

CITY OF SHERWOOD, OREGON

RESOLUTION 87-367

A RESOLUTION INITIATING ANNEXATION TO THE CITY OF A TERRITORY MORE PARTICULARLY DESCRIBED AS:

A TRACT OF LAND SITUATED IN THE NORTHEAST ONE-QUARTER OF SECTION 30, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF SW SCHOLLS-SHERWOOD ROAD (COUNTY ROAD NO. 1324) AND THE WESTERLY RIGHT-OF-WAY LINE OF THAT STRIP OF LAND DEDICATED TO THE PUBLIC BY DEED RECORDED IN BOOK 588 AT PAGE 63, WASHINGTON COUNTY DEED RECORDS, SAID POINT BEING THE SOUTHEASTERLY CORNER OF THAT TRACT OF LAND DESCRIBED BY DEED RECORDED IN BOOK 234, AT PAGE 631, SAID WASHINGTON COUNTY DEED RECORDS SAID POINT BEING 33 FEET WEST OF THE SE COR. OF THE M. R. BARNUM DLC CERTIFICATE NO. 1607; THENCE NORTHERLY ALONG THE EASTERLY LINE OF SAID STRIP OF LAND DEDICATED TO THE PUBLIC BY DEED RECORDED IN BOOK 588, AT PAGE 63, SAID WASHINGTON COUNTY DEED RECORDS, 1,009.5 FEET, MORE OR LESS, TO THE NORTHERLY TERMINUS OF SAID STRIP OF LAND; THENCE EASTERLY ALONG THE SAID NORTHERLY TERMINUS 33 FEET TO A POINT ON THE WESTERLY LINE OF THAT TRACT OF LAND DESCRIBED BY DEED RECORDED IN BOOK 1102, AT PAGE 643, SAID WASHINGTON COUNTY DEED RECORDS; THENCE NORTHERLY ALONG SAID WESTERLY LINE 245 FEET, MORE OR LESS TO A POINT ON THE SOUTHERLY LINE OF THE BONNEVILLE POWER ADMINISTRATION, OREGON CITY - KEELER SECTION TRANSMISSION EASEMENT (BEING 250 FEET IN WIDTH); THENCE SOUTHEASTERLY ALONG THE SAID SOUTHERLY LINE OF SAID EASEMENT 735 FEET, MORE OR LESS, TO A POINT ON THE MOST EASTERLY EASTERLY LINE OF SAID TRACT OF LAND DESCRIBED IN DEED RECORDED IN BOOK 1102 AT PAGE 643 SAID WASHINGTON COUNTY DEED RECORDS; THENCE SOUTHERLY 20 FEET, MORE OR LESS, TO THE MOST NORTHERLY SOUTHEAST CORNER OF SAID TRACT OF LAND; THENCE WESTERLY 161.7 FEET, MORE OR LESS, TO AN ANGLE POINT IN THE EASTERLY LINE OF SAID TRACT OF LAND; THENCE SOUTHERLY 795 FEET, MORE OR LESS, TO A POINT ON THE SAID NORTHERLY RIGHT-OF-WAY LINE OF S.W. SCHOLLS-SHERWOOD ROAD, THENCE CONTINUING SOUTHERLY, CROSSING SAID S.W. SCHOLLS-SHERWOOD ROAD, 60 FEET, MORE OR LESS, TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE; THENCE WESTERLY ALONG THE SAID SOUTHERLY RIGHT-OF-WAY LINE OF SAID S.W. SCHOLLS-SHERWOOD ROAD 473 FEET, MORE OR LESS, TO A POINT THAT IS THE INTERSECTION WITH THE SOUTHERLY EXTENSION OF THE SAID WESTERLY RIGHT-OF-WAY OF THAT STRIP OF LAND DEDICATED TO THE PUBLIC BY DEED RECORDED IN BOOK 588, AT PAGE 63, SAID

WASHINGTON COUNTY DEED RECORDS; THENCE NORTHERLY, CROSSING SAID S.W. SCHOLLS-SHERWOOD ROAD, 60 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, ALSO KNOWN AS A PORTION OF LOT 600, 2S 1 30A, CONSISTING OF 11.3 ACRES MORE OR LESS.

