

Final Documents
For
Annexation to the
Tualatin Hills Park & Recreation District

WA6504
Ord. #05-26
DOR 34-1728-2005
Sec. State: SD-2005-0023

Final to DOR: _____

Signature:

 _____

Date of

Mailing: 3/8/05

WA6504 Sent Received

DOR: 3/8/05 3/9/05

Sec. State: 3/16/05 3/17/05

Assessor: 3/16/05

Elections: 3/16/05

Mapped: Yes

Properties:

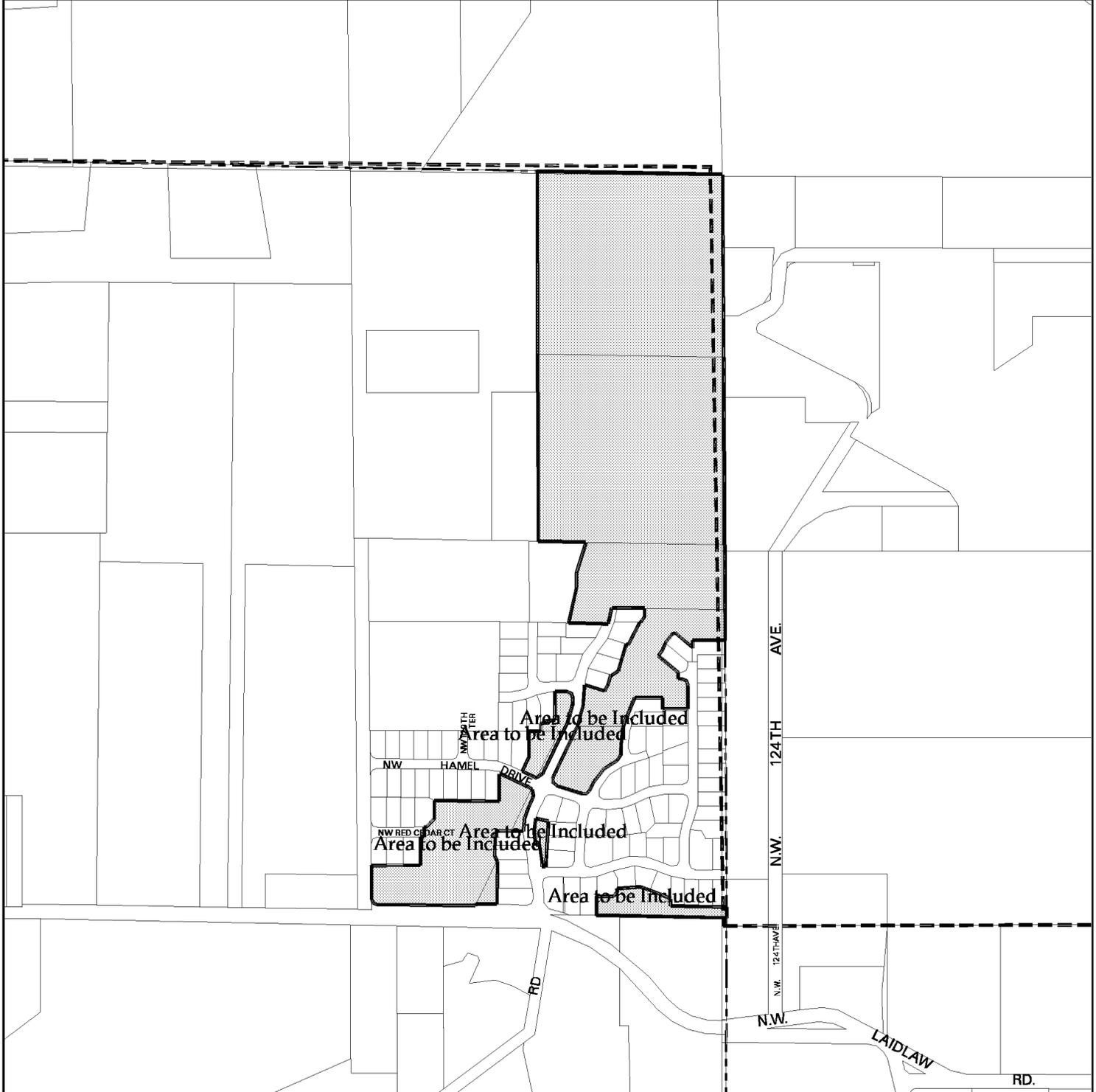
<u>TLID</u>	<u>ADDRESS</u>
1N1210000104	5303 NW 124TH AVE
1N1210000100	5520 NW BANNISTER DR
1N121AD03400	12805 NW LAIDLAW RD
1N121AD12500	No Site Address
1N121AD12600	No Site Address
1N121AD09200	No Site Address
1N121AD02700	No Site Address
1N121AD02800	No Site Address
1N121AD08900	No Site Address
1N121AD09000	No Site Address
1N121AD09300	No Site Address
1N121AD09400	No Site Address
1N121AD09000	No Site Address

