husband and wife, who being duly sworn, depose and say that the premises described in the foregoing instrument are the same as those described in the original as the same appears in the records of the County of Washington, State of Washington, and that the same are the same as those described in the original as the same appears in the records of the County of Washington, State of Washington.



To Have and to Hold the above described and granted premises unto the said Robert Sparks and Mildred Sparks, husband and wife, their

heirs and assigns forever.

And we, Henry H. Schmundt and Eva P. Schmundt, husband and wife,

above named do covenant to and with the above named grantee, his heirs and assigns that the above granted premises are free from all encumbrances.

and that we, the undersigned, will and lawfully will, our heirs and assigns, defend the above granted premises, and our heirs and assigns, against the lawful claims and demands of all persons.

Witness my hand and seal this 1st day of May, 1911.

County of Washington, Oregon, do hereby certify that the following is a true and correct copy of the original as filed in my office:

beginning at the southeast corner of Section 13, T. 34 N., R. 23 E., S. 20 E., on the north line of said road, thence N. 25° 46' E. along said road line 101.5 feet to an angle in same, thence N. 25° 46' E. along said road line 101.5 feet to the northwest corner of that certain 7.92 acre tract of land conveyed to H. Schunk by deed as described on page 720 in book 233 of Washington County, Oregon deed records, thence N. 39° 50' E. 247.4 feet to the northeast corner of the said Schunk tract, thence S. 23° 28' E. along the east line of the said Schunk tract 119.8 feet to the true place of beginning of the tract herein described, thence S. 23° 28' E. along the east line of the said Schunk tract 101.5 feet to a point, thence S. 89° 50' W. parallel with the north line of the said Schunk tract 456.3 feet to a point on the west line thereof and on the easterly line of said County Road No. 1511, thence N. 25° 46' E. along said road line 115.7 feet to a point, thence N. 89° 50' E. 403.0 feet to the place of beginning, containing one acre, more or less.

To Have and to Hold, the above described and granted premises unto the said Archie E. Harris and Norma E. Harris, husband and wife, their

heirs and assigns forever

And we, Henry H. Schunk, and Eva E. Schunk, husband and wife

do hereby covenant to and with the above named grantees, their heirs and assigns that the above granted premises are free from all encumbrances.

and that we, our heirs, executors and administrators, shall warrant and forever defend the above granted premises and every part thereof, against the lawful claims and demands of all persons whatsoever.

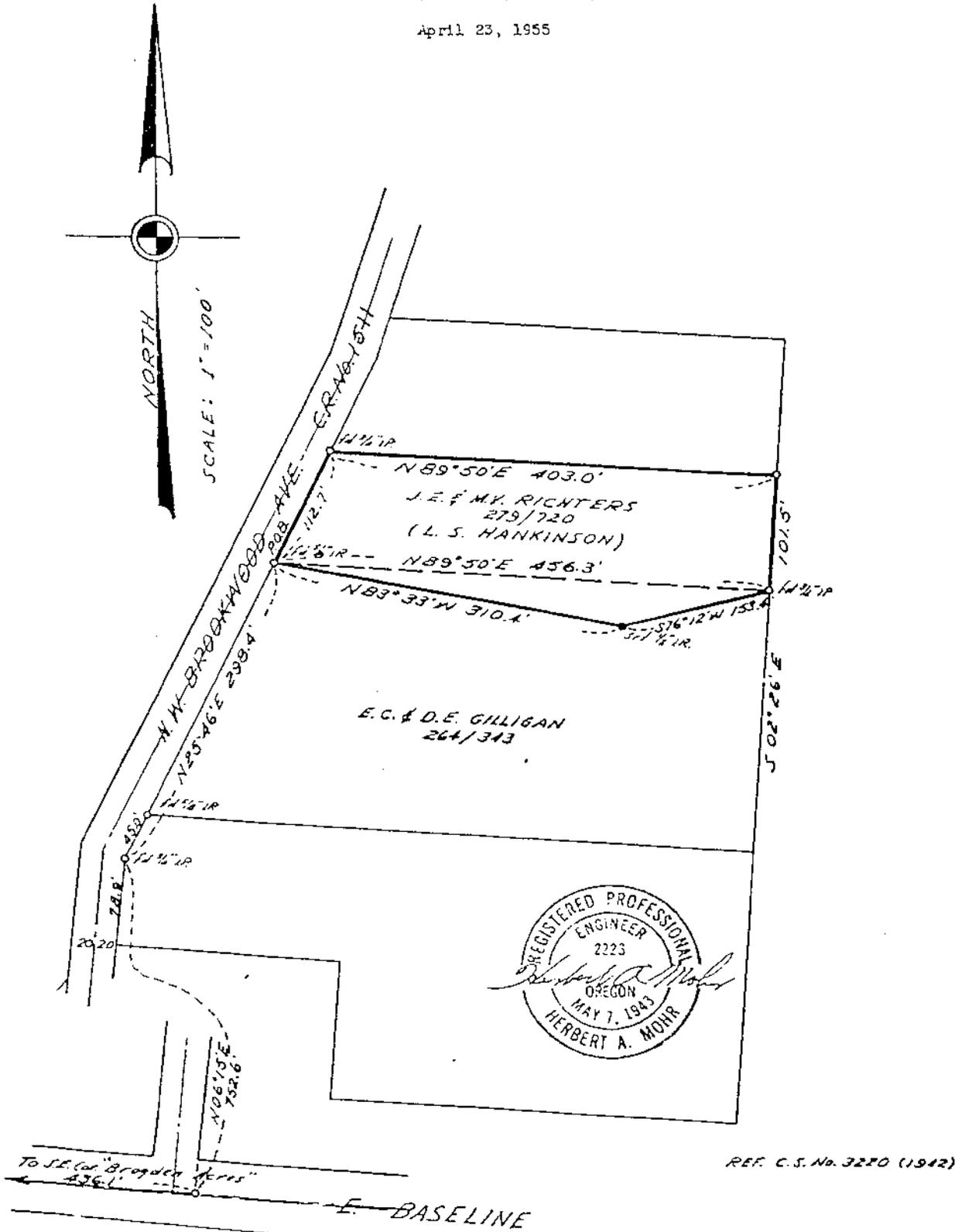
Witness our hands and the seal of said County, this 17th day of September, 1944

