



Home of the Tualatin River National Wildlife Refuge

CITY COUNCIL MEETING PACKET

FOR

Tuesday, December 3, 2024

**Sherwood City Hall
22560 SW Pine Street
Sherwood, Oregon**

6:00 pm City Council Work Session

7:00 pm City Council Regular Meeting

This meeting will be live streamed at
<https://www.youtube.com/user/CityofSherwood>



Home of the Tualatin River National Wildlife Refuge

6:00 PM CITY COUNCIL WORK SESSION

1. **Council Goals & Objectives - Meeting with City Boards & Committee Chairs** (Craig Sheldon, City Manager)

7:00 PM REGULAR SESSION

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **APPROVAL OF AGENDA**
5. **CONSENT AGENDA**
 - A. **Approval of November 19, 2024, City Council Meeting Minutes** (Sylvia Murphy, City Recorder)
 - B. **Resolution 2024-076, Approving a \$5m Brownfields Cleanup Grant Cooperative Agreement & Work Plan with the United States Environmental Protection Agency (EPA) for the Tannery Site Cleanup Project** (Jason Waters, City Engineer)
 - C. **Resolution 2024-077, Authorizing City Manager to Enter into a Contract with Northwest Success for Janitorial Services, Hard Floor Maintenance, Carpet and Window Cleaning** (Rich Sattler, Interim Public Works Director)
 - D. **Resolution 2024-078, Authorizing an Interfund Loan from the Community Investment Fund to the Broadband Fund** (David Bodway, Finance Director)
 - E. **Resolution 2024-079, Authorizing the City Manager to sign an Intergovernmental Agreement (IGA) with the Oregon Department of Transportation (ODOT) for the Construction of SW Ice Age Drive** (Jason Waters, City Engineer)
6. **CITIZEN COMMENTS**
7. **PUBLIC HEARING**
 - A. **Resolution 2024-075, Adjusting Solid Waste and Recycling Collection Rates** (Craig Sheldon, City Manager) *(Rescheduled from 11/19/2024 Council Meeting Agenda)*
 - B. **Ordinance 2024-005, Amending Sherwood Municipal Code Chapter 12.12 Limiting Liability for the City of Sherwood and Other Parties from Private Claims Resulting from Use of Trails in a Public Easement or Unimproved Right of Way Under ORS 105.668** (Sebastian Tapia, Interim City Attorney) *(First Reading)*
 - C. **Ordinance 2024-006, Approving annexation of 38.63 acres to the City of Sherwood and Clean Water Services within the Tonquin Employment Area, comprised of five Tax Lots and City of Sherwood and BPA rights-of-way and declaring an emergency** (Joy Chang, Senior Planner)

AGENDA

SHERWOOD CITY COUNCIL December 3, 2024

6:00 pm City Council Work Session

7:00 pm City Council Regular Session

**Sherwood City Hall
22560 SW Pine Street
Sherwood, OR 97140**

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<https://www.youtube.com/user/CityofSherwood>

8. CITY MANAGER REPORT

9. COUNCIL ANNOUNCEMENTS

10. ADJOURN

How to Provide Citizen Comments and Public Hearing Testimony: Citizen comments and public hearing testimony may be provided in person, in writing, or by telephone. Written comments must be submitted at least 24 hours in advance of the scheduled meeting start time by e-mail to Cityrecorder@Sherwoodoregon.gov and must clearly state either (1) that it is intended as a general Citizen Comment for this meeting or (2) if it is intended as testimony for a public hearing, the specific public hearing topic for which it is intended. To provide comment by phone during the live meeting, please e-mail or call the City Recorder at Cityrecorder@Sherwoodoregon.gov or 503-625-4246 at least 24 hours in advance of the meeting start time in order to receive the phone dial-in instructions. Per Council Rules Ch. 2 Section (V)(D)(5), Citizen Comments, "Speakers shall identify themselves by their names and by their city of residence." Anonymous comments will not be accepted into the meeting record.

How to Find out What's on the Council Schedule: City Council meeting materials and agenda are posted to the City web page at www.sherwoodoregon.gov, generally by the Thursday prior to a Council meeting. When possible, Council agendas are also posted at the Sherwood Library/City Hall and the Sherwood Post Office.

To Schedule a Presentation to the Council: If you would like to schedule a presentation to the City Council, please submit your name, phone number, the subject of your presentation and the date you wish to appear to the City Recorder, 503-625-4246 or Cityrecorder@Sherwoodoregon.gov

ADA Accommodations: If you require an ADA accommodation for this public meeting, please contact the City Recorder's Office at (503) 625-4246 or Cityrecorder@Sherwoodoregon.gov at least 48 hours in advance of the scheduled meeting time. Assisted Listening Devices available on site.



SHERWOOD CITY COUNCIL MEETING MINUTES
22560 SW Pine St., Sherwood, Or
November 19, 2024

WORK SESSION

1. **CALL TO ORDER:** Mayor Rosener called the meeting to order at 5:30 pm.
2. **COUNCIL PRESENT:** Mayor Tim Rosener, Council President Kim Young, Councilors Taylor Giles, Ketih Mays, Renee Brouse, and Dan Standke. Councilor Doug Scott was absent.
3. **STAFF PRESENT:** City Manager Craig Sheldon, Assistant City Manager Kristen Switzer, Interim City Attorney Sebastian Tapia, Community Development Director Eric Rutledge, Interim Public Works Director Rich Sattler, IT Director Brad Crawford, Finance Director David Bodway, Police Chief Ty Hanlon, Planning Manager Sean Conrad, Economic Development Manager Erik Adair, HR Director Lydia McEvoy, Records Technician Katie Corgan, and City Recorder Sylvia Murphy.

OTHERS PRESENT: Consultant Chris Bell with Bell & Associates and Pride Disposal representative Kristin Leichner.

4. TOPIC:

A. Review Solid Waste & Recycling Collection Rates

City Manager Craig Sheldon recapped that Council held a work session in September with consultant Chris Bell with Bell & Associates to discuss solid waste and recycling rates and an additional work session had been deemed necessary. Mr. Bell presented the “City of Sherwood Solid Waste & Recycling Collection Rate Presentation” PowerPoint (see record, Exhibit A) and provided an overview of the adjusted 2023 results on page 2 of the presentation and reported that the return on revenues for residential carts was 2.74%, 4.36% for commercial container, 7.72% for drop boxes, and 4.17% for composite. He noted that Pride Disposal had experienced significant cost increases related to garbage disposal, labor, and trucks/equipment. He reported that Pride had purchased 3.5-4 years of trucks within 18-months, which significantly impacted their financials since the cost could not be spread out as they typically would be. He stated the new collection trucks had an 18–24 month delay for procurement and commented that new trucks would continue to be difficult to procure for the next several years and are more expensive. He explained that this was why the adjusted results were lower than expected. Mayor Rosener asked what the depreciation schedule was for new trucks and Mr. Bell replied that it was seven years across the metro region. Pride Disposal representative Kristin Leichner added that generally, Pride bought 4-5 trucks a year on a regular replacement schedule and explained there were ongoing supply chain issues causing delays in truck deliveries and outlined the truck ordering process Pride followed. Councilor Giles asked why the trucks were so expensive and Mr. Bell explained that the costs had

significantly increased within the last four years, as well as inflation and delays added to the cost of the trucks. Mayor Rosener asked how the cost of the trucks were allocated across Pride's franchises. Mr. Bell explained that the cost of the trucks were allocated across the jurisdictions serviced by Pride, and the amount of hours spent in Sherwood were tracked, and the truck expenses allocated to Sherwood reflected those hours. Councilor Brouse asked if Pride planned on moving towards using electronic trucks in the future. Ms. Leichner replied that Pride had ordered two electric trucks to service residential carts and the trucks were scheduled to arrive in the first quarter of 2025. She noted that the electric trucks were more expensive than the natural gas trucks and commented that they had applied for a PGE grant to help offset the cost, but they did not receive it. She stated that Pride was mindful of communities wanting electric trucks but also aware of the expense of those trucks, so Pride planned to purchase the trucks slowly. Mayor Rosener asked if there was a corresponding drop in Pride's operating costs since electricity was cheaper than diesel right now. Ms. Leichner replied that most of Pride's fleet ran on natural gas, so there was not as much savings compared to diesel, but the electric trucks were supposed to have lower maintenance costs. She commented that there should be some offsetting of the operational costs, but they would not know until the electric trucks were being used. Councilor Mays asked if the electric trucks had a smaller payload capacity and Ms. Leichner replied they were similar. She outlined the field-testing they had utilized when they were looking into purchasing electric trucks. Mayor Rosener asked how much of the rate increase was from the trucks and Mr. Bell replied that he would have to look into that and report back to Council. Mayor Rosener commented that knowing that figure would be helpful to Council when interacting with the community because much of the rate increase was from Metro increasing their fees, which cities had no control over. Mr. Bell provided an overview of the collection and disposal rates that became effective in September 2023 on page 3 of the presentation. He explained that costs from 2023 were projected for 2025 rates and outlined the increases as: 5.7% for residential, 4.7% for commercial, and 3.3% for drop boxes. He outlined the factors which drove the cost increases and stated that driver wages increased by 5.9%, truck repair and maintenance increased by 2.5%, organic waste increased by 8.5%, administrative costs increased by 6%, and truck depreciation increased by 13%. Mayor Rosener spoke on Metro tipping fees and rate increases over the last several years. Mr. Bell provided an overview of the cart collection cost increases on page 6 of the presentation and noted that there was a proposed \$2.22 collection cost increase. Councilor Giles asked regarding operating margin percentages and Mr. Bell explained that when Pride recalibrated their rates, they aimed for a 10% margin and commented that the margin was not guaranteed, and discussion occurred. Mayor Rosener referred to the use of the term "margin" and asked if it referred to revenue minus the cost of goods sold. Mr. Bell replied that depreciation was included but amortization and income taxes were not. Mayor Rosener referred to capital expenditures and investments. Mr. Bell explained that in the garbage industry it was "revenue minus cost of goods sold. And cost of goods sold is disposal, recycling, and franchise fees. And then you have your operational costs that includes the truck, labor, administrative cost, and then that flows down to whatever that amount is, but we don't calculate income taxes." He explained that Pride paid income taxes on the franchise income of \$206,163, and that income tax was not included in the calculation. Mr. Bell provided an overview of the 2025 proposed collection rates on page 7 of the presentation and explained that there were two primary components that drove costs: cost of transfer disposal and the Metro fees and taxes. Mayor Rosener asked how many 6-yard weekly customers there were in Sherwood and Mr. Bell replied that the most popular sizes were 3- and 4-yard weeklies. Mayor Rosener asked that next year customer distribution of services be included in their report. Council President Young referred to the difference in collection costs between carts and yards. Mr. Bell explained that collection costs were allocated on the yard and explained the calculation used. Ms. Leichner added that carts had the same collection rate because it cost Pride the same amount of money in equipment and labor to pick up a 20-gallon cart or a 95-gallon cart. Councilor Standke referred to the 10% increase and the need to "catch up," and asked if in a typical year, if

the rate fell between 8-12%, would it be indexed to a CPI for the region and Mr. Bell replied that was correct. Councilor Standke clarified that Sherwood's code did not guarantee Pride 10% increases every year, it just happened to be around 10% this year. Ms. Leichner added that the data Mr. Bell used for the report was for the 2023 calendar year, so the rates were a delayed reaction. She said that Pride's costs had increased significantly in 2023 due to inflation, and their rates were based off of 2023 numbers not 2024 numbers. Mayor Rosener spoke on Metro's use of solid waste rates to subsidize the losses to their other businesses, such as the Expo Center. He reported that Metro had recently expanded their RWAC (Regional Waste Advisory Committee) to allow more people to serve on the committee. Mayor Rosener reported that he would serve on the board and Ms. Leichner stated that she had also been chosen to serve on the board. Mr. Bell provided an overview of medical collection rates on page 8 of the presentation. He explained that medical waste that needed to be incinerated now had to be transported to Texas because the Oregon and Washington incineration facilities had gone out of business. He explained that this change was the reason for the large increase in rates for medical waste. Ms. Leichner clarified that Pride subcontracted out their medical waste collection to Trilogy, and Pride was responsible for the reporting and the franchise fees. She clarified that none of the medical waste services were subsidized by other services Pride offered. City Manager Sheldon stated that some commercial rates were not included in the resolution that was to be presented at the regular session following this meeting and explained Mayor Rosener would request to remove the resolution from the agenda. He noted that the resolution would be moved to the December 3rd City Council meeting.

B. City Council Goals Update

City Manager Sheldon presented the "Sherwood City Council Goals 2024-2025 Update" PowerPoint presentation (see record, Exhibit B) and explained that staff wished to provide a more detailed update to Council. He noted that a work session to discuss the Youth Advisory Board would be scheduled for the end of December. Assistant City Manager Kristen Switzer outlined the six pillars of Council goals as: Economic Development, Infrastructure, Livability & Workability, Public Safety, Fiscal Responsibility, and Citizen Engagement. She provided an overview of the goals and deliverables for Pillar 1: Economic Development on pages 3-6 of the presentation. City Manager Sheldon referred to the deliverable of "Clarify infrastructure required and financial approach for targeted sites," Ice Age Drive, and Business Oregon loans. He explained an application had been submitted in October and the city would be informed of the outcome in February. He referred to property acquisitions in Ice Age Drive and stated a work session would be scheduled for December because ODOT required a \$18 million downpayment by January 13th. He explained if the bidding deadline was missed, they would have to wait until March, which would put the project on the summer schedule. Assistant City Manager Switzer referred to the deliverable of "Identify target industries that will realistically offer diverse economy in Sherwood" and asked if Council wanted to discuss this more, have it come back as a resolution, or were they happy with staff moving forward. Council comments were received that they were happy to have staff move forward, and no further work session or resolution was necessary. Mr. Sheldon referred to the deliverable of "Target Metrics for Jobs/Housing balance" and commented that this was on ongoing conversation with staff and would be affected by the expansion of the UGB via Sherwood West. Mayor Rosener spoke on a new bill for cottage clusters from Governor Kotek which could impact this deliverable. Ms. Switzer provided an overview of the goals and deliverables for Pillar 2: Infrastructure on pages 7-10 of the presentation. Mayor Rosener referred to the pedestrian bridge and the nearby power and data lines and asked for an update. Mr. Sheldon replied that staff were currently working with PGE to resolve that issue. Assistant City Manager Switzer referred to the Cedar Creek Pedestrian Wildlife Undercrossing deliverable of "Pursue State and Federal grant opportunities" and explained that Metro had approved the

project and staff was authorized to apply for funds to design and construct the Cedar Creek Trail to SW Roy Rogers Rd. Mayor Rosener asked if that included funding for the undercrossing and Ms. Switzer replied that it did not. He referred to the Cedar Creek Trail and stated that the last section was federalized, which came with many requirements that increased the project's costs. He asked if the new section could be structured to avoid those costs but still deliver a quality trail. Discussion regarding Sherwood's road CPI scores occurred. Mr. Sheldon replied that the city typically spent \$650,000-\$750,000 a year in pavement management. Ms. Switzer provided an overview of the goals and deliverables for Pillar 3: Livability & Workability on pages 11-13 of the presentation. Councilor Giles referred to the deliverable of "Promote and Monitor Diverse Housing that will Accommodate a Wide Variety of Life Stages and Needs" and commented he would like to rework this deliverable at Council goal setting in January to make the ADU process more streamlined and discussion regarding HOAs occurred. Council President Young asked how public art was being funded and Assistant City Manager Switzer explained that it was funded from the Transient Lodging Tax. She provided an overview of the goals and deliverables for Pillar 4: Public Safety on pages 14-16 of the presentation. Mayor Rosener referred to the Safe Routes to School program deliverable and asked what the plan was if MSTIP funding was not awarded. City Manager Sheldon replied that if MSTIP funds were not awarded, using some of the traffic capital or street capital replacement funds to pay for the program was a potential option. Discussion regarding ways to measure success for the deliverable of "Continue Momentum Towards Addressing Mental Health Challenges in the Community" occurred. Councilor Giles suggested having a city webpage dedicated to compiling county mental health resources available to the public. Mayor Rosener stated that Metro needed to reauthorize the supporting housing services tax and there were ongoing conversations about giving direct allocations to cities to implement their own solutions versus county-wide solutions. Assistant City Manager Switzer provided an overview of the goals and deliverables for Pillar 5: Fiscal Responsibility on pages 17-19 of the presentation. City Manager Sheldon referred to the \$45,000 awarded for the evidence van and noted that more money would be needed to purchase the van and stated it may be feasible to utilize opiate money as well as DEA money. Council President Young asked where the \$45,000 came from and Mr. Sheldon replied it was a Homeland Security grant. Mayor Rosener stated that Hillsboro no longer wanted to be a lead agency for cooperative buying and commented that there were a lot of vehicles Sherwood could use to set up its own program in partnership with other agencies so Sherwood could continue to get the price breaks. Ms. Switzer provided an overview of the goals and deliverables for Pillar 6: Citizen Engagement on pages 20-22 of the presentation. Councilor Giles spoke on the need to provide multiple avenues for information to circulate in the community in order to reach as many people as possible. Discussion regarding tracking progress on Council's goals and deliverables occurred and Council stated they preferred this format for Council goal updates moving forward.

C. Recreational Immunity

Interim City Attorney Sebastian Tapia presented the "Recreational Immunity" PowerPoint presentation (see record, Exhibit C) and explained that the city's insurance provider CIS was encouraging cities to opt into a statute concerning immunity protection for cities. He explained that because cities opened up their trails, people using those trails could be injured and they may choose to sue the city. He reported that there were two statutes, one applied to all cities, and the other required cities to opt in. Mayor Rosener provided background and explained that there was a lawsuit where a person claimed that they were not using the trail for recreation as they were using it to get to work and that person was awarded damages. Mr. Tapia explained that ORS 105.682 focused on activities for recreational purposes and ORS 105.668 did not look at the purpose of the activity, it only asks if the trail was open to the public. He noted that ORS 105.668 required cities to opt in and explained that he would present an ordinance to Council in December to codify this choice.

He referred to the Fields v. City of Newport lawsuit and explained that there were temporary fixes in place which would sunset in 2025. He outlined that ORS 105.668 applied to cities with a population of 500,000 or more and cities who chose to opt in via resolution or ordinance. He reported it applied to negligence claims involving the use of trails or the use of structures along trails, but it did not apply to streets or roads. He stated it covered employees and city officials and applied to landowners who opened their land to the public. Mr. Tapia stated that the city's insurance provider recommended that Sherwood opt in. Councilor Giles asked if "trail" was defined and referred to paved trails versus unpaved trails. Mr. Tapia explained that it was a difference between "improved" trails and "unimproved" trails and each statute covered a different type. He clarified the first statute applied to improved trails and the second statute applied to unimproved trails but also included structures. Interim City Attorney Tapia stated that there was no downside or costs associated with opting in.

5. ADJOURN

Mayor Rosener adjourned the work session at 6:49 pm and convened a regular session.

REGULAR SESSION

- 1. CALL TO ORDER:** Mayor Rosener called the meeting to order at 7:01 pm.
- 2. COUNCIL PRESENT:** Mayor Tim Rosener, Council President Kim Young, Councilors Taylor Giles, Ketih Mays, Renee Brouse, and Dan Standke. Councilor Doug Scott was absent.
- 3. STAFF PRESENT:** City Manager Craig Sheldon, Assistant City Manager Kristen Switzer, Interim City Attorney Sebastian Tapia, Community Development Director Eric Rutledge, Interim Public Works Director Rich Sattler, IT Director Brad Crawford, Finance Director David Bodway, Police Chief Ty Hanlon, Planning Manager Sean Conrad, Economic Development Manager Erik Adair, HR Director Lydia McEvoy, Arts Center Manager Chanda Hall, Building Official Jared Bradbury, and City Recorder Sylvia Murphy.
- 4. APPROVAL OF AGENDA:**

MOTION: FROM COUNCIL PRESIDENT YOUNG TO REMOVE THE PUBLIC HEARING ITEM RESOLUTION 2024-075, ADJUSTING SOLID WASTE AND RECYCLING COLLECTION RATES FROM THE AGENDA AND MOVE IT TO THE DECEMBER 3RD CITY COUNCIL MEETING. SECONDED BY COUNCILOR BROUSE. MOTION PASSED 6:0; ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCILOR SCOTT WAS ABSENT).

Mayor Rosener addressed the next agenda item.

5. CONSENT AGENDA:

- A. Approval of October 15, 2024, City Council Meeting Minutes**
- B. Resolution 2024-073, Authorizing the City Manager to sign a Union Contract with the Sherwood Police Sergeants' Association**

MOTION: FROM COUNCILOR BROUSE TO APPROVE THE CONSENT AGENDA. SECONDED BY COUNCIL PRESIDENT YOUNG. MOTION PASSED 6:0; ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCILOR SCOTT WAS ABSENT).

Mayor Rosener addressed the next agenda item.

6. CITIZEN COMMENT:

Sherwood resident Judy Silverforb came forward and provided information on the Friends of the Center for the Arts. She reported that the group was formed in 2015 to bring together individuals in groups and organizations to support and enhance the programs and activities at the Sherwood Center for the Arts. She provided an overview of the events the Friends of the Center for the Arts had hosted since 2015 and stated that they sought scholarships, sponsorships, grants, and donors in order to provide production assistance grants for local and regional organizations that provided events at the Center for the Arts. She reported that the Friends of the Center for the Arts also provided scholarships for children and adults to take classes at the Arts Center.

Friends of the Center for the Arts President Robyn Folsom came forward and reported February 28, 2025 would be the 10-year anniversary for the Center for the Arts. She provided an overview of the planned events to celebrate the Center's 10th anniversary throughout 2025. She outlined that they were working on a community art project that would allow citizens to participate and would be unveiled at their gala in September. She invited Council to participate in as many events as possible. She spoke on her experience watching plays at the Sherwood High School auditorium. She stated that the Friends of the Center for the Arts would like to rename the main hall inside the Arts Center as the Meara Boughey Theater, a previous Sherwood resident who had passed away from cancer in 2023 while pursuing her theater career in New York. Ms. Folsom stated that Meara "truly embodies the spirit of the journey of the arts that has been taken in Sherwood" and to rename the theater after her would allow Meara's legacy to continue by "inspiring generations with her story" and would be incredibly meaningful to the Sherwood theater community. She stated that this would incur no cost to the city and the Friends of the Center for the Arts would work closely with city staff. She stated that she would provide Council with a proposal (see record) and additional information. Mayor Rosener commented that he and Council were in favor of the idea and stated that the idea needed to be presented to the Cultural Arts Commission so they could make a formal recommendation to Council.

Sherwood resident Dave Sweeney came forward and stated he supported naming the Arts Center's main hall the Meara Boughey Theater. He spoke on his experiences watching Ms. Boughey in Sherwood theater productions and her impact on the Sherwood community. He commented that "nobody...has done more for the arts in this community" than Ms. Folsom and he proposed naming the Sherwood High School theater after her.

Mayor Rosener addressed the next agenda item.

7. NEW BUSINESS:

A. Resolution 2024-074, Adopting the Murdock Park Master Plan

Interim Public Works Director Rich Sattler presented the "Murdock Park 2024 Master Plan" PowerPoint

presentation (see record, Exhibit D) and provided background on the project. He reported staff had worked with a consultant over nine months to determine project phasing. He stated that Phase 1 was site analysis, which led to the creation of concept alternatives in Phase 2. He reported that an open house was held for the Master Plan as well as an online survey. He stated that a meeting to determine the preferred concept plan was held on September 24th and reported that the Parks and Recreation Advisory Board had been consulted during each phase and two Council work sessions had been held. He asked that Council approve the Murdock Park Master Plan and provided an overview of the preferred plan on page 3 of the presentation. He clarified there was only enough funding to complete the master plan process and more funds would be included in next year's budget to start implementing some of the planned improvements. He stated that there were some state grant funding opportunities via the Oregon Parks and Recreation Department and noted that staff would pursue those opportunities. Mayor Rosener spoke on the need for projects to be properly planned for in order to prepare for grant readiness. Councilor Mays stated he supported the Murdock Park Master Plan project. Councilor Brouse asked if it could be determined where the majority of survey respondents lived in relation to Murdock Park. Interim Public Works Director Sattler replied that he did not have that information, but the open house was held near Murdock Park in the hopes nearby residents would attend. Mayor Rosener asked for a motion from Council.

MOTION: FROM COUNCIL PRESIDENT YOUNG TO ADOPT RESOLUTION 2024-074, ADOPTING THE MURDOCK PARK MASTER PLAN. SECONDED BY COUNCILOR BROUSE. MOTION PASSED 6:0; ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCILOR SCOTT WAS ABSENT).

Mayor Rosener addressed the next agenda item.

8. PUBLIC HEARING:

A. Resolution 2024-075, Adjusting Solid Waste and Recycling Collection Rates

Mayor Rosener noted that the public hearing for this item was moved to the December 3rd City Council meeting.

Mayor Rosener addressed the next agenda item.

9. CITY MANAGER REPORT:

Police Chief Ty Hanlon reported that the Sherwood Police Department would partner with Portland Cars & Coffee on December 14th at Langer's Entertainment Center to collect toys for the holiday season.

Community Development Director Eric Rutledge introduced new Building Official Jared Bradbury. Mr. Rutledge provided background and reported that Mr. Bradbury joined Sherwood from Newberg and spoke on Mr. Bradbury's certifications. Mr. Bradbury spoke on his excitement to join the City of Sherwood as the new Building Official. Council welcomed Mr. Bradbury to Sherwood.

Community Development Director Rutledge introduced new Economic Development Manager Erik Adair. Mr. Rutledge provided background, spoke on the recruitment process, and reported Mr. Adair was already meeting with local businesses. Mr. Adair provided background and reported he and his family moved to Sherwood from Olympia, Washington and he had twenty years of experience in business development, international trade and sales, and helping businesses expand and grow. He stated he was excited to join the

City of Sherwood. Council welcomed Mr. Adair to Sherwood.

Mayor Rosener addressed the next agenda item.

10. COUNCIL ANNOUNCEMENTS:

Councilor Standke reported that the Planning Commission did not meet and stated that they would not meet until January. He spoke on his experience attending a play at Sherwood High School with his son's class.

Councilor Mays reported on his attendance at the most recent Cultural Arts Commission meeting and spoke on upcoming cultural events.

Councilor Brouse reported she was unable to attend the Veterans Day event at the Arts Center and shared a personal story. She reported that the Senior Advisory Board did not meet, and she would be unable to attend their next meeting in December. She reported she would attend the upcoming WEA meeting as well as a housing forum meeting in Washington County.

Councilor Giles reported that the library was a gift and needs donation drop off location and urged residents to drop off gifts this holiday season as well as make donations to the annual food drive. He reported that the WCCLS was currently exploring sustainable long-term funding sources for libraries. He spoke on the importance of children experiencing live theater.

Council President Young spoke on the Sherwood SHARE Center's Gifts & Needs Drive event. She spoke on her attendance at the Veterans Day event at the Arts Center. She attended the most recent Chamber of Commerce breakfast event. She attended the WCCC meeting in Mayor Rosener's absence.

Mayor Rosener reported on his attendance at the National League of Cities event. He reported that the Pirates of Pinehurst event raised over \$15,000 for the Sherwood Education Foundation. He reported that Council would review Council Rules and Council liaison assignments in January.

11. ADJOURN:

Mayor Rosener adjourned the regular session at 7:42 pm.

Attest:

Sylvia Murphy, MMC, City Recorder

Tim Rosener, Mayor

Agenda Item: Consent Agenda

TO: Sherwood City Council

FROM: Jason Waters, P.E., City Engineer

Through: Craig Sheldon, City Manager and Sebastian Tapia, Interim City Attorney

SUBJECT: Resolution 2024-076, Approving a \$5M Brownfield Cleanup Grant Cooperative Agreement & Work Plan with The United States Environmental Protection Agency (EPA) for the Tannery Site Cleanup Project

Issue:

Shall the City Council approve a \$5M Brownfield Cleanup Grant Cooperative Agreement & Work Plan with the United States Environmental Protection agency (EPA) for the Tannery Site Cleanup Project?

Background:

In August 2023, City staff issued a formal Request for Proposal (RFP) in the Oregon Daily Journal of Commerce (DJC) seeking a consultant to perform Qualified Environmental Professional (QEP) services and effectively manage the entire Tannery Site Cleanup project from start to finish through monitoring periods to final closeout and turnover which is anticipated to take 18-24 months to complete. In September 2023, a contract was awarded to WSP USA Environmental who immediately began working with City staff to apply for a \$5M EPA Brownfield Cleanup Grant.

In fall 2023 City staff responded to EPA Request for Applications (RFA) No. EPA-I-OLEM-OBLR-23-15 for up to \$5M in Brownfield Cleanup Grant funds with applications due shortly thereafter on November 13, 2023. City staff successfully submitted a grant application for the maximum \$5M in grant funding for the full site cleanup, Alternative 2, which would have all contaminated materials set to be hauled-off to nearby landfills. The previously preferred Alternative 4 would have left some of the contaminated materials on-site in lined & capped “cells” which was less expensive and more likely to receive the previous maximum EPA Brownfield Cleanup Grant award of \$2.5M. EPA increased the grant award from \$2.5M to \$5M for this grant cycle only which enabled the City to request the additional funds required to clean up the entire site.

The full site cleanup, Alternative 2, is currently anticipated to cost \$5M, which is the same amount as the EPA Brownfield Cleanup Grant and therefore there are no additional local City funds programmed into the final approved Cooperative Agreement Work Plan Number 4B-02J89701. In short, there are no matching local funds required to complete the site cleanup work; the site cleanup work is entirely funded by the EPA site cleanup grant funds.

In addition to the \$5M site cleanup efforts, City staff and the environmental consultant will continue pursuing additional special funding opportunities, mostly grants, needed to further prepare the site for future development of the site into a public use, for example, a project to bring in additional fill material required to raise portions of the site up and potential stub utilities to the site with the future adjacent projects.

Due to the complex nature of the site cleanup and potential for unforeseen issues to arise, staff recommends establishing a 14% contingency fund of \$700,000 in budgeted City funds to ensure the Tannery Site Cleanup project gets completed in a timely manner while considering the best interests of the other large projects the City has planned on and around this site.

It will take approximately 18-24 months to evaluate the natural resources, develop a preliminary site plan, finalize the remedial action plan (RAP) & contaminated media management plan (CMMP), prepare bid documents, and advertise the project for public construction bids from qualified environmental remediation contractors which is anticipated to occur in Spring 2026. The construction schedule will be highly dependent upon the bid opening date and could very well extend across two summers due to a significant amount of grading work occurring within wetlands and floodplains. City staff can provide an update on the schedule for the site cleanup project at a work session Spring 2025. Assuming the site cleanup work will span across 2 summers, the site cleanup project is anticipated to be completed (DEQ issues No Further Action Letter) by June 30, 2027.

Financial Impact:

The \$5M EPA Brownfield Cleanup Grant will fully fund the site cleanup project with no matching funds programmed into the Cooperative Agreement Work Plan Number 4B-02J89701. There are no financial impacts anticipated from this action. The \$700,000 in authorized contingency funds will be expended across the next 3 fiscal years and shall not be expended until authorized in an adopted City budget.

Recommendation:

Staff respectfully recommends adoption of Resolution 2024-076, approving a \$5M Brownfield Cleanup Grant Cooperative Agreement & Work Plan with the United States Environmental Protection Agency (EPA) for the Tannery Site Cleanup Project.



RESOLUTION 2024-076

APPROVING A \$5M BROWNFIELD CLEANUP GRANT COOPERATIVE AGREEMENT & WORK PLAN WITH THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (EPA) FOR THE TANNERY SITE CLEANUP PROJECT

WHEREAS, the Tannery Site Cleanup Project is a top priority for the City with several other large City projects dependent upon the timely cleanup of contaminated materials from this site; and

WHEREAS, in fall 2023 City staff responded to EPA Request for Applications (RFA) No. EPA-I-OLEM-OBLR-23-15 to receive up to \$5M in Brownfield Cleanup Grant funds with applications due November 13, 2023; and

WHEREAS, staff successfully submitted a grant application for the maximum \$5M in grant funding; and

WHEREAS, on May 20th, 2024, the EPA notified City officials of the selection to receive \$5M in Brownfield Cleanup Grants and began negotiating a final work plan to award a cooperative agreement for the City to expend those funds; and,

WHEREAS, the direct cleanup costs are expected to equal the available cleanup funds at \$5M and no matching or supplemental funds are required for the cooperative agreement cleanup project; and

WHEREAS, the final attached Cooperative Agreement Work Plan has been negotiated and issued (Cooperative Agreement Grant Number 4B-02J89701) by EPA administrators; and

WHEREAS, although no direct participating matching City funds are required for this Cooperative Agreement, staff recommends setting a contingency amount of \$700,000.00 (14% of the \$5M cleanup grant) in budgeted funds to handle unforeseen conditions and issues encountered over the next 2 to 2 ½ years.

NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

Section 1. The Sherwood City Council hereby approves the final cleanup grant Cooperative Agreement Work Plan No. 4B-02J89701 attached hereto as Exhibit A.

Section 2. The City Manager is authorized to accept the final Cooperative Agreement and begin expending the EPA cleanup grant funds as soon as possible.

Section 3. The City Manager is authorized to expend up to an additional \$700,000.00 in budgeted City funds for unforeseen conditions required to complete the site cleanup project.

Section 4. This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 3rd day of December 2024.

Tim Rosener, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

**EPA REGION 10
FY2024 BROWNFIELDS CLEANUP COOPERATIVE AGREEMENT
BROWNFIELD CLEANUP GRANT
WORKPLAN**

FOR

CITY OF SHERWOOD, OR

**Period of Performance (4 years for Community-Wide and Coalition Assessment Grants):
October 1, 2024 – September 30, 2028**

Date(s) of Draft Workplan (date each revision): November 5, 2024

Submitted by

**The City of Sherwood
22560 SW Pine Street Sherwood, OR 97140**

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EPA Cooperative Agreement Number: 4B-02J89701

**FY2023 WORKPLAN FOR BROWNFIELDS ASSESSMENT COOPERATIVE AGREEMENT
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1. INTRODUCTION

1.1 Project Description, Goals and Objectives

The City of Sherwood Oregon ("City"; population 20,222; area 4.5 square miles), is in Washington County, approximately 20 miles southwest of Portland. The City's backyard is the 900-acre Tualatin River National Wildlife Refuge (TRNWR), and the City is within the ancestral homelands of the Tualatin Band of the Kalapuyan Tribe, now part of the Confederated Tribes of Grand Ronde. The City incorporated in 1893, and a brickyard developed around the same time, fueled by rich clay deposited by the Missoula Ice Age floods. The City's economy then developed around leather tanning and fruit and vegetable canning. The target area for this work is the City's industrial corridor in northeast Sherwood (census tract 321.04). This area is home to the City's lowest income neighborhood, Brickyard Terrace, which sits across Southwest (SW) Oregon Street from the proposed Brownfields site, the former Frontier Leather Tannery. The target area has been impacted by the City's industrial history and strict state and regional land use requirements, which create Brownfields challenges by limiting land available to accommodate growth.

The City's population grew 521% from 1990 to 2010. Even after slowing to 12% between 2010 and 2020, the City significantly exceeded the 7% median growth rate for Oregon municipalities over that period. Growth has increased demand for municipal services, such as public works, emergency response, and parks. Oregon's unique statewide land use system requires all cities to restrict growth and preserve farmland and forests with an Urban Growth Boundary (UGB). Brownfield reuse is the City's only option for creating space to serve its increasingly diverse residents. It will also protect the adjoining and sensitive TRNWR, bolster resilience by improving floodplain conditions, and reduce the risk that future flood events might spread contamination and impact nearby residents, who are disproportionately renters, lower income, and already impacted by environmental justice (EJ) concerns. Brownfield reuse will also support economic development goals by making the City's main jobs center more attractive to employers and will provide access to greenspace and the TRNWR for workers and underserved residents.

Reuse strategies focus on public uses, and on protecting the floodplain, wetlands, and TRNWR. A 50-foot environmental buffer will separate the developable portion of the Site from the floodplain, providing a wildlife corridor and habitat, plus public education and recreational opportunities. By supporting increased water storage capacity in the 100-year floodplain, the buffer enhances Site resilience: regional climate change models estimate a 32% increase in 100-year extreme precipitation events by 2050, and added on-Site flood storage reduces flood risks. This reuse strategy could also support establishment of a City-run wetland mitigation bank. Reuse strategies for the wetlands portion include a new green infrastructure regional water quality installation to treat currently untreated stormwater from across east Sherwood (a 50-acre basin) before discharging into Rock Creek. Reuse strategies for the developable portion include greenspace and/or an expanded public works and emergency operations center, to include community space and a resilience hub, like a heating or cooling center. The City plans robust public visioning and engagement to further specify reuse strategies.

Different community groups and project partners have expressed a desire for Site redevelopment for over 20 years. Since 2015, the City has maintained a project website and held numerous public meetings regarding the Site, which has targeted hard-to-reach groups, including people with low-income and people with disabilities.

Description of the Brownfield Site

The City's proposed Brownfield site ("Site") is the former Frontier Leather Tannery, located at 1210 SW Oregon Street. The Site is vacant with no structures, except for one small former pumphouse. It consists of 25 acres, over half of which (17.36 acres) is wetlands. These include two 3.4-acre former sedimentation (waste) lagoons. A portion of the Site is located in the 100-year floodplain. Rock Creek and associated wetlands along the Site's eastern boundary connect the Site to TRNWR. SW Oregon Street – a major thoroughfare – separates the Site from Brickyard Terrace to the south. From 1947, Frontier Leather used chromium oxide to tan cow and deer hides from the local slaughterhouse at the Site and split them into halves. The less valuable halves were buried on Site, and sludge from wastewater treatment processes was discharged into the two lagoons. Frontier Leather also leased an onsite building to a series of lead-acid battery manufacturers from 1956 to 1972, which resulted in the removal of 743 tons of lead-contaminated soil in the mid-1990s. A fire nearly destroyed the facility in 1981. Portions were rebuilt, and the tannery remained in use until 1998, when Frontier Leather went bankrupt, leaving no viable responsible party. The tannery had been vacant for almost 10 years when it burned to the ground in 2006.

The Oregon Department of Environmental Quality (DEQ) added the Site to its Orphan Site List in 2002, and initial assessments identified chromium, lead, and other heavy metals in soil and sediment at concentrations exceeding human health and ecological risks. A FY14 EPA Brownfields Site-Specific Assessment grant funded a Phase II Environmental Site Assessment (ESA) and draft Analysis of Brownfields Cleanup Alternatives (ABCA). Washington County acquired the Site through tax foreclosure between 2012 and 2014, and the City purchased the Site in 2023.

The Site is an attractive nuisance due to its unsecured location, frequent illegal dumping, and presence of wetlands, which is especially problematic given the surrounding residential, commercial, and light industrial uses. The Site also threatens the surrounding natural environment: previous assessments have identified metals in soil and sediment samples in Rock Creek, which discharges to TRNWR. Metal concentrations are highest in the hide-split landfill and downstream of breaches in the former waste lagoons. Chromium-contaminated hides, stacked in layers and exposed by erosion, are easily accessible by wildlife and people, including those camping due to homelessness. Police activity has been documented related to criminal mischief, arson, and odor complaints.

1.2 Organizational Structure and Responsibilities

The City has the knowledge and experience required to manage this grant. City staff engaged in this project are experienced grant administrators capable of successful and timely expenditure of EPA funds, meeting all technical, administrative, financial, and reporting requirements.

Jason Waters, P.E. is the City Engineer and director of the project. Jason has over 20 years' experience managing and delivering large public improvement projects and will manage the project day-to-day. He will work with the Qualified Environmental Professional (QEP) to develop, review, and approve all reports, Assessment, Cleanup and Redevelopment exchange System (ACRES) submissions, and deliverables. He will also lead City efforts to select a remediation contractor and will serve as the City's primary budget manager.

David Bodway is the city's finance director and the project's financial manager. He will work closely with Jason to coordinate the project finances. David will manage and approve EPA funds tracking and submission of reimbursement requests. David has 18 years' experience in government finance and accounting, and holds a Masters in Public Administration from Portland State University.

Jo Guediri is the Engineering Program Associate and will serve as administrative support. Jo has over 20 years' experience administering complex public construction contracts, including project setup and payments. She will support development of payment requests, review of payment processing, and preparing and submitting grant reimbursement requests.

Tammy Stevens is the City's volunteer coordinator and will serve as the City's community outreach lead, coordinating with Jason. Tammy has worked with the City for 10 years and enjoys strong connections with local nonprofits and other partners.

Craig Sheldon is the Acting City manager and Public Works Director, and will serve as the Project Supervisor. He will be accountable for the project and the City team's success. He will support Jason with reports to City Council. Craig has over 34 years' experience completing construction and public works projects.

The City has staff and systems in place to assist with and support efficient staff transitions should unforeseen events take place. This will eliminate project delays and ensure staff have appropriate qualifications and experience. The City procures \$2.2 million of contractor services annually and has the staff and procedures in place to acquire these through a competitive, qualifications-based process compliant with 2 CFR 200.317 - 200.326. Through its partnership with Sherwood School District, as well as Portland Community College and Oregon Tradeswomen, the City will leverage this grant to connect diverse community members with Brownfields redevelopment careers. This could include facilitating field trips, holding Q&A sessions with professionals working at the Site, and sharing project updates.

1.3 Project Outputs and Outcomes

Pursuant to EPA Order 5700.7, "Environmental Results under EPA Assistance Agreements," EPA requires that all grant recipients adequately address environmental outputs and outcomes. Outputs and outcomes differ both in their nature and in how they are measured.

Outputs refer to measurable quantitative or qualitative activities, efforts, deliverables, or work products during the project period. The following outputs are anticipated for each project task.

Task 1: Project Management Outputs. 48 project team meetings, 15 quarterly reports, 4 MBE/WBE reports, 4 Federal Financial Reports, attendance at 1 National Brownfields Training Conference, attendance at 3 state/regional Brownfields conferences, 16 quarterly ACRES updates.

Task 2: Community Engagement and Site Selection Outputs. 1 PIP, 16 City Council updates, 7 community meetings and notes/attendance/recordings, website and online information repository, 16 press releases/blogs/website updates/social media posts, and direct community outreach as needed.

Task 3: Cleanup Planning Outputs. 1 final, updated, Analysis of Brownfields Cleanup Alternatives (ABCA) (ABCA-Rev 2); 1 site-specific Health and Safety Plan (HASP), 1 Quality Assurance Project Plan (QAPP), 1 Sampling and Analysis Plan (SAP); 1 cleanup plan (Remedial Action Plan [RAP], 100% design documents; and 1 set of bid documents.

Task 4: Site Cleanup Outputs. 1 memorandum at the completion of excavation activities and 1 grant close-out report detailing cleanup progress and any remaining needs.

Outcomes refer to the result, effect, or consequence that will occur from carrying out the activities or outputs of the project. Outcomes may be environmental, behavioral, health-related, or programmatic; must be quantitative; and may not necessarily be achievable during the project period. EPA will work with cooperative agreement recipients (CARs) to demonstrate the impact of assessing and cleaning up brownfields by measuring the amount of land on which environmental threats have been determined, what risks have been addressed, and the number of acres made ready for reuse. Outcomes from a grant might include the number of jobs leveraged and other funding leveraged through the economic reuse of properties, or acres of greenspace created for communities.

The City will track and evaluate progress monthly, coordinating with the QEP and project contractor. It will measure/report outputs and other deliverables with quarterly progress reports and in ACRES. Measurement will compare quarterly achievements to output/outcome goals, so that deviations can be identified and corrected as they occur. The following outcomes are anticipated:

- Reuse will protect City residents, Rock Creek, and TRNWR's sensitive environment, including endangered and threatened species, from contamination.
- The City will explore establishing a wetland mitigation bank and will consider donating part of the Site's wetlands to TRNWR.
- Reuse could also benefit City operations and therefore all residents by providing additional space for public functions and services. This is particularly important given the City's rapid growth and expanded service needs. Public works personnel are critical emergency first responders, but the current public works building is projected to be unusable following a major earthquake. An improved emergency operations center would improve resilience to earthquakes, floods from larger storms and other disasters, and support emergency response and long-term social and economic recovery. This would benefit vulnerable and sensitive populations who are more likely to be disproportionately impacted. Any public buildings at the Site would be constructed to energy-efficient standards (e.g., LEED or similar), and reuse plans would consider development of solar generation and a disaster-resilient microgrid.
- Site reuse will facilitate development of a critical segment of the regional, multi-use Tonquin Ice Age Trail ("Trail") along SW Oregon Street, which will include signage explaining the impact of the Missoula Ice Age floods on the City's geology. Reuse will therefore improve access to trails for Brickyard Terrace residents, who are farther from existing trails and are also more likely to be low-income or people of color.
- The Trail will make the 250-acre Tonquin Employment Area (TEA), located 500 feet east of the Site, more attractive to employers; reuse therefore supports job creation and local economic development. The TEA is the City's primary employment cluster, and by 2028, it will host over 3,500 family-wage light manufacturing and technology jobs. 90% of the local workforce commutes outside the City, and 53% of these commute 10-25 miles or more. The Climate and Economic Justice Screening Tool (CEJST) ranks the City in the 80th percentile nationally for transportation barriers (average of relative cost and time spent on transportation), which likely relates to commuting burdens. More local, family-wage jobs benefit residents at all income levels by reducing out-commuting and related emissions and diversifying the economy and taxbase.
- Removal of approximately 45,025 cubic yards of contaminated soil, sediment, and hides from the Site; decrease in chromium, lead, and other metals in soil and Rock Creek sediments.
- Preservation easements for 50-foot wetland buffer.
- Consolidated lot lines, with potential donation of sensitive wetlands at Site's east to TRNWR.
- Increase in wetland buffer and wetland area.
- Increased floodplain capacity due to environmental restoration.

2. PROJECT TASK DESCRIPTIONS

Project Tasks include project management, community engagement, cleanup planning, and site cleanup. The following tables provide additional information including:

- Objective of the task
- Who has the lead for each task
- Milestones and deliverable(s)
- Estimated submittal or completion dates

2.1 TASK 1 – PROJECT MANAGEMENT

Task 1 – Project Management	
i.	<u>Project Implementation, EPA resources.</u> The City will be responsible for overall project execution and management, and will monitor schedule and budget, report on activities and accomplishments to stakeholders, and oversee the QEP, which will support documentation and reporting. City and QEP will meet monthly. Three City staff will attend 1 National Brownfields Training Conference and 3 state or regional conferences.
ii.	<u>Schedule.</u> QEP procured in compliance with 2 CFR 200.317-326 and all applicable EPA guidelines and best practices in Oct. 2023 (see threshold criteria). Work will begin upon completion of EPA-approved workplan, assumed Oct. 1, 2024 to Sept. 30, 2028.
iii.	<u>Task/Activity Lead.</u> City <u>Assist:</u> QEP
iv.	<u>Outputs.</u> 48 project team meetings, 15 quarterly reports, 4 MBE/WBE reports, 4 Federal Financial Reports, attendance at 1 National Brownfields Training Conference, attendance at 3 state/regional Brownfields conferences, 16 quarterly ACRES updates.

2.1.1 Project Management

Activities necessary to manage the project in accordance with the workplan include selection of contractors following all procurement guidelines, establishment and maintenance of necessary cooperative agreement records and files. Additional project management work includes financial management, project oversight, and attendance at necessary project meetings.

2.1.2 Project Reporting - Periodic

Required periodic reports including Quarterly Progress Reports will be submitted within 30 days of the end of each federal fiscal quarter ending December, March, June, and September (due by January 30, April 30, July 30, and October 30). Additionally, the Project Director will submit property specific information reflecting site specific activities within 30 days after the end of the Federal fiscal quarter in which the event occurred via the ACRES on-line reporting system, the . The Project Director will enter ACRES to report the initiation of assessment and completion of assessment activities.

2.1.3 Staff Training/Travel

One City staff member will attend one National Brownfields Training Conference and three state/regional conferences.

2.1.4 Contractor Procurement

Upon final acceptance by the EPA of the City’s workplan and execution of an agreement, the City will procure all necessary contractors in accordance with the City’s procurement procedures and with 2 CFR Part 200 Uniform Administrative Requirements for Grants and Cooperative Agreements for Federal Awards and EPA specific Regulations for Grants and Agreements at 2 CFR Part 1500.

2.1.5 Final Performance Report

The City will prepare a final performance report and submit it to the EPA Brownfields Project Manager within 120 calendar days after the expiration or termination of the award. The report will cover the entire project period, including the same information as the Quarterly Progress Reports and may include before and after photos of the cleanup of the site. In addition, the Final Performance Report will specifically address lessons learned in implementing the brownfields cleanup, successes achieved, and a summary fact sheet of the project.

2.2 TASK 2 – COMMUNITY ENGAGEMENT

Task 2 – Community Engagement	
i.	<u>Project Implementation.</u> City will develop a Public Involvement Plan (PIP) and conduct 8 community meetings at key project milestones. City will work closely with project partners to conduct direct outreach to impacted neighbors, especially Brickyard Terrace, Hawk’s View Elementary School, and The Springs senior living facility. City has budgeted participant support costs, including stipends to cover time, loss of wages to attend meetings, and other incentives/costs associated with meeting attendance, including transportation and childcare.
ii.	<u>Schedule.</u> Oct. 1, 2024 to Sept. 30, 2028. Community meetings in Nov. 2024 (kickoff, ABCA review, reuse visioning), Mar. 2025 (ABCA review/finalization, reuse visioning), Jul. 2025 (reuse visioning), Dec. 2025 (pre-construction, cleanup plan development), May and Dec. 2026 (cleanup), May 2027 (post-cleanup) and Mar. 2028 (grant completion). Other meetings as needed.
iii.	<u>Task/Activity Lead.</u> City <u>Assist.</u> QEP
iv.	<u>Outputs.</u> 1 PIP, 16 City Council updates, 8 community meetings and notes/attendance/recordings, website and online information repository, 16 press releases/blogs/website updates/social media posts, and direct community outreach as needed.

2.2.1 Community Outreach and Involvement

The City’s priority is to meaningfully engage and solicit from stakeholders directly impacted by the project, especially underserved communities in Brickyard Terrace. The City will develop a PIP to build on past community engagement efforts and meaningfully engage as many diverse stakeholders as possible. The PIP will outline planned engagement activities according to project timelines, target audiences, and engagement best practices. The City anticipates holding eight in-person community meetings, with virtual options to facilitate maximum participation. Reuse visioning will occur at several meetings (Table 7), and meetings will coincide with major project milestones like project initiation (meeting 1), ABCA-Rev 2 finalization (meeting 2), development of cleanup plans and selection of remediation contractor (meetings 3, 4), cleanup (meetings 5, 6), post-cleanup (meeting 7) and grant closeout (meeting 8).

The City will engage the following partners:

Organization	Contact Name & Info	Organization Purpose & Project Role
Sherwood City Council	Mayor Tim Rosener rosenert@sherwoodoregon.gov 503.625.4246	Advertise community meetings via websites, newsletters, and social media. Facilitate public meetings and engage the community around Site reuse. Collect and share community feedback and questions with City staff and advise on community engagement and messaging.
Clean Water Services (regional water resource management utility)	Elle Wörrlein, PE, Development Services Program Manager; 503.681.3650 worrleine@cleanwaterservices.org	Provide subject matter expertise and engage community on Site redevelopment, infrastructure development, and watershed impacts. Advertise community meetings via website, billing notices, newsletters, and social media.
Sherwood School District	Jessie Palmer, Environmental Science Teacher (Sherwood High School) jpalmer@Sherwood.k12.or.us 503.825.6000	Engage youth in educational opportunities related to environmental careers and provide project details/community meeting information in multiple languages to students and families.
Tualatin River National Wildlife Refuge (US Fish and Wildlife Service)	Richard Mykut, Wildlife Biologist Richard_Mykut@fws.gov 503.625.5944	Subject matter expert on benefits of protecting and connecting bike/ped with TRNWR. Help with outreach via events, e.g. TRNWR Migratory Bird Festival.
Sherwood Chamber	Renee Brouse, Exec. Director Chamber@sherwoodchamber.org 503.625.7800	Engaging/informing business leaders, hosting speakers and outreach events, advertising, and hosting public meetings.
Tualatin Valley Fire & Rescue	Deric Weiss, Fire Chief; dweiss@tvfr.org ; 503.649.8577	Hosting public meeting events at Station 33's community meeting room, near Site.

2.2.2 Project Updates and Other Public Information

The City will work with project partners to advertise meetings via partner newsletters, social media, websites, and the newspaper. The City will collect meeting attendance, record all public comments, and consider them in cleanup implementation. The City will transparently post online and share in subsequent public meetings which feedback it incorporated and how, and which it did not or could not, and why.

The City will publish monthly blogs, articles, social media posts, website updates, or press releases to keep the community informed throughout the project, including quarterly updates at City Council meetings. It will work with project partners to provide at least two field trips to support community and career education for diverse stakeholders like youth, Brickyard Terrace residents, and underserved communities.

2.3 TASK 3 – CLEANUP PLANNING

Task 3 – Cleanup Planning
i. <u>Project Implementation</u> . Activities will include a 30-day ABCA public review and comment period; finalizing the updated ABCA (ABCA – Rev 2) to incorporate comments from public notice and regulatory review; obtaining approval from R10 EPA Project Manager; securing all permits/regulatory approvals;

developing Site cleanup plans including HASP, QAPP and SAP; completing 100% design documents; preparing bid documents for soliciting cleanup contractors; and completing bidding process.
ii. <u>Schedule</u> . Jan. 1, 2025 to June 30, 2026
iii. <u>Task/Activity Lead</u> . QEP Assist. City
iv. <u>Outputs</u> . 1 final ABCA; 1 HASP, QAPP, SAP; 100% design documents; 1 set of bid documents; 1 cleanup plan

2.3.1 Proposed Cleanup Plan

The preferred remedial action (ABCA Alternative 2) includes excavation and off-site transportation of animal hides and contaminated soils and sediments with metals concentrations above cleanup levels. This includes approximately 25,300 cubic yards of hides and comingled soils, 17,000 cubic yards of contaminated soils and sediments from the north and south sedimentation lagoons, 2,725 cubic yards of sediments outside the lagoons in the Rock Creek floodplain.

2.3.2 ESA and NHPA requirements

All project activities will be conducted in full compliance with the Endangered Species Act (ESA) and National Historic Preservation Act (NHPA). The project manager shall be responsible for providing the EPA's Project Officer all of the necessary documentation to expedite review under ESA and NHPA. This information will include the location of the project, any threatened or endangered species or habitat which may be affected by the project, whether the site is considered to be of concern by the State Historic Preservation officer, a list of Tribes who may believe the site or project could disturb cultural resources, and an evaluation as to whether remediation plans could have adverse effects on endangered species or cultural resources.

2.3.3 Quality Assurance Project Plan (QAPP), Sampling and Analysis Plan (SAP), and Health and Safety Plan

A robust Quality Assurance/Quality Control (QA/QC) process will be implemented. This will include preparation of a Quality Assurance Project Plan (QAAP), Sampling and Analysis Plan (SAP), and Contaminated Media Management Plan, which will cover all project sampling activities. In addition, a site-specific Health and Safety Plan (HASP) will be prepared. The HASP will protect on-site workers and other on-site personnel, and will be prepared in accordance with the Occupational Safety and Health Administration (OSHA). Specific procedures will be followed to reduce or eliminate the potential exposure to contamination.

The QAPP and SAP will be prepared and submitted to DEQ and EPA for review and approval before any cleanup work commences. A copy of the HASP also will be submitted to DEQ. The City's selected QEP will have the lead responsibility for preparing the required QAPP, SAP, and HASP documents and submitting them and securing all appropriate signatures. A copy of the QAPP and SAP will be placed in the cooperative agreement file.

2.3.4 Final Cleanup Plans: Remedial Action Plan (RAP) and Contaminated Media Management Plan (CMMP)

The Final Cleanup Plans (RAP and CMMP) will cover all aspects of the cleanup process, including objectives, approach, safety considerations, timelines for the soil removal and transport, stormwater management during construction activities and infrastructure installation. Information will include dust control measures to protect individuals from contaminant or dust exposure and truck egress and fencing controls to prevent exposure to contamination. On-site activities will be restricted to daytime working hours to limit noise exposure. The City and QEP will coordinate with DEQ and EPA so that appropriate protection is provided for sensitive populations during cleanup activities.

The documents will be submitted to the Oregon DEQ project manager for concurrence that the Cleanup Plans will meet State cleanup requirements. Because part of the site will be used as a public space, public confidence in the adequacy of the cleanup is paramount. The City’s selected QEP will have the lead responsibility for preparing the required RAP and CMMP documents and submitting for DEQ approval.

2.3.5 Cleanup (Remedial) Design

The City’s selected QEP will have the lead responsibility for preparing draft and final versions of the Remedial Design (RD) plans and specifications, and preparation of bidding documents, with oversight from the City’s project manager and DEQ. A copy of the RD will be provided to DEQ.

2.4 TASK 4 – SITE CLEANUP

Task 4 – Site Cleanup	
i.	<u>Project Implementation</u> . The majority of grant funds support Site cleanup. The City will competitively procure a remediation contractor(s) in compliance with state regulations and 2CFR 200.317-326, which Project Manager will oversee with QEP assistance. Contractor cleanup activities will include excavation, removal, and disposal of contaminated soil, sediment, and hides, as well as wetland restoration. QEP will work with City to ensure cleanup meets state, City, and federal regulations.
ii.	<u>Schedule</u> . May 1, 2026 to Apr. 30, 2028
iii.	<u>Task/Activity Lead</u> . Contractor <u>Assist</u> . City and QEP
iv.	<u>Outputs</u> . 1 grant close-out report detailing cleanup progress and any remaining needs

2.4.1 Cleanup Activities

The cleanup task will be led by the QEP with oversight from the City’s project manager. The preferred cleanup remedy is Alternative 2 from the ABCA and is based upon DEQ requirements. Contaminated sediments will be excavated during dry weather conditions when the water table is lower and sediments are not saturated. If necessary, sediments will be temporarily stockpiled on plastic sheeting and allowed to dry before transporting off site to an appropriate landfill (anticipated to be Hillsboro Landfill 18 miles away). Approximately 45,025 cubic yards of total material (hides, contaminated soils, and contaminated sediments) will be excavated. Excavated areas will be backfilled and compacted to existing grade with suitable fill from the berms of the existing sedimentation lagoons or imported from a local source. An area of 3.9 acres of designated wetlands in the excavated area will be restored and enhanced, including sedimentation lagoon berm areas, which will be converted into a constructed wetland. The City is exploring options with the Oregon Department of State Lands (DSL) that could allow it to use cleanup to establish these 3.9 acres of restored and improved wetlands as a mitigation bank. This alternative will allow for the greatest amount of wetland reconstruction and would contribute to enhanced flood control along Rock Creek and TRNWR. The City will follow green remediation best practices where possible, such as use of biodiesel where practical. Oregon DEQ will provide state oversight for the Voluntary Cleanup Program, and will oversee the requirements of the Prospective Purchaser Agreement’s Easement and Equitable Servitudes.

2.4.2 Confirmation sampling

Post-cleanup confirmatory sampling and monitoring will be performed. Confirmatory soil sampling will be performed to document concentrations of contaminants on the “leave” surface. Depending on the concentrations remaining in soil, follow-up groundwater monitoring (monitored natural attenuation [MNA]) in up to four groundwater monitoring wells may then be implemented for up to four quarters. DEQ and EPA approval of the QAPP and SAP will be obtained before sampling begins. In addition to sampling/monitoring for contaminants, the success of the revegetation will also be monitored. Memo-style reports will be prepared that

will include a discussion of field activities, copies of analytical reports, and tables and graphs (for ease in tracking cleanup progress).

2.4.3 Final Cleanup Report

At the end of monitoring (groundwater and revegetation monitoring as required), the QEP will prepare a comprehensive Cleanup Completion Report that confirms the cleanup is complete and meets the cleanup standards identified in the Final Cleanup Plans. The report will include a Residual Risk Assessment (RRA). Institutional controls will consist of the same Easement and Equitable Servitude (EES) that currently exists for the Site. This will enforce the maintenance of engineering controls and prevent use of groundwater. The CMMP will be updated, as necessary, for use by future contractors. It is anticipated that following the completion of this task the Oregon DEQ will issue a No Further Action (NFA) finding for the Site.

FINAL APPROVED
DRAFT

3. SCHEDULE AND DELIVERABLES

DUE DATE For grant award 10/24/2024	ITEM	Send to:			
		EPA PO	STATE	EPA GRANTS	EPA FINANCE
Month 1	Property Profile Form entered in ACRES or submitted to PO	X			
Month 1	Fact sheet - project starting	X			
Month 2	Final ABCA	X	X		
Month 3	Procure Environmental Cleanup Planning, Cleanup Activities contractor, and Public Involvement Contractors	X			
Month 5	Contractor Selection Process Completed, Contract Executed	X			
Month 5	Public Involvement Plan	X			
Month 6	Final Cleanup Plan	X	X		
Month 7	Remedial Design	X	X		
Before fieldwork begins	QAPP / Health and Safety Plan	X			
Before field work begins	Endangered Species Act (ESA) & National Historic Preservation Act (NHPA) Letters	X			
Months 9-30	Cleanup implementation	X			
Month 30-32	Final Cleanup Report	X			
Every three months	Quarterly Progress Report (QPR)	X			
Annually by Oct. 30	DBE Report (MBE/WBE) (DBE = Disadvantaged Business Enterprises) Reports must be submitted annually by October 30th of each year. For forms & more information, visit: https://www.epa.gov/resources-small-businesses	X (copy)		X	
With Quarterly Progress Reports (QPR)	Photos and Lessons Learned	X			
As Needed	Requests for Reimbursement – see Administrative Terms & Conditions				X
Month 36	Fact Sheet - Cleanup results	X			

DUE DATE For grant award 10/24/2024	ITEM	Send to:			
		EPA PO	STATE	EPA GRANTS	EPA FINANCE
Month 36 - 39	Final Federal Financial Report (FFR) (SF425) & Final Drawdown For forms & more information, visit: https://www.epa.gov/grants/epa-grantee-forms	X (copy)		X (copy)	X
Month 36 - 39	Closeout: Final Project Report with Summary Fact Sheet, Photos, and Lessons Learned	X			

4. BUDGET

4.1 Budget Table

Brownfield Cleanup Project Budget Table					
Budget Category	Task 1 Project Management	Task 2 Community Outreach	Task 3 Cleanup Planning	Task 4 Site Cleanup	Total
Personnel	\$15,680	\$12,460	\$9,100	\$16,800	\$54,040
Fringe Benefits	\$6,272	\$4,984	\$3,640	\$6,720	\$21,616
Travel	\$10,650	\$0	\$0	\$0	\$10,650
Equipment	\$0	\$0	\$0	\$0	\$0
Supplies	\$0	\$2,500	\$0	\$0	\$2,500
Contractual	\$21,200	\$25,800	\$179,400	\$205,185	\$431,585
Construction	\$0	\$0	\$0	\$4,413,259	\$4,413,259
Participant Support Costs	\$0	\$15,000	\$0	\$0	\$15,000
Other	\$1,350		\$20,000	\$30,000	\$51,350
Total Direct Costs	\$55,152	\$60,744	\$212,140	\$4,671,964	\$5,000,000
Indirect Costs	\$0	\$0	\$0	\$0	\$0
Total Budget (Direct + Indirect Costs)	\$55,152	\$60,744	\$212,140	\$4,671,964	\$5,000,000
✓ Travel to brownfields-related training conferences is an acceptable use of these grant funds. Conference registration fees should be included under the "Other" budget category.					

- ✓ EPA defines equipment as items that cost \$5,000 or more with a useful life of more than one year. Items costing less than \$5,000 are considered supplies. Generally, equipment is not required for Brownfield Grants.
- ✓ Administrative costs (direct and/or indirect) for the Assessment Grant applicant itself cannot exceed 5% of the total EPA-requested funds.

Pre-Award Costs:

Pre-award costs will support the following tasks and items if EPA awards the grant after October 1, 2024:

- **Public Involvement Plan.** The City will prepare a draft Public Involvement Plan (PIP) to facilitate community outreach and education about the planned cleanup and redevelopment.
- **DEQ kick-off meeting.** The City and its QEP will attend a project kick-off meeting with DEQ. The meeting will 1) identify what additional environmental testing is required at the site to address data gaps, and 2) confirm reporting requirements, including the types and formats of reports DEQ is expecting.
- **Fencing.** Perimeter fencing will be installed to secure the site and prevent potential exposure to contaminants.
- **Site topographic survey.** A site survey will be conducted to provide data necessary for preparation of cleanup plans and specifications.
- **Preliminary permitting meetings.** The City and its QEP will hold pre-permit application meetings with regulatory agencies and stakeholders such as US Army Corps of Engineers, Clean Water Services, and Oregon Department of State Lands.
- **Conduct Environmental Data Gap Sampling.** Based on the kick-off meeting with DEQ, the City's QEP will prepare a Sampling and Analysis Plan (SAP) for DEQ approval. Sampling and analytical testing will commence upon approval.
- **Project management.** This includes any coordination with EPA, the QEP, and other stakeholders, as well as required grant reporting.

All pre-award costs are included in the budget with the exception of fencing (estimated at \$29,700) and data gap sampling, which is projected at approximately \$40,000. A final number will be available following the kick-off meeting with DEQ. If needed, the City will reallocate funding from task 4 (Site Cleanup) to cover these unbudgeted pre-award costs.

4.2 Budget Narrative

Personnel time outlined in all tasks is for Jason Waters, a full time employee with the City of Sherwood and amounts to approximately 1% of Jason's hours charged during the four year duration of the grant.

Task	Cost Basis and Assumptions	Average Rate of \$70 per hour for City personnel, \$190 per hour for QEP
1. Project Management	<u>Personnel and Fringe Benefits: \$21,952 (\$15,680 personnel + \$6,272 fringe benefits)</u> • 48 monthly team meetings with prep/follow-up (\$98/hr [\$70/hr personnel + \$28/hr fringe] x 48 hrs = \$4,704) • Provide project oversight, such as reviewing QEP-prepared reports (\$98/hr x 80 hrs = \$7,840)	

Task	Cost Basis and Assumptions	Average Rate of \$70 per hour for City personnel, \$190 per hour for QEP
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Travel Costs: \$10,650

- National Brownfields Training Conference (1 conference x 3 people x \$1,600/person = \$4,800). Attendees will include three (3) City staff. Assumes:
 - Three nights' lodging @ \$250/night (\$250 x 3 nights x 3 people = \$2,250)
 - Per diem @ \$65/day (\$65 x 3 days x 3 people = \$585)
 - Airfare @ \$355/person (\$300 x 3 people = \$1,065)
- Total travel to National Brownfields Training Conference = \$3900 State or regional Brownfields conferences (3 conferences x 3 people x \$800/person = \$7,200) Attendees will include three (3) City staff. Assumes:
 - Three nights' lodging @ \$150/night (\$150 x 3 nights x 3 people x 3 conferences) = \$4,050
 - Per diem @ \$65/day (\$65 x 3 days x 3 people x 3 conferences = \$1,755)
 - Mileage @ \$0.56/mile (\$0.56/mile x 187 miles roundtrip average/conference x 3 people x 3 conferences = \$943)
 - Conference registration @ \$50/person (\$50 x 3 people x 3 conferences = \$450)
 - Total travel to regional or state conferences = \$6750

Contractual Costs: \$21,200.

- 48 project team meetings (48 x \$200/hr x 1 hr = \$9,600)
- 15 quarterly reports (15 x \$200/hr x 2 hrs = \$6,000)
- 1 final summary report (12 hours x \$200/hr = \$2,400)
- ACRES updates (16 x \$200 x 1 hr = \$3,200)

Other Costs: \$1350

- National Conference registration @ \$300/person (\$300 x 3 people = \$900)
- State or Regional Conference registration @ \$50/person (\$50 x 3 people x 3 conferences = \$450)

2. Community Engagement

Personnel and Fringe Benefits: \$17,444 (\$12,460 personnel + \$4,984 fringe benefits)

- Review/finalize PIP (\$98/hr [\$70 personnel + \$28 fringe] x 8 hrs = \$784)
- Plan/facilitate 8 community outreach meetings (\$98/hr x 48 hrs = \$4,704)
- Conduct direct outreach to key constituencies (\$98/hr x 50 hrs = \$4,900)
- Monthly updates for social media, website, press (\$98/hr x 72 hrs = \$7,056)

Supplies: \$2,500.

Production of printed outreach materials and information signage for direct community outreach, such as fliers and posters (\$2,500)

Contractual Costs: \$25,800.

- Public Involvement Plan (12 x \$200/hr = \$2,400)
- Community outreach meetings (8 x \$200/hr = \$1,600)
- Articles/media and website updates (39 hrs x \$200/hr = \$7,800)
- Direct engagement with impacted stakeholders (50 hrs x \$200/hr = \$10,000)
- Interpretation and translation (20 hrs x \$200/hr = \$4,000)

Participant Support Costs (PSCs): \$15,000.

