

Final Documents

For

Annexation to the
City of Beaverton

WA5302

Annexation: ANX-2002-0011

Ordinance: #4230

DOR: 34-1588-2002

Secretary State: AN 2002-0207

Final to DOR: _____

Signature:

Date of

Mailing: 11/14/02

Final to Secretary of State: _____

Signature:

Date of

Mailing: 11/20/02

Proposal No. WA5302

1S1W09

Annexation to the City of Beaverton

Washington Co.



R E G I O N A L L A N D I N F O R M A T I O N S Y S T E M



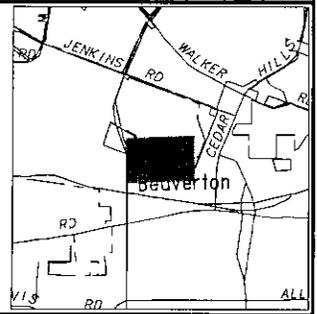
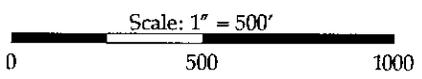
600 NE Grand Ave.
Portland, OR 97232-2736
Voice 503 797-1742
FAX 503 797-1909
Email drc@metro-region.org

METRO

The information on this map was derived from digital databases on Metro's GIS. Care was taken in the creation of this map. Metro cannot accept any responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of any errors will be appreciated.

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

Proposal No. WA5302
CITY OF BEAVERTON
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

December 4, 2002

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 October 11, 2002 the following Annexation(s).

Ordinance(s):	City of:	Our File Number(s):
182-2002	Rivergrove	AN 2002-0206
4230	Beaverton	AN 2002-0207
4231	Beaverton	AN 2002-0208
4232	Beaverton	AN 2002-0209

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: Clackamas County
Washington County
ODOT/Highway Dept
PSU/Population ResearchCtr.
Revenue Cartography Section

Notice to Taxing Districts

ORS 308.225



OREGON
DEPARTMENT
OF REVENUE
Cartographic Unit
PO Box 14380
Salem, OR 97309-5075
(503) 945-8297, fax 945-8737

City of Beaverton
% Sue Ann Koniak
P.O. Box 4755
Beaverton, OR 97076

Description and Map Approved
November 18, 2002
As Per ORS 308.225

Description Map received from: METRO
On: 11/15/2002

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

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

ORD. #4230

has been: Approved 11/18/2002
 Disapproved

Notes:

Department of Revenue File Number: 34-1586-2002

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. 4230

AN ORDINANCE ANNEXING PROPERTIES LYING GENERALLY OUTSIDE OF THE EXISTING CITY LIMITS TO THE CITY OF BEAVERTON; ANX 2002-0011 (14305 SW MILLIKAN WAY EXPEDITED ANNEXATION).

WHEREAS, This expedited annexation was initiated under authority of ORS 222.125, whereby the owners of the property have consented to annexation; and

WHEREAS, City policy as adopted in Resolution No. 2660, Sections 2 and 4 is to extend City services to properties through annexation; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. The propertlies shown on Exhibit A and more particularly described in Exhibit B are hereby annexed to the City of Beaverton, effective 30 days after Council approval and signature by the Mayor.

Section 2. The Council accepts the staff report, dated September 25, 2002, attached hereto as Exhibit C, and finds that:

- a. There are no provisions in urban service provider agreements adopted pursuant to ORS 195.065 that are directly applicable to this annexation; and
- b. This annexation is consistent with the City-Agency agreements between the City and Clean Water Services, in that partial responsibility for sanitary and storm sewer facilities within the area annexed will transfer to the City upon this annexation.

Section 3. The Council finds that this annexation will promote and not interfere with the timely, orderly and economic provision of public facilities and services, in that:

- a. The part of the property that lies within Washington County Urban Road Maintenance District will be withdrawn from the district; and
- b. The part of the property that lies within Washington County Street Lighting District #1 will be withdrawn from the district; and
- c. The part of the property that lies within the Washington County Enhanced Sheriff Patrol District will be withdrawn from the district; and
- d. The City having annexed into the Tualatin Valley Fire and Rescue District in 1995, the properties to be annexed by this Ordinance shall be annexed to or remain within that district.
- e. The properties will not be withdrawn from the Tualatin Valley Water District.