Proposal No. WA6504

1N1W21

Annexation to the Tualatin Hills Park & Rec Dist.

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 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

Annexation boundary

District

Urban Growth Boundary

Proposal No. WA6504
TUALATIN HILLS PARK & REC DIST.
Figure 1

Scale: 1" = 500'

0 500 1000

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

March 17, 2005

Metro
Robert Knight
600 NE Grand
Portland, Oregon 97232-2736

Dear Mr. Knight:

Please be advised that we have received and filed, as of March 17, 2005, the following records annexing territory to the following:

Ordinance/Resolution Number(s)	Our File Number
ORD NO 05-25 (Tualatin Valley Water District)	SD 2005-0022
ORD NO 05-26 (Tualatin Hills Park & Rec District)	SD 2005-0023
ORD NO 05-37 (Clean Water Services District)	SD 2005-0024

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
Linda Bjornstad
Official Public Documents

cc: County Clerk(s)
Department of Revenue
ODOT
Population Research Center

Notice to Taxing Districts

ORS 308.225



Cadastral Information Systems Unit
 PO Box 14380
 Salem, OR 97309-5075
 (503) 945-8297, fax 945-8737

Description and Map Approved
March 9, 2005
As Per ORS 308.225

Tualatin Hills Park and Rec. Dis
 Budget Officer
 15707 SW Walker Road
 Beaverton, OR 97006

Description Map received from: METRO
 On: 3/9/2005

This is to notify you that your boundary change in Washington County for
 ANNEX TO TUALATIN HILLS PARK AND RECREATION DISTRICT

RES. #05-26 (WA-6504)

has been: Approved 3/9/2005
 Disapproved

Notes:

Department of Revenue File Number: 34-1728-2005

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



WASHINGTON COUNTY
 DEPARTMENT OF LAND USE AND TRANSPORTATION
 PLANNING DIVISION
 ROOM 350-14
 155 NORTH FIRST AVENUE
 HILLSBORO, OREGON 97124
 (503) 846-3519 fax: (503) 846-4412

BOARD OF COUNTY COMMISSIONERS NOTICE OF DECISION

CASE FILE NO.: WA-6504

APPLICANT:

Venture Properties, Inc.
 4230 Galewood St. Suite 100
 Lake Oswego, OR 97035

APPLICANT'S REPRESENTATIVE:

(Applicant)

OWNER:

Venture Properties, Inc.
 4230 Galewood St. Suite 100
 Lake Oswego, OR 97035

CPO: 7

COMMUNITY PLAN: Bethany

EXISTING LAND USE DISTRICT: R-6 (Residential 6 Units
 per acre)

SITE SIZE: Approximately 30 acres

ASSESSOR MAP & TAX LOT NOS.: 1N1 21, 104 & 100

1N1 21AD, 3400,2800, 8900, 9300, 2700, 9400, 9200, 9000,
 9100, 12500, 12600

ADDRESS: 5303 NW 124th Ave (104), 5520 NW Bannister Dr.
 (100), 12805 NW Laidlaw Rd. (3400)

LOCATION: North of Saltzman Road at Laidlaw Road
 Intersection.

PROPOSED MINOR BOUNDARY CHANGE:

Annexation to the Tualatin Hills Park and Recreation District.

Notice is hereby given that the County Board of Commissioners **APPROVED** the request for the above-stated proposed Minor Boundary Change at a public hearing on **February 15, 2005**.