City will obtain approval from EPA before paying out PSCs and will track disbursements. Assumes:

Task	Cost Basis and Assumptions (Average Rate of \$70 per hour for City personnel, \$190 per hour for QEP)
	\$5,000 (\$100/hr x 50 hours) for childcare provider for after-hours community meetings \$6,000 (\$30/hour x 200 hours) in stipends to cover time and lost wages due to meeting attendance \$3,000 to support transportation expenses for meeting attendance \$1,000 (\$50 x 20) to support incentives for attendance and feedback, such as gift cards
3. Cleanup Planning	<u>Personnel and Fringe Benefits: \$12,740 (\$9,100 personnel + \$3,640 fringe benefits)</u> Project oversight, including ABCA review/finalization, review remedial design documents, support permitting efforts, review site workplans, prepare bid documents, attend pre-bid site meetings, evaluate bids and check references, select contractor and coordinate with/oversee QEP (\$98/hr [\$70 personnel + \$28 fringe] x 130 hrs = \$12,740 <u>Contractual Costs: \$179,400.</u> - Update and finalize ABCA incorporating comments from public notice and regulatory review (average rate of \$150/hr x 50 hours = \$7,500) - Remedial design (\$170/hr x 105 hrs = \$17,850) - Permitting (\$170/hr x 175 hours = \$29,750 + \$15,000 permit fees = \$44,750) - Develop Site Workplans including HASP, QAPP, and SAP (\$150/hr x 60 hour = \$9,000) - Prepare 100% design documents; prepare bid documents; attend pre-bid site meetings; assist as requested with bid evaluation and reference checking to support contractor selection (\$170/hr x 90 hours = \$15,300) - Sampling/Testing of Soil samples for Per-and polyfluoroalkyl substances (PFAS/PFOS) (\$150/hr x 100 hours = \$15,000 + \$4,000 driller costs + Lab tests @ 10 samples x \$500 = \$5,000; Total = \$24,000) - Surveying (\$200/hr x 250 hrs = \$50,000 + \$11,000 equipment = \$61,000) <u>Other Costs: \$20,000</u> DEQ oversight (\$200/hr x 100 hrs = \$20,000)
4. Site Cleanup	<u>Personnel and Fringe Benefits: \$23,520 (\$16,800 personnel + \$6,720 fringe benefits)</u> Oversight of QEP, regulatory communication and correspondence, closeout report (\$98/hr [\$70/hr personnel + \$28/hr fringe] x 240 hrs = \$23,520) <u>Contractual Costs: \$205,185</u> - Excavation oversight/monitoring and closure sampling (\$111/hr x 885 hrs = \$98,235) - Surveying (\$200/hr x 100 hrs = \$20,000) - Regulatory correspondence and communications throughout project, prepare construction/closeout reports (\$175/hr x 450 hrs = \$78,750) - Laboratory analysis for chromium (\$20/sample x 410 samples = \$8,200) <u>Construction costs: \$4,413,259</u> - Cost estimates from 2018 draft ABCA, updated to 2023 dollars. Contractor site preparation/mobilization/demobilization (588.25 hrs x \$170/hr = \$100,000) - Vegetation removal (\$3,500/acre x 17 acres = \$59,500) - Install gravel surfacing to minimize erosion, prevent contamination spread (\$50/CY x 3,500 CY = \$175,000) - Excavation and grading (\$20/CY x 50,000 CY = \$1,000,000)

Task	Cost Basis and Assumptions	Average Rate of \$70 per hour for City personnel, \$190 per hour for QEP
	- Transport/disposal of contaminated soil/hides to appropriate landfills (\$67/ton x 37,836 tons = \$2,535,009) - Wetland restoration (\$43,500/ac x 12.5 ac = \$543,750)	
	Other costs: \$30,000	
	DEQ oversight (\$200/hr x 150 hrs = \$30,000)	

Notes

ABCA=Analysis of Brownfield Cleanup Alternatives
 ACRES=Assessment, Cleanup & Redevelopment Exchange

HASP=Health & Safety Plan
 hr=Hour
 QAPP=Quality Assurance
 Project Plan

QEP=Qualified Environmental Professional
 SAP=Sampling & Analysis Plan

FINAL APPROVED
 DRAFT

TO: Sherwood City Council

FROM: Rich Sattler, Interim Public Works Director

Through: Craig Sheldon, City Manager and Sebastian Tapia, Interim City Attorney

SUBJECT: **Resolution 2024-077, Authorizing City Manager to Enter into a Contract with Northwest Success for Janitorial Services, Hard Floor Maintenance, Carpet and Window Cleaning**

Issue: Shall the City Council authorize the City Manager to enter into a contract with Northwest Success for Janitorial Services, Hard Floor Maintenance, Carpet and Window Cleaning?

Background: The City of Sherwood has contracted for janitorial services for several years for all City facilities and the permanent restrooms at Snyder Park, Stella Olsen Park, Woodhaven Park and the Cannery Plaza.

Oregon Revised Statutes (ORS) 279.835 to 279.855 outline the requirements for public agencies to procure products or services using the State's Oregon Forward program (formerly known as the Qualified Rehabilitation Facility program (QRF)). This program fulfills a state law supporting meaningful work opportunities for Oregonians living with physical, mental, and developmental disabilities.

The Oregon Department of Administrative Services (DAS) manages the products of the disabled program. DAS qualifies each Oregon Forward Contractor (OFC) in Oregon and manages the list of those goods and services determined suitable for procurement by state and local governments.

OFC businesses provide permanent jobs for disabled Oregonians. The purpose of the program is to establish long term business partnerships with state and local agencies. To this end, DAS does not require agencies to bid for services provided by OFCs as they are approved by the State. If the relationship is mutually beneficial, the City can continue to work with the OFC for the services we need for as long as we require. The City has contracted with Northwest Success since 2020; they have provided consistent, satisfactory service to the City and their pricing has remained reasonably consistent.

Financial Impacts: The contract amount of \$301,268.36 is approved in the budget. Staff is requesting 5% (\$15,063.42) contingency for potential change orders to this contract that may include emergency janitorial services or changes in frequency to the current scope of work, if/when needed.

As this program does not require a competitive bid process for Oregon Forward services, this contract will be renewed yearly without the need to solicit bids, provided the costs do not increase unreasonably.

Recommendation: Staff respectfully recommends City Council approval of Resolution 2024-077, authorizing the City Manager to enter into a contract with Northwest Success for Janitorial Services, Hard Floor Maintenance, Carpet and Window Cleaning.



RESOLUTION 2024-077

AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH NORTHWEST SUCCESS FOR JANITORIAL SERVICES, HARD FLOOR MAINTENANCE, CARPET AND WINDOW CLEANING

WHEREAS, the City of Sherwood has a need for professional custodial services; and

WHEREAS, ORS 279.835 – 279.855 sets forth the requirements for public agencies to procure products and or services using Oregon Forward Contractors (OFC), formerly the Qualified Rehabilitation Facility program (QRF); and

WHEREAS, the State of Oregon has approved all contractors in the OFC program and encourage public agencies to retain contracts with current OFCs when they are satisfied with the work performed by the OFC; and

WHEREAS, Northwest Success (an OFC) has provided janitorial services for the City since 2020 and continues to provide satisfactory service to the City for janitorial services.

NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

Section 1. The City Manager is authorized to enter into a contract with Northwest Success for Janitorial Services, Hard Floor Maintenance, Carpet and Window Cleaning in the initial amount of \$301,268.36 and to execute change orders to this contract in an amount not to exceed 5% (\$15,063.42) of the annual base price.

Section 2. This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 3rd of December 2024.

Tim Rosener, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

TO: Sherwood City Council

FROM: David Bodway, Finance Director

Through: Craig Sheldon, City Manager and Sebastian Tapia, Interim City Attorney

SUBJECT: Resolution 2024-078, Authorizing an Interfund Loan from the Community Investment Fund to the Broadband Fund

Issue:

Should the City of Sherwood authorize an Interfund Loan from the Community Investment Fund to the Broadband Fund?

Background:

On May 23, 2024, a meeting was held with the budget committee that discussed a \$2,400,000 interfund loan from the Community Investment Fund to the Broadband Fund. In addition, and a part of the budgeting process the budget committee approved the budget on May 23, 2024 as presented and City Council formally adopted the approved budget as recommended by the budget committee on June 18, 2024.

Currently the Broadband Fund has limited resources and is requesting a \$2,400,000 loan from the Community Investment Fund to continue the buildout of the city's fiber infrastructure. This is a capital related project.

ORS 294.468 allows a local government to loan money from one fund to another and this type of borrowing has been utilized by the city in the past.

Financial Impacts:

There are no immediate financial impacts of approving this resolution. However, the yearly loan repayment must be budgeted and will be a part of the annual budgeting process.

Recommendation:

Staff respectfully recommends City Council adoption of Resolution 2024-078, Authorizing an Interfund Loan from the Community Investment Fund to the Broadband Fund.



RESOLUTION 2024-078

**AUTHORIZING AN INTERFUND LOAN FROM THE COMMUNITY INVESTMENT FUND
TO THE BROADBAND FUND**

WHEREAS, the City of Sherwood is permitted under ORS 294.468 to loan money from one fund to another, provided the loan is authorized by an official resolution; and

WHEREAS, the resolution must state the fund from which the loan is made and the fund to which the loan is made, the purpose of the loan, the principal amount of the loan, interest rate and repayment schedule; and

WHEREAS, this loan is considered a capital loan and must be repaid in full within 10 years; and

WHEREAS, the Community Investment Fund consists of unrestricted funds; and

WHEREAS, inter-fund loans are less expensive to the City as a whole than external borrowings.

NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

Section 1. **Approval of the Interfund Loan.** The Community Investment Fund shall pay to the Broadband Fund \$2,400,000 to assist with the continue buildout of the city's fiber infrastructure. Such loan shall bear interest at 5%, which is the rate earned on the City's deposit in the State Local Government Investment Pool for the effective date nearest the date of this resolution; and be paid in equal installments over ten years, with the first annual payment due December 3, 2025. The loan may be prepaid without penalty.

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Section 2. Loan Repayment Schedule.

Fiscal Year	Interest	Principal	Ending Balance
23-24			2,400,000.00
24-25	115,690.09	189,778.60	2,210,221.40
25-26	105,980.65	199,488.03	2,010,733.37
26-27	95,774.47	209,694.22	1,801,039.15
27-28	85,046.11	220,422.57	1,580,616.58
28-29	73,768.88	231,699.81	1,348,916.77
29-30	61,914.67	243,554.01	1,105,362.76
30-31	49,453.99	256,014.70	849,348.06
31-32	36,355.79	269,112.89	580,235.17
32-33	22,587.46	282,881.22	297,353.95
33-34	8,114.72	297,353.95	-

Section 3. Effective Date. This Resolution shall become effective upon its approval and adoption.

Duly passed by the City Council this 3rd day of December 2024.

Tim Rosener, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

TO: Sherwood City Council

FROM: Jason Waters P.E., City Engineer
Through: Craig Sheldon, City Manager, Rich Sattler, Interim Public Works Director, and Sebastian Tapia, Interim City Attorney

SUBJECT: **Resolution 2024-079, Authorizing the City Manager to Sign an Intergovernmental Agreement (IGA) with the Oregon Department of Transportation (ODOT) for the Construction of SW Ice Age Drive**

Issue:

Shall the City Council authorize the City Manager to sign an Intergovernmental Agreement (IGA) with the Oregon Department of Transportation (ODOT) for the construction of SW Ice Age Drive using federal transportation funds?

Background:

ODOT is one of just a few government agencies in Oregon certified by the Federal Highway Administration (FHWA) to deliver federally funded transportation projects. Neither the City, Washington County nor any city part of the Metro MPO are certified to administrate the distribution of federal funds. Therefore the \$3M in federal funds acquired through the 2019 Regional Federal Flexible Allocation (RFFA) project grant must be administered or “let” through ODOT, which requires the execution of intergovernmental agreements (IGAs) for the applicable phase(s) of the project (e.g. feasibility/plan development <30%, design, ROW, construction).

Unlike the Cedar Creek Trail project which was almost entirely funded through the federal funds along a minimum local match of 11% yet per the IGA also required the City to deposit and commit matching funds covering 110% of the final engineer-cost-estimate, the City’s share of the construction deposit could exceed \$18M after the \$3M in federal funds are deducted, so it’s a much different scenario now for the City with a majority locally funded project that must meet federal regulations.

Failure to sign the IGA in a timely manner could cause the bid advertisement to get rescheduled at a later date this spring, which could cause the construction schedule to span 2 summers or cost more in order to compress the work into a shorter period over a single summer.

This resolution authorizes the City Manager to the associated IGA in similar form as approved by the City Attorney. Approval of this resolution does not authorize the City Manager to deposit the construction funds outlined in the IGA, which is based upon the final engineer’s cost estimate multiplied by 110%. Authorization for the City Manager to deposit the full amount with ODOT for construction per the IGA will come only after the expenditure is approved by the City Council.¹

¹ Current anticipated amount to be deposited with ODOT for construction minus the \$3M federal funds ranges from \$16.5M to \$18.5M (\$17.25M current budget amount) and subject to change based upon review and acceptance by the ODOT Procurement Office as invoiced to the City in January 2025. Project costs, funding sources, and cost savings options will be presented with loan approvals and separate budget actions.

Construction costs to be administered through ODOT are currently estimate at \$17,750,000 including all construction administration, management and inspection costs, which multiplied by 1.1 equals approximately \$19,500,000 due for all construction costs to be administered through ODOT with \$16,500,000 due after the \$3M in federal funds are deducted for a lowest deposit amount likely of \$16.5M up to \$18.0M maximum with the final amount due based upon the cost estimates submitted with the final plans, specification and estimate (PS&E) submittal to ODOT due in a few weeks.

Financial Impacts:

None directly associated with the approval of this resolution authorizing the City Manager to execute the IGA with deposit amount pending authorization through a separate budget action.

Recommendation:

Staff respectfully recommends City Council approval of Resolution 2024-079, authorizing the City Manager to sign an Intergovernmental Agreement (IGA) with the Oregon Department of Transportation (ODOT) for the construction of SW Ice Age Drive.



RESOLUTION 2024-079

**AUTHORIZING THE CITY MANAGER TO SIGN AN INTERGOVERNMENTAL AGREEMENT (IGA)
WITH THE OREGON DEPARTMENT OF TRANSPORTATION (ODOT) FOR THE
CONSTRUCTION OF SW ICE AGE DRIVE**

WHEREAS, the SW Ice Age Drive Improvements establishes a new collector street running east-west through the industrial lands in the Tonquin Employment Area (TEA) per the City's Transportation System Plan (TSP Project D20), including the utility infrastructure within the public right-of-way, and multi-modal transportation facilities through the corridor in compliance with the Americans with Disabilities Act of 1990; and

WHEREAS, City Council Resolution 2019-049 directed staff to apply for \$3M in federal transportation funds for the construction of SW Blake Street now known as SW Ice Age Drive between SW 124th Avenue and SW Oregon Street; and

WHEREAS, in June 2019 staff submitted an application through Metro in response to the 2022-2024 Regional Flexible Fund Allocation (RFFA) call for projects; and

WHEREAS, \$3M in federal funds were awarded to the City of Sherwood in 2020 and in late 2022 finally authorized for spending on the Construction Phase and programmed as such in the State Transportation Improvement Plan (STIP) and Metropolitan Transportation Improvement Plan (MTIP); and

WHEREAS, ODOT is scheduled to advertise the project for construction bids in February 2025 with a March 2025 bid opening date assuming a timely deposit of the construction funds with ODOT; and

WHEREAS, City of Sherwood Resolution 2018-068 delegated contract authority to the City Manager with the limitation that intergovernmental agreements shall require City Council approval regardless of dollar amount; and

WHEREAS, the actual construction deposit amount to be transfer to the state prior to the bid award in early 2025 will be authorized once approved by City Council via separate action; and

WHEREAS, staff and legal counsel from the respective agencies worked together to develop the recommended Intergovernmental Agreement (IGA) for execution.

NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

Section 1. The City Manager is hereby authorized to execute an Intergovernmental Agreement (IGA) with the Oregon Department of Transportation (ODOT) in a form substantially similar to the attached Exhibit A for the construction of SW Ice Age Drive.

Section 2. The City Manager is hereby authorized to deposit the necessary funds with the ODOT for construction per the IGA once the funds are approved in the City budget.

Section 3. This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 3rd day of December 2024.

Tim Rosener, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

A156-G092921

**ODOT Delivered Federal Project
On Behalf of the City of Sherwood**

Project Name: Ice Age Drive: Oregon St – Dahlke Ln (Tonquin)

Key Number: 23524

THIS AGREEMENT ("Agreement") is made and entered into by and between the STATE OF OREGON, acting by and through its Department of Transportation, hereinafter referred to as "State" or "ODOT," and the CITY OF SHERWOOD, acting by and through its elected officials, hereinafter referred to as "Agency," both herein referred to individually as "Party" and collectively as "Parties."

RECITALS

1. By the authority granted in Oregon Revised Statute (ORS) 190.110, 366.572 and 366.576, state agencies may enter into cooperative agreements with counties, cities and units of local governments for the performance of any or all functions and activities that a party to the Agreement, its officers, or agents have the authority to perform.
2. Ice Age Drive between Oregon Street and Dahlke Lane, will be a part of the city street system under the jurisdiction and control of Agency.
3. Agency has agreed that State will deliver this project on behalf of the Agency.
4. The Project was selected as a part of the USDOT FHWA Earmark 2023 and may include a combination of federal and state funds. "Project" is defined under Terms of Agreement, paragraph 1 of this Agreement.
5. The Stewardship and Oversight Agreement On Project Assumption and Program Oversight By and Between Federal Highway Administration, Oregon Division and the State of Oregon Department of Transportation ("Stewardship Agreement") documents the roles and responsibilities of the State with respect to project approvals and responsibilities regarding delivery of the Federal Aid Highway Program. This includes the State's oversight and reporting requirements related to locally administered projects. The provisions of that agreement are hereby incorporated and included by reference.

Agency/State
Agreement No.73000-00029360

NOW THEREFORE the premises being in general as stated in the foregoing Recitals, it is agreed by and between the Parties hereto as follows:

TERMS OF AGREEMENT

1. Under such authority, Agency and State agree to State delivering the construction phase of the Ice Age Drive: Oregon St – Dahlke Ln project on behalf of Agency, hereinafter referred to as "Project." Project includes constructing an approximately one mile east/west industrial collector road between SW Oregon Street and SW Dahlke Lane in Sherwood. The design and right of way phases were completed by Agency using Agency funds. The location of the Project is approximately as shown on the map attached hereto, marked "Exhibit A," and by this reference made a part hereof.
2. Agency agrees that, if State hires a consultant to design the Project, State will serve as the lead contracting agency and contract administrator for the consultant contract related to the work under this Agreement.
3. Project Costs and Funding.
 - a. The total Project cost is estimated at \$20,645,400.00, which is subject to change. Federal funds for the construction phase of the Project shall be limited to \$3,000,000.00. The total cost for the ODOT delivered construction phase for this Project is \$18,317,900.00. Agency shall be responsible for all remaining costs, including any non-participating costs, all costs in excess of the federal funds, and the 10.27 percent match for all eligible costs. Any unused funds obligated to this Project will not be paid out by State and will not be available for use by Agency for this Agreement or any other projects. "Total Project Cost" means the estimated cost to complete the entire Project, and includes any federal funds, state funds, local matching funds, and any other funds.
 - b. With the exception of Americans with Disabilities Act of 1990-related design standards and exceptions, State shall consult with Agency on Project decisions that impact Total Project Cost involving the application of design standards, design exceptions, risks, schedule, and preliminary engineering charges, for work performed on roadways under local jurisdiction. State will allow Agency to participate in regular meetings and will use all reasonable efforts to obtain Agency's concurrence on plans. State shall consult with Agency prior to making changes to Project scope, schedule, or budget. However, State may award a construction contract up to ten (10) percent (%) over engineer's estimate without prior approval of Agency.
 - c. Federal funds under this Agreement are provided under Title 23, United States Code.
 - d. ODOT does not consider Agency to be a subrecipient or contractor under this Agreement for purposes of federal funds. The Catalog of Federal Domestic Assistance (CFDA) number for this Project is 20.205, title Highway Planning and

Agency/State
Agreement No.73000-00029360

Construction. Agency is not eligible to be reimbursed for work performed under this Agreement.

- e. State will submit the requests for federal funding to the Federal Highway Administration (FHWA). The federal funding for this Project is contingent upon approval of each funding request by FHWA. Any work performed outside the period of performance or scope of work approved by FHWA will be considered nonparticipating and paid for at Agency expense.
 - f. Agency guarantees the availability of Agency funding in an amount required to fully fund Agency's share of the Project.
4. The term of this Agreement shall begin on the date all required signatures are obtained and shall terminate upon completion of the Project and final payment or ten (10) calendar years following the date all required signatures are obtained, whichever is sooner.
5. Termination.
- a. This Agreement may be terminated by mutual written consent of both Parties.
 - b. State may terminate this Agreement upon 30 days' written notice to Agency.
 - c. State may terminate this Agreement effective upon delivery of written notice to Agency, or at such later date as may be established by State, under any of the following conditions:
 - i. If Agency fails to provide services called for by this Agreement within the time specified herein or any extension thereof.
 - ii. If Agency fails to perform any of the other provisions of this Agreement, or so fails to pursue the work as to endanger performance of this Agreement in accordance with its terms, and after receipt of written notice from State fails to correct such failures within ten (10) days or such longer period as State may authorize.
 - iii. If Agency fails to provide payment of its share of the cost of the Project.
 - iv. If State fails to receive funding, appropriations, limitations or other expenditure authority sufficient to allow State, in the exercise of its reasonable administrative discretion, to continue to make payments for performance of this Agreement.
 - v. If federal or state laws, regulations or guidelines are modified or interpreted in such a way that either the work under this Agreement is prohibited or if State is prohibited from paying for such work from the planned funding source.
 - d. Any termination of this Agreement shall not prejudice any rights or obligations accrued to the Parties prior to termination.

6. Americans with Disabilities Act Compliance:

- a. When the Project scope includes work on sidewalks, curb ramps, or pedestrian-activated signals or triggers an obligation to address curb ramps or pedestrian signals, the Parties shall:
 - i. Utilize ODOT standards to assess and ensure Project compliance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 as amended (together, “ADA”), including ensuring that all sidewalks, curb ramps, and pedestrian-activated signals meet current ODOT Highway Design Manual standards;
 - ii. Follow ODOT’s processes for design, construction, or alteration of sidewalks, curb ramps, and pedestrian-activated signals, including using the ODOT Highway Design Manual, ODOT Design Exception process, ODOT Standard Drawings, ODOT Construction Specifications, providing a temporary pedestrian accessible route plan and current ODOT Curb Ramp Inspection form; and
 - iii. At Project completion, send a completed ODOT Curb Ramp Inspection Form 734-5020 to the address on the form as well as to State’s Project Manager for each curb ramp constructed or altered as part of the Project. The completed form is the documentation required to show that each curb ramp meets ODOT standards and is ADA compliant. ODOT’s fillable Curb Ramp Inspection Form and instructions are available at the following address:

<https://www.oregon.gov/ODOT/Engineering/Pages/Accessibility.aspx>.

- b. Agency shall ensure that any portions of the Project under Agency’s maintenance jurisdiction are maintained in compliance with the ADA throughout the useful life of the Project. This includes, but is not limited to, Agency ensuring that:
 - i. Pedestrian access is maintained as required by the ADA,
 - ii. Any complaints received by Agency identifying sidewalk, curb ramp, or pedestrian-activated signal safety or access issues are promptly evaluated and addressed,
 - iii. Agency or abutting property owner, pursuant to local code provisions, performs any repair or removal of obstructions needed to maintain the facility in compliance with the ADA requirements that were in effect at the time the facility was constructed or altered,
 - iv. Any future alteration work on Project or Project features during the useful life of the Project complies with the ADA requirements in effect at the time the future alteration work is performed, and

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- v. Applicable permitting and regulatory actions are consistent with ADA requirements.
- c. Maintenance obligations in this section shall survive termination of this Agreement.
- 7. State shall ensure compliance with the Cargo Preference Act and implementing regulations (46 CFR Part 381) for use of United States-flag ocean vessels transporting materials or equipment acquired specifically for the Project. Strict compliance is required, including but not limited to the clauses in 46 CFR 381.7(a) and (b) which are incorporated by reference. State shall also include this requirement in all contracts and ensure that contractors include the requirement in their subcontracts.
- 8. Agency grants State the right to enter onto Agency right of way for the performance of duties as set forth in this Agreement.
- 9. The Parties acknowledge and agree that State, the Oregon Secretary of State's Office, the federal government, and their duly authorized representatives shall have access to the books, documents, papers, and records of the Parties which are directly pertinent to the specific Agreement for the purpose of making audit, examination, excerpts, and transcripts for a period of six (6) years after completion of the Project and final payment. Copies of applicable records shall be made available upon request. Payment for costs of copies is reimbursable by the requesting party.
- 10. The Special and Standard Provisions attached hereto, marked Attachments 1 and 2, respectively, are incorporated by this reference and made a part hereof. The Standard Provisions apply to all federal-aid projects and may be modified only by the Special Provisions. The Parties hereto mutually agree to the terms and conditions set forth in Attachments 1 and 2. In the event of a conflict, this Agreement shall control over the attachments, and Attachment 1 shall control over Attachment 2.
- 11. Agency shall assume sole liability for Agency's breach of any federal statutes, rules, program requirements and grant provisions applicable to the federal funds, and shall, upon Agency's breach of any such conditions that requires the State to return funds to FHWA, hold harmless and indemnify the State for an amount equal to the funds received under this Agreement.
- 12. Agency and State are the only parties to this Agreement and are the only parties entitled to enforce its terms. Nothing in this Agreement gives, is intended to give, or shall be construed to give or provide any benefit or right, whether directly, indirectly or otherwise, to third persons unless such third persons are individually identified by name herein and expressly described as intended beneficiaries of the terms of this Agreement.
- 13. State and Agency hereto agree that if any term or provision of this Agreement is declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the Parties shall be construed and enforced as if the Agreement did not contain the particular term or provision held to be invalid.

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14. Notwithstanding anything in this Agreement or implied to the contrary, the rights and obligations set out in the following paragraphs of this Agreement shall survive Agreement expiration or termination, as well as any provisions of this Agreement that by their context are intended to survive: Terms of Agreement Paragraphs 3.e (Funding), 5.d (Termination), 6.b (ADA maintenance), 9-14, 17 (Integration, Merger; Waiver); and Attachment 2, paragraphs 1 (Project Administration), 7, 9, 11, 13 (Finance), and 38-42 (Maintenance and Contribution).
15. Agency certifies and represents that the individual(s) signing this Agreement has been authorized to enter into and execute this Agreement on behalf of Agency, under the direction or approval of its governing body, commission, board, officers, members or representatives, and to legally bind Agency.
16. This Agreement may be executed in several counterparts all of which when taken together shall constitute one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of this Agreement so executed shall constitute an original.
17. This Agreement and attached exhibits constitute the entire agreement between the Parties on the subject matter hereof. In the event of conflict, the body of this Agreement and the attached exhibits will control over Project application and documents provided by Agency to State. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement shall bind either party unless in writing and signed by both Parties and all necessary approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of State to enforce any provision of this Agreement shall not constitute a waiver by State of that or any other provision. Notwithstanding this provision, the Parties may enter into a Right Of Way Services Agreement in furtherance of the Project.
18. State's Contract Administrator for this Agreement is Katie Gillespie, 123 NW Flanders Street, Portland, OR 97211, katie.j.gillespie@odot.oregon.gov, or assigned designee upon individual's absence. State shall notify the other Party in writing of any contact information changes during the term of this Agreement.
19. Agency's Contract Administrator for this Agreement is Jason M. Waters, PE, City of Sherwood, 22560 SW Pine Street, Sherwood, Oregon, 97140, 503-925-2304, watersj@sherwoodoregon.gov, or assigned designee upon individual's absence. Agency shall notify the other Party in writing of any contact information changes during the term of this Agreement.

THE PARTIES, by execution of this Agreement, hereby acknowledge that their signing representatives have read this Agreement, understand it, and agree to be bound by its terms and conditions.

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This Project is in the 2024-2027 Statewide Transportation Improvement Program (STIP), (Key #23524) that was adopted by the Oregon Transportation Commission on July 13, 2023 (or subsequently by amendment to the STIP).

CITY OF SHERWOOD, by and through its
elected officials

By _____

Title _____

Date _____

By _____

Title _____

Date _____

**LEGAL REVIEW APPROVAL (If required
in Agency's process)**

By _____

Agency Counsel

Date _____

Agency Contact:

Jason M. Waters, P.E.

City of Sherwood

22560 SW Pine Street

Sherwood, OR 97140

503-925-2304

watersj@sherwoodoregon.gov

State Contact:

Katie Gillespie

123 NW Flanders Street

Portland, OR 97211

971-264-4290

Katie.j.gillespie@odot.oregon.gov

STATE OF OREGON, by and through
its Department of Transportation

By _____

Delivery & Operations Division

Administrator

Date _____

APPROVAL RECOMMENDED

By _____

Region 1 Manager

Date _____

By _____

State Traffic Roadway Engineer

Date _____

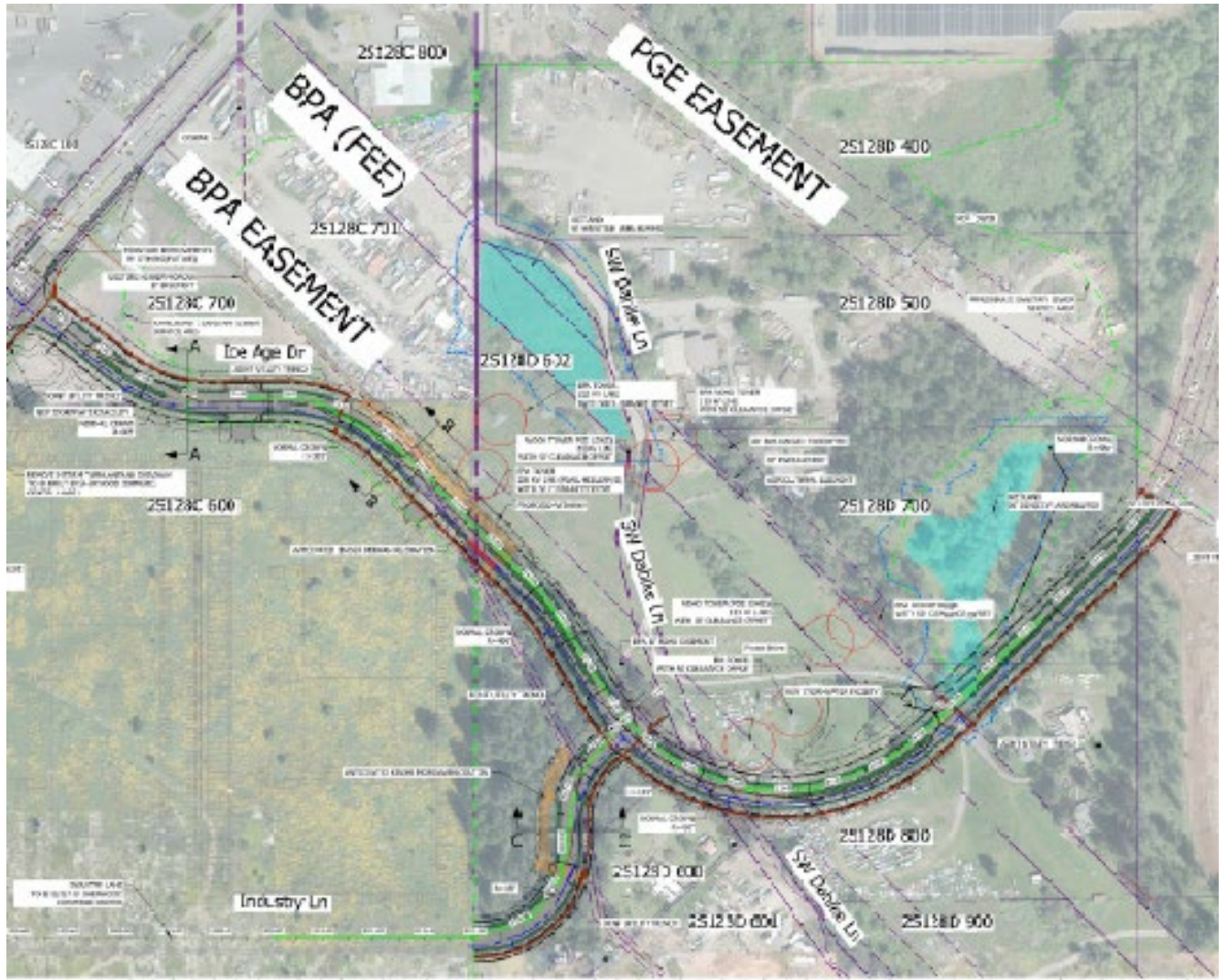
**APPROVED AS TO LEGAL
SUFFICIENCY**

By Janet Borth,

Assistant Attorney General

Date: October 5, 2024

EXHIBIT A – Project Location Map



ATTACHMENT NO. 1 to AGREEMENT NO. 73000-0029360
SPECIAL PROVISIONS

1. State or its consultant shall conduct all work components necessary to complete the Project, except for those responsibilities specifically assigned to Agency in this Agreement.
 - a. State will advertise, bid, and award the construction contract. Upon State's award of the construction contract, a consultant hired and overseen by the State shall be responsible for contract administration and construction engineering & inspection, including all required materials testing and quality documentation. State shall make all contractor payments.
 - b. State will perform project management and oversight activities throughout the duration of the Project. The cost of such activities will be billed to the Project.
2. State and Agency agree that the useful life of this Project is defined as 20 years.
3. If Agency fails to meet the requirements of this Agreement or the underlying federal regulations, State may withhold the Agency's proportional share of Highway Fund distribution necessary to reimburse State for costs incurred by such Agency breach.

ATTACHMENT NO. 2 FEDERAL STANDARD PROVISIONS

PROJECT ADMINISTRATION

1. State (ODOT) is acting to fulfill its responsibility to the Federal Highway Administration (FHWA) by the administration of this Project, and Agency (i.e. county, city, unit of local government, or other state agency) hereby agrees that State shall have full authority to carry out this administration. If requested by Agency or if deemed necessary by State in order to meet its obligations to FHWA, State will act for Agency in other matters pertaining to the Project. Prior to taking such action, State will confer with Agency concerning actions necessary to meet federal obligations. State and Agency shall each assign a person in responsible charge "liaison" to coordinate activities and assure that the interests of both Parties are considered during all phases of the Project.
2. Any project that uses federal funds in project development is subject to plans, specifications and estimates (PS&E) review and approval by FHWA or State acting on behalf of FHWA prior to advertisement for bid proposals, regardless of the source of funding for construction.
3. State will provide or secure services to perform plans, specifications and estimates (PS&E), construction contract advertisement, bid, award, contractor payments and contract administration. A State-approved consultant may be used to perform preliminary engineering, right of way and construction engineering services.
4. Agency may perform only those elements of the Project identified in the special provisions.

PROJECT FUNDING REQUEST

5. State shall submit a separate written Project funding request to FHWA requesting approval of federal-aid participation for each project phase including a) Program Development (Planning), b) Preliminary Engineering (National Environmental Policy Act - NEPA, Permitting and Project Design), c) Right of Way Acquisition, d) Utilities, and e) Construction (Construction Advertising, Bid and Award). Any work performed prior to FHWA's approval of each funding request will be considered nonparticipating and paid for at Agency expense. State, its consultant or Agency shall not proceed on any activity in which federal-aid participation is desired until such written approval for each corresponding phase is obtained by State. State shall notify Agency in writing when authorization to proceed has been received from FHWA. All work and records of such work shall be in conformance with FHWA rules and regulations.

FINANCE

6. Federal funds shall be applied toward Project costs at the current federal-aid matching ratio, unless otherwise agreed and allowable by law. Agency shall be responsible for the entire match amount for the federal funds and any portion of the Project, which is not covered by federal funding, unless otherwise agreed to and specified in the intergovernmental Agreement (Project Agreement). Agency must obtain written approval from State to use in-kind contributions rather than cash to satisfy all or part of the matching funds requirement. If federal funds are used, State will specify the Catalog of Federal Domestic Assistance (CFDA) number in the Project Agreement. State will also determine and clearly state in the Project Agreement if recipient is a subrecipient or contractor, using the criteria in 2 CFR 200.331.

7. If the estimated cost exceeds the total matched federal funds available, Agency shall deposit its share of the required matching funds, plus 100 percent of all costs in excess of the total matched federal funds. Agency shall pay one hundred (100) percent of the cost of any item in which FHWA will not participate. If Agency has not repaid any non-participating cost, future allocations of federal funds or allocations of State Highway Trust Funds to Agency may be withheld to pay the non-participating costs. If State approves processes, procedures, or contract administration that result in items being declared non-participating by FHWA, such items deemed non-participating will be negotiated between Agency and State. Agency agrees that costs incurred by State and Agency for services performed in connection with any phase of the Project shall be charged to the Project, unless otherwise mutually agreed upon by the Parties.
8. Agency's estimated share and advance deposit.
 - a) Agency shall, prior to commencement of the preliminary engineering and/or right of way acquisition phases, deposit with State its estimated share of each phase. Exception may be made in the case of projects where Agency has written approval from State to use in-kind contributions rather than cash to satisfy all or part of the matching funds requirement.
 - b) Agency's construction phase deposit shall be one hundred ten (110) percent of Agency's share of the engineer's estimate and shall be received prior to award of the construction contract. Any additional balance of the deposit, based on the actual bid, must be received within forty-five (45) days of receipt of written notification by State of the final amount due, unless the contract is cancelled. Any balance of a cash deposit in excess of amount needed, based on the actual bid, will be refunded within forty-five (45) days of receipt by State of the Project sponsor's written request.
 - c) Pursuant to Oregon Revised Statutes (ORS) 366.425, the advance deposit may be in the form of 1) money deposited in the State Treasury (an option where a deposit is made in the Local Government Investment Pool), and an Irrevocable Limited Power of Attorney is sent to State's Active Transportation Section, Funding and Program Services Unit, or 2) an Irrevocable Letter of Credit issued by a local bank in the name of State, or 3) cash or check submitted to the Oregon Department of Transportation.
9. If Agency makes a written request for the cancellation of a federal-aid project; Agency shall bear one hundred (100) percent of all costs incurred as of the date of cancellation. If State was the sole cause of the cancellation, State shall bear one hundred (100) percent of all costs incurred. If it is determined that the cancellation was caused by third parties or circumstances beyond the control of State or Agency, Agency shall bear all costs, whether incurred by State or Agency, either directly or through contract services, and State shall bear any State administrative costs incurred. After settlement of payments, State shall deliver surveys, maps, field notes, and all other data to Agency.
10. Agency shall make additional deposits, as needed, upon request from State. Requests for additional deposits shall be accompanied by an itemized statement of expenditures and an estimated cost to complete the Project.
11. Agency shall, upon State's written request for reimbursement in accordance with Title 23, CFR part 630.112(c) 1 and 2, as directed by FHWA, reimburse State for federal-aid funds distributed to Agency if any of the following events occur:

- a) Right of way acquisition is not undertaken or actual construction is not started by the close of the twentieth federal fiscal year following the federal fiscal year in which the federal-aid funds were authorized for right of way acquisition. Agency may submit a written request to State's Liaison for a time extension beyond the twenty (20) year limit with no repayment of federal funds and State will forward the request to FHWA. FHWA may approve this request if it is considered reasonable.
12. State shall, on behalf of Agency, maintain all Project documentation in keeping with State and FHWA standards and specifications. This shall include, but is not limited to, daily work records, quantity documentation, material invoices and quality documentation, certificates of origin, process control records, test results, and inspection records to ensure that the Project is completed in conformance with approved plans and specifications.
13. State shall submit all claims for federal-aid participation to FHWA in the normal manner and compile accurate cost accounting records. State shall pay all reimbursable costs of the Project. Agency may request a statement of costs-to-date at any time by submitting a written request. When the final total cost of the Project has been computed, State shall furnish Agency with an itemized statement. Agency shall pay an amount which, when added to said advance deposit and federal reimbursement payment, will equal one hundred (100) percent of the final total cost of the Project. Any portion of deposits made in excess of the final total cost of the Project, minus federal reimbursement, shall be released to Agency. The actual cost of services provided by State will be charged to the Project expenditure account(s) and will be included in the final total cost of the Project.

DESIGN STANDARDS

14. Agency and State agree that minimum design standards on all local agency jurisdictional roadway or street projects on the National Highway System (NHS) and projects on the non-NHS shall be the American Association of State Highway and Transportation Officials (AASHTO) standards and be in accordance with State's Oregon Bicycle & Pedestrian Design Guide (current version). State or its consultant shall use either AASHTO's A Policy on Geometric Design of Highways and Streets (current version) or State's Resurfacing, Restoration and Rehabilitation (3R) design standards for 3R projects. State or its consultant may use AASHTO for vertical clearance requirements on Agency's jurisdictional roadways or streets.
15. Agency agrees that if the Project is on the Oregon State Highway System or a State-owned facility, that design standards shall be in compliance with standards specified in the current ODOT Highway Design Manual and related references. Construction plans for such projects shall be in conformance with standard practices of State and all specifications shall be in substantial compliance with the most current Oregon Standard Specifications for Highway Construction and current Contract Plans Development Guide.
16. State and Agency agree that for all projects on the Oregon State Highway System or a State-owned facility, any design element that does not meet ODOT Highway Design Manual design standards must be justified and documented by means of a design exception. State and Agency further agree that for all projects on the NHS, regardless of funding source; any design element that does not meet AASHTO standards must be justified and documented by means of a design exception. State shall review any design exceptions on the Oregon State Highway System and retain authority for said approval. FHWA shall review any design exceptions for projects subject to Project of Division Interest and retains authority for their approval.
17. ODOT agrees all traffic control devices and traffic management plans shall meet the requirements of the current edition of the Manual on Uniform Traffic Control Devices and Oregon Supplement as

adopted in Oregon Administrative Rule (OAR) 734-020-0005. State or its consultant shall, on behalf of Agency, obtain the approval of the State Traffic Engineer prior to the design and construction of any traffic signal, or illumination to be installed on a state highway pursuant to OAR 734-020-0430.

PRELIMINARY & CONSTRUCTION ENGINEERING

18. Preliminary engineering and construction engineering may be performed by either a) State, or b) a State-approved consultant. Engineering work will be monitored by State to ensure conformance with FHWA rules and regulations. Project plans, specifications and cost estimates shall be performed by either a) State, or b) a State-approved consultant. State shall review and approve Project plans, specifications and cost estimates. State shall, at project expense, review, process and approve, or submit for approval to the federal regulators, all environmental statements. State shall offer Agency the opportunity to review the documents prior to advertising for bids.
19. Architectural, engineering, photogrammetry, transportation planning, land surveying and related services (A&E Services) as needed for federal-aid transportation projects must follow the State's processes to ensure federal reimbursement. State will award, execute, and administer the contracts. State's personal services contracting process and resulting contract document will follow Title 23 CFR part 172, 2 CFR part 1201, ORS 279A.055, 279C.110, 279C.125, OAR 731-148-0130, OAR 731-148-0220(3), OAR 731-148-0260 and State Personal Services Contracting Procedures, as applicable and as approved by the FHWA. Such personal services contract(s) shall contain a description of the work to be performed, a project schedule, and the method of payment. No reimbursement shall be made using federal-aid funds for any costs incurred by Agency or the state approved consultant prior to receiving authorization from State to proceed.
20. The State or its consultant responsible for performing preliminary engineering for the Project shall, as part of its preliminary engineering costs, obtain all Project related permits necessary for the construction of said Project. Said permits shall include, but are not limited to, access, utility, environmental, construction, and approach permits. All pre-construction permits will be obtained prior to advertisement for construction.
21. State shall prepare construction contract and bidding documents, advertise for bid proposals, award all construction contracts, and administer the construction contracts.
22. Upon State's award of a construction contract, State shall perform quality assurance and independent assurance testing in accordance with the FHWA-approved Quality Assurance Program found in State's Manual of Field Test Procedures, process and pay all contractor progress estimates, check final quantities and costs, and oversee and provide intermittent inspection services during the construction phase of the Project.
23. State shall, as a Project expense, assign a liaison to provide Project monitoring as needed throughout all phases of Project activities (preliminary engineering, right-of-way acquisition, and construction). State's liaison shall process reimbursement for federal participation costs.

Disadvantaged Business Enterprises (DBE) Obligations

24. State and Agency agree to incorporate by reference the requirements of 49 CFR part 26 and State's DBE Program Plan, as required by 49 CFR part 26 and as approved by USDOT, into all contracts entered into under this Project Agreement. The following required DBE assurance shall be included in all contracts:

"The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of Title 49 CFR part 26 in the award and administration of federal-aid contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as Agency deems appropriate. Each subcontract the contractor signs with a subcontractor must include the assurance in this paragraph (see 49 CFR 26.13(b))."

25. State and Agency agree to comply with all applicable civil rights laws, rules and regulations, including Title V and Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (ADA), and Titles VI and VII of the Civil Rights Act of 1964.
26. The Parties hereto agree and understand that they will comply with all applicable federal, state, and local laws, regulations, executive orders and ordinances applicable to the work including, but not limited to, the provisions of ORS 279C.505, 279C.515, 279C.520, 279C.530 and 279B.270, incorporated herein by reference and made a part hereof; Title 23 CFR parts 1.11, 140, 635, 710, and 771; Title 49 CFR parts 24 and 26; , 2 CFR 1201; Title 23, USC, Federal-Aid Highway Act; Title 41, Chapter 1, USC 51-58, Anti-Kickback Act; Title 42 USC; Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970, as amended, the provisions of the FAPG and *FHWA Contract Administration Core Curriculum Participants Manual & Reference Guide*. State and Agency agree that FHWA-1273 Required Contract Provisions shall be included in all contracts and subcontracts verbatim and not by reference.

RIGHT OF WAY

27. Right of Way activities shall be conducted in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, ORS Chapter 35, FAPG, CFR, and the *ODOT Right of Way Manual*, Title 23 CFR part 710 and Title 49 CFR part 24.
28. State is responsible for proper acquisition of the necessary right of way and easements for construction and maintenance of projects. State or its consultant may perform acquisition of the necessary right of way and easements for construction and maintenance of the Project in accordance with the *ODOT Right of Way Manual*, and with the prior approval from State's Region Right of Way office.
29. If the Project has the potential of needing right of way, to ensure compliance in the event that right of way is unexpectedly needed, a right of way services agreement will be required. State, at Project expense, shall be responsible for requesting the obligation of project funding from FHWA. State, at Project expense, shall be entirely responsible for project acquisition and coordination of the right of way certification.
30. State or its consultant shall ensure that all project right of way monumentation will be conducted in conformance with ORS 209.155.
31. State and Agency grant each other authority to enter onto the other's right of way for the performance of non-construction activities such as surveying and inspection of the Project.
32. State will purchase right of way in State's name. Upon completion of the Project, State and Agency agree that any right of way purchased outside of State jurisdiction will be transferred to Agency. Agency agrees to take title to the property and shall maintain the property pursuant to this Agreement. Agency shall use the property for public road purposes. If the property is no longer used for public road purposes, it shall revert to State.

RAILROADS

33. State shall follow State established policy and procedures when impacts occur on railroad property. The policy and procedures are available through the State's Liaison, who will contact State's Railroad Liaison on behalf of Agency. Only those costs allowable under Title 23 CFR part 140 subpart I, and Title 23 part 646 subpart B shall be included in the total Project costs; all other costs associated with railroad work will be at the sole expense of Agency, or others.

UTILITIES

34. State or its consultant shall follow State established statutes, policies and procedures when impacts occur to privately or publicly-owned utilities. Policy, procedures and forms are available through the State Utility Liaison or State's Liaison. State or its consultant shall provide copies of all signed utility notifications, agreements and Utility Certification to the State Utility & Railroad Liaison. Only those utility relocations, which are eligible for reimbursement under the FAPG, Title 23 CFR part 645 subparts A and B, shall be included in the total Project costs; all other utility relocations shall be at the sole expense of Agency, or others. Agency may send a written request to State, at Project expense, to arrange for utility relocations/adjustments lying within Agency jurisdiction. This request must be submitted no later than twenty-one (21) weeks prior to bid let date. Agency shall not perform any utility work on state highway right of way without first receiving written authorization from State.

GRADE CHANGE LIABILITY

35. Agency, if a County, acknowledges the effect and scope of ORS 105.755 and agrees that all acts necessary to complete construction of the Project which may alter or change the grade of existing county roads are being accomplished at the direct request of the County.
36. Agency, if a City, hereby accepts responsibility for all claims for damages from grade changes. Approval of plans by State shall not subject State to liability under ORS 105.760 for change of grade.
37. Agency, if a City, by execution of the Project Agreement, gives its consent as required by ORS 373.030(2) to any and all changes of grade within the City limits, and gives its consent as required by ORS 373.050(1) to any and all closure of streets intersecting the highway, in connection with or arising out of the Project covered by the Project Agreement.

MAINTENANCE RESPONSIBILITIES

38. Agency shall, at its own expense, maintain operate, and provide power as needed upon Project completion at a minimum level that is consistent with normal depreciation and/or service demand and throughout the useful life of the Project. The useful life of the Project is defined in the Special Provisions. State may conduct periodic inspections during the life of the Project to verify that the Project is properly maintained and continues to serve the purpose for which federal funds were provided. Maintenance and power responsibilities shall survive any termination of the Project Agreement. In the event the Project will include or affect a state highway, this provision does not address maintenance of that state highway.

CONTRIBUTION

39. If any third party makes any claim or brings any action, suit or proceeding alleging a tort as now or hereafter defined in ORS 30.260 ("Third Party Claim") against State or Agency with respect to which the other Party may have liability, the notified Party must promptly notify the other Party in writing of

the Third Party Claim and deliver to the other Party a copy of the claim, process, and all legal pleadings with respect to the Third Party Claim. Each Party is entitled to participate in the defense of a Third Party Claim, and to defend a Third Party Claim with counsel of its own choosing. Receipt by a Party of the notice and copies required in this paragraph and meaningful opportunity for the Party to participate in the investigation, defense and settlement of the Third Party Claim with counsel of its own choosing are conditions precedent to that Party's liability with respect to the Third Party Claim.

40. With respect to a Third Party Claim for which State is jointly liable with Agency (or would be if joined in the Third Party Claim), State shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by Agency in such proportion as is appropriate to reflect the relative fault of State on the one hand and of Agency on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of State on the one hand and of Agency on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. State's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if State had sole liability in the proceeding.
41. With respect to a Third Party Claim for which Agency is jointly liable with State (or would be if joined in the Third Party Claim), Agency shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by State in such proportion as is appropriate to reflect the relative fault of Agency on the one hand and of State on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of Agency on the one hand and of State on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. Agency's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if it had sole liability in the proceeding.

ALTERNATIVE DISPUTE RESOLUTION

42. The Parties shall attempt in good faith to resolve any dispute arising out of this Project Agreement. In addition, the Parties may agree to utilize a jointly selected mediator or arbitrator (for non-binding arbitration) to resolve the dispute short of litigation.

WORKERS' COMPENSATION COVERAGE

43. All employers, including Agency, that employ subject workers who work under this Project Agreement in the State of Oregon shall comply with ORS 656.017 and provide the required Workers' Compensation coverage unless such employers are exempt under ORS 656.126. Employers Liability Insurance with coverage limits of not less than five hundred thousand (\$500,000) must be included. State and Agency shall ensure that each of its contractors complies with these requirements.

LOBBYING RESTRICTIONS

44. Agency certifies by signing the Agreement that:

- a) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
- b) If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, and contracts and subcontracts under grants, subgrants, loans, and cooperative agreements) which exceed one hundred thousand dollars (\$100,000), and that all such subrecipients shall certify and disclose accordingly.
- d) This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Title 31, USC Section 1352.
- e) Any person who fails to file the required certification shall be subject to a civil penalty of not less than ten thousand dollars (\$10,000) and not more than one hundred thousand dollars (\$100,000) for each such failure.

CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY, AND VOLUNTARY EXCLUSION – LOWER TIER COVERED TRANSACTIONS

By signing this Agreement, Agency agrees to fulfill the responsibility imposed by 2 CFR Subpart C, including 2 CFR 180.300, 180.355, 180.360, and 180.365, regarding debarment, suspension, and other responsibility matters. For the purpose of this provision only, Agency is considered a participant in a covered transaction. Furthermore, by signing this Agreement, Agency is providing the certification for its principals required in Appendix to 2 CFR part 180 – Covered Transactions.

TO: Sherwood City Council

FROM: Craig Sheldon, City Manager

Through: Sebastian Tapia, City Attorney

SUBJECT: Resolution 2024-075, Adjusting Solid Waste and Recycling Collection Rates

Issue: Shall City Council adjust the solid waste and recycling collection rates?

Background: Solid waste and recycling collection services in Sherwood are provided by Pride Disposal, a private company pursuant to a franchise issued under Sherwood Municipal Code (SMC) Chapter 8.20. As set forth in SMC 8.20.80, the City Council sets the rates the franchise holder charges for those services. The current solid waste and recycling collection rates have been in effect since September 1, 2023. SMC 8.20.080 outlines the related factors and processes to be followed by City Council to adjust solid waste and recycling collection rates.

Most cities in Washington County aim to set a reasonable composite rate of return of 8 to 12 percent annually for their solid waste franchisees and SMC 8.20.080 defines a similar target for Sherwood franchisees. With updated 2023 financial information from Pride Disposal, the City had Bell and Associates conduct a Rate Review and issue a report, which was completed in July 2024. The City has determined through the analysis of financial information from Pride Disposal that their adjusted rate of return for 2023 ranged from 2.74% to 7.72% depending upon the type of collection services, with a composite rate return of 4.17%

During the City Council work session on September 17, 2024, Bell & Associates presented a recommendation to adjust rates (see attached) based on increased costs for collection and the increase in tipping fees from Metro. The financial analysis determined that the projected rate of return in 2024 ranges from 4.8% to 12.51% depending upon the type of collection service with a composite of 6.69%.

Financial Impacts: With the proposed rate increase, there will be a minimal financial impact on the City budget as a result of the approval of this resolution.

Recommendation: Staff respectfully recommends City Council approval of Resolution 2024-075, Adjusting the solid waste and recycling collection rates.



Solid Waste & Recycling Rate Review Report



| SEPTEMBER 2024

City of Sherwood Solid Waste Rate Review

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Background

Collection of waste and recycling within the City of Sherwood (City) is accomplished under an exclusive franchise agreement between Pride Disposal (Pride) and the City. As the regulator of waste and recycling, the City Council is responsible for setting rates for waste collection services. Section 8.20.080, subsection F.1 of the Sherwood Municipal Codes states the following: *On or before March 15, the franchisee shall file an annual report, in a form established by the city manager, with the city manager for the year ending the immediately previous December 31. The report is required from the franchisee regardless of whether or not a rate adjustment is requested.*

In March 2024, Pride Disposal submitted the annual detailed cost report to the City for the calendar year 2023. The reported financial results of collection operations within the City was 2.56%.

To assist with the review of the solid waste rates, the City contracted with Bell & Associates to provide City staff with solid waste and recycling consulting services.

Annual Cost Report

The annual cost report provides line-item costs and revenues associated with providing service within the City and combined line-item totals for their non-Sherwood operations. The format provides the capacity to calculate the cost of service for each line of business (cart, container, and drop box). Cart collection is primarily for residential customers, whereas business customers are serviced with a container. Reported results were analyzed and the following tasks were completed:

- a. Analyze reported route collection hours to the reported customer counts for each line of business.
- b. Using a predictive test of revenue for each line of business, ensure the reported revenues are reasonable for the number of reported customers.
- c. By thoroughly reviewing the reported direct cost line items, determine if the expense is reasonable in relation to the customer and operational data entered from the detailed cost report.
- d. Utilize a predictive test of disposal to determine if the reported disposal expense is reasonable.
- e. Using the reported administrative line items, determine if the expense is reasonable compared to the operational data entered from the detailed cost report.
- f. Review the costs between the City and Pride's other franchised collection operations to determine if the allocations are reasonable.

Adjusted Report

Financial data was consolidated by service, showing the collection system's total revenues and expenses. This consolidated report allows the calculation of Pride's return on revenue and provides a measure of the adequacy of rates. Table 1 on the following page details the return for each collection service within the Sherwood collection franchise.

Table 1: 2023 Sherwood Results

Cost Component	Roll Cart	Container	Drop Box	Total
Revenues	\$2,687,869	\$1,249,129	\$1,010,168	\$4,947,166
Direct Costs of Operations	\$2,293,830	\$999,844	\$845,178	\$4,138,852
Indirect Costs of Operations	\$320,302	\$194,867	\$86,982	\$602,151
Allowable Costs for Rates	\$2,614,132	\$1,194,711	\$932,160	\$4,741,003
Franchise Income	\$73,737	\$54,418	\$78,008	\$206,163
Return on Revenues	2.74%	4.36%	7.72%	4.17%

Projected Results for 2024-25

Projecting the financial performance for 2025 was completed by applying the following assumptions to the 2023 adjusted revenues and expenses.

- September 1, 2023, a rate increase of 5.7% for residential service, 2.4% for commercial service, and 4.8% for the drop box / roll off compactor haul fee plus disposal pass-through.
- The driver wage increase is calculated on the hourly wage increase from the Teamster's contract, which was \$32.35 in March 2024. This is an increase of 2.8% from 2023. It will increase by 3.0% in 2024. The two year increase from 2023 through 2025 is 5.9%.
- Recology increased organic waste processing by 5.5% in 2024 and 3% in 2025.
- Administrative salaries and costs are estimated to increase by 6% from 2023 through 2025.
- Pride maintains fleet readiness through regular truck replacement; however, the problems with the supply chain for new trucks have delayed replacement. As a result, collection trucks ordered in 2020 through 2022 were delivered throughout 2023, which has increased truck depreciation by \$33,386 or 13.9% from 2023. Truck repair costs are estimated to increase by 2.5%.

Table 3 calculates the tipping fee increase from 2023 through 2024. Pride's contracts for transport and disposal increased based on the CPI on January 1. The four-year All Items West CPI average is 4.4%, which is the estimated increase in January 2025.

Table 2: Assumed Inflation Factors

Expense	Increase
Driver Wages	7.6%
Organic Processing	7.5%
Truck Depreciation	13.9%
Truck Repair	2.5%
Administration	6.0%

Table 3: Increased Disposal Fee Per Ton Calculation

	2023 Average	2024 Average	January 2025	23 to 25 \$ ▲
Tonnage Fee	\$84.52	\$97.33	\$101.61	\$17.09
Metro Fees	\$46.35	\$48.44	\$50.57	\$4.22
Total Fee	\$130.87	\$145.77	\$152.18	\$21.31
% ▲		11.4%	16.3%	



Year-to-Year Comparison of Expenses

Table 4 compares projected revenue and expenses for 2025 to the adjusted amounts from 2023.

Table 4: Revenue and Expense Comparison from 2023 to 2025

Description	2023 Actual	2025 Projected	\$ ▲	% ▲
Total Revenue	\$4,947,166	\$5,223,907	\$276,741	5.6%
SW and Yard Debris Disposal	\$1,729,992	\$1,998,199	\$268,207	15.50%
Recycling Processing	\$194,108	\$194,108	\$-	0.00%
Labor	\$931,486	\$977,430	\$45,944	4.93%
Truck	\$680,386	\$705,461	\$25,075	3.69%
Equipment	\$142,577	\$143,329	\$752	0.53%
Franchise Fees	\$243,501	\$257,338	\$13,837	5.68%
Other Direct	\$216,802	\$216,840	\$38	0.02%
G & A	\$602,151	\$634,932	\$32,781	5.44%
Total Expenses	\$4,741,003	\$5,127,637	\$386,634	8.16%
Rate of Return	4.17%	1.84%		

Section 8.20.080 of the Sherwood Municipal Code details the collection rate adjustment method. Because the 2023 reported results were below 8%, the code requires the City to undertake a rate study to recommend new rates. The study will be designed to recommend new rates effective immediately following January 1 and intended to produce a rate of return of ten percent for the calendar year beginning on that date.

Calculating the Cost of Collection Services

The financial impact of applying the increased costs from Table 4 reveals the variable returns for each service provided by Pride Disposal in Table 5.

Table 5: Estimated 2025 Rate of Return by Service

Service	Cart	Container	Drop Box	Composite
Revenues	\$2,843,543	\$1,279,072	\$1,101,292	\$5,223,907
Direct Costs	\$2,466,612	\$1,068,036	\$958,057	\$4,492,705
Indirect Costs	\$337,767	\$205,505	\$91,660	\$634,932
Allowable Costs	\$2,804,379	\$1,273,541	\$1,049,717	\$5,127,637
Franchise Income	\$39,164	\$5,531	\$51,575	\$96,270
Return on revenues	1.38%	0.43%	4.68%	1.84%

Table 5 reported the estimated composite return is 1.84% for 2025 without any rate adjustments. When the **waste disposal increase** was eliminated from the estimate, the expected rate of return for all three lines of business increased, which is summarized below.

Cart	Container	Drop Box
4.81%	5.86%	12.51%

The calculation without the disposal increase is necessary to measure the revenue requirement for collection operations.

The additional amount for cart collection is \$156,666, or \$2.22 (\$156,666 / 12 months / 5,878 customers) per month. The adjustment for disposal varies by the size of the customer's roll cart. Table 6 details the expenses to calculate the proposed cart/residential rates.

Table 6: Rate Calculation for Cart Collection Services

Service	Residential Customers	Current Rate	Collection Increase	Disposal Increase	Total Increase	% Rate ▲
20 gal cart	416	\$29.92	\$2.22	\$0.71	\$2.93	9.8%
35 gal cart	2,719	\$32.99	\$2.22	\$1.19	\$3.41	10.3%
65 gal cart	2,188	\$43.29	\$2.22	\$2.17	\$4.39	10.1%
95 gal cart	465	\$53.73	\$2.22	\$3.15	\$5.37	10.0%

The projected return for commercial collection without any rate adjustment is 5.86%; therefore, increasing the commercial collection rates for the cost of collection and the waste disposal increase is necessary to keep the line of business within the allowable margin range. The revenue requirement for container collection is \$55,206 or \$0.90 (\$55,206 / 61,594 yards) per collected yard of waste.

The average weight per collected garbage yard is approximately 110 pounds, and it will cost an additional \$1.38 per yard to dispose of waste. The total increased cost for container collection is \$2.28 per yard (\$0.90 + \$1.38). Table 7 details the additional disposal expense on Sherwood's most popular container sizes.

Table 7: Commercial Rate Calculation with Disposal Pass-Through

Level of Service	Customers	Current Rate	Container Increase	New Rate	% Rate ▲
2 yard weekly	22	\$211.52	\$19.74	\$231.26	9.3%
3 yard weekly	33	\$284.15	\$29.62	\$313.77	10.4%
4 yard weekly	40	\$356.83	\$39.49	\$396.32	11.1%
6 yard weekly	32	\$501.84	\$59.23	\$561.07	11.8%

Drop box service is comprised of three costs: haul fee, disposal, and drop box rental. Disposal costs are the actual cost of the material hauled in the box and are "pass-through" to the customer. These costs vary depending on the weight or amount of material hauled. Because the customer pays the actual disposal cost, these expenses are not considered when calculating the haul fees. Table 8 shows the projected drop box service return with the disposal removed from the revenue and disposal. No rate increase is required because the projected return is within the 8% to 12% return range.

Table 8: Projected Drop Box / Roll Off Compactor Service Results

Description	Amount
Revenue w/o Disposal	\$ 486,249
Collection	\$ 343,014
G&A	\$ 91,660
Total	\$ 434,674
Revenue	\$ 51,575
Projected Return	10.6%



RESOLUTION 2024-075

ADJUSTING SOLID WASTE AND RECYCLING COLLECTION RATES

WHEREAS, the current solid waste and recycling rates have been in effect since September 1, 2023; and

WHEREAS, the Sherwood City Council sets rates for all solid waste collection services as set forth in Sherwood Municipal Code (SMC) 8.20.080; and

WHEREAS, SMC 8.20.60 provides for compensation to be paid by solid waste franchisees for the use of City streets in the form of solid waste franchise fees; and

WHEREAS, Pride Disposal, a franchisee for solid waste services in Sherwood, has submitted their 2023 annual report per SMC 8.20.080(F)(1); and

WHEREAS, the City has determined through an analysis of financial information from Pride Disposal that their adjusted rate of return for 2023 ranged from 2.74% to 7.72% depending upon type of collection service, with a composite rate of return of 4.17%; and

WHEREAS, the City has determined through analysis of financial information from Pride Disposal that their projected rate of return for 2024 ranges from 9.8% to 11.8% depending upon type of collection services; and

WHEREAS, the City Manager has reviewed the Rate Review Report compiled by Bell & Associates and concurs with the recommendation to adjust solid waste and recycling collection rates in a manner intended to achieve a projected composite rate of return of 10%; and

WHEREAS, the City has determined that the new solid waste and recycling collection rates should take effect on January 1, 2025.

NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

Section 1. The Sherwood City Council hereby approves the proposed schedule of solid waste and recycling collection rates as contained in the attached Exhibit A.

Section 2. The adjusted solid waste and recycling collection rates will take effect on January 1, 2025.

Section 3. This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 3rd of December 2024.

Tim Rosener, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

City of Sherwood

Rates Effective January 1, 2025

Roll Cart Collection Rates	1/1/2025	Service Fees	9/1/23 Rate
One 20 gallon cart	32.85	Walk-in Fee	5.44
One 35 gallon cart	36.40	SNP	25.00
One 60 gallon cart	47.68	NSF	25.00
One 90 gallon cart	59.10	Go Back Fee	17.94
On-Cal Service	21.36	Special Services (per hr.)	104.68
Extra Can / 32 gal bag	8.08	Recycling Contamination Fee	30.00
Extra Bag (small)	4.38		
Yard Debris Only	8.51	<u>Commercial Container Fees</u>	
Second Yard Debris Cart	8.51	Extras - per collected yard	15
Yard Debris Extra	2.74	Extra with Clean Up *	30
Recycling Only	8.11	* Requires driver to pick up waste /recycling	

Commercial Food Waste

One 60 gallon cart	45.05
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Drop Box Rates

Service / Box Volume	1/1/25 Rate
10 Cubic Yards per Haul	\$155.00 Haul charge listed + actual disposal fee
20 Cubic Yards per Haul	\$155.00 Haul charge listed + actual disposal fee
30 Cubic Yards per Haul	\$155.00 Haul charge listed + actual disposal fee
40 Cubic Yards per Haul	\$155.00 Haul charge listed + actual disposal fee
Compactor per Haul	\$190.00 Haul charge listed + actual disposal fee
Delivery / Relocation (per box)	\$77.00 Per movement
Box Not Ready Trip Fee	\$26.00 Per occurrence

Open Top Box Rental	1/1/25 Rate
10 and 20 Cubic Yards	\$11.00
30 Cubic Yards	\$13.00
40 Cubic Yards	\$13.00

Box with a lid

10 and 20 Cubic Yards	\$16.00
30 Cubic Yards	\$18.00

Mileage Charge ¹	\$3.89
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1. Mileage Charges are assessed on the disposal leg of the haul mileage if greater than 5 miles from pick-up to the disposal site

Medical Waste Collection Rates

Service Component	1/1/25 Rate Note:
On-site Pick-up Charge	49.00
<u>Disposal</u>	
Disposal Cost per 17 or < Gal. Unit	18.02
Disposal Cost per 23 Gal. Unit	24.39
Disposal Cost per 31 Gal. Unit	32.87
Disposal Cost per 31 Gal. Unit (10 or more per stop)	21.89 Unit rate when 10 or more units are collected
Disposal Cost per 43 Gal. Unit	45.59
Disposal Cost per 43 Gal. Unit (10 or more per stop)	30.36 Unit rate when 10 or more units are collected
Pharmaceutical Waste per 5 gal	48.19
Chemotherapy Waste Disposal	115.00
Cardboard Bio Boxes (per 23/30 gallon per box)	8.50

* The medical collection rate is the sum of the onsite pick-up fee plus the disposal cost per unit of waste. Customers typically have multiple containers, so the onsite pick-up cost is spread over containers.

City of Sherwood
Proposed Commercial Collection Rates
Effective January 1, 2025

Container(s):	One	Two	Three	Four	Five	EOW
1 yard	144.63	272.92	396.99	521.11	645.44	
each additional	101.5	197.18	292.7	388.23	483.87	
1.5 yard	189.91	354.94	519.92	684.87	849.93	
each additional	142.83	279.24	415.6	551.95	688.38	
2 yard	231.26	437.06	642.85	848.65	1054.46	135.27
each additional	184.19	361.35	538.56	715.77	892.92	95.37
3 yard	313.77	601.25	888.65	1176.02	1463.58	177.89
each additional	266.69	525.51	784.32	1043.16	1302.02	134.29
4 yard	396.32	765.52	1134.5	1503.49	1872.71	216.84
each additional	349.9	689.78	1030.17	1370.59	1711.17	173.28
5 yard	478.85	929.55	1380.27	1830.98	2281.67	
each additional	431.79	853.84	1275.93	1698.06	2120.13	
6 yard	561.07	1093.46	1625.76	2158.05	2690.46	294.63
each additional	513.99	1017.72	1521.41	2025.16	2528.91	250.99
8 yard	727.27	1422.85	2118.47	2814.03	3509.62	372.42
each additional	680.21	1347.12	2014.14	2681.13	3348.05	329.45

Compacted Rates

1 yard compacted	320.47	604.19	878.39	1152.53	1426.95
2 yard compacted	510.4	963.52	1416.58	1869.65	2321.93
3 yard compacted	691.03	1322.97	1954.58	2586.28	3217.11
4 yard compacted	871.71	1682.5	2492.72	3302.94	4112.32

Proposed Commercial Collection Rates

Heavy Container	One	Two	Three	Four	Five
1 yard	153.91	293.36	429.22		
each additional	n/a	n/a	n/a	n/a	n/a
1.5 yard	244.24	456.23	702.84	915.17	1126.17
each additional	233.85	450.35	667.83	868.1	1067.12
2 yard	323.69	630.33	922.67	1201.12	1476.68
each additional	308.1	591.48	858.39	1115.18	1369.8
3 yard	451.16	875.93	1279.1	1662.09	2058.57
each additional	433.67	846.68	1244.04	1638.7	2029.29
4 yard	578.26	1122.64	1664.02	2178.26	2677.46
each additional	562.62	1107.05	1640.64	2162.49	2656.14
5. yard	699.84	1377.46	2042.96	2693.67	3312.12
each additional	689.73	1348.22	1999.08	2639.4	3263.49
6 yard	811.31	1596.66	2370.58	3124.69	3871.58
each additional	799.41	1573.35	2335.44	3066.98	3797.68
8 yard	1040.42	2046.5	3032.65	4003.67	4952.49
each additional	1024.34	2015.33	2986.4	3941.63	4874.6

TO: Sherwood City Council

FROM: Sebastian Tapia, Interim City Attorney

SUBJECT: Ordinance 2024-005, Amending Sherwood Municipal Code Chapter 12.12 Limiting Liability for the City of Sherwood and Other Parties from Private Claims Resulting from Use of Trails in Public Easements or Unimproved Rights-of-Way Under ORS 105.668

Issue:

Shall the City Council adopt an ordinance limiting liability for the City of Sherwood and other parties from private claims resulting from use of trails in a public easement or unimproved right of way under ORS 105.668?

Background:

ORS 105.668 provides immunity from liability for injury or property damage resulting from the use of trails or structures to public easements or rights of way. Cities with populations of 500,000 residents or more are automatically included, as well as those cities' agents, officers, and employees, to the extent they are covered by ORS 30.285. ORS 105.668 also automatically applies to owners of land abutting the public unimproved right of way or public easement, as well as nonprofits and their volunteers that construct or maintain the trail or structure in the right of way or public easement.

The immunity from liability does not apply to: persons receiving compensation for providing assistance, services or advice in relation to conduct that leads to a personal injury or damage to property; gross negligence or reckless, wanton, or intentional misconduct; or activity where the actor is strictly liable without regard to fault.

SB 1576 (2024) amended ORS 105.668 to create opt in provisions for local governments as opposed to cities and counties. A local government that is not automatically covered may opt into limit liability under ORS 105.668 by ordinance, resolution, rule, order or other regulation. Not only will the local government be covered by the immunity protections, but also: the officers, employees or agents of the local government, to the extent they are entitled to defense and indemnification under ORS 30.285; the owner of land abutting the public easement or unimproved right of way in the local government; and nonprofit corporations and their volunteers for the construction and maintenance of the trail or the structures in a public easement or unimproved right of way in the local government.

Opting into ORS 105.668's immunity is a different scope of protection as is the recreational immunity already provided under ORS 105.682 because ORS 105.668 provides immunity for negligence claims arising out of personal injuries or property damages resulting from any use or a trail or structure in an unimproved right of way or easement. ORS 105.668 also explicitly provides immunity for a local government's officers, employees, and agents and incentivizes landowners to grant public easements and rights of way in the form of protections from liability.