Section 4. The Council finds that this annexation complies with all other applicable criteria set out in Metro Code Chapter 3.09.

Section 5. The City Recorder shall place a certified copy of this Ordinance in the City's permanent records and forward a certified copy of this Ordinance to Metro and all necessary parties within five days of the effective date.

Section 6. The City Recorder shall transmit copies of this ordinance and all other required materials to all public utilities and telecommunications utilities operating within the City in accordance with ORS 222.005.

First reading this 21st day of October, 2002.

Passed by the Council this 4th day of November, 2002.

Approved by the Mayor this 5th day of NOVEMBER, 2002.

ATTEST:



SUE NELSON, City Recorder

APPROVED:



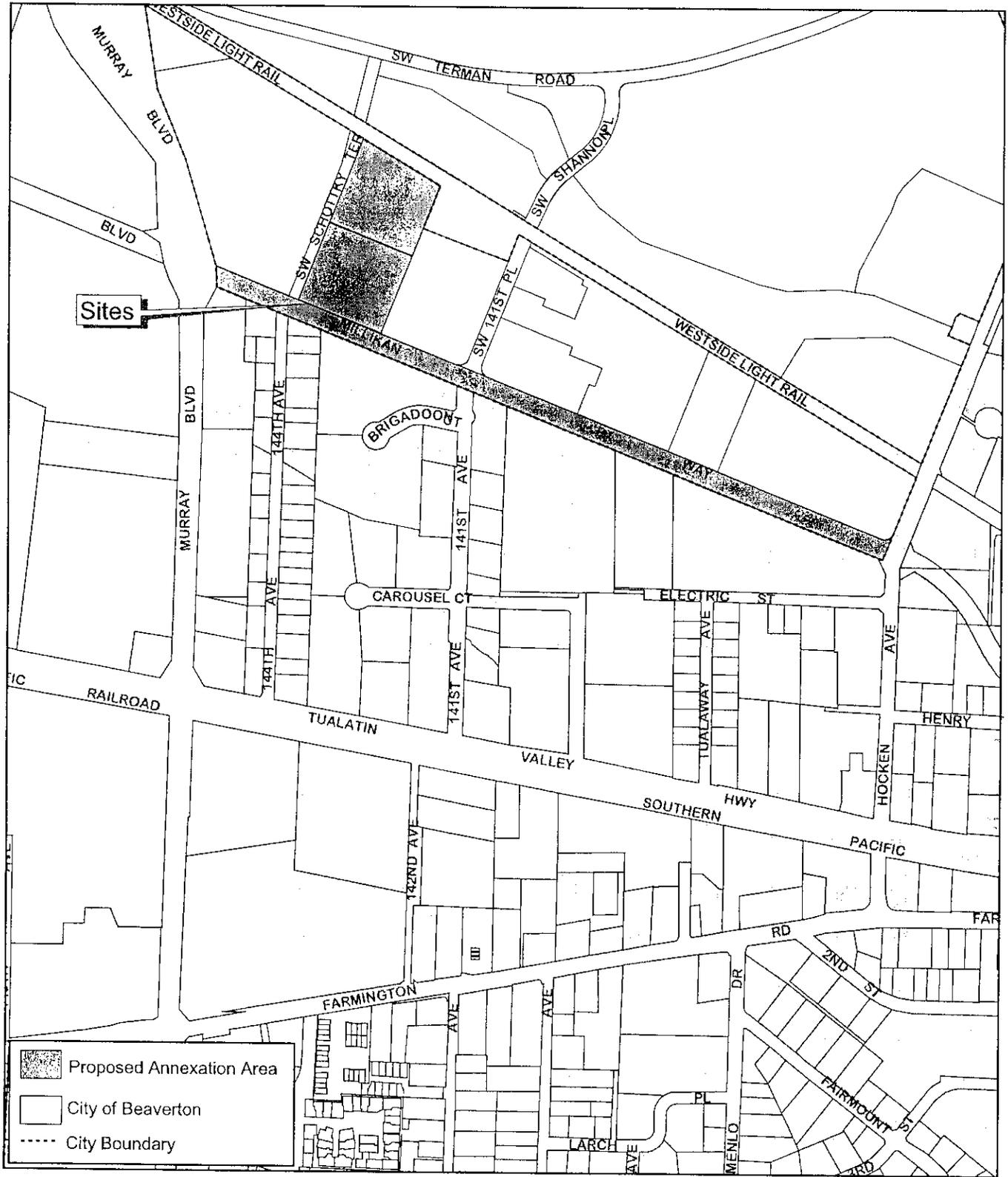
ROB DRAKE, Mayor

STATE OF OREGON }
COUNTY OF WASHINGTON } ss. CERTIFICATION
CITY OF BEAVERTON }
I, CATHERINE L. JANSEN, Recorder for
City of Beaverton, Washington County, Oregon, certify
that this instrument is a true copy of an original seen by
me and returned to applicant.

Dated this 5th day of NOVEMBER, 2002


Recorder for City of Beaverton, Oregon

ANNEXATION MAP



 Proposed Annexation Area
 City of Beaverton
 City Boundary



City of Beaverton

14305 SW Millikan Way
 Expedited Annexation
COMMUNITY DEVELOPMENT DEPARTMENT
 Planning Services

9/6/02	
Map Number 1s109cc 1s109cb	
Application # ANX 2002-0011	

**Annexation Agreement
Between the
City of Beaverton and
Metro Access, LLC and Fulton Moving and Storage, Inc.**

This is an Agreement between the City of Beaverton, an Oregon municipal corporation (“City”) and Metro Access LLC, an Oregon limited liability company and Fulton Moving and Storage, Inc., an Oregon Corporation, (together, the “Owners”), who are respectively the owners of property in the Southwest ¼ of Section 9, T1S R1W Tax Lot 900 and T1S R1W Tax Lot 4500 (together, “the Property”) in Washington County, Oregon. The Property is legally described on attached Exhibit A. By this Agreement Owners consent to annexation of the Property to City in consideration of certain acts by City related to proposed future development of the Property.

RECITALS:

In 1999 Owners received land use approval from Washington County (Casefile 99-202-D(C)/P/DHA/HRV) to partition the Property with conditions and for development of an approximately 63,000 square foot office building, a drainage hazard alteration for sewer and storm drainage improvements, and a hardship relief variance. County’s development approval contains, among other things, a requirement that Owners construct a concrete sidewalk along the SW Millikan Way frontage of the Property.

Owners desire to annex the Property to City to entitle the Property to various city services, to seek a variation from County’s requirement to pave the SW Millikan Way sidewalk to defer construction to a time when Millikan Way is improved in the future, and to seek a permit to encroach in order to retain their existing parking and landscaping.

In consideration of those premises as generally recited, it is

AGREED:

1. Owners for themselves and their successors and assigns consent to annexation of the Property to the City. Owners understand that annexation by City’s Council is a discretionary, legislative act and that City by this Agreement obligates itself only to recommend in good faith to the City Council that it ordain the annexation of the Property. City agrees to defend in good faith any legal challenges that may be filed against the annexation of the Property if the Council ordains the annexation.
2. Subsequent to annexation Owners may submit to the City a Type II Design Review and a Partition (Preliminary Plat and Final Plat) land use permit application. City agrees to waive the fees for the applications, in the amount of \$1,968, if those applications are submitted within one year of the effective date of this Agreement.
3. Owners agree as a condition of any Type II Partition granted by City, to dedicate to City additional public right of way over Tax Lot 4500, as measured from the centerline of SW Millikan Way for a total distance of 48 feet from centerline, and to pay to City, prior to

City's issuance of any building permit for the Property, the sum of \$47,000 representing the present value of sidewalk improvements, including driveway approaches, that City otherwise would require Owners to construct, that figure including City's overhead. City agrees to segregate that sum when paid in an account reserved for future improvement of the SW Millikan Way right-of-way between SW Murray Blvd. and SW Hocken Ave. City further agrees to credit or offset that sum to the benefit of the Property if City at any time within 15 years of the date of this Agreement forms a Local Improvement District for sidewalk improvements that includes the Property within the LID boundary.