NOTICE MAILING DATE: February 18, 2005

THE APPROVED MINOR BOUNDARY CHANGE DOES NOT AUTHORIZE OR PREVENT ANY SPECIFIC USE OF LAND. CURRENT COUNTY PLANNING DESIGNATIONS WILL NOT BE AFFECTED BY THIS PROPOSED CHANGE.

NECESSARY PARTIES: THIS DECISION MAY BE CONTESTED BY A NECESSARY PARTY AND A PUBLIC HEARING HELD BY FILING A NOTICE OF APPEAL IN ACCORDANCE WITH METRO CODE CHAPTER 3.09.070 WITHIN 10 CALENDAR DAYS OF THE DATE THIS NOTICE WAS MAILED. A NECESSARY PARTY MAY NOT CONTEST A BOUNDARY CHANGE WHERE THE BOUNDARY CHANGE IS EXPLICITELY AUTHORIZED BY AN URBAN SERVICES AGREEMENT ADOPTED PURSUANT TO ORS 195.065.

NON-NECESSARY PARTIES: THIS DECISION MAY BE APPEALED TO THE LAND USE BOARD OF APPEALS (LUBA) BY FILING A NOTICE OF INTENT TO APPEAL WITH LUBA WITHIN 21 DAYS OF THE DATE THIS DECISION IS FINAL. CONTACT YOUR ATTORNEY IF YOU HAVE QUESTIONS REGARDING AN APPEAL TO LUBA.

THIS DECISION WILL BE FINAL IF NO CONTEST OR APPEAL IS FILED BY THEIR RESPECTIVE DUE DATES.

THE COMPLETE APPLICATION, REVIEW STANDARDS, RECORD OF PROCEEDINGS, FINDINGS FOR THE DECISION AND DECISION ARE AVAILABLE AT THE COUNTY FOR REVIEW.

FOR FURTHER INFORMATION, PLEASE CONTACT:

Suzanne Savin, Senior Planner
 WASHINGTON COUNTY DEPARTMENT OF LAND USE &
 TRANSPORTATION (503) 846-3519.

(SEE REVERSE SIDE FOR SITE MAP)

LUT
Plan

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Public Hearing – Department of Land Use & Transportation (CPO 7)

Agenda Title: CONSIDER THE ANNEXATION OF APPROXIMATELY 30 ACRES TO THE TUALATIN HILLS PARK & RECREATION DISTRICT (WA-6504)

Presented by: Brent Curtis, Planning Division Manager

SUMMARY:

The County has received a request to annex thirteen parcels encompassing approximately 30 acres to the Tualatin Hills Park & Recreation District (District). The property is located on the north side of Laidlaw Road, north of the Laidlaw Road / Saltzman Road intersection, in unincorporated Washington County and inside the regional UGB. (See Exhibit B.) The District is the park and recreation provider for unincorporated Washington County. However, the subject property is not currently located within the District's current service boundary. The property needs to annex to the District in order receive park and recreation services from the District.

On February 1, 2005, the Board opened the continued public hearing. The Board continued the hearing to February 15, 2005, in response to the applicant's request for a continuance to that date. The addendum staff report for the February 15 hearing, with attachments, will be provided to the Board under separate cover and will also be available at the clerk's desk. Staff will be available to answer any questions. A Resolution and Order approving the annexation is attached to the agenda.

Attachments: Resolution and Order which includes:

1. Findings (Exhibit A)
2. Site Map (Exhibit B)
3. Legal Description (Exhibit C1)
4. Legal Description (Exhibit C2)

DEPARTMENT'S REQUESTED ACTION:

Hold a public hearing to consider the annexation of these parcels into the Tualatin Hills Park & Recreation District. Adopt a Resolution and Order approving the annexation with the approval becoming effective immediately.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

100-601000

RO 05-26

Agenda Item No.	<u>4.b.</u>
Date:	02/15/05

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IN THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

In the Matter of Approving Boundary) RESOLUTION AND ORDER
Change Proposal No. WA-6504) No. 05-26

The above-entitled matter came regularly before the Board at its public hearings on December 14, 2004, January 4, 2005, and February 1, 2005 and was continued to February 15, 2005; and

It appearing to the Board that the annexation involves thirteen tax lots within unincorporated Washington County; and