Because Sherwood has less than 500,000 residents, Council may choose to opt into ORS 105.668 immunity. The City of Sherwood adopted Resolution 2017-012 to support legislation promulgated to restore recreational immunity to landowners and their officers, employees, agents or volunteers who are acting within the scope of their employment or duties so to allow Oregonians to access their lands for recreational use and enjoyment. Staff recommends that Council adopt an ordinance to opt into ORS 105.668 immunity, as opposed to a resolution, to ensure that Council's action becomes part of the Sherwood Municipal Code.

Financial Impacts:

There are no financial impacts with regards to opting into ORS 105.668.

Recommendation:

Staff respectfully recommends City Council hold a public hearing on Ordinance 2024-005, Amending Sherwood Municipal Code Chapter 12.12 Limiting Liability for the City of Sherwood and Other Parties from Private Claims Resulting from Use of Trails in a Public Easement or Unimproved Right of Way Under ORS 105.668.



ORDINANCE 2024-005

AMENDING SHERWOOD MUNICIPAL CODE 12.12 LIMITING LIABILITY FOR THE CITY OF SHERWOOD AND OTHER PARTIES FROM PRIVATE CLAIMS RESULTING FROM USE OF TRAILS IN PUBLIC EASEMENTS OR UNIMPROVED RIGHTS-OF-WAY UNDER ORS 105.668

WHEREAS, ORS 105.668(2) limits the liability of certain cities, adjacent property owners within those cities, and certain nonprofit groups for personal injuries or damage to property that results from the public's non-motorized use of trails or structures that are in a public easement or an unimproved right of way; and

WHEREAS, ORS 105.668 immunity extends automatically to cities with populations of 500,000 or more and allows smaller cities that opt in to the same immunity by adopting a resolution or ordinance; and

WHEREAS, the City of Sherwood has trails, structures in public easements, and unimproved rights of way that are open to the public's use for non-motorized activities, such as walking, hiking, or biking; and

WHEREAS, the City of Sherwood seeks to protect the City, adjacent property owners, and certain nonprofit groups who provide the public with access to and perform maintenance for such trails or structures so that the public may continue to access, use, and enjoy such trails or structures; and

WHEREAS, the City of Sherwood previously adopted Resolution 2017-012 to support legislation promulgated to restore recreational immunity to landowners and their officers, employees, agents or volunteers who are acting within the scope of their employment or duties so to allow Oregonians to access their lands for recreational use and enjoyment; and

WHEREAS, adopting this Ordinance will codify the limitation of liability as part of the Sherwood Municipal Code; and

WHEREAS, ORS 105.668 extends immunity to the city's officers, employees, and agents; and

WHEREAS, ORS 105.668 offers landowners an incentive to grant public easements and rights of way by providing increased protections from liability in the same manner as it does cities and their officers, employees, and agents.

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

Section 1. Sherwood Municipal Code, shall be amended to add section 12.12.260, titled “Limited Liability” and states as follows:

The City of Sherwood elects to join the limited liability protection granted under ORS 105.668.

Section 2. This ordinance shall become effective the 30th day after its enactment by the City Council and approval by the Mayor.

Duly passed by the City Council this 17th of December, 2024.

Tim Rosener, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Standke	_____	_____
Giles	_____	_____
Scott	_____	_____
Mays	_____	_____
Brouse	_____	_____
Young	_____	_____
Rosener	_____	_____

Agenda Item: Public Hearing

TO: Sherwood City Council

FROM: Joy Chang, Senior Planner

Through: Sean Conrad, Planning Manager, Eric Rutledge, Community Development Director, Craig Sheldon, City Manager, and Sebastian Tapia, Interim City Attorney

SUBJECT: Ordinance 2024-006, Approving annexation of 38.63 acres to the City of Sherwood and Clean Water Services within the Tonquin Employment Area, comprised of five Tax Lots and City of Sherwood and BPA rights-of-way and declaring an emergency

Issue:

Shall the City Council approve the proposed annexation (Case File No. LU 2024-019 AN) of 38.63 acres of land within the Tonquin Employment Area?

Background:

The project site is approximately 38.63 acres of public and private properties that includes City of Sherwood and Bonneville Power Administration (BPA) rights-of-way, all located within the Tonquin Employment Area (TEA) Concept Plan.

The Tonquin Employment Area (previously referred to as Study Area 48) was brought into the Sherwood Urban Growth Boundary in 2004 via Metro Ordinance 04-1040B to provide for needed industrial land. The entire TEA is comprised of approximately 300 acres. In October 2010, the City approved the concept plan and associated implementing Comprehensive Plan and Map Amendments via Ordinance 2010-014.

A TEA market analysis, business recruitment strategy and implementation plan was completed in June 2015 and formally accepted by the City Council under Resolution 2015-051. The implementation plan provides an in-depth analysis of issues and opportunities along with specific recommendations that the City could consider helping provide incentives or remove obstacles to encourage development in the area.

In 2016, Senate Bill 1573 changed the requirements for areas where 100% of the owners petition the City. Public votes are no longer required or permitted in the annexation requests assuming certain criteria laid out in SB1573 are satisfied. However, in 2012 under Measure No. 34-202, residents of Sherwood voted to support annexation when property owners chose to submit requests to the City Council. SB1573 criteria are as follows:

- 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.*

Currently, the City's latest planning efforts for the TEA include designing a new collector status roadway that will connect SW Oregon Street to SW 124th Avenue. The new collector road, identified as SW Ice Age Drive, has completed 100% design (the entire design process for the project is complete, including all necessary plans, specifications, and details ready for construction to begin) and is expected to go to bid during the first quarter of 2025. Annexation of the property will enable the City to permit construction of Ice Age Drive subject to City land use and infrastructure requirements.

The City is also studying the future alignment of SW Dahlke Lane in the vicinity of the property. The City's consultant is working on a 30% design for this local industrial road, and it is expected that local improvements associated with Dahlke Lane will be provided by each adjacent property owner as the property develops. The proximity of existing roads along with the anticipated construction of Ice Age Drive and improvements to Dahlke Lane provide suitable access for the property and other properties within the TEA now and into the future as the area further redevelops.

The applicant is seeking approval of the annexation petition under the procedures of Oregon Senate Bill 1573. Under this method, a vote by the City electorate is not required to approve the annexation as long as 100% of the land owners have signed the petition and the application meets the approval criteria in ORS 222.127(2)(a)-(d). The legislative body of the City is responsible for approving or denying such annexation petitions based on the compliance with local, regional, and state criteria. The approval criteria for all levels are summarized below:

- Oregon Revised Statutes (ORS) 222.111 – 222.183
- Metro Code 3.09
- City of Sherwood 2040 Comprehensive Plan, Strategic and Collaborative Governance, Governance and Growth Management

The City of Sherwood receives sanitary sewer treatment and water quality services from Clean Water Services (CWS). If the annexation is approved, 38.63 acres of land will be added to the CWS district boundaries as prescribed in ORS 199.510(2)(c) that states:

(2)(c) When a city receives services from a district and is part of that district, any territory thereafter annexed to the city shall be included in the boundaries of the district and shall be subject to all liabilities of the district in the same manner and to the same extent as other territory included in the district.

The attached staff report reviews the applicable criteria that must be considered for annexations under the proposed method and provides a discussion of how the application meets the criteria. Based on this analysis and findings in the staff report, staff recommends approval of the annexation to the City of Sherwood and Clean Water Services District.

Emergency Declaration:

Staff is recommending the ordinance be passed as an emergency pursuant to Section 17 of the Sherwood City Charter. Such action would allow the ordinance to become effective immediately upon passage. An emergency declaration is required in order to ensure that the City's Ice Age Drive construction project stays on schedule and does not miss the spring construction season. Annexation of the subject properties is required in order to receive approval from the Department of Environmental Quality for the City's erosion and grading control permit for the project, also known as a 1200C permit. Annexation is also required for the City to permit the larger Ice Age Drive project.

Alternatives:

If the City Council finds that the proposed annexation does not meet the criteria identified in SB 1573 and ORS 199.510(2)(c), it could not approve the Ordinance. City Council may also approve the ordinance but not as an emergency, and the ordinance would be effective 30-days after passage.

Financial Impacts:

Should the Council approve this application, the property would need City services, the cost of which would be mostly borne by implementing development. The development of the site will require the extension of City services (transportation, water, sewer, etc.); however, impacts and potential mitigations would be addressed by future land use applications. In addition, once the property is annexed to the City it will be subject to the taxes, bonds, and fees assessed by the City of Sherwood.

Recommendation:

Staff recommends opening the hearing on Ordinance 2024-006, Approving annexation of 38.63 acres to the City of Sherwood and Clean Water Services within the Tonquin Employment Area, comprised of five Tax Lots and City of Sherwood and BPA rights-of-way and unanimously approving the annexation. If needed, a second hearing has been scheduled for December 17, 2024.

Exhibit:

1. Staff Report and Exhibits for LU 2024-019 AN TEA Annexation

City of Sherwood
Staff Report for TEA Annexation
Case File No: LU 2024-019 AN

Staff Report: November 22, 2024
Hearing: December 3, 2024

Signed: 
 Joy Chang, Senior Planner

Proposal: The City along with several other property owners are seeking approval from the City of Sherwood to annex five parcels of land totaling ±38.63 acres that includes City of Sherwood and Bonneville Power Administration (BPA) rights-of-way. The proposed annexation will accommodate the future street improvements of SW Dahlke Lane and the construction of SW Ice Age Drive. The properties are in unincorporated Washington County, Oregon with a current zoning designation of Future Development 20 Acres (FD-20). It is covered by the Washington County – Sherwood Urban Planning Area Agreement. The properties are in the Tonquin Employment Planning Area and upon annexation to the City, the properties will be zoned Employment Industrial (EI). The annexation is proposed under ORS 222.127 (SB 1573 method) which requires petition from 100% of landowners. The applicants are also requesting annexation of the properties into Clean Water Services boundary for the provision of sanitary sewer, stormwater, and surface water management pursuant to ORS 199.510(2)(c). No development is currently proposed.

I. BACKGROUND

A. Applicant: City of Sherwood
 22560 SW Pine Street
 Sherwood, OR 97140

Owners: City of Sherwood
 22560 SW Pine Street
 Sherwood OR 97140

Bonneville Power Administration
 1002 NE Holladay Street
 Portland, OR 97232

AR Vial Associates PC, Nicolas A. Vial, Nicholas A. Vial et al.
 (21680 SW Dahlke Lane)
 12840 SW River Road
 Hillsboro, OR 97123

City of Sherwood Urban Renewal Agency
(21775 SW Dahlke Lane and 21370 SW Oregon Street)
22560 SW Pine Street
Sherwood, OR 97140
Dahlke Lane Land Company LLC
(21825 SW Dahlke Lane)
24925 Garden Acres Road
Sherwood, OR 97140

Dahlke Lane Land Company II
(21700 SW Dahlke Lane)
24925 Garden Acres Road
Sherwood, OR 97140

Applicant's Rep.: AKS Engineering & Forestry
12965 SW Herman Road, Suite 100
Tualatin OR 97062

- B. Tax Map/Tax Lots: 2S1 28C / Lot 700
2S1 28D / Lots 600, 602, 700, and 800
City of Sherwood and BPA rights-of-way
- C. Location: The properties are generally located southeast of SW Oregon Street, south of SW Tualatin-Sherwood Road, west of 124th Avenue, and on both sides of SW Dahlke Lane. Addressed at 21370 SW Oregon Street and 21680, 21700, 21775, 21825 SW Dahlke Lane. A map of the project area is attached as Exhibit A.
- D. Review Type: The City Charter requires a vote on annexation if approved by the City Council. However, Senate Bill 1573 includes language that supersedes the City's Charter, requiring the City Council to take action on an annexation petition of land submitted by all owners without submitting the proposal to the electors if the criteria outlined in Section 2(2)(a)-(d) are met. Senate Bill 1573 provides specific criteria that the City Council must consider and act upon. Consequently, this application is being processed as a quasi-judicial action. The applicant is also requesting annexation into the boundaries of Clean Water Services for the provision of sanitary sewer, storm and surface water management pursuant to ORS 199.510(2)(c).
- E. Public Notice and Hearing: Notice of the December 3, 2024 and tentative January 7, 2025 City Council hearing on the proposed annexation was posted in five public locations around town on November 13, 2024 and provided to affected agencies and service providers on October 21, 2024. Notice was posted on the subject property on November 13, 2024. While ORS only requires mailed notice within 250 feet, the City mailed notice to all property owners within 1,000 feet of the area proposed to be annexed on November 13, 2024 in accordance with Sherwood land use public hearing notice standards. Notice of the hearing was also provided the November 14, 2024 and November 28, 2024 edition of The Times, a local

newspaper.

- F. Review Criteria: There are three levels of criteria and requirements, State, Regional and City. For the State, Oregon Revised Statutes (ORS 222) guide the process for annexations. Senate Bill 1573 was added to, and made a part of, ORS 222.111 to 222.180 and provides specific criteria for deciding city boundary changes. ORS 199.510(2)(c) guides the process for annexing to Clean Water Services Service district. For the regional level, Metro, the regional government for this area, has criteria for reviewing annexations (Metro Code 3.09). In addition, the City of Sherwood Comprehensive Plan policies, including the Conceptual Plan for the Tonquin Employment Area (which includes the subject site), which are applicable and are addressed within this report.
- G. History: The project site is approximately 38.63 acres of public and private properties that includes City of Sherwood and Bonneville Power Administration (BPA) rights-of-way, all located within the Tonquin Employment Area (TEA) Concept Plan.

The Tonquin Employment Area (previously referred to as Study Area 48) was brought into the Sherwood Urban Growth Boundary in 2004 via Metro Ordinance 04-1040B to provide for needed industrial land. The entire TEA is comprised of approximately 300 acres. In October 2010, the City approved the concept plan and associated implementing Comprehensive Plan and Map Amendments via Ordinance 2010-014.

Even though the TEA was not in the City of Sherwood boundary, in 2012 under Measure No. 34-202, residents of Sherwood voted to support annexation when property owners chose to submit requests to the City Council.

A TEA market analysis, business recruitment strategy and implementation plan was completed in June 2015 and formally accepted by the City Council under Resolution 2015-051. The implementation plan provides an in-depth analysis of issues and opportunities along with specific recommendations that the City could consider helping provide incentives or remove obstacles to encourage development in the area.

In 2016, Senate Bill 1573 changed the requirements for areas where 100% of the owners petition the City for annexation. Public votes are no longer required or permitted in the annexation requests assuming certain criteria laid out in SB1573 are satisfied.

Currently, the City's latest planning efforts for the TEA include designing a new collector status roadway that will connect SW Oregon Street to SW 124th Avenue. The new collector road, identified as SW Ice Age Drive, has completed 100% design and is expected to go to bid during the first quarter of 2025. Annexation of the property will enable the City to permit construction of Ice Age Drive subject to City land use and infrastructure requirements.

The City is also studying the future alignment of SW Dahlke Lane in the vicinity of the property. The City's consultant is working on a 30% design for this local industrial road, and it is expected that local improvements associated with SW Dahlke Lane will be provided by each adjacent property owner as the property develops. The proximity of existing roads along with the anticipated construction of SW Ice Age Drive and improvements to SW Dahlke Lane provide suitable access for the property and other properties within the TEA now and into the future as the area further redevelops.

- H. Site Characteristics and Existing Zoning: The proposed annexation area includes approximately 38.63 acres of land including existing and future street rights-of-way. The properties are generally located southeast of SW Oregon Street, south of SW Tualatin-Sherwood Road, west of 124th Avenue, and on both sides of SW Dahlke Lane.

The properties are currently being used as follows:

- 21370 SW Oregon Street: Storage of construction equipment
- 21680 SW Dahlke Lane: Single-family residence; property is bisected by BPA ROW
- 21700 SW Dahlke Lane: Single-family residence and vehicle storage lot; property is bisected by BPA ROW
- 21775 SW Dahlke Lane: Single-family residence
- 21825 SW Dahlke Lane: Single-family residence
- BPA ROW: High-voltage electrical transmission lines
- SW Dahlke Lane ROW: Public access to abutting properties

Generally, properties to the west of the project site are within the city boundary. The parcels to the north and south of the project site are generally in Unincorporated Washington County.

Currently, the properties are zoned Future Development 20-Acre District (FD-20) by Washington County. According to Washington County's code, the FD-20 District applies to the unincorporated urban lands added to the urban growth boundary by Metro through a Major or Legislative Amendment process after 1998. The FD-20 District recognizes the desirability of encouraging and retaining limited interim uses until the urban comprehensive planning for future urban development of these areas is complete.

The subject site is within the Tonquin Employment Area, which is reflected in the City's Comprehensive Plan. The City zoning for the site has already been adopted with the approved Concept Plan and becomes effective upon annexation. The adopted City zoning for the site is Employment Industrial (EI). The EI zoning district provides employment areas that are suitable for, and attractive to, key industries and industry clusters that have been identified by the State of Oregon and the City's economic development strategy as important to the state and local economy. The following are preferred industry sectors for areas zoned EI: Clean Technology;

Technology and Advanced Manufacturing; and Outdoor Gear and Active Wear.

Land zoned EI shall provide for large and medium-sized parcels for industrial campuses and other industrial sites that can accommodate a variety of industrial companies and related businesses. Areas zoned EI are also intended to provide the opportunity for flex building space within small- and medium-sized industrial campuses and business parks to accommodate research and development companies, incubator/emerging technology businesses, related materials and equipment suppliers, and/or spin-off companies and other businesses that derive from, or are extensions of, larger campus users and developments. Retail and commercial uses are allowed only when directly supporting area employers and employees.

Industrial establishments and support services shall not have objectionable external features and shall feature well-landscaped sites and attractive architectural design, as determined by the Hearing Authority. Any future development would not be approved unless an applicant submits a formal land use proposal to develop the site that is consistent with the Sherwood Zoning and Community Development Code.

II. AFFECTED AGENCY, PUBLIC NOTICE, AND PUBLIC COMMENTS

Agencies

Notice was provided to the following agencies on October 21, 2024: Tri-Met, NW Natural Gas, Sherwood Broadband, Bonneville Power Administration (BPA), City of Sherwood Public Works, City of Sherwood Police Department, Tualatin Valley Fire and Rescue (TVFR), Sherwood School District, Oregon Department of Transportation (ODOT), Oregon Department of State Lands, Pride Disposal, Allied Waste, Waste Management, City of Sherwood Engineering, City of Sherwood Economic Development, Kinder Morgan, Raindrops2Refuge, Portland Gas and Electric (PGE), Washington County, Portland Western Railroad, Metro, and Clean Water Services (CWS).

At the time this staff report was drafted, the Planning Department had heard back from two agencies/departments: Sherwood Engineering, Sherwood Public Works, and Oregon Department of Transportation.

Sherwood Engineering Department – Craig Christensen, Senior Civil Engineer, provided the following comments regarding the proposed annexation (Exhibit D):

The proposed annexation accommodates transportation access for the five parcels of land via a public street within the city limits with one parcel having access to SW Oregon Street and the other 4 parcels having access to SW Dahlke Road which is included in annexation application.

Upon completion of the ongoing Ice Age Drive project, all five parcels of this

annexation request will have access to public water, sanitary sewer, storm sewer and transportation facilities.

As a whole, the subject property of this annexation request meets the criteria for acceptance of annexation into the City of Sherwood.

Further engineering analysis are provided later within this report.

Sherwood Public Works – An email correspondence, dated October 21, 2024, from Rich Sattler, Interim Public Works Director, stated he has no comments on this proposal.

Oregon Department of Transportation (ODOT) Region 1 – An email correspondence, dated October 22, 2024, from Marah Danielson, Senior Planner, stated that ODOT won't have any comments so long as the new zoning is consistent with the city's comprehensive plan. *This proposal does not request a zone change. Once annexed, the project site will receive a new zoning district of Employment Industrial (EI). The EI zoning district is consistent with the city's comprehensive plan.*

Public Notice and Comments

At the time the staff report was published, November 22, 2024, staff has not received any public comments.

III. REQUIRED CRITERIA AND FINDINGS FOR ANNEXATION AND BOUNDARY CHANGE

A. State Standards

Oregon Revised Statute 222 authorizes and guides the process for annexations of unincorporated and adjacent areas of land into the incorporated boundary of the City. In this instance, the property owners of the area, are petitioning the City to annex under the annexation provisions outlined in Senate Bill 1573, which was added to ORS 222.111 to 222.180. Senate Bill 1573, Subsection 2(4) states that when the legislative body (City Council) determines that the annexation petition meets the criteria described in subsection (2), the territory is to be annexed to the city by ordinance. Assuming the City Council determines that the annexation petition meets the prescribed criteria, an ordinance annexing the territory and forwarding notification to the Secretary of State, Department of Revenue and affected agencies and districts will be prepared for Council approval.

Senate Bill 1573, Section 2.

- (1) This section applies to a city whose laws require a petition proposing annexation of territory to be submitted to the electors of the city.**
- (2) Notwithstanding a contrary provision of the city charter or a city ordinance, upon receipt of a petition proposing annexation of territory submitted by all owners of land in the territory, the legislative body of the city shall annex**

the territory without submitting the proposal to the electors of the city if:

The annexation petition is proposed by all the owners of the land in the territory, representing 100% of the property owners within the ±38.63 acre territory proposed for annexation. The property owner's legal representatives have signed the annexation petition.

- (a) The territory is included within an urban growth boundary adopted by the city or Metro, as defined in ORS 197.015;**

The territory proposed for annexation is located within the Urban Growth Boundary, in what is known as the Tonquin Employment Area Concept Plan. The Tonquin Employment Area was brought into the Sherwood Urban Growth Boundary in 2004 via Metro Ordinance 04-1040B to provide for needed industrial land.

- (b) The territory is, or upon annexation of the territory into the city will be, subject to the acknowledged comprehensive plan of the city;**

The entire Tonquin Employment area is comprised of approximately 300 acres. In October 2010, the City approved the concept plan and associated implementing Comprehensive Plan and Zone Map Amendments via Ordinance 2010-014. Thus, the Comprehensive Plan applies, and the established zoning for the property will take effect upon adoption of the Ordinance for the annexation.

- (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**

The parcels to the west and east of the site have all been annexed into the Sherwood city limits with either Employment Industrial (EI) or General Industrial (GI) zoning designations. The parcels within the territory are contiguous to the city limits.

- (d) The proposal conforms to all other requirements of the city's ordinances.**

The annexation petition was prepared in accordance with the City's requirements and all information required in the City's "Checklist for Annexation Request to the City of Sherwood" has been submitted. Additional review of the City Comprehensive Plan is shown below.

- (3) The territory to be annexed under this section includes any additional territory described in ORS 222.111 (1) that must be annexed in order to locate infrastructure and right-of-way access for services necessary for development of the territory described in subsection (2) of this section at a density equal to the average residential density within the annexing city.**

Because the subject site abuts the City boundary (west and east) and various services will be available to serve the property once the Ice Age Drive project is completed. Therefore, is not necessary that any other properties be annexed.

Per City Engineering, the proposed annexation will allow for the construction of the new city collector street (Ice Age Drive) between SW Oregon Street and SW 124th Avenue. Also included in this annexation is SW Dahlke Lane (currently a county road) from the southern end of this proposed annexation to the current city limits to the north where SW Dahlke Lane connects to SW Oregon Street.

Currently SW Dahlke Lane is a long dead-end street that provides transportation access to four of the five subject parcels with the fifth parcel having driveway access onto SW Oregon Street. With the proposed annexation of SW Dahlke Lane right-of-way along the frontage of the subject properties up to its connection to the current city limits, all proposed parcels will have transportation access to public streets within the newly accessed city limits under this annexation proposal. Furthermore, the subject properties will have access to the future Ice Age Drive and extension of SW Industry Lane upon project completion. All parcels will also have access to all public services upon the completion of the Ice Age Drive project.

- (4) When the legislative body of the city determines that the criteria described in subsection (2) of this section apply to territory proposed for annexation, the legislative body may declare that the territory described in subsections (2) and (3) of this section is annexed to the city by an ordinance that contains a description of the territory annexed.**

As discussed above, the criteria described in subsection (2) apply to the territory proposed for annexation.

Oregon Revised Statute Chapter 199.510 - Clean Water Services Boundary

Oregon Revised Statute Chapter 199.510 Financial effects of transfer or withdrawal; exceptions

(2)(c) When a city receives services from a district and is part of that district, any territory thereafter annexed to the city shall be included in the boundaries of the district and shall be subject to all liabilities of the district in the same manner and to the same extent as other territory included in the district.

Clean Water Services provides sanitary sewer treatment and water quality services to urban areas within Washington County including within the Sherwood city limits. The subject territory is not currently within the Clean Water Services district boundary. Oregon Revised Statute Chapter 199.510(2)(c) stipulates that when a city receives services from a district, such as Clean Water Services, the territory annexed to the city

is also automatically added to the boundaries of the service district. Therefore, approval of the annexation ordinance will result in adding the annexed territory to the Clean Water Services district.

B. Regional Standards

In addition to the specific criteria for deciding city boundary changes within Senate Bill 1573, the Legislature has directed Metro to establish criteria, which must be used by all cities within the Metro boundary. This area is both within the Urban Growth Boundary and within Metro's Boundary. The site and the entire Tonquin Employment Area is within the Metro Boundary. As such, below is a review of the annexation for compliance with the applicable Metro Code Chapter, Chapter 3.09 (Local Government Boundary Changes).

3.09.050 Hearing and Decision Requirements for Decisions Other Than Expedited Decisions

- A. The following requirements for hearings on petitions operate in addition to requirements for boundary changes in ORS Chapters 198, 221 and 222 and the reviewing entity's charter, ordinances or resolutions.**
- B. Not later than 15 days prior to the date set for a hearing the reviewing entity shall make available to the public a report that addresses the criteria in subsection (d) and includes the following information:**
 - 1. The extent to which urban services are available to serve the affected territory, including any extra territorial extensions of service;**

The application is not an expedited decision pursuant to Metro rules. The Tonquin Employment Area Concept Plan, adopted in 2010, identifies the location and size of urban services, including water, sanitary and storm sewer. The Water System Master Plan, Storm Water Master Plan, and Sanitary Sewer Master Plan already include assumptions for the Tonquin Employment area and upgrades needed to serve the TEA are already programmed.

The proposed annexation will bring the subject properties into the city limits in preparation for the upcoming Ice Age Drive project that will interconnect SW Oregon Street to SW 124th Avenue.

Water Per City Engineering Department, public water exists within SW Industry Lane which is stubbed at the eastern city limits adjacent to the four eastern parcels. There is also public water located in SW Oregon Street. With the above-mentioned Ice Age Drive project, the water line within SW Industry Lane will be extended to Ice Age Drive with the water line continuing within Ice Age Drive to SW Oregon Street and SW 124th Avenue to provide future public water service to all five parcels of this annexation request. Therefore, all parcels will have access to public water service upon the completion of the Ice Age Drive project.

Sewer Per City Engineering Department, public sanitary sewer exists within SW Industry Lane which is stubbed at the eastern city limits adjacent to the four eastern parcels. With the above-mentioned Ice Age Drive project, the sanitary

sewer line within SW Industry Lane will be extended to Ice Age Drive with the sanitary sewer continuing within Ice Age Drive to provide future public sanitary sewer service to all five parcels of this annexation request. Therefore, all parcels will have access to public sanitary sewer service upon the completion of the Ice Age Drive project.

Storm Drainage Per City Engineering Department, Currently, public storm sewer exists within the property to the south of the western parcel. There is also an existing wetland located within one of the four eastern parcels. With the above-mentioned Ice Age Drive project, the storm sewer will be constructed within Ice Age Drive to provide future public storm sewer service to all five parcels of this annexation request. Therefore, all parcels will have access to public storm sewer service upon the completion of the Ice Age Drive project.

Parks and Recreation The City of Sherwood maintains several developed parks and open spaces. Additionally, the City maintains over 300 acres of greenway/greenspace/natural areas. Dedication and construction of new parks and trails generally occurs with development or with system development charges required of new development. Maintenance and operations of the parks and open space system is funded out of the General Fund. An annexation alone does not trigger any park requirements. At the time development is proposed, likely with a Site Plan application, the applicant will be required to comply with park requirements, including any required System Development Charges (SDC's).

Transportation Per City Engineering Department, the proposed annexation will allow for the construction of the new city collector street (Ice Age Drive) between SW Oregon Street and SW 124th Avenue. Also included in this annexation is SW Dahlke Lane (currently a county road) from the southern end of this proposed annexation to the current city limits to the north where SW Dahlke Lane connects to SW Oregon Street.

Currently SW Dahlke Lane is a long dead-end street that provides transportation access to four of the five subject parcels with the fifth parcel having driveway access onto SW Oregon Street. With the proposed annexation of SW Dahlke Lane right-of-way along the frontage of the subject properties up to its connection to the current city limits, all proposed parcels will have transportation access to public streets within the newly accessed city limits under this annexation proposal. Furthermore, the subject properties will have access to the future Ice Age Drive and extension of SW Industry Lane upon project completion.

The master plan for the Ice Age Tonquin Regional Trail shows that the proposed location for this trail is along SW Oregon Street which is adjacent to one of the parcels of this annexation and the BPA right-of-way that is being annexed. All other parcels are outside of the limits of the conceptual Ice Age Tonquin Regional Trail location. The annexation will not affect the ability to

implement the Ice Age Tonquin Regional Trail master plan. At the time of land use application/development, parcels abutting/fronting Oregon Street will be required to implement the Ice Age Tonquin Region Trail mater plan.

The proposed annexation accommodates transportation access for the five parcels of land via a public street within the city limits with one parcel having access to SW Oregon Street and the other four parcels having access to SW Dahlke Road which is included in the annexation application.

A Transportation Impact Analysis (TIA) will be required to be conducted as part of the site development land use review process, where transportation mitigation requirements will be identified and conditioned.

Fire The territory is within the boundary of the Tualatin Valley Fire and Rescue District (TVF&R), which is served by Station 33 located on SW Oregon Street. Station 35 in King City and Station 34 in Tualatin are also in close proximity. This will not change with annexation.

Police According to online County records, the proposed territory to be annexed is within the Washington County Enhanced Sheriff's Patrol District (ESPD). If it is subsequently found that the property is within Washington County ESPD, the City will withdraw the territory from the District upon annexation in accordance with ORS 222.520 and 222.120(5). If the City declares the territory withdrawn from the District on the effective date of the annexation the District's tax levy will no longer apply.

Upon annexation, police services will be provided by the Sherwood Police Department which provides 24-hour/day protection.

2. Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party; and

As discussed above, the territory proposed to be annexed is within the Washington County Enhanced Sherriff's Patrol District. If the County's records are correct, it is expected that the parcels will be withdrawn from the district upon annexation into the City.

3. The proposed effective date of the boundary change.

The effective date of annexation will be finalized after Council adoption of the ordinance annexing the territory and filing of the approval with the Secretary of State, Department of Revenue, and other affected agencies.

C. The person or entity proposing the boundary change has the burden to demonstrate that the proposed boundary change meets the applicable criteria.

The applicant has submitted the annexation application and narrative explaining how the project meets all criteria. The applicant has submitted certified petitions and legal descriptions required to initiate the request. This staff report evaluates the applicant's materials, the Tonquin Employment Area Concept Plan and applicable standards to determine whether the applicable criteria have been met.

D. To approve a boundary change, the reviewing entity shall apply the criteria and consider the factors set forth in Subsections (D) and (E) of Section 3.09.045.

The criteria are evaluated immediately below.

Metro Criteria § 3.09.045 (D)

- 1. Find that the change is consistent with expressly applicable provisions in:**
 - a. Any applicable urban service agreement adopted pursuant to ORS 195.065;**

Under the Washington County/Sherwood Urban Planning Area Agreement (UPAA), the City was responsible for preparing the comprehensive plan and public facilities plan within the regional Urban Growth Boundary surrounding the City limits. In the UPAA the County agreed that the City would be responsible for comprehensive planning within the Urban Planning Area and would be responsible for the preparation, adoption and amendment of the public facility plan required by OAR 660-11 within the Urban Planning Area. The UPAA also identifies the City as the appropriate provider of local water, sanitary sewer, storm sewer and transportation facilities within the urban planning area.

As discussed within this report, the concept plan for the area was developed consistent with the UPAA. The agreement specifies that the City of Sherwood is the appropriate urban service provider for this area and that Washington County will not oppose annexation. Therefore, the annexation is fully consistent with Washington County policies and agreements.

- b. Any applicable annexation plan adopted pursuant to ORS 195.205**

This section of ORS code provided for a vote to be taken by the electorate. This provision has now been superseded by Senate Bill 1573 and the City Council now votes to provide for the annexation of properties to the city.

Furthermore, in 2012 under Measure No. 34-202, residents of Sherwood voted to support annexation when property owners choose to submit requests to the City Council.

This criterion is not applicable.

c. Any applicable cooperative planning agreement adopted pursuant to ORS 195.020(2) between the affected entity and a necessary party

ORS 195.020(2) explains that the City must enter into cooperative agreements with all urban services providers. In the case of the subject parcel, the land is within the boundaries of all required urban services. The City has agreements with all providers.

The City is inside the Clean Water Services District and the site will be in CWS Service District once annexed into the city boundary. The City and CWS have cooperative agreements that will not be affected by this annexation. The territory is also in the TVF&R service district which will not change upon annexation. The proposed annexation area is within the Enhanced Sheriff Patrol District and is expected to be withdrawn upon annexation.

Both the City and Washington County will continue to honor the mutual aid agreements which ensure coverage of law enforcement regardless of the jurisdictional boundary. The area to be annexed will be withdrawn from all County districts as the City of Sherwood provides these services and the County special district services are no longer necessary. As affected agencies, Washington County, CWS and TVF&R received notice of the proposed annexation and the opportunity to provide comments.

d. Any applicable public facility plan adopted pursuant to a Statewide planning goal on public facilities and services; and

The Sherwood City Council reviewed and adopted the Tonquin Employment Area Concept Plan in October 2010. The Tonquin Employment Area Concept Plan incorporated the recommendations found in the City's water, sanitary sewer and storm water master plan and the Transportation System Plan. At that hearing, the Council evaluated the Plan's consistency with the Comprehensive Plan, applicable master plans and all State Planning Goals and found that these were met/satisfied; however, the discussions and findings in this report also demonstrate that the proposed annexation can feasibly comply with those plans.

e. Any applicable comprehensive plan; and

Compliance with the local Comprehensive Plan is discussed further in this report under the "Local Standards" section.

f. Any applicable concept plan.

Compliance with the Tonquin Employment Area Concept Plan is discussed further in this report under the "Local Standards" section.

2. Consider whether the boundary change would:

a. Promote the timely, orderly and economic provision of public facilities and services;

The proposed annexation area can be served by extending existing sewer and water services that abut the property at the current City limits. Franchise utilities and road access are already provided by both the City and the respective utility service provider. Upgrades to these utilities will be studied in more detail when a development application is submitted, and if needed, required to be paid for by the development. Adjacent lands to the subject site were developed under the City standards along with various service utilities. The extension of these facilities will provide for the development of the site as anticipated by the land use zoning per the City's Comprehensive Plan. Finally, by annexing the area, the City will be able to collect the System Development Charges (SDC) necessary to make infrastructure improvements needed to serve the area consistent with the applicable master plans.

The provision of public facilities and services in this area, can occur in a timely and orderly manner concurrent with proposed development applications. The proposed annexation represents a logical step in the growth of the area with the upcoming Ice Age Drive project that will interconnect SW Oregon Street to SW 124th Avenue and will be provided utility services for future development. Any necessary upgrades to existing facilities have already been identified in existing plans, including the Tonquin Employment Area Concept Plan and it has been determined that funding is reasonably likely which is a necessary finding to meet state Transportation Planning Rule requirements.

b. Affect the quality and quantity of urban services; and

The Metro Code defines urban services as "sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit."

Currently, there are no urban infrastructure in the territory proposed to be annexed; therefore, annexation will provide the opportunity for extension of urban services to City standards. There are existing roads in good condition. Annexation will not immediately affect these positively or negatively, however as development occurs, road improvements will likely be required, and utility connections and possible upgrades will be made. Other urban infrastructure is expected to be provided at the expense of the developer when mitigation is required for impacts resulting from subsequent development of the area. Further, upon development of the area, SDCs will be collected to assist in the construction of identified needs or improvements to City services to offset impacts to existing City and County facilities.

TVF&R, the fire protection provider for the area, did not provide any comments.

The City of Sherwood maintains several developed parks and open spaces. Additionally, the City maintains over 300 acres of greenway, greenspace, and natural areas. Given the zoning for the site will be Employment Industrial,

parks and open spaces will be minimally impacted.

Mass transit will not be directly affected by the annexation; however, with additional individuals/employees comes additional demand on the transit system and increased opportunities for better transit service to serve the existing and future populations.

While development in the area will increase the number of individuals utilizing urban services, as discussed above, it is unlikely that the quantity of urban services will be diminished by the addition of this parcel and the anticipated employees. In addition, these new employment industrial developments will be assessed taxes which will contribute to schools, fire department, transit providers and the City which will off-set the additional impacts of serving this area. In other words, the quality of services provided are not expected to decrease because the new developments will be contributing to the tax base which funds services.

c. Eliminate or avoid unnecessary duplication of facilities or services.

The existing property owners most likely use City facilities, such as the library and parks, while also relying upon County services for law enforcement. However, because of the proximity to the City, Sherwood would be a first responder on many emergency calls. In addition, there can sometimes be confusion on the part of both the City and residents when an area is developed in such close proximity to the City in regard to who the service provider is. Annexation will eliminate any confusion or potential duplication of services.

Metro Criteria § 3.09.045 (E)

A city may not annex territory that lies outside the UGB, except that it may annex a lot or parcel that lies partially within and partially outside the UGB.

The proposed annexation territory lies entirely within the UGB.

C. Local Standards

The territory is within the City's Urban Planning Area as identified in Sherwood/ Washington County Urban Planning Area Agreement. As such, the Comprehensive Plan goals and policies for urbanization apply. In addition, the city adopted the Tonquin Employment Area Concept Plan, including amendments to the Comprehensive Plan to implement the concept plan. Ordinance 2010-014 designated zoning on the properties in the area. A copy of the adopted comprehensive plan zoning map is attached as Exhibit C. This zoning will be applied upon annexation of the area.

The Strategic and Collaborative Governance Chapter of the City's adopted 2040 Comprehensive Plan contains several applicable policy objectives which are reviewed below.

Strategic and Collaborative Governance

Governance and Growth Management

Goal 3 Ensure that the rate, amount, type, location and cost of new development will preserve and enhance Sherwood's quality of life so that it is accessible to all community members.

POLICY 3.4 Ensure annexation to the City occurs in an orderly and coordinated manner, and services are provided to support urban growth consistent with the 2040 Vision. Consider annexation proposals which meet the following criteria:

a) The subject property must be located within the Metro Urban Growth Boundary.

The subject properties proposed for annexation are located within the Urban Growth Boundary, in what is known as the Tonquin Employment Area Concept Plan. The Tonquin Employment Area was brought into the Sherwood Urban Growth Boundary in 2004 via Metro Ordinance 04-1040B to provide for needed industrial land.

b) The subject property must be contiguous to the existing City limits or separated from it only by a public right of way.

The parcels to the west and east of the subject properties have all been annexed into the Sherwood city limits with either Employment Industrial (EI) or General Industrial (GI) zoning designations. The parcels within the site are contiguous to the city limits.

c) Right-of-way that is not within City limits may be annexed for road reconstruction or modification or for the placement of utilities.

The project site is approximately 38.63 acres of public and private properties that includes City of Sherwood and Bonneville Power Administration (BPA) rights-of-way, all located within the Tonquin Employment Area (TEA) Concept Plan. The annexation of these rights-of-way will allow for construction and extension of SW Ice Age Drive and its associated utilities. Furthermore, the annexation will grant the City permitting authority for the construction of SW Ice Age Drive right-of-way.

d) The proposed use for the site complies with the Sherwood Comprehensive Plan and with the designation(s) thereon. If a re-designation of the plan map is requested after an annexation is finalized, the uses allowed under the proposed designation must comply with the Comprehensive Plan.

As stated previously, the subject site is within the Tonquin Employment Area, which is

reflected in the City's Comprehensive Plan. The City zoning for the site has already been adopted with the approved Concept Plan and becomes effective upon annexation. The adopted City zoning for the site is Employment Industrial (EI). The EI zoning district provides employment areas that are suitable for, and attractive to, key industries and industry clusters that have been identified by the State of Oregon and the City's economic development strategy as important to the state and local economy. The following are preferred industry sectors for areas zoned EI: Clean Technology; Technology and Advanced Manufacturing; and Outdoor Gear and Active Wear.

If redesignation of the plan map is requested in the future, a formal land use proposal for the zone change must be submitted and meet the approval criteria of Sherwood Zoning and Community Development Code (SZCDC) Section 16.80 Plan Amendments. Furthermore, future development of the site would not be approved unless an applicant submits a formal land use proposal to develop the site that is consistent with the SZCDC.

e) An adequate level of urban services and infrastructure are available or can be extended in a cost effective and efficient manner to the area.

The Tonquin Employment Area Concept Plan, adopted in 2010, identifies the location and size of urban services, including water, sanitary and storm sewer. The Water System Master Plan, Storm Water Master Plan, and Sanitary Sewer Master Plan already include assumptions for the Tonquin Employment area and upgrades needed to serve the TEA are already programmed.

The proposed annexation will bring the subject properties into the city limits in preparation for the upcoming Ice Age Drive project that will interconnect SW Oregon Street to SW 124th Avenue. The construction and extension of the roadway will provide urban services to the area.

Once the proposed annexation is approved, SW Ice Age Drive will be permitted and constructed by the city in turn being cost effective and efficient.

f) The proposed annexation represents a logical direction for City expansion, promotes an orderly, reasonable and economically feasible expansion of the City boundaries and, in the judgment of the City, serves the present and future interests of the City.

This is a policy that is achieved through the concept planning and public facility planning for new urban areas. This was done concurrent with the Tonquin Employment Area Concept Plan. New growth is encouraged within the Urban Growth Boundary.

The proposed annexation represents a logical step in the growth of the area with the upcoming Ice Age Drive project that will interconnect SW Oregon Street to SW 124th Avenue and will be provided utility services for future development. Any necessary upgrades to existing facilities have already been identified in existing plans, including the Tonquin Employment Area Concept Plan and it has been determined that funding is

reasonably likely which is a necessary finding to meet state Transportation Planning Rule requirements.

g) Improvements for needed infrastructure may be secured by a funding mechanism that will place the primary economic burden on the territory proposed for annexation and not on the City of Sherwood generally.

The proposed annexation will allow for the construction of SW Ice Age Drive that will interconnect SW Oregon Street to SW 124th Avenue and will provide utility services for future development. Funding for SW Ice Age Drive construction is under the umbrella of Sherwood's Urban Renewal Agency Capital Projects, Federal funds, and other funding mechanisms. Future development of parcels within the territory will trigger infrastructure improvements that would typically be paid and constructed by the developer. The future infrastructure needs of the proposed annexation will not be an economic burden for the City of Sherwood in general.

POLICY 3.5 Require larger UGB expansion areas to complete concept plans that conform to local, regional and state requirements, include a phased development plan and reflect Sherwood's landform to achieve a sustainable transition over time. Concept plans shall strive to:

- Balance the needs of existing and new residents and businesses to ensure a sustainable tax base to deliver services.***
- Consider a variety of housing and employment uses for each concept plan as an opportunity to provide walkable neighborhood services and efficient transportation alternatives.***

This is a policy that is achieved through the concept planning and public facility planning for new urban areas. This was done concurrent with the Tonquin Employment Area Concept Plan. The Tonquin Employment Area (previously referred to as Study Area 48) was brought into the Sherwood Urban Growth Boundary in 2004 via Metro Ordinance 04-1040B to provide for needed industrial land. The entire TEA is comprised of approximately 300 acres. In October 2010, the City approved the concept plan and associated implementing Comprehensive Plan and Map Amendments via Ordinance 2010-014.

IV. RECOMMENDATION

This staff report provides a review and analysis of the existing criteria for annexation. It is staff's recommendation, based on the criteria in Senate Bill 1573, ORS 199.510(2)(c), Metro annexation criteria and the City's policies in the Comprehensive Plan and Tonquin Employment Area Concept Plan, that the Tonquin Employment Area annexation petition, LU 2024-019 AN, be approved.

V. EXHIBITS

- A. Map of Project Area
- B. Legal Description of Area to Be Annexed and Map
- C. Comprehensive Plan and Zoning Map adopted via Ord. 2010-014
- D. Sherwood Engineering Department Comment Letter
- E. Department of Revenue Preliminary Approval Letter
- F. Applicant's Submittal with narrative and supporting documents

WASHINGTON COUNTY OREGON
SW 1/4 SECTION 28 T2S R1W
SCALE 1"= 200'

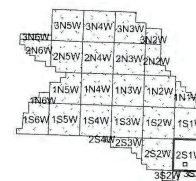


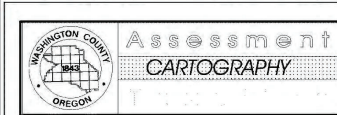
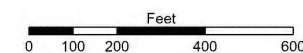
Figure 1 consists of two 6x6 grids. The left grid is a 6x6 matrix of numbers from 1 to 36. The right grid is a 6x6 matrix of letters from BB to DD, with 'SECTION 28' in the center.

36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6
12	7	8	9	10	11	12	7
13	18	17	16	15	14	13	18
24	19	20	21	22	23	24	19
25	30	29	28	27	26	25	30
1	6	5	4	3	2	1	6

BB	BA	AB	AA
BC	BD	AC	AD
CB	CA	DB	DA
CC	CD	DC	DD

FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
www.washingtoncountyor.gov/gis

Cancelled Taxlots For: 2S128C
104, 203, 103, 106, 401, 201A2, 201A3, 300A1, 200A1, 201A1, 101



PLOT DATE: 7/30/2024

Rotation: 0
FOR ASSESSMENT PURPOSES
ONLY - DO NOT RELY ON
FOR OTHER USE

Map areas delineated by either gray shading or a cross-hatched pattern are for reference only and may not indicate the most current property boundaries. Please consult the appropriate map for the most current information.

98
SHERWOOD
2S128C

WASHINGTON COUNTY OREGON
SE 1/4 SECTION 28 T2S R1W
SCALE 1"= 200'



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**EXHIBIT "A"**

Tonquin Employment Area Annexation
City of Sherwood
July 30, 2024

Tax Maps 2S128C and 2S128D

PARCEL 1

A tract of land lying in the South Half of Section 28, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, described as follows:

Beginning at the South quarter corner of Section 28, Township 2 South, Range 1 West, Willamette Meridian; thence North 0°07'50" East along the East line of the Southeast quarter of the Southwest quarter of said Section 28, a distance of 1326.63 feet to the Northeast corner of the said quarter-quarter; thence North 0°03'38" West along the East line of the Northeast quarter of the Southwest quarter, a distance of 198.53 feet to a point on the Southwesterly boundary of that Bonneville Power Administration tract described in Book 180, Page 501, Washington County Book of Records; thence North 44°32'33" West along said Southwesterly boundary a distance of 706.70 feet to a point on the center line of S.W. Oregon Street (County Road No. 492); thence North 41°28'45" East along said center line a distance of 100.24 feet, more or less, to a point on the Northeasterly boundary of said Bonneville Power Administration tract; thence South 44°32'33" East along said Northeasterly boundary a distance of 611.83 feet to a point on said East line of the Northeast quarter of the Southwest quarter; thence North 0°03'38" West along said East line a distance of 375.67 feet, more or less, to a point on the Southerly boundary of that property described in Document No. 2013-106185, Washington County Book of Records, also being a point on the Southerly annexation boundary described in Annexation Proposal No. 3735; thence South 65°30'00" East, more or less, along said Southerly annexation boundary a distance of 13.74 feet, more or less, to a point on the center line of S.W. Dahlke Lane whose right-of-way is described as a 25.00 foot wide strip of land in Book 179, Page 471, Washington County Book of Records; thence North 0°03'38" West along said center line of S.W. Dahlke Lane a distance of 468.07 feet, more or less, to a point on the center line of County Road No. 492; thence North 47°32'40" East, more or less, along said center line of County Road No. 492 a distance of 16.90 feet, more or less, to a point on the Northerly extension of the East line of said S.W. Dahlke Lane right-of-way; thence South 0°03'38" East, along said Northerly extension and said East line, a distance of 528.84 feet, more or less, to a point on the South line of that property described in Document No. 2018-085434, Washington County Book of Records; thence North 89°33'10" East along said South line of said property a distance of 15.00 feet to a point on the Easterly right-of-way of the 40.00 foot wide S.W. Dahlke Lane; thence South 0°03'38" East along said Easterly right-of-way a distance of 313.98 feet; thence South 70°50'35" East a distance of 125.22 feet; thence South 41°07'35"



East a distance of 173.46 feet; thence South 17°39'06" East a distance of 173.28 feet to a point on the Northeasterly boundary of said Bonneville Power Administration tract; thence South 44°32'33" East along said Northeasterly boundary a distance of 102.04 feet to a point on the Northerly boundary of that property described in Document No. 2023-014259, Washington County Book of Records; thence North 89°26'07" East along said Northerly boundary a distance of 905.18 feet to a point on the Westerly boundary of Partition Plat No. 2019-029, Washington County Survey Records; thence South 0°04'06" East along said Westerly boundary a distance of 931.12 feet to a 1-1/8" Ford axle being the Southwest corner of said Partition Plat; thence South 89°26'02" West through the said Bonneville Power Administration tract and along a portion of the Southerly boundary of that property described in Document No. 2023-040577, Washington County Book of Records, a distance of 693.22 feet to a point on the Westerly right-of-way of said S.W. Dahlke Lane; thence North 34°44'06" West along said Westerly right-of-way a distance of 139.66 feet to a point on the Northwesterly boundary of that property described in Document No. 2016-001001, Washington County Book of Records; thence South 49°45'43" West along said Northwesterly boundary a distance of 697.75 feet to the Point of Beginning.

This tract of land contains 33.52 acres, more or less.

The bearings of this description were established on Record of Survey No. 34604, Washington County Survey Records.

PARCEL 2

A tract of land lying in the Northeast quarter of the Southwest quarter of Section 28, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, described as follows:

Beginning at a point on the North line of the Southeast quarter of the Southwest quarter, said point lying South 89°11'33" West 205.37 feet from the Northeast corner of said quarter-quarter; thence South 89°11'33" West along said North line and the Southerly boundary of that property described in Document No. 2022-059410, Washington County Book of Records, a distance of 844.49 feet to a point on the Southeasterly Right-of-Way of S.W. Oregon Street (37.00 feet from center line); thence North 51°26'34" West a distance of 37.00 feet to said center line; thence North 38°33'26" East along said center line a distance of 418.10 feet to a point of curvature; thence continuing along said center line on a curve to the right with a radius of 1312.33 feet (the long chord of which bears North 40°01'05" East 66.92 feet) a distance of 66.93 feet to a point of tangency; thence North 41°28'45" East continuing along said center line a distance of 133.26 feet; thence leaving said center line South 44°32'33" East along the Northeasterly boundary of said Document No. 2022-059410 a distance of 686.37 feet to the Point of Beginning.



This parcel of land contains 5.11 acres, more or less.

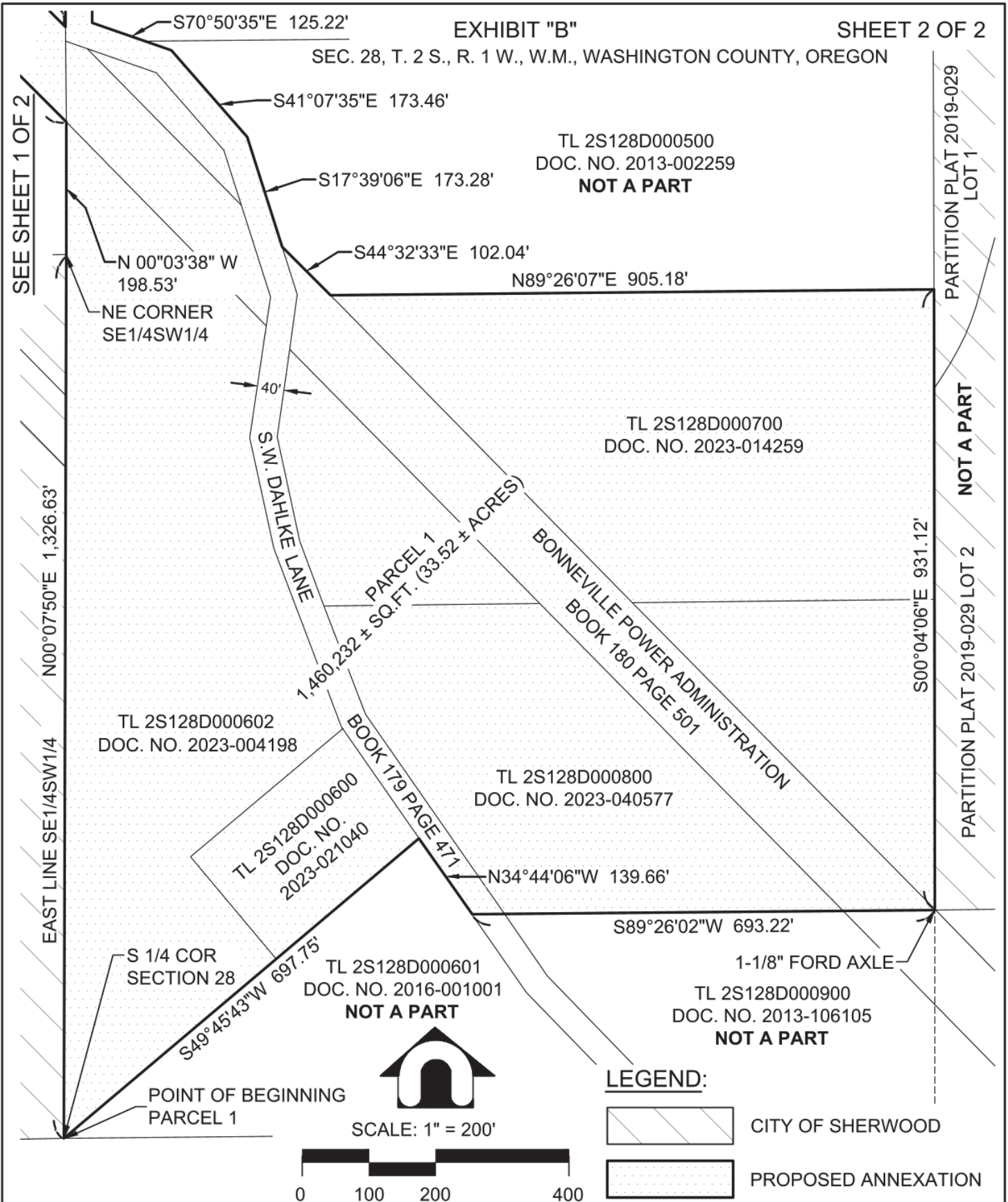
The bearings of this description were established on Record of Survey No. 34604, Washington County Survey Records.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

DIGITALLY SIGNED 2024.10.17
08:52:41-07'00'

OREGON
JULY 13, 2021
KEITH LYMAN
94803

RENEWS: 12/31/2024



**TONQUIN EMPLOYMENT AREA ANNEXATION
 CITY OF SHERWOOD**

FILE NO: ANX 01	SUBMITTAL DATE: 07/30/2024
TAX LOT: -	REVISED DATE: 10/16/2024
TAX MAP: -	ADDRESS: -NA-



**DAVID EVANS
 AND ASSOCIATES INC.**

2100 S River Parkway, Suite 100
 Portland Oregon 97201
 Phone: 503.223.6663

**EXHIBIT "A"**

Tonquin Employment Area Annexation
Clean Water Services
July 30, 2024

Tax Maps 2S128C and 2S128D

PARCEL 1

A tract of land lying in the South Half of Section 28, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, described as follows:

Beginning at the South quarter corner of Section 28, Township 2 South, Range 1 West, Willamette Meridian; thence North 0°07'50" East along the East line of the Southeast quarter of the Southwest quarter of said Section 28, a distance of 1326.63 feet to the Northeast corner of the said quarter-quarter; thence North 0°03'38" West along the East line of the Northeast quarter of the Southwest quarter, a distance of 198.53 feet to a point on the Southwesterly boundary of that Bonneville Power Administration tract described in Book 180, Page 501, Washington County Book of Records; thence North 44°32'33" West along said Southwesterly boundary a distance of 706.70 feet to a point on the center line of S.W. Oregon Street (County Road No. 492); thence North 41°28'45" East along said center line a distance of 100.24 feet, more or less, to a point on the Northeasterly boundary of said Bonneville Power Administration tract; thence South 44°32'33" East along said Northeasterly boundary a distance of 611.83 feet to a point on said East line of the Northeast quarter of the Southwest quarter; thence North 0°03'38" West along said East line a distance of 375.67 feet, more or less, to a point on the Southerly boundary of that property described in Document No. 2013-106185, Washington County Book of Records, also being a point on the Southerly annexation boundary described in Annexation Proposal No. 3735; thence South 65°30'00" East, more or less, along said Southerly annexation boundary a distance of 13.74 feet, more or less, to a point on the center line of S.W. Dahlke Lane whose right-of-way is described as a 25.00 foot wide strip of land in Book 179, Page 471, Washington County Book of Records; thence North 0°03'38" West along said center line of S.W. Dahlke Lane a distance of 468.07 feet, more or less, to a point on the center line of County Road No. 492; thence North 47°32'40" East, more or less, along said center line of County Road No. 492 a distance of 16.90 feet, more or less, to a point on the Northerly extension of the East line of said S.W. Dahlke Lane right-of-way; thence South 0°03'38" East, along said Northerly extension and said East line, a distance of 528.84 feet, more or less, to a point on the South line of that property described in Document No. 2018-085434, Washington County Book of Records; thence North 89°33'10" East along said South line of said property a distance of 15.00 feet to a point on the Easterly right-of-way of the 40.00 foot wide S.W. Dahlke Lane; thence South 0°03'38" East along said Easterly right-of-way a distance of 313.98 feet; thence South 70°50'35" East a distance of 125.22 feet; thence South 41°07'35"



East a distance of 173.46 feet; thence South 17°39'06" East a distance of 173.28 feet to a point on the Northeasterly boundary of said Bonneville Power Administration tract; thence South 44°32'33" East along said Northeasterly boundary a distance of 102.04 feet to a point on the Northerly boundary of that property described in Document No. 2023-014259, Washington County Book of Records; thence North 89°26'07" East along said Northerly boundary a distance of 905.18 feet to a point on the Westerly boundary of Partition Plat No. 2019-029, Washington County Survey Records; thence South 0°04'06" East along said Westerly boundary a distance of 931.12 feet to a 1-1/8" Ford axle being the Southwest corner of said Partition Plat; thence South 89°26'02" West through the said Bonneville Power Administration tract and along a portion of the Southerly boundary of that property described in Document No. 2023-040577, Washington County Book of Records, a distance of 693.22 feet to a point on the Westerly right-of-way of said S.W. Dahlke Lane; thence North 34°44'06" West along said Westerly right-of-way a distance of 139.66 feet to a point on the Northwesterly boundary of that property described in Document No. 2016-001001, Washington County Book of Records; thence South 49°45'43" West along said Northwesterly boundary a distance of 697.75 feet to the Point of Beginning.

This tract of land contains 33.52 acres, more or less.

The bearings of this description were established on Record of Survey No. 34604, Washington County Survey Records.

PARCEL 2

A tract of land lying in the Northeast quarter of the Southwest quarter of Section 28, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, described as follows:

Beginning at a point on the North line of the Southeast quarter of the Southwest quarter, said point lying South 89°11'33" West 205.37 feet from the Northeast corner of said quarter-quarter; thence South 89°11'33" West along said North line and the Southerly boundary of that property described in Document No. 2022-059410, Washington County Book of Records, a distance of 844.49 feet to a point on the Southeasterly Right-of-Way of S.W. Oregon Street (37.00 feet from center line); thence North 51°26'34" West a distance of 37.00 feet to said center line; thence North 38°33'26" East along said center line a distance of 418.10 feet to a point of curvature; thence continuing along said center line on a curve to the right with a radius of 1312.33 feet (the long chord of which bears North 40°01'05" East 66.92 feet) a distance of 66.93 feet to a point of tangency; thence North 41°28'45" East continuing along said center line a distance of 133.26 feet; thence leaving said center line South 44°32'33" East along the Northeasterly boundary of said Document No. 2022-059410 a distance of 686.37 feet to the Point of Beginning.



This parcel of land contains 5.11 acres, more or less.

The bearings of this description were established on Record of Survey No. 34604, Washington County Survey Records.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

DIGITALLY SIGNED 2024.10.17
08:52:14-07'00'

OREGON
JULY 13, 2021
KEITH LYMAN
94803

RENEWS: 12/31/2024

SHEET 1 OF 2

SEC. 28, T. 2 S., R. 1 W., W.M., WASHINGTON COUNTY, OREGON

CENTER OF SECTION 28
N47°32'40"E 16.90'

C.R. NO. 492

25'

CENTER LINE OF S.W. DAHLKE LANE
(ANNEXATION PROPOSAL NO. 3735)

CITY OF SHERWOOD

NOT A PART

N41°28'45"E 100.24'

S.W. OREGON STREET
(CR NO. 492)

N41°28'45"E 133.26'

Δ=2°55'19"
R=1312.33'
L=66.93
LC=N40°01'05"E 66.92'

32'

N38°33'26"E 418.10'

40'

1,460.232 ± SQ.FT. (33.52 ± ACRES)

N44°32'33"E 611.83'

N44°32'33"W 706.70'

PARCEL 1
TL 2S128C000701
DOC. NO. 2013-106158
NOT A PART

PARCEL 2
222,750 ± SQ.FT. (5.11 ± ACRES)
TL 2S128C000700
DOC. NO. 2022-059410

S44°32'33"E 686.37'

S44°32'33"W 706.70'

NOT A PART

TL 2S128C000801
DOC. NO. 2013-106185
NOT A PART

TL 2S128C000800
DOC. NO. 2023-018428
NOT A PART

S65°30'00"E 13.74'

S44°32'33"E 611.83'

N00°03'38"W 468.07'

S00°03'38"E 528.84'

TL 2S128D000300
DOC. NO. 2018-085434
NOT A PART

N89°33'10"E 15.00'

S00°03'38"E 313.98'

TL 2S128D000400
DOC. NO. 2014-012728
NOT A PART

40'

N00°03'38"W 375.67'

EAST LINE
NE1/4SW1/4
N00°03'38"W 198.53'

POINT OF
BEGINNING
PARCEL 2

BONNEVILLE POWER
ADMINISTRATION

NE CORNER
SE1/4SW1/4

S89°11'33"W 844.49'

NORTH LINE
SE1/4SW1/4
S89°11'33"W 205.37'

N51°26'34"W 37.00'

TL 2S128C000600
DOC. NO. 2023-024911
NOT A PART

TL 2S128C000601
DOC. NO. 2023-017103

LEGEND:

EXHIBIT C

SEE SHEET 2 OF 2

LEGEND:



CITY OF SHERWOOD

PROPOSED ANNEXATION



SEE SHEET 2 OF 2

SCALE: 1" = 200'



**TONQUIN EMPLOYMENT AREA ANNEXATION
CLEAN WATER SERVICES**

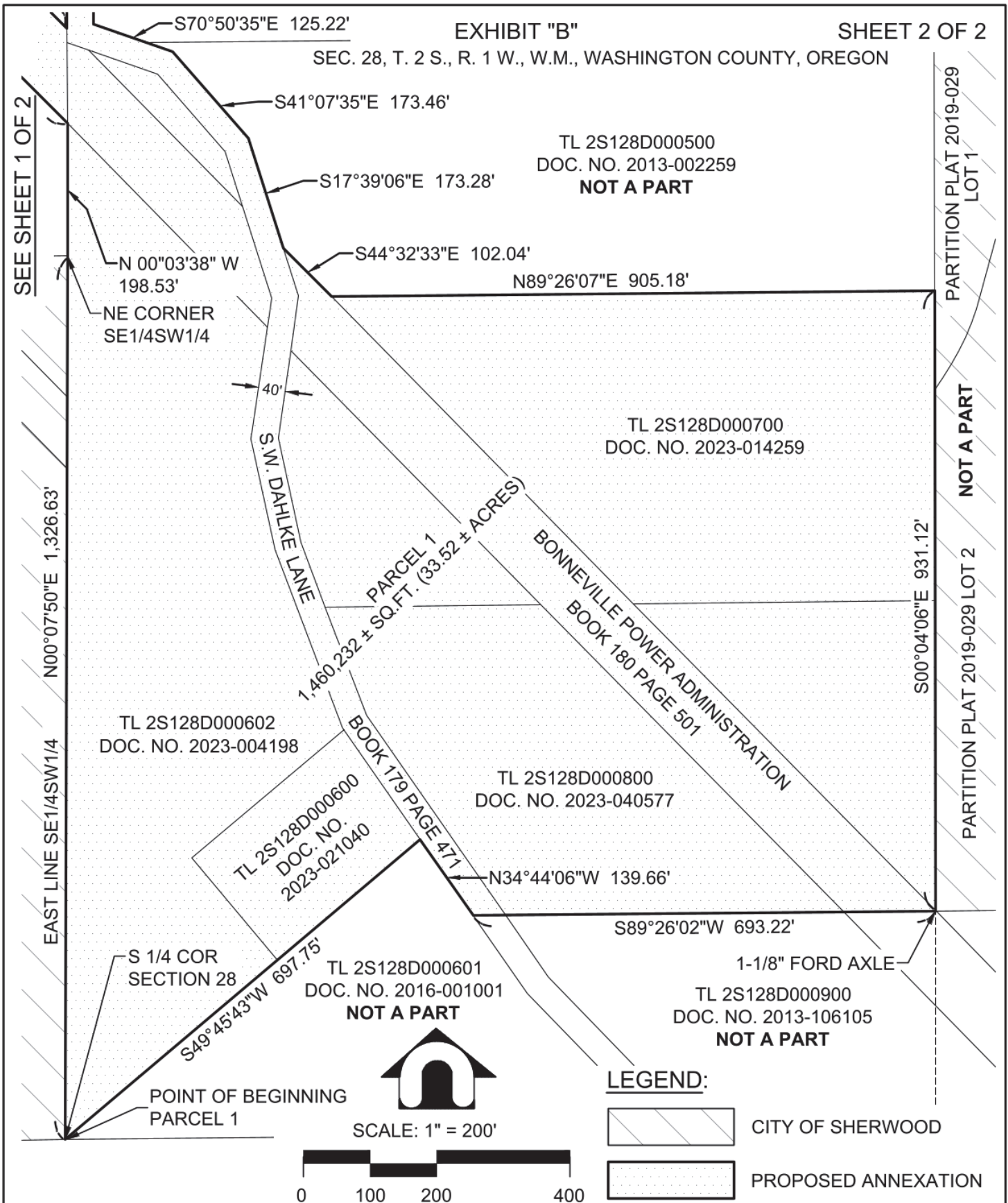
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**DAVID EVANS
AND ASSOCIATES INC.**

2100 S River Parkway, Suite 100
Portland Oregon 97201

Phone: 503.223.6663 **108**



**TONQUIN EMPLOYMENT AREA ANNEXATION
CLEAN WATER SERVICES**

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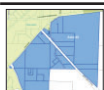
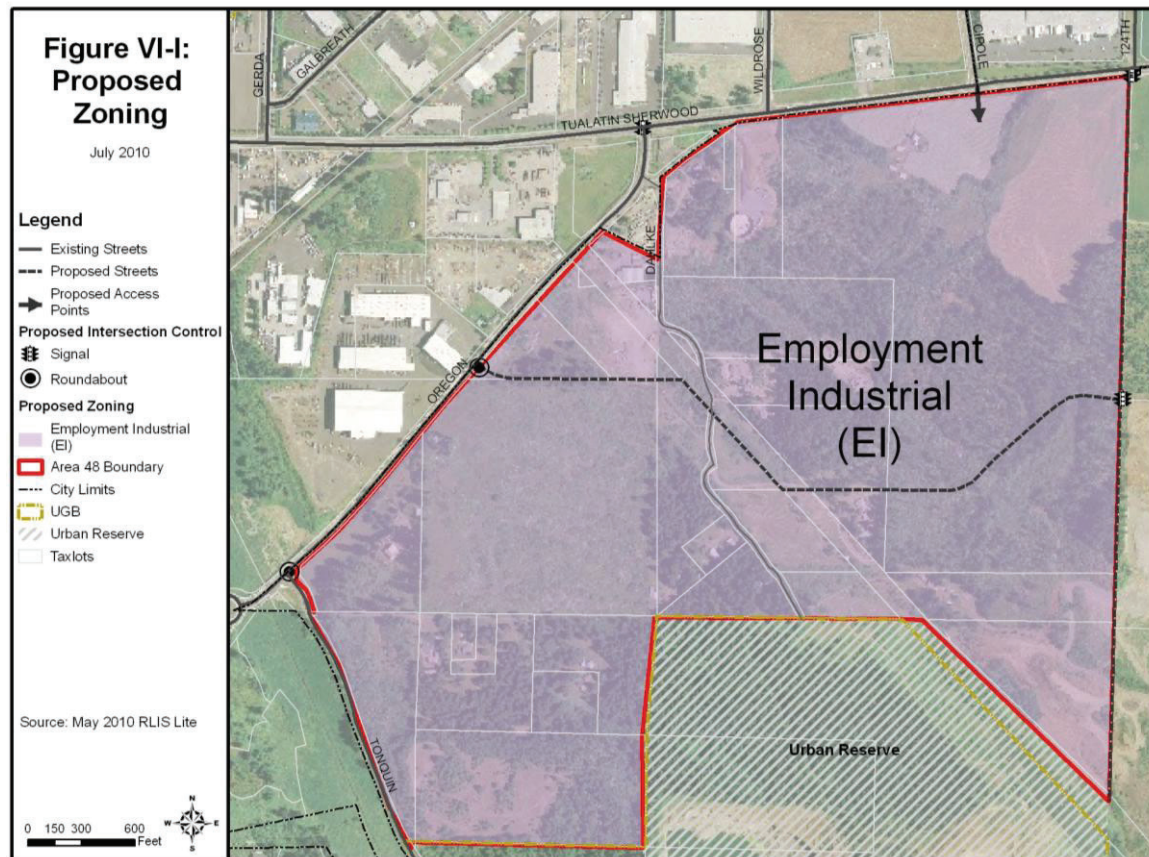


**DAVID EVANS
AND ASSOCIATES INC.**

2100 S River Parkway, Suite 100
Portland Oregon 97201
Phone: 503.223.6663

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Figure VI-1: Proposed Zoning



Engineering Annexation Application Comments



Home of the Tualatin River National Wildlife Refuge

To: Joy Chang, Senior Planner
From: Craig Christensen P.E., Senior Civil Engineer
Project: Tonquin Employment Area Annexation (LU 2024-019)
Date: October 22, 2024

Engineering staff has reviewed the information provided for the above referenced private development project. Final construction plans will need to meet the standards established by the City of Sherwood Engineering Department and Public Works Department, Clean Water Services (CWS) and Tualatin Valley Fire & Rescue (TVF&R), in addition to requirements established by other jurisdictional agencies providing land use comments. City of Sherwood Engineering Department comments are as follows:

General Information

The proposed annexation consists of the annexation of five tax lots in the Tonquin Employment Area (Tax Lot 2S128C00700, 2S128D00600, 2S128D00602, 2S128D00700 & 2S128D00800) as well as a portion of Bonneville Power Administration right-of-way and a portion of SW Dahlke Lane right-of-way. This annexation is to bring the subject properties into the city limits in preparation for the upcoming Ice Age Drive project that will interconnect SW Oregon Street to SW 124th Avenue.

