



*Home of the Tualatin River National Wildlife Refuge*

## **ORDINANCE 2019-009**

### **APPROVING ANNEXATION TO THE CITY OF SHERWOOD AND CLEAN WATER SERVICES DISTRICT OF APPROXIMATELY 39.13 ACRES, COMPRISED OF 1 TAX LOT AND ADJACENT SW OREGON STREET RIGHT-OF-WAY WITHIN THE TONQUIN EMPLOYMENT AREA CONCEPT PLAN**

**WHEREAS**, John Niemeyer, property owner of a single 38.82 acre tax lot, has submitted an application for annexation of certain land, as described in Exhibits A and B to this Ordinance, to the City of Sherwood; and

**WHEREAS**, the property owner initiated this annexation in accordance with ORS Chapter 222 and SB 1573 (2016); and

**WHEREAS**, SB 1573 requires City approval without submission to the electors, regardless of any local charter or ordinance requirements to the contrary, of annexation requests submitted by all owners of land in the territory proposed to be annexed, when:

- (a) The territory is included within an urban growth boundary adopted by the city or Metro, as defined in ORS 197.015;
- (b) The territory is, or upon annexation of the territory into the city will be, subject to the acknowledged comprehensive plan of the city;
- (c) At least one lot or parcel within the territory is contiguous to the city limits or is separated from the city limits only by a public right-of-way or body of water; and
- (d) The proposal conforms to all other requirements of the city's ordinances; and

**WHEREAS**, the Tonquin Employment Area Concept Plan, which includes the territory proposed to be annexed, was brought into the Urban Growth Boundary in 2004 by Metro via Ordinance 04-1040B; and

**WHEREAS**, the City of Sherwood developed a concept plan for that area and adopted the concept plan and implementing ordinances in 2010 via Ordinance 2010-014; and

**WHEREAS**, the lot (the territory) that is proposed to be annexed is contiguous to the current city limits; and

**WHEREAS**, the subject territory will be added to the Clean Water Services district boundary upon annexation under the authority of ORS 199.510(2)(c); and

**WHEREAS**, the annexation of the 38.82 acre property requires 0.31 acres of right of way for SW Oregon Street adjacent to the property on the west; and

**WHEREAS**, the City does not presently have any other ordinance requirements applicable to this annexation request; and

**WHEREAS**, the properties proposed to be annexed are currently in unincorporated Washington County and part of the Washington County Service Districts for Enhanced Law Enforcement; and

**WHEREAS**, Washington County and the City of Sherwood have entered into an agreement acknowledging that the City of Sherwood should be the ultimate provider of services in the Tonquin Employment Area; and

**WHEREAS**, these properties must be within the City limits in order to be developed for the urban uses and densities planned for in the Tonquin Employment Area Concept Plan; and

**WHEREAS**, after proper legal notice, public hearings were held on the proposed annexation by the City Council on August 6, 2019, at which public comments and testimony were received and considered; and

**WHEREAS**, the Council reviewed and considered the staff report with proposed findings and conclusions for the decision which is included as Exhibit 1 to the Council staff report;

**NOW, THEREFORE, THE CITY OF SHERWOOD ORDAINS AS FOLLOWS:**

**Section 1.** The territory proposed to be annexed is specifically identified in the legal description (Exhibit A) and map (Exhibit B) attached to this Ordinance.

**Section 2.** The subject territory annexed by this Ordinance and described in Section 1 will be added to the Clean Water Services district under ORS 199.510(2)(c).

**Section 3.** The applicant has demonstrated that the annexation of the territory proposed to be annexed to the City of Sherwood meets all applicable requirements, as documented in Exhibit 1 to the City Council Staff Report.