It appearing to the Board that the annexation has not been contested by any necessary party and therefore may become effective immediately upon adoption pursuant to Metro Code Section 3.09.050 (f); and

It appearing to the Board that the Board is charged with deciding petitions for boundary changes pursuant to ORS Chapter 198 and Metro Code Chapter 3.09; and

It appearing to the Board that staff retained by the County have reviewed the proposed boundary change and determined that it complies with the applicable procedural and substantive standards and should be approved; and

It appearing to the Board that the Board has reviewed whatever written and oral testimony has been provided regarding this proposal; now, therefore it is

1 RESOLVED AND ORDERED that Boundary Change Proposal No. WA-
2 6504, as described in the staff report, is hereby approved, based on the
3 analysis, findings and conclusions set forth in Exhibit "A" of the staff report,
4 incorporated herein by reference; and it is further

5 RESOLVED AND ORDERED that the boundaries of said proposal are
6 as set forth in Exhibits "B", "C1", and "C2", incorporated herein by reference;
7 and it is further

8 RESOLVED AND ORDERED that this boundary change proposal shall
9 be effective upon adoption and that the County Administrator or his designees
10 shall take all necessary steps to effectuate this proposal.

11 DATED this 15th day of February 2005.

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13 BOARD OF COUNTY COMMISSIONERS
14 FOR WASHINGTON COUNTY, OREGON
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	AYE	NAY	ABSENT
18 BRIAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19 SCHOUTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20 LEEPER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21 ROGERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
22 DUYCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

18 Tom Brian
19 CHAIRMAN

20
21 Barbara Heitmanek
22 RECORDING SECRETARY
23
24

25
26 Date Signed: 2-15-05
27

28 Approved as to form:

29
30 [Signature]
31 Assistant County Counsel for
32 Washington County, Oregon
33
34

FINDINGS

Based on the study and the public hearing, the Board of County Commissioners (Board) finds:

1. The petition meets the requirement for initiation set forth in ORS 198.855 (3) (double majority annexation law), ORS 198.750 (section of statute which specifies contents of petition) and Metro Code 3.09.040 (a) (which lists minimum requirements for petition). At the time of writing, a necessary party is not contesting this boundary change.
2. The property to be annexed encompasses approximately 30 acres and is comprised of thirteen separate tax lots. The property is located on the north side of NW Laidlaw Road, north of the Laidlaw Road/Saltzman Road intersection in unincorporated Washington County, and is further identified as tax map and lot numbers 1N1 21 / 100, 104 and 1N1 21AD / 2700, 2800, 3400, 8900, 9000, 9100, 9200, 9300, 9400, 12500, and 12600.
3. The property is comprised of vacant, undeveloped tax lots, with the exception of Tax Lots 100 and 104, which each contain an unoccupied single-family residence. The property is currently designated Residential 6 Units per Acre (R-6) and is within the Regional Urban Growth Boundary (UGB).
4. Oregon Revised Statute 198.852 directs the Board to consider the local comprehensive plan for the area and any service agreement executed between a local government and the affected district.

A second set of criteria can be found in the Metro Code (Code) that states that a final decision shall be based on substantial evidence in the record of the hearing and that the written decision must include findings of fact and conclusions from those findings. The findings and conclusions shall address, at minimum, the seven criteria listed below.

- a. Consistency with directly applicable provisions in ORS 195 agreements or ORS 195 annexation plans [ORS 195 agreements are cooperative agreements and urban service agreements. Urban service agreements governing this property have not yet been adopted. However, a cooperative agreement between the District, Washington County and the City of Beaverton has been adopted.]
- b. Consistency with directly applicable provisions of *urban planning area agreements* between the annexing entity and a necessary party.
- c. Consistency with directly applicable standards for boundary changes contained in Comprehensive land use plans and public facility plans.
- d. Consistency with directly applicable standards for boundary changes contained in the Regional framework or any functional plans.
- e. Whether the proposed boundary change will promote or not interfere with the timely, orderly and economic provision of public facilities and services.

- f. If the boundary change is to Metro, determination by Metro Council that property should be inside the UGB shall be the primary criteria.
- g. Consistency with other applicable criteria for the boundary change in question under state and local law.