The proposed annexation area is contiguous to the existing city limits with one parcel being contiguous to the north side of the Sherwood Commerce Center site and the other four parcels being contiguous to the east side of the Sherwood Commerce Center site and the west side of the Willamette Water Supply site.

Transportation

As noted above the proposed annexation will allow for the construction of the new city collector street (Ice Age Drive) between SW Oregon Street and SW 124th Avenue. Also included in this annexation is SW Dahlke Lane (currently a county road) from the southern end of this proposed annexation to the current city limits to the north where SW Dahlke Lane connects to SW Oregon Street.

Currently SW Dahlke Lane is a long dead end street that provides transportation access to four of the five subject parcels with the fifth parcel having driveway access onto SW Oregon Street. With the proposed annexation of SW Dahlke Lane right-of-way along the frontage of the subject properties up to its connection to the current city limits, all proposed parcels will have transportation access to public streets within the newly accessed city limits under this annexation proposal. Furthermore, the subject properties will have access to the future Ice Age Drive and extension of SW Industry Lane upon project completion.

The master plan for the Ice Age Tonquin Trail shows that the proposed location for this trail is along SW Oregon Street which is adjacent to one of the parcels of this annexation and the BPA right-of-way that is being annexed. All other parcels are outside of the limits of the conceptual Ice Age Tonquin Trail location. The annexation will not affect the ability to implement the Ice Age Tonquin Trail master plan.

Conclusion: The proposed annexation accommodates transportation access for the five parcels of land via a public street within the city limits with one parcel having access to SW

Oregon Street and the other 4 parcels having access to SW Dahlke Road which is included in annexation application.

Sanitary Sewer

Currently, public sanitary sewer exists within SW Industry Lane which is stubbed at the eastern city limits adjacent to the four eastern parcels. With the above mentioned Ice Age Drive project, the sanitary sewer line within SW Industry Lane will be extended to Ice Age Drive with the sanitary sewer continuing within Ice Age Drive to provide future public sanitary sewer service to all five parcels of this annexation request.

Conclusion: Therefore, all parcels will have access to public sanitary sewer service upon the completion of the Ice Age Drive project.

Storm Sewer

Currently, public storm sewer exists within the property to the south of the western parcel. There is also an existing wetland located within one of the four eastern parcels. With the above mentioned Ice Age Drive project, the storm sewer will be constructed within Ice Age Drive to provide future public storm sewer service to all five parcels of this annexation request.

Conclusion: Therefore, all parcels will have access to public storm sewer service upon the completion of the Ice Age Drive project.

Water

Currently, public water exists within SW Industry Lane which is stubbed at the eastern city limits adjacent to the four eastern parcels. There is also public water located in SW Oregon Street. With the above mentioned Ice Age Drive project, the water line within SW Industry Lane will be extended to Ice Age Drive with the water line continuing within Ice Age Drive to SW Oregon Street and SW 124th Avenue to provide future public water service to all five parcels of this annexation request.

Conclusion: Therefore, all parcels will have access to public water service upon the completion of the Ice Age Drive project.

Conclusion:

Upon completion of the ongoing Ice Age Drive project, all five parcels of this annexation request will have access to public water, sanitary sewer, storm sewer and transportation facilities.

Conclusion: As a whole, the subject property of this annexation request meets the criteria for acceptance of annexation into the City of Sherwood.

Boundary Change Preliminary Review

Cadastral Information Systems Unit
PO Box 14380
Salem, OR 97309-5075
fax 503-945-8737
boundary.changes@dor.oregon.gov

City of Sherwood
Comm. Dev. Div.--Planning Dept.
22560 SW Pine St
Sherwood OR 97140

October 18, 2024

Documents received: 9/18/2024, 10/17/2024
From: Joy Chang

This letter is to inform you that the Description and Map for your planned --Annex to City of Sherwood;
--Annex to Clean Water Services District ((LU 2024-019 AN) - Tonquin Employment Area) in Washington County have been reviewed per your request. They MEET the requirements of ORS 308.225 for use with an Order, Ordinance, or Resolution which must be submitted to the Washington County Assessor and the Department of Revenue in final approved form before March 31 of the year in which the change will become effective.

DOR recieved 2 Revised exhibit maps dated 10-16-2024. These should be used in the Final packet.

If you have any questions please contact Elise Bruch, 503-302-8353

Tonquin Employment Area Annexation Application

Date: September 2024

Submitted to: City of Sherwood
Planning Department
22560 SW Pine Street
Sherwood, OR 97140

Applicant: City of Sherwood
22560 SW Pine Street
Sherwood, OR 97140

AKS Job Number: 11364

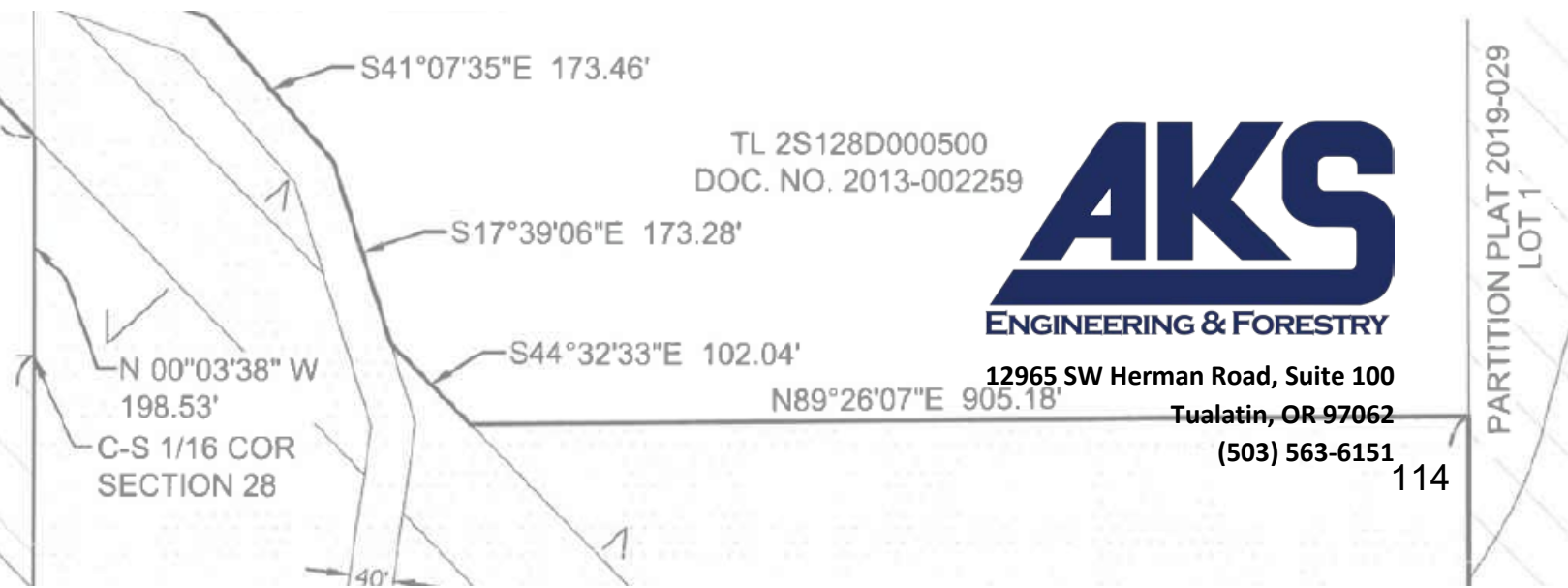


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Exhibits

- Exhibit A:** City of Sherwood Petition for Annexation and Land Use Application
Exhibit B: Washington County Assessor’s Map
Exhibit C: Legal Description and Map
Exhibit D: Boundary Change Data Sheet
Exhibit E: Annexation Questionnaire
Exhibit F: Worksheet for Annexation to the City of Sherwood
Exhibit G: Certification of Property Ownership
Exhibit H: Certification of Legal Description and Map
Exhibit I: Ownership Information
Exhibit J: Additional Referenced Documents
Exhibit K: Washington County-Sherwood Urban Planning Agreement
Exhibit L: Public Notice Information

Tonquin Employment Area Annexation Application

Submitted to:

City of Sherwood
Planning Department
22560 SW Pine Street
Sherwood, OR 97140

Applicant:

City of Sherwood
22560 SW Pine Street
Sherwood, OR 97140

Property Owners:

City of Sherwood
22560 SW Pine Street
Sherwood, OR 97140

Bonneville Power Administration
1002 NE Holladay Street
Portland, OR 97232

AR Vial Associates PC, Nicolas A. Vial, Nicholas A. Vial et al.
(21680 SW Dahlke Lane)
12840 SW River Road
Hillsboro, OR 97123

City of Sherwood Urban Renewal Agency
(21775 SW Dahlke Lane and 21370 SW Oregon Street)
22560 SW Pine Street
Sherwood, OR 97140

Dahlke Lane Land Company LLC
(21825 SW Dahlke Lane)
24925 Garden Acres Road
Sherwood, OR 97140

Dahlke Lane Land Company II
(21700 SW Dahlke Lane)
24925 Garden Acres Road
Sherwood, OR 97140

Applicant's Consultant:

AKS Engineering & Forestry, LLC
12965 SW Herman Road, Suite 100
Tualatin, OR 97062

Contact: Zach Pelz, AICP
Email: pelzz@aks-eng.com
Phone: (503) 563-6151

Site Location:

21370 SW Oregon Street, 21680 SW Dahlke Lane,
21700 SW Dahlke Lane, 21775 SW Dahlke Lane, and
21825 SW Dahlke Lane, Sherwood, OR 97140

**Washington County
Assessor's Map:**

2S 1 28C Lot 700
2S 1 28D Lots 600, 602, 700, 800
City of Sherwood right-of way
Bonneville Power Administration right-of-way

Site Size:

±38.63 acres

County Plan Designation:

Future Development 20-Acre District (FD-20)

**City Zoning Upon
Annexation:**

Employment Industrial (EI)

I. Executive Summary

The City of Sherwood (Applicant) is seeking approval to annex ±38.63 acres of land into the corporate limits of the City of Sherwood (City). The subject properties (“property”) are generally located southeast of SW Oregon Street, south of SW Tualatin-Sherwood Road, west of SW 124th Avenue, and on both sides of SW Dahlke Lane.

The property is comprised of ±5 parcels along with portions of the SW Dahlke Lane public right-of-way (ROW) as well as ROW owned by the Bonneville Power Administration (BPA). The property is located within the City of Sherwood’s Tonquin Employment Area (TEA), which was added to the Urban Growth Boundary (UGB) by the Metro Council in 2004. In conjunction with Metro adding this area to the UGB, the City of Sherwood undertook extensive planning of the TEA, including planning for transportation and infrastructure, culminating in a TEA Final Concept Plan in 2010. Annexation of the property into the City of Sherwood is the next step in the progression of urbanization that will implement the City’s vision for this area.

The City’s latest planning efforts for the TEA include designing a new collector status roadway that will connect SW Oregon Street to SW 124th Avenue. The new collector road, identified as SW Ice Age Drive, is nearing 100% design. Annexation of the property will enable the City to approve construction of Ice Age Drive subject to City land use and infrastructure requirements. If the land is not annexed into the City limits, the City would be required to obtain land use and environmental permits from Washington County in order to construct the roadway.

The City is also studying the future alignment of SW Dahlke Lane in the vicinity of the property. The City’s consultant is working on a 30% design for the local industrial road. It is expected that local improvements associated with Dahlke Lane will be provided by each adjacent property owner as the properties develop.

Senate Bill 1573 (2016) outlines the process for cities to annex property without an election by voters. The steps for this process are outlined and addressed below and the proposed annexation meets the requirements of a Senate Bill (SB) 1573 annexation. Pursuant to ORS 199.510(2)(c), this application includes a simultaneous annexation of the property into the boundaries of Clean Water Services (CWS) for the provision of sanitary sewer, stormwater, and surface water management.

This written narrative, together with the preliminary plans and other documentation included in the application materials, establishes that the application complies with all applicable approval criteria. This documentation provides the basis for the City to approve the application.

II. Site Description/Setting

The property is generally located southeast of SW Oregon Street, south of SW Tualatin-Sherwood Road, west of SW 124th Avenue, and on both sides of SW Dahlke Lane. The property is currently within Washington County and carries a Future Development 20-Acre District (FD-20) plan designation. The property is within the TEA, which stipulates that individual properties will be designated as Employment Industrial (EI) upon annexation.

The property is currently being used as follows:

- 21370 SW Oregon Street: Storage of construction equipment.
- 21680 SW Dahlke Lane: Single-family residence; property is bisected by BPA ROW.

- 21700 SW Dahlke Lane: Single-family residence and vehicle storage lot; property is bisected by BPA ROW.
- 21775 SW Dahlke Lane: Single-family residence.
- 21825 SW Dahlke Lane: Single-family residence.
- BPA ROW: High-voltage electrical transmission lines.
- SW Dahlke Lane ROW: Public access to abutting properties.

Public Utilities. Public sewer, water, and storm facilities are available in SW Oregon Street; however new utilities are planned to be located within the future SW Ice Age Drive, including water, sanitary sewer, and storm water. It is expected that extension of local roadways and utilities will be provided with site development to meet the "to and through" requirement pursuant to the Sherwood Municipal Code. Existing utilities are identified below:

Service	Provider	Size (in.)	Location	Distance from Property
Water	City of Sherwood	24	SW Oregon Street	Adjacent to Map/Tax Lot 2S128C000700 and ROW corridor
	City of Sherwood	12	SW Oregon Street	Adjacent to Map/Tax Lot 2S128C000700 and ROW corridor
	City of Sherwood	24	SW Tualatin-Sherwood Road	±100 feet west of SW Dahlke Lane ROW
	City of Sherwood	12	SW Tualatin-Sherwood Road	±100 feet west of SW Dahlke Lane ROW
Sanitary Sewer	City of Sherwood	12	SW Tualatin-Sherwood Road	±500 feet north of SW Dahlke Lane ROW
	City of Sherwood	8	SW Oregon Street	±100 feet west of SW Dahlke Lane ROW
Storm Sewer	Clean Water Services	12	SW Oregon Street	Adjacent to Map/Tax Lot 2S128C000700 and ROW corridor
	Clean Water Services	12	SW Tualatin-Sherwood Road	±500 feet north of SW Dahlke Lane ROW

Transportation. The property currently has partial frontage on SW Oregon Street which is under the jurisdiction of Washington County and is classified as an arterial street with three lanes and a posted speed limit of 35 miles per hour. SW Tualatin-Sherwood Road is classified as an arterial and is located north of the property. SW Dahlke Lane, classified as a local street, runs generally north-south through the property from SW Oregon Street to the southern extent of the Urban Growth Boundary.

The City's latest planning efforts for the TEA include designing a new collector status roadway that will connect SW Oregon Street to SW 124th Avenue. The new collector road, identified as SW Ice Age Drive, is nearing 100% design. Annexation of the property will enable the City to approve construction of Ice Age Drive subject to City land use and infrastructure requirements. The City is also studying the future alignment of SW Dahlke Lane in the vicinity of the property. The City's consultant is working on a 30% design for this local industrial road, and it is expected that local improvements associated with Dahlke

Lane will be provided by each adjacent property owner as the property develops. The proximity of existing roads along with the anticipated construction of Ice Age Drive and improvements to Dahlke Lane provide suitable access for the property and other properties within the TEA now and into the future as the area further redevelops.

III. Applicable Review Criteria

OREGON REVISED STATUTES

ORS 222

ORS 222.127 Annexation without election notwithstanding contrary city law upon petition of all owners of land; declaration of annexation.

- (1) This section applies to a city whose laws require a petition proposing annexation of territory to be submitted to the electors of the city.

Response: Owners of property have petitioned the City of Sherwood for annexation via the methodology described in ORS 222.127. Subsequently, a voter-approved annexation is not required.

- (2) Notwithstanding a contrary provision of the city charter or a city ordinance, upon receipt of a petition proposing annexation of territory submitted by all owners of land in the territory, the legislative body of the city shall annex the territory without submitting the proposal to the electors of the city if:

- (a) The territory is included within an urban growth boundary adopted by the city or Metro, as defined in ORS 197.015

Response: This annexation involves property located within the Portland Metropolitan UGB and the City of Sherwood UGB. The property is within the TEA. The area was added to the Sherwood UGB in 2004 via Metro Ordinance 04-1040B for the purpose of accommodating anticipated demand for future industrial land.

All affected landowners have signed the annexation petition, which is included in the application materials as Exhibit A. Additionally, there are no contrary provisions of the City of Sherwood City Charter or existing City ordinances. The criterion is met.

- (b) The territory is, or upon annexation of the territory into the city will be, subject to the acknowledged comprehensive plan of the city.

Response: The property is located within the TEA Concept Plan area boundary, which was adopted by the City of Sherwood City Council as a supplement to its Comprehensive Plan in 2010. The property is designated as Employment Industrial (EI) on Sherwood's Plan and Zone Map. Upon annexation Property will be zoned EI, consistent with the City's Comprehensive Plan. The criterion is met.

- (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 a body of water.

Response: As shown on the legal description and map, the property is contiguous to the City limits along SW Oregon Street and SW Dahlke Lane. This criterion is met.

- (d) The proposal conforms to all other requirements of the city's ordinances.

Response: Required information, forms, and documents found in the “Checklist for Annexation Request to the City of Sherwood” are included in this annexation application. This provision is satisfied.

- (3) The territory to be annexed under this section includes any additional territory described in ORS 222.111 (1) that must be annexed in order to locate infrastructure and right of way access for services necessary for development of the territory described in subsection (2) of this section at a density equal to the average residential density within the annexing city.

Response: The territory to be annexed (property) includes all territories that must be annexed in order to locate infrastructure and right-of-way access for services necessary for development of the territory at a density equal to the average residential density within the annexing City, per the Tonquin Employment Area Concept Plan. Access is available from SW Oregon Street and SW Dahlke Lane currently and will be provided in the future by a new collector status road that will connect SW Oregon Street to SW 124th Avenue, as well as through improvements to Dahlke Lane. Currently, public sanitary sewer is available via an existing sanitary sewer main located in SW Tualatin-Sherwood Road and northwest of the property from SW Oregon Street, and public water service is available in both SW Oregon Street and SW Tualatin-Sherwood Road; however, new utilities are planned to be located within the future SW Ice Age Drive (including water, sanitary sewer, and storm water) and the property will have access to these utilities within the roadway. Thus, annexation and development of the property will permit further infrastructure development in the City of Sherwood. This criterion is satisfied.

- (4) When the legislative body of the city determines that the criteria described in subsection (2) of this section apply to territory proposed for annexation, the legislative body may declare that the territory described in subsections (2) and (3) of this section is annexed to the city by an ordinance that contains a description of the territory annexed.

Response: The criteria of subsection (2) of this section are met through information provided in individual responses to each of the criteria. Therefore, a legal description and map for the property planned for annexation prepared by a Professional Land Surveyor is included in the application materials (Exhibit C).

ORS 199.510

Financial effects of transfer or withdrawal; exceptions.

(...)

(2)

(...)

- (c) When a city receives services from a district and is part of that district, any territory thereafter annexed to the city shall be included in the boundaries of the district and shall be subject to all liabilities of the district in the same manner and to the same extent as other territory included in the district.

Response: Upon annexation, the property will receive services from the City of Sherwood, Tualatin Valley Fire & Rescue (TVFR), Sherwood School District, and Washington County Cooperative Library Services. Moreover, portions of the property that are not currently within the Clean Water Services (CWS) service district will be annexed to CWS who will

subsequently provide water resources management services to the property. This criterion is met.

METRO CODE

Chapter 3.09 – Local Government Boundary Changes

3.09.040 Requirements for Petitions

A. A petition for a boundary change must contain the following information:

1. The jurisdiction of the reviewing entity to act on the petition;
2. A map and a legal description of the affected territory in the form prescribed by the reviewing entity;
3. For minor boundary changes, the names and mailing addresses of all persons owning property and all electors within the affected territory as shown in the records of the tax assessor and county clerk; and
4. For boundary changes under ORS 198.855(3), 198.857, 222.125 or 222.170, statements of consent to the annexation signed by the requisite number of owners or electors.

B. A city, county and Metro may charge a fee to recover its reasonable costs to carry out its duties and responsibilities under this chapter.

Response: The City is the reviewing entity that will act on this petition. Necessary application forms and exhibits, as well as associated review fees, have been submitted with this application. A map and legal description of the affected territory are included in Exhibit C. The names and mailing addresses of persons owning property in the affected territory, per County Tax Assessor and County Clerk records, are included in Exhibit I. Finally, a statement of consent from the requisite owners and electors is included in Exhibit A. The criteria are met.

3.09.045 Expedited Decisions

(...)

D. To approve a boundary change through an expedited process, the city shall:

1. Find that the change is consistent with expressly applicable provisions in:
 - a. Any applicable urban service agreement adopted pursuant to ORS 195.065;
 - b. Any applicable annexation plan adopted pursuant to ORS 195.205;
 - c. Any applicable cooperative planning agreement adopted pursuant to ORS 195.020(2) between the affected entity and a necessary party;
 - d. Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services;
 - e. Any applicable comprehensive plan;
 - f. Any applicable concept plan; and
2. Consider whether the boundary change would:
 - a. Promote the timely, orderly and economic provision of public facilities and services;
 - b. Affect the quality and quantity of urban services; and

c. Eliminate or avoid unnecessary duplication of facilities or services.

E. A city may not annex territory that lies outside the UGB, except it may annex a lot or parcel that lies partially within and partially outside the UGB.

Response: Applicant is not seeking approval of the subject annexation through an expedited process. Further, the property is wholly within the City of Sherwood's and Metro's UGB. The criteria do not apply.

3.09.050 Hearing and Decision Requirements for Decisions Other Than Expedited Decisions

A. The following requirements for hearings on petitions operate in addition to requirements for boundary changes in ORS Chapters 198, 221 and 222 and the reviewing entity's charter, ordinances or resolutions.

Response: This narrative and accompanying exhibits respond to applicable State and local requirements pertaining to boundary changes. Additionally, Metro Code Section 3.09 and the Sherwood Development Code implement the applicable annexation provisions from ORS Chapters 198, 221, and 222. This narrative demonstrates that the applicable boundary change requirements have been satisfied. The criterion is met.

B. Not later than 15 days prior to the date set for a hearing the reviewing entity shall make available to the public a report that addresses the criteria identified in subsection (D) and includes the following information:

1. The extent to which urban services are available to serve the affected territory, including any extra territorial extensions of service;

Response: Urban services are or will be made available to serve the affected territory to a level consistent with City and CWS standards per the City's TEA Concept Plan, Water System Master Plan, Stormwater Master Plan, and Sanitary System Master Plan.

The property can be served by existing public utilities located adjacent, or near, the property. Public sewer, water, and storm facilities are available in SW Oregon Street. Existing 12-inch and 24-inch public water mains are located in SW Oregon Street. Public sanitary sewer is available via an existing 12-inch sanitary sewer main located in SW Tualatin-Sherwood Road and an 8-inch sanitary sewer main located in SW Oregon Street. Finally, an existing 12-inch storm sewer main is located in both SW Oregon Street and SW Tualatin Sherwood Road. However, new utilities are planned to be located within the future SW Ice Age Drive, including water, sanitary sewer, and storm water and the property will have access to these utilities within the roadway. It is expected that extension of local roadways and utilities will be provided with site development to meet the "to and through" requirement pursuant to the Sherwood Municipal Code.

Parks and recreation and transportation planning services will be provided by the City of Sherwood upon annexation. The annexation application does not trigger park requirements. A transportation analysis was completed as part of the Tonquin Employment Area Concept Plan and a Transportation Impact Analysis (TIA) will be required with future site development.

Fire and Police services are currently available to the property through TVFR and the Washington County Enhanced Sheriff's Patrol District. While the area to be annexed will be removed from the Washington County Enhanced Sheriff's Patrol District and will

instead be served by the City of Sherwood Police Department, the area will continue to be served by TVFR following the annexation. These requirements are satisfied.

2. Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party; and

Response: Metro Code Section 3.09.020 defines the following terms: “affected territory” means a territory described in a petition; “necessary party” means any county, city, or district whose jurisdictional boundary or adopted urban service area includes any part of the affected territory, or who provides any urban service to any portion of the affected territory, including Metro, or any other unit of local government, as defined in ORS 190.003, that is a party to any agreement for provision of an urban service to the affected territory. The annexation will add ±38.63 acres of land to the City of Sherwood for the provision of urban services but will not withdraw the affected territory from the legal boundary of any party other than the Washington County Enhanced Sheriff’s Patrol District, as outlined above. The legal description of the area is included in Exhibit C.

3. The proposed effective date of the boundary change.

Response: The Applicant anticipates approval of the Annexation application upon adoption by the City of Sherwood City Council, by December 2024. The criterion is met.

C. The person or entity proposing the boundary change has the burden to demonstrate that the proposed boundary change meets the applicable criteria.

Response: This application includes responses demonstrating compliance with the applicable boundary change criteria. The criterion is met.

D. To approve a boundary change, the reviewing entity shall apply the criteria and consider the factors set forth in subsections (D) and (E) of section 3.09.045.

Response: As demonstrated throughout the responses in this narrative, the subject annexation is consistent with the City of Sherwood’s Comprehensive Plan, associated utility system master plans, and with applicable Statewide Planning Goals and cooperative agreements with Washington County and other service districts. Moreover, the planned annexation accommodates the timely provision of public facilities and services and addresses Sherwood’s future demand for industrial land. The applicable criteria are met.

CITY OF SHERWOOD 2040 COMPREHENSIVE PLAN

Strategic and Collaborative Governance

Governance and Growth Management

Goal 3 Ensure that the rate, amount, type, location and cost of new development will preserve and enhance Sherwood’s quality of life so that it is accessible to all community members.

Policy 3.2 Designate land uses in a manner that accommodates projected population and employment growth and ensure development is consistent and compatible with the community’s needs and resources.

Response: Property is part of the City’s TEA Concept Plan and was added to the UGB in 2004 for the purpose of accommodating future industrial and employment use needs. Extending community services and public facilities to serve the TEA was considered concurrently

with the TEA Concept Plan. At that time, the City found that services were currently available, or could reasonably be made available, to future development in the area. Transportation and circulation improvements needed to serve the future development of the annexed area have been identified in the TEA Concept Plan and Transportation System Plan and will further refined as development in the area occurs. Currently, planned transportation improvements include a new collector status roadway that will connect SW Oregon Street to SW 124th Avenue and improvements to SW Dahlke Lane. New utilities are planned to be located within the future SW Ice Age Drive, including water, sanitary sewer, and storm water and the property will have access to these utilities within the roadway. This criterion is met.

Policy 3.3 Provide for compatible, phased and orderly transition from rural to suburban or urban uses, reflecting Sherwood’s landform on adjacent land outside Sherwood city limits or the Metro urban Growth Boundary.

Response: As above, the property is part of the City’s TEA Concept Plan and was added to the UGB in 2004 for the purpose of accommodating future industrial and employment use needs. The property is designated by Sherwood’s Plan and Zone Map for Employment Industrial (EI) uses. The TEA Concept Plan provides a guide for future development of the area in a manner that will be orderly and compatible with surrounding uses. This criterion is met.

Policy 3.4 Ensure annexation to the City occurs in an orderly and coordinated manner, and services are provided to support urban growth consistent with the 2040 Vision. Consider annexation proposals which meet the following criteria:

a.) The subject property must be located within the Metro Urban Growth Boundary.

Response: The property is located within the Metro Urban Growth Boundary. This criterion is met.

b.) The subject property must be contiguous to the existing City limits or separated from it only by a public right of way.

Response: The property abuts Sherwood’s corporate limits along SW Oregon Street and SW Dahlke Lane. This criterion is met.

c.) Right-of-way that is not within City limits may be annexed for road reconstruction or modification or for the placement of utilities.

Response: The application includes the annexation of portions of right-of-way and BPA ROW that may be reconstructed, modified, or used for the placement of utilities at some point in the future. This criterion is met.

d.) The proposed use for the site complies with the Sherwood Comprehensive Plan and with the designation(s) thereon. If a re-designation of the plan map is requested after an annexation is finalized, the uses allowed under the proposed designation must comply with the Comprehensive Plan.

Response: The property was added to the UGB in 2004, is located within the TEA, and is designated Employment Industrial (EI) on the City’s Plan and Zone Map. This application will allow industrial land use to occur within city limits in a location that is compatible with other

nearby industrially-zoned properties, consistent with its anticipated plan designation. This criterion is met.

- e.) **An adequate level of urban services and infrastructure are available or can be extended in a cost effective and efficient manner to the area.**

Response: The property was added to the UGB in 2004. Services have been identified in the City's TEA Concept Plan as currently available or available for extension to this area. Transportation and circulation improvements needed to serve the future development of the annexed area have been identified in the TEA Concept Plan and Transportation System Plan and will further be reviewed at the time of a future development application. Currently, planned transportation improvements include a new collector status roadway that will connect SW Oregon Street to SW 124th Avenue and improvements to SW Dahlke Lane. New utilities are planned to be located within the future SW Ice Age Drive, including water, sanitary sewer, and storm water and the property will have access to these utilities within the roadway. This criterion is met.

- f.) **The proposed annexation represents a logical direction for City expansion, promotes an orderly, reasonable and economically feasible expansion of the City boundaries and, in the judgment of the City, serves the present and future interests of the City.**

Response: The property was added to the UGB in 2004 and is flanked by Sherwood's corporate limits on three sides. By including the subject area within the UGB, both Metro and the City of Sherwood have identified this land as a logical direction for City expansion and appropriate for future urbanization. Services have been identified in the TEA Concept Plan. This criterion is met.

- g.) **Improvements for needed infrastructure may be secured by a funding mechanism that will place the primary economic burden on the territory proposed for annexation and not on the City of Sherwood generally.**

Response: Transportation and circulation improvements needed to serve the future development of the annexed area have been identified in the TEA Concept Plan and Transportation System Plan and will further be reviewed at the time of a future development application. It is the policy of the City of Sherwood to require that new development be responsible to provide all necessary infrastructure and facilities needed to serve such development thereby limiting the City's economic burden. Currently, transportation improvements include a new collector status roadway that will connect SW Oregon Street to SW 124th Avenue and improvements to SW Dahlke Lane. New utilities are planned to be located within the future SW Ice Age Drive, including water, sanitary sewer, and storm water and the property will have access to these utilities within the roadway. This criterion is met.

Policy 3.5 **Require larger UGB expansion areas to complete concept plans that conform to local, regional and state requirements, include a phased development plan and reflect Sherwood's landform to achieve a sustainable transition over time. Concept plans shall strive to:**

- **Balance the needs of existing and new residents and businesses to ensure a sustainable tax base to deliver services.**

-
- Consider a variety of housing and employment uses for each concept plan as an opportunity to provide walkable neighborhood services and efficient transportation alternatives.

Response: The TEA Concept Plan provides a framework for how future industrial development in the vicinity of the property will occur and considers the necessary timing and financing of public services and infrastructure to support this needed employment land. This criterion is met.

IV. Conclusion

The submittal requirements have been met and the required findings made for the applicable approval criteria. These findings serve as the basis for the City to approve the annexation application and are supported by substantial evidence in the application materials.

Exhibit A: City of Sherwood Petition for Annexation and Land Use Application



CHECKLIST FOR ANNEXATION REQUEST TO THE CITY OF SHERWOOD

Submit the following to the City of Sherwood Planning Department, 22560 SW Pine Street, Sherwood, OR 97140: (503) 625-5522.

- ☒ **Fee- \$7,500.** Applicants are required to pay the \$7,500 filing fee which will be applied to all costs related to processing the annexation application. Money not used for costs will be returned to the applicant.
- ☒ An original and one copy of the enclosed packet titled **Annexations to City of Sherwood.**
- ☒ **Mailing labels:** Submit two (2) sets of mailing labels for property owners within 1000 feet of the outside edge of the territory to be annexed. Mailing labels can be obtained from a private title insurance company.
- ☒ Additionally, you must submit a list of all property owners and registered voters in the area to be annexed regardless of whether they signed the annexation petition or not.

Annexations to the City of Sherwood

There are generally four methods of owner initiated annexation. These methods are described below, and the information needed to initiate either method is covered in this application. It should be noted that a vote of the citizens of the City of Sherwood are required in three of the four methods.

Double Majority- An annexation where the majority of electors and a majority of the landowners in the proposed annexation area have agreed to annex into the City. In this instance, a majority of the landowners, and at least 51% of the registered voters within the area to be annexed must support the annexation. This method requires a vote of the citizens of the City of Sherwood.

Triple Majority- An annexation method that requires consent from a majority of the land owners who own a majority of real property and a majority of the assessed value of land within the area that is to be annexed. This method does not require that 51% of the registered voters in the area to be annexed support the application. This method requires a vote of the citizens of the City of Sherwood.

Super Majority- An annexation method where more than 50% of the registered voters within the affected territory, and 100% of the property owners within the affected territory support annexation. This method requires a vote of the citizens of the City of Sherwood.

SB1573 Method- When 100% of the property owners file a petition to be annexed, and if all criteria outlined in SB1573 are satisfied, then the requirement from the City Charter for a mandated City wide vote is exempted (this is required in all three other methods). The City Council becomes the acting authority and no vote of the public is required or permitted.

I. Application Process for Property Owners and Registered Voters

PLEASE READ ALL INSTRUCTIONS BEFORE FILING A PETITION WITH THE CITY

Step 1. Petition

Please complete the attached Petition form.

Who May Sign: An elector registered to vote in the territory to be annexed; a property owner who is the legal owner of record or, where there is a recorded land contract, the purchaser thereunder. If there is multiple ownership each signer is counted in proportion to the size of their ownership. If a corporation owns land, the corporation is considered the individual owner and the form must be signed by an officer of the corporation who has the right to sign on behalf of the corporation.

Have the County Assessor's Office:

1. Certify the property owner signatures using the attached *Certification of Property Ownership* form (all methods).
2. Certify the assessed value for the properties on the attached *Certification of Assessed Value* form (for the Triple Majority Method only).
3. Buy two ¼ Section Maps showing the property to be annexed (all methods).
4. Certify the map and legal description using the attached *Certification of Assessed Value* form (all methods).
5. Proceed to the County Elections Department and have them certify the signatures of the registered voters by completing the attached *Certification of Registered Voters* form (for the Double Majority and Super Majority Method only). Do this even if the property is vacant. In that case they certify that there are no registered voters in the affected territory.

Step 2. Legal Description

The legal description noted above must be a metes and bounds legal description of the territory to be annexed. This description should be inserted in or attached to the Petition. In addition, one separate copy of the metes and

bounds description should be submitted to the City along with the application. (A lot, block and subdivision description may be substituted for the metes and bounds description if the area is platted and no metes and bounds description is available, and if this is acceptable to the County Assessor's Office.) If the legal description contains any deed or book and page references, legible copies of these must be submitted with the legal description.

Step 3. Map

As noted above you must submit two copies of the 1/4 Section map. This should be the latest County Assessor's quarter section map (or maps) which indicates the territory to be annexed. Outline the area to be annexed on the maps with a red marker or pencil.

Step 4. Notice List & Labels

You must submit two (2) sets of mailing labels for property owners within 1000 feet of the outside edge of the territory to be annexed. Mailing labels can be obtained from a private title insurance company. Additionally, you must submit a list of all property owners and registered voters in the area to be annexed regardless of whether they signed the annexation petition or not.

Step 5. Information Sheet

Complete the attached *Boundary Change Data Sheet*.

Step 6. Work Sheet

A *Worksheet* is attached. Fill out the worksheet to help verify that all requirements are met.

Step 7. Annexation Questionnaire

Complete the *Annexation Questionnaire*.

Step 8. Draft a Narrative

The application must include a detailed narrative of how the project complies with criteria for approval. There are three levels of criteria/requirements, State, Regional and City. It is the applicant's responsibility to justify the petition.

For the State, Oregon Revised Statutes guide the process for annexations, ORS 222. See:

https://www.oregonlegislature.gov/bills_laws/ors/ors222.html.

For the fourth method outlined above, Senate Bill 1573 was added to, and made a part of, ORS 222.111 to 222.180 and provides specific criteria for deciding city boundary changes. See:

<https://www.oregonlaws.org/ors/222.111>.

For the regional level Metro is governing agency. Metro has criteria for reviewing annexations (Metro Code 3.09). See:

http://www.oregonmetro.gov/sites/default/files/309_eff_071112_final.pdf.

In addition, the City of Sherwood Comprehensive Plan goals and policies, specifically those in Chapter 3 and Chapter 8 are applicable and should be addressed in the narrative. See:

<https://www.sherwoodoregon.gov/planning/page/comprehensive-plan-ii>.

Step 9. Submit Application to City

Submit all materials to City Planning Department.

II. City Review

BELOW IS A SUMMARY OF THE STEPS WHICH WILL BE TAKEN REGARDING ANNEXATIONS INITIATED BY ANY OF THESE FOUR METHODS.

Step 1. Compliance Review

Submitted materials will be checked for compliance with requirements of state statutes and the Metro Code Section 3.09 requirements.

Step 2. Public Hearing Date Set

The proposal will be set for a hearing by the city council at the next hearing date for which all the requirements of the Metro Code and state statutes can be met. The **setting** of the hearing date must occur within 45 days of the day the proposal is judged to be complete pursuant to Metro rules.

Step 3. Public Hearing Notice

Notice of the public hearing will be sent to service providers in the area, to the applicant, to adjacent property owners and to appropriate neighborhood or community organizations. Notice of the hearing will be posted in and around the territory to be annexed. The hearing will also be advertised twice in a newspaper of general circulation in the area

Step 4. Staff Study and Report

A staff report will be prepared. This report will cover all applicable criteria specified in State ORS 222, the Metro Code, and all applicable criteria and goals from the City of Sherwood Comprehensive Plan. This report will be made available to the public 15 days prior to the hearing.

Step 5. Public Hearing

The City Council holds a public hearing. At the hearing the Council will consider applicable criteria. For the SB1573 Method, this is the final decision making body that acts on the petition.

For the other three methods, at the conclusion of the public hearing, if Council supports the annexation, they will forward the issue to the voters at the next available election (usually no less than 60 days).

All annexations, except those that use the SB1573 Method, in Sherwood require a majority approval of the voters. After the election, the Council will accept the certified election results and, if approved, by the voters, proclaim the annexation.

III. Additional Information

1. In order to officially change the boundary, Staff must send the order must be sent to Secretary of State, County Recorder and County Assessor, State Revenue Department, and City Recorder. Other interested parties (such as the utilities) are notified as well. Staff will mail the notice of decision to several local, regional, and State agencies and departments as required by law to complete the annexation.
2. Annexation to the City of Sherwood boundary allows for City Services. Additional service district boundary annexations may be necessary (e.g. Clean Water Services, Metro Regional Boundary, etc.).
3. All annexations fees to the City are deposit based, meaning the City will charge all required time and materials against the funds, and request additional form the applicant should additional funds be required.
4. Metro requires a fee to process city-approved annexations for individual applicants. That fee will be paid by the City as a pass through, and varies depending on the size and type of the annexation. The Metro fee will be taken from the applicants application deposit.



**CITY OF SHERWOOD PETITION FOR ANNEXATION
TO THE COUNCIL OF THE CITY OF SHERWOOD, OREGON:**

We, the undersigned owner(s) of the property described in **Attachment A** and/or elector(s) residing at the referenced location(s), hereby petition for, and give consent to, Annexation of said property to the City of Sherwood.

LEGEND: PO - Property Owner RV - Registered Voter OV - Property Owner & Registered Voter

SIGNATURE	PRINTED NAME	I AM A			ADDRESS	PROPERTY DESCRIPTION		Assessed Value
		PO	RV	OV		Parcel Number	Parcel Size	
<i>Craig Sheldon</i>	Craig Sheldon, City Manager on behalf of City of Sherwood URA	X			21370 SW Oregon St.	2S128C 700	4.62 AC	\$0
<i>Craig Sheldon</i>	Craig Sheldon, City Manager on behalf of City of Sherwood URA	X			21775 SW Dahlke Ln.	2S128D 602	9.95 AC	\$0

NOTE: This petition may be signed by any qualified persons even though they may not know their property description or precinct number.



**CITY OF SHERWOOD PETITION FOR ANNEXATION
TO THE COUNCIL OF THE CITY OF SHERWOOD, OREGON:**

We, the undersigned owner(s) of the property described in **Attachment A** and/or elector(s) residing at the referenced location(s), hereby petition for, and give consent to, Annexation of said property to the City of Sherwood.

LEGEND: PO - Property Owner RV - Registered Voter OV - Property Owner & Registered Voter

SIGNATURE	PRINTED NAME	I AM A			ADDRESS	PROPERTY DESCRIPTION		Assessed Value
		PO	RV	OV		Parcel Number	Parcel Size	
	Darin Smith	X			N/A	N/A	N/A	\$0
	Realty Specialist							
	on behalf of Bonneville							
	Power Adminstration							

NOTE: This petition may be signed by any qualified persons even though they may not know their property description or precinct number.



**CITY OF SHERWOOD PETITION FOR ANNEXATION
TO THE COUNCIL OF THE CITY OF SHERWOOD, OREGON:**

We, the undersigned owner(s) of the property described in **Attachment A** and/or elector(s) residing at the referenced location(s), hereby petition for, and give consent to, Annexation of said property to the City of Sherwood.

LEGEND: PO - Property Owner RV - Registered Voter OV - Property Owner & Registered Voter

SIGNATURE	PRINTED NAME	I AM A			ADDRESS	PROPERTY DESCRIPTION		Assessed Value
		PO	RV	OV		Parcel Number	Parcel Size	
 Richard Vial (Aug 7, 2024 11:02 PDT)	A Richard Vial on behalf of AR Vial Associates	X			21680 SW Dahlke Ln.	2S128D 700	8.99 AC	\$287,160
 A. Nicolas Vial (Aug 7, 2024 09:51 PDT)	Nicolas Vial on behalf of Basalt Industrial	X						
 A. Nicolas Vial (Aug 7, 2024 09:51 PDT)	A Nicolas Vial	X						
 Nathan R Vial (Aug 7, 2024 14:07 PDT)	Nathan R Vial	X						
 Christian Vial (Aug 15, 2024 16:32 PDT)	Christian Lee Vial	X						

NOTE: This petition may be signed by any qualified persons even though they may not know their property description or precinct number.



**CITY OF SHERWOOD PETITION FOR ANNEXATION
TO THE COUNCIL OF THE CITY OF SHERWOOD, OREGON:**

We, the undersigned owner(s) of the property described in **Attachment A** and/or elector(s) residing at the referenced location(s), hereby petition for, and give consent to, Annexation of said property to the City of Sherwood.

LEGEND: PO - Property Owner RV - Registered Voter OV - Property Owner & Registered Voter

SIGNATURE	PRINTED NAME	I AM A			ADDRESS	PROPERTY DESCRIPTION		Assessed Value
		PO	RV	OV		Parcel Number	Parcel Size	
<u>Dave Balfour</u> Dave Balfour (Aug 29, 2024 15:26 PDT)	Dave Balfour on behalf of Dahlke Lane Land Co				21825 SW Dahlke Ln	2S128D600	1.33 AC	186,456
<u>Sam Karpeles</u> Sam Karpeles (Aug 29, 2024 09:46 PDT)	Sam Karpeles on behalf of Dahlke Lane Land Co							
<u>Dave Balfour</u> Dave Balfour (Aug 29, 2024 15:26 PDT)	Dave Balfour on behalf of Dahlke Lane Land Co II				21700 SW Dahlke Ln	2S128D600	7.01 AC	343,426
<u>Brian Clopton</u> Brian Clopton (Aug 29, 2024 15:59 PDT)	Brian Clopton on behalf of Dahlke Lane Land Co II							

NOTE: This petition may be signed by any qualified persons even though they may not know their property description or precinct number.



Home of the Tualatin River National Wildlife Refuge

Case No. _____
Fee _____
Receipt # _____
Date _____
TYPE _____

City of Sherwood
Application for Land Use Action

Type of Land Use Action Requested: (check all that apply)

- | | |
|--|--|
| ☒ Annexation | ☐ Conditional Use |
| ☐ Plan Amendment (Proposed Zone _____) | ☐ Partition (# of lots _____) |
| ☐ Planned Unit Development | ☐ Subdivision (# of lots _____) |
| ☐ Site Plan (square footage of building and parking area) | ☐ Other: _____ |
| ☐ Variance (list standards to be varied in description) | |

By submitting this form the Owner, or Owner's authorized agent/ representative, acknowledges and agrees that City of Sherwood employees, and appointed or elected City Officials, have authority to enter the project site at all reasonable times for the purpose of inspecting project site conditions and gathering information related specifically to the project site.

Note: See City of Sherwood current Fee Schedule, which includes the "Publication/Distribution of Notice" fee, at www.sherwoodoregon.gov. Click on Government/Finance/Fee Schedule.

Owner/Applicant Information:

Applicant: <u>City of Sherwood, c/o Eric Rutledge and Bruce Coleman</u>	Phone: _____
Applicant Address: <u>22560 SW Pine Street, Sherwood, OR 97140</u>	Email: _____
Owner: <u>Multiple, see below.</u>	Phone: <u>Please contact consultant</u>
Owner Address: <u>Multiple, see below.</u>	Email: <u>Please contact consultant</u>
Contact for Additional Information: <u>Zach Pelz, AICP (AKS Engineering & Forestry, LLC), pelzz@aks-eng.com; 503-563-6151</u>	

Property Information:

Street Location: 21370 SW Oregon Street; 21680, 21700, 21775, and 21825 SW Dahlke Lane, Sherwood, OR 97140

Tax Lot and Map No: 2S 1 28C Lot 700; 2S 1 28D Lots 600, 602, 700, and 800

Existing Structures/Use: Various industrial (e.g., construction equipment, vehicle storage) and residential uses.

Existing Plan/Zone Designation: Future Development 20-Acre Designation (FD-20) (Washington County)

Size of Property(ies) ±38.63 acres

Proposed Action:

Purpose and Description of Proposed Action:

Annexation of ±38.63 acres of land into the City of Sherwood. Site is generally located southeast of SW Oregon Street, south of SW Tualatin-Sherwood Road, west of SW 124th Avenue, and on both sides of SW Dahlke Lane.

Proposed Use: No change in use at this time. Future uses consistent with the Tonquin Employment Area.

Proposed No. of Phases (one year each): N/A

LAND USE APPLICATION FORM

Authorizing Signatures:

I am the owner/authorized agent of the owner empowered to submit this application and affirm that the information submitted with this application is correct to the best of my knowledge.

I further acknowledge that I have read the applicable standards for review of the land use action I am requesting and understand that I must demonstrate to the City review authorities compliance with these standards prior to approval of my request.

Eric Rutledge on behalf of City of Sherwood *Eric Rutledge*

Aug 7, 2024

Applicant's Signature

Date

Craig Sheldon on behalf of City of Sherwood URA *Craig Sheldon*

Aug 7, 2024

Owner's Signature

Date

The following materials must be submitted with your application or it will not be accepted at the counter. Once taken at the counter, the City has up to 30 days to review the materials submitted to determine if we have everything we need to complete the review. Applicant can verify submittal includes specific materials necessary for the application per checklist.

- ☒ **3 Copies of Application Form*** completely filled out and signed by the property owner (or person with authority to make decisions on the property).
- ☒ **Copy of Deed** to verify ownership, easements, etc.
- ☒ **At least 3 folded** sets of plans*
- ☒ **At least 3 copies** of narrative addressing application criteria*
- ☒ **Fee** (along with calculations utilized to determine fee if applicable)
- ☐ **Neighborhood Meeting Verification** including affidavit, sign-in sheet and meeting summary (required for Type III, IV and V projects)

* **Note** that the required numbers of copies identified on the checklist are required for completeness; however, upon initial submittal applicants are encouraged to submit only 3 copies for completeness review. Prior to completeness, the required number of copies identified on the checklist and one full electronic copy will be required to be submitted.

LAND USE APPLICATION FORM

Authorizing Signatures:

I am the owner/authorized agent of the owner empowered to submit this application and affirm that the information submitted with this application is correct to the best of my knowledge.

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Eric Rutledge on behalf of City of Sherwood *Eric Rutledge*

Aug 7, 2024

Applicant's Signature *darin smith*

Date

darin smith (Aug 20, 2024 14:29 PDT)

Darin Smith on behalf of Bonneville Power Administration

Aug 20, 2024

Owner's Signature

Date

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- ☐ **Neighborhood Meeting Verification** including affidavit, sign-in sheet and meeting summary (required for Type III, IV and V projects)

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Eric Rutledge on behalf of City of Sherwood Eric Rutledge

Aug 29, 2024

Applicant's Signature

Date

Dave Balfour on behalf of Dahlke Lane Land Co Dave Balfour
Dave Balfour (Aug 29, 2024 15:26 PDT)

Aug 29, 2024

Owner's Signature

Date

Sam Karpeles on behalf of Dahlke Lane Land Co Sam Karpeles
Sam Karpeles (Aug 29, 2024 09:46 PDT) Aug 29, 2024

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Eric Rutledge on behalf of City of Sherwood *Eric Rutledge*

Applicant's Signature

Aug 29, 2024

Date

Dave Balfour on behalf of Dahlke Lane Land Co II *Dave Balfour*
Dave Balfour (Aug 29, 2024 15:26 PDT) Aug 29, 2024

Owner's Signature

Date

Brian Clopton on behalf of Dahlke Lane Land Co II *Brian clopton*
Brian clopton (Aug 29, 2024 15:59 PDT) Aug 29, 2024

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Eric Rutledge on behalf of City of Sherwood *Eric Rutledge*

Aug 7, 2024

Applicant's Signature

Date

A. Richard Vial on behalf of AR Vial Associates *A. Richard Vial*
Armand Vial (Aug 7, 2024 11:02 PDT)

Aug 7, 2024

Owner's Signature

Date

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Eric Rutledge on behalf of City of Sherwood Eric Rutledge

Aug 7, 2024

Applicant's Signature

Date

Nicolas Vial on behalf of Basalt Industrial A. Nicolas Vial
A. Nicolas Vial (Aug 7, 2024 09:51 PDT)

Aug 7, 2024

Owner's Signature

Date

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Eric Rutledge on behalf of City of Sherwood *Eric Rutledge*

Aug 7, 2024

Applicant's Signature

Date

Nathan R Vial *Nathan Vial*
Nathan Vial (Aug 7, 2024 14:27 PDT)

Aug 7, 2024

Owner's Signature

Date

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Eric Rutledge on behalf of City of Sherwood 

Aug 7, 2024

Applicant's Signature

Date

Christian Lee Vial 
Christian Vial (Aug 13, 2024 16:32 PDT)

Aug 13, 2024

Owner's Signature

Date

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Eric Rutledge on behalf of City of Sherwood *Eric Rutledge*

Aug 7, 2024

Applicant's Signature

Date

A Nicolas Vial *A. Nicolas Vial*
A. Nicolas Vial (Aug 7, 2024 09:51 PDT)

Aug 7, 2024

Owner's Signature

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Exhibit B: Washington County Assessor's Map



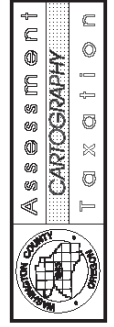
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1425	1426	1427</													



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1H	2H	3H	4H	5H	6H	7H	8H	9H	10H	11H	12H	13H	14H	15H	16H	17H	18H	19H	20H	21H	22H	23H	24H	25H	26H	27H	28H	29H	30H	31H	32H
1I	2I	3I	4I	5I	6I	7I	8I	9I	10I	11I	12I	13I	14I	15I	16I	17I	18I	19I	20I	21I	22I	23I	24I	25I	26I	27I	28I	29I	30I	31I	32I
1J	2J	3J	4J	5J	6J	7J	8J	9J	10J	11J	12J	13J	14J	15J	16J	17J	18J	19J	20J	21J	22J	23J	24J	25J	26J	27J	28J	29J	30J	31J	32J
1K	2K	3K	4K	5K	6K	7K	8K	9K	10K	11K	12K	13K	14K	15K	16K	17K	18K	19K	20K	21K	22K	23K	24K	25K	26K	27K	28K	29K	30K	31K	32K
1L	2L	3L	4L	5L	6L	7L	8L	9L	10L	11L	12L	13L	14L	15L	16L	17L	18L	19L	20L	21L	22L	23L	24L	25L	26L	27L	28L	29L	30L	31L	32L
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1N	2N	3N	4N	5N	6N	7N	8N	9N	10N	11N	12N	13N	14N	15N	16N	17N	18N	19N	20N	21N	22N	23N	24N	25N	26N	27N	28N	29N	30N	31N	32N
1O	2O	3O	4O	5O	6O	7O	8O	9O	10O	11O	12O	13O	14O	15O	16O	17O	18O	19O	20O	21O	22O	23O	24O	25O	26O	27O	28O	29O	30O	31O	32O
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1R	2R	3R	4R	5R	6R	7R	8R	9R	10R	11R	12R	13R	14R	15R	16R	17R	18R	19R	20R	21R	22R	23R	24R	25R	26R	27R	28R	29R	30R	31R	32R
1S	2S	3S	4S	5S	6S	7S	8S	9S	10S	11S	12S	13S	14S	15S	16S	17S	18S	19S	20S	21S	22S	23S	24S	25S	26S	27S	28S	29S	30S	31S	32S
1T	2T	3T	4T	5T	6T	7T	8T	9T	10T	11T	12T	13T	14T	15T	16T	17T	18T	19T	20T	21T	22T	23T	24T	25T	26T	27T	28T	29T	30T	31T	32T
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1Z	2Z	3Z	4Z	5Z	6Z	7Z	8Z	9Z	10Z	11Z	12Z	13Z	14Z	15Z	16Z	17Z	18Z	19Z	20Z	21Z	22Z	23Z	24Z	25Z	26Z	27Z	28Z	29Z	30Z	31Z	32Z

FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
www.washingtoncounty.or.gov/gis

Cancelled Taxlots For: 2S128D
101, 100, 1100



PLOT DATE: 1/3/2024
FOR ASSESSMENT PURPOSES
ONLY - DO NOT RELY ON
FOR OTHER USE

Map areas delineated by yellow lines showing or a non-surveyed pattern
are for reference only and may not coincide with actual property boundaries.
Please consult the appropriate map for the correct boundary location.

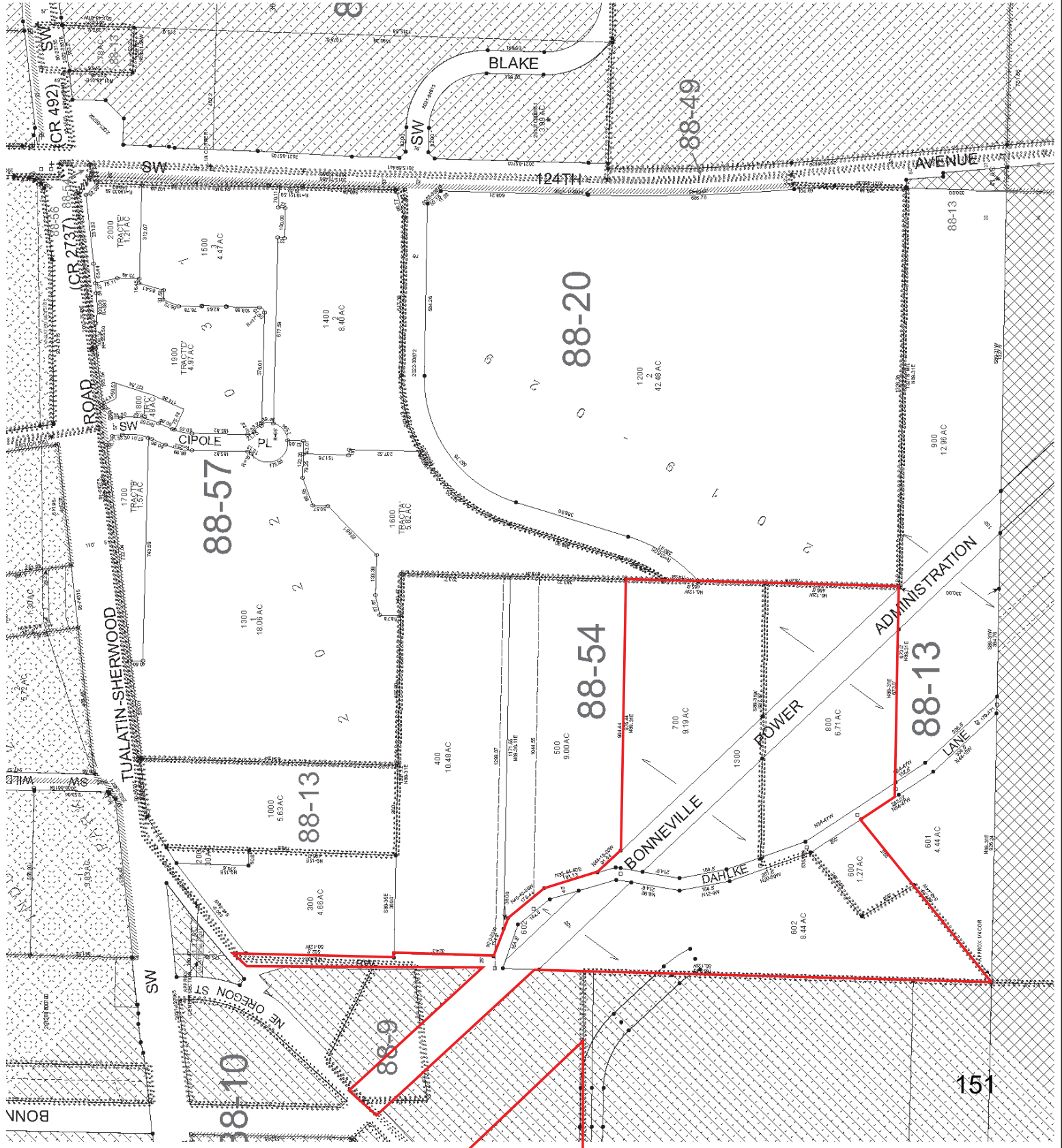


Exhibit C: Legal Description and Map



EXHIBIT "A"

Tonquin Employment Area Annexation
City of Sherwood
July 30, 2024

Tax Maps 2S128C and 2S128D

PARCEL 1

A tract of land lying in the South Half of Section 28, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, described as follows:

Beginning at the South quarter corner of Section 28, Township 2 South, Range 1 West, Willamette Meridian; thence North 0°07'50" East along the East line of the Southeast quarter of the Southwest quarter of said Section 28, a distance of 1326.63 feet to the Northeast corner of the said quarter-quarter; thence North 0°03'38" West along the East line of the Northeast quarter of the Southwest quarter, a distance of 198.53 feet to a point on the Southwesterly boundary of that Bonneville Power Administration tract described in Book 180, Page 501, Washington County Book of Records; thence North 44°32'33" West along said Southwesterly boundary a distance of 706.70 feet to a point on the center line of S.W. Oregon Street (County Road No. 492); thence North 41°28'45" East along said center line a distance of 100.24 feet, more or less, to a point on the Northeasterly boundary of said Bonneville Power Administration tract; thence South 44°32'33" East along said Northeasterly boundary a distance of 611.83 feet to a point on said East line of the Northeast quarter of the Southwest quarter; thence North 0°03'38" West along said East line a distance of 375.67 feet, more or less, to a point on the Southerly boundary of that property described in Document No. 2013-106185, Washington County Book of Records, also being a point on the Southerly annexation boundary described in Annexation Proposal No. 3735; thence South 65°30'00" East, more or less, along said Southerly annexation boundary a distance of 13.74 feet, more or less, to a point on the center line of S.W. Dahlke Lane whose right-of-way is described as a 25.00 foot wide strip of land in Book 179, Page 471, Washington County Book of Records; thence North 0°03'38" West along said center line of S.W. Dahlke Lane a distance of 468.07 feet, more or less, to a point on the center line of County Road No. 492; thence North 47°32'40" East, more or less, along said center line of County Road No. 492 a distance of 16.90 feet, more or less, to a point on the Northerly extension of the East line of said S.W. Dahlke Lane right-of-way; thence South 0°03'38" East, along said Northerly extension and said East line, a distance of 528.84 feet, more or less, to a point on the South line of that property described in Document No. 2018-085434, Washington County Book of Records; thence North 89°33'10" East along said South line of said property a distance of 15.00 feet to a point on the Easterly right-of-way of the 40.00 foot wide S.W. Dahlke Lane; thence South 0°03'38" East along said Easterly right-of-way a distance of 313.98 feet; thence South 70°50'35" East a distance of 125.22 feet; thence South 41°07'35"



East a distance of 173.46 feet; thence South 17°39'06" East a distance of 173.28 feet to a point on the Northeasterly boundary of said Bonneville Power Administration tract; thence South 44°32'33" East along said Northeasterly boundary a distance of 102.04 feet to a point on the Northerly boundary of that property described in Document No. 2023-014259, Washington County Book of Records; thence North 89°26'07" East along said Northerly boundary a distance of 905.18 feet to a point on the Westerly boundary of Partition Plat No. 2019-029, Washington County Survey Records; thence South 0°04'06" East along said Westerly boundary a distance of 931.12 feet to a 1-1/8" Ford axle being the Southwest corner of said Partition Plat; thence South 89°26'02" West through the said Bonneville Power Administration tract and along a portion of the Southerly boundary of that property described in Document No. 2023-040577, Washington County Book of Records, a distance of 693.22 feet to a point on the Westerly right-of-way of said S.W. Dahlke Lane; thence North 34°44'06" West along said Westerly right-of-way a distance of 139.66 feet to a point on the Northwesterly boundary of that property described in Document No. 2016-001001, Washington County Book of Records; thence South 49°45'43" West along said Northwesterly boundary a distance of 697.75 feet to the Point of Beginning.

This tract of land contains 33.52 acres, more or less.

The bearings of this description were established on Record of Survey No. 34604, Washington County Survey Records.

PARCEL 2

A tract of land lying in the Northeast quarter of the Southwest quarter of Section 28, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, described as follows:

Beginning at a point on the North line of the Southeast quarter of the Southwest quarter, said point lying South 89°11'33" West 205.37 feet from the Northeast corner of said quarter-quarter; thence South 89°11'33" West along said North line and the Southerly boundary of that property described in Document No. 2022-059410, Washington County Book of Records, a distance of 844.49 feet to a point on the Southeasterly Right-of-Way of S.W. Oregon Street (37.00 feet from center line); thence North 51°26'34" West a distance of 37.00 feet to said center line; thence North 38°33'26" East along said center line a distance of 418.10 feet to a point of curvature; thence continuing along said center line on a curve to the right with a radius of 1312.33 feet (the long chord of which bears North 40°01'05" East 66.92 feet) a distance of 66.93 feet to a point of tangency; thence North 41°28'45" East continuing along said center line a distance of 133.26 feet; thence leaving said center line South 44°32'33" East along the Northeasterly boundary of said Document No. 2022-059410 a distance of 686.37 feet to the Point of Beginning.



This parcel of land contains 5.11 acres, more or less.

The bearings of this description were established on Record of Survey No. 34604, Washington County Survey Records.

ANNEXATION CERTIFIED

BY  _____

AUG 16 2024

**WASHINGTON COUNTY A & T
CARTOGRAPHY**

REGISTERED
PROFESSIONAL
LAND SURVEYOR

DIGITALLY SIGNED 2024.09.09
15:58:54-07'00'

OREGON
JULY 13, 2021
KEITH LYMAN
94803

RENEWS: 12/31/2024

ANNEXATION CERTIFIED

BY 

AUG 16 2024

WASHINGTON COUNTY A & T
CARTOGRAPHY

CITY OF SHERWOOD

CENTER OF SECTION 28

N47°32'40"E 16.90'

C.R. NO. 492

CENTER LINE OF S.W. DAHLKE LANE
(ANNEXATION PROPOSAL NO. 3735)

N00°03'38"W 468.07'

TL 2S128D000300
DOC. NO. 2018-085434TL 2S128C000801
DOC. NO. 2013-106185
S65°30'00"E 13.74'
TL 2S128C000800
DOC. NO. 2023-018428

N89°33'10"E 15.00'

TL 2S128D000400
DOC. NO. 2014-012728

N41°28'45"E 100.24'

S.W. OREGON STREET
(CR NO. 492)

N41°28'45"E 133.26'

 $\Delta=2^{\circ}55'19"$
 $R=1312.33'$
 $L=66.93$

LC=N40°01'05"E 66.92'

N38°33'26"E 418.10'

PARCEL 2
222,750 ± SQ.FT. (5.11 ± ACRES)TL 2S128C000700
DOC. NO. 2022-059410TL 2S128C000701
DOC. NO. 2013-106158
S44°32'33"E 611.83'
N44°32'33"W 706.70'EAST LINE
NE1/4SW1/4

N00°03'38"W 198.53'

POINT OF
BEGINNING
PARCEL 2BONNEVILLE POWER
ADMINISTRATIONNE CORNER
SE1/4SW1/4

S89°11'33"W 844.49'

N51°26'34"W 37.00'

TL 2S128C000600
DOC. NO. 2023-024911
EXHIBIT CNORTH LINE
SE1/4SW1/4

S89°11'33"W 205.37'

TL 2S128C000601
DOC. NO. 2023-017103

LEGEND:



CITY OF SHERWOOD



PROPOSED ANNEXATION



SEE SHEET 1 OF 2

SCALE: 1" = 200'

0 100 200 400

TONQUIN EMPLOYMENT AREA ANNEXATION
CITY OF SHERWOOD

FILE NO: ANX 01

SUBMITTAL DATE: 07/30/2024 REV'D:

TAX LOT: -

ADDRESS: -NA-

TAX MAP: -

DAVID EVANS
AND ASSOCIATES INC.2100 S River Parkway, Suite 100
Portland Oregon 97201
Phone: 503.223.6663

ANNEXATION CERTIFIED

BY 

AUG 16 2024

WASHINGTON COUNTY & T
CARTOGRAPHY

SHEET 2 OF 2

EXHIBIT "B"

TL 2S128D000500
DOC. NO. 2013-002259

S17°39'06"E 173.28'

S44°32'33"E 102.04'

N89°26'07"E 905.18'

TL 2S128D000700
DOC. NO. 2023-014259

TL 2S128D000602
DOC. NO. 2023-004198

TL 2S128D000600
DOC. NO.
2023-021040

TL 2S128D000800
DOC. NO. 2023-040577

N34°44'06"W 139.66'

S89°26'02"W 693.22'

1-1/8" FORD AXLE

TL 2S128D000900
DOC. NO. 2013-106105

TL 2S128D000601
DOC. NO. 2016-001001

S 1/4 COR
SECTION 28

POINT OF BEGINNING
PARCEL 1

SCALE: 1" = 200'



LEGEND:



CITY OF SHERWOOD



PROPOSED ANNEXATION

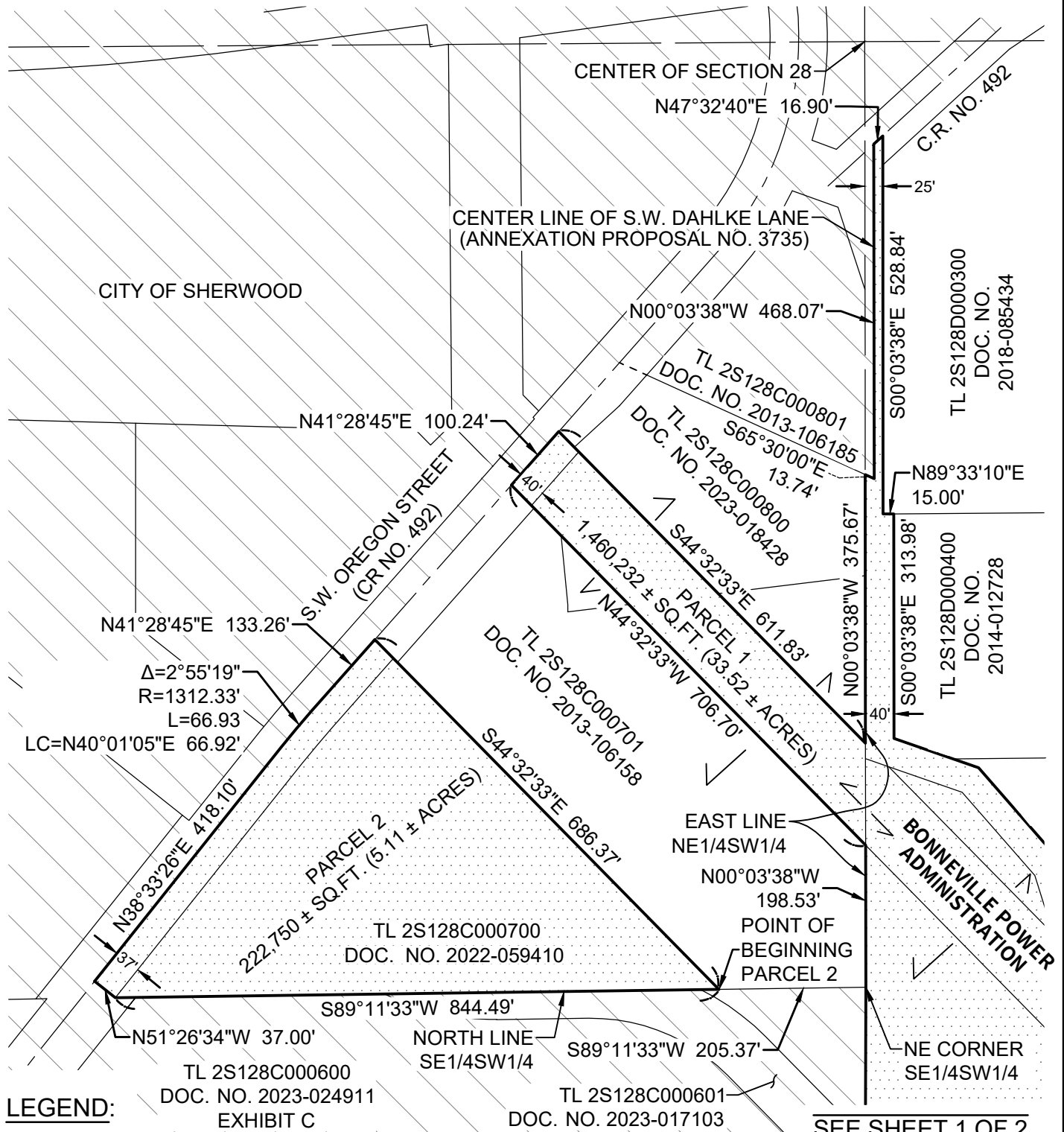
TONQUIN EMPLOYMENT AREA ANNEXATION
CITY OF SHERWOOD

FILE NO: ANX 01	SUBMITTAL DATE: 07/30/2024	REV'D:
TAX LOT: -	ADDRESS: -NA-	
TAX MAP: -		



DAVID EVANS
AND ASSOCIATES INC.