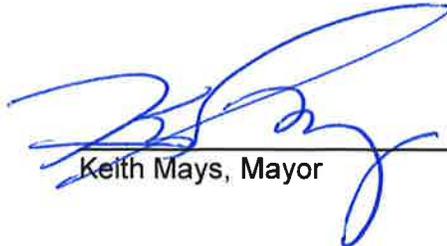
**Section 4.** Upon annexation, the Comprehensive Plan zoning designation of Employment Industrial (EI) adopted via Ordinance 2010-014 implementing the Tonquin Employment Area Concept Plan, will apply to the territory proposed to be annexed.

**Section 5.** Pursuant to ORS 222.520 and 222.120(5), the City Council declares that upon the effective date of the annexation, the annexed territory will be withdrawn from the Washington County Service Districts for Enhanced Law Enforcement.

**Section 6.** The territory proposed to be annexed is hereby declared annexed to the City of Sherwood.

**Section 7.** This Ordinance shall become effective 30 days from its adoption

**Duly passed by the City Council this 6<sup>th</sup> of August, 2019.**

  
Keith Mays, Mayor

8/6/19  
Date

Attest:

  
Sylvia Murphy, MMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Scott	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Griffin	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Brouse	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Garland	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rosener	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mays	<input checked="" type="checkbox"/>	<input type="checkbox"/>



AKS ENGINEERING & FORESTRY, LLC  
 12965 SW Herman Road, Suite 100, Tualatin, OR 97062  
 P: (503) 563-6151 F: (503) 563-6152

AKS Job #7270

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - KEIZER, OR - BEND, OR

## EXHIBIT A

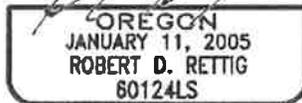
### Annexation Description

A portion of the Southeast One-Quarter of the Southwest One-Quarter of Section 28, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, and being more particularly described as follows:

Beginning at the South One-Quarter corner of said Section 28; thence along the south line of said Section 28, North 88°44'03" West 1309.01 feet to the southwest corner of the Southeast One-Quarter of the Southwest One-Quarter of said Section 28; thence along the west line thereof, North 01°33'21" East 989.79 feet to the southeasterly right-of-way line of SW Oregon Street (37.00 feet from centerline); thence leaving said southeasterly right-of-way line, North 49°05'29" West 37.00 feet to the centerline of SW Oregon Street, also being on the City of Sherwood city limits line; thence along said centerline and said city limits line along a non-tangent curve to the left with a Radius of 1312.33 feet, a Delta of 00°45'21", a Length of 17.31 feet, and a Chord of North 40°31'50" East 17.31 feet; thence continuing along said centerline, North 40°09'10" East 403.77 feet; thence leaving said centerline line and said city limits line, South 49°50'50" East 37.00 feet to the southwesterly corner of Document Number 2016-055858, Washington County Deed Records, also being on the north line of said Southeast One-Quarter; thence along said north line, South 89°12'36" East 1049.83 feet to the northeast corner thereof; thence along east line thereof, South 01°43'15" West 1326.61 feet to the Point of Beginning.

The above described tract of land contains 39.13 acres, more or less.