Additionally, the Metro Code contains a second set of 10 factors which are to be considered where no ORS 195 agreements have been adopted and the boundary change is being contested by a necessary party. As noted previously, a cooperative agreement between the District, Washington County and the City of Beaverton has been adopted. Additionally, at time of writing, a necessary party is not contesting this boundary change. Therefore, these additional criteria need not be addressed.

- 5. The property, encompassing thirteen tax lots, is currently maintained as undeveloped land, with the exception of Tax Lots 100 and 104, which each contain an unoccupied residence. Generally, the property varies in slope from level to more than 25 percent. Bannister Creek and its tributary run through the property. A powerline easement bisects the northern portion of the property from east to west. The property contains natural areas including wetlands and forest.

The property abuts Multnomah County to the north and east. The land uses to the north are farm uses; the land uses to the east are forest uses and a dwelling site. The land to the west of the subject property is characterized by scattered home sites and a tree farm. The land to the south of the subject property is characterized by a combination of large vacant lots and smaller parcels containing residences.

- 6. This property is inside Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB).

The law that dictates that Metro adopt criteria for boundary changes requires those criteria to include ". . . compliance with adopted regional urban growth goals and objectives, functional plans . . . and the regional framework plan of the district [Metro]." In fact, while the first two mentioned items were adopted independently, they are actually now part of Metro's Regional Framework Plan. The 2040 Growth Concept is also now an element of the Framework Plan. The Framework Plan has been examined and found not to contain any directly applicable standards and criteria for boundary changes.

There are two adopted regional functional plans, the Urban Growth Management Plan and the Regional Transportation Plan. These were examined and found not to contain any directly applicable standards and criteria for boundary changes.

- 7. The property is subject to the County's Comprehensive Plan. The Comprehensive Plan is made up of the following documents: the *Resource Document*, the *Comprehensive Framework Plan for the Urban Area*, the *Rural / Natural Resource Plan*, the *Community Development Code*, the *Transportation Plan*, the *Community Plans and Background Documents*, and the *Unified Capital Improvements Program*.

The individual elements of the Comprehensive Plan applicable to the proposed annexation are the *Comprehensive Framework Plan for the Urban Area (CFP)* and the *Transportation Plan*. These elements were examined and found not to contain any policies or implementation strategies directly applicable to the proposed service district annexation. Notwithstanding, the requested annexation, in staff's view, meets the intent of Policies 33 and 34 of the CFP as they relate to providing Washington County residents with park and recreation facilities and services.

8. The property is located in the Clean Water Services District. The applicant states that an 8-inch sewer line has been constructed and is in place on the portions of the site containing platted subdivisions (Bannister Creek Park Nos. 1, 2, and 4). The District will provide the sewage treatment and transmission of effluent to the regional treatment plant through major trunks and interceptors.
9. The property is located in the Tualatin Valley Water District (TVWD). TVWD currently maintains a 24-inch water main in NW Laidlaw Road. The applicant states that 12-inch and 8-inch water lines are currently under construction on-site. These lines will be connected to the 24-inch water main in NW Laidlaw Road.
10. The property is located within Tualatin Valley Fire & Rescue service district boundary. Fire service will not change as a result of annexation to the Tualatin Hills Park and Recreation District.
11. The property is located within the Washington County Enhanced Sheriff's Patrol District. This service will not be affected by the annexation to the Tualatin Hills Park and Recreation District.
12. The property is located within the Washington County Urban Road Maintenance District. The proposed annexation will not effect the County's Urban Road Maintenance District. Access to the site will be from NW Bannister Road, a county road that extends north from the NW Laidlaw Road / NW Saltzman Road intersection. There are no other street stubs to the property. Access-related issues, including compliance with the adopted Transportation Plan and Article V of the Community Development Code, were addressed in detail as part of Washington County's development review process for each subdivision phase of Bannister Creek Park.
13. The Tualatin Hills Park & Recreation District (THPRD) is the parks and recreation provider for unincorporated Washington County. However, the property is not currently located within THPRD's current service boundary. The property needs to annex to the District in order to be provided with park and recreation services from the District.
14. A portion of the property is located within the Washington County Service District for Lighting (SDL); the tax lots comprising the platted subdivisions Bannister Creek Park Nos. 1, 2, and 4 comprise SDL No. 1. The SDL is responsible for assisting developers to ensure that street lighting installed as part of a development is maintained. SDL ensures that an identified revenue source exists to fund the long-term maintenance of said street lighting. The remainder of the property (Tax Lot 3400 of Map 1N1 21AD, and Tax Lots 100 and 104