WHEREAS, annexation to the City of the territory so bounded would constitute a "minor boundary change" under the boundary commission law, ORS 199.410 to 199.510; and

WHEREAS, by authority of ORS 199.490 (1) (a) the City Council may initiate the annexation; and

WHEREAS, this is a single parcel annexation, to which the property owners have consented; and

NOW THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

Section 1. The Council, pursuant to ORS 199.490 (1)(a) hereby initiates proceedings for annexation of this territory, known as Lot 600, 2S1 30A, to the City.

Section 2. The Council hereby approves the proposed annexation and requests the Portland Metropolitan Area Local Government Boundary Commission to approve it.

Section 3. The City Recorder is hereby directed to file a certified copy of the Resolution with the Commission at once.

Adopted by the City Council Jan 28, 1987.

Norma Jean Oyler  
Norma Jean Oyler, Mayor  
City of Sherwood

Polly Blankenbaker  
Polly Blankenbaker, Recorder

|            | <u>AYE</u> | <u>NAY</u>   |
|------------|------------|--------------|
| OYLER      | <u>✓</u>   | <u>_____</u> |
| MANDERFELD | <u>✓</u>   | <u>_____</u> |
| BIRCHILL   | <u>✓</u>   | <u>_____</u> |
| STEWART    | <u>✓</u>   | <u>_____</u> |

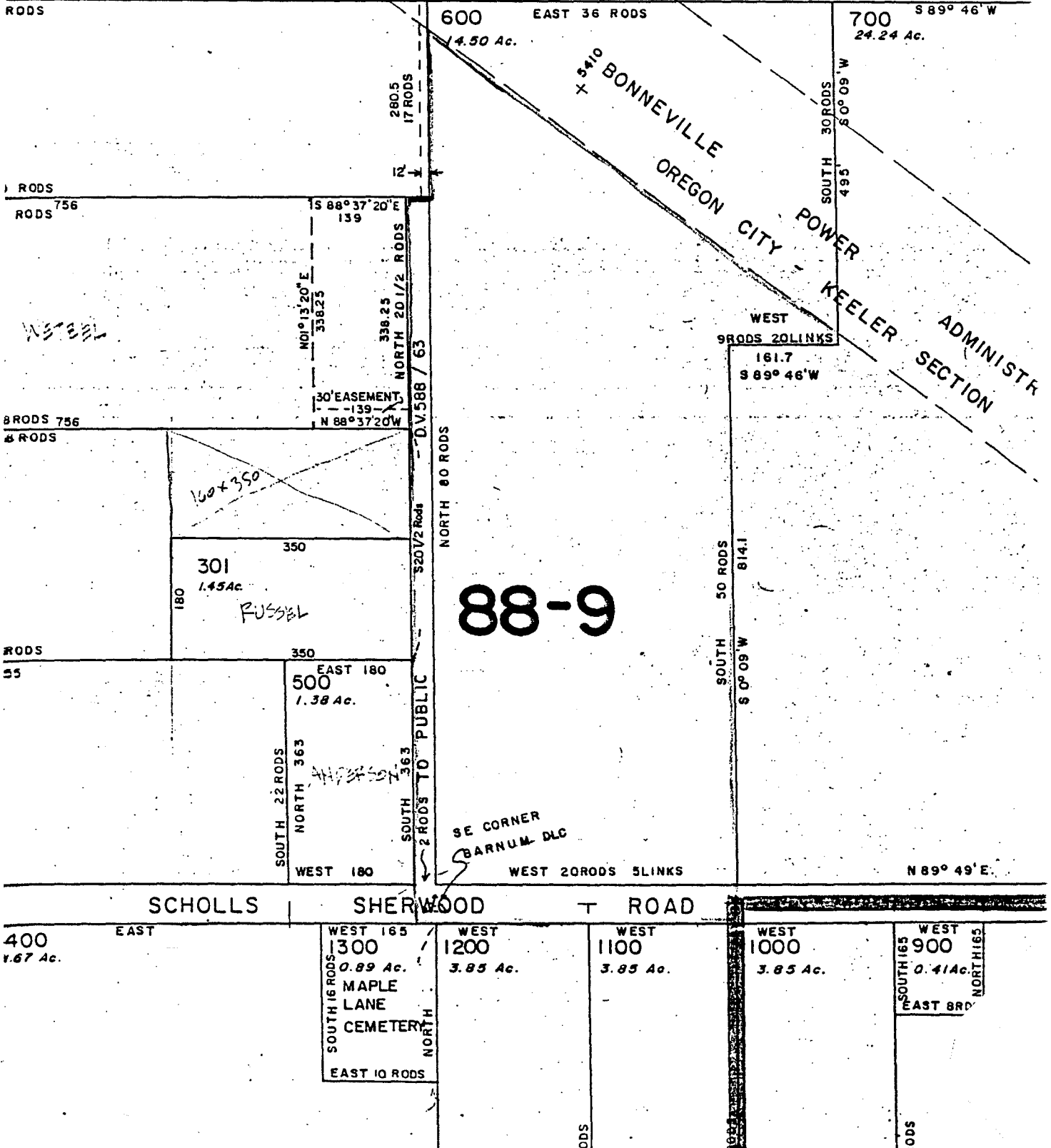
NE 1/4 SECTION 30 T2S RIW W.M.