4/22/2019



RENEWS: 12/31/20

ANNEXATION CERTIFIED

BY: RF

APR 26 2019

WASHINGTON COUNTY A & T  
CARTOGRAPHY

# EXHIBIT B

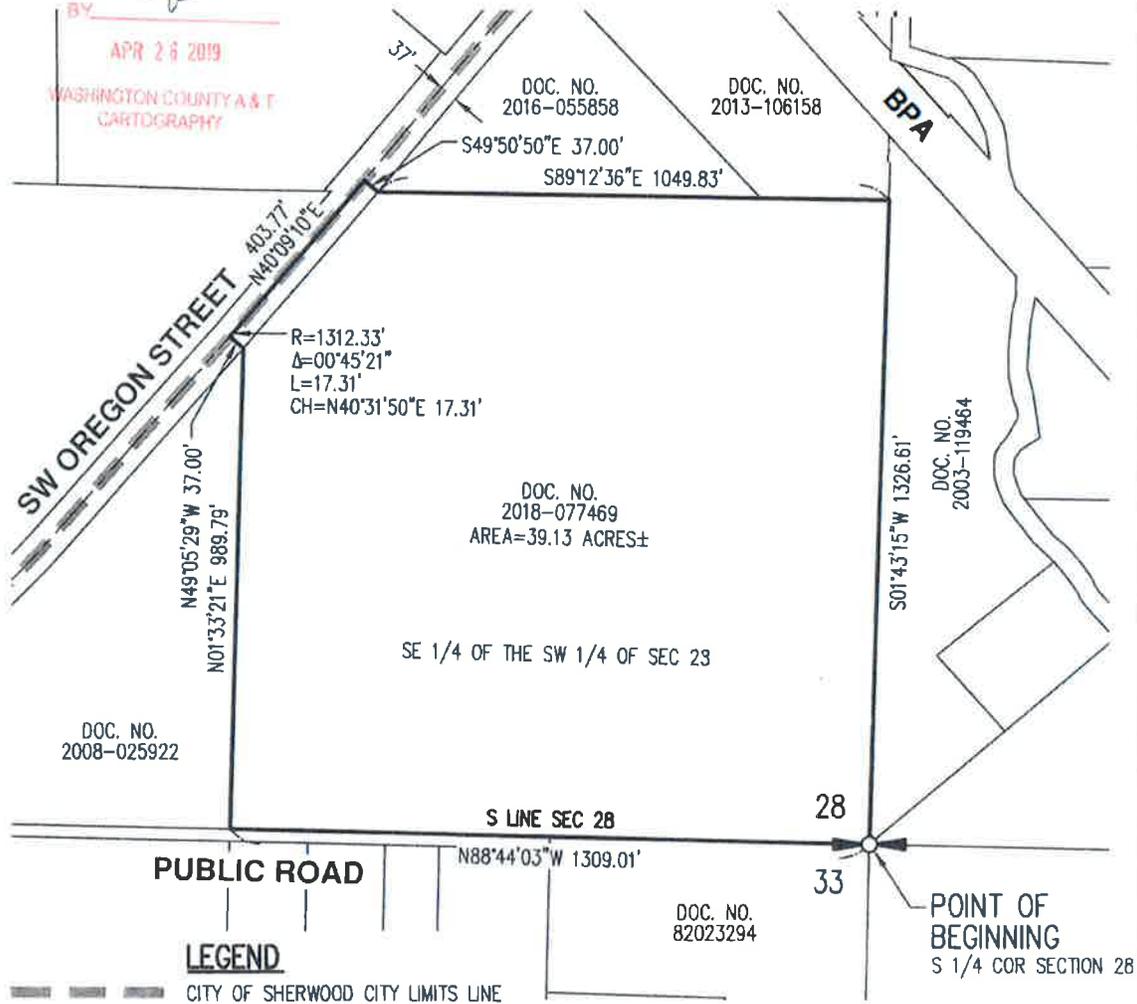
A PORTION OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 28,  
TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN,  
WASHINGTON COUNTY, OREGON

ANNEXATION CERTIFIED

BY RF

APR 26 2019

WASHINGTON COUNTY A & T  
CARTOGRAPHY



**LEGEND**  
 CITY OF SHERWOOD CITY LIMITS LINE

4/22/2019

**REGISTERED  
PROFESSIONAL  
LAND SURVEYOR**

*RF*  
**OREGON**  
 JANUARY 11, 2005  
 ROBERT D. RETTIG  
 60124LS

RENEWS: 12/31/20

**PREPARED FOR**

MAINLANDER SERVICES CORPORATION  
 15 82ND DRIVE, #210  
 GLADSTONE, OR 97024

SCALE: 1" = 300 FEET



ANNEXATION MAP		EXHIBIT <b>B</b>
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 503.563.6151 WWW.AKS-ENG.COM		DRWN: WCB CHKD: RDR AKS JOB: 7270



OWC: 7270 20190422 EXB | EXB