- of Map 1N1 21) is not currently within the SDL, and will need to be annexed to SDL in order to ensure that street lighting installed as part of the future residential development is maintained. Alternatively, the applicant can ensure the maintenance of street lighting through other measures, if approved by the Washington County Operations Division, thus eliminating the need for the property to be annexed to the SDL. The final determination will be made prior to issuance of final approval and recordation of the subdivision plat for the future residential development (Bannister Creek Park No. 5).
15. The District supports the proposed annexation to its boundary. On November 1, 2004, the District endorsed the annexation of three of the thirteen subject tax lots (Tax Lots 100 and 104 of Map 1N1 21, and Tax Lot 3400 of Map 1N1 21AD). On December 6, 2004, the District endorsed the annexation of all thirteen of the subject tax lots.
 16. On December 14, 2004, the Board opened the public hearing and received testimony. Mr. Henry Kane testified in opposition to the request, stating that the Board has no authority to approve annexation of land in unincorporated Washington County to the District, and that the annexation proposal violates the state and federal constitutions. The Board continued the hearing to January 4th, 2005, in response to Staff testimony that the applicant had contacted County Counsel and requested the continuance on December 13th.
 17. The addendum staff report prepared for the January 4th, 2005 hearing has addressed the issues raised in Mr. Henry Kane's December 14th oral and written testimony before the Board. Mr. Kane's testimony referenced Oregon Court of Appeals decisions in which the Court had determined that annexations initiated pursuant to ORS 199.490(2) violated a portion of the Oregon Constitution. However, the present annexation request was not initiated pursuant to ORS 199.490(2), and ORS 199 is not applicable to this annexation. Rather, this annexation request was initiated pursuant to ORS 198, specifically ORS 198.855 and 198.750. Therefore, staff concluded that Mr. Kane's testimony is not applicable to the ORS provisions that apply to the present annexation request.
 18. On January 4, 2005, the Board opened the continued public hearing. The Board continued the hearing to February 1, 2005, in response to the applicant's written request to continue the hearing to that date. The applicant requested the continuance because they disagreed with the District about the valuation of the property to be annexed, and the applicant desired additional time to reach an agreement with the District on this issue, prior to the effective date of the annexation.
 19. On February 1, 2005, the Board opened the continued public hearing. The Board continued the hearing to February 15, 2005, in response to the applicant's request to continue the hearing to that date. The applicant requested the continuance because they wished to work out a final issue with the District prior to the effective date of the annexation.

CONCLUSIONS AND REASONS FOR DECISION

Based on the Findings, the Commission concludes:

1. The Metro Code at 3.09.050 (d) (4) calls for consistency between the Board decision and any *"specific directly applicable standards or criteria for boundary changes contained in . . . regional framework and functional plans . . ."* There are no directly applicable criteria in Metro's regional framework plan or in the two adopted functional plans, the Urban Growth Management Functional Plan and the Regional Transportation Plan.
2. ORS 198 and the Metro Code at 3.09.050 (d) (3) call for consistency between the Board decision and any *"specific directly applicable standards or criteria for boundary changes contained in comprehensive plans, public facilities plans . . ."* The Board has reviewed the applicable comprehensive plan, which is the Washington County Comprehensive Plan, and finds that the annexation is consistent with said document.
3. The Metro Code also requires that the decision address consistency between this decision and any urban service agreements under ORS 195. [ORS 195 agreements are cooperative agreements and urban service agreements.] The required cooperative agreement between the District, the cities, and Washington County has been adopted. The advertisement of the public hearing for the proposed annexation was consistent with the adopted cooperative agreement. The Board has therefore concluded that its decision is not inconsistent with the adopted cooperative agreement.
4. Metro Code 3.09.050 (e) (3) states that another criteria to be addressed is *"Whether the proposed change will promote or not interfere with the timely, orderly and economic provisions of public facilities and services."* The Board finds that the District can serve this area. Therefore the Board finds that the annexation is a logical step towards making urban services available to the property and does not interfere with the timely provision of those services.
5. The District supports the proposed annexation to its boundary. The Board of Directors for Tualatin Hills Park & Recreation District endorsed the annexation of three of the thirteen subject tax lots on November 1, 2004. The Board of Directors for the District endorsed the annexation of all thirteen subject tax lots on December 6, 2004.
6. A necessary party has not contested this boundary change. Therefore, the change may become effective immediately upon adoption by the Board pursuant to Metro Code Section 3.09.050 (f).