4. City agrees that upon Owners dedication of the right of way as described herein, City will grant Owners a permit to obstruct that portion of right of way that was dedicated by Owners, for use by Owners for parking and landscaping but for no permanent structures or other improvements, the permit to be revocable by City when it deems that the public interest requires.
5. The City shall add the Property to the City's Comprehensive Plan Land Use Map as Station Community and to the Zoning Map as Station Community - Employment Subarea 1 under the process established in the Washington County- Beaverton Urban Planning Area Agreement. The City may enforce all City or previous County conditions of approval other than those County conditions as to which this Agreement expressly provides otherwise.
6. Except as otherwise provided for herein, Owners shall be subject to any and all other conditions including payment of required fees and requirements to construct other public improvements as may be required of Owners as a condition of approval of any land use permits that Owners may apply for to City concerning the Property.
7. This Agreement shall be effective when signed by both parties.

Agreed to this date, September 17th, 2002.

Metro Access, LLC

Fulton Moving and Storage, Inc.

City of Beaverton

Beatrice Devlin
Beatrice Devlin, Member

Beatrice Devlin
Beatrice Devlin, President

Rob Drake, Mayor

Approved as to form:
William J. Scheiderich
Assistant City Attorney

ATTACHMENT A

**LEGAL DESCRIPTION FOR METRO ACCESS, LLC
ANX 2002-0011
TAX LOT 1S 1 09CB 00900**

A parcel of land situated in the in the Southwest 1/4 of Section 9, Township 1 South, Range 1 West, Willamette Meridian, Washington County, Oregon; more particularly described as follows:

All that land bounded by a line that begins at the Southeast corner of Tract "E", TEKTRONIX BUSINESS PARK, a plat of record, Washington County, Oregon; thence North 21° 58' 21" East, along the East line of said Tract "E", a distance of 341.70 feet, to THE TRUE POINT OF BEGINNING; thence North 21° 58' 21" East, along the East line of said Tract "E", a distance of 369.97 feet a point on the southerly line of the Tri-Met Light Rail Right-Of-Way (aka Oregon Electric Rail Road Right-of-way); thence South 58° 49' 50" East, along said southerly line, a distance of 374.77 feet; thence South 21° 57' 37" West, along the West line and its northerly projection, of Lot 11, said TEKTRONIX BUSINESS PARK, a distance of 309.51 feet; thence North 68° 02' 25" West, a distance of 369.95 feet, to the TRUE POINT OF BEGINNING.
AND

**LEGAL DESCRIPTION FOR FULTON MOVING & STORAGE, INC.
ANX 2002-0011
TAX LOT 1S 1 09CC 04500**

A parcel of land situated in the in the Southwest 1/4 of Section 9, Township 1 South, Range 1 West, Willamette Meridian, Washington County, Oregon; more particularly described as follows:

All that land bounded by a line that begins at the Southeast corner of Tract "E", TEKTRONIX BUSINESS PARK, a plat of record, Washington County, Oregon; thence North 21° 58' 21" East, along the East line of said Tract "E", a distance of 341.70 feet; thence South 68° 02' 25" East, a distance of 369.95 feet; thence South 21° 57' 37" West, a distance of 341.78 feet, to a point on the North line of SW Millikan Way; thence North 88° 01' 40" West, along said North line, a distance of 370.02 feet, to the point of beginning.

LEGAL DESCRIPTION
ANX 2002-0011
14305 SW MILLIKAN WAY EXPEDITED ANNEXATION

A parcel of land situated in the in the Southwest 1/4 of Section 9, Township 1 South, Range 1 West, Willamette Meridian, Washington County, Oregon; more particularly described as follows:

All of SW Millikan Way from the East line of SW Murray Road to the West line of SW Hocken Ave;

AND

all that land bounded by a line that begins at the Southeast corner of Tract "E", TEKTRONIX BUSINESS PARK, a plat of record, Washington County, Oregon; thence North $21^{\circ} 58' 21''$ East, along the East line of said Tract "E", a distance of 711.67 feet, to a point on the southerly line of the Tri-Met Light Rail Right-Of-Way (aka Oregon Electric Rail Road Right-of-way); thence South $58^{\circ} 49' 50''$ East, along said southerly line, a distance of 374.77 feet; thence South $21^{\circ} 57' 37''$ West, along the West line and its northerly projection, of Lot 11, said TEKTRONIX BUSINESS PARK, a distance of 651.29 feet, to a point on the North line of SW Millikan Way; thence North $68^{\circ} 01' 40''$ West, along said North line, a distance of 370.02 feet, to the point of beginning.