2100 S River Parkway, Suite 100
Portland Oregon 97201
Phone: 503.223.6663



**TONQUIN EMPLOYMENT AREA ANNEXATION
CITY OF SHERWOOD**

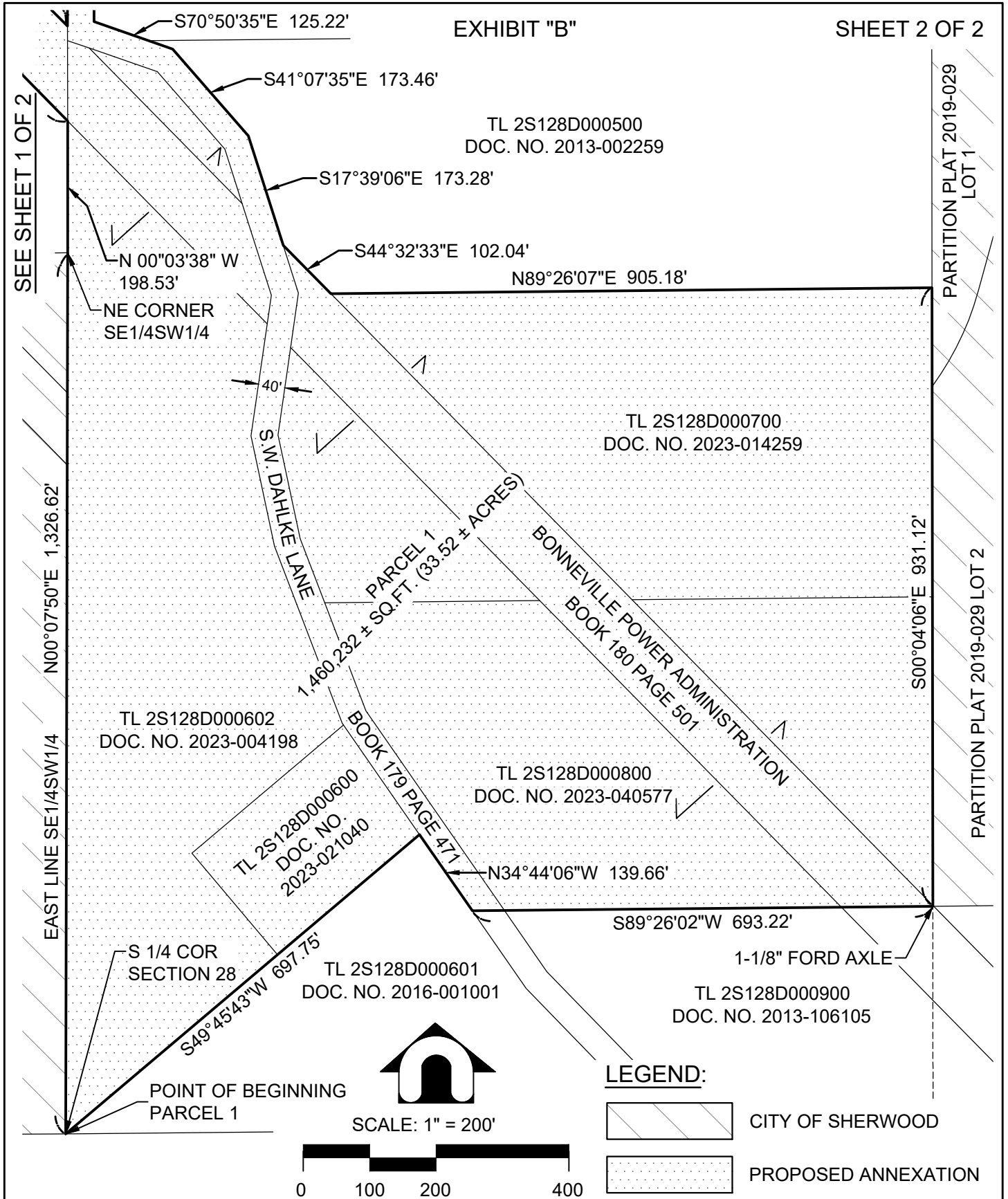
FILE NO: ANX 01	SUBMITTAL DATE: 07/30/2024	REV'D:
TAX LOT: -	ADDRESS: -NA-	
TAX MAP: -		



**DAVID EVANS
AND ASSOCIATES INC.**

2100 S River Parkway, Suite 100
Portland Oregon 97201
Phone: 503.223.6663

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TONQUIN EMPLOYMENT AREA ANNEXATION CITY OF SHERWOOD		
FILE NO: ANX 01	SUBMITTAL DATE: 07/30/2024	REV'D:
TAX LOT: -	ADDRESS: -NA-	
TAX MAP: -		



**DAVID EVANS
AND ASSOCIATES INC.**
2100 S River Parkway, Suite 100
Portland Oregon 97201
Phone: 503.223.6663



EXHIBIT "A"

Tonquin Employment Area Annexation
Clean Water Services
July 30, 2024

Tax Maps 2S128C and 2S128D

PARCEL 1

A tract of land lying in the South Half of Section 28, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, described as follows:

Beginning at the South quarter corner of Section 28, Township 2 South, Range 1 West, Willamette Meridian; thence North 0°07'50" East along the East line of the Southeast quarter of the Southwest quarter of said Section 28, a distance of 1326.63 feet to the Northeast corner of the said quarter-quarter; thence North 0°03'38" West along the East line of the Northeast quarter of the Southwest quarter, a distance of 198.53 feet to a point on the Southwesterly boundary of that Bonneville Power Administration tract described in Book 180, Page 501, Washington County Book of Records; thence North 44°32'33" West along said Southwesterly boundary a distance of 706.70 feet to a point on the center line of S.W. Oregon Street (County Road No. 492); thence North 41°28'45" East along said center line a distance of 100.24 feet, more or less, to a point on the Northeasterly boundary of said Bonneville Power Administration tract; thence South 44°32'33" East along said Northeasterly boundary a distance of 611.83 feet to a point on said East line of the Northeast quarter of the Southwest quarter; thence North 0°03'38" West along said East line a distance of 375.67 feet, more or less, to a point on the Southerly boundary of that property described in Document No. 2013-106185, Washington County Book of Records, also being a point on the Southerly annexation boundary described in Annexation Proposal No. 3735; thence South 65°30'00" East, more or less, along said Southerly annexation boundary a distance of 13.74 feet, more or less, to a point on the center line of S.W. Dahlke Lane whose right-of-way is described as a 25.00 foot wide strip of land in Book 179, Page 471, Washington County Book of Records; thence North 0°03'38" West along said center line of S.W. Dahlke Lane a distance of 468.07 feet, more or less, to a point on the center line of County Road No. 492; thence North 47°32'40" East, more or less, along said center line of County Road No. 492 a distance of 16.90 feet, more or less, to a point on the Northerly extension of the East line of said S.W. Dahlke Lane right-of-way; thence South 0°03'38" East, along said Northerly extension and said East line, a distance of 528.84 feet, more or less, to a point on the South line of that property described in Document No. 2018-085434, Washington County Book of Records; thence North 89°33'10" East along said South line of said property a distance of 15.00 feet to a point on the Easterly right-of-way of the 40.00 foot wide S.W. Dahlke Lane; thence South 0°03'38" East along said Easterly right-of-way a distance of 313.98 feet; thence South 70°50'35" East a distance of 125.22 feet; thence South 41°07'35"



East a distance of 173.46 feet; thence South 17°39'06" East a distance of 173.28 feet to a point on the Northeasterly boundary of said Bonneville Power Administration tract; thence South 44°32'33" East along said Northeasterly boundary a distance of 102.04 feet to a point on the Northerly boundary of that property described in Document No. 2023-014259, Washington County Book of Records; thence North 89°26'07" East along said Northerly boundary a distance of 905.18 feet to a point on the Westerly boundary of Partition Plat No. 2019-029, Washington County Survey Records; thence South 0°04'06" East along said Westerly boundary a distance of 931.12 feet to a 1-1/8" Ford axle being the Southwest corner of said Partition Plat; thence South 89°26'02" West through the said Bonneville Power Administration tract and along a portion of the Southerly boundary of that property described in Document No. 2023-040577, Washington County Book of Records, a distance of 693.22 feet to a point on the Westerly right-of-way of said S.W. Dahlke Lane; thence North 34°44'06" West along said Westerly right-of-way a distance of 139.66 feet to a point on the Northwesterly boundary of that property described in Document No. 2016-001001, Washington County Book of Records; thence South 49°45'43" West along said Northwesterly boundary a distance of 697.75 feet to the Point of Beginning.

This tract of land contains 33.52 acres, more or less.

The bearings of this description were established on Record of Survey No. 34604, Washington County Survey Records.

PARCEL 2

A tract of land lying in the Northeast quarter of the Southwest quarter of Section 28, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, described as follows:

Beginning at a point on the North line of the Southeast quarter of the Southwest quarter, said point lying South 89°11'33" West 205.37 feet from the Northeast corner of said quarter-quarter; thence South 89°11'33" West along said North line and the Southerly boundary of that property described in Document No. 2022-059410, Washington County Book of Records, a distance of 844.49 feet to a point on the Southeasterly Right-of-Way of S.W. Oregon Street (37.00 feet from center line); thence North 51°26'34" West a distance of 37.00 feet to said center line; thence North 38°33'26" East along said center line a distance of 418.10 feet to a point of curvature; thence continuing along said center line on a curve to the right with a radius of 1312.33 feet (the long chord of which bears North 40°01'05" East 66.92 feet) a distance of 66.93 feet to a point of tangency; thence North 41°28'45" East continuing along said center line a distance of 133.26 feet; thence leaving said center line South 44°32'33" East along the Northeasterly boundary of said Document No. 2022-059410 a distance of 686.37 feet to the Point of Beginning.



This parcel of land contains 5.11 acres, more or less.

The bearings of this description were established on Record of Survey No. 34604, Washington County Survey Records.

ANNEXATION CERTIFIED

BY VF

AUG 16 2024

**WASHINGTON COUNTY A & T
CARTOGRAPHY**

REGISTERED
PROFESSIONAL
LAND SURVEYOR

DIGITALLY SIGNED 2024.09.09
15:58:23-07'00'

OREGON
JULY 13, 2021
KEITH LYMAN
94803

RENEWS: 12/31/2024

ANNEXATION CERTIFIED

BY 

AUG 16 2024

WASHINGTON COUNTY A & T
CARTOGRAPHY

CITY OF SHERWOOD

CENTER OF SECTION 28

N47°32'40"E 16.90'

C.R. NO. 492

CENTER LINE OF S.W. DAHLKE LANE
(ANNEXATION PROPOSAL NO. 3735)

N00°03'38"W 468.07'

TL 2S128D000300
DOC. NO. 2018-085434TL 2S128C000801
DOC. NO. 2013-106185
S65°30'00"E 13.74'TL 2S128C000800
DOC. NO. 2023-018428
S44°32'33"E 611.83'

N89°33'10"E 15.00'

TL 2S128D000400
DOC. NO. 2014-012728

N41°28'45"E 100.24'

S.W. OREGON STREET
(CR NO. 492)

N41°28'45"E 133.26'

 $\Delta=2^{\circ}55'19"$
 $R=1312.33'$
 $L=66.93$
 $LC=N40^{\circ}01'05"E 66.92'$

N38°33'26"E 418.10'

TL 2S128C000701
DOC. NO. 2013-106158
S44°32'33"E 686.37'PARCEL 2
222,750 ± SQ.FT. (5.11 ± ACRES)TL 2S128C000700
DOC. NO. 2022-059410EAST LINE
NE1/4SW1/4

N00°03'38"W 198.53'

POINT OF
BEGINNING
PARCEL 2BONNEVILLE POWER
ADMINISTRATIONNE CORNER
SE1/4SW1/4

S89°11'33"W 844.49'

NORTH LINE
SE1/4SW1/4TL 2S128C000601
DOC. NO. 2023-017103

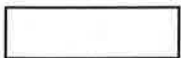
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TL 2S128C000600
DOC. NO. 2023-024911
EXHIBIT C

LEGEND:



CITY OF SHERWOOD



PROPOSED ANNEXATION

SEE SHEET 1 OF 2

SCALE: 1" = 200'



0 100 200 400

TONQUIN EMPLOYMENT AREA ANNEXATION
CLEAN WATER SERVICES

FILE NO: ANX 01

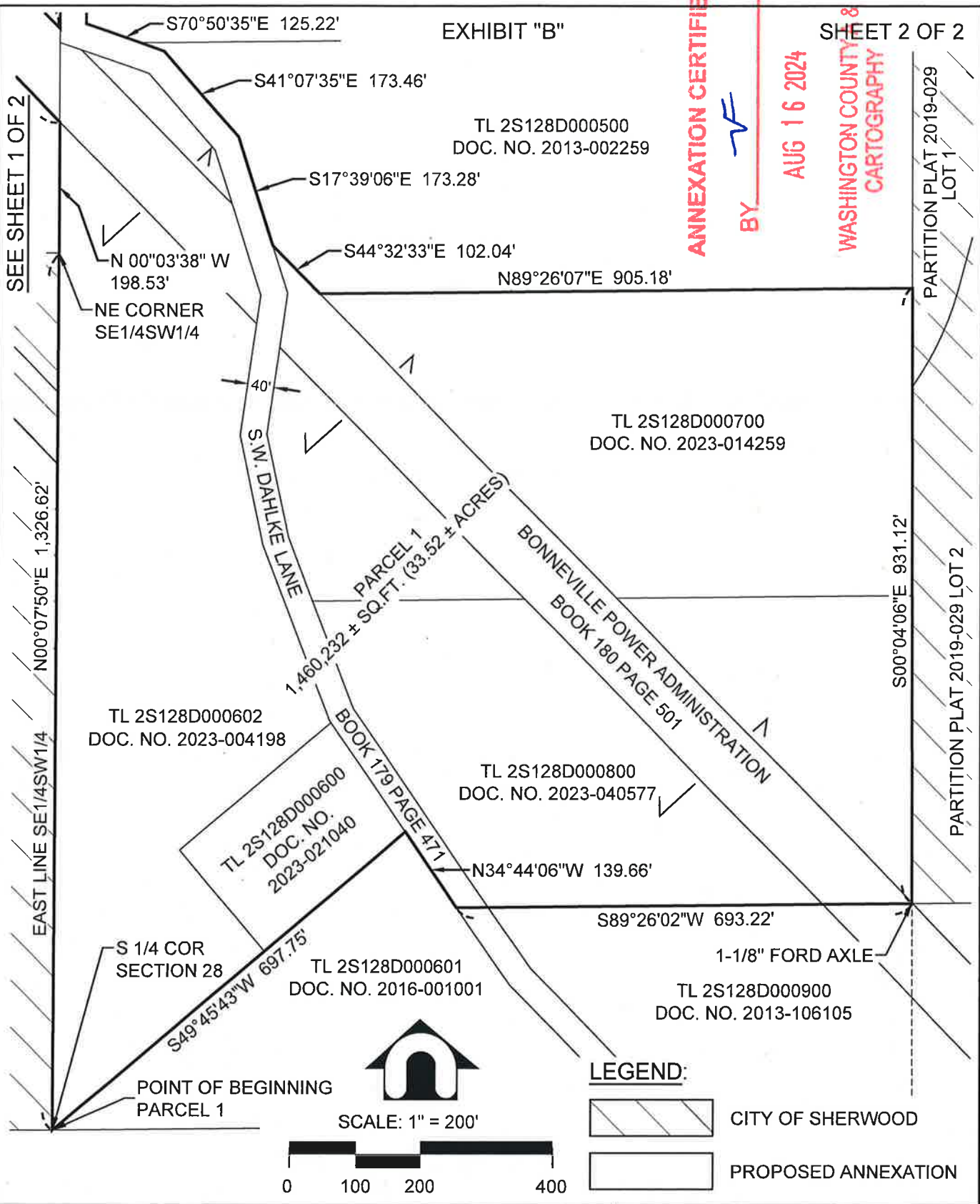
SUBMITTAL DATE: 07/30/2024 REV'D:

TAX LOT: -

ADDRESS: -NA-

TAX MAP: -

DAVID EVANS
AND ASSOCIATES INC.2100 S River Parkway, Suite 100
Portland Oregon 97201
Phone: 503.223.6663

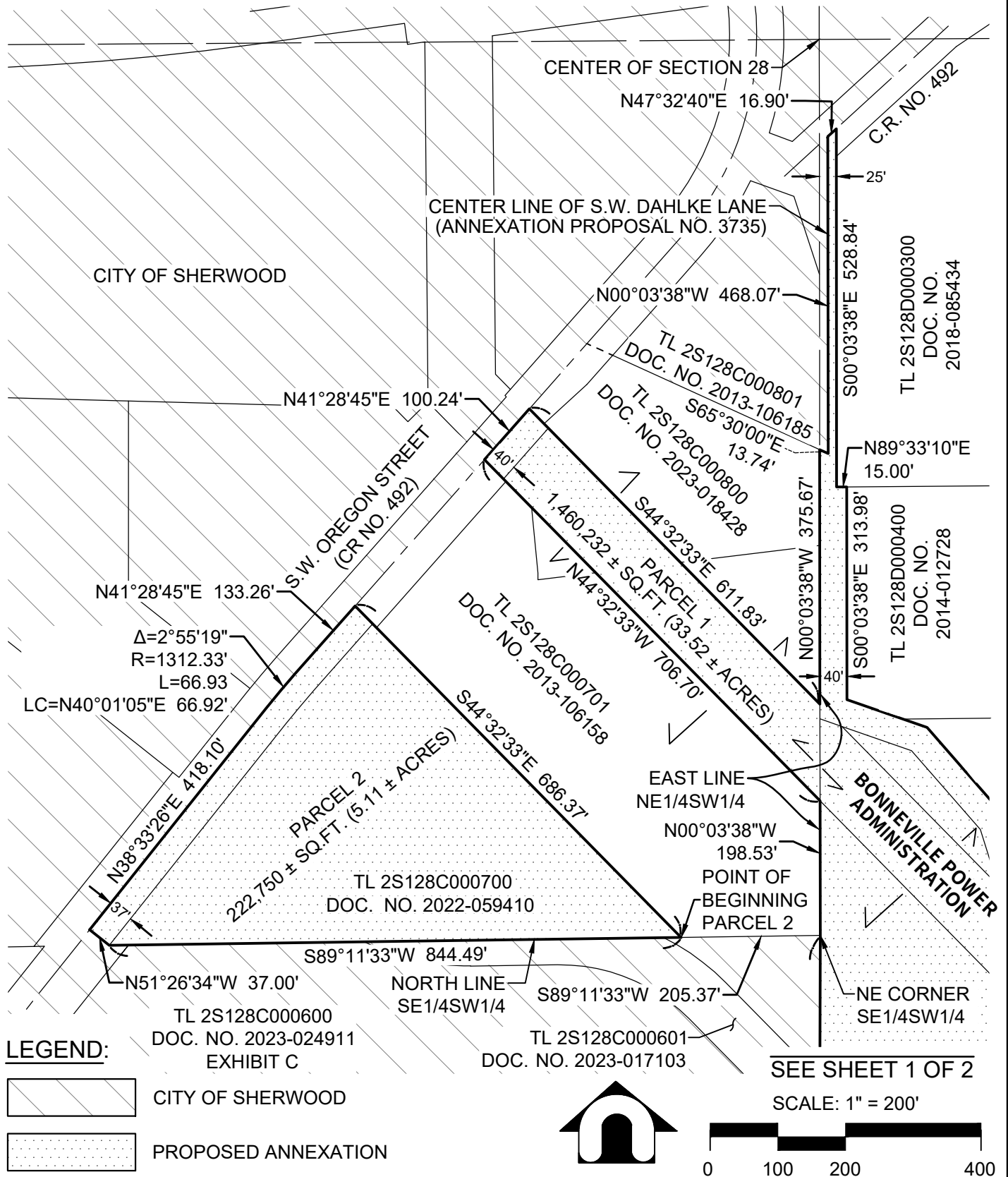


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TONQUIN EMPLOYMENT AREA ANNEXATION CLEAN WATER SERVICES		
FILE NO: ANX 01	SUBMITTAL DATE: 07/30/2024	REV'D:
TAX LOT: -	ADDRESS: -NA-	
TAX MAP: -		



**DAVID EVANS
AND ASSOCIATES INC.**
2100 S River Parkway, Suite 100
Portland Oregon 97201
Phone: 503.223.6663



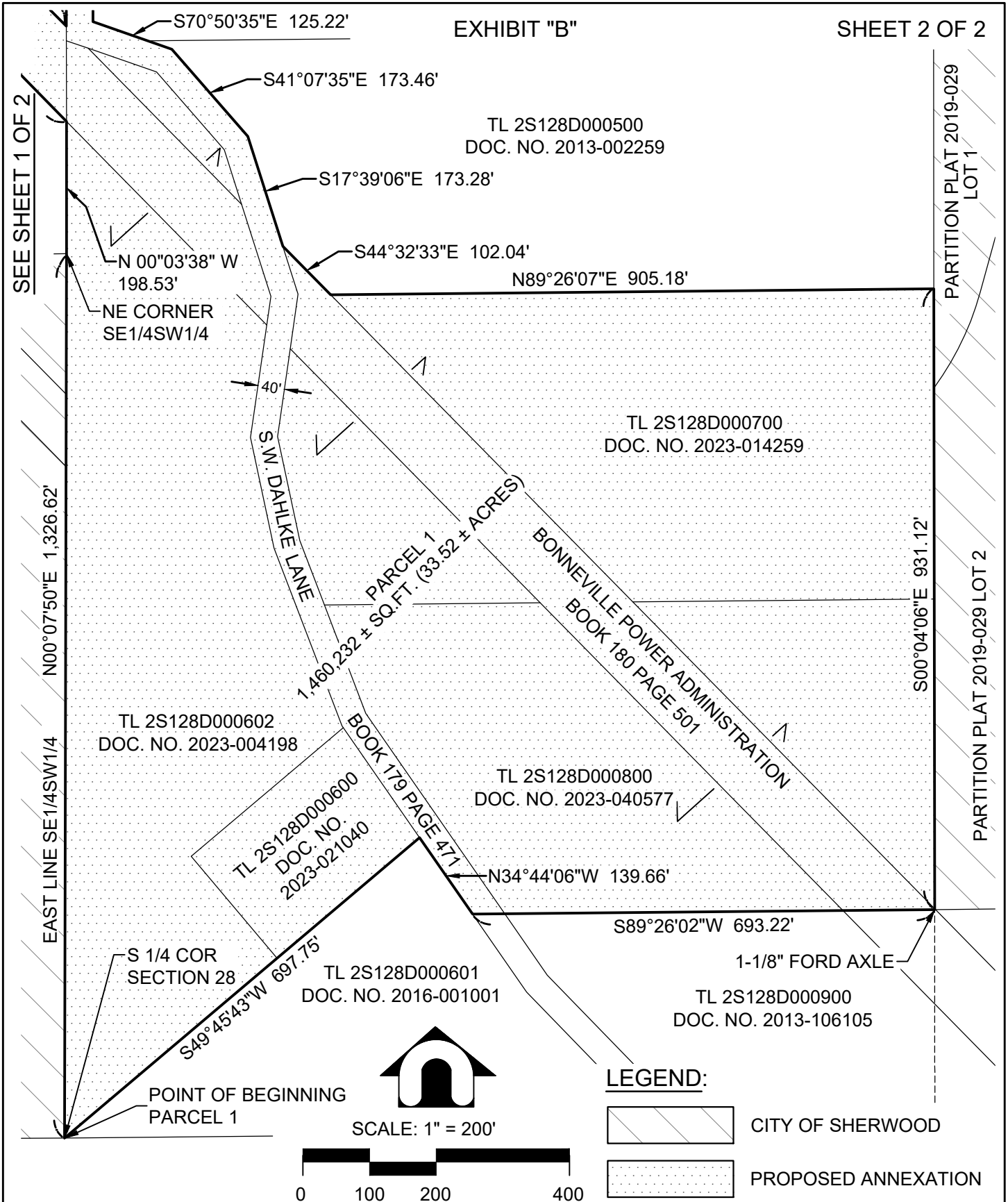
**TONQUIN EMPLOYMENT AREA ANNEXATION
CLEAN WATER SERVICES**

FILE NO: ANX 01	SUBMITTAL DATE: 07/30/2024	REV'D:
TAX LOT: -	ADDRESS: -NA-	
TAX MAP: -		



**DAVID EVANS
AND ASSOCIATES INC.**

2100 S River Parkway, Suite 100
Portland Oregon 97201
Phone: 503.223.6663



**TONQUIN EMPLOYMENT AREA ANNEXATION
CLEAN WATER SERVICES**

FILE NO: ANX 01	SUBMITTAL DATE: 07/30/2024	REV'D:
TAX LOT: -	ADDRESS: -NA-	
TAX MAP: -		



**DAVID EVANS
AND ASSOCIATES INC.**

2100 S River Parkway, Suite 100
Portland Oregon 97201
Phone: 503.223.6663 **166**

Exhibit D: Boundary Change Data Sheet

BOUNDARY CHANGE DATA SHEET

I. EXISTING CONDITIONS IN AREA TO BE ANNEXED OR WITHDRAWN

A. General location: SE of SW Oregon St., S of SW Tualatin Sherwood Rd.

B. Land Area: Acres ± 38.63 acres or Square Miles

C. General description of territory. (Include topographic features such as slopes, vegetation, drainage basins, floodplain areas, which are pertinent to this proposal.)

Partially developed area, comprised of industrial, residential, and

vegetated land. No floodplain, floodway, or significant steep slopes exist on the property.

D. Describe Land uses on surrounding parcels. Use tax lots as reference points.

North: Map Tax/Lot 2S128D001300 - General Industrial (City of Sherwood)

Map Tax/Lot 2S128A000506 - General Industrial (City of Sherwood)

East: Map/Tax Lot 2S128D001200 - Employment Industrial (City of Sherwood)

South: Map/Tax Lot 2S128C00060 - Employment Industrial (City of Sherwood)

Map/Tax Lot 2S1330000100 - EFC (Washington County)

West: Map/Tax Lot 2S128C000201 - General Industrial (City of Sherwood)

E. Existing Land Use:

Number of single-family units 4 Number of multi-family units

Number of commercial structures Number of industrial structures 3

Public facilities or other uses

What is the current use the land proposed to be annexed: Industrial Service

F. Total current year Assessed Valuation: \$

G. Total existing population:

II. REASON FOR BOUNDARY CHANGE

- A. The Metro Code spells out criteria for consideration (Metro Code 3.09.050). Considering these criteria, please provide the reasons the proposed boundary change should be made. Please be very specific. Use additional pages if necessary.

Please see attached narrative.

- B. If the property to be served is entirely or substantially undeveloped, what are the plans for future development? Be specific. Describe type (residential, industrial, commercial, etc.), density, etc.

Annexation for future industrial development and city services. Please see attached narrative.

III. LAND USE AND PLANNING

- A. Is the subject territory inside or outside of the Metro Regional Urban Growth Boundary?
Inside Metro Regional UGB

- B. What is the applicable County Planning Designation? FD-20

Or City Planning Designation? EI-Employment Industrial

Does the proposed development comply with applicable regional, county or city comprehensive plans? Please describe.

The area to be annexed is consistent with the TEA Concept Plan, an adopted part of the City of Sherwood Comprehensive Plan. See attached narrative.

- C. What is the zoning on the territory to be served?
EI - Employment Industrial

- D. Can the proposed development be accomplished under current county zoning?

____ Yes ____ No N/A - No development proposed at this time

If No, has a zone change been sought from the county either formally or informally?

____ Yes ____ No N/A - No development proposed at this time

Please describe outcome of zone change request if answer to previous questions was Yes.
N/A

- E. Please indicate all permits and/or approvals from a City, County or Regional Government which will be needed for the proposed development. If already granted, please indicate date of approval and identifying number:

APPROVAL	PROJECT FILE NO.	DATE OF APPROVAL	FUTURE REQUIREMENT
Metro UGB Amendment		2004	
City of County Plan Amendment	TEACP	10/2010	
Pre-Application Hearing (City or County)			
Preliminary Subdivision Approval			
Final Plat Approval			
Land Partition			
Conditional Use			
Variance			
Sub-Surface Sewage Disposal			
Building Permit			

Please submit copies of proceedings relating to any of the above permits or approvals which are pertinent to the annexation.

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

Washington County CPO 5 Sherwood-Tualatin S1 - Inactive

IV. SERVICES AND UTILITIES

- A. Please indicate the following:

1. Location and size of nearest water line that can serve the subject area.
24" and 12" water line in SW Oregon Street.

2. Location and size of nearest sewer line which can serve the subject area.
12" sanitary sewer line in SW Tualatin Sherwood Road and 8" sanitary
sewer line in SW Oregon Street and Map/Tax Lot 2S128C000801

3. Proximity of other facilities (storm drains, fire engine companies, etc.) which can serve the subject area.
12" storm water line within SW Oregon Street
TVFR Station 33, located ±1.5 miles southwest of property

4. The time at which services can be reasonably provided by the city or district.

Services will be available upon annexation to the City.

5. The estimated cost of extending such facilities and/or services and what is to be the method of financing. (Attach any supporting documents.)

The cost of extending necessary utilities will be paid upon future site devel

6. Availability of desired service from any other unit of local government. (Please indicate the government.)

All requested services are available.

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

City	N/A	Rural Fire Dist.	TVFR
County Service Dist.	Washington Co.	Sanitary District	N/A
Hwy. Lighting Dist.	N/A	Water District	N/A
Grade School Dist.	SSD 88J	Drainage District	N/A
High School Dist.	SSD 88J	Diking District	N/A
Library Dist.	WCCLS	Park & Rec. Dist.	N/A
Special Road Dist.	N/A	Other District Supplying Water Service	N/A

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

TVFR currently serves the area and will continue to do so once annexed.

V. APPLICANT INFORMATION

APPLICANT'S NAME City of Sherwood

MAILING ADDRESS 22560 SW Pine Street
Sherwood, OR 97140

TELEPHONE NUMBER Please Contact Applicant's Consultant (Work)
 (Res.)

REPRESENTING AKS Engineering & Forestry, LLC - Zach Pelz, AICP

DATE 6/14/2024 pelzz@aks-eng.com

Exhibit E: Annexation Questionnaire

ANNEXATION QUESTIONNAIRE

It is the applicant's responsibility to obtain the information requested on the attached annexation questionnaire. The information is used by the Center for Population Research and Census (CPRC) at Portland State University to update the estimate of the population for the City of Sherwood after annexations.

The information collected is confidential and is used for no other purpose. Please obtain the information prior to submitting the annexation petition. It is your responsibility to update this information if changes are made between the original application filing and the effective date of the application.

Fill out one sheet per property that is being annexed.

Address: 21370 SW Oregon Street, Sherwood, OR 97140

Housing type:

- ☐ Single-family home
- ☐ Multi-family residence
- ☐ Manufactured home

Occupancy:

- ☐ Owner occupied
- ☐ Renter occupied
- ☐ Vacant
- ☐ Seasonal

Resident Information:

LAST NAME	FIRST NAME	SEX	AGE
N/A	N/A - No residents on the property	N/A	N/A

ANNEXATION QUESTIONNAIRE

It is the applicant's responsibility to obtain the information requested on the attached annexation questionnaire. The information is used by the Center for Population Research and Census (CPRC) at Portland State University to update the estimate of the population for the City of Sherwood after annexations.

The information collected is confidential and is used for no other purpose. Please obtain the information prior to submitting the annexation petition. It is your responsibility to update this information if changes are made between the original application filing and the effective date of the application.

Fill out one sheet per property that is being annexed.

Address: 21680 SW Dahlke Lane, Sherwood, OR 97140

Housing type:

- ☒ Single-family home
- ☐ Multi-family residence
- ☐ Manufactured home

Occupancy:

- ☐ Owner occupied
- ☐ Renter occupied
- ☐ Vacant
- ☐ Seasonal

Resident Information:

LAST NAME	FIRST NAME	SEX	AGE

ANNEXATION QUESTIONNAIRE

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Fill out one sheet per property that is being annexed.

Address: 21700 SW Dahlke Lane, Sherwood, OR 97140

Housing type:

- ☒ Single-family home
- ☐ Multi-family residence
- ☐ Manufactured home

Occupancy:

- ☐ Owner occupied
- ☐ Renter occupied
- ☐ Vacant
- ☐ Seasonal

Resident Information:

LAST NAME	FIRST NAME	SEX	AGE

ANNEXATION QUESTIONNAIRE

It is the applicant's responsibility to obtain the information requested on the attached annexation questionnaire. The information is used by the Center for Population Research and Census (CPRC) at Portland State University to update the estimate of the population for the City of Sherwood after annexations.

The information collected is confidential and is used for no other purpose. Please obtain the information prior to submitting the annexation petition. It is your responsibility to update this information if changes are made between the original application filing and the effective date of the application.

Fill out one sheet per property that is being annexed.

Address: 21775 SW Dahlke Lane, Sherwood, OR 97140

Housing type:

- ☒ Single-family home
- ☐ Multi-family residence
- ☐ Manufactured home

Occupancy:

- ☐ Owner occupied
- ☐ Renter occupied
- ☐ Vacant
- ☐ Seasonal

Resident Information:

LAST NAME	FIRST NAME	SEX	AGE

ANNEXATION QUESTIONNAIRE

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The information collected is confidential and is used for no other purpose. Please obtain the information prior to submitting the annexation petition. It is your responsibility to update this information if changes are made between the original application filing and the effective date of the application.

Fill out one sheet per property that is being annexed.

Address: 21825 SW Dahlke Lane, Sherwood, OR 97140

Housing type:

- ☒ Single-family home
- ☐ Multi-family residence
- ☐ Manufactured home

Occupancy:

- ☐ Owner occupied
- ☐ Renter occupied
- ☐ Vacant
- ☐ Seasonal

Resident Information:

LAST NAME	FIRST NAME	SEX	AGE

Exhibit F: **Worksheet for Annexation to the City of Sherwood**

WORKSHEET FOR ANNEXATION TO THE CITY OF SHERWOOD

Please list all properties/registered voters included in the proposal. (If needed, use separate sheets for additional listings.)

Property Information (ALL METHODS)

PROPERTY DESIGNATION (Tax Lot Numbers)	NAME OF PROPERTY OWNER	TOTAL ACRES	ASSESSED VALUE OF THE PROPERTY	SIGNED PETITION YES NO	
2S 1 28D Lot 700	A Richard Vial (AR Vial Associates); Nicolas V	±8.99	\$287,180	x	
	A Nicolas Vial; Nathan R Vial; Christian Lee V				
2S 1 28D Lot 602	City of Sherwood Urban Renewal Agency	±9.95	\$0	x	
2S 1 28C Lot 700	City of Sherwood Urban Renewal Agency	±4.62	\$0	x	
2S 1 28D Lot 600	Dave Balfour, Sam Karpeles (Dahlke Lane La	±1.33	\$186,450	x	
2S 1 28D Lot 800	Dave Balfour, Brian Clopton (Dahlke Lane Lar	±7.01	\$343,420	x	
Totals:		±38.63	\$817,050	x	

Registered Voters (DOUBLE MAJORITY METHOD ONLY)

ADDRESS OF REGISTERED VOTER	NAME OF REGISTERED VOTER	SIGNED PETITION YES NO	
Totals:			

Summary

TOTAL NUMBER OF REGISTERED VOTERS IN THE PROPOSAL: N/A
 NUMBER OF REGISTERED VOTERS WHO SIGNED PETITION: N/A
 PERCENTAGE OF REGISTERED VOTERS WHO SIGNED PETITION: N/A
 TOTAL ACREAGE IN THE PROPOSAL: 38.6
 ACREAGE SIGNED FOR: 38.6

PERCENTAGE OF ACREAGE SIGNED FOR: 100
 TOTAL NUMBER OF SINGLE-FAMILY UNITS: ±4
 TOTAL NUMBER OF MULTI-FAMILY UNITS: 0
 TOTAL NUMBER OF COMMERCIAL STRUCTURES: 0
 TOTAL NUMBER OF INDUSTRIAL STRUCTURES: ±3180

Exhibit G: Certification of Property Ownership

THIS SECTION IS TO BE COMPLETED BY WASHINGTON COUNTY ASSESSOR'S OFFICE

CERTIFICATION OF PROPERTY OWNERSHIP

(All Methods)

I hereby certify that the attached petition for a proposed boundary change (annexation) of the territory described in Attachment A of the petition contains the names* of at least one-half of the land area within the annexation area described, as shown on the last available complete assessment roll.

NAME: TED FOSTER

TITLE: GIS TECH

DEPARTMENT: CARTOGRAPHY

COUNTY OF: WASHINGTON

DATE: 9/16/24

* *Owner" means the legal owner of record or, where there is a recorded a land contract which is in force, the purchaser thereunder. If there is a multiple ownership in a parcel of land each consenting owner shall be counted as a fraction to the same extent as the interest of the owner in the land bears in relation to the interest of the other owners and the same fraction shall be applied to the parcel's land mass and assessed value for purposes of the consent petition. If a corporation owns land in territory proposed to be annexed, the corporation shall be considered the individual owner of that land.

ANNEXATION CERTIFIED

BY TF

AUG 16 2024

**WASHINGTON COUNTY A & T
CARTOGRAPHY**

Exhibit H: Certification of Legal Description and Map

THIS SECTION IS TO BE COMPLETED BY WASHINGTON COUNTY ASSESSOR'S OFFICE

CERTIFICATION OF LEGAL DESCRIPTION AND MAP
(All Methods)

I hereby certify that the description of the property included within the attached petition (located on Assessor's Map 2S128C + 2S128D) 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 TED FOSTER
TITLE GIS TECH
DEPARTMENT CARTOGRAPHY
COUNTY OF WASHINGTON
DATE 9/16/24

ANNEXATION CERTIFIED

BY VF

AUG 16 2024

WASHINGTON COUNTY A & T
CARTOGRAPHY

Exhibit I: Ownership Information



FIRST AMERICAN TITLE

Property Research Report

SUBJECT PROPERTY

21370 SW Oregon St

Parcel #: R547484

Map & Taxlot #: 2S128C000700

County: Washington

OWNER

Sherwood, City Of Urban Renewal Agency

DATE PREPARED

Date: 06/24/2024

PREPARED BY

gparilla@firstam.com



First American Title

Customer Service Department

503.219.8746

cs.oregon@firstam.com

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First American Title

Customer Service Department
503.219.8746
cs.oregon@firstam.com
Date: 06/24/2024

OWNERSHIP INFORMATION

Owner: Sherwood, City Of Urban Renewal Agency
CoOwner:
Site: 21370 SW Oregon St Sherwood OR 97140
Mail: 22560 SW Pine St Sherwood OR 97140

Parcel #: R547484
Ref Parcel #: 2S128C000700
TRS: 02S / 01W / 28 / SW
County: Washington

PROPERTY DESCRIPTION

Map Grid: 684-J6
Census Tract: 032107 Block: 1019
Neighborhood: CPO5S1 - Cpo 5 Sherwood-Tualatin S1
School Dist: 88J Sherwood
Impr Type:
Subdiv/Plat:
Land Use: 9400 - Exempt City Gov Vacant
Std Land Use: VMSC - Vacant Misc
Zoning: Washington Co.-FD-20 - Future Development 20-Acre District
Lat/Lon: 45.36474888 / -122.81845979
Watershed: Fanno Creek-Tualatin River
Legal: ACRES 4.62

ASSESSMENT AND TAXATION

Market Land: \$1,023,280.00
Market Impr: \$0.00
Market Total: \$1,023,280.00 (2023)
% Improved: 0.00%
Assessed Total: \$0.00 (2023)
Levy Code: 88.54
Tax: \$0.00 (2023)
Millage Rate: 16.4404
Exemption: \$1,023,280.00
Exemption Type:

PROPERTY CHARACTERISTICS

Bedrooms:	Total SqFt:	Year Built:
Baths, Total:	First Floor:	Eff Year Built:
Baths, Full:	Second Floor:	Lot Size Ac: 4.62 Acres
Baths, Half:	Basement Fin:	Lot Size SF: 201,247 SqFt
Total Units:	Basement Unfin:	Lot Width:
# Stories:	Basement Total:	Lot Depth:
# Fireplaces:	Attic Fin:	Roof Material:
Cooling:	Attic Unfin:	Roof Shape:
Heating:	Attic Total:	Ext Walls:
Building Style:	Garage:	Const Type:

SALES AND LOAN INFORMATION

Owner	Date	Doc #	Sale Price	Deed Type	Loan Amt	Loan Type
SHERWOOD CITY OF URBAN RENEWAL AGENCY	09/26/2022	59410	\$125,000.00	Deed		Conv/Unk
VANDOMELEN JOINT TRUST	09/24/2019	65711	\$750,000.00	Deed	\$250,000.00	Private Party Lender
KERRY J FITCH	07/18/2016	55857		Deed		Conv/Unk
OREGON STREET PROPERTY LLC	07/18/2016	55858		Deed		Conv/Unk
RECORD OWNER	03/30/1992	20167		Deed		Conv/Unk



Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

Aerial Map



First American Title

Parcel ID: R547484

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

WFO Title 20-399559 Comm

File No.: 22-399559

Grantor
VanDomelen Joint Trust dated February 11, 2015 4825 SW Evans Street Portland, OR 97219
Grantee
City of Sherwood Urban Renewal Agency 22560 SW Pine Street Sherwood, OR 97140
After recording return to
City of Sherwood Urban Renewal Agency 22560 SW Pine Street Sherwood, OR 97140
Until requested, all tax statements shall be sent to
City of Sherwood Urban Renewal Agency 22560 SW Pine Street Sherwood, OR 97140 Tax Acct No(s): 2S128C0-00700, R547484

Washington County, Oregon

2022-059410

D-DW

09/26/2022 12:14:54 PM

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\$30.00 \$11.00 \$5.00 \$60.00

\$106.00

I, Joe Nelson, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.

Joe Nelson, Director of Assessment and
Taxation, Ex-Officio County Clerk

Reserved for Recorder's Use

STATUTORY WARRANTY DEED

Kenneth A. VanDomelen and Carol L. VanDomelen, as Trustees of the VanDomelen Joint Trust dated February 11, 2015, Grantor conveys and warrants to **City of Sherwood Urban Renewal Agency**, Grantee(s), the real property described in the attached Exhibit A, subject only to those liens and encumbrances set forth on the attached Exhibit B.

The true consideration for this conveyance is **\$1,125,000.00**. (Here comply with requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Executed this 22 day of September, 2022

VanDomelen Joint Trust dated February 11, 2015

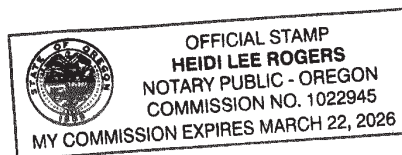
By: Kenneth A. VanDomelen
Name: Kenneth A. VanDomelen
Its: Trustee

By: Carol L. VanDomelen
Name: Carol L. VanDomelen
Its: Trustee

STATE OF OREGON
COUNTY OF Multnomah

This instrument was acknowledged before me this 22nd day of September, 2022 by Kenneth A. VanDomelen and Carol L. VanDomelen, as Trustees, of VanDomelen Joint Trust dated February 11, 2015, on behalf of the Trust.

Heidi Lee Rogers
Print Name: Heidi Lee Rogers
Notary Public for Oregon
My Commission Expires: 03/22/26



ACCEPTED AND APPROVED

City of Sherwood Urban Renewal Agency

By: 

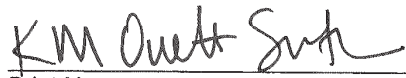
Name: Keith Campbell

Its: Urban Renewal Agency Administrator

STATE OF OREGON

COUNTY OF WASHINGTON

This instrument was acknowledged before me this 26th day of September, 2022 by Keith Campbell, as Urban Renewal Agency Administrator, of City of Sherwood Urban Renewal Agency, on behalf of the agency.



Print Name:

Notary Public for Oregon

My Commission Expires:



EXHIBIT "A"
LEGAL DESCRIPTION

Beginning at the intersection of the South line of the Northeast one-quarter of the Southwest one-quarter of Section 28, Township 2 South, Range 1 West of the Willamette Meridian, in the County of Washington and State of Oregon with the Southwesterly line of the Bonneville Power Administration Easement at a point, South 89°21' West, 205 feet from the Southeast corner of said subdivision, said beginning point being the Southwest corner of that tract conveyed to Lawrence V. Kummer, et ux, by Deed recorded October 11, 1963 in Book 497, Page 324, Deed Records; thence South 89°21' West along the South line of the Northeast one-quarter of said Southwest one-quarter, 894.6 feet to the center of the County Road; thence Northeasterly along the center of said road to a point, North 44°15' West, of the point of beginning; thence South 44°15' East, 691.64 feet to the point of beginning.

EXCEPTING THEREFROM that portion conveyed to Washington County for road purposes by Deed recorded July 13, 2001 as Recorder's Fee No. 2001-069166.

EXHIBIT "B"
Exceptions

1. Rights of the public in and to any portion of the herein described premises lying within the boundaries of streets, roads or highways.
2. Easement, including the terms and provisions thereof:
For : Right of Way
Granted to: Southern Pacific Pipe Lines, Inc., a corporation
Recorded : May 3, 1962
Recording No(s) : (book) 462 (page) 261
Affects : The Esterly 10 feet as disclosed by Right of Way Deed

Conveyed to Southern Pacific Pipe lines Partnership, L.P. a Delaware limited liability company
Recorded : December 14, 1988, as Recording No.: 88055571
3. The following matters disclosed by a survey made by Chase, Jones & Associates Inc., dated August 18, 2022, Job No. 16330:

Chain Link Fence and Wire Fence crossing onto properties along the Easterly, Westerly and Southerly property lines



Certification of Charges Paid
(2015 Oregon Laws Chapter 96)

Certification #

2022-023

All charges against the real property have been paid for the property that is the subject of the deed between:

Grantor

Vandomelen

Grantee

City of Sherwood

Signed on (date)

n/a

and for consideration of

\$ n/a

Assessor's signature

A handwritten signature in black ink, appearing to be 'Jeffrey', written over a horizontal line.

Date

9-26-2022



FIRST AMERICAN TITLE

Property Research Report

SUBJECT PROPERTY

21825 SW Dahlke Ln

Parcel #: R547572

Map & Taxlot #: 2S128D000600

County: Washington

OWNER

Dahlke Lane Land Co LLC

DATE PREPARED

Date: 06/24/2024

PREPARED BY

gparilla@firstam.com



First American Title

Customer Service Department

503.219.8746

cs.oregon@firstam.com

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First American Title

Customer Service Department
503.219.8746
cs.oregon@firstam.com
Date: 06/24/2024

OWNERSHIP INFORMATION

Owner: Dahlke Lane Land Co LLC

Parcel #: R547572

CoOwner:

Ref Parcel #: 2S128D000600

Site: 21825 SW Dahlke Ln Sherwood OR 97140

TRS: 02S / 01W / 28 / SE

Mail: 24925 SW Garden Acres Rd Sherwood OR 97140

County: Washington

PROPERTY DESCRIPTION

Map Grid: 685-A6

Census Tract: 032107 Block: 1019

Neighborhood: CPO5S1 - Cpo 5 Sherwood-Tualatin S1

School Dist: 88J Sherwood

Impr Type: CR1 - Residence

Subdiv/Plat:

Land Use: 1910 - Urban Developable Tract Improved

Std Land Use: RSFR - Single Family Residence

Zoning: Washington Co.-FD-20 - Future Development 20-Acre District

Lat/Lon: 45.36186802 / -122.81447197

Watershed: Abernethy Creek-Willamette River

Legal: ACRES 1.33

ASSESSMENT AND TAXATION

Market Land: \$294,580.00

Market Impr: \$1,000.00

Market Total: \$295,580.00 (2023)

% Improved: 0.00%

Assessed Total: \$186,450.00 (2023)

Levy Code: 88.13

Tax: \$3,065.30 (2023)

Millage Rate: 16.4404

Exemption:

Exemption Type:

PROPERTY CHARACTERISTICS

Bedrooms: 3

Total SqFt: 1,568 SqFt

Year Built: 1965

Baths, Total: 2

First Floor: 1,568 SqFt

Eff Year Built:

Baths, Full:

Second Floor:

Lot Size Ac: 1.33 Acres

Baths, Half:

Basement Fin:

Lot Size SF: 57,935 SqFt

Total Units:

Basement Unfin:

Lot Width:

Stories:

Basement Total:

Lot Depth:

Fireplaces: 1

Attic Fin:

Roof Material: Built Up

Cooling: Yes

Attic Unfin:

Roof Shape:

Heating:

Attic Total:

Ext Walls: Wood Sheathing

Building Style: RS0 - Single Family

Garage: Unfinished Garage 396 SqFt

Const Type: Wood

SALES AND LOAN INFORMATION

Owner	Date	Doc #	Sale Price	Deed Type	Loan Amt	Loan Type
DAHLKE LANE LAND CO LLC	05/23/2023	21040	\$375,000.00	Deed	\$281,250.00	Conventional
MOREY,DON F & CORBY A	05/07/2013	0000041366		Deed Of Trust	\$313,181.00	Conv/Unk
MOREY,DON F & CORBY A	10/13/2005	0000126981		Deed Of Trust	\$234,000.00	Conv/Unk
DON F MOREY	09/27/1996			Deed		Conv/Unk
DON F MOREY	09/27/1996	87076		Quit Claim	\$55,000.00	Conventional
RECORD OWNER	08/12/1991	43777		Deed		Conv/Unk

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Aerial Map



First American Title

Parcel ID: R547572

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WFG Title 23-107878 Comm

File No.: 23-107878

Grantor
Don F. Morey and Corby A. Morey
Grantee
Dahlke Lane Land Company, LLC, an Oregon limited liability company
After recording return to
Dahlke Lane Land Company, LLC, an Oregon limited liability company 24925 Garden Acres Road Sherwood, OR 97140
Until requested, all tax statements shall be sent to
Dahlke Lane Land Company, LLC, an Oregon limited liability company 24925 Garden Acres Road Sherwood, OR 97140
Tax Acct No(s): 2S128D0-00600, R547572

Washington County, Oregon **2023-021040**
D-DW **05/23/2023 01:55:42 PM**
Str=11 C WHITE
\$20.00 \$11.00 \$5.00 \$60.00 \$375.00 **\$471.00**

I, Joe Nelson, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.

Joe Nelson, Director of Assessment and Taxation, Ex-Officio County Clerk

Reserved for Recorder's Use

STATUTORY WARRANTY DEED

Don F. Morey and Corby A. Morey, as tenants by the entirety, Grantors convey and warrant to **Dahlke Lane Land Company, LLC, an Oregon limited liability company**, Grantee, the real property described in the attached Exhibit A, subject only to those liens and encumbrances set forth on the attached Exhibit B.

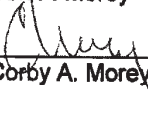
The true consideration for this conveyance is **\$375,000.00**. (Here comply with requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Executed this 22 day of May, 2023



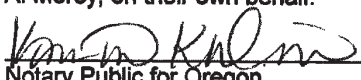
Don F. Morey



Corby A. Morey

STATE OF OREGON 
COUNTY OF ~~WASHINGTON~~ *Clackamas*

This instrument was acknowledged before me this 22 day of May, 2023 by Don F. Morey and Corby A. Morey, on their own behalf.



Notary Public for Oregon
My Commission Expires: 7-18-2025



EXHIBIT "A"
LEGAL DESCRIPTION

A tract of land in the Southeast quarter of Section 28, Township 2 South, Range 1 West of the Willamette Meridian, in the County of Washington, State of Oregon, as described as follows:

Beginning at the intersection of the South line of that tract conveyed to Delmar G. Kernan and Pauline K. Kernan, husband and wife, by Deed recorded December 30, 1964 in Book 535, page 689, Deed Records, and the centerline of the County Road, said point being the Southeasterly corner of said Kernan tract; thence South 49°44' West along the Southeasterly line of said tract 300 feet; thence Northwesterly perpendicular to the South line of said tract 200 feet; thence North 49°44' East parallel to the South line of said tract 300 feet more or less, to the center of the County Road; thence Southeasterly along the center of the said County Road, 200 feet, more or less, to the point of beginning.

EXHIBIT "B"
Exceptions

1. Rights of the public in and to any portion of the herein described premises lying within the boundaries of SW Dahlke Lane.
2. Easement, including the terms and provisions thereof:

For	:	Right-of-way to construct, maintain and operate pipes, valves, appurtenances and access thereto
Granted to	:	Southern Pacific Pipe Lines, Inc.
Recorded	:	May 14, 1962
Recording No.	:	<u>Book 458, Page 225</u>
Affects	:	a <u>portion</u> of the premises herein

Said easement rights were conveyed by instrument:

Grantee	:	Southern Pacific Pipe Lines Partnership, L.P., a Delaware limited partnership
Recorded	:	December 14, 1988
Recording No.	:	<u>88-55571</u>



FIRST AMERICAN TITLE

Property Research Report

SUBJECT PROPERTY

21775 SW Dahlke Ln

Parcel #: R547590

Map & Taxlot #: 2S128D000602

County: Washington

OWNER

Sherwood, City Of Urban Renewal Agency

DATE PREPARED

Date: 06/24/2024

PREPARED BY

gparilla@firstam.com



First American Title

Customer Service Department

503.219.8746

cs.oregon@firstam.com

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First American Title

Customer Service Department
503.219.8746
cs.oregon@firstam.com
Date: 06/24/2024

OWNERSHIP INFORMATION

Owner: Sherwood, City Of Urban Renewal Agency
CoOwner:
Site: 21775 SW Dahlke Ln Sherwood OR 97140
Mail: 22560 SW Pine St Sherwood OR 97140

Parcel #: R547590
Ref Parcel #: 2S128D000602
TRS: 02S / 01W / 28 / SE
County: Washington

PROPERTY DESCRIPTION

Map Grid: 685-A6
Census Tract: 032107 Block: 1019
Neighborhood: CPO5S1 - Cpo 5 Sherwood-Tualatin S1
School Dist: 88J Sherwood
Impr Type: CR1 - Residence
Subdiv/Plat:
Land Use: 9410 - Exempt City Gov Improved
Std Land Use: MGOV - Governmental, Public
Zoning: Washington Co.-FD-20 - Future Development 20-Acre District
Lat/Lon: 45.36269692 / -122.81533561
Watershed: Fanno Creek-Tualatin River
Legal: ACRES 9.95

ASSESSMENT AND TAXATION

Market Land: \$2,081,400.00
Market Impr: \$1,000.00
Market Total: \$2,082,400.00 (2023)
% Improved: 0.00%
Assessed Total: \$0.00 (2023)
Levy Code: 88.54
Tax: \$0.00 (2023)
Millage Rate: 16.4404
Exemption: \$2,082,400.00
Exemption Type:

PROPERTY CHARACTERISTICS

Bedrooms: 2	Total SqFt: 1,504 SqFt	Year Built: 1974
Baths, Total: 2	First Floor: 864 SqFt	Eff Year Built:
Baths, Full:	Second Floor: 640 SqFt	Lot Size Ac: 9.95 Acres
Baths, Half:	Basement Fin:	Lot Size SF: 433,422 SqFt
Total Units:	Basement Unfin:	Lot Width:
# Stories:	Basement Total:	Lot Depth:
# Fireplaces: 1	Attic Fin:	Roof Material: Shake
Cooling:	Attic Unfin:	Roof Shape:
Heating: Baseboard Electric	Attic Total:	Ext Walls: Wood Sheathing
Building Style: RS0 - Single Family	Garage: Unfinished Detached Garage 672 SqFt	Const Type: Wood

SALES AND LOAN INFORMATION

Owner	Date	Doc #	Sale Price	Deed Type	Loan Amt	Loan Type
CITY SHERWOOD URBAN RENEWAL	02/01/2023	4198	\$1,515,000.00	Deed		Conv/Unk
DOUGLAS A MUNGER	07/22/2003	119457		Quit Claim		Conv/Unk
MUNGER DOUGLAS S TRUST	07/22/2003	119464		Deed		Conv/Unk
DOUGLAS S MUNGER				Deed		Conv/Unk

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Aerial Map



First American Title

Parcel ID: R547590

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WFG Title 22-409723 Comm

File No.: 22-409723

Grantor
Successor Trustee of The Douglas S. Munger Revocable Living Trust U/A/D June 13, 2003 5625 SW Old Hwy 47 Gaston, OR 97119
Grantee
City of Sherwood Urban Renewal Agency, the duly designated Urban Renewal Agency for the City of Sherwood 22560 Pine Street Sherwood, OR 97140
After recording return to
City of Sherwood Urban Renewal Agency, the duly designated Urban Renewal Agency for the City of Sherwood 22560 Pine Street Sherwood, OR 97140
Until requested, all tax statements shall be sent to
City of Sherwood Urban Renewal Agency, the duly designated Urban Renewal Agency for the City of Sherwood 22560 Pine Street Sherwood, OR 97140 Tax Acct No(s): 2S128D0-00602, R547590

Washington County, Oregon

2023-004198

D-DW

02/01/2023 12:35:17 PM

Stn=11 C WHITE

\$25.00 \$11.00 \$5.00 \$60.00

\$101.00

I, Joe Nelson, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.

Joe Nelson, Director of Assessment and Taxation, Ex-Officio County Clerk

Reserved for Recorder's Use

STATUTORY WARRANTY DEED

Lori Louise Brosig, Successor Trustee of The Douglas S. Munger Revocable Living Trust U/A/D June 13, 2003, Grantor conveys and warrants to **City of Sherwood Urban Renewal Agency, the duly designated Urban Renewal Agency for the City of Sherwood**, Grantee, the real property described in the attached Exhibit A, subject only to those liens and encumbrances set forth on the attached Exhibit B.

The true consideration for this conveyance is **\$1,515,000.00**. (Here comply with requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Executed this 27th day of January, 2023

Successor Trustee of The Douglas S. Munger Revocable Living Trust U/A/D June 13, 2003

By: Lori Louise Brosig
Name: Lori Louise Brosig
Its: Successor Trustee

STATE OF OREGON
COUNTY OF Washington

This instrument was acknowledged before me this 27th day of January, 2023 by Lori Louise Brosig, as Successor Trustee, of Successor Trustee of The Douglas S. Munger Revocable Living Trust U/A/D June 13, 2003, on behalf of the trust.

Kareem Wilson
Print Name: Kareem Wilson
Notary Public for Oregon
My Commission Expires: April 19, 2025

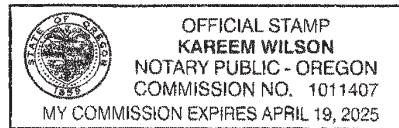


EXHIBIT "A"
LEGAL DESCRIPTION

Beginning at a stone at the South quarter corner of Section 28, Township 2 South, Range 1 West of the Willamette Meridian, in Washington County, Oregon; and running thence North 89°31' East along the section line 926.24 feet to a point in the center line of a 40 foot road dedicated to the public by deed dated April 4, 1939, by A.S. Pattullo and Myra G. Pattullo, and recorded on page 471, in Deed Book 179, (passing over an iron pipe on the Westerly line of said road); thence following the center line of said road North 44°12' West 308.5 feet to a point; thence following the center line of said road North 34°47' West 482.0 feet; thence following the center line of said road North 20°50' West 281.6 feet; thence following the center line of said road North 12°4' West 164.5 feet; thence following the center line of said road North 8°9' East 214.8 feet; thence following the center line of said road North 72°42' West 239.8 feet; thence following the center line of said road North 40°37' West 164.0 feet; thence following the center line of said road North 70°20' West 154.8 feet to a point on the North and South center line of Section 28 aforesaid; thence South 0°12' West 1665.43 feet, more or less, to the place of beginning.

EXCEPTING that portion taken for an electric transmission line and being 100 feet in width by the United States of America.

ALSO SAVE AND EXCEPT the following:

A tract of land situated in Section 28, Township, 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, being more particularly described as follows:

Beginning at a stone at the quarter corner on a South line of said Section 28 from said place of beginning; thence North 89°31' East 926.24 feet to the center line of a 40 foot dedicated right of way; thence North 44°12' West along said center line 308.50 feet to an angle point; thence North 34°47' West along said center line 285.02 feet; thence leaving said center line South 49°44' West 20.09 feet to an iron rod in the Southwesterly right of way line of said road; thence continuing South 49°44' West 697.70 feet to the place of beginning.

ALSO EXCEPTING THEREFROM the following described parcel:

Beginning at the intersection of the South line of the above described tract of land and the center line of the County road said point being the Southeasterly corner of said tract; thence South 49°44' West along the Southeasterly line of said tract 300 feet; thence Northwesterly perpendicular to the South line of said tract 200 feet ; thence North 49°44' East parallel to the South line of said tract 300 feet more or less, to the center of the County Road, thence Southeasterly along the center of said County Road, 200 feet, more or less, to the point of beginning.

EXHIBIT "B"
Exceptions

1. Easement, including the terms and provisions thereof:
For : Transmission line and right to remove danger trees
Granted to : United States of America
Recorded : November 19, 1956
Recording No. : Book 388, Page 274
Affects : a portion of the premises herein

 2. Easement, including the terms and provisions thereof:
For : Right-of-way to construct, maintain and operate pipes,
valves, appurtenances and access thereto
Granted to : Southern Pacific Pipe Lines, Inc.
Recorded : May 14, 1962
Recording No. : Book 458, Page 225
Affects : a portion of the premises herein
- Said easement rights were conveyed by instrument:
- Grantee : Southern Pacific Pipe Lines Partnership, L.P.,
a Delaware limited partnership
Recorded : December 14, 1988
Recording No. : 88-55571



Certification of Charges Paid
(2015 Oregon Laws Chapter 96)

Certification #

2023-002

All charges against the real property have been paid for the property that is the subject of the deed between:

Grantor

Douglas S Munger Revocable Living Trust

Grantee

City of Sherwood Urban Renewal Agency

Signed on (date)

and for consideration of

\$ 1,515,000.00

Assessor's signature

Date

2/1/2023



FIRST AMERICAN TITLE

Property Research Report

SUBJECT PROPERTY

21680 SW Dahlke Ln

Parcel #: R547607

Map & Taxlot #: 2S128D000700

County: Washington

OWNER

Basalt Industrial LLC & Ar Vial Associates Pc

DATE PREPARED

Date: 06/24/2024

PREPARED BY

gparilla@firstam.com



First American Title

Customer Service Department

503.219.8746

cs.oregon@firstam.com

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First American Title

Customer Service Department
503.219.8746
cs.oregon@firstam.com
Date: 06/24/2024

OWNERSHIP INFORMATION

Owner: Basalt Industrial LLC & Ar Vial Associates Pc
CoOwner:
Site: 21680 SW Dahlke Ln Sherwood OR 97140
Mail: 12840 SW River Rd Hillsboro OR 97123

Parcel #: R547607
Ref Parcel #: 2S128D000700
TRS: 02S / 01W / 28 / SE
County: Washington

PROPERTY DESCRIPTION

Map Grid: 685-A6
Census Tract: 032107 Block: 1017
Neighborhood: CPO5S1 - Cpo 5 Sherwood-Tualatin S1
School Dist: 88J Sherwood
Impr Type: CR1 - Residence
Subdiv/Plat:
Land Use: 1910 - Urban Developable Tract Improved
Std Land Use: RSFR - Single Family Residence
Zoning: Washington Co.-FD-20 - Future Development 20-Acre District
Lat/Lon: 45.36352321 / -122.81218378
Watershed: Abernethy Creek-Willamette River
Legal: ACRES 8.99

ASSESSMENT AND TAXATION

Market Land: \$1,327,460.00
Market Impr: \$1,000.00
Market Total: \$1,328,460.00 (2023)
% Improved: 0.00%
Assessed Total: \$287,180.00 (2023)
Levy Code: 88.54
Tax: \$4,721.35 (2023)
Millage Rate: 16.4404
Exemption:
Exemption Type:

PROPERTY CHARACTERISTICS

Bedrooms: 1	Total SqFt: 604 SqFt	Year Built: 1990
Baths, Total: 1	First Floor: 604 SqFt	Eff Year Built:
Baths, Full:	Second Floor:	Lot Size Ac: 8.99 Acres
Baths, Half:	Basement Fin:	Lot Size SF: 391,604 SqFt
Total Units:	Basement Unfin:	Lot Width:
# Stories:	Basement Total:	Lot Depth:
# Fireplaces:	Attic Fin:	Roof Material: Composition Shingle
Cooling:	Attic Unfin:	Roof Shape:
Heating: None	Attic Total:	Ext Walls: Wood Sheathing
Building Style: RS0 - Single Family	Garage:	Const Type: Wood

SALES AND LOAN INFORMATION

Owner	Date	Doc #	Sale Price	Deed Type	Loan Amt	Loan Type
BASALT INDUSTRIAL LLC	04/10/2023	14259	\$1,650,000.00	Deed		Conv/Unk
RIVERA,RICHARD & CARLA	07/24/2007	0000081236		Deed Of Trust	\$90,000.00	Conv/Unk
RIVERA,RICHARD & CARLA	09/28/2006	0000115758		Deed Of Trust	\$40,000.00	Conv/Unk
RIVERA,RICHARD & CARLA	06/01/2005	0000061584		Deed Of Trust	\$20,000.00	Conv/Unk
RICHARD RIVERA	05/07/2003	72455		Deed	\$90,000.00	Conventional
CARLA BRADEN	05/14/1990			Deed		Conv/Unk
RECORD OWNER	05/14/1990	24209		Quit Claim		Conv/Unk
			\$24,000.00	Deed		Conv/Unk

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Assessor Map



First American Title

Parcel ID: R547607

Site Address: 21680 SW Dahlke Ln

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

Aerial Map



First American Title

Parcel ID: R547607

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

File No.: 22-434863

Grantor
Richard Rivera and Carla Rivera
Grantee
Basalt Industrial, LLC, an Oregon limited liability company and A.R. Vial Associates, P.C., an Oregon corporation and A. Nicolas Vial and Nathan R. Vial
After recording return to
A Richard Vial 12840 SW River Road Hillsboro, OR 97123
Until requested, all tax statements shall be sent to
A Richard Vial 12840 SW River Road Hillsboro, OR 97123
Tax Acct No(s): 2S128D000700, R547607

Washington County, Oregon **2023-014259**
D-DW **04/10/2023 01:35:37 PM**
Str=8 J CHOATE
\$20.00 \$11.00 \$5.00 \$60.00 \$1,650.00 **\$1,746.00**

I, Joe Nelson, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.

Joe Nelson, Director of Assessment and Taxation, Ex-Officio County Clerk

Reserved for Recorder's Use

STATUTORY WARRANTY DEED

Richard Rivera and Carla Rivera, as tenants by the entirety, Grantor(s) convey and warrant to Basalt Industrial, LLC, an Oregon limited liability company, as to an undivided 19.32% and A.R. Vial Associates, P.C., an Oregon corporation, as to an undivided 29.35% and A. Nicolas Vial, as to an undivided 15.10% and Nathan R. Vial, as to an undivided 36.23%, Grantee(s), the real property described in the attached Exhibit A, subject only to those liens and encumbrances set forth on the attached Exhibit B.

The true consideration for this conveyance is **\$1,650,000.00**. (Here comply with requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

WFG Title 22-434863 Comm

Executed this 4-10 day of April, 2023

Richard Rivera
Richard Rivera

Carla Rivera
Carla Rivera

STATE OF OREGON
COUNTY OF Clackamas

This instrument was acknowledged before me this 10 day of April, 2023 by Richard Rivera and Carla Rivera.

Kristen K. Disen
Notary Public for Oregon
My Commission Expires: 7-18-2025



EXHIBIT "A"
LEGAL DESCRIPTION

Beginning at the Southeast corner of Section 28, Township 2 South, Range 1 West, of the Willamette Meridian, Washington County, Oregon; running thence South 89°31' West 1327.6 feet to an iron rod; running thence North 0°12' West 330.0 feet to a ford axle; thence continuing North 0°12' West 466.0 feet to an iron pipe at the southeast corner and point of beginning of the tract of land herein to be described; running thence from said beginning point South 89°31' West 937.87 feet to a point on the center line of a 40 foot wide road; thence North 20°59' West along the center line of said 40 foot wide road 98.0 feet to an iron pipe; thence along the center line of said road North 12°4' West 164.5 feet to an iron pipe; thence North 8°9' East 214.8 feet to an iron pipe in center line of said road; thence leaving said road and running North 89°31' East 975.23 feet to an iron pipe; thence South 0°12' East 465.0 feet to a point of beginning.

EXCEPT that part thereof taken in Final Judgment in Condemnation, in favor of the United States of America, for the Bonneville Project's Vancouver-Eugene Transmission Line, filed April 21, 1941, U.S. District Court and recorded April 24, 1944 in Book 198, Page 394, Deed Records of Washington County, Oregon, and as described in the Petition filed April 21, 1939, U.S. District Court, and recorded May 22, 1939 in Book 180, Page 501, Deed Records of Washington County, Oregon, being a 100 foot wide strip of land.

TOGETHER WITH an easement for ingress and egress over, across and upon a parcel of land for customary agricultural purposes, for use of any well or natural springs or water courses thereon and the water therefrom, and for laying and maintaining water pipes under, upon and across said parcel of land, as described in Easement Deed from the United States of America, Department of the Interior, acting by and through the Bonneville Power Administration to William M. Burge, subject to the terms and provisions contained therein, recorded April 2, 1957 in Book 392, Page 505, Deed Records of Washington County, Oregon.