WA-6504

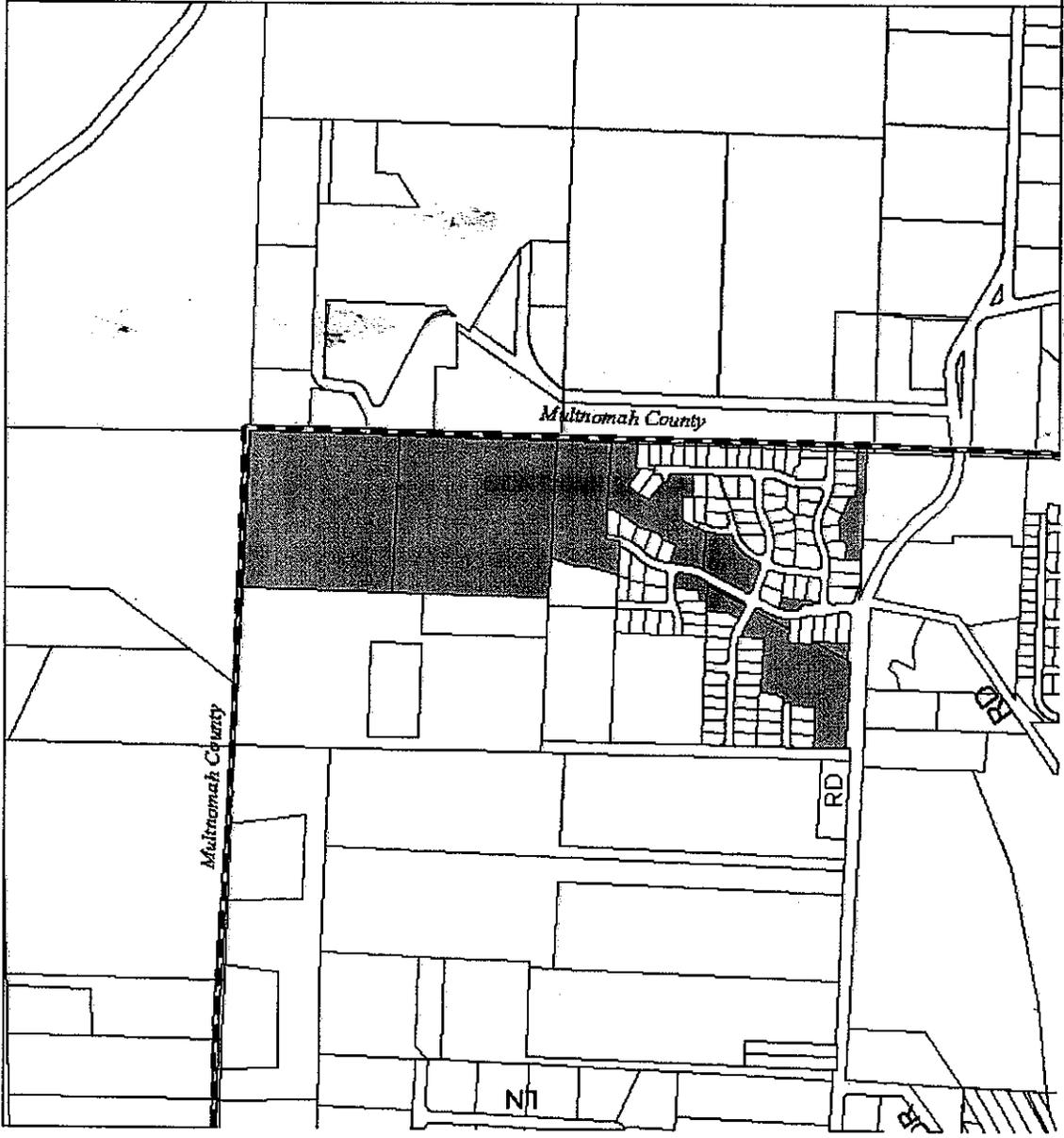
EXHIBIT B

SUBJECTS



50 0 50 100 200 300 400 500 600 Feet

This map was created from digital addresses. The County cannot accept responsibility for any errors. Therefore, there are no warranties for this product. However, notification of errors would be appreciated.