WASHINGTON COUNTY OREGON

SCALE 1" = 200'

SEE MAP

2S 1 19



PMALGBC FORM #9

CERTIFICATION OF PROPERTY OWNERS

(Triple-Majority Method)

(Applicable for Annexations to Cities Only)

I hereby certify that the attached petition for annexation of the territory described therein to the City of SHERWOOD contains the names of at least a majority of the property owners...who own at least a majority of the land area...which constitutes at least a majority of the assessed value of the territory to be annexed.

NAME James O'Leary  
TITLE CARTOGRAPHER II  
DEPARTMENT ASSESSMENT & TAXATION  
COUNTY OF WASHINGTON  
DATE: March 20, 1987

PMALGBC FORM #4

CERTIFICATION OF LEGAL DESCRIPTION AND MAP

I hereby certify that the description of the property included within the attached petition (located on Assessor's Map 251 30A) has been checked by me and it is a true and exact description of the property under consideration, and the description corresponds to the attached map indicating the property under consideration.

NAME James O'Leary  
TITLE CARTOGRAPHER II  
DEPARTMENT ASSESSMENT & TAXATION  
COUNTY OF WASHINGTON  
DATE: March 20, 1987

PMALGBC FORM #5

(This form is NOT the Petition)

ALL OF THE OWNERS OF PROPERTY INCLUDED IN BOUNDARY CHANGE PROPOSAL AREA

(To be completed IF the proposal contains 10 or fewer properties--  
tax lots or parcels). Please indicate the name and address of all  
owners of each property. This is for notification purposes.

| NAME OF OWNER                           | ADDRESS                              | PROPERTY DESIGNATION<br>(Indicate Tax Lot, Sect.<br>number, and Township Ra |
|---|--------------------------------------|---|
| 1) Foster, Charles R.<br>and Karolyn J. | Rt. 4, Box 437<br>Sherwood, OR 97140 | 600: 30A 2S1  |
| 2)                                      |                                      |   |
| 3)                                      |                                      |   |
| 4)                                      |                                      |   |
| 5)                                      |                                      |   |
| 6)                                      |                                      |   |
| 7)                                      |                                      |   |
| 8)                                      |                                      |   |
| 9)                                      |                                      |   |
| 10)                                     |                                      |   |

PMALGBC FORM #6

BOUNDARY CHANGE DATA SHEET FOR  
ANNEXATION TO THE CITY OF SHERWOOD

I. EXISTING CONDITIONS OF TERRITORY DESCRIBED IN BOUNDARY CHANGE

A. Land Area: Acres 11.3 or Square Miles 0

B. General Description of Territory: (include topographic features such as slopes, vegetation, drainage basins, flood plain areas which are pertinent to this proposal)

Flat farmland. Rear 3.2 acres of parcel is in floodplain but has been excluded from this annexation request.