EXHIBIT "B"
Exceptions

1. Rights of the public in and to any portion of the herein described premises lying within the boundaries of Dahlke Lane.
2. Easement, including the terms and provisions thereof:
 - For : Transmission line, appurtenances and access thereto
 - Granted to : United States of America
 - Recorded : November 20, 1956
 - Recording No. : Book 388, Page 302
 - Affects : a 287.5 foot wide portion of the premises herein
3. Easement, including the terms and provisions thereof:
 - For : Right to enter upon the land to top, limb or fell danger trees
 - Granted to : United States of America
represented by the Bonneville Power Administration
 - Recorded : February 26, 1960
 - Recording No. : Book 427, Page 609
 - Affects : a portion of the premises herein
4. Easement, including the terms and provisions thereof:
 - For : Electric transmission line and appurtenances
 - Granted to : Portland General Electric Company
 - Recorded : March 27, 1963
 - Recording No. : Book 483, Page 338
 - Affects : northeast corner of the premises herein
5. Easement, including the terms and provisions thereof:
 - For : Utility systems
 - Granted to : Portland General Electric Company
 - Recorded : October 2, 2020
 - Recording No. : 2020-097144
 - Affects : a 10 foot wide portion of the premises herein



FIRST AMERICAN TITLE

Property Research Report

SUBJECT PROPERTY

21700 SW Dahlke Ln

Parcel #: R547616

Map & Taxlot #: 2S128D000800

County: Washington

OWNER

Dahlke Lane Land Co II LLC

DATE PREPARED

Date: 06/24/2024

PREPARED BY

gparilla@firstam.com



First American Title

Customer Service Department

503.219.8746

cs.oregon@firstam.com

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IMPORTANT – READ CAREFULLY: THIS REPORT IS NOT AN INSURED PRODUCT OR SERVICE OR A REPRESENTATION OF THE CONDITION OF TITLE TO REAL PROPERTY. IT IS NOT AN ABSTRACT, LEGAL OPINION, OPINION OF TITLE, TITLE INSURANCE COMMITMENT OR PRELIMINARY REPORT, OR ANY FORM OF TITLE INSURANCE OR GUARANTY. THIS REPORT IS ISSUED EXCLUSIVELY FOR THE BENEFIT OF THE APPLICANT THEREFOR, AND MAY NOT BE USED OR RELIED UPON BY ANY OTHER PERSON. THIS REPORT MAY NOT BE REPRODUCED IN ANY MANNER WITHOUT FIRST AMERICAN'S PRIOR WRITTEN CONSENT. FIRST AMERICAN DOES NOT REPRESENT OR WARRANT THAT THE INFORMATION HEREIN IS COMPLETE OR FREE FROM ERROR, AND THE INFORMATION HEREIN IS PROVIDED WITHOUT ANY WARRANTIES OF ANY KIND, AS-IS, AND WITH ALL FAULTS. AS A MATERIAL PART OF THE CONSIDERATION GIVEN IN EXCHANGE FOR THE ISSUANCE OF THIS REPORT, RECIPIENT AGREES THAT FIRST AMERICAN'S SOLE LIABILITY FOR ANY LOSS OR DAMAGE CAUSED BY AN ERROR OR OMISSION DUE TO INACCURATE INFORMATION OR NEGLIGENCE IN PREPARING THIS REPORT SHALL BE LIMITED TO THE FEE CHARGED FOR THE REPORT, IF ANY. RECIPIENT ACCEPTS THIS REPORT WITH THIS LIMITATION AND AGREES THAT FIRST AMERICAN WOULD NOT HAVE ISSUED THIS REPORT BUT FOR THE LIMITATION OF LIABILITY DESCRIBED ABOVE. FIRST AMERICAN MAKES NO REPRESENTATION OR WARRANTY AS TO THE LEGALITY OR PROPRIETY OF RECIPIENT'S USE OF THE INFORMATION HEREIN.



First American Title

Customer Service Department
503.219.8746
cs.oregon@firstam.com
Date: 06/24/2024

OWNERSHIP INFORMATION

Owner: Dahlke Lane Land Co II LLC
CoOwner:
Site: 21700 SW Dahlke Ln Sherwood OR 97140
Mail: 24925 SW Garden Acres Rd Sherwood OR 97140

Parcel #: R547616
Ref Parcel #: 2S128D000800
TRS: 02S / 01W / 28 / SE
County: Washington

PROPERTY DESCRIPTION

Map Grid: 685-A6
Census Tract: 032107 Block: 1017
Neighborhood: CPO5S1 - Cpo 5 Sherwood-Tualatin S1
School Dist: 88J Sherwood
Impr Type: CR1 - Residence
Subdiv/Plat:
Land Use: 1910 - Urban Developable Tract Improved
Std Land Use: RSFR - Single Family Residence
Zoning: Washington Co.-FD-20 - Future Development 20-Acre District
Lat/Lon: 45.36215487 / -122.81302811
Watershed: Abernethy Creek-Willamette River
Legal: ACRES 7.01

ASSESSMENT AND TAXATION

Market Land: \$966,090.00
Market Impr: \$1,000.00
Market Total: \$967,090.00 (2023)
% Improved: 0.00%
Assessed Total: \$343,420.00 (2023)
Levy Code: 88.13
Tax: \$5,645.97 (2023)
Millage Rate: 16.4404
Exemption:
Exemption Type:

PROPERTY CHARACTERISTICS

Bedrooms: 3	Total SqFt: 2,112 SqFt	Year Built: 1968
Baths, Total: 2	First Floor: 2,112 SqFt	Eff Year Built:
Baths, Full:	Second Floor:	Lot Size Ac: 7.01 Acres
Baths, Half:	Basement Fin:	Lot Size SF: 305,356 SqFt
Total Units:	Basement Unfin:	Lot Width:
# Stories:	Basement Total:	Lot Depth:
# Fireplaces: 1	Attic Fin:	Roof Material: Composition Shingle
Cooling: Yes	Attic Unfin:	Roof Shape:
Heating:	Attic Total:	Ext Walls: Wood Sheathing
Building Style: RS0 - Single Family	Garage:	Const Type: Wood

SALES AND LOAN INFORMATION

Owner	Date	Doc #	Sale Price	Deed Type	Loan Amt	Loan Type
DAHLKE LANE LAND CO II LLC	09/28/2023	40577	\$1,400,000.00	Deed	\$1,120,000.00	Conventional
STEVE GRONLI	05/17/2018	34050		Deed		Conv/Unk
STEVE GRONLI	11/29/2012	101349		Deed		Conv/Unk
GRONLI,STEVE	06/05/2006	0000066555		Deed Of Trust	\$93,000.00	Conv/Unk
GRONLI,STEVE	08/08/2005	0000093845		Deed Of Trust	\$31,400.00	Conv/Unk
STEVE GRONLI	07/07/2005	78911	\$314,000.00	Deed	\$282,600.00	Conventional
FOX CAPITAL CORP	01/14/2005	0000005171		Deed Of Trust	\$245,476.00	Conventional
FOX CAPITAL CORP	01/06/2005	1608	\$220,476.00	Foreclosure		Conv/Unk
RODNEY ALLEN HITE	08/13/1998	89022	\$264,000.00	Deed	\$200,000.00	Conventional
DAVID PATRICK WILLOUGHBY	12/13/1993	104035	\$137,400.00	Deed	\$141,500.00	VA

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

Assessor Map



First American Title

Parcel ID: R547616

Site Address: 21700 SW Dahlke Ln

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Aerial Map



First American Title

Parcel ID: R547616

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

File No.: 23-142867

Grantor
Renee Wilder and Steve Gronli
Grantee
Dahlke Lane Land Company II, LLC, an Oregon limited liability company
After recording return to
Dahlke Lane Land Company II, LLC, an Oregon limited liability company 24925 SW Garden Acres Road Sherwood, OR 97140
Until requested, all tax statements shall be sent to
Dahlke Lane Land Company II, LLC, an Oregon limited liability company 24925 SW Garden Acres Road Sherwood, OR 97140
Tax Acct No(s): R547616 - 2S128D000800

Washington County, Oregon	2023-040577
D-DW	
Stn=8 J CHOATE	09/28/2023 03:04:59 PM
\$20.00 \$11.00 \$5.00 \$60.00 \$1,400.00	\$1,496.00
I, Joe Nelson, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.	
Joe Nelson, Director of Assessment and Taxation, Ex-Officio County Clerk	

Reserved for Recorder's Use

STATUTORY WARRANTY DEED

Steve Gronli and Renee Wilder, as tenants in common, Grantors convey and warrant to **Dahlke Lane Land Company II, LLC, an Oregon limited liability company**, Grantee, the real property described in the attached Exhibit A, subject only to those liens and encumbrances set forth on the attached Exhibit B.

The true consideration for this conveyance is **\$1,400,000.00**. (Here comply with requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

WFG Title 23-142867 Comm

Executed this 27th day of September, 2023

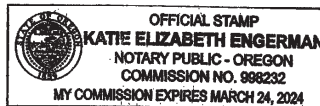
Renee Wilder
Renee Wilder

Steve Gronli
Steve Gronli

STATE OF OREGON
COUNTY OF Clackamas

This instrument was acknowledged before me this 27th day of September, 2023 by Renee Wilder.

K Engerman
Notary Public for Oregon
My Commission Expires: March 24, 2024



STATE OF OREGON
COUNTY OF Clackamas

This instrument was acknowledged before me this 27th day of September, 2023 by Steve Gronli.

K Engerman
Notary Public for Oregon
My Commission Expires: March 24, 2024

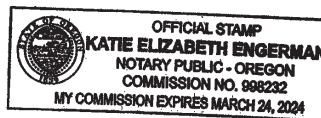


EXHIBIT "A"
LEGAL DESCRIPTION

That part of Section 28, Township 2 South, Range 1 West of the Willamette Meridian, in the County of Washington and State of Oregon, described as follows:

Beginning at the Southeast corner of Section 28, Township 2 South, Range 1 West, Willamette Meridian, in the County of Washington and State of Oregon; thence South 89° 31' West 1327.6 feet and North 0° 12' West 330.0 feet to the Ford axel and the true point of beginning; thence continuing North 0° 12' West 446.0 feet to the Southeast corner of that tract conveyed to J.H. Bogoger, by deed recorded in Deed Book 152, Page 272; thence South 89° 31' West along the South line of Bogoger tract, 937.87 feet to the Easterly line of road conveyed to the public by deed recorded in Deed Book 179, Page 471; thence Southeasterly along said Easterly line to a point which is South 89° 31' West of the point of beginning; thence North 89° 31' East 673.0 feet to the point of beginning.

EXCEPTING THEREFROM that certain parcel of land taken by the United States of America by Final Judgment and Order of Taking recorded in Book 180, Page 501, et seq., deed records of Washington County and further recorded in Book 198, Page 394, Deed Records of Washington County, Oregon.

EXHIBIT "B"

Exceptions

1. Rights of the public in and to any portion of the herein described premises lying within the boundaries of streets, roads or highways.
2. Easement, including the terms and provisions thereof:
For : Perpetual easement and right to enter and erect,
operate, maintain, repair, rebuild and patrol one or more electric power transmission lines and
appurtenant signal lines
Granted to : United States of America
Recorded : November 20, 1956
Recording No(s) : (book) 388 (page) 300
Affects : a portion of the premises herein
3. Easement, including the terms and provisions thereof:
For : Access road
Granted to : United States of America, Department of Energy,
Bonneville Power Administration
Recorded : July 17, 1998
Recording No(s) : 98-078094
Affects : a portion of the premises herein
4. Encroachment License Agreement, including the terms and provisions thereof:
Between : City of Hillsboro and Tualatin Valley Water District
And : Steve Gronli and Renee Wilder
Recorded : September 19, 2019
Recording No(s). : 2019-064345
5. 2023-2024 taxes, a lien not yet due and payable.

Exhibit J: Additional Referenced Documents

471
4320
KNOW ALL MEN BY THESE PRESENTS That A. S. Pattullo and Myra G. Pattullo, husband and wife, in consideration of One Dollar (\$1.00) and other reciprocal benefits to be derived therefrom, do hereby grant, give and dedicate to the Public for general purposes of travel thereon, over and along the following described strip of land in Washington County, State of Oregon, to-wit:-

A strip of land twenty-five (25) feet wide on the east side of and adjoining the following described line:-

Commencing at a point at the Southwest corner of the Northwest quarter of the Northwest quarter of the Southeast quarter of Section Twenty-eight (28), Township Two (2) South, of Range One (1) West of the Willamette Meridian, and which point is also the Northwest corner of the land of A. S. Pattullo and Myra G. Pattullo; running thence northerly and tracing the westerly line of the Northwest quarter of the Southeast quarter of Section 28, T. 2 S., R. 1 W., N. E. a distance of Four Hundred Ninety-five (495) feet to the Dayton County Road.

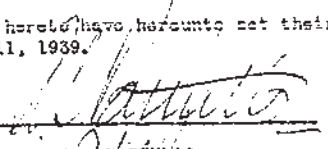
And also a strip of land forty (40) feet in width commencing at the south boundary of the aforesaid 25-foot strip and running thence southerly and tracing the westerly line of the S. E. quarter of the S. E. quarter of Sec. 28, T. 2 S., R. 1 W., N. E. for a distance of three hundred twenty-four and 3/10 (324.3) feet.

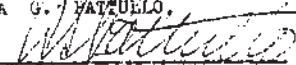
And also a strip of land forty-feet (40) in width commencing at the ~~west~~ southwest corner of the last mentioned 40-foot strip and being twenty (20) feet on each side of the following described line;- running from said beginning point

S. 70° 20' E.	154.8 feet; thence
S. 40° 37' E.	164.0 " "
S. 17° 42' E.	239.8 " "
S. 8° 9' W.	214.8 " "
S. 12° 04' E.	164.5 " "
S. 20° 59' E.	281.5 " "
S. 34° 47' E.	482.0 " "
S. 44° 12' E.	468.2 " "
S. 26° 42' E.	283.2 " "
S. 26° 06' E.	183.5 " "
S. 19° 34' E.	265.5 " "
S. 71° 55' E.	294.6 " "
S. 71° 33' E.	245.1 " "
S. 69° 48' E.	175.7 feet.

TO HAVE AND TO HOLD The said right of way and easement to the Public forever for the purpose aforesaid.

IN WITNESS WHEREOF The parties hereto have hereunto set their hands and seals this 4th day of April, 1939.


MYRA G. PATTULLO.

By 
A. S. Pattullo
Her Attorney in Fact.

472
State of Oregon)

County of Multnomah)

BE IT REMEMBERED That on this fourth day of April, 1939, before me, the undersigned, a Notary Public in and for the said County and State, personally appeared the within named A. S. Pattullo and Myra G. Pattullo, by A. S. Pattullo, her attorney in fact, 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.

IN WITNESS WHEREOF I have hereunto set my hand and Notarial Seal the day and year first above mentioned.

John J. Caspary
Notary Public in and for Oregon.
My Commission expires April 12th, 1941.

JOHN J. CASPARY
NOTARY
PUBLIC
STATE OF OREGON

Filed April 5 1939 8 A.M.
W.A. Tupper, co clerk
By Ophelia Wiemer, deputy

UNITED STATES OF AMERICA,

Petitioner,

vs.

L. STOLLER and ANNA STOLLER, M. GALE and ROSA
GALE, ABRAHAM STOLLER and MARGARET STOLLER,
HARRY HANSEN and IDA E. HANSEN, IRA LERES,
J. E. FORESTEL ESTATE (Heirs: Helen (widow),
James, Jean, Nancy and William Forestall),
MAUD BLUMFELD and PHILIP BLUMFELD, HENRY H.
MILLER, ADOLPH MILLER and ANNA MILLER,
RICHARD BAUER and EDNA BAUER, SUBURBAN DE-
VELOPMENT COMPANY, ROBERT H. WALKER, SOLOMON
WALKER, JACK A. WALKER, MARY L. SEIFARTH,
C. R. WINDOLPH and FAY WINDOLPH, EDITH
KASSING, LEVI ANDERSON HOME, ST. MARY'S HOME
(a corporation), FLORENCE K. HIRSCH, WALTER
D. SMITH and KATHERINE SMITH, J. C. RILLY
and SARAH RILLY, IVY A. RISLEY (widow of
A. J. Risley, deceased), MARY S. COLE and
T. J. Cole, J. C. BILLS (widower), FRED
SCHUEPBACH (single) and RUDOLPH SCHUEPBACH
(single), ESTELLE KISTNER and FRANK KISTNER,
JACOB HUBER, JOHN HUBER, LOUISE HUBER, EDNA
MEIER, JOHN W. LIVERMORE, JOSIAH KEMP and
GRACE KEMP, ROBERT B. MOORE and FLORENCE MOORE,
BLANCHE SOBETS, ALEXANDER WELK ESTATE,
JENNIE BATH, MYRTLE H. LEE and HAROLD LEE,
ADA CALDWELL (widow of John Caldwell, deceased),
ALMA Z. STROTHERS, F. A. HANDY, C. B. HANDY,
and A. W. HANDY, EASTERN INVESTMENT COMPANY,
C. BALL, MAUDE NEER, MRS. GEORGE S. FOSTER,
CYRIL WILSON and KENIA WILSON, HENRY WELK, ANNA
WELK, ELZA WELK, MAX WELK, MIKE WELK, M. READ,
P. BORMETT, O. O. TWEETEN and BYRDIE ELLA
TWEETEN, W. E. THOMAS and NETTIE M. THOMAS,
WILLIAM B. HUTCHINSON and VIRGINIA HUTCHINSON,
LOUIS SPOUSTA and HELEN R. SPOUSTA, RICHARD G.
SCOTT, HERMAN KRUGER, JOHN GALBREATH and MARY
GALBREATH, A. S. PETERSON and EFFIE PETERSON,
FRANCIS WEISS, MAX MURALT and VICTOR MURALT,
A. S. PATTULLO and MYRA PATTULLO, WILLIAM
DALKE, J. A. CUTLER and RUBY CUTLER, JOHN M.
BURGE, JACK N. BAUDE (Agent), ADOLPH BASTACH,
T. J. and LAURA HEWITT, A. KRUEGER and ROSE
KRUEGER, OREGONIAN REALTY COMPANY, HARRY L.
BURR, FLORENCE G. PEARSON, W. H. ROSS and LULA
A. ROSS, J. J. HANSON, OREGON INVESTMENT AND
MORTGAGE COMPANY, C. A. CRANE, GEORGE F. WATT
and JOSEPH L. WATT, LOUIS GARFIELD and VIOLET
GARFIELD, ISAAC PRITCHETT, WM. J. CURTIS and
EDNA B. CURTIS, O. A. FURNACE and MARGARET
FOURIDER, ARNOLD STEHLER, M. J. CORE and JANE
DOR CORE, his wife, H. L. MILLS, PETER MULLSCH,
JACOB KRIEGER, also all other persons and parties
unknown claiming any right, title and interest
in the land described in the petition for con-
demnation herein, and 128.75 acres of land,
more or less, in Washington County, Oregon,
Defendants.

No. Civ- 119

502

The petitioners, the United States of America, by and through its attorneys, Earl W. Hancock, District United States Attorney for the District of Oregon, J. M. Mason, Assistant United States Attorney, and John C. Fletcher, General Counsel, Bonneville Project, having made oral motion in the above-entitled cases praying the Court to enter judgment vesting fee simple title in the United States of America to the property hereinafter in this judgment described, subject to all existing public roads, public utility easements and rights-of-way, and further subject to outstanding water appropriations and rights-of-way for irrigation and drainage lines or canals thereon, and further subject to and excepting therefrom all rights to oil, gas and minerals lying in or under said property, said property being the identical property described in the Declaration of Taking and in the Petition for Condemnation, and praying the Court for an order fixing the date when the possession of said property is to be surrendered to the United States of America; and a hearing having been held in open court on said motion and declaration of taking, and the Court having considered the petition filed herein, the Court finds: FIRST: That the United States of America is entitled to acquire title by eminent domain for the purposes of providing for construction, operation and maintenance of electric power transmission lines by the Bonneville Project as set forth and prayed in said petition; SECOND: That a petition for condemnation was filed at the request of the Acting Administrator of the Bonneville Project, the authority empowered by law to acquire the title to the lands described in said petition, and also under authority of the Attorney General of the United States; THIRD: That said petition and declaration of taking state the authority under which and the public use for which said property was taken.

pages described in the petition, and that the Attorney General of the
United States is the person authorized by law to direct the institution
of such condemnation proceedings; SIXTH: That a proper description of
the lands to which title is sought, sufficient for identification
thereof, is set out in said Declaration of Taking; SEVENTH: That said
Declaration of Taking contains a statement of the estate or interest in
the said lands taken for said public use; EIGHTH: That a plat showing
the lands taken is incorporated in said Declaration of Taking; NINTH:
That a statement is contained in said Declaration of Taking of sums
of money, estimated by said acquiring authority to be just compensation
for said property, in the amount of \$40,495.00; TENTH: That a statement
is contained in said Declaration of Taking that the amount of the ultimate
award of compensation for the taking of said property, in the opinion
of the Acting Administrator of the Bonneville Project, will be within
any limits prescribed by Congress as to the price to be paid therefor.
NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED: (1) That
title in fee simple to the real property hereinafter in this judgment
described, situated in the County of Washington, State of Oregon, be
vested in the United States of America, subject to existing public
roads, public utility easements and rights-of-way, and further subject
to outstanding water appropriations and rights-of-way for irrigation
and drainage lines or canals thereon; and further subject to and
excepting therefrom all rights to oil, gas and minerals lying in or
under said real property; (2) That the said property be and the same is
hereby deemed to have been condemned and taken for the use of the
United States of America as of the date of the filing of the Declaration
of Taking and the depositing of the sum of \$40,495.00 in the registry
of this Court, to-wit: as of the first day of April, 1939, and the right
to just compensation for said property is hereby vested in the persons
entitled thereto, and the amount of said compensation shall be
ascertained and awarded in this proceeding and be claimed by judgment
herein pursuant to law.

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and Sections 18, 19, 20 and 21, T. 1 N., R. 1 E., S. 12., said section line being the dividing line between Multnomah and Washington Counties, State of Oregon. The Section Corner common to Sections 18, 19, 20 and 21 bears S. 89° 58' 02" E., 74.85 feet distant, said section corner being marked by a square block of concrete and the one-quarter section corner common to Sections 18 and 21, T. 1 N., R. 1 E., S. 12., bears E. 89° 58' 02" E., 2589.25 feet distant, said one-quarter section corner being marked by a square block of concrete; thence S. 0° 03' 16" E. 0.35 feet distant to Survey Station 359 / 12.00; thence S 0°

US vs. L. Bomler, et al. - Judgment on Declaration of Taking - 4

1 57°30' E. 4529.01 feet distant to Survey Station 437 / 87.01, a point
 2 17° 00' 00" N., 257.01 feet distant to Survey Station 437 / 87.01, a point
 3 in the section line common to Sections 20 and 21, T. 1 N., R. 1 W., W.M.,
 4 from which the section corner common to Sections 20, 21, 28 and 29 bears S.
 5 0° 24' 29" W., 359.54 feet distant, said corner being marked by an iron
 6 pipe; thence continuing S. 17° 00' 00" W., passing within Section 20, T. 1
 7 N., R. 1 W., W.M., 409.54 feet distant to Survey Station 441 / 76.65 a point
 8 in the section line common to Sections 20 and 29, T. 1 N., R. 1 W., W.M.,
 9 from which the section corner common to Sections 20, 21, 28 and 29 bears N.
 10 89°24'59" E., 115.15 feet distant, said section corner being marked by an
 11 iron pipe; thence continuing S. 17°00'00" W., passing within Section 29,
 12 T. 1 N., R. 1 W., W.M., 461.9 feet distant to Survey Station 446 / 57.45;
 13 thence S. 0°23'45" E. 1744.4 feet distant to Survey Station 463 / 81.85;
 14 thence S. 0°03'15" W., 3092.84 feet distant to Survey Station 494 / 74.69,
 15 a point in the section line common to Sections 29 and 32, T. 1 N., R. 1 W.,
 16 W.M., from which point the section corner common to Sections 28, 29, 32 and
 17 33 bears N. 88°16'25" E. 193.61 feet distant; thence continuing S. 0°03'15"
 18 W., passing within Section 32, T. 1 N., R. 1 W., W.M. 5305.86 feet distant
 19 to Survey Station 547 / 80.55, a point in the section line common to Section
 20 32, T. 1 N., R. 1 W., W.M. and Section 5, T. 1 S., R. 1 W., W.M., from
 21 which point the one-quarter section corner common to Section 32, T. 1 N.,
 22 R. 1 W., W.M., and Section 5, T. 1 S., R. 1 W., W.M. bears N. 89°47'12" W.
 23 2385.43 feet distant said one-quarter section corner being marked by a
 24 boulder set in the ground and the section corner common to Sections 33 and
 25 34, T. 1 N., R. 1 W., W.M., and Sections 3 and 4, T. 1 S., R. 1 W., W.M.,
 26 bears S. 89°47'12" E., 5539.84 feet distant, said section corner being
 27 marked by a boulder set in the ground; thence continuing S. 0° 03' 15" W.
 28 passing within Section 5, T. 1 S., R. 1 W., W.M., 788.70 feet distant to
 29 Survey Station 555 / 69.25; thence S. 35° 20' 00" W. 4311.45 feet distant
 30 to Survey Station 593 / 80.70; thence S. 5° 53' 15" W., 415.24 feet distant
 31 to Survey Station 602 / 95.94, a point in the north line of the John Elliott
 32 donation land claim Number 41 in Section 5, T. 1 S., R. 1 W., W.M., from

33 34, T. 1 N., R. 1 W., W.M., and Sections 3 and 4, T. 1 S., R. 1 W., W.M.,

1 T. 1 S., R. 1 W., W.M., bears S. 89° 41' 11" W., 1561.25 feet distant said
 2 section corner being marked by a boulder set in the ground and the one-
 3 quarter section corner common to Sections 29 and 32, T. 1 S., R. 1 W.,
 4 W.M., bears S. 89° 41' 11" E., 1076.11 feet distant, said one-quarter sec-
 5 tion corner being marked by an iron pin; thence continuing S. 32° 13' 30"
 6 E. passing within Section 32, T. 1 S., R. 1 W., W.M., 6229.82 feet distant
 7 to Survey Station 881 / 02.66 a point in the section line common to Section
 8 32, T. 1 S., R. 1 W., W.M., and Section 5, T. 2 S., R. 1 W., W.M., from
 9 which point the section corner common to Sections 32 and 33, T. 1 S., R. 1
 10 W., W.M., and Sections 4 and 5, T. 2 S., R. 1 W., W.M., bears S. 89° 45' 30"
 11 E., 400.52 feet distant, said section corner being marked by an iron pin,
 12 and the one-quarter section corner common to Section 32, T. 1 S., R. 1 W.,
 13 W.M., and Section 5, T. 2 S., R. 1 W., W.M., bears N. 89° 45' 30" W., 2246.33
 14 feet distant, said one-quarter section corner being marked by an iron pin;
 15 thence continuing S. 32° 13' 30" E. passing within Section 5, T. 2 S., R. 1
 16 W., W.M., 737.33 feet distant to Survey Station 888 / 39.99, a point in the
 17 section line common to Sections 4 and 5, T. 2 S., R. 1 W., W.M., from which
 18 point the section corner common to Sections 4 and 5, T. 2 S., R. 1 W., W.M.,
 19 and Sections 32 and 33, T. 1 S., R. 1 W., W.M., bears N. 0° 41' 05" E.,
 20 621.98 feet distant, said section corner being marked by an iron pin; thence
 21 continuing S. 32° 13' 30" E., passing within Section 4, T. 2 S., R. 1 W.,
 22 W.M., 153.21 feet distant to Survey Station 889 / 79.20; thence S. 0° 43'
 23 00" W., 1969.70 feet distant to Survey Station 909 / 68.90; thence S. 0°
 24 38' 30" W., 2655.67 feet distant to Survey Station 936 / 04.57, a point in
 25 the section line common to Sections 4 and 9, T. 2 S., R. 1 W., W.M., from
 26 which point the section corner common to Sections 4, 5, 8 and 9, T. 2 S.,
 27 R. 1 W., bears S. 89° 10' 25" W. 75.40 feet distant, said section corner
 28 being marked by an iron pin and the one-quarter section corner common to
 29 Sections 4 and 9, T. 2 S., R. 1 W., W.M., bears N. 89° 10' 25" E., 2570.86
 30 feet distant, said one-quarter section corner being marked by a boulder set
 31 in the ground; thence continuing E. 0° 58' 50" W. passing within Section 9,
 32 T. 2 S., R. 1 W., W.M. 42.54 feet distant to Survey Station 956 / 47.17 feet

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... 00° E., from which
 2. ... 55.58;
 3. ... 17.31
 4. a point in the line common to Sections 9 and 16, T. 2 S., R. 1 W., N.M.,
 5. from which point the section corner common to Sections 8, 9, 16 and 17,
 6. T. 2 S., R. 1 W., N.M., bears S. 89° 38' 04" E., 1795.04 feet distant, said
 7. section corner being marked by an iron pin, and the one-quarter section
 8. corner common to Sections 9 and 16, T. 2 S., R. 1 W., N.M., bears N. 89°
 9. 58' 04" E., 326.82 feet distant, said one-quarter section corner being
 10. marked by an iron pin; thence continuing S. 33° 15' 00" E., passing within
 11. Section 16, T. 2 S., R. 1 W., N.M., 365.50 feet distant to Survey Station
 12. 217 / 51.91; thence S. 0° 31' 30" E., 4357.41 feet distant to Survey Sta-
 13. tion 167 / 34.40 a point in the section line common to Sections 16 and 21,
 14. T. 2 S., R. 1 W., N.M., from which point the section corner common to
 15. Sections 16, 17, 20 and 21, T. 2 S., R. 1 W., N.M., bears S. 89° 14' 26" E.,
 16. 2027.58 feet distant, said section corner being marked by an iron pin and
 17. the section corner common to Sections 15, 16, 21 and 22, T. 2 S., R. 1 W.,
 18. N.M., bears N. 39° 14' 26" E., 3221.09 feet distant, said section corner
 19. being marked by a boulder set in the ground; thence continuing S. 0°
 20. 31' 30" E., passing within Section 21, T. 2 S., R. 1 W., N.M., 2643.36 feet
 21. to Survey Station 141 / 45.04, a point on the south line of the NW 1/4 of
 22. Section 21, T. 2 S., R. 1 W., N.M.; said Survey Station being 2029.93 feet
 23. north and 564.24 feet west of the quarter section corner common to Sections
 24. 21 and 28, T. 2 S., R. 1 W., N.M.; thence beginning at Survey Station 118 /
 25. 38.21, which station is 333.19 feet north and 527.65 feet west of the
 26. quarter section corner common to Sections 21 and 28, T. 2 S., R. 1 W., N.M.;
 27. thence continuing S. 0° 31' 30" E., a distance of 337.71 feet to Survey
 28. Station 115 / 19.50, a point in the section line common to Sections 21 and
 29. 28, T. 2 S., R. 1 W., N.M., from which point the section corner common to
 30. Sections 20, 21, 28 and 29, T. 2 S., R. 1 W., N.M., bears S. 89° 30' 50"
 31. E., 2139.16 feet distant, said section corner being marked by an iron pin
 32. and the one-quarter section corner common to Sections 21 and 28, T. 2 S.,

US 22, 1/2 Section, et al. - 5 -

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1. S. 89° 30' 52" E. 1400.92 feet distant to Survey Sta-
 2. tion 88 + 63.25; thence S. 0° 20' 00" E. 2646.35 feet
 3. distant to Survey Station 88 + 15.80, a point in the sec-
 4. tion line common to Sections 2 and 11, T. 5 S., R. 1 W.,
 5. W.M., from which point the section corner common to Sec-
 6. tions 2, 5, 10 and 11, T. 5 S., R. 1 W., W.M., bears
 7. S. 89° 30' 52" W., 1400.92 feet distant, said section
 8. corner being marked by an iron pin and the one-quarter
 9. section corner common to Sections 2 and 11, T. 5 S., R.
 10. 1 W., W.M., bears N. 89° 30' 52" E., 1240.86 feet distant,
 11. said one-quarter section corner being marked by a
 12. boulder set in the ground. The heretofore mentioned
 13. point marks the south line of Washington County in Sec-
 14. tion 2, T. 5 S., R. 1 W., W.M., all in Washington County,
 15. Oregon, and estimated to contain 198.76 acres, more or less,
 16. which land is also described in the Declaration of Taking
 17. and Petition for Condemnation filed in this proceeding,
 18. and is delineated and shown in green on a certain map or
 19. plat thereof which is attached to said Declaration of
 20. Taking;

21. (4) That possession of all such property that is unoccupied be given
 22. to the United States of America on the 21st day of April, F
 23. 1939, and that possession of all such property that is occupied be
 24. given to the United States of America on the 1st day of June, F
 25. 1939.

26. Done and dated in open court this 21st day of April, 1939.

27. Filed April 21, 1939.  District Judge
 28. G. H. Marsh, Clerk of the Court, and by E. S. Kenyon, Attorney for the United States.
 29. Judgment on Declaration of Taking entered.

Fidelity National Title of Oregon #20130088352-08

RECORDING REQUESTED BY:
Fidelity National Title Company of Oregon

Washington County, Oregon		2013-106185
D-DBS	12/20/2013 09:47:16 AM	
Stn=19 Y LOPEZ		
\$15.00 \$11.00 \$5.00 \$15.00	\$46.00	
I, Richard Hobernicht, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.		
Richard Hobernicht, Director of Assessment and Taxation, Ex-Officio		

GRANTOR:
R & H Properties, LLC an Oregon limited liability company

GRANTEE:
Curtis Heintz and Debra L. Heintz
PO BOX 1105
Sherwood, OR 97140
SEND TAX STATEMENTS TO:
Curtis Heintz and Debra L. Heintz
PO BOX 1105
Sherwood, OR 97140

AFTER RECORDING RETURN TO:
Curtis Heintz and Debra L. Heintz
PO BOX 1105
Sherwood, OR 97140

Escrow No: 20130088352-FTPOR25

R547518

21100 SW Oregon Street
Sherwood, OR 97140

SPACE ABOVE THIS LINE FOR RECORDER'S USE

BARGAIN AND SALE DEED – STATUTORY FORM
(INDIVIDUAL or CORPORATION)

R & H Properties, LLC an Oregon limited liability company, Grantor, conveys to

Curtis Heintz and Debra L. Heintz, Husband and Wife, Grantee, the following described real property, situated in the County of Washington, State of Oregon,

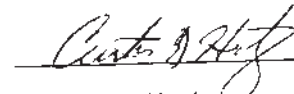
SEE LEGAL DESCRIPTION ATTACHED HERETO

The true consideration for this conveyance is \$0.00 (See ORS 93.030).
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated: December 19th, 2013



Phillip Rissel, Member
R & H Properties, LLC

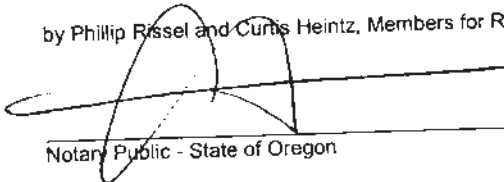


Curtis Heintz, Member
R & H Properties, LLC

State of OREGON

COUNTY of Clackamas

This instrument was acknowledged before me on Dec. 19th, 20 13
by Phillip Rissel and Curtis Heintz, Members for R & H Properties, LLC.



Notary Public - State of Oregon

My commission expires: 1-23-14



LEGAL DESCRIPTION

20130088352-FTPOR25
Deed (Bargain and Sale - Statutory Form)

A tract of land in the Northeast one-quarter of the Southwest one-quarter of Section 28, Township 2 South, Range 1 West, of the Willamette Meridian, in the City of Sherwood, County of Washington and State of Oregon, being a portion of that certain tract of land conveyed to Alfred E. Denley and Dora Denley, by deed recorded in Book 395, Page 757, Washington County, Oregon, Deed Records, more particularly described as follows:

Beginning at the Northeast corner of said Denley tract in the center of County Road No. 492, South 00 degrees 08' West, 154.6 feet from the center of said Section 28; thence running South 00 degrees 08' West, 445.0 feet along the East line of the Northeast one-quarter of the Southwest one-quarter of said Section 28 to a point; thence North 65 degrees 30' West, 359.83 feet to a point in the center of said county road; thence North 48 degrees 00' East, 442.0 feet along said center line to the place of beginning. TOGETHER WITH that portion of vacated Oregon Street, which inured thereto as described in Resolution and Order No. 94-46, recorded May 9, 1994, Recorder's No. 94045181. EXCEPTING from the parcel hereby described that portion thereof granted to Washington County by dedication deed recorded February 27, 1991, Recorder's No. 91009.

File No. 15002513

Grantor
Danny C Pendergrass
Grantee
Uldo Giovanni Lizarraga 7975 SW Nyberg Street Tualatin, OR 97062
After recording return to
Uldo Giovanni Lizarraga 7975 SW Nyberg Street Tualatin, OR 97062
Until requested, all tax statements shall be sent to
Uldo Giovanni Lizarraga 7975 SW Nyberg Street Tualatin, OR 97062 Tax Acct No(s): R547581

Washington County, Oregon

2016-001001

D-DW

01/07/2016 12:33:17 PM

Stn=32 Y LOPEZ

\$25.00 \$11.00 \$5.00 \$282.00 \$20.00

\$343.00

I, Richard Hobernicht, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.

Richard Hobernicht, Director of
Assessment and Taxation. Ex-Officio

Reserved for Recorder's Use

STATUTORY WARRANTY DEED

Danny C Pendergrass and Robbie Dale Wray

Grantor(s) convey and warrant to

Uldo Giovanni Lizarraga,

Grantee(s), the following described real property free of encumbrances except as specifically set forth herein:

SEE ATTACHED EXHIBIT "A"

Subject to and excepting: Covenants, Conditions, Restrictions and Easements of record as of the date of this Deed, and additional Deed exceptions as shown on attached Exhibit "One", which is incorporated herein.

The true consideration for this conveyance is \$282,000.00 (Here comply with requirements of ORS 93.030.)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 2.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

WFG Title 15002513 HB

Executed this 7 day of ~~December, 2015.~~

Jan 7 2016

Danny C Pendergrass
Danny C Pendergrass

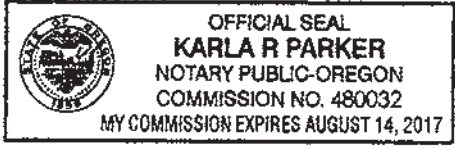
Executed this _____ day of December, 2015.

signed in counterpart
Robbie Dale Wray

State of Oregon, County of Washington ss. *January, 2016*

This instrument was acknowledged before me on this 7th day of ~~December, 2015~~ by Danny C Pendergrass.

Karla R Parker
Notary Public for Oregon
My commission expires: 8/14/17



State of _____, County of _____) ss.

This instrument was acknowledged before me on this _____ day of December, 2015 by Robbie Dale Wray.

signed in counterpart
Notary Public for _____
My commission expires: _____

Executed this ____ day of December, 2015.

signed in counterpart
Danny C Pendergrass

Executed this ____ day of December, 2015.

Robbie Dale Wray
Robbie Dale Wray

State of _____, County of _____) ss.

This instrument was acknowledged before me on this ____ day of December, 2015 by Danny C Pendergrass.

signed in counterpart
Notary Public for _____
My commission expires: _____

State of ARKANSAS County of POINSETT) ss.

This instrument was acknowledged before me on this 6th day of Jan 2016 ~~December, 2015~~ by Robbie Dale Wray.

Malinda Creekmore
Notary Public for OFSC
My commission expires: 2-5-20

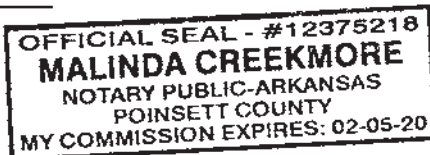


EXHIBIT "A"

A tract of land situated in Section 28, Township 2 South, Range 1 West, of the Willamette Meridian, in the County of Washington and State of Oregon, more particularly described as follows:

Beginning at a stone at the quarter corner on the South line of Section 28, from said place of beginning: thence North 89 31' East 926.24 feet to the centerline of a 40.0 foot dedicated right of way; thence North 44 12' West along said centerline 308.50 feet to an angle point; thence North 34 47' West along said centerline 285.02 feet; thence leaving said centerline South 49 44' West 20.09 feet to an iron rod in the Southwesterly right of way line of said road; thence continuing South 49 44' West 697.70 feet to place of beginning.

EXHIBIT "One"

1. Rights of the public in and to any portion of the herein described premises lying within the boundaries of SW Dahlke Rd.
2. Right of Way Deed, including the terms and provisions thereof:

Regarding	:	Right-of-way to construct, maintain and operate pipes, valves and other appurtenances
Granted to	:	Southern Pacific Pipe Lines, Inc.
Recorded	:	April 9, 2062
Book	:	460
Page	:	426

Said Right of Way was conveyed:

Grantee	:	Southern Pacific Pipe Lines Partnership
Recorded	:	December 13, 1988
Recording No.	:	88055571
3. Right of Way Agreement, including the terms and provisions thereof:

Regarding	:	Right-of-way to erect and maintain telephone poles and appurtenances
Granted To	:	General Telephone Company
Recorded	:	February 24, 1969
Book	:	734
Page	:	71

Until a change is requested,
all tax statements shall be
sent to the following address:
NO CHANGE

Washington County, Oregon	2018-085434
D-DW	
Stn=16 M LOPEZ	12/21/2018 10:14:14 AM
\$10.00 \$11.00 \$5.00 \$60.00	\$86.00
I, Richard Hobernicht, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.	
Richard Hobernicht, Director of Assessment and Taxation, Ex-Officio	

After Recording Return To:
Kori A. Walton
17355 SW Boones Ferry Rd., Suite A
Lake Oswego, OR 97035

WARRANTY DEED

Peggy A. Kern, Grantor, conveys and warrants to **Ronald Leslie Endicott and Peggy Ann Kern, Trustees of the Ronald Leslie Endicott and Peggy Ann Kern Family Trust dated November 2, 2018**, Grantee, the following real property situated in Washington County, Oregon, to-wit:

See attached Legal Description

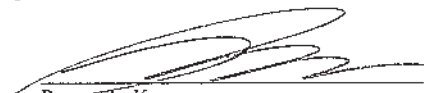
SUBJECT TO: All easements, rights-of-way, and restrictions of record.

The liability and obligations of the Grantors to Grantee and Grantee's heirs and assigns under the warranties and covenants contained herein or provided by law shall be limited to the extent of coverage that would be available to Grantors under a standard policy of title insurance. The limitations contained herein expressly do not relieve Grantors of any liability or obligations under this instrument, but merely define the scope, nature, and amount of such liability or obligations.

The true consideration for this conveyance stated in terms of dollars is \$0.00 (NONE) and is for estate planning purposes.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

DATED November 2nd, 2018

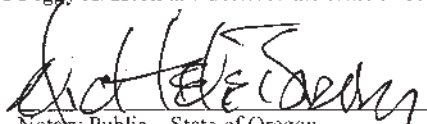

Peggy A. Kern

STATE OF OREGON

County of Clackamas

November 2, 2018

Personally appeared before me the above named **Peggy A. Kern** and declared the same to be her voluntary act and deed.


Notary Public - State of Oregon



LEGAL DESCRIPTION

Being a part of Section 28, Township 2 South, Range 1 West of the Willamette Meridian, and being more particularly described as follows:

Beginning at a point in the centerline of County Road, which point is the Northwest corner of that certain tract of land conveyed to Otto J. Hoffman by Deed recorded in Book 276, Page 317, Washington County, Oregon, Deed Records, and which point is South 09°12' West 1471.6 feet from the Northwest corner of the South half of the Northeast quarter of said Section 28, and running thence South 0°12' West 502.5 feet to the Southwest corner of said Hoffman Tract; thence South 89°35' East 360.0 feet to the Southeast corner of the same; thence on the East line of said Hoffman Tract 0° 15' East 496.0 feet to a point; thence North 89°45' West 50.6 feet to a point; thence parallel to the East line of the said Hoffman Tract North 0° 15' East 270.6 feet to a point on the Northerly line of said tract and in the center of the County Road; thence in said road South 57°49' West 15.0 feet to an angle in road; thence continuing in said road South 48°56' West 390.0 feet to a point of beginning, except a roadway 25.0 feet wide along the Westerly line of said Hoffman Tract heretofore described.
[[END..IF]]

PARTITION PLAT NO. 2019-0229 **RECORDED AS DOCUMENT NO. 2019-04346**

LOCATED IN THE NORTHEAST AND SOUTHEAST ONE-QUARTERS
 OF SECTION 28, TOWNSHIP 2 SOUTH, RANGE 1 WEST,
 WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON

SHEET 1 OF 3
 SEPTEMBER 06, 2019

NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO PARTITION THAT PROPERTY DESCRIBED IN DOCUMENT NO. 2019-05467, WASHINGTON COUNTY DEED RECORDS.

THE BASIS OF BEARINGS IS OREGON STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NORTH AMERICAN DATUM OF 1983 (2011) EPOCH 2010. THE CENTERLINE OF S.W. TUALATIN-SHERWOOD ROAD WAS FOUND TO HAVE A BEARING OF S 89° 42' 15" E AND A DISTANCE OF 100.00 FEET TO THE CENTERLINE OF S.W. TUALATIN-SHERWOOD ROAD. THE BEARING AND DISTANCE TO THE CENTERLINE OF S.W. TUALATIN-SHERWOOD ROAD ARE 89° 42' 15" E AND 100.00 FEET, RESPECTIVELY. THE BEARING AND DISTANCE TO THE CENTERLINE OF S.W. TUALATIN-SHERWOOD ROAD ARE 89° 42' 15" E AND 100.00 FEET, RESPECTIVELY. THE BEARING AND DISTANCE TO THE CENTERLINE OF S.W. TUALATIN-SHERWOOD ROAD ARE 89° 42' 15" E AND 100.00 FEET, RESPECTIVELY.

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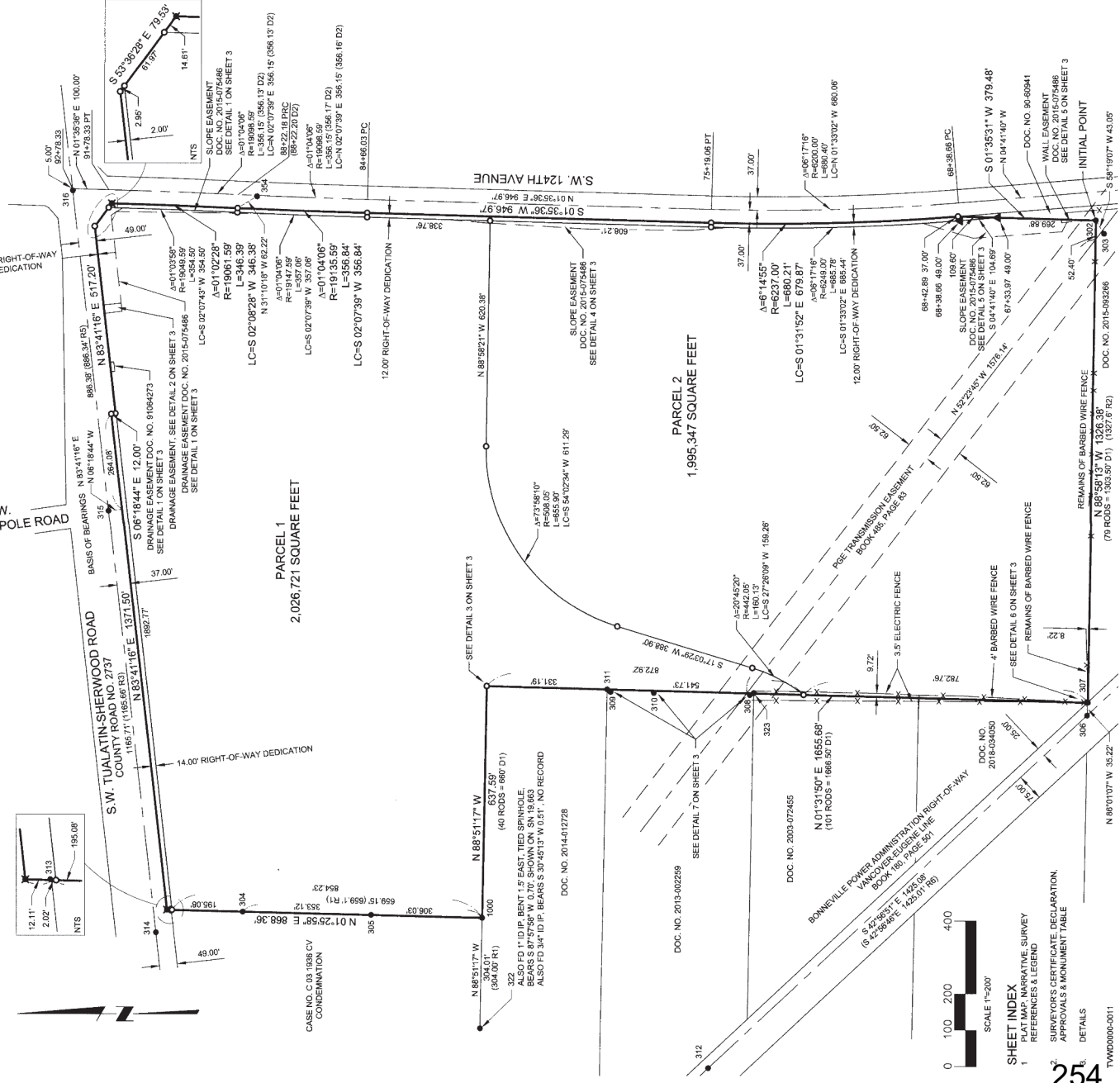
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SURVEY REFERENCES

SURVEY	U.S.B.T.	BOONVILLE POWER ADMINISTRATION
1,028	2002-010	VANCOUVER-EUGENE LINE SERIAL NO. 4444
5,636	2015-001	
19,963 (R1)		
22,674 (R2)		
25,092 (R3)		
30,100 (R4)		
31,293 (R5)		
31,910 (R6)		
32,246 (R7)		

LEGEND

FOUND MONUMENT AS NOTED IN MONUMENT TABLE. SEE SHEET 2

SET 5/8" X 3/4" IRON ROD W/PC STAMPED "D.E.A. INC."

SET 1-1/8" BRASS DISK STAMPED "D.E.A. INC."

POWER ADMINISTRATION

DOCUMENT NUMBER

DOCUMENT REFERENCE

FOUND

INSIDE DIAMETER

IRON PIPE

IRON ROD

NOT TO SCALE

POINT OF CURVATURE

POINT OF REVERSE CURVATURE

POINT OF TANGENCY

RED PLASTIC CAP

SURVEY NUMBER

UNIT STATES BEARING TREE

WITH

YELLOW PLASTIC CAP

DELTA

RADIUS

LENGTH

CHORD BEARING AND DISTANCE

REFERENCE NUMBER

RECORD DATA



DAVID EVANS AND ASSOCIATES INC.
 REGISTERED PROFESSIONAL LAND SURVEYOR
 2100 SW River Parkway
 Portland Oregon 97201
 Phone: 503.223.6663

7/2/2019
 OREGON
 JUNE 15, 2003
 NGO SUE TSOI
 58569
 RENEWS: 6/30/20

--- EASEMENT LINE
 --- FENCE LINE
 --- CENTERLINE

SHEET INDEX
 1 PLAT MAP, NARRATIVE, SURVEY REFERENCES & LEGEND
 2 SURVEYOR'S CERTIFICATE, DECLARATION, APPROVALS & MONUMENT TABLE
 3 DETAILS

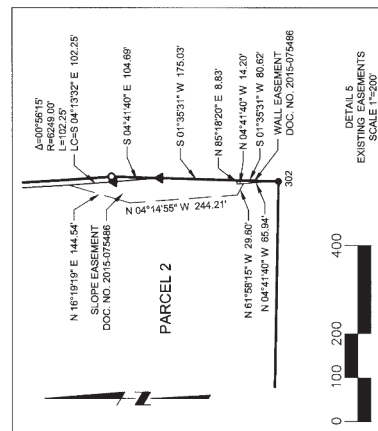
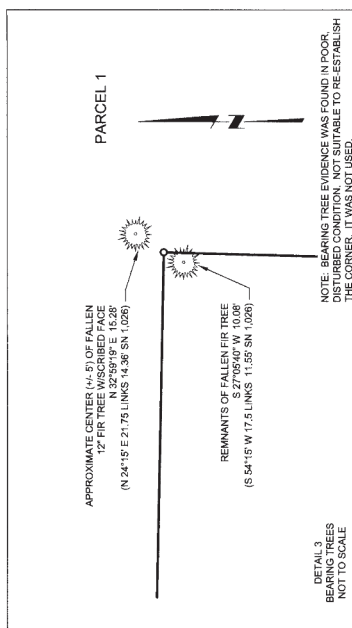
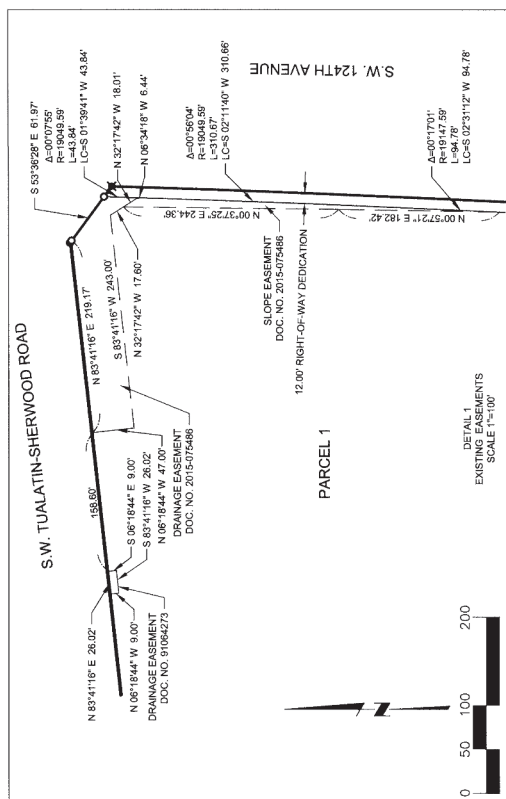
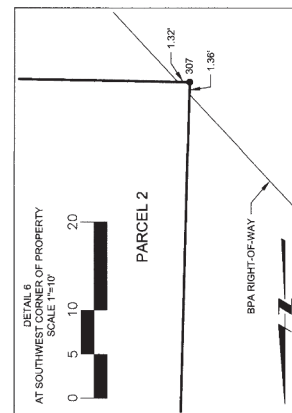
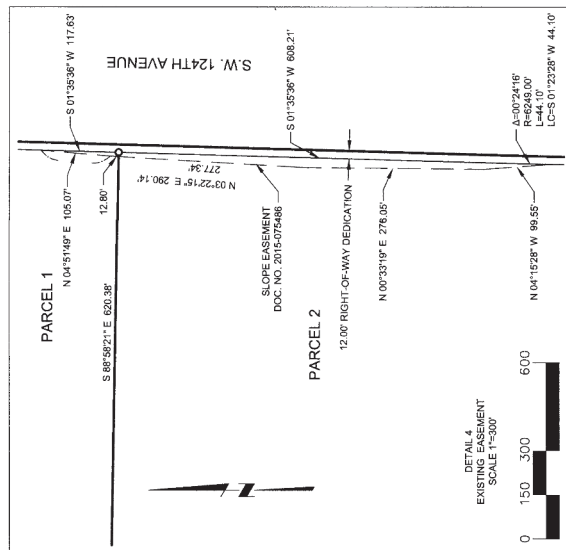
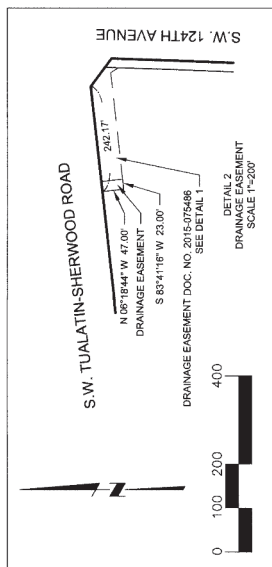
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SHEET 3 OF 3

SHEET 3 OF 3



**DAVID EVANS
AND ASSOCIATES INC.**
2100 SW River Parkway
Portland Oregon 97201
Phone: 503.223.6663



REGISTERED
PROFESSIONAL
AND SURVEYOR

modesti

OREGON
JUNE 15, 2003
NGO SUE TSOI
58569

RENEWS: 6/30/20

4072

2019-029

RETIRES
12900 SW TUALATIN
SHERWOOD ROAD

BEAVERTON

97140

Post Office and Zip

2019064346

Document Number

9-19-19

Date Recorded

2S128D000100

Parent Parcel(s)

Map Features

— Subdivision

Taxlots



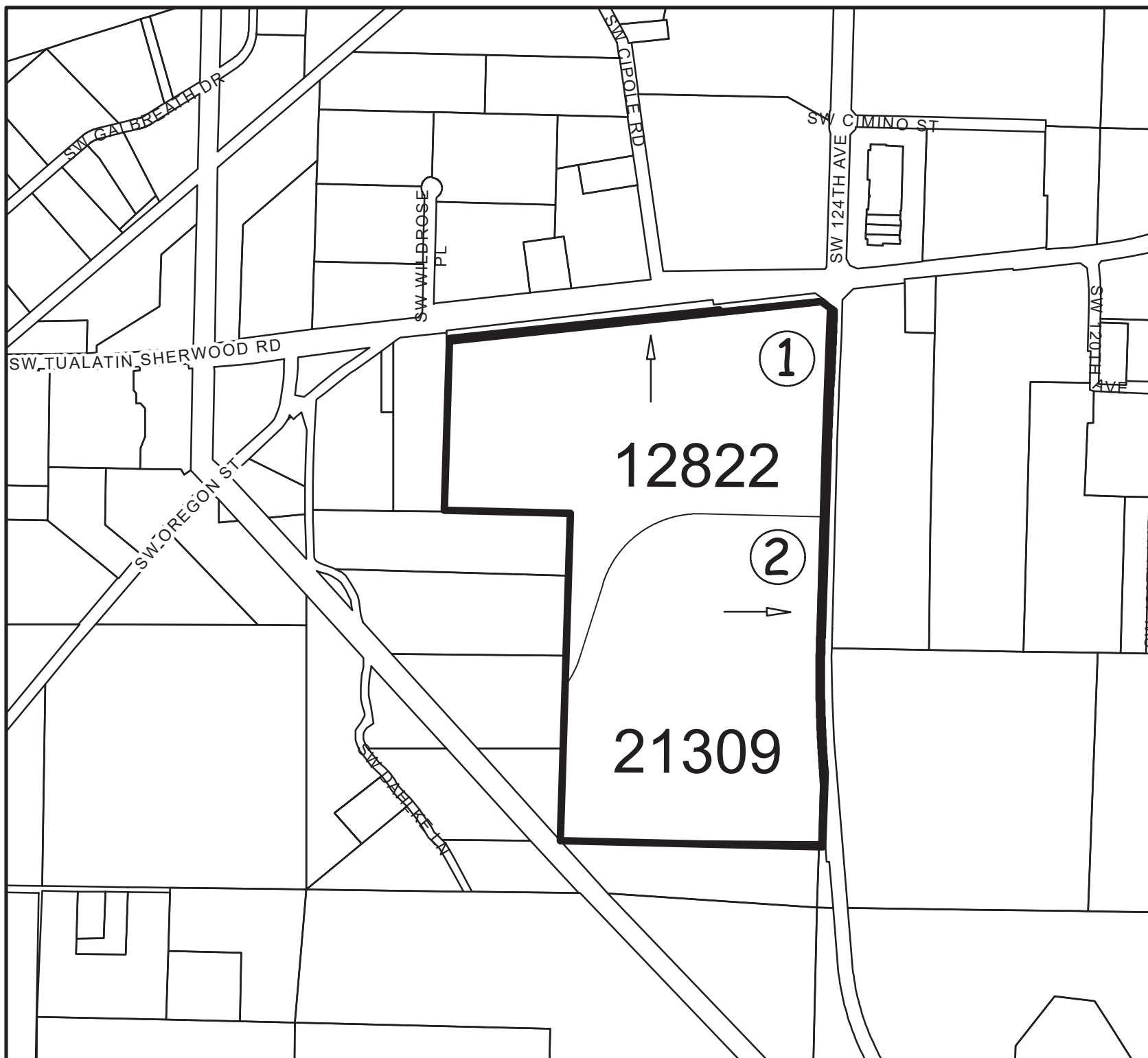
0 500 1,000

Scale in Feet

1 inch = 667 feet

If you have questions about addressing
for this plat, please contact:
Washington County Surveyor's Office
Phone: 503-846-8723

257



File No.: 22-399559

Washington County, Oregon

2022-059410

D-DW

09/26/2022 12:14:54 PM

Stn=4 A STROM

\$30.00 \$11.00 \$5.00 \$60.00

\$106.00

I, Joe Nelson, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.

Joe Nelson, Director of Assessment and Taxation, Ex-Officio County Clerk

Grantor

VanDomelen Joint Trust dated February 11, 2015
4825 SW Evans Street
Portland, OR 97219

Grantee

City of Sherwood Urban Renewal Agency
22560 SW Pine Street
Sherwood, OR 97140

After recording return to

City of Sherwood Urban Renewal Agency
22560 SW Pine Street
Sherwood, OR 97140

Until requested, all tax statements shall be sent to

City of Sherwood Urban Renewal Agency
22560 SW Pine Street
Sherwood, OR 97140

Tax Acct No(s): 2S128C0-00700, R547484

Reserved for Recorder's Use

STATUTORY WARRANTY DEED

Kenneth A. VanDomelen and Carol L. VanDomelen, as Trustees of the VanDomelen Joint Trust dated February 11, 2015, Grantor conveys and warrants to **City of Sherwood Urban Renewal Agency**, Grantee(s), the real property described in the attached Exhibit A, subject only to those liens and encumbrances set forth on the attached Exhibit B.

The true consideration for this conveyance is **\$1,125,000.00**. (Here comply with requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Executed this 22 day of September, 2022

VanDomelen Joint Trust dated February 11, 2015

By: Kenneth A. VanDomelen
Name: Kenneth A. VanDomelen
Its: Trustee

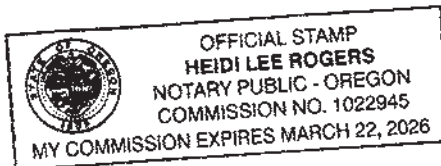
By: Carol L. VanDomelen
Name: Carol L. VanDomelen
Its: Trustee

STATE OF OREGON

COUNTY OF Multnomah

This instrument was acknowledged before me this 22nd day of September, 2022 by Kenneth A. VanDomelen and Carol L. VanDomelen, as Trustees, of VanDomelen Joint Trust dated February 11, 2015, on behalf of the Trust.

Heidi Lee Rogers
Print Name: Heidi Lee Rogers
Notary Public for Oregon
My Commission Expires: 03/22/26



ACCEPTED AND APPROVED

City of Sherwood Urban Renewal Agency

By: [Signature]
Name: Keith Campbell
Its: Urban Renewal Agency Administrator

STATE OF OREGON
COUNTY OF WASHINGTON

This instrument was acknowledged before me this 26th day of September, 2022 by Keith Campbell, as Urban Renewal Agency Administrator, of City of Sherwood Urban Renewal Agency, on behalf of the agency.

KM Ouellette-Smith
Print Name:
Notary Public for Oregon
My Commission Expires:

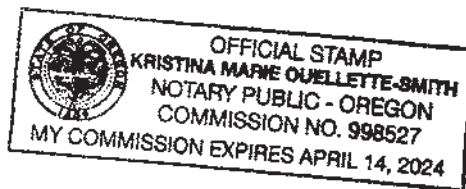


EXHIBIT "A"
LEGAL DESCRIPTION

Beginning at the intersection of the South line of the Northeast one-quarter of the Southwest one-quarter of Section 28, Township 2 South, Range 1 West of the Willamette Meridian, in the County of Washington and State of Oregon with the Southwesterly line of the Bonneville Power Administration Easement at a point, South 89°21' West, 205 feet from the Southeast corner of said subdivision, said beginning point being the Southwest corner of that tract conveyed to Lawrence V. Kummer, et ux, by Deed recorded October 11, 1963 in Book 497, Page 324, Deed Records; thence South 89°21' West along the South line of the Northeast one-quarter of said Southwest one-quarter, 894.6 feet to the center of the County Road; thence Northeasterly along the center of said road to a point, North 44°15' West, of the point of beginning; thence South 44°15' East, 691.64 feet to the point of beginning.

EXCEPTING THEREFROM that portion conveyed to Washington County for road purposes by Deed recorded July 13, 2001 as Recorder's Fee No. 2001-069166.

EXHIBIT "B"
Exceptions

1. Rights of the public in and to any portion of the herein described premises lying within the boundaries of streets, roads or highways.
2. Easement, including the terms and provisions thereof:
For : Right of Way
Granted to: Southern Pacific Pipe Lines, Inc., a corporation
Recorded : May 3, 1962
Recording No(s) : (book) 462 (page) 261
Affects : The Esterly 10 feet as disclosed by Right of Way Deed

Conveyed to Southern Pacific Pipe lines Partnership, L.P. a Delaware limited liability company
Recorded : December 14, 1988, as Recording No.: 88055571
3. The following matters disclosed by a survey made by Chase, Jones & Associates Inc., dated August 18, 2022, Job No. 16330:

Chain Link Fence and Wire Fence crossing onto properties along the Easterly, Westerly and Southerly property lines



Certification of Charges Paid
(2015 Oregon Laws Chapter 96)

Certification #

2022-023

All charges against the real property have been paid for the property that is the subject of the deed between:

Grantor

Vandomelen

Grantee

City of Sherwood

Signed on (date)

n/a

and for consideration of

\$ n/a

Assessor's signature

A handwritten signature in black ink, appearing to be 'T. J. ...', written over a horizontal line.

Date

9-26-2022

File No.: 22-434863

Grantor
Richard Rivera and Carla Rivera
Grantee
Basalt Industrial, LLC, an Oregon limited liability company and A.R. Vial Associates, P.C., an Oregon corporation and A. Nicolas Vial and Nathan R. Vial
After recording return to
A Richard Vial 12840 SW River Road Hillsboro, OR 97123
Until requested, all tax statements shall be sent to
A Richard Vial 12840 SW River Road Hillsboro, OR 97123
Tax Acct No(s): 2S128D000700, R547607

Washington County, Oregon **2023-014259**
D-DW
Stn=8 J CHOATE **04/10/2023 01:35:37 PM**
\$20.00 \$11.00 \$5.00 \$60.00 \$1,650.00 **\$1,746.00**
I, Joe Nelson, Director of Assessment and Taxation and Ex-Officio
County Clerk for Washington County, Oregon, do hereby certify that
the within instrument of writing was received and recorded in the
book of records of said county.
Joe Nelson, Director of Assessment and
Taxation, Ex-Officio County Clerk

Reserved for Recorder's Use

STATUTORY WARRANTY DEED

Richard Rivera and Carla Rivera, as tenants by the entirety, Grantor(s) convey and warrant to Basalt Industrial, LLC, an Oregon limited liability company, as to an undivided 19.32% and A.R. Vial Associates, P.C., an Oregon corporation, as to an undivided 29.35% and A. Nicolas Vial, as to an undivided 15.10% and Nathan R. Vial, as to an undivided 36.23%, Grantee(s), the real property described in the attached Exhibit A, subject only to those liens and encumbrances set forth on the attached Exhibit B.

The true consideration for this conveyance is **\$1,650,000.00**. (Here comply with requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

WFG Title 22-434863 Comm

Executed this 4-10 day of April, 2023

Richard Rivera
Richard Rivera

Carla Rivera
Carla Rivera

STATE OF OREGON
COUNTY OF Clackamas

This instrument was acknowledged before me this 10 day of April, 2023 by Richard Rivera and Carla Rivera.

Kristen K. Disen
Notary Public for Oregon
My Commission Expires: 7-18-2025



EXHIBIT "A"
LEGAL DESCRIPTION

Beginning at the Southeast corner of Section 28, Township 2 South, Range 1 West, of the Willamette Meridian, Washington County, Oregon; running thence South 89°31' West 1327.6 feet to an iron rod; running thence North 0°12' West 330.0 feet to a ford axle; thence continuing North 0°12' West 466.0 feet to an iron pipe at the southeast corner and point of beginning of the tract of land herein to be described; running thence from said beginning point South 89°31' West 937.87 feet to a point on the center line of a 40 foot wide road; thence North 20°59' West along the center line of said 40 foot wide road 98.0 feet to an iron pipe; thence along the center line of said road North 12°4' West 164.5 feet to an iron pipe; thence North 8°9' East 214.8 feet to an iron pipe in center line of said road; thence leaving said road and running North 89°31' East 975.23 feet to an iron pipe; thence South 0°12' East 465.0 feet to a point of beginning.

EXCEPT that part thereof taken in Final Judgment in Condemnation, in favor of the United States of America, for the Bonneville Project's Vancouver-Eugene Transmission Line, filed April 21, 1941, U.S. District Court and recorded April 24, 1944 in Book 198, Page 394, Deed Records of Washington County, Oregon, and as described in the Petition filed April 21, 1939, U.S. District Court, and recorded May 22, 1939 in Book 180, Page 501, Deed Records of Washington County, Oregon, being a 100 foot wide strip of land.

TOGETHER WITH an easement for ingress and egress over, across and upon a parcel of land for customary agricultural purposes, for use of any well or natural springs or water courses thereon and the water therefrom, and for laying and maintaining water pipes under, upon and across said parcel of land, as described in Easement Deed from the United States of America, Department of the Interior, acting by and through the Bonneville Power Administration to William M. Burge, subject to the terms and provisions contained therein, recorded April 2, 1957 in Book 392, Page 505, Deed Records of Washington County, Oregon.

EXHIBIT "B"
Exceptions

1. Rights of the public in and to any portion of the herein described premises lying within the boundaries of Dahlke Lane.
2. Easement, including the terms and provisions thereof:
For : Transmission line, appurtenances and access thereto
Granted to : United States of America
Recorded : November 20, 1956
Recording No. : Book 388, Page 302
Affects : a 287.5 foot wide portion of the premises herein
3. Easement, including the terms and provisions thereof:
For : Right to enter upon the land to top, limb or fell danger
trees :
Granted to : United States of America
represented by the Bonneville Power Administration
Recorded : February 26, 1960
Recording No. : Book 427, Page 609
Affects : a portion of the premises herein
4. Easement, including the terms and provisions thereof:
For : Electric transmission line and appurtenances
Granted to : Portland General Electric Company
Recorded : March 27, 1963
Recording No. : Book 483, Page 338
Affects : northeast corner of the premises herein
5. Easement, including the terms and provisions thereof:
For : Utility systems
Granted to : Portland General Electric Company
Recorded : October 2, 2020
Recording No. : 2020-097144
Affects : a 10 foot wide portion of the premises herein

Washington County, Oregon		2023-040577
D-DW		
Stn=8 J CHOATE		09/28/2023 03:04:59 PM
\$20.00 \$11.00 \$5.00 \$60.00 \$1,400.00		\$1,496.00
I, Joe Nelson, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.		
Joe Nelson, Director of Assessment and Taxation, Ex-Officio County Clerk		

File No.: 23-142867

Grantor
 Renee Wilder and Steve Gronli
Grantee
 Dahlke Lane Land Company II, LLC, an Oregon limited liability company
After recording return to
 Dahlke Lane Land Company II, LLC, an Oregon limited liability company
 24925 SW Garden Acres Road
 Sherwood, OR 97140
Until requested, all tax statements shall be sent to
 Dahlke Lane Land Company II, LLC, an Oregon limited liability company
 24925 SW Garden Acres Road
 Sherwood, OR 97140

Tax Acct No(s): **R547616 - 2S128D000800**

Reserved for Recorder's Use

STATUTORY WARRANTY DEED

Steve Gronli and Renee Wilder, as tenants in common, Grantors convey and warrant to Dahlke Lane Land Company II, LLC, an Oregon limited liability company, Grantee, the real property described in the attached Exhibit A, subject only to those liens and encumbrances set forth on the attached Exhibit B.

The true consideration for this conveyance is **\$1,400,000.00**. (Here comply with requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

WFG Title 23 142867 Comm

Executed this 27th day of September, 2023

Renee Wilder
Renee Wilder

Steve Gronli
Steve Gronli

STATE OF OREGON
COUNTY OF Clackamas

This instrument was acknowledged before me this 27th day of September, 2023 by Renee Wilder.