A PARCEL OF LAND AS DESCRIBED IN DEED DOCUMENT NOS. 89021130, 2003-052953, 97002165, 98106679 AND THE LOT LINE ADJUSTMENT PER DEED NO. 2003-209873, WASHINGTON COUNTY DEED RECORDS, LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 21, TOWNSHIP 1 NORTH, RANGE 1 WEST, OF THE WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND 4" BRASS DISK IN CONCRETE MARKING THE NORTHEAST CORNER OF SECTION 21, TOWNSHIP 1 NORTH, RANGE 1 WEST, W.M. PER MULTNOMAH COUNTY REFERENCE BT #F-624, MULTNOMAH COUNTY SURVEY RECORDS; THENCE ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 21 SOUTH 01°25'03" EAST 1551.94 FEET; THENCE SOUTH 89°59'57" WEST 404.38 FEET; THENCE SOUTH 11°17'33" WEST 58.22 FEET; THENCE SOUTH 89°59'57" WEST 132.32 FEET TO THE SOUTH TERMINUS OF THE ADJUSTED LOT LINE AS DESCRIBED IN DEED DOCUMENT NO. 2003-209873, WASHINGTON COUNTY RECORDS; THENCE THE FOLLOWING THREE COURSES ALONG SAID ADJUSTED LOT LINE: NORTH 11°17'49" EAST 133.61 FEET, NORTH 00°01'45" WEST 55.21 FEET AND NORTH 16°18'37" EAST 110.12 FEET TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 21; THENCE SOUTH 89°59'57" WEST 177.26 FEET; THENCE NORTH 01°24'59" WEST 1316.99 FEET TO THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 21; THENCE NORTH 89°59'14" EAST ALONG SAID NORTH LINE 662.44 FEET TO THE POINT OF BEGINNING.

CONTAINS 22.97 ACRES MORE OR LESS.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Tod V. Kelso
OREGON
JULY 15, 2003
TOD V. KELSO
50701

EXPIRATION DATE: 6-30-06

THOSE CERTAIN TRACTS OF LAND PER THE DULY RECORDED PLAT OF "BANNISTER CREEK PARK", RECORDED AS DOCUMENT NUMBER 2003094537, WASHINGTON COUNTY PLAT RECORDS, LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 21, TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TRACTS "A" AND "B", SAID PLAT OF "BANNISTER CREEK PARK".

TOGETHER WITH THOSE CERTAIN TRACTS OF LAND PER THE DULY RECORDED PLAT OF "BANNISTER CREEK PARK NO. 2", RECORDED AS DOCUMENT NUMBER 2003198308, WASHINGTON COUNTY PLAT RECORDS, LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 21, TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

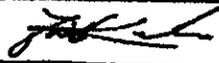
TRACTS "D", "E", "F", "G", "H", AND "I", SAID PLAT OF "BANNISTER CREEK PARK NO. 2".

TOGETHER WITH THOSE CERTAIN TRACTS OF LAND PER THE DULY RECORDED PLAT OF "BANNISTER CREEK PARK NO. 4", RECORDED AS DOCUMENT NUMBER 2004108705, WASHINGTON COUNTY PLAT RECORDS, LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 21, TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TRACTS "J", AND "K", SAID PLAT OF "BANNISTER CREEK PARK NO. 4".

CONTAINS 340,100 SQUARE FEET OR 7.808 ACRES, MORE OR LESS.

REGISTERED
PROFESSIONAL
LAND SURVEYOR


OREGON
JULY 15, 2003
TOD V. KELSO
50701

EXPIRATION DATE: 6/30/05