C. Existing Land Use:

Number of single family units 1 multi-family units 0

Number of commercial structures 0 industrial structure 0

Public facilities or other uses (Please describe)

City water service to be extended to property.

D. Total Current Year Assessed Valuation \$ 50,600.00

E. Total Estimated Population: 2

F. Current County Zoning Status (if territory contains more than one land use zone please indicate tax lot numbers and existing zoning designation for those tax lots)

R-9 under Washington County Plan/LDR (Low Density Residential) under City Plan.

G. Is the area adjacent to the territory to be annexed (and not in the city or district) of the same general character or degree of development as the territory to be annexed?

Yes X No           

If Yes, why isn't the adjacent area included in the proposal?

Some of area is in separate annexation effort at different stage of development. Parcel in question desires extension of City water service on priority bases as

properties well has failed. City policy requires annexation in conjunction with extension.

II. PROPOSED DEVELOPMENT OF TERRITORY DESCRIBED IN BOUNDARY CHANGE

A. If the property is entirely or substantially undeveloped, what are the plans for future development? (Be specific--if site or development plans have been prepared please submit a copy.)

Continuance of current use - older, single family, "farm house"

B. Can the proposed development be achieved under current county zoning?

Yes   x   No           

If No, has a zone change been sought from the county either formally or informally for the property under consideration.

Yes            No   x  

Please describe outcome of zone change request if answer to the above question is 'Yes'

C. Is the proposed development compatible with the county comprehensive plan and/or the Regional Framework Plan?

Yes   x   No           

Briefly explain compatibility or incompatibility.

  Land within Urban Growth Boundary and designated for eventual  
  redevelopment to low density housing.

D. Is the proposed development compatible with the city's Comprehensive Land Use Plan for the area?

Yes   x   No            City has no plan for the area           

Has the proposed development been discussed either formally or informally with any of the following: (please indicate)

City Planning Commission   x   City Planning Staff   x  

City Council           x           City Manager           x          

Please describe the reaction to the proposed development from the persons or agencies indicated above.

  All supportive

E. If a city and/or county-sanctioned citizens' group exists in the area of the annexation, please list its name and the name and address of a contact person.

  N/A

III. REASON FOR BOUNDARY CHANGE

A. ORS 199.462 of the Boundary Commission Act states: "When reviewing a boundary change, a boundary commission shall consider economic, demographic, and sociological projections pertinent to the proposal, and past and prospective physical developments of land that would directly or indirectly be affected by the proposed boundary change." Considering these points, please provide the reasons the proposed boundary change should be made. Please be very specific. Use additional pages if necessary.

  Parcel is within Urban Growth Boundary. New water service has been extended to  
  neighborhood in last two years. Property owner has requested further extension  
  to parcel to replace failed water well.

B. If the reason is to obtain specific municipal services such as water service, sewerage service, fire protection, etc., please indicate the following:

1. Proximity of facilities (such as water mains, sewer laterals, etc.) to the territory to be annexed. (Please indicate location of facilities--for example: 8" water main in Durham Rd. 500 feet from east edge of territory.) Please indicate whose facilities they are and whether in fact these facilities will be the ones actually providing service to the area. If the facilities belong to another governmental entity, explain the agreement by which they will provide the service and what the city's policy is on subsequent withdrawal and/or compensation to the other unit.

There is an 8" City water main on Sherwood-Scholls Rd., approximately 75' west of parcel. Further extension of lateral several hundred feet along Seeley Lane needed to reach house.