Henry H. Schunk
Eva E. Schunk

33-1N2-11:
5687

RECORD OF SURVEY
for
L. S. HANKINSON
in
Section 33, T. 1 N., R. 2 W., W.M.

April 23, 1955



REF. C.S. No. 3220 (1942)

965

WARRANTY DEED

Know all men by these presents that I, the undersigned, do hereby certify that the within instrument was received for record on the 28 day of June, 1965, at 11:00 o'clock A.M., and recorded in book 320 on page 11. Witness my hand and seal of County of Washington, this 28th day of June, 1965.

STATE OF OREGON, County of Washington, I, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Elmer J. Gilligan and Dorothy E. Gilligan, known to me to be the identical individuals described in and who executed the within instrument, and acknowledged to me that they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this 28th day of June, 1965.

Notary Public for Oregon, County of Washington, Elmer J. Gilligan and Dorothy E. Gilligan

7965

INDEXED WARRANTY DEED TO AFTER RECORDING RETURN TO U.S. Title Bank

STATE OF OREGON, County of Washington, I certify that the within instrument was received for record on the 28 day of June, 1965, at 11:00 o'clock A.M., and recorded in book 320 on page 11. Record of Deeds of said County. Witness my hand and seal of County of Washington, this 28th day of June, 1965.

STATE OF OREGON, County of Washington, I certify that the within instrument was received for record on the 28 day of June, 1965, at 11:00 o'clock A.M., and recorded in book 320 on page 11. Record of Deeds of said County. Witness my hand and seal of County of Washington, this 28th day of June, 1965.

EXHIBIT B

FINDINGS IN SUPPORT CITY OF HILLSBORO ANNEXATION FILE NO. AN 7-02

I. BACKGROUND INFORMATION AND SITE DESCRIPTION

One petitioner representing one property requested City Council approval for annexation of approximately 2.62 acres into the City limits of Hillsboro.

The property under consideration is located generally east of NW Brookwood Avenue, west of NE 49th Avenue, north of West Baseline Road, and south of NE Wrenwood Lane. The property can be specifically identified as Tax Lot 400 on Washington County Tax Assessor's Map 1N2-33DC. The assessed value of the property is \$281,850.

The property slopes downward to the east of the site toward Dawson Creek. A single family house, addressed at 380 NW Brookwood Avenue, 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 October 1, 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 Implementation Measure (IV)(14) The location of service facilities such as schools, hospitals, and nursing homes; public assembly; and high-density residential development shall be avoided within the future project LDN 55 contour contained in the most current adopted Airport Master Plan.

Section 7. Air, Water and Land Resource Quality Implementation Measure (IV)(16) Land uses which create high concentrations of people shall be avoided within the aircraft approach zones.

Section 7. Air, Water and Land Resource Quality Implementation Measure (IV)(17) Land use approvals within the future projected LDN 55 contour contained in the most current adopted Airport Master Plan shall be conditioned to require disclosure of potential noise impacts from airport operations.

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 9. Recreation Policy (II)(A) The amount of park acreage and the numbers and type of recreation facilities and recreation programs shall increase with the population growth of the 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. Due to the location of the property within the Airport's 55 LDN contour, the property will be rezoned to R-10 Single Residential pursuant to Section 97 of Hillsboro Zoning Ordinance No. 1945, unless the property owner requests R-7 or R-8.5 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 Brookwood Avenue right-of-way. Sanitary sewer is available through an eight-inch City line also located in NW Brookwood Avenue. Storm water disposal is available via ditches within the NW Brookwood Avenue 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 September 16, 2002