Katie Engerman
Notary Public for Oregon
My Commission Expires: March 24, 2024



STATE OF OREGON
COUNTY OF Clackamas

This instrument was acknowledged before me this 27th day of September, 2023 by Steve Gronli.

Katie Engerman
Notary Public for Oregon
My Commission Expires: March 24, 2024



EXHIBIT "A"
LEGAL DESCRIPTION

That part of Section 28, Township 2 South, Range 1 West of the Willamette Meridian, in the County of Washington and State of Oregon, described as follows:

Beginning at the Southeast corner of Section 28, Township 2 South, Range 1 West, Willamette Meridian, in the County of Washington and State of Oregon; thence South 89° 31' West 1327.6 feet and North 0° 12' West 330.0 feet to the Ford axel and the true point of beginning; thence continuing North 0° 12' West 446.0 feet to the Southeast corner of that tract conveyed to J.H. Bogoger, by deed recorded in Deed Book 152, Page 272; thence South 89° 31' West along the South line of Bogoger tract, 937.87 feet to the Easterly line of road conveyed to the public by deed recorded in Deed Book 179, Page 471; thence Southeasterly along said Easterly line to a point which is South 89° 31' West of the point of beginning; thence North 89° 31' East 673.0 feet to the point of beginning.

EXCEPTING THEREFROM that certain parcel of land taken by the United States of America by Final Judgment and Order of Taking recorded in Book 180, Page 501, et seq., deed records of Washington County and further recorded in Book 198, Page 394, Deed Records of Washington County, Oregon.

EXHIBIT "B"

Exceptions

1. Rights of the public in and to any portion of the herein described premises lying within the boundaries of streets, roads or highways.
2. Easement, including the terms and provisions thereof:
For : Perpetual easement and right to enter and erect,
operate, maintain, repair, rebuild and patrol one or more electric power transmission lines and
appurtenant signal lines
Granted to : United States of America
Recorded : November 20, 1956
Recording No(s) : (book) 388 (page) 300
Affects : a portion of the premises herein
3. Easement, including the terms and provisions thereof:
For : Access road
Granted to : United States of America, Department of Energy,
Bonneville Power Administration
Recorded : July 17, 1998
Recording No(s) : 98-078094
Affects : a portion of the premises herein
4. Encroachment License Agreement, including the terms and provisions thereof:
Between : City of Hillsboro and Tualatin Valley Water District
And : Steve Gronli and Renee Wilder
Recorded : September 19, 2019
Recording No(s). : 2019-064345
5. 2023-2024 taxes, a lien not yet due and payable.

S.W. TUALATIN SHERWOOD ROAD (CR NO. 2737) STATION/OFFSET TABLE			
POINT	STATION	OFFSET	RECORD PER SN 25862
1542	96+76.75	0.00 L.	96+76.74 0.00 L.
1541	96+17.00	0.00 L.	96+17.00 0.00 L.
1549	105+29.97	0.06 L.	105+30.00 0.00 L.

WASHINGTON COUNTY SURVEYOR'S OFFICE
ACCEPTED FOR FILING: 7-21-2013

...COO RD. (CR NO. 2737)

SHEET 1	DESCRIPTION SHEET INDEX, LEGEND, OVERALL SITE
2	NARRATIVE
3	OREGON STREET SURVEY REFERENCES
4	NORTH HALF DAHLAKE LAKE RESOLUTION DETAILS
5	SOUTH HALF DAHLAKE LAKE RESOLUTION AND MONUMENT FALLINGS TABLE, DETA BPA ACCESS ROAD LINE TABLE
6	MONUMENT TABLES, CONTROL TABLE

● FOUND MONUMENT (AS NOTED)
 & CONTROL POINT (AS NOTED)
 ○ CALCULATED POINT
 --- AS TRAVELED ROAD
 --- CENTERLINE
 --- EASEMENT LINE
 --- FENCE LINE (TYPE AS NOTED)
 --- PROPERTY LINE
 --- PROPERTY LINE UNRESOLVED
 --- RIGHT-OF-WAY
 --- SECTION LINE

A*	Bearing tree book references
B*	Sonneville power administration references
C*	County road
D*	Deed references
E*	Easement
F*	Found
G*	Iron rods
H*	Iron rods
I*	Not to scale
J*	Plat references
K*	Property line
L*	Portland general electric
M*	Partition plat
N*	Pont tangent
O*	Survey references
P*	Right-of-way
Q*	Section corner
R*	Survey maps (Washington County Survey Record Station)
S*	With town planning cap
T*	With town planning cap

72

PRE-CONSTRUCTION RECORD OF SURVEY
S.W. ICE AGE DRIVE EXTENSION
CITY OF SHERWOOD

SITUATED IN THE NORTHEAST, NORTHWEST, SOUTHWEST AND SOUTHEAST QUARTERS OF SECTION 28,
TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN
CITY OF SHERWOOD, WASHINGTON COUNTY, OREGON.

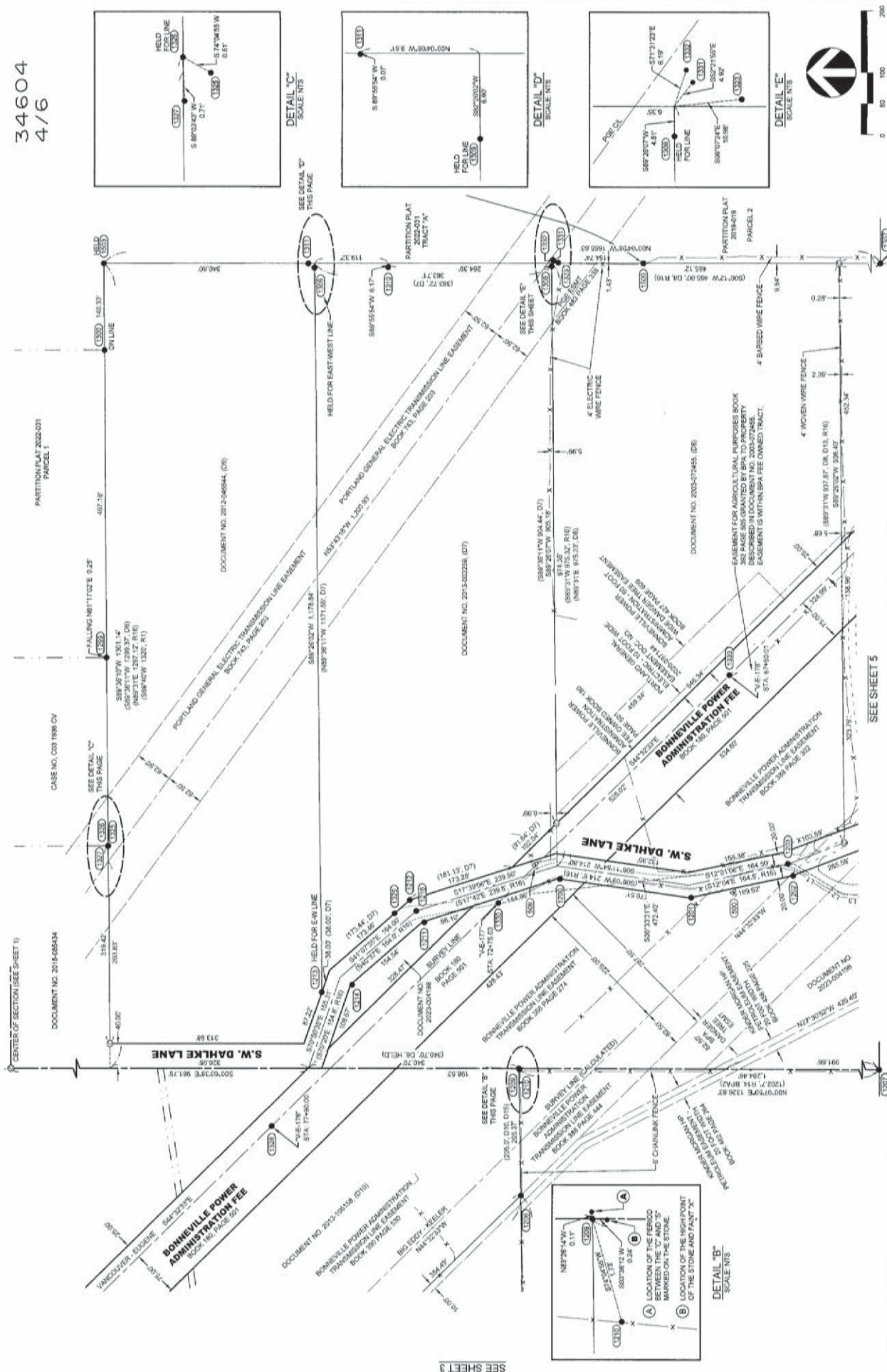


**DAVID EVANS
AND ASSOCIATES INC.**

2100 S River Parkway, Suite 100
Portland Oregon 97201
Phone: 503.223.6663

RENEWS: 12/31/2024

SHEET 1 OF 6
SCALE 1" = 300'
SURVEY DATE MAY 8, 2023
BY KLY
DRAWN TMS
CHECKED PMS
FILE SV\RS-61-KITTD003.dwg

$$\begin{array}{r} 34604 \\ 4/6 \end{array}$$


PRE-CONSTRUCTION RECORD OF SURVEY
S.W. ICE AGE DRIVE EXTENSION
CITY OF SHERWOOD

SITUATED IN THE NORTHEAST, NORTHWEST, SOUTHWEST AND SOUTHEAST QUARTERS OF SECTION 28,

TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN

CITY OF SHERWOOD, WASHINGTON COUNTY, OREGON

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 13, 2021
KETH LYMAN
94803

9FNEWS-12/31/2024

DE
DAVID EVANS
AND ASSOCIATES INC.
2100 S River Parkway, Suite 100
Portland Oregon 97201
Phone: 503.223.6663

SHEET 4 OF 6

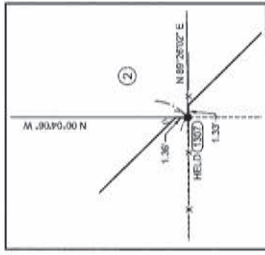
SURVEYED MAY 8, 2023

BY _____ KLY _____

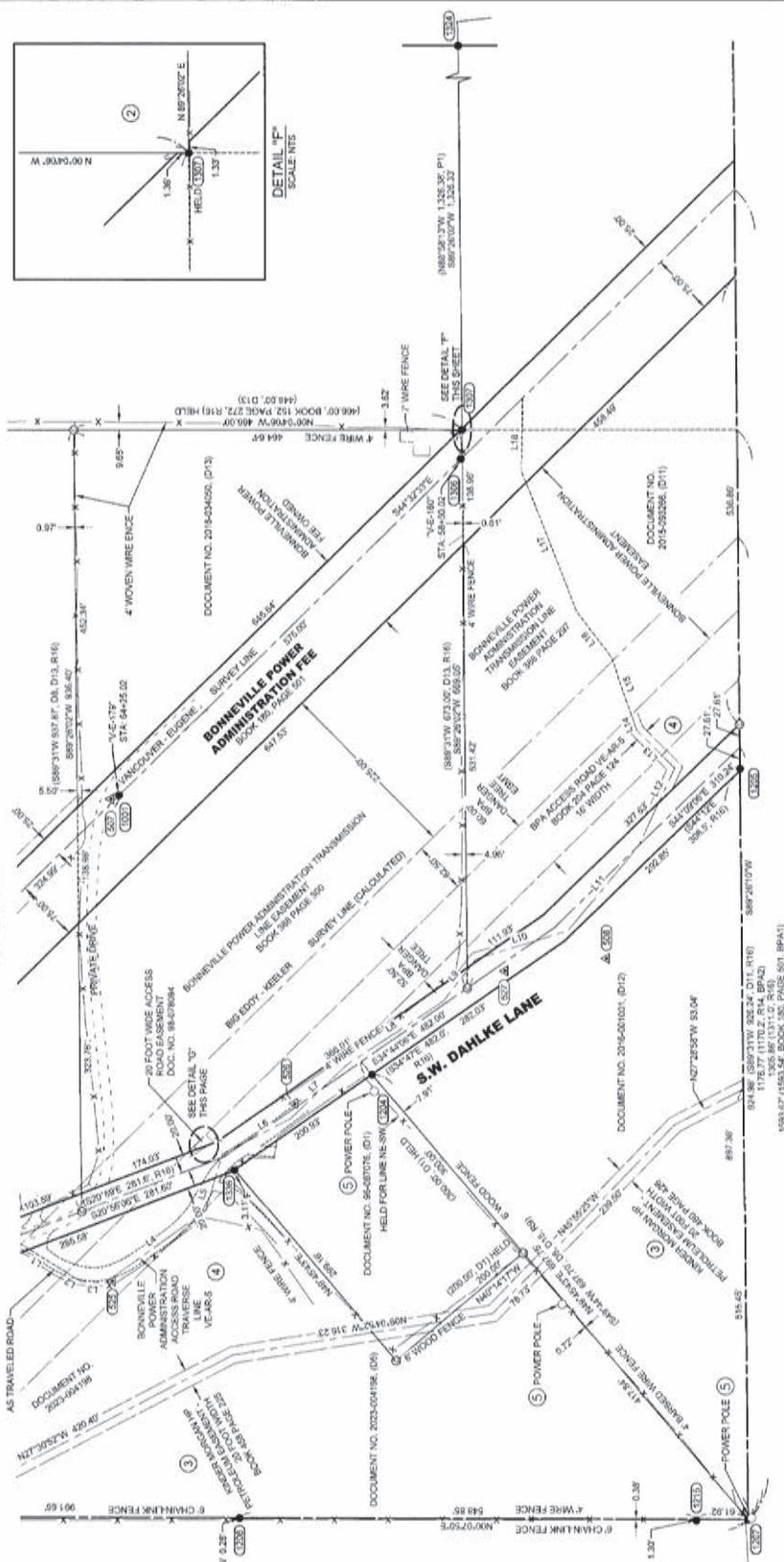
DRAWN	TAS
CHECKED	ENG

CHECKED _____ FILE SV-PS-04-KIT0003.dwg

34604
5/6



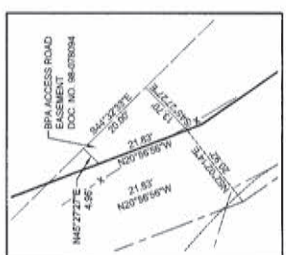
SEE SHEET 4



- NOTES:**
- BOOK 183 PAGE 501 DOES NOT LIST THIS PROPERTY AS SHOWN IN PARTITION PLAT 2019-028.
 - PETROLEUM EASEMENT ESTABLISHED HOLDING DEED DISTANCE FROM BONAVALLE POWER ADMINISTRATION TRANSMISSION LINE AND RECORD GEOMETRY.
 - CURRENT TRAVELED ROAD BONAVALLE FOLLOWS BPA ACCESS ROAD TRAVELING N 89° 26' 07\"/>

DAHLKE LANE MONUMENT FALLINGS

POINT	FALLING FROM
1000	S04°20'59\"/>



BPA ACCESS ROAD LINE TABLE			
LINE	BEARINGS	LENGTH	RECORD DATA, (BPA1)
L1	S31°43'29" W	93.70	—
L2	S31°43'29" W	19.62	—
L3	S44°12'50" W	26.20	(S34°25'W 23.2)
L4	S35°43'12" E	149.40	(S35°12" E 148.4)
L5	S72°39'12" E	70.70	(S73°06'70.7)
L6	S27°29'31" E	92.80	(S27°30' E 92.8)
L7	S48°42'21" E	93.60	(S47°40'21" E 93.6)
L8	S33°49'31" E	137.80	(S33°22' E 137.8)
L9	N50°10'31" W	64.60	(S52°17' E 64.6)
L10	S71°09'12" E	115.80	(S71°18' E 115.8)
L11	S50°07'12" E	133.50	(S50°14' E 133.5)
L12	S69°17'31" E	101.70	(S69°14' E 101.7)
L13	N45°19'22" E	64.50	(N45°12' E 64.5)
L14	N70°20'22" E	73.00	(N70°20' E 73.0)
L15	N70°25'22" E	73.00	(N70°25' E 73.0)
L16	N62°42'22" E	69.40	(N62°42' E 69.4)
L17	N48°30'22" E	160.40	(N48°31' E 160.4)
L18	S68°00'21" E	87.80	(S68°01' E 87.8)

REGISTERED
PROFESSIONAL
LAND SURVEYOR

[Signature]

OREGON
JULY 1, 2021
KATHI LYMAN
54603

PRE-CONSTRUCTION RECORD OF SURVEY
S.W. ICE AGE DRIVE EXTENSION
CITY OF SHERWOOD

SITUATED IN THE NORTHEAST, NORTHWEST, SOUTHWEST AND SOUTHEAST QUARTERS OF SECTION 28,
TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN

CITY OF SHERWOOD, WASHINGTON COUNTY, OREGON

SHEET 5 OF 6
SCALE 1" = 100'
SURVEYED MAY 8, 2023
BY KLY
DRAWN TJS
CHECKED RMC
FILE 34604-05-01TT0003.dwg

DAVID EVANS AND ASSOCIATES INC.
2100 S River Parkway, Suite 100
Portland Oregon 97201
Phone: 503.223.6663

34604
6/6

FOUND MONUMENT TABLE			
POINT	NORTHING	EASTING	REFERENCE
1001	113,994.57	312,012.96	FD 3-1/4" ALUMINUM CAP STAMPED "U.S.D.O.E. BONNEVILLE PWR. ADM. DO NOT DISTURB MSL 13 V.E. 67450.0 PLS 7816 2017 DN 0.4"
1200	114,500.16	311,455.36	FD 5/8" IR NO CAP. BENT; TIED SPIN DN 0.9
1201	114,298.45	311,435.38	FD 5/8" IR NO CAP. BENT; TIED SPIN DN 0.6
1202	114,122.61	311,460.98	FD 5/8" IR NO CAP. BENT; TIED SPIN DN 0.4
1203	114,131.33	311,460.39	FD 1-1/2" P. BENT
1204	113,691.02	311,078.51	FD 5/8" IR NO CAP. DN 0.5
1205	113,246.12	312,045.74	FD 5/8" IR NO CAP. UP 0.6
1206	114,594.18	310,843.67	FD 5/8" IR NO CAP. BENT; TIED SPIN DN 0.6
1207	113,240.45	311,440.09	FD 3" BRASS CAP STAMPED "WASH. CITY 28. 1975 251"
1208	113,851.25	311,147.20	FD 5/8" IR NO CAP
1209	114,567.19	311,143.11	FD 1-1/2" P. BENT
1210	114,566.63	311,147.45	FD 1-1/2" P. BENT
1211	114,702.21	311,384.77	FD 5/8" IR NO CAP. DN 0.4
1212	114,743.42	311,421.16	FD 5/8" IR NO CAP. DN 0.6
1213	114,886.47	311,271.71	FD 5/8" IR NO CAP. UP 0.2
1214	114,537.06	311,283.95	FD 5/8" IR NO CAP. UP 0.3
1215	113,332.40	311,144.93	FD 3-1/4" ALUMINUM CAP STAMPED "BONNEVILLE PWR. ADM. 5201-23.8 EL. 23.8"
1216	114,733.39	311,403.33	FD 3-1/4" P. BENT DN 0.7
1220	115,324.44	310,744.64	FD 5/8" IR NO CAP. DN 0.7
1221	115,299.47	310,822.48	FD 5/8" IR NO CAP. DN 0.5
1222	114,029.70	310,403.70	FD 5/8" IR NO CAP. DN 0.1
1223	114,552.48	310,302.08	FD 5/8" IR NO CAP. DN 0.5
1224	114,831.67	310,306.96	FD 5/8" IR NO CAP. DN 0.3
1225	114,532.31	310,609.23	FD 5/8" IR NO CAP. DN 0.5
1226	114,216.08	309,837.03	FD 5/8" IR NO CAP. DN 0.5
1227	114,222.65	309,838.34	FD 5/8" IR NO CAP. DN 0.5
1228	114,226.61	309,847.70	FD 5/8" IR NO CAP. DN 0.5
1229	114,263.36	309,773.96	FD 5/8" IR NO CAP. DN 0.5
1231	114,282.71	309,788.75	FD 5/8" IR NO CAP. DN 0.5
1232	113,245.48	310,581.40	FD 5/8" IR NO CAP. DN 0.5
1233	115,344.37	310,881.82	FD 5/8" IR NO CAP. DN 0.5
1236	113,806.45	309,443.25	FD 5/8" IR NO CAP. DN 0.5
1237	114,239.65	309,802.56	FD 5/8" IR NO CAP. DN 0.5
1238	114,289.59	309,818.72	FD 5/8" IR NO CAP. DN 0.5
1239	114,802.25	310,330.99	FD 5/8" IR NO CAP. DN 0.5
1240	114,953.40	310,373.90	FD 5/8" IR NO CAP. DN 0.5
1241	113,337.54	310,713.50	FD 5/8" IR NO CAP. DN 0.5
1249	115,254.05	311,812.24	FD 5/8" IR NO CAP. DN 0.5

FOUND MONUMENT TABLE			
POINT	NORTHING	EASTING	REFERENCE
1300	115,237.65	312,309.18	FD 5/8" IR NO CAP. BENT; TIED SPIN DN 0.8
1306	113,584.76	312,416.30	FD 3-1/4" ALUMINUM CAP STAMPED "U.S.D.O.E. BONNEVILLE PWR. ADM. DO NOT DISTURB MSL 13 V.E. 67450.0 PLS 7816 2017 DN 0.4"
1307	113,583.28	312,415.46	FD 3-1/4" ALUM. UP 0.8
1308	114,514.54	312,445.66	FD 5/8" IR NO CAP. BENT; TIED SPIN DN 0.8
1309	114,684.04	312,443.02	FD 5/8" IR NO CAP. BENT; TIED SPIN DN 0.8
1310	114,778.79	312,443.86	FD 5/8" IR NO CAP. BENT; TIED SPIN DN 0.8
1311	114,807.71	312,449.84	FD 5/8" IR NO CAP. BENT; TIED SPIN DN 0.8
1314	115,026.98	310,488.31	FD 5/8" IR NO CAP. BENT; TIED SPIN DN 0.8
1315	115,243.08	310,678.13	FD 5/8" IR NO CAP. BENT; TIED SPIN DN 0.8
1323	114,503.49	312,451.55	FD 5/8" IR NO CAP. BENT; TIED SPIN DN 0.8
1325	115,231.11	312,507.83	FD 3-1/4" ALUMINUM CAP STAMPED "U.S.D.O.E. BONNEVILLE PWR. ADM. DO NOT DISTURB MSL 13 V.E. 67450.0 PLS 7816 2017 DN 0.4"
1326	115,231.56	312,507.83	FD 3-1/4" ALUMINUM CAP STAMPED "U.S.D.O.E. BONNEVILLE PWR. ADM. DO NOT DISTURB MSL 13 V.E. 67450.0 PLS 7816 2017 DN 0.4"
1327	115,231.53	312,507.83	FD 3-1/4" ALUMINUM CAP STAMPED "U.S.D.O.E. BONNEVILLE PWR. ADM. DO NOT DISTURB MSL 13 V.E. 67450.0 PLS 7816 2017 DN 0.4"
1328	114,967.42	311,055.54	FD 3-1/4" ALUMINUM CAP STAMPED "U.S.D.O.E. BONNEVILLE PWR. ADM. DO NOT DISTURB MSL 13 V.E. 67450.0 PLS 7816 2017 DN 0.4"
1329	114,768.30	311,266.26	FD 3-1/4" ALUMINUM CAP STAMPED "U.S.D.O.E. BONNEVILLE PWR. ADM. DO NOT DISTURB MSL 13 V.E. 67450.0 PLS 7816 2017 DN 0.4"
1330	114,600.41	311,418.89	FD 3-1/4" ALUMINUM CAP STAMPED "U.S.D.O.E. BONNEVILLE PWR. ADM. DO NOT DISTURB MSL 13 V.E. 67450.0 PLS 7816 2017 DN 0.4"
1331	114,511.39	312,654.28	FD 3-1/4" ALUMINUM CAP STAMPED "U.S.D.O.E. BONNEVILLE PWR. ADM. DO NOT DISTURB MSL 13 V.E. 67450.0 PLS 7816 2017 DN 0.4"
1332	114,572.44	312,656.25	FD 3-1/4" ALUMINUM CAP STAMPED "U.S.D.O.E. BONNEVILLE PWR. ADM. DO NOT DISTURB MSL 13 V.E. 67450.0 PLS 7816 2017 DN 0.4"
1333	114,226.24	311,785.04	FD 3-1/4" ALUMINUM CAP STAMPED "U.S.D.O.E. BONNEVILLE PWR. ADM. DO NOT DISTURB MSL 13 V.E. 67450.0 PLS 7816 2017 DN 0.4"
1334	115,258.61	310,483.00	FD 3-1/4" ALUMINUM CAP STAMPED "U.S.D.O.E. BONNEVILLE PWR. ADM. DO NOT DISTURB MSL 13 V.E. 67450.0 PLS 7816 2017 DN 0.4"
1335	115,091.07	309,635.86	FD 5/8" IR NO CAP. BENT; TIED SPIN DN 0.8
1336	113,656.47	311,893.59	FD 5/8" IR NO CAP. BENT; TIED SPIN DN 0.8
1339	115,384.76	310,644.84	FD 5/8" IR NO CAP. BENT; TIED SPIN DN 0.8
1354	115,606.17	313,777.84	FD 2" BRASS DISK STAMPED "WASH. CO. SURVEYOR 14 728 R/W 2027 2019 IN MONUMENT BOX"
1500	114,366.02	312,450.57	FD 5/8" IR NO CAP. BENT; TIED SPIN DN 0.8
1503	115,238.61	312,448.51	FD 5/8" IR NO CAP. BENT; TIED SPIN DN 0.8
1541	116,032.86	311,040.57	FD 5/8" IR NO CAP. BENT; TIED SPIN DN 0.8
1542	115,931.09	310,307.35	FD 5/8" IR NO CAP. BENT; TIED SPIN DN 0.8
1549	116,136.97	311,746.78	FD 5/8" IR NO CAP. BENT; TIED SPIN DN 0.8

CONTROL POINT TABLE			
POINT	NORTHING	EASTING	REFERENCE
100	115,841.20	309,418.41	FD 2-1/2" BRASS DISK
500	114,218.47	311,033.35	SET 1-1/2" COPPER ALLOY DISK STAMPED "D.E.A. CONTROL" IN BOULDER
502	113,558.65	308,341.22	SET 1-1/2" COPPER ALLOY DISK STAMPED "D.E.A. CONTROL" IN BOULDER
503	115,817.69	313,744.80	SET 1-1/2" COPPER ALLOY DISK STAMPED "D.E.A. CONTROL" IN BOULDER
504	113,524.89	313,881.67	SET 1-1/2" COPPER ALLOY DISK STAMPED "D.E.A. CONTROL" IN BOULDER
505	114,882.08	310,184.56	SET 1-1/2" COPPER ALLOY DISK STAMPED "D.E.A. CONTROL" IN BOULDER
506	114,539.84	311,477.34	SET 1-1/2" COPPER ALLOY DISK STAMPED "D.E.A. CONTROL" IN BOULDER
507	114,004.33	312,008.07	SET 1-1/2" COPPER ALLOY DISK STAMPED "D.E.A. CONTROL" IN BOULDER
508	113,809.61	311,517.59	SET 1-1/2" COPPER ALLOY DISK STAMPED "D.E.A. CONTROL" IN BOULDER
509	115,237.28	311,075.44	FD 1-1/2" COPPER ALLOY DISK STAMPED "D.E.A. CONTROL" IN BOULDER
510	115,354.47	310,889.22	SET 1-1/2" COPPER ALLOY DISK STAMPED "D.E.A. CONTROL" IN BOULDER
511	115,060.66	310,431.83	SET 1-1/2" COPPER ALLOY DISK STAMPED "D.E.A. CONTROL" IN BOULDER
512	114,258.65	309,706.58	SET 1-1/2" COPPER ALLOY DISK STAMPED "D.E.A. CONTROL" IN BOULDER
513	116,006.74	311,004.39	FD 1-1/2" COPPER ALLOY DISK STAMPED "D.E.A. CONTROL" IN BOULDER
514	115,066.61	310,559.00	FD 1-1/2" COPPER ALLOY DISK STAMPED "D.E.A. CONTROL" IN BOULDER
525	114,003.40	311,431.01	SET 1-1/2" COPPER ALLOY DISK STAMPED "D.E.A. CONTROL" IN BOULDER
526	113,784.07	311,543.99	SET 1-1/2" COPPER ALLOY DISK STAMPED "D.E.A. CONTROL" IN BOULDER
527	113,531.33	311,803.07	SET 1-1/2" COPPER ALLOY DISK STAMPED "D.E.A. CONTROL" IN BOULDER
602	116,305.66	312,621.69	FD 2" BRASS DISK IN CURB

REGISTERED
PROFESSIONAL
LAND SURVEYOR
OREGON
JULY 13, 2021
RETIRED
94803

PRE-CONSTRUCTION RECORD OF SURVEY
S.W. ICE AGE DRIVE EXTENSION
CITY OF SHERWOOD
SITUATED IN THE NORTHEAST, NORTHWEST, SOUTHWEST AND SOUTHEAST QUARTERS OF SECTION 28,
TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN
CITY OF SHERWOOD, WASHINGTON COUNTY, OREGON

SHEET 6 OF 6
SCALE -NA-
SURVEYED MAY 8, 2023
BY RLY
DRAWN TMS
CHECKED PKG
FILE 34604-ATT0003.dwg

DAVID EVANS
AND ASSOCIATES INC.
2100 S River Parkway, Suite 100
Portland Oregon 97201
Phone: 503.223.6863

Exhibit K: Washington County-Sherwood Urban Planning Agreement

Washington County – Sherwood Urban Planning Area Agreement

THIS AGREEMENT is entered into by WASHINGTON COUNTY, a political subdivision of the State of Oregon, hereinafter referred to as the “COUNTY”, and the CITY OF SHERWOOD, an incorporated municipality of the State of Oregon, hereinafter referred to as the “CITY”.

WHEREAS, ORS 190.010 provides that units of local government may enter into agreements for the performance of any or all functions and activities that a party to the agreement, its officers or agents, have authority to perform; and

WHEREAS, Statewide Planning Goal #2 (Land Use Planning) requires that city, county, state and federal agency and special district plans and actions shall be consistent with the comprehensive plans of the cities and counties and regional plans adopted under ORS Chapter 197; and

WHEREAS, the Oregon State Land Conservation and Development Commission (LCDC) requires each jurisdiction requesting acknowledgment of compliance to submit an agreement setting forth the means by which comprehensive planning coordination within the Regional Urban Growth Boundary (UGB) will be implemented; and

WHEREAS, following the Urbanization Forum process, the COUNTY through Resolution & Order 09-63, and the CITY through Resolution 2009-046, agreed that all future additions to the UGB during or after 2010 must be governed and urbanized by the CITY in the COUNTY and also agreed to urge Metro to expand the UGB only to such areas as are contiguous to incorporated areas of Washington County; and

WHEREAS, the State legislature, with House Bill 4078-A in 2014 and House Bill 2047 in 2015, validated the acknowledged UGB and Urban and Rural Reserves established through the Metro Regional process involving both the COUNTY and the CITY; and

WHEREAS, the COUNTY and CITY desire to amend the Urban Planning Area Agreement (UPAA) to reflect the changes to the UGB, the CITY’s Urban Planning Area, and the need for urban planning of the new urban reserve lands; and

WHEREAS, the COUNTY and the CITY, to ensure coordinated and consistent comprehensive plans, consider it mutually advantageous to establish:

- I. An Urban Planning Area Agreement incorporating both a site-specific Urban Planning Area within the UGB within which both the COUNTY and the CITY maintain an interest in comprehensive planning and an Urban Reserve Planning Area outside the UGB where both the COUNTY and the CITY maintain an interest in concept planning; and

2. A process for coordinating comprehensive planning and development in the Urban Planning Area and concept planning in the Urban Reserve Planning Area; and
3. Policies regarding comprehensive planning and development in the Urban Planning Area and concept planning in the Urban Reserve Planning Area; and
4. A process to amend the Urban Planning Area Agreement.

NOW THEREFORE, THE COUNTY AND THE CITY AGREE AS FOLLOWS:

I. Location of the Urban Planning Area and Urban Reserve Planning Area

The Urban Planning Area and Urban Reserve Planning Area, mutually defined by the COUNTY and the CITY, include the areas designated on the Washington County - Sherwood UPAA Map “Exhibit A” to this Agreement.

II. Coordination of Comprehensive Planning and Development

A. Amendments to or Adoption of a Comprehensive Plan or Implementing Regulation

1. Definitions

Comprehensive Plan means a generalized, coordinated land use map and policy statement of the governing body of a local government that interrelates all functional and natural systems and activities relating to the use of lands, including, but not limited to, sewer and water systems, transportation systems, educational facilities, recreational facilities, and natural resources and air and water quality management programs. “Comprehensive Plan” amendments do not include small tract comprehensive plan map changes.

Implementing Regulation means any local government zoning ordinance, land division ordinance adopted under ORS 92.044 or 92.046 or similar general ordinance establishing standards for implementing a comprehensive plan. “Implementing regulation” does not include small tract zoning map amendments, conditional use permits, individual subdivision, partitioning or planned unit development approvals or denials, annexations, variances, building permits and similar administrative-type decisions.

2. The COUNTY shall provide the CITY with the appropriate opportunity to participate, review and comment on proposed amendments to or adoption of the COUNTY comprehensive plan or implementing regulations. The CITY shall provide the COUNTY with the appropriate opportunity to participate, review and comment on proposed amendments to or adoption of the CITY comprehensive plan or implementing regulations. The following procedures shall be followed by the COUNTY and the CITY to notify and involve one another in the process to amend or adopt a comprehensive plan or implementing regulation.

Agreement amended by
Washington County Land Use A-Engrossed Ordinance No. 821
Adopted September 26, 2017

- a. The CITY or the COUNTY, whichever has jurisdiction over the proposal, hereinafter the originating agency, shall notify the other agency, hereinafter the responding agency, by first class mail or as an attachment to electronic mail of the proposed action at the time such planning efforts are initiated, but in no case less than thirty-five (35) days prior to the first hearing on adoption. For COUNTY or CITY comprehensive plan updates with the potential to affect the responding agency's land use or transportation system, the originating agency shall provide the responding agency with the opportunity to participate in the originating agency's planning process prior to the notification period, such as serving on the originating agency's advisory committee.
- b. For COUNTY or CITY comprehensive plan updates with the potential to affect the responding agency's land use or transportation system, the originating agency shall transmit the draft amendments to the responding agency for its review and comment before finalizing. The responding agency shall have ten (10) days after receipt of a draft to submit comments orally or in writing. Lack of response shall be considered "no objection" to the draft.
- c. The originating agency shall respond to the comments made by the responding agency either by a) revising the final recommendations, or b) by letter to the responding agency explaining why the comments cannot be addressed in the final draft.
- d. Comments from the responding agency shall be given consideration as a part of the public record on the proposed action. If after such consideration, the originating agency acts contrary to the position of the responding agency, the responding agency may seek appeal of the action through the appropriate appeals body and procedures.
- e. Upon final adoption of the proposed action by the originating agency, it shall transmit the adopting ordinance to the responding agency as soon as publicly available, or if not adopted by ordinance, whatever other written documentation is available to properly inform the responding agency of the final actions taken.

B. Development Actions Requiring Individual Notice to Property Owners

1. Definition

Development Action Requiring Notice means an action by a local government which requires notifying by mail the owners of property which could potentially be affected (usually specified as a distance measured in feet) by a proposed development action which directly affects and is applied to a specific parcel or parcels. Such development actions may include, but not be limited to, small

Agreement amended by
Washington County Land Use A-Engrossed Ordinance No. 821
Adopted September 26, 2017

tract zoning or comprehensive plan map amendments, conditional or special use permits, land divisions, planned unit developments, variances, and other similar actions requiring a quasi-judicial hearings process.

2. The COUNTY will provide the CITY with the opportunity to review and comment on proposed development actions requiring notice within the designated Urban Planning Area and Urban Reserve Planning Area. The CITY will provide the COUNTY with the opportunity to review and comment on proposed development actions requiring notice within the CITY limits that may have an effect on unincorporated portions of designated Urban Planning Area or the COUNTY's transportation network.
3. The following procedures shall be followed by the COUNTY and the CITY to notify one another of proposed development actions:
 - a. The CITY or the COUNTY, whichever has jurisdiction over the proposal, hereinafter the originating agency, shall send by first class mail or as an attachment to electronic mail a copy of the public hearing notice or comment period notice with no public hearing which identifies the proposed development action to the other agency, hereinafter the responding agency, at the earliest opportunity, but no less than ten (10) days prior to the date of the scheduled public hearing or end of the comment period. The failure of the responding agency to receive a notice shall not invalidate an action if a good faith attempt was made by the originating agency to notify the responding agency.
 - b. The agency receiving the notice may respond at its discretion. Comments may be submitted in written or electronic form or an oral response may be made at the public hearing. Lack of written or oral response shall be considered "no objection" to the proposal.
 - c. If received in a timely manner, the originating agency shall include or attach the comments to the written staff report and respond to any concerns addressed by the responding agency in such report or orally at the hearing.
 - d. Comments from the responding agency shall be given consideration as a part of the public record on the proposed action. If, after such consideration, the originating agency acts contrary to the position of the responding agency, the responding agency may seek appeal of the action through the appropriate appeals body and procedures.

C. Additional Coordination Requirements

1. The CITY and the COUNTY shall do the following to notify one another of proposed actions which may affect the community, but are not subject to the

Agreement amended by
Washington County Land Use A-Engrossed Ordinance No. 821
Adopted September 26, 2017

notification and participation requirements contained in subsections A and B above.

- a. The CITY or the COUNTY, whichever has jurisdiction over the proposed actions, hereinafter the originating agency, shall send by first class mail or as an attachment to electronic mail a copy of all public hearing agendas which contain the proposed actions to the other agency, hereinafter the responding agency, at the earliest opportunity, but no less than three (3) days prior to the date of the scheduled public hearing. The failure of the responding agency to receive an agenda shall not invalidate an action if a good faith attempt was made by the originating agency to notify the responding agency.
- b. The agency receiving the public hearing agenda may respond at its discretion. Comments may be submitted in written or electronic form or an oral response may be made at the public hearing. Lack of written or oral response shall be considered “no objection” to the proposal.
- c. Comments from the responding agency shall be given consideration as a part of the public record on the proposed action. If, after such consideration, the originating agency acts contrary to the position of the responding agency, the responding agency may seek appeal of the action through the appropriate appeals body and procedures.

III. Concept Planning for Urban Reserve Areas

A. Definitions

1. Urban Reserve means those lands outside the UGB that have been so designated by Metro for the purpose of:
 - a. Future expansion over a long-term period (40-50 years), and
 - b. The cost-effective provision of public facilities and services when the lands are included within the UGB.
2. Urban Reserve Planning Area means those Urban Reserves identified as ultimately being governed by the CITY at such time as the UGB is amended to include the Urban Reserve Area.
3. Urban Reserve - Planning Responsibility Undefined means those Urban Reserves that the CITY and at least one other city may have an interest in ultimately governing, but no final agreement has been reached. These areas are not considered part of the Urban Reserve Planning Area.

- B. The CITY’s Urban Reserve Planning Area and the Urban Reserve - Planning Responsibility Undefined are identified on “Exhibit A” to this Agreement.

Agreement amended by
Washington County Land Use A-Engrossed Ordinance No. 821
Adopted September 26, 2017

- C. The CITY and COUNTY shall be jointly responsible for developing a concept plan for the Urban Reserve Planning Area in coordination with Metro and appropriate service districts. The concept plan shall include the following:
 - 1. An agreement between the COUNTY and CITY regarding expectations for road funding, jurisdictional transfer over roadways to and from the CITY and COUNTY, and access management for county roads in the Urban Reserve Planning Area. The agreement should describe any changes to the CITY and/or COUNTY Transportation System Plans, other Comprehensive Plan documents, or codes that have been adopted or will be necessary to implement this agreement.
 - 2. An agreement between the COUNTY and CITY that preliminarily identifies the likely providers of urban services, as defined in ORS 195.065.(4), when the area is urbanized.
- D. The concept plan shall be approved by the CITY and acknowledged by the COUNTY.
- E. Upon completion and acknowledgement of the concept plan by the CITY and COUNTY, and the addition of the area into the UGB by Metro, the affected portion of the Urban Reserve Planning Area shall be designated as part of the Urban Planning Area. Inclusion in the Urban Planning Area is automatic and does not require an amendment to this agreement.

IV. Comprehensive Planning and Development Policies for Urban Planning Areas

A. Definition

Urban Planning Area means the incorporated area and certain unincorporated areas contiguous to the incorporated area for which the CITY conducts comprehensive planning and seeks to regulate development activities to the greatest extent possible. The CITY's Urban Planning Area is designated on "Exhibit A" to this Agreement.

- B. The CITY shall be responsible for comprehensive planning within the Urban Planning Area.
- C. The CITY and COUNTY will implement the applicable Urban Reserve concept plan and related agreements as the comprehensive plan is prepared for the Urban Planning Area to ensure consistency and continuing applicability with the original concept plan. If modifications to the original concept plan are made during the comprehensive planning process, the parties will update the related agreements to reflect these changes, which may include transportation, access and funding.
- D. The CITY shall be responsible for the preparation, adoption and amendment of the

Agreement amended by
Washington County Land Use A-Engrossed Ordinance No. 821
Adopted September 26, 2017

public facility plan required by OAR 660-011 within the Urban Planning Area.

- E. As required by OAR 660-011-0010, the CITY is identified as the appropriate provider of local water, sanitary sewer, storm sewer and transportation facilities within the Urban Planning Area. Exceptions include facilities provided by other service providers subject to the terms of any intergovernmental agreement the CITY may have with other service providers; facilities under the jurisdiction of other service providers not covered by an intergovernmental agreement; and future facilities that are more appropriately provided by an agency other than the CITY.
- F. The COUNTY shall not approve land divisions within the unincorporated Urban Planning Area that are inconsistent with the provisions of the Future Development 20-Acre District (FD-20).
- G. The COUNTY shall not approve a development proposal in the Urban Planning Area if the proposal would not provide for, nor be conditioned to provide for, an enforceable plan for redevelopment to urban densities consistent with the CITY's Comprehensive Plan in the future upon annexation to the CITY as indicated by the CITY Comprehensive Plan.
- H. The COUNTY will not oppose any orderly, logical annexation of land to the CITY within the CITY's Urban Planning Area.

V. Amendments to the Urban Planning Area Agreement

- A. The following procedures shall be followed by the CITY and the COUNTY to amend the language of this agreement or the Urban Planning Area Boundary:
 - 1. The CITY or COUNTY, whichever jurisdiction originates the proposal, shall submit a formal request for amendment to the responding agency.
 - 2. The formal request shall contain the following:
 - a. A statement describing the amendment.
 - b. A statement of findings indicating why the proposed amendment is necessary.
 - c. If the request is to amend the planning area boundary, a map that clearly indicates the proposed change and surrounding area.
 - 3. Upon receipt of a request for amendment from the originating agency, the responding agency shall schedule a review of the request before the appropriate reviewing body, with said review to be held within forty-five (45) days of the date the request is received.

4. The CITY and COUNTY shall make good faith efforts to resolve requests to amend this agreement. Upon completion of the review, the reviewing body may approve the request, deny the request, or make a determination that the proposed amendment warrants additional review. If it is determined that additional review is necessary, the following procedures shall be followed by the CITY and COUNTY:
 - a. If inconsistencies noted by both parties cannot be resolved in the review process as outlined in Section V. A. (3), the CITY and the COUNTY may agree to initiate a joint study. Such a study shall commence within thirty (30) days of the date it is determined that a proposed amendment creates an inconsistency, and shall be completed within ninety (90) days of said date. Methodologies and procedures regulating the conduct of the joint study shall be mutually agreed upon by the CITY and the COUNTY prior to commencing the study.
 - b. Upon completion of the joint study, the study and the recommendations drawn from it shall be included within the record of the review. The agency considering the proposed amendment shall give careful consideration to the study prior to making a final decision.
 - B. The parties will jointly review this Agreement periodically, or as needed, to evaluate the effectiveness of the processes set forth herein and to make any necessary amendments. Both parties shall make a good faith effort to resolve any inconsistencies that may have developed since the previous review. If, after completion of a sixty (60) day review period inconsistencies still remain, either party may terminate this Agreement.
 - C. Any boundary changes due to annexation into the CITY or updates to the UGB are automatic and do not require an amendment to “Exhibit A”.
- VI. This Agreement shall become effective upon full execution by the COUNTY and the CITY and shall then repeal and replace the Washington County-Sherwood Urban Planning Area Agreement effective March 3, 2010. The effective date of this Agreement shall be the last date of signature on the signature page.

IN WITNESS WHEREOF the parties have executed this Urban Planning Area Agreement on the date set opposite their signatures.

CITY OF SHERWOOD

By  Date 10/17/17
~~Mayor~~ Jennifer Harris, Council President

Approved as to Form:

By  Date 10/23/17
City Attorney

By  Date 10/23/2017
City Recorder

WASHINGTON COUNTY

By  Date 11-7-17
Andy Duyck
Chair, Board of Commissioners RO 17-99 9-26-17

Approved as to Form:

By  Date 11/3/17
County Counsel

By _____ Date _____
Recording Secretary

City of Sherwood
Urban Planning Area
Washington County - Sherwood
Urban Planning Area Agreement
Exhibit A

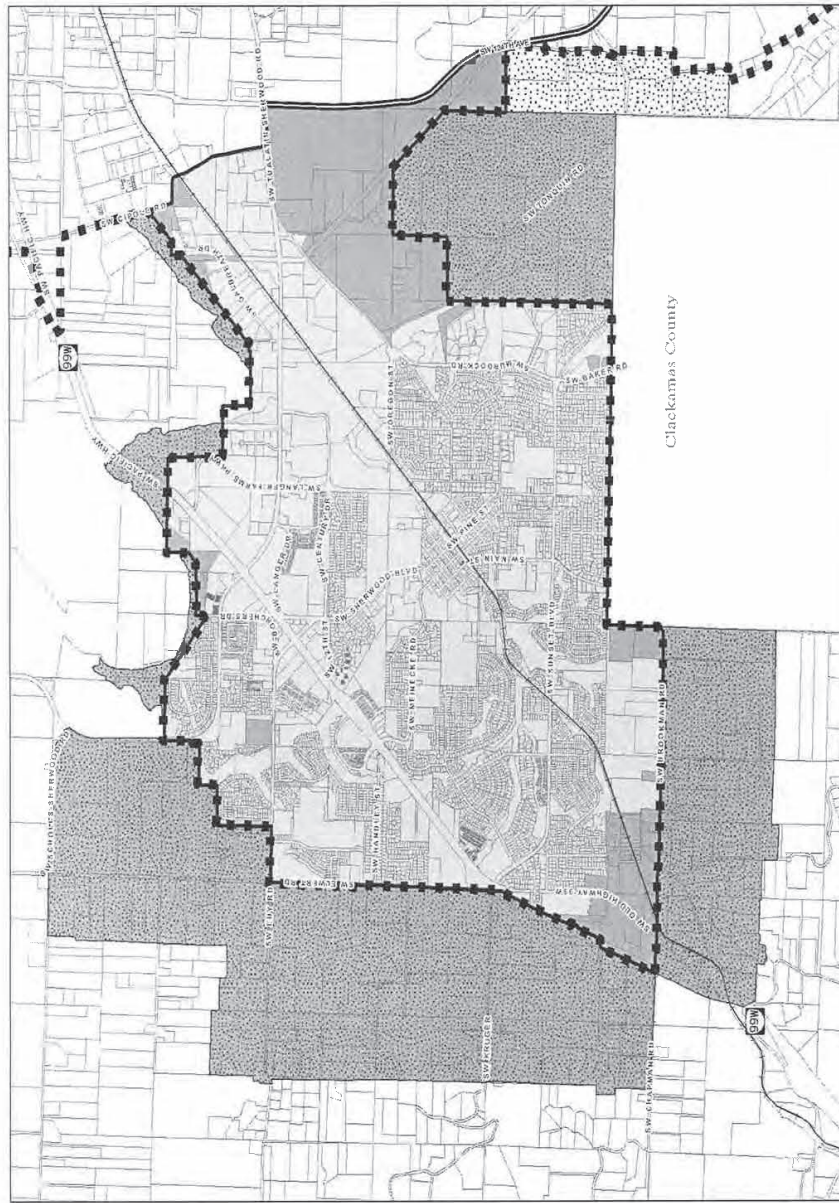


Exhibit L: Public Notice Information

ALLIED SYSTEMS COMPANY	21433 SW OREGON ST	SHERWOOD	OR	97140
AR VIAL ASSOCIATES PC & VIAL A NICOLAS & VIAL A NICOLAS	12840 SW RIVER RD	HILLSBORO	OR	97123
AREC 24 LLC	PO BOX 29046	PHOENIX	AZ	85038
BULLFROG LLC	12019 S HONAH LEE CT	PHOENIX	AZ	85044
BULLOCK PROPERTIES LLC	15975 SW SPRINGTOOTH LN	SHERWOOD	OR	97140
CASCADE CIVIL DEVELOPMENT INC	395 SHENANDOAH LN NE	WOODBURN	OR	97071
CASCADE CIVIL DEVELOPMENT INC	395 SHENANDOAH LN NE	WOODBURN	OR	97071
CHAVEZ ALAN J & CHAVEZ DEANNA	22414 SW HALL ST	SHERWOOD	OR	97140
CIPOLE LLC	2151 MICHELSON DR STE 282	IRVINE	CA	92612
DAHLKE LANE PROPERTIES LLC	PO BOX 1659	HILLSBORO	OR	97123
DAHLKE LANE LAND COMPANY LLC	24925 GARDEN ACRES RD	SHERWOOD	OR	97140
DAHLKE LANE LAND COMPANY II LLC	24925 SW GARDEN ACRES RD	SHERWOOD	OR	97140
ENDICOTT RONALD L	PO BOX 261	TUALATIN	OR	97062
ENDICOTT RONALD LESLIE & PEGGY ANN KERN FAM TR	21050 SW DAHLKE LN	SHERWOOD	OR	97140
ENDICOTT WOODS ENTERPRISES INC	PO BOX 1537	TUALATIN	OR	97062
HEINTZ CURTIS & HEINTZ DEBRA L	PO BOX 1105	SHERWOOD	OR	97140
J & L RINK LLC	21433 SW OREGON ST	SHERWOOD	OR	97140
JEN BURLEY-BLACKFOOT LLC	15 82ND DR STE 210	GLADSTONE	OR	97027
LEICHNER TRUST	PO BOX 820	SHERWOOD	OR	97140
LIZARRAGA ULDO GEOVANNI	4887 NW MCLOUGHLIN DR	YAMHILL	OR	97148
MCLELLAN ESTATE CO	707 OLD COUNTY RD	BELMONT	CA	94002
NORTHSTAR CHEMICAL INC	14200 SW TUALATIN SHERWOOD RD BLDG B	SHERWOOD	OR	97140
NSA PROPERTY HOLDINGS LLC	5005 MEADOWS RD STE 420	LAKE OSWEGO	OR	97035
OREGON ASPHALTIC PAVING LLC	PO BOX 4810	TUALATIN	OR	97062
OREGON ASPHALTIC PAVING LLC	PO BOX 4810	TUALATIN	OR	97062
ORWA SHERWOOD LLC	8320 NE HIGHWAY 99	VANCOUVER	WA	98665
PLD USLV TUALATIN IC LLC	1800 WAZEE ST, STE 500	DENVER	CO	80202
PRIDE PROPERTIES INVESTMENTS LLC	PO BOX 820	SHERWOOD	OR	97140
PRIDE WEST LLC	PO BOX 820	SHERWOOD	OR	97140
PRIDE WEST LLC	PO BOX 820	SHERWOOD	OR	97140
PRIDE EAST LLC	PO BOX 820	SHERWOOD	OR	97140
R & H PROPERTIES LLC	PO BOX 1105	SHERWOOD	OR	97140
SHERWOOD CITY OF	22560 SW PINE ST	SHERWOOD	OR	97140
SHERWOOD COMMERCE CENTER LLC	1121 SW SALMON ST, STE 500	PORTLAND	OR	97205
SHERWOOD CITY OF	22560 SW PINE ST	SHERWOOD	OR	97140
SHERWOOD CITY OF URBAN RENEWAL AGENCY	22560 SW PINE ST	SHERWOOD	OR	97140
SHERWOOD CITY OF URBAN RENEWAL AGENCY	22560 SW PINE ST	SHERWOOD	OR	97140
SHERWOOD CITY OF	22560 SW PINE ST	SHERWOOD	OR	97140
SHERWOOD COMMERCE CENTER LLC	1121 SW SALMON ST, STE 500	PORTLAND	OR	97205
THREAT DYNAMICS LLC	23888 PRICE CREEK RD	PHILOMATH	OR	97370
TUALATIN CITY OF DEVELOPMENT COMMISSION	18880 SW MARTINAZZI AVE	TUALATIN	OR	97062
TUALATIN VALLEY SPORTSMENS CLUB	7430 SW VARNS ST	TIGARD	OR	97223
TUALATIN VALLEY SPORTSMENS CLUB	7430 SW VARNS ST	TIGARD	OR	97223
TYBERG PROPERTIES LLC	21000 SW DAHLKE LN	SHERWOOD	OR	97140
UNITED STATES OF AMERICA DEPT OF INTERIOR	911 NE 11TH AVE	PORTLAND	OR	97232
WETZEL GLEN T	PO BOX 3451	TUALATIN	OR	97062
WILLAMETTE WATER SUPPLY SYSTEM COMMISSION	1850 SW 170TH AVE	BEAVERTON	OR	97003
WILSHIRE SHERWOOD OWNER LLC	100 WILSHIRE BLVD STE 940	SANTA MONICA	CA	90401
WILSHIRE SHERWOOD OWNER LLC	100 WILSHIRE BLVD STE 940	SANTA MONICA	CA	90401
WILSHIRE SHERWOOD OWNER LLC	100 WILSHIRE BLVD STE 940	SANTA MONICA	CA	90401
WILSHIRE SHERWOOD OWNER LLC	100 WILSHIRE BLVD STE 940	SANTA MONICA	CA	90401
WILSHIRE SHERWOOD OWNER LLC	100 WILSHIRE BLVD STE 940	SANTA MONICA	CA	90401
WILSHIRE SHERWOOD OWNER LLC	100 WILSHIRE BLVD STE 940	SANTA MONICA	CA	90401
WIRKKALA JEFFREY G & WIRKKALA JAYNIE A	30905 NE MICHAEL RD	NEWBERG	OR	97132
WOODS CINDY R	PO BOX 1488	SHERWOOD	OR	97140
ALLIED SYSTEMS COMPANY	21433 SW OREGON ST	SHERWOOD	OR	97140

AR VIAL ASSOCIATES PC & VIAL A
 NICOLAS & VIAL A NICHOLAS ET AL
 12840 SW RIVER RD
 HILLSBORO, OR 97123

AREC 24 LLC
 PO BOX 29046
 PHOENIX, AZ 85038

BULLFROG LLC
 12019 S HONAH LEE CT
 PHOENIX, AZ 85044

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 15975 SW SPRINGTOOTH LN
 SHERWOOD, OR 97140

CASCADE CIVIL DEVELOPMENT
 INC
 395 SHENANDOAH LN NE
 WOODBURN, OR 97071

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 DEANNA
 22414 SW HALL ST
 SHERWOOD, OR 97140

CIPOLE LLC
 2151 MICHELSON DR STE 282
 IRVINE, CA 92612

DAHLKE LANE PROPERTIES LLC
 PO BOX 1659
 HILLSBORO, OR 97123

DAHLKE LANE LAND COMPANY
 LLC
 24925 GARDEN ACRES RD
 SHERWOOD, OR 97140

DAHLKE LANE LAND COMPANY II
 LLC
 24925 SW GARDEN ACRES RD
 SHERWOOD, OR 97140

ENDICOTT RONALD L
 PO BOX 261
 TUALATIN, OR 97062

ENDICOTT RONALD LESLIE &
 PEGGY ANN KERN FAM TRUST
 21050 SW DAHLKE LN
 SHERWOOD, OR 97140

ENDICOTT WOODS ENTERPRISES
 INC
 PO BOX 1537
 TUALATIN, OR 97062

HEINTZ CURTIS & HEINTZ DEBRA L
 PO BOX 1105
 SHERWOOD, OR 97140

J & L RINK LLC
 21433 SW OREGON ST
 SHERWOOD, OR 97140

JEN BURLEY-BLACKFOOT LLC
 15 82ND DR STE 210
 GLADSTONE, OR 97027

LEICHNER TRUST
 PO BOX 820
 SHERWOOD, OR 97140

LIZARRAGA ULDO GEOVANNI
 4887 NW MCLOUGHLIN DR
 YAMHILL, OR 97148

MCLELLAN ESTATE CO
 707 OLD COUNTY RD
 BELMONT, CA 94002

NORTHSTAR CHEMICAL INC
 14200 SW TUALATIN SHERWOOD
 RD BLDG B
 SHERWOOD, OR 97140

NSA PROPERTY HOLDINGS LLC
 5005 MEADOWS RD STE 420
 LAKE OSWEGO, OR 97035

OREGON ASPHALTIC PAVING LLC
 PO BOX 4810
 TUALATIN, OR 97062

OREGON ASPHALTIC PAVING LLC
 PO BOX 4810
 TUALATIN, OR 97062

ORWA SHERWOOD LLC
 8320 NE HIGHWAY 99
 VANCOUVER, WA 98665

PLD USLV TUALATIN IC LLC
 1800 WAZEE ST, STE 500
 DENVER, CO 80202

PRIDE PROPERTIES INVESTMENTS
 LLC
 PO BOX 820
 SHERWOOD, OR 97140

PRIDE WEST LLC
 PO BOX 820
 SHERWOOD, OR 97140

PRIDE WEST LLC
 PO BOX 820
 SHERWOOD, OR 97140

PRIDE EAST LLC
 PO BOX 820
 SHERWOOD, OR 97140

R & H PROPERTIES LLC
 PO BOX 1105
 SHERWOOD, OR 97140

SHERWOOD COMMERCE CENTER
 LLC
 1121 SW SALMON ST, STE 500
 PORTLAND, OR 97205

TUALATIN CITY OF DEVELOPMENT
 COMMISSION
 18880 SW MARTINAZZI AVE
 TUALATIN, OR 97062

SHERWOOD COMMERCE CENTER
 LLC
 1121 SW SALMON ST, STE 500
 PORTLAND, OR 97205

THREAT DYNAMICS LLC
 23888 PRICE CREEK RD
 PHILOMATH, OR 97370

TYBERG PROPERTIES LLC
 21000 SW DAHLKE LN
 SHERWOOD, OR 97140

TUALATIN VALLEY SPORTSMENS
 CLUB
 7430 SW VARNIS ST
 TIGARD, OR 97223

TUALATIN VALLEY SPORTSMENS
 CLUB
 7430 SW VARNIS ST
 TIGARD, OR 97223

UNITED STATES OF AMERICA DEPT
 OF INTERIOR
 911 NE 11TH AVE
 PORTLAND, OR 97232

WETZEL GLEN T
 PO BOX 3451
 TUALATIN, OR 97062

WILLAMETTE WATER SUPPLY
 SYSTEM COMMISSION
 1850 SW 170TH AVE
 BEAVERTON, OR 97003

WILSHIRE SHERWOOD OWNER
 LLC
 100 WILSHIRE BLVD STE 940
 SANTA MONICA, CA 90401

WILSHIRE SHERWOOD OWNER
 LLC
 100 WILSHIRE BLVD STE 940
 SANTA MONICA, CA 90401

WILSHIRE SHERWOOD OWNER
 LLC
 100 WILSHIRE BLVD STE 940
 SANTA MONICA, CA 90401

WILSHIRE SHERWOOD OWNER
 LLC
 100 WILSHIRE BLVD STE 940
 SANTA MONICA, CA 90401

WILSHIRE SHERWOOD OWNER
 LLC
 100 WILSHIRE BLVD STE 940
 SANTA MONICA, CA 90401

WILSHIRE SHERWOOD OWNER
 LLC
 100 WILSHIRE BLVD STE 940
 SANTA MONICA, CA 90401

WIRKKALA JEFFREY G & WIRKKALA
 JAYNIE A
 30905 NE MICHAEL RD
 NEWBERG, OR 97132

WOODS CINDY R
 PO BOX 1488
 SHERWOOD, OR 97140

ALLIED SYSTEMS COMPANY
 21433 SW OREGON ST
 SHERWOOD, OR 97140



ORDINANCE 2024-006

APPROVING ANNEXATION OF 38.63 ACRES TO THE CITY OF SHERWOOD AND CLEAN WATER SERVICES WITHIN THE TONQUIN EMPLOYMENT AREA, COMPRISED OF FIVE TAX LOTS AND CITY OF SHERWOOD AND BPA RIGHTS-OF-WAY AND DECLARING AN EMERGENCY

WHEREAS, the property owners of 21370 SW Oregon Street (Tax Map 2S128C / Lot 700) and 21680, 21700, 21775, 21825 SW Dahlke Lane (Tax Map 2S1 28D / Lots 600, 602, 700, and 800), City of Sherwood and BPA rights-of-way have applied for annexation of certain lands, as described Exhibits A, B, C, & D to this Ordinance, to the City of Sherwood and Clean Water Services; and

WHEREAS, the property owners 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 lots (the territory) that are proposed to be annexed is contiguous to the current city limits; and

WHEREAS, the total land proposed to be annexed to the City of Sherwood is 38.63 acres which includes parcels and adjacent rights-of-way; and

WHEREAS, the subject territory is not currently within Clean Water Services boundaries and will be added to the Clean Water Services district boundary upon annexation under the authority of ORS 199.510(2)(c); 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 urban 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, a public hearing was held on the proposed annexation by the City Council on December 3, 2024, 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; and

WHEREAS, Section 17 of the Sherwood City Charter allows ordinances to take effective immediately upon passage with a unanimous vote of the council; and

WHEREAS, Staff has recommended adopting the ordinance as an emergency to ensure the City's Ice Age Drive construction project stays on schedule and does not forego the spring construction season.

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

Section 1. The territory proposed to be annexed to the City of Sherwood is specifically identified in a legal description (Exhibit A) and map (Exhibit B), and the territory proposed to be annexed to Clean Water Services is specifically identified in a separate legal description (Exhibit C) and map (Exhibit D), each of which are attached to this Ordinance.

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

Section 3. The applicant has demonstrated that the annexation all of the territory proposed to be annexed 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 all of 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, all of the annexed territory will be withdrawn from the Washington County Service Districts for Enhanced Law Enforcement.
- Section 6.** All of the territory proposed to be annexed is hereby declared annexed to the City of Sherwood.
- Section 7.** An emergency is declared pursuant to Section 17 of the Sherwood City Charter.
- Section 8.** This Ordinance shall become effective immediately upon passage.

Duly passed by the City Council this 3rd of December 2024.

Tim Rosener, Mayor

Date

Attest:

Sylvia Murphy, MMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Standke	_____	_____
Giles	_____	_____
Scott	_____	_____
Mays	_____	_____
Brouse	_____	_____
Young	_____	_____
Rosener	_____	_____



EXHIBIT "A"

Tonquin Employment Area Annexation
City of Sherwood
July 30, 2024

Tax Maps 2S128C and 2S128D

PARCEL 1

A tract of land lying in the South Half of Section 28, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, described as follows:

Beginning at the South quarter corner of Section 28, Township 2 South, Range 1 West, Willamette Meridian; thence North 0°07'50" East along the East line of the Southeast quarter of the Southwest quarter of said Section 28, a distance of 1326.63 feet to the Northeast corner of the said quarter-quarter; thence North 0°03'38" West along the East line of the Northeast quarter of the Southwest quarter, a distance of 198.53 feet to a point on the Southwesterly boundary of that Bonneville Power Administration tract described in Book 180, Page 501, Washington County Book of Records; thence North 44°32'33" West along said Southwesterly boundary a distance of 706.70 feet to a point on the center line of S.W. Oregon Street (County Road No. 492); thence North 41°28'45" East along said center line a distance of 100.24 feet, more or less, to a point on the Northeasterly boundary of said Bonneville Power Administration tract; thence South 44°32'33" East along said Northeasterly boundary a distance of 611.83 feet to a point on said East line of the Northeast quarter of the Southwest quarter; thence North 0°03'38" West along said East line a distance of 375.67 feet, more or less, to a point on the Southerly boundary of that property described in Document No. 2013-106185, Washington County Book of Records, also being a point on the Southerly annexation boundary described in Annexation Proposal No. 3735; thence South 65°30'00" East, more or less, along said Southerly annexation boundary a distance of 13.74 feet, more or less, to a point on the center line of S.W. Dahlke Lane whose right-of-way is described as a 25.00 foot wide strip of land in Book 179, Page 471, Washington County Book of Records; thence North 0°03'38" West along said center line of S.W. Dahlke Lane a distance of 468.07 feet, more or less, to a point on the center line of County Road No. 492; thence North 47°32'40" East, more or less, along said center line of County Road No. 492 a distance of 16.90 feet, more or less, to a point on the Northerly extension of the East line of said S.W. Dahlke Lane right-of-way; thence South 0°03'38" East, along said Northerly extension and said East line, a distance of 528.84 feet, more or less, to a point on the South line of that property described in Document No. 2018-085434, Washington County Book of Records; thence North 89°33'10" East along said South line of said property a distance of 15.00 feet to a point on the Easterly right-of-way of the 40.00 foot wide S.W. Dahlke Lane; thence South 0°03'38" East along said Easterly right-of-way a distance of 313.98 feet; thence South 70°50'35" East a distance of 125.22 feet; thence South 41°07'35"



East a distance of 173.46 feet; thence South 17°39'06" East a distance of 173.28 feet to a point on the Northeasterly boundary of said Bonneville Power Administration tract; thence South 44°32'33" East along said Northeasterly boundary a distance of 102.04 feet to a point on the Northerly boundary of that property described in Document No. 2023-014259, Washington County Book of Records; thence North 89°26'07" East along said Northerly boundary a distance of 905.18 feet to a point on the Westerly boundary of Partition Plat No. 2019-029, Washington County Survey Records; thence South 0°04'06" East along said Westerly boundary a distance of 931.12 feet to a 1-1/8" Ford axle being the Southwest corner of said Partition Plat; thence South 89°26'02" West through the said Bonneville Power Administration tract and along a portion of the Southerly boundary of that property described in Document No. 2023-040577, Washington County Book of Records, a distance of 693.22 feet to a point on the Westerly right-of-way of said S.W. Dahlke Lane; thence North 34°44'06" West along said Westerly right-of-way a distance of 139.66 feet to a point on the Northwesterly boundary of that property described in Document No. 2016-001001, Washington County Book of Records; thence South 49°45'43" West along said Northwesterly boundary a distance of 697.75 feet to the Point of Beginning.

This tract of land contains 33.52 acres, more or less.

The bearings of this description were established on Record of Survey No. 34604, Washington County Survey Records.

PARCEL 2

A tract of land lying in the Northeast quarter of the Southwest quarter of Section 28, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, described as follows:

Beginning at a point on the North line of the Southeast quarter of the Southwest quarter, said point lying South 89°11'33" West 205.37 feet from the Northeast corner of said quarter-quarter; thence South 89°11'33" West along said North line and the Southerly boundary of that property described in Document No. 2022-059410, Washington County Book of Records, a distance of 844.49 feet to a point on the Southeasterly Right-of-Way of S.W. Oregon Street (37.00 feet from center line); thence North 51°26'34" West a distance of 37.00 feet to said center line; thence North 38°33'26" East along said center line a distance of 418.10 feet to a point of curvature; thence continuing along said center line on a curve to the right with a radius of 1312.33 feet (the long chord of which bears North 40°01'05" East 66.92 feet) a distance of 66.93 feet to a point of tangency; thence North 41°28'45" East continuing along said center line a distance of 133.26 feet; thence leaving said center line South 44°32'33" East along the Northeasterly boundary of said Document No. 2022-059410 a distance of 686.37 feet to the Point of Beginning.



This parcel of land contains 5.11 acres, more or less.