2. The time at which services can be reasonably provided by the city or district  
Immediately upon approval of engineering plans and construction.
3. The estimated cost of extending such facilities and/or services and what is to be the method of financing? (Attach any supporting documents.)  
\$4000.00 - 5000.00 to be paid by property owner
4. Availability of the desired service from any other unit of local government. (Please indicate the government.)  
None

#### IV. EXISTING GOVERNMENTAL SERVICES IN THE TERRITORY

- A. If the territory described in the proposal is presently included within the boundaries of any of the following types of governmental units, please so indicate by stating the name or names of the governmental units involved:

|                     |                       |                      |            |
|---------------------|-----------------------|----------------------|------------|
| City                | <u>N/A</u>            | County Service Dist. | <u>N/A</u> |
| Hwy. Lighting Dist. | <u>N/A</u>            | Park & Rec. Dist.    | <u>N/A</u> |
| Rural Fire Dist.    | <u>TRFPD</u>          | Sanitary District    | <u>USA</u> |
|                     | <u>Water District</u> |                      | <u>N/A</u> |

- B. If any of the above units are presently servicing the territory (for instance, are residences in the territory hooked up to a public sewer or water system), please so described.

N/A

NAME: James H. Rapp  
(Title)  
ADDRESS: Box 167 Sherwood, OR 97140  
TELEPHONE NO: 625-5522  
AGENCY: City of Sherwood

DATE: 1/9/87



PMALGBC FORM #8

PETITION FOR ANNEXATION TO THE CITY OF SHERWOOD, OREGON

TO: The Council of the City of SHERWOOD, Oregon

We, the undersigned property owners of the area described below, hereby petition for, and give our consent to, annexation of the area to the City of SHERWOOD. If approved by the city, we further request that this petition be forwarded to the Portland Metropolitan Area Local Government Boundary Commission for the necessary procedures as prescribed by ORS 199.490 (2).

The property to be annexed is described as follows: (Insert Legal Description here OR attach it as Exhibit "A")

PETITION SIGNERS

**NOTE:** This petition may be signed by qualified persons, even though they may not know their tax lot numbers.

| Signature of Legal Owner(s)      | Address                 | Tax Lot Numbers |         |     |      |     |    |
|----------------------------------|-------------------------|-----------------|---------|-----|------|-----|----|
|                                  |                         | Lot #           | 1/4-1/4 | 1/4 | Sec. | Twp | R  |
| SEE ATTACHED<br>NON-REMONSTRANCE | Rt. 4, Box 437 Sherwood |                 | 600     |     | 30A  | 2S  | 1W |
| "                                | Rt. 4, Box 437 Sherwood |                 | 600     |     | 30A  | 2S  | 1W |
|                                  |                         |                 |         |     |      |     |    |
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(IF MORE SPACE IS NEEDED, PLEASE USE A SEPARATE PAGE)

PMALGBC FORM #14

TRIPLE MAJORITY WORK SHEET

Please list all properties included in the proposal.  
 (If needed, use separate sheet for additional properties).

| Property Designation<br>(Tax Lot #s) | Name of Owner                | Acres | Assessed Value | Signed Petition |    |
|--------------------------------------|------------------------------|-------|----------------|-----------------|----|
|                                      |                              |       |                | Yes             | No |
| 2S1 30A:600                          | Foster, Charles & Karolyn J. | 11.2  | \$50,600.00    | xx              |    |
|                                      |                              |       |                |                 |    |
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| TOTALS:                              |                              |       |                |                 |    |

SUMMARY

|   |           |
|---|-----------|
| TOTAL NUMBER OF OWNERSHIPS* IN THE PROPOSAL | 1         |
| NUMBER OF OWNERSHIPS* SIGNED FOR            | 1         |
| PERCENTAGE OF OWNERSHIPS* SIGNED FOR        | 100%      |
| TOTAL ACREAGE IN PROPOSAL                   | 11.2      |
| ACREAGE SIGNED FOR                          | 11.2      |
| PERCENTAGE OF ACREAGE SIGNED FOR            | 100%      |
| TOTAL ASSESSED VALUE IN PROPOSAL \$         | 50,600.00 |
| ASSESSED VALUE SIGNED FOR \$                | 50,600.00 |
| PERCENTAGE OF ASSESSED VALUE SIGNED FOR     | 100%      |