The bearings of this description were established on Record of Survey No. 34604, Washington County Survey Records.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

DIGITALLY SIGNED 2024.10.17
08:52:41-07'00'

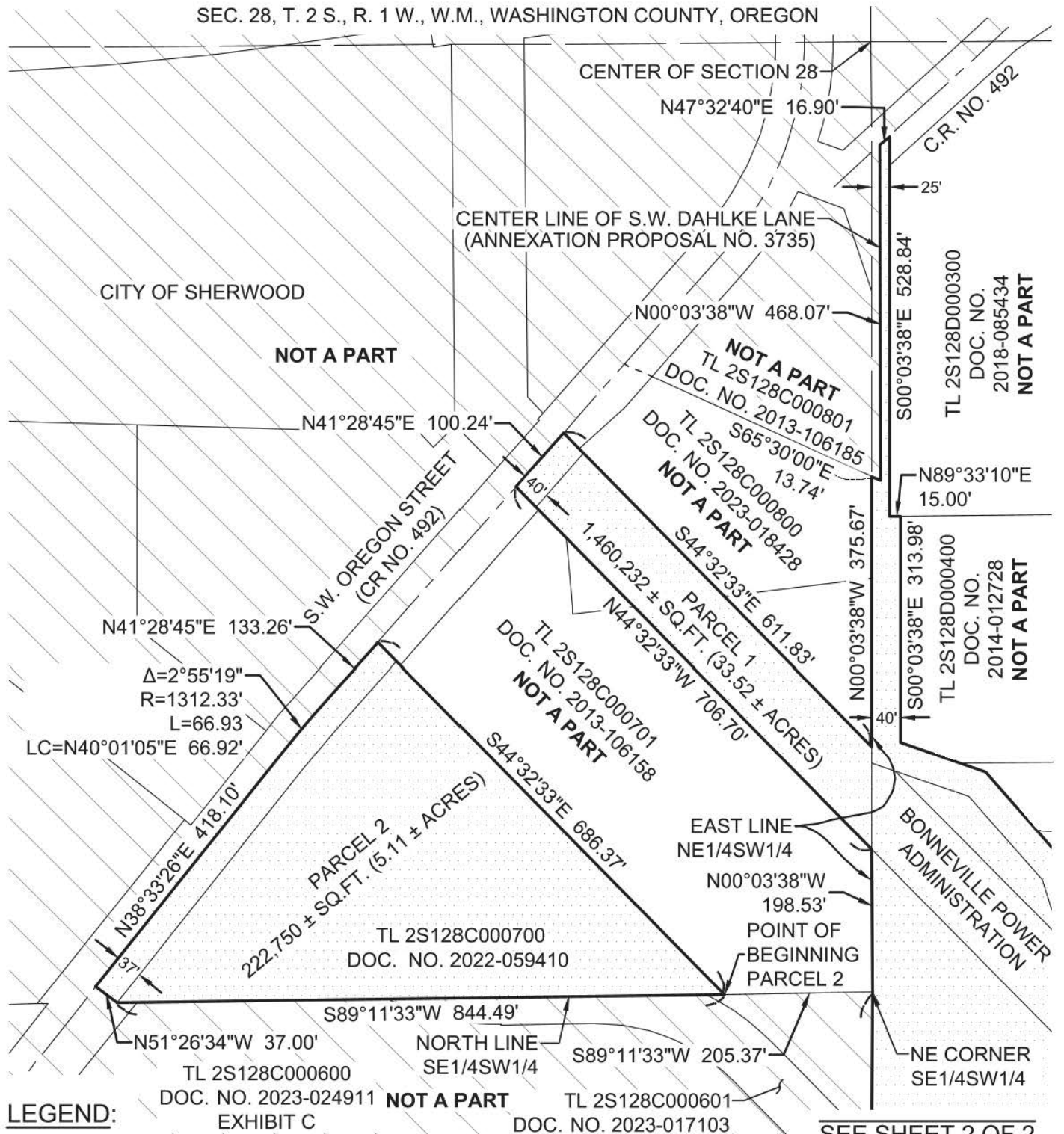
OREGON
JULY 13, 2021
KEITH LYMAN
94803

RENEWS: 12/31/2024

EXHIBIT "B"

SHEET 1 OF 2

SEC. 28, T. 2 S., R. 1 W., W.M., WASHINGTON COUNTY, OREGON



LEGEND:

- CITY OF SHERWOOD
- PROPOSED ANNEXATION



SEE SHEET 2 OF 2

SCALE: 1" = 200'

TONQUIN EMPLOYMENT AREA ANNEXATION
CITY OF SHERWOOD

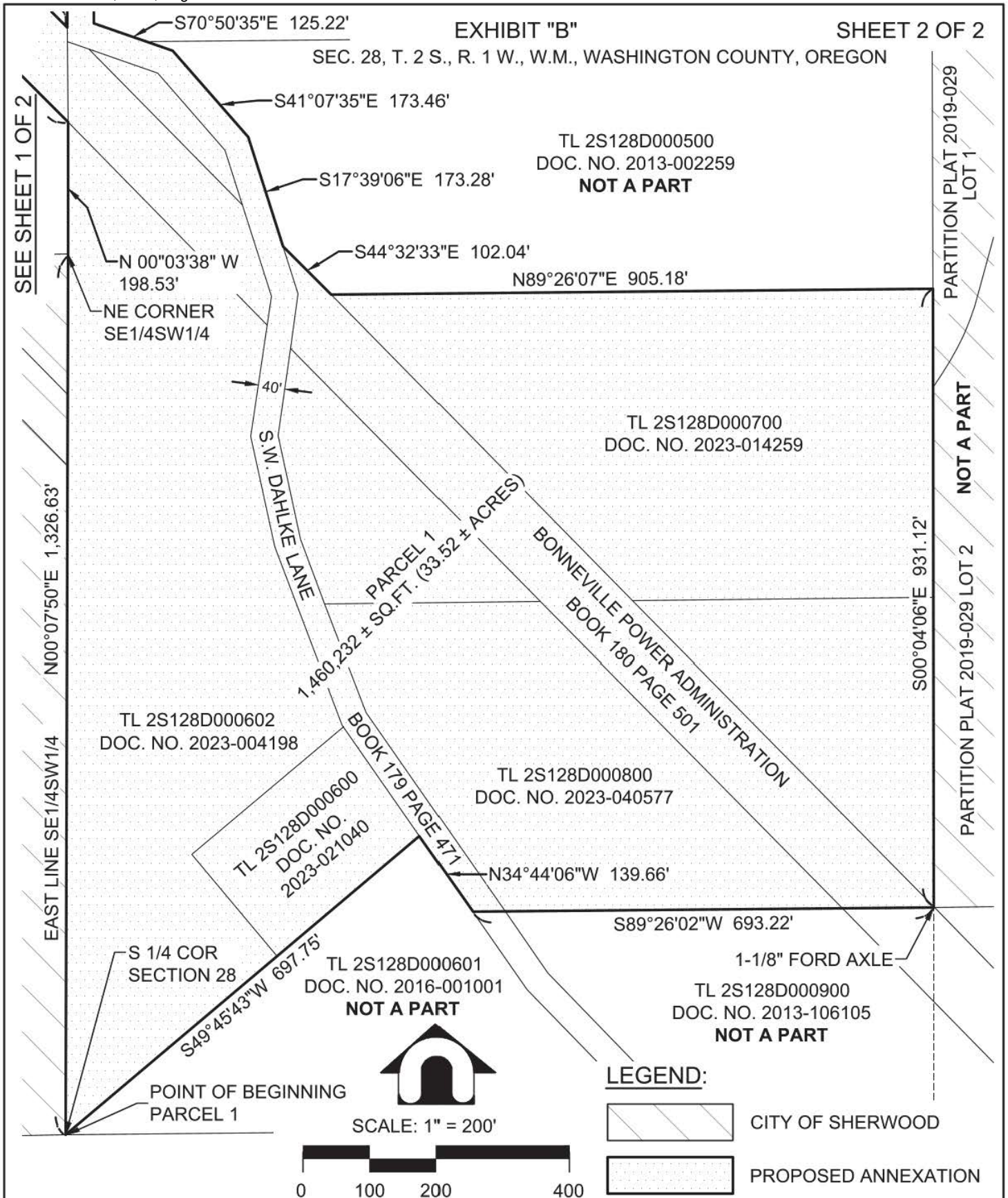
FILE NO: ANX 01	SUBMITTAL DATE: 07/30/2024
TAX LOT: -	REVISED DATE: 10/16/2024
TAX MAP: -	ADDRESS: -NA-



**DAVID EVANS
AND ASSOCIATES INC.**

2100 S River Parkway, Suite 100
Portland Oregon 97201
Phone: 503.223.6663

299



**TONQUIN EMPLOYMENT AREA ANNEXATION
CITY OF SHERWOOD**

FILE NO: ANX 01	SUBMITTAL DATE: 07/30/2024
TAX LOT: -	REVISED DATE: 10/16/2024
TAX MAP: -	ADDRESS: -NA-



**DAVID EVANS
AND ASSOCIATES INC.**

2100 S River Parkway, Suite 100
Portland Oregon 97201
Phone: 503.223.6663

300



EXHIBIT "C"

Tonquin Employment Area Annexation
Clean Water Services
July 30, 2024

Tax Maps 2S128C and 2S128D

PARCEL 1

A tract of land lying in the South Half of Section 28, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, described as follows:

Beginning at the South quarter corner of Section 28, Township 2 South, Range 1 West, Willamette Meridian; thence North 0°07'50" East along the East line of the Southeast quarter of the Southwest quarter of said Section 28, a distance of 1326.63 feet to the Northeast corner of the said quarter-quarter; thence North 0°03'38" West along the East line of the Northeast quarter of the Southwest quarter, a distance of 198.53 feet to a point on the Southwesterly boundary of that Bonneville Power Administration tract described in Book 180, Page 501, Washington County Book of Records; thence North 44°32'33" West along said Southwesterly boundary a distance of 706.70 feet to a point on the center line of S.W. Oregon Street (County Road No. 492); thence North 41°28'45" East along said center line a distance of 100.24 feet, more or less, to a point on the Northeasterly boundary of said Bonneville Power Administration tract; thence South 44°32'33" East along said Northeasterly boundary a distance of 611.83 feet to a point on said East line of the Northeast quarter of the Southwest quarter; thence North 0°03'38" West along said East line a distance of 375.67 feet, more or less, to a point on the Southerly boundary of that property described in Document No. 2013-106185, Washington County Book of Records, also being a point on the Southerly annexation boundary described in Annexation Proposal No. 3735; thence South 65°30'00" East, more or less, along said Southerly annexation boundary a distance of 13.74 feet, more or less, to a point on the center line of S.W. Dahlke Lane whose right-of-way is described as a 25.00 foot wide strip of land in Book 179, Page 471, Washington County Book of Records; thence North 0°03'38" West along said center line of S.W. Dahlke Lane a distance of 468.07 feet, more or less, to a point on the center line of County Road No. 492; thence North 47°32'40" East, more or less, along said center line of County Road No. 492 a distance of 16.90 feet, more or less, to a point on the Northerly extension of the East line of said S.W. Dahlke Lane right-of-way; thence South 0°03'38" East, along said Northerly extension and said East line, a distance of 528.84 feet, more or less, to a point on the South line of that property described in Document No. 2018-085434, Washington County Book of Records; thence North 89°33'10" East along said South line of said property a distance of 15.00 feet to a point on the Easterly right-of-way of the 40.00 foot wide S.W. Dahlke Lane; thence South 0°03'38" East along said Easterly right-of-way a distance of 313.98 feet; thence South 70°50'35" East a distance of 125.22 feet; thence South 41°07'35"



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This tract of land contains 33.52 acres, more or less.

The bearings of this description were established on Record of Survey No. 34604, Washington County Survey Records.

PARCEL 2

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REGISTERED
PROFESSIONAL
LAND SURVEYOR

DIGITALLY SIGNED 2024.10.17
08:52:14-07'00'

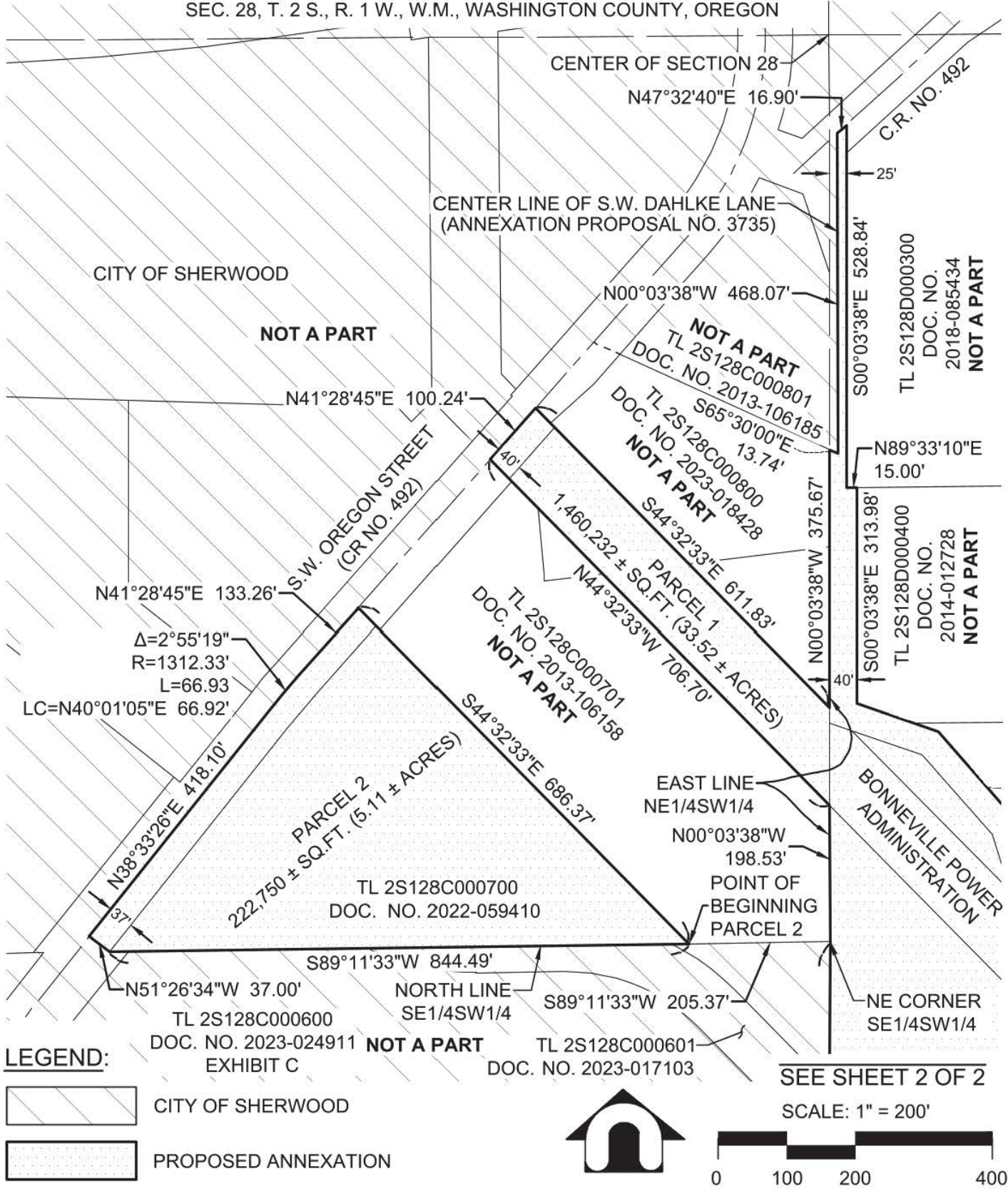
OREGON
JULY 13, 2021
KEITH LYMAN
94803

RENEWS: 12/31/2024

EXHIBIT "D"

SHEET 1 OF 2

SEC. 28, T. 2 S., R. 1 W., W.M., WASHINGTON COUNTY, OREGON



TONQUIN EMPLOYMENT AREA ANNEXATION
CLEAN WATER SERVICES



DAVID EVANS
AND ASSOCIATES INC.

2100 S River Parkway, Suite 100
Portland Oregon 97201
Phone: 503.223.6663

FILE NO: ANX 01	SUBMITTAL DATE: 07/30/2024
TAX LOT: -	REVISED DATE: 10/16/2024
TAX MAP: -	ADDRESS: -NA-

EXHIBIT "D"

SHEET 2 OF 2

SEC. 28, T. 2 S., R. 1 W., W.M., WASHINGTON COUNTY, OREGON

TL 2S128D000500
DOC. NO. 2013-002259
NOT A PART

TL 2S128D000700
DOC. NO. 2023-014259

TL 2S128D000602
DOC. NO. 2023-004198

TL 2S128D000600
DOC. NO. 2023-021040

TL 2S128D000800
DOC. NO. 2023-040577

TL 2S128D000601
DOC. NO. 2016-001001
NOT A PART

TL 2S128D000900
DOC. NO. 2013-106105
NOT A PART

LEGEND:



CITY OF SHERWOOD



PROPOSED ANNEXATION

SCALE: 1" = 200'



TONQUIN EMPLOYMENT AREA ANNEXATION CLEAN WATER SERVICES

FILE NO: ANX 01	SUBMITTAL DATE: 07/30/2024
TAX LOT: -	REVISED DATE: 10/16/2024
TAX MAP: -	ADDRESS: -NA-



**DAVID EVANS
AND ASSOCIATES INC.**

2100 S River Parkway, Suite 100
Portland Oregon 97201
Phone: 503.223.6663

305

Sherwood City Council Meeting

Date: December 3, 2024

- List of Meeting Attendees: ✓
- Request to Speak Forms: ✓
- Documents submitted at meeting: ✓

Regular Session

- Handout & map from Jim Claus
- “Tonquin Employment Area Annexation Case File: LU 2024-019 AN” PowerPoint presentation from Senior Planner Joy Chang, Exhibit A

Sherwood City Council Meeting Date:

December 3, 2024

ATTENDANCE SHEET

NAME

ADDRESS

PHONE

<i>Curt</i>	<i>Shumard</i>	<i>NA</i>

In any City forum or meeting:

- Individuals may not impugn the character of anyone else, including but not limited to members of the community, the reviewing body, the staff, the applicant, or others who testify. Complaints about staff should be placed in writing and addressed to the City Manager. If requested by the complainant, they may be included as part of the public record. Complaints about the City Manager should be placed in writing and addressed to the Mayor. If requested by the complainant, they may be included as part of the public record.
- Comment time is 4 minutes with a Council-optional 1 minute Q & A follow-up.
- The Chair of a meeting may have the ability to modify meeting procedures on a case-by-case basis when especially complicated issues arise, or when the body is involved in extraordinary dialogue, but only after receiving the advice and majority consent of the body. The Chair may also cut short debate if, in his judgment, the best interests of the City would be served.
(Note: Written comments are encouraged, and may be submitted prior to the meeting by mail, or at the meeting. There is no limit to the length of written comment that may be submitted)

Persons who violate these rules may be asked to stop their comments by any member of the body. Comments beyond the 4-minute limit may not be included in the record of the meeting. Persons who impugn the character of anyone will be required to stop immediately. Their comments will not be included in the record of the meeting, and they will forfeit their remaining time. Any person who fails to comply with reasonable rules of conduct or who causes a disturbance may be asked or required to leave and upon failure to do so becomes a trespasser.

I have read and understood the Rules for Meetings in the City of Sherwood.

Name: R. J. CLAUG Date: Dec 3rd - 2024

Address: Sherwood

Telephone: N/A Email: Scene

I would like to speak to the Council regarding:

Subject: Comment (Comment) Community

Land Use Hearings, please indicate: In Favor of Application: _____ Opposed: _____

If you want to speak to Council both during a public hearing and during citizen comments, **please submit a separate form for each item.** Public hearing comments must be relevant to the matter before the Council.

Please give this form to the City Recorder prior to you addressing City Council. Thank you.

Rules for Meetings in the City of Sherwood

It is the purpose of these rules to promote common courtesy and civility in all meetings of the City of Sherwood. All who wish to speak should expect to be treated fairly and with respect. All who speak should reciprocate by focusing on the issue being considered, while respecting the opinions of those with whom they may disagree. This will enable our community to establish an environment wherein all issues and opinions may be fairly considered and decisions, though sometimes difficult, will be made in a spirit of mutual respect of all citizens, no matter their differences.

Public Hearings before the City Council and other Boards and Commissions shall follow the following procedure:

- Staff Report--15 minutes
- Applicant--30 minutes(to be split, at the discretion of the applicant, between presentation and rebuttal.)
- Proponents—5 minutes each (applicants may not also speak as proponents.)
- Opponents—5 minutes each
- Rebuttal—Balance of applicant time(see above)
- Close Public Hearing
- Staff Final Comments—15 minutes
- Questions of Staff/Discussion by Body—no limit
- Decision

(Note: Written comments are encouraged, and may be submitted prior to the hearing, at the hearing, or when the record is left open, after the hearing for a limited time. There is no limit to the length of written comment that may be submitted)

Appeals before the City Council and other Boards and Commissions shall follow the following procedure:

- Staff Report--15 minutes
- Applicant – 30 minutes (to be split, at the discretion of the applicant, between presentation and rebuttal.)
- Only those who previously went on the written or verbal record at the PC hearing may appear before Council.
- No one can pass their time to someone else
- Proponents—5 minutes each (applicants may not also speak as proponents.)
- Opponents—5 minutes each. Opponents who represent a neighborhood or business association have 15 minutes
- Appellants—30 minutes (to be divided if there are multiple appellants.)
- Rebuttal—Balance of applicant time (see above)
- Close Public Hearing
- Staff Final Comments—15 minutes
- Questions of Staff/Discussion by Body—no limit
- Decision

(Note: Written comments are encouraged, and may be submitted prior to the hearing, at the hearing, or when the record is left open, after the hearing for a limited time. There is no limit to the length of written comment that may be submitted)



Creekview Crossing

Smith Farms Estates

SW Elwert Rd

New
High
School

Elks Lodge

SHANNON

Home
CLAUS

CLAUS

ELKS

Sherwood High School

Sherwood Regional
Family YMCA

SW Elwert Rd

SW 99th / Sunset Blvd

SW 99th

TONQUIN EMPLOYMENT
AREA ANNEXATION
CASE FILE: LU 2024-019 AN

City Council – December 3, 2024
Agenda item 7C
Public Hearing



City of
Sherwood
Oregon

12/3/2024
Date

City Council
Gov. Body

Pub. Hearing
Agenda Item

A
Exhibit #

Ord. 2024-006

APPLICATION SUMMARY

Applicants: City of Sherwood with other property owners

Proposal: Annexation of ~38.63 acres to the City of Sherwood and Clean Water Services boundaries

Future Zoning: Employment Industrial (EI)

Procedures: Type V Legislative

Application materials available at:

<https://www.sherwoodoregon.gov/planning/project/lu-2024-019-tonquin-employment-area-annexation>

PUBLIC NOTICES / PUBLIC TESTIMONY / AGENCY COMMENTS



Agency / department comments

Routed to affected agencies on
October 21, 2024



Public notice

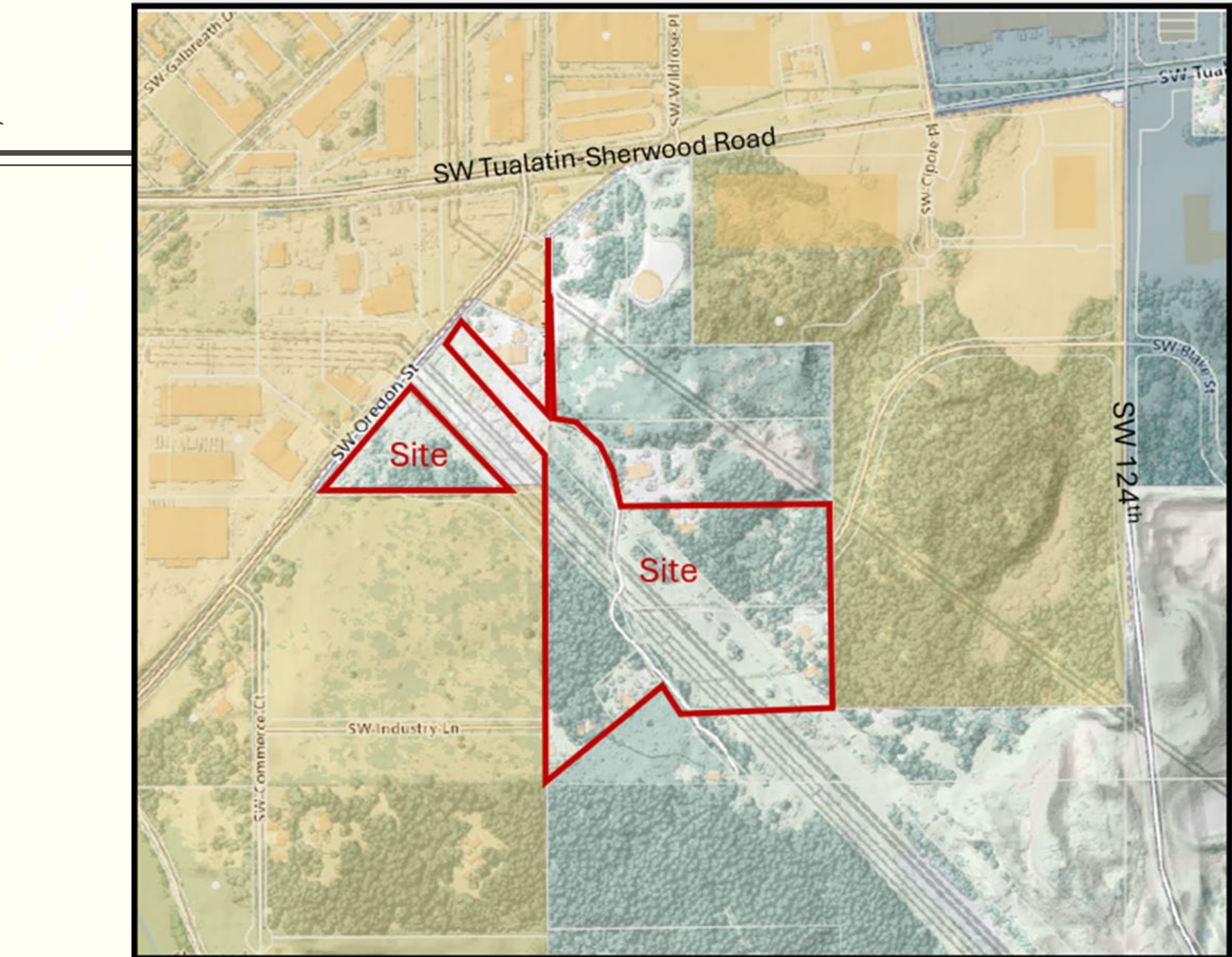
Mailed to property owners within 1,000 feet
Posted on the properties and in five
locations throughout the City
Published in the Times (a newspaper of
general circulation)

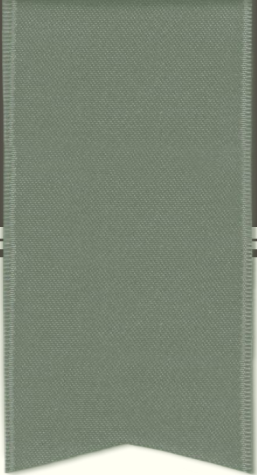


Public comments

No written public comments received

Location





Criteria

State Level

Senate Bill 1573 (ORS 222)

ORS 199.510(2)(c) – Service District Annexation

Regional Level

Metro (Chapter 3.09)

Local Level

Comprehensive Plan

State Criteria

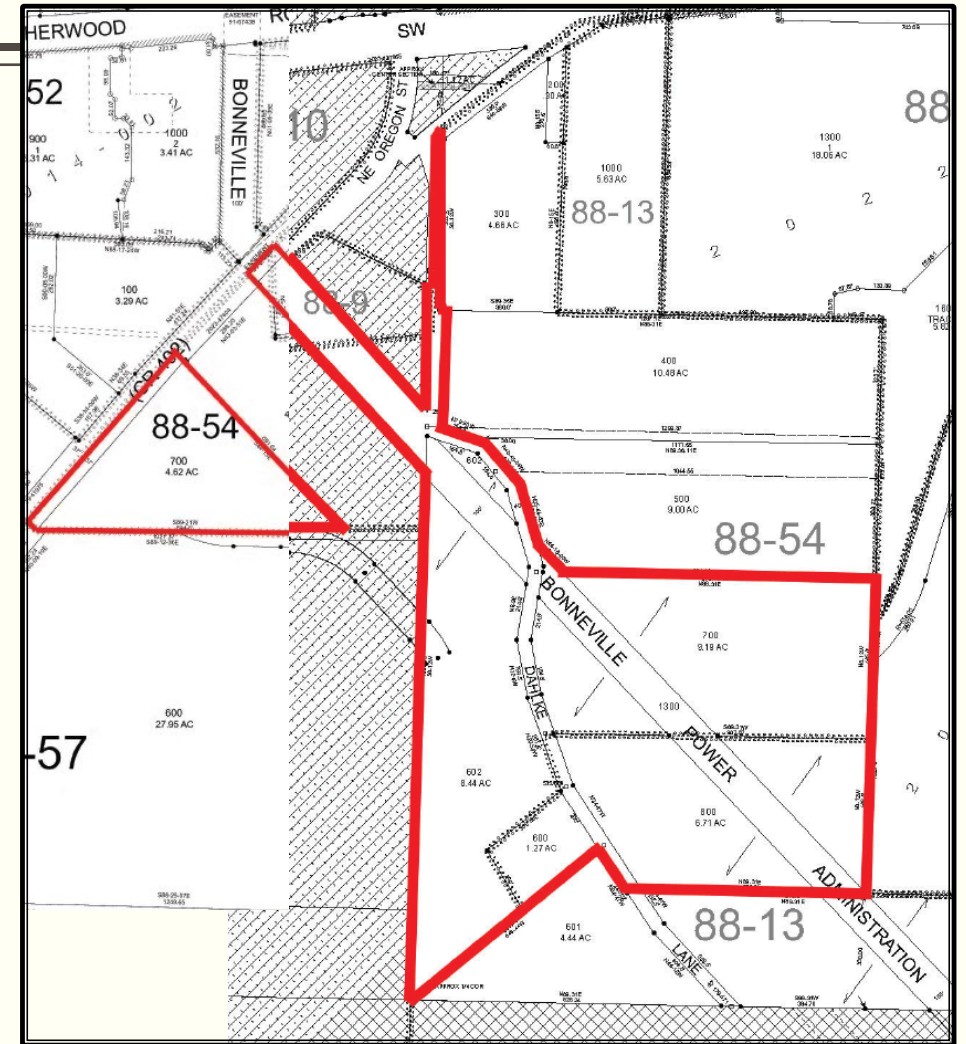
2016 Senate Bill 1573 (ORS 222)

- 100% of Ownership
- Within UGB
- Subject to a Comprehensive Plan
- Contiguous to City
- Conforms to all other City Ordinance

Note – In 2012 Sherwood voters authorized annexation of properties in the Tonquin Employment Area into the City subject to Council public hearing and approval

ORS 199.510(2)(c) – Clean Water Services Service District

(c) When a city receives services from a district and is part of that district, any territory thereafter annexed to the city shall be included in the boundaries of the district and shall be subject to all liabilities of the district in the same manner and to the same extent as other territory included in the district.



Regional Criteria – Metro (Chapter 3.09)

- Urban Services

- Water
- Sanitary Sewer
- Stormwater
- Parks and Recreation
- Transportation
- Fire
- Police



- Cause a Withdraw from another Boundary

- Washington County Enhanced Sheriff's Patrol District



Consistent with:

- Urban Service Agreement
- Other Agreements- CWS, TVF&R
- Facility Plan

Will the boundary:

- Promote Orderly Facilities
- Affect Urban Services
- Avoid Duplication of Services

Local Criteria – 2040 Comprehensive Plan

Strategic and Collaborative Governance (Governance and Growth Management)

Goal 3 - Ensure that the rate, amount, type, location and cost of new development will preserve and enhance Sherwood's quality of life so that it is accessible to all community members

Policy 3.4 Ensure annexation to the City occurs in an orderly and coordinated manner, and services are provided to support urban growth consistent with the 2040 Vision. Consider annexation proposals which meet the following criteria:

- a) The subject property must be located **within the Metro Urban Growth Boundary**.
- b) The subject property must be **contiguous** to the existing City limits or separated from it only by a public right of way.
- c) Right-of-way that is not within City limits may be annexed for **road reconstruction** or modification or for the placement of utilities.
- d) The proposed use for the site **complies with the Sherwood Comprehensive Plan** and with the designation(s) thereon. If a re-designation of the plan map is requested after an annexation is finalized, the uses allowed under the proposed designation must comply with the Comprehensive Plan.
- e) An **adequate level of urban services and infrastructure are available** or can be extended in a cost effective and efficient manner to the area.
- f) The proposed annexation represents a **logical direction for City expansion**, promotes an orderly, reasonable and economically feasible expansion of the City boundaries and, in the judgment of the City, serves the present and future interests of the City.
- g) Improvements for **needed infrastructure may be secured by a funding mechanism** that will place the primary economic burden on the territory proposed for annexation and not on the City of Sherwood generally.

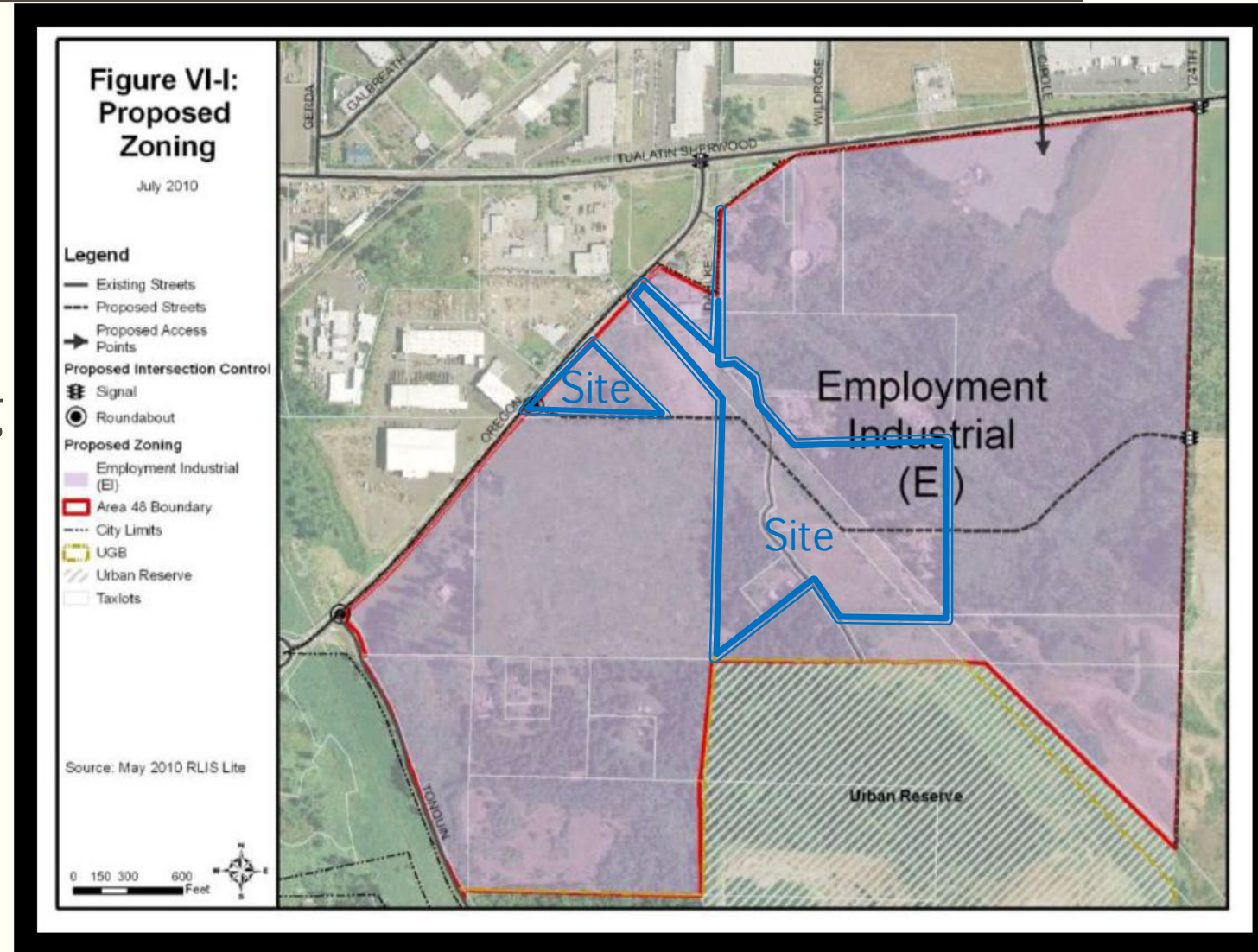
Policy 3.5 Require larger UGB expansion areas to complete concept plans that conform to local, regional and state requirements, include a phased development plan and reflect Sherwood's landform to achieve a sustainable transition over time. Concept plans shall strive to:

- Balance the needs of existing and new residents and businesses to ensure a sustainable tax base to deliver services.
- Consider a variety of housing and employment uses for each concept plan as an opportunity to provide walkable neighborhood services and efficient transportation alternatives.

Local Criteria – Tonquin Employment Area Concept Plan

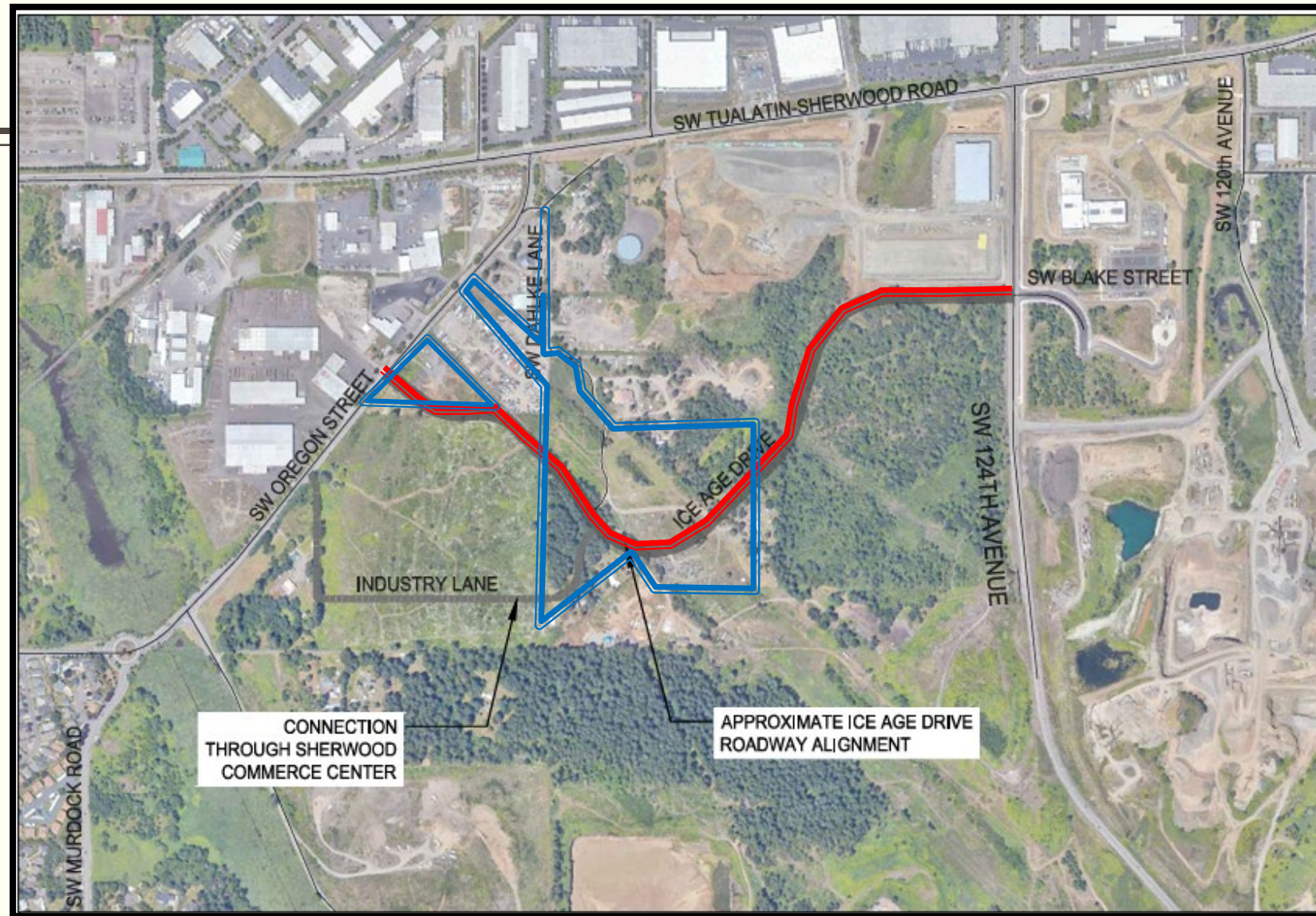
Tonquin Employment Area (TEA)

- Brought into the Sherwood UBG in 2004
- TEA Concept Plan was completed in 2010 that required the following
 - Amend the Code to include Employment Industrial (EI) zone
 - EI zone applies only to those properties within city limits or upon annexation
- Once annexed, EI zoning designation will be applied



SW Ice Age Drive

- Annexation will allow the construction of a new collector status roadway – SW Ice Age Drive
- 100% design and is expected to go to bid during the first quarter of 2025
- The annexation will allow the City to permit construction of Ice Age Drive subject to City land use and infrastructure requirements



Emergency Ordinance Request



Request to pass this ordinance as an emergency pursuant to Section 17 of the Sherwood City Charter

- Effective immediately
- Ensure that Ice Age Drive Project – stays on construction schedule
- Annexation is required to receive approval from DEQ for the City's erosion and grading control permit
- Annexation is also required for the City to permit the larger Ice Age Drive Project

Staff Recommendation

Based on the criteria in Senate Bill 1573 and ORS 199.510(2)(c), Metro annexation criteria and the City's policies in the Comprehensive Plan and Tonquin Employment Area Concept Plan, Staff Recommends **Approval** of the Tonquin Employment Area annexation petition to the City of Sherwood and Clean Water Services District, Case File LU 2024-019 AN.

City Council Alternatives

- Hold the first public hearing on Ordinance 2024-006 and adopt the ordinance tonight as an emergency ordinance
- Hold the first public hearing on Ordinance 2024-006 and issue a decision on the matter after the second reading on December 17th
- Hold the first public hearing on Ordinance 2024-006 and direct staff to revised findings that denies the annexation request

QUESTIONS?



Approved Minutes



SHERWOOD CITY COUNCIL MEETING MINUTES
22560 SW Pine St., Sherwood, Or
December 3, 2024

WORK SESSION

1. **CALL TO ORDER:** Mayor Rosener called the meeting to order at 6:01 pm.
2. **COUNCIL PRESENT:** Mayor Tim Rosener, Council President Kim Young, Councilors Taylor Giles, Ketih Mays, Renee Brouse (virtual), Dan Standke, and Doug Scott.
3. **STAFF PRESENT:** City Manager Craig Sheldon, Assistant City Manager Kristen Switzer, Interim City Attorney Sebastian Tapia, Community Development Director Eric Rutledge, Interim Public Works Director Rich Sattler, IT Director Brad Crawford, Police Chief Ty Hanlon, Planning Manager Sean Conrad, Economic Development Manager Erik Adair, Senior Planner Joy Chang, Library Manager Adrienne Doman Calkins, Records Technician Katie Corgan, and City Recorder Sylvia Murphy.

BOARDS & COMMITTEE MEMBERS PRESENT: Planning Commission Chair Jean Simson, Senior Advisory Board Vice Chair Zana Mays, Cultural Arts Commission member Jennifer Casler, Parks and Recreation Advisory Board Chair David Scheirman, Police Advisory Board Chair Brian Dorsey, Police Advisory Board Vice Chair & Traffic Safety Committee Liaison Richard Amicci, Budget Committee Chair Kady Strode, and Library Advisory Board Chair Sean Garland.

4. TOPIC:

A. Council Goals & Objectives - Meeting with City Boards & Committee Chairs

Mayor Rosener recapped that this was the second year that Council had held a work session with the Boards and Committee Chairs. He explained that what was discussed at this meeting would inform Council goal setting in January. He commented that he would like to hold another meeting with the Chairs in June or July after the budget had been adopted to discuss projects and goals. Mayor Rosener asked those in attendance to introduce themselves. Planning Commission Chair Jean Simson stated that the Planning Commission needed to be nimble when it came to managing new state mandates. She referred to citizen engagement and recommended transparency and information be posted on the city's website regarding what was being driven through the city's code and what was state mandated. She referred to livability and workability and stated that the Planning Commission would complete the mandatory Housing Production Strategy over the next year. The Planning Commission would also complete updates for the city's transportation, water, sewer, floodplain maps, and storm master plans. She referred to the Old Town Strategic Plan and commented she wanted to review how to provide economic opportunities in Old Town and Old Town code. She stated that Metro's approval of the city's UGB expansion request for Sherwood West would add significant work for the

Planning Commission. She referred to community feedback and stated that the Planning Commission often heard comments regarding Sherwood's tree code and the desire to improve how trees were protected within the community. She added that the Planning Commission would also like to begin to review view corridors, particularly with Sherwood West. She commented that there were several new Planning Commissioners and asked that they undergo training in order to ensure that Commissioners were fully trained on their responsibilities. A Councilor commented that the League of Oregon Cities (LOC) could provide that type of training. Councilor Giles asked regarding the requirements of state mandates and trainings. Councilor Mays commented that the LOC could most likely assist in that area. Mayor Rosener spoke on budget planning, trainings, and workloads and stated that staff should keep these things in mind when forecasting for the budget. Mayor Rosener commented that he was concerned about new housing mandates and said that he wanted staff to be nimble, flexible, and to strategize in the coming year. Discussion regarding what information to put on the city's website occurred and Planning Commission Chair Simson, Councilor Giles, and Mayor Rosener spoke on their desire for transparency for citizens to be informed about what was going on in the city. Senior Advisory Board Vice Chair Zana Mays recapped significant accomplishments for the Senior Advisory Board over the past year. She reported that the Senior Advisory Board had made significant progress on the age-friendly business guide, they had partnered with the Sherwood Chamber of Commerce, and they had welcomed three new members to the board. She outlined Senior Advisory Board goals for 2025 as: continue board membership growth and engagement, complete and launch the age-friendly business guide in partnership with the Chamber of Commerce, and continue their work on age-friendly park design and implementation for the increased enjoyment and utilization of community members. Council President Young asked what types of things made for an age-friendly park and Senior Advisory Board Vice Chair Mays replied that opportunities for low-impact activities and more walkways and accessible access to those walkways would make for more age-friendly parks. Councilor Giles asked if the Senior Advisory Board had met with the Parks and Recreation Advisory Board regarding these ideas. Parks and Recreation Advisory Board Chair David Scheirman replied that they had not, but he had made a note to schedule a meeting with the Senior Advisory Board. Councilor Mays asked how many vacancies the Senior Advisory Board had, and Senior Advisory Board Vice Chair Mays replied she believed there was two vacancies. Cultural Arts Commission member Jennifer Casler referred to the age-friendly business guide and stated that the Cultural Arts Commission would like to see a copy when it was published to help them incorporate some of their work. Mayor Rosener asked if the Senior Advisory Board had discussed additional programming for the Senior Center. Senior Advisory Board Vice Chair Mays replied that the Senior Center was very busy and their mental health programs, art classes, and exercise classes were very popular. Councilor Giles asked regarding the Senior Center van and Vice Chair Mays replied that the van had been well received and was frequently used. Councilor Giles asked if the van had city signage and City Manager Sheldon replied that there was a plan for van signage, but it needed to be funded. Assistant City Manager Switzer added that the Senior Advisory Board had recently voted on one of three wrap options for the van. Councilor Scott asked how the van program worked, and Ms. Switzer replied that people who needed a ride called to schedule a pickup. Cultural Arts Commission member Jennifer Casler recapped that the Cultural Arts Commission had had some mid-year vacancies, but they had a full board now. She reported that the Cultural Arts Commission had organized three successful festivals over the past two years, the Día de los Muertos, Diwali festival, and Lunar New Year. She stated that the Cultural Arts Commission was very engaged, was diverse, and they had engaging discussions. She stated there was a good mix of both "watchmakers and timekeepers" on the board. Ms. Casler stated that they had found the designated funds from the TLT (transient lodging tax) to be very helpful. She reported that they were currently seeking grant funding to make the TLT funds go further. She stated that the Cultural Arts Commission was also reviewing potential locations for public art and spoke on the Cultural Arts Commission's involvement with the art for the pedestrian bridge. She reported she attended the

Old Town Strategic Plan meeting and spoke on her desire for the Cultural Arts Commission and other city boards to inform the Old Town Strategic Plan going forward. Councilor Giles recommended that the Cultural Arts Commission partner with the Multicultural Club at Sherwood High School. Councilor Mays commented that the Oregon Street roundabout art would be installed soon. Mayor Rosener requested that stock footage of the festivals be created for advertising purposes. Parks and Recreation Advisory Board Chair David Scheirman stated that they would like to continue their work developing and linking park trails in Sherwood as well as finishing the Cedar Creek Trail project as a long-term goal. He stated his excitement at the adoption of the Murdock Park Master Plan Update and commented the Parks and Recreation Advisory Board was looking forward to implementing it. He referred to Sherwood West and stated that it was important to set aside a minimum of 15 acres for a community park and spoke on other types of smaller parks that could be located within Sherwood West. Council President Young asked how many acres Snyder Park was and discussion occurred. Ms. Casler asked if 15 acres was enough space and Parks and Recreation Advisory Board Chair Scheirman replied that 15 acres was sufficient for a neighborhood park, but not a regional park. He spoke on the Parks and Recreation Advisory Board's desire for a universally accessible playground in Sherwood and the need to provide appropriate levels of parking for a destination park. City Manager Sheldon reported that Snyder Park was 22.7 acres. Mayor Rosener referred to the Sherwood West Concept Plan and commented that they had allocated for roughly a 30-acre park. He explained that Sherwood West would be master planned which would allow for purposeful development. Councilor Giles commented that he appreciated the variety of types of parks in Sherwood and spoke on a universally accessible park in Hillsboro. Police Advisory Board Chair Brian Dorsey reported that the board was seeking enhanced community engagement and awareness. He stated that he felt the Police Advisory Board had done well in that area and referred to the Sherwood Police Department's Facebook page. He stated they wished to highlight some of the Sherwood Police Department's technology, tools, and their partnership with Washington County's Mental Health Response Team. He reported that the Sherwood Police Foundation had been "phenomenal" to work with and allowed the Sherwood Police Department to procure new tools, such as drones. He referred to the goal of fostering public safety through collaborative partnerships and stated that they were working with schools, faith-based organizations, and community organizations to promote public safety initiatives. He stated the Police Advisory Board would continue to review police policies and procedures for the Sherwood Police Department. He reported that the Police Advisory Board would also continue to review funding proposals and staffing plans, particularly with the addition of Sherwood West. He stated the Police Advisory Board wished to conduct additional community surveys to stay in touch with the community. Police Advisory Board Vice Chair & Traffic Safety Committee Liaison Richard Amicci spoke on the Traffic Safety Committee. He stated that one of the committee's goals was to enhance the community's awareness of the committee itself and commented they had been very successful. He stated that the Traffic Safety Committee was discussing whether or not the scope of the committee was appropriate for the types of concerns that they were hearing. He referred to crosswalks and how many of the remedies needed were not within the Traffic Safety Committee's authority to undertake or complete and the need to ensure that those remedies were completed and not abandoned. He reported that the committee was discussing ways in which they could be more active and impactful in the new year. He stated that the Traffic Safety Committee had been successful in accomplishing many projects this past year. Mayor Rosener stated that he wanted to change the name of the committee to the Traffic and Pedestrian Safety Committee. He stated that Council had been discussing the need to ensure that the committee was properly empowered with the right tools and the need for a pedestrian and traffic safety community plan. He spoke on the need for better communication to the community about ongoing and planned pedestrian and traffic safety projects via the website. Council President Young commented that the Traffic Safety Committee did not have a Council liaison, which cut down on communication between Council and the committee. Planning Commission Chair Simson

commented that there had been a significant decrease in people coming to Planning Commission meetings to speak on traffic safety issues, so the advertising the Traffic Safety Committee had done was working. She stated that she would like the Traffic Safety Committee to be involved in the Transportation System Plan update. Councilor Scott commented that the Traffic Safety Committee should be a committee that reported to Council. Mr. Amicci recommended that board and committee members regularly attend each other's meetings in order to have a better understanding of what each board and committee was working on. Cultural Arts Commission member Casler asked if anyone from the Traffic Safety Committee was serving on the Old Town Strategic Plan group and Mayor Rosener replied that someone from the Traffic Safety Committee could serve. Budget Committee Chair Kady Strode stated that one of the Budget Committee's main goals was to maintain the city's ending fund balance policy/contingency policy. She stated that she believed that this was one of the main reasons why the city was financially healthy whereas other surrounding cities were facing financial constraints. She stated the city had done a good job of adhering to the 5-year forecast plan to maintain the 20% ending fund balance policy while balancing purchasing needs. She stated that it was important that the city continue with this policy to maintain financial stability. She spoke on the city moving to a biennial budget process and stated that there were many benefits for making the move. She reported that a biennial budget would provide staff the time to work on the many deliverables under Council goals. She stated that the Budget Committee frequently discussed moving to a new budgeting or financial software and spoke on OpenGov's community engagement tools. Council President Young commented that the city already used OpenGov's budgeting tool and Mayor Rosener added that utilizing OpenGov's ERP system would require an RFP. Mayor Rosener spoke on the importance of the city maintaining the 20% ending fund balance policy in order to keep the city financially healthy. Councilor Mays spoke on inflation and stated that because of Oregon's funding mechanism, inflation was difficult for Oregon cities to manage. Mayor Rosener spoke on the city's ability to provide small business loans to local businesses quickly during the pandemic and stated that this was only possible because of the city's 20% ending fund balance policy. Library Advisory Board Chair Sean Garland recapped that the Library Advisory Board's membership roster had been stable for the past year. He reported that the board had been working on funding governance and building up the Sherwood Library Foundation (SHELF). He reported the board was seeking alternative funding sources and explained that the majority of the Sherwood Library's funding was tied to WCCLS. He stated that the Library Advisory Board was reviewing the WCCLS' Library Funding and Governance Evaluation project's Current State Assessment Report and had participated in stakeholder surveys. He reported that work on this would continue into 2025 and commented that Council engagement with the WCCLS process would be helpful. He stated that the Library Advisory Board had also been working on strategic planning to help the board identify their goals and monitoring their progress. They had also been working with consultants to apply design thinking principles. He stated that the Library Advisory Board's goals could be summarized as staff facing which included fiscal responsibility, capacity, and efficiencies. And public facing which included accessibility languages, cultural appreciation, and technology. He reported that the Library Advisory Board had several members who had experience in trauma-informed response training to help inform the board's discussions and decisions. He stated that outreach had been important this past year and spoke on the Library Advisory Board's partnership with Sherwood High School and the student library card project. Councilor Mays asked if the project would be offered annually. Library Manager Adrienne Doman Calkins explained that this had been the first year the program had been offered and those students who opted in and stayed in the Sherwood School District would remain in the program. Students who had not opted in would have another opportunity to do so at the start of the next school year. Chair Garland recapped that the board would continue to review funding governance, proposed base-level services, the future state Assessment Level Report, proposed levy rates, and the funding distribution formula. He commented that the new funding distribution formula could lead to new IGAs with Washington County and member libraries. He reported that in May 2025

a county-wide levy would be voted on. Mayor Rosener and Councilor Giles clarified that this was a renewal levy, but there were discussions about changing the rate. Mayor Rosener added that 60% of the WCCLS' funding came from Washington County's General Fund and 40% came from the WCCLS levy. He stated that he and other Washington County mayors were concerned that Washington County would try to use some of the 60% General Fund money to backfill their budget shortfall in their General Fund. Chair Garland stated that the Library Advisory Board would continue their work on strategic planning for the year to determine ways to enhance the accessibility of the building and further their work for SHELF. Councilor Brouse commented that she appreciated that the Library Advisory Board was utilizing a trauma-informed lens to help inform the board's discussions and decisions. Mayor Rosener recapped that he wanted to have an additional work session with the Board and Commission Chairs in the summer after the budget had been completed to review Council's goals and objectives. He asked for feedback on if they felt like this process had been worthwhile. Cultural Arts Commission member Casler and Library Advisory Board Chair Garland commented that this meeting had allowed the various boards to determine their need to work together on key topics moving forward. Mayor Rosener commented that he would like a formalized process to ensure that the correct boards were being brought together to work on joint or complimentary projects. He stated he also wanted a formalized process to determine when Council and the boards needed to engage with each other. Councilor Giles suggested an email distribution group for the Board and Committee Chairs to communicate with each other and discussion regarding public meeting laws occurred. Interim City Attorney Tapia replied that board staff liaisons could meet. Councilor Scott commented that he felt that Council had done well including the pertinent boards with specific projects but there could be more opportunities to further that work. Cultural Arts Commission member Casler suggested that the different boards and commissions meet quarterly to "speed date" and discuss their projects and discussion occurred. Planning Commission Chair Simson added that having additional input from the city's boards and commissions while the Planning Commission updated the city's master plans would be very helpful. Mayor Rosener reported that staff was working to reinstate the Citizen's University program.

5. ADJOURN

Mayor Rosener adjourned the work session at 7:06 pm and convened a regular session.

REGULAR SESSION

- 1. CALL TO ORDER:** Mayor Rosener called the meeting to order at 7:15 pm.
- 2. COUNCIL PRESENT:** Mayor Tim Rosener, Council President Kim Young, Councilors Taylor Giles, Keith Mays, Renee Brouse (virtual), Dan Standke, and Doug Scott.
- 3. STAFF PRESENT:** City Manager Craig Sheldon, Assistant City Manager Kristen Switzer, Interim City Attorney Sebastian Tapia, Community Development Director Eric Rutledge, Interim Public Works Director Rich Sattler, IT Director Brad Crawford, Police Chief Ty Hanlon, Planning Manager Sean Conrad, Economic Development Manager Erik Adair, Senior Planner Joy Chang, City Engineer Jason Waters, Finance Director David Bodway, and City Recorder Sylvia Murphy.
- 4. APPROVAL OF AGENDA:**
MOTION: FROM COUNCIL PRESIDENT YOUNG TO APPROVE THE AGENDA. SECONDED BY COUNCILOR MAYS. MOTION PASSED 7:0; ALL MEMBERS VOTED IN FAVOR.

Mayor Rosener addressed the next agenda item.

5. CONSENT AGENDA:

- A. Approval of November 19, 2024, City Council Meeting Minutes**
- B. Resolution 2024-076, Approving a \$5m Brownfields Cleanup Grant Cooperative Agreement & Work Plan with the United States Environmental Protection Agency (EPA) for the Tannery Site Cleanup Project**
- C. Resolution 2024-077, Authorizing City Manager to Enter into a Contract with Northwest Success for Janitorial Services, Hard Floor Maintenance, Carpet and Window Cleaning**
- D. Resolution 2024-078, Authorizing an Interfund Loan from the Community Investment Fund to the Broadband Fund**
- E. Resolution 2024-079, Authorizing the City Manager to sign an Intergovernmental Agreement (IGA) with the Oregon Department of Transportation (ODOT) for the Construction of SW Ice Age Drive**

MOTION: FROM COUNCIL PRESIDENT YOUNG TO APPROVE THE CONSENT AGENDA. SECONDED BY COUNCILOR MAYS. MOTION PASSED 7:0; ALL MEMBERS VOTED IN FAVOR.

Mayor Rosener addressed the next agenda item.

6. CITIZEN COMMENT:

Sherwood resident Jim Claus came forward and provided a handout (see record). He spoke on litigation and urban planning in San Diego. He stated that he had offered to donate “several millions of dollars’ worth of ground” to the city, but the city had not met with him. He spoke on urban renewal and zoning in Sherwood. He stated he was proposing a gift to the city and referred to stipulations in order for the deal to go through. He stated that he did not sell zoning, he was doing this for the benefit of the city. He stated that he was offering the city the opportunity to create the necessary group of people to create a plan in order for the gift to the city to proceed.

Mayor Rosener addressed the next agenda item, and the City Recorder read aloud the public hearings statements.

7. PUBLIC HEARING:

A. Resolution 2024-075, Adjusting Solid Waste and Recycling Collection Rates

City Manager Craig Sheldon presented the staff report and explained the city reviewed Pride Disposal’s annual report each year and that Pride had submitted their annual report to the city in March. He stated that the proposed rate adjustment aimed to ensure the financial sustainability of the solid waste collection service provided by Pride while also aligning with the target rate of return set forth in the city’s franchise agreement. He noted that the Sherwood Municipal Code 8.20.80 outlined that Council set the rates the franchise holder charged for those services. He reported the existing solid waste rates were last updated in September 2023, and since that time there had been significant increases in operational costs and Metro tipping fees. City Manager Sheldon stated that in July 2024, the city had Bell and Associates conduct a rate review and they issued a report. He stated that the adjusted rate of return for 2023 ranged from 2.74% to 7.72% depending upon the type of collection services, with a composite rate return of 4.17%. He stated that the 2024 rate of

return would range from 4.8% to 12.51% depending upon the type of collection service, with a composite of 6.69%. Mr. Sheldon stated that Bell and Associates had presented their findings at two Council work sessions in September and November, and Council had held a special meeting with Metro in October to discuss tipping fees and solid waste collection. He stated that after reviewing the rate, staff recommended adjusting the solid waste and recycling collection rates with the intent to achieve a projected composite rate of return of 10%. He stated that he had appreciated the discussion Council had had with Metro regarding tipping fees in October and noted that tipping fees had increased by 47% since 2017. Mayor Rosener explained that the city set the rates for waste collection in Sherwood, but Metro set most of the fees “behind the scenes” and determined how the waste was collected and handled. He stated that he and other regional mayors were trying to work with Metro regarding the increase in tipping fees. Councilor Giles commented that Metro stated that they had paused their increases during the pandemic and were now having to catch up, and Mayor Rosener commented that Metro had done a “\$20 million chargeback to their General Fund to cover losses in other areas that don’t have anything to do with garbage collection.” Councilor Scott asked how many public relations positions Metro had, and Mayor Rosener replied that Metro had around seven. Councilor Scott commented that this was part of the reason for the rate increase. Mayor Rosener stated that Pride Disposal did “an amazing job” and had been great partners to the city. Mayor Rosener opened the public hearing to receive comment. Hearing none, Mayor Rosener closed the public hearing and asked for discussion or a motion from Council. Councilor Standke commented that Council was aware that the rates were increasing significantly for most residential services, and they had done what they could, but most of the rate increases were driven by Metro. Mayor Rosener referred to Metro’s Regional Waste Advisory Committee and reported that rates would now be reviewed by the Committee. With no other comments stated, the following motion was received.

MOTION: FROM COUNCILOR MAYS TO APPROVE RESOLUTION 2024-075, ADJUSTING SOLID WASTE AND RECYCLING COLLECTION RATES. SECONDED BY COUNCIL PRESIDENT YOUNG. MOTION PASSED 7:0; ALL MEMBERS VOTED IN FAVOR.

Mayor Rosener addressed the next agenda item.

B. Ordinance 2024-005, Amending Sherwood Municipal Code Chapter 12.12 Limiting Liability for the City of Sherwood and Other Parties from Private Claims Resulting from Use of Trails in a Public Easement or Unimproved Right of Way Under ORS 105.668

Interim City Attorney Sebastian Tapia recapped that this topic had been presented to Council during a November work session. He explained that this ordinance allowed the city to opt-in to the protection provided under ORS 105.668 regarding a city’s open trails. Mr. Tapia stated that the city’s insurance provider recommended that Sherwood opt in. He stated that once the ordinance was passed, a new section of the Sherwood Municipal Code would indicate that the City of Sherwood would join the immunity protection of the statute. Mayor Rosener opened the public hearing to receive comment. Hearing none, Mayor Rosener closed the public hearing and asked for discussion or a motion from Council. Councilor Standke asked when the ordinance would be effective and Mr. Tapia replied that it would be effective 30 days after adoption, but there was no deadline for cities choosing to opt-in. Councilor Mays commented that until it was effective, the city would be held liable. Interim City Attorney Tapia stated that Council had the authority to unanimously approve the ordinance, after which it would become effective 30 days after its adoption. He explained that the ordinance was not drafted with emergency provisions that would allow it to go into effect immediately after its adoption. Councilor Mays clarified that until the ordinance was in effect, the city would be exposed to liability claims. Mr. Tapia replied that the city was exposed to “some extent” but the city was also protected

under a different statute. Councilor Mays stated that he supported voting on the ordinance at this meeting and Councilor Standke and Council President Young stated they agreed. Mayor Rosener spoke on recreational immunity, the definition of "recreation," and recent court cases. He stated that they were not creating a new protection for the city, they were restoring a protection that had always been there. Mayor Rosener stated he supported voting on the ordinance at this meeting and asked Councilor Brouse if she agreed. Councilor Brouse replied that she supported voting on the ordinance at this meeting.

MOTION: FROM COUNCIL PRESIDENT YOUNG TO READ CAPTION AND ADOPT ORDINANCE 2024-005, AMENDING SHERWOOD MUNICIPAL CODE CHAPTER 12.12 LIMITING LIABILITY FOR THE CITY OF SHERWOOD AND OTHER PARTIES FROM PRIVATE CLAIMS RESULTING FROM USE OF TRAILS IN A PUBLIC EASEMENT OR UNIMPROVED RIGHT OF WAY UNDER ORS 105.668. SECONDED BY COUNCILOR MAYS. MOTION PASSED 7:0; ALL MEMBERS VOTED IN FAVOR.

Mayor Rosener addressed the next agenda item.

C. Ordinance 2024-006, Approving annexation of 38.63 acres to the City of Sherwood and Clean Water Services within the Tonquin Employment Area, comprised of five Tax Lots and City of Sherwood and BPA rights-of-way and declaring an emergency

Senior Planner Joy Chang presented the "Tonquin Employment Area Annexation Case File: LU 2024-019 AN" PowerPoint presentation (see record, Exhibit A). She provided background and stated that the applicant was seeking approval to annex approximately 38.63 acres of land to the City of Sherwood and Clean Water Services boundaries. She stated that the applicant was requesting the annexation utilizing the procedures outlined in SB 1573 or ORS 222.127. She outlined that under this method, the annexation did not require a vote by the City electorate, however, a petition must be signed by all affected property owners and meet certain approval criteria. Ms. Chang reported that this was a Type V application with the City Council as the hearing authority. She stated that notice of the application had been routed to affected agencies on October 21, 2024 and agency comments had been incorporated into the findings and exhibits of the staff report. She stated that public notice of the application had been provided in accordance with local, regional, and state requirements and that as of this meeting, no written public comments were received on the application. Senior Planner Chang provided an overview of the location of the site on page 4 of the presentation and reported that the subject territory was composed of five tax lots and was located southeast of SW Oregon Street, south of SW Tualatin-Sherwood Road, west of 124th Avenue, and on both sides of SW Dahlke Lane. She outlined that the properties were addressed as 21370 SW Oregon Street and 21680, 21700, 21775, 21825 SW Dahlke Lane and were all within the Tonquin Employment Area. She outlined the three criteria levels as: state, regional, and local. She addressed state criteria on page 6 of the presentation and outlined that in 2016, state legislators passed SB 1573 which allowed 100% property owner-initiated annexations as long as the following criteria was met: 100% property owner initiated, the site was within the UGB, the site was subject to a Comprehensive Plan, the site was contiguous to the city boundary line, and the site conformed to all other city ordinances. Ms. Chang noted that in 2012, Sherwood voters authorized the annexation of properties in the Tonquin Employment Area into the city subject to Council public hearing and approval. She added that the applicant also requested annexation to the Clean Water Services Service District under the provisions of ORS 199.510(2)(c), which allowed a site annexing to the city be also included in the boundary of the service district. She addressed regional criteria and stated that staff had reviewed urban services and determined that it was feasible to serve the site. She reported that the site was within the Washington County Enhanced Sheriff's Patrol District (ESPD) and once annexed, the site would be

withdrawn from the County's ESPD and Sherwood Police would service the site. She stated that the proposal was consistent with Urban Service, CWS, and TVF&R agreements and the proposal would promote orderly facilities, effective urban services, and avoid duplication of services. Senior Planner Chang provided an overview of the local criteria and 2040 Comprehensive Plan criteria on page 8 of the presentation and outlined that the Governance and Growth Management criteria had been met for annexation. She referred to Tonquin Employment Area Concept Plan criteria and reported that the area had been brought into the Sherwood UGB in 2004, the Tonquin Employment Area Concept Plan was completed in 2010 and required that the Sherwood Municipal Code be amended to include Employment Industrial (EI) zoning. She reported that EI zoning applied only to those properties within city limits or upon annexation, and once annexed, the EI zoning designation would be applied. Senior Planner Chang referred to Ice Age Drive and explained that annexation would allow for the construction of a new collector status roadway, which was at 100% design and was expected to go to bid in early 2025. She stated that the annexation would also allow the city to permit construction of Ice Age Drive subject to city land use and infrastructure requirements. Ms. Chang stated that staff recommended that the ordinance be passed as an emergency pursuant to Section 17 of the Sherwood City Charter, which would allow the ordinance to become effective immediately upon its passage. She explained that an emergency declaration was required in order to ensure that the city's Ice Age Drive construction project stayed on schedule and did not miss the spring construction season. She outlined that annexation of the subject properties was required in order to receive approval from the Department of Environmental Quality for the city's erosion and grading control permit. She stated that annexation was also required for the city to permit the larger Ice Age Drive project. Ms. Chang recapped that based on the criteria in SB 1573 and ORS 199.510(2)(c), Metro annexation criteria and the city's policies in the Comprehensive Plan and Tonquin Employment Area Concept Plan, staff recommended the approval of the Tonquin Employment Area annexation petition to the City of Sherwood and Clean Water Services District. She outlined Council alternatives as: hold the first public hearing on the ordinance and adopt the ordinance tonight as an emergency ordinance; hold the first public hearing on the ordinance and issue a decision on the matter after the second reading on December 17th; or hold the first public hearing on the ordinance and direct staff to revise findings that denied the annexation request. Council President Young referred to the request to vote on the ordinance at this meeting and declare an emergency in order for it to go into effect immediately and asked why the ordinance was not brought to Council sooner. Community Development Director Eric Rutledge came forward and stated that the property owners included the City of Sherwood, two private landowners, and Bonneville Power Administration (BPA). He explained that procuring signatures from the private property owners and BPA had taken time as well as ensuring that the city had the authority to process the application under the voter approved annexation laws. He commented that typically, staff did not like bringing forward emergency ordinances, but staff had felt that the Ice Age Drive project needed to move forward, and they wished to give Council that option. Councilor Giles spoke on bidding timelines and the seasonal nature of construction projects. Mr. Rutledge replied that was correct and added that the city needed to procure a necessary permit that required DEQ approval prior to starting construction and spoke on the timelines for DEQ permit approval. Mayor Rosener commented that voters had already weighed in on the long-term plans for the area and spoke on rising construction costs and inflation rates. Mayor Rosener opened the public hearing to receive comment. Hearing none, Mayor Rosener closed the public hearing and asked for discussion or a motion from Council. Councilor Scott stated that he supported voting on the ordinance at this meeting and commented that voters had approved of this years ago and was consistent with the city's economic development goals. Councilor Mays, Councilor Giles, Council President Young, and Councilor Brouse signaled they also supported voting on the ordinance at this meeting.

MOTION: FROM COUNCIL PRESIDENT YOUNG TO READ CAPTION AND ADOPT ORDINANCE 2024-006, APPROVING ANNEXATION OF 38.63 ACRES TO THE CITY OF SHERWOOD AND CLEAN WATER

SERVICES WITHIN THE TONQUIN EMPLOYMENT AREA, COMPRISED OF FIVE TAX LOTS AND CITY OF SHERWOOD AND BPA RIGHTS-OF-WAY AND DECLARING AN EMERGENCY. SECONDED BY COUNCILOR SCOTT. MOTION PASSED 7:0; ALL MEMBERS VOTED IN FAVOR.

Mayor Rosener addressed the next agenda item.

8. CITY MANAGER REPORT:

City Manager Craig Sheldon reported that the Winter Art Walk would be held on December 5th. A Budget Committee meeting would be held on December 5th. He reported the Robin Hood Festival holiday parade would be held on December 7th.

Mayor Rosener addressed the next agenda item.

9. COUNCIL ANNOUNCEMENTS:

Councilor Giles reported on Sherwood School District, cross country, and football events. He reported on the most recent Library Advisory Board meeting and spoke on the success of the recent outreach efforts to provide students with library cards.

Councilor Brouse reported that she would attend the Oregon Business Forum meeting and the Sherwood Chamber of Commerce breakfast.

Councilor Mays reported on his attendance at the TAC meeting for the Old Town Strategic Plan. He spoke on his interactions with the Clauses.

Councilor Standke reported that the Planning Commission had not met. He recapped the prior work session held with the Sherwood Board and Committee chairs.

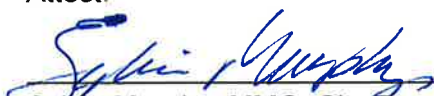
Council President Young reported on her attendance at the most recent Police Advisory Board meeting. She reported on her attendance at the Region 1 Committee on Transportation meeting. She shared that there was a gift collection underway for the SHARE Center. She reported there would be a Sherwood Chamber of Commerce ribbon cutting ceremony at a new children's clothing store.

Mayor Rosener reported that the Robin Hood Festival holiday event would be held on December 7th. He reported that the LOC's City Day would be held on January 28th in Salem. He spoke on the Governor's new housing bill.

10. ADJOURN:

Mayor Rosener adjourned the regular session at 8:10 pm.

Attest:


Sylvia Murphy, MMC, City Recorder


Tim Rosener, Mayor