\*If one person owns two or more tax lots they are counted as only a single ownership

*January 2nd 1987*

**CONSENT AND NONREMONSTRANCE COVENANT  
For Annexation and Water Service Improvements  
to the City of Sherwood**

The undersigned legal title holders of the hereinafter described real premises in Washington County, Oregon, do hereby record the consent of each of the undersigned to the annexation of the following described premises to the City of Sherwood, and hereby expressly waive all present and future opposition or remonstrance against the annexation of said land to the City of Sherwood, or future water service improvements benefiting said land.

This consent and waiver shall run with the title to said lands and be binding upon the undersigned and all successor owners for a period of ten (10) years from the date hereof with respect to the following described premises:

Tax Lot 600, Assessor's Map 2S1 30A consisting of 14.5 acres, more or less.

DATED this 2<sup>nd</sup> day of JANUARY, 1987.

By: *Karolyn J. Foster*  
Karolyn J. Foster

*Charles R. Foster*  
Charles R. Foster

STATE OF OREGON            )  
  )    ss.  
County of Washington)

The foregoing instrument was acknowledged before me this 2nd day of January, 1987.

*Kathy Christensen*  
Notary Public for Oregon

My Commission Expires: 3.6.88



P.O. Box 167  
Sherwood, Oregon 97140  
625-5522 625-5523

December 22, 1986

Charles R. & Karolyn J. Foster  
Rt. 4 Box 437  
Sherwood, Ore. 97140

Re: Waterline Extension and Annexation

Dear Mr. & Mrs. Foster:

Thank you for coming in to discuss the extension of water to, and annexation of, your property on Sherwood-Scholls Rd. I have received your letter to this effect. To restate my understanding of the situation: You are in the process of selling your Tax Lot 600 : 30A, consisting of 14.5 acres. Your cistern has failed, necessitating either a new well or City service. On the assumption that the extension of City water will be less expensive than drilling a well, you are requesting connection to the City system. As per City policies in this regard, annexation of Lot 600 will be a condition of water extension. The actual construction will involve installation of an 8" water line on Sherwood-Scholls Rd. from the present terminus opposite Lot 500 (Schlicting property) to Seeley Lane (approximately 75' at about \$20.00 a foot plus engineering), then up Seeley Lane for about 700 feet with a 1" or 2" line (at about \$4.00 a foot plus engineering). Other costs will be a \$696.00 hook-up charge (assuming a 1" meter), and about \$150.00 for the meter itself. Fees for reviewing engineering plans are 5% of project cost. The full cost of annexation and waterline extension would have to be borne by yourselves.

Recognizing your need to quickly close the house sale, it will not be possible to accomplish annexation prior to service extension. The earliest possible date that an annexation could go before the Boundary Commission is March, 1987. In the past, the Sherwood City Council has permitted the extension of services prior to annexation provided that the property owners sign a "non-remonstrance" agreement for future improvements and annexation. The Council does not meet again until January 14, but I see no reason that the extension would not be allowed, provided the agreement is signed. I will prepare such an agreement for your signatures, and have it ready prior to your move to Illinois. Once the Council gives approval, construction could begin.

Costs and extent of the waterline extension, as quoted above, are approximate. You will need to find a contractor and submit engineering plans for City approval. Costs of annexation are \$300.00 for the City's fee, \$360.00 for the Boundary Commission (based on excluding about 3.2 acres of power right-of-way and floodplain from the annexation), plus the cost of preparing the legal description and application (about \$400.00).

I also understand that you do not wish to become involved with the complexities of the other waterline extension and annexation currently underway in your neighborhood. I see no reason why the issues cannot be kept separate.

I also see no reason why this process will not go smoothly, or fail to meet the approval of the Council or Boundary Commission.

Sincerely,



James Rapp  
City Manager

cc: Mayor and Council  
Tad Milburn