

RESOLUTION NO. 5188-14

RESOLUTION AUTHORIZING THE EXECUTION OF AN ANNEXATION AGREEMENT WITH OWNERS OF PROPERTY LOCATED AT 17645 SW JURGENS AVENUE (TAX MAP 2S1 14CC, TAX LOT 4801)

WHEREAS, the property commonly known as the "Rayborn Property," is owned by Howard & Kathy Rayborn; and

WHEREAS, Owner has applied to the City for annexation of 2.54 acres of land which includes Tax Lot 4801 (Map 2S1 14CC) located at 17645 SW Jurgens Avenue; hereafter called the "Subject Property"; and

WHEREAS, the Annexation Agreement is meant to provide an avenue to address the existing issues, identify the standards and requirements from the Tualatin Development Code and Tualatin Municipal Code that will apply to the Subject Property upon annexation an redevelopment, and establish the uses and property improvements that upon redevelopment will be brought into conformance with the Tualatin Development Code and Tualatin Municipal Code; and

WHEREAS, it is in the public's best interest for the City Council to authorize the Annexation Agreement before the Public Hearing on the Annexation of the Subject Property; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. The City Council authorizes the Mayor to sign the attached Annexation Agreement as referenced above.

Section 2. This Resolution is effective upon adoption.

Adopted by the City Council this 12th Day of May, 2014

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

BY J-B
City Attorney

ATTEST:

BY Howard
City Recorder

ANNEXATION AGREEMENT
Rayborn Property

WHEREAS, Howard L. Rayborn and Kathy L. Rayborn, as tenants by the entirety (Owners) have applied to the City for annexation of property comprising 2.54 acres of land immediately adjacent to and surrounded by the Tualatin City limits, generally located west of SW Jurgens Avenue approximately 1,100 feet north of SW Tualatin Road and more commonly known as 17645 SW Jurgens Avenue, consisting of Tax Lot 2S1 14CC 04801 (Lot 4801), as legally described in Exhibit A attached hereto and depicted in Exhibit B attached hereto (the "Subject Property"); and

WHEREAS the Subject Property is located within the Tualatin Urban Planning Area on land designated on Tualatin Community Plan Map 9-1 as the Low Density Residential (RL) Planning District and on Tualatin Development Code Map 9-2 within Neighborhood Planning Area No. 13; and

WHEREAS the Subject Property is accessed from SW Jurgens Avenue on its eastern frontage, and developed properties within the City boundary surround the Subject Property on its north, west and south sides; and

WHEREAS, the Owners submitted a petition for annexation (ANN-14-02) to the City and have indicated a desire to subdivide the property into a single-family detached subdivision at a future date, or to convey the property to a developer for that purpose; and

WHEREAS, the City and the Owners seek to identify existing uses, buildings, access, paving and other improvements on the Subject Property; and

WHEREAS, the City and the Owners seek to identify certain standards and requirements from the Tualatin Development Code (TDC) and Tualatin Municipal Code (TMC) that will apply to the Subject Property upon annexation and at the time of development; and

WHEREAS the City and the Owners intend to establish the uses and property improvements that upon development shall be in conformance with the TDC; and

WHEREAS it is in the best interests of the public health and safety to determine the adequacy and suitability of improvements on the Subject Property for existing and future development on the Subject Property;

NOW, THEREFORE, in consideration of the mutual promises contained below, the City and the Owners agree as follows:

1. The Owners and City agree the following structures and access on the Subject Property exist at the time of this Agreement and as depicted on Exhibit C:
 - a. Four existing structures:
 - i. One house (A)
 - ii. One storage shed (B)
 - iii. One recreational vehicle cover (C)
 - iv. One above-ground swimming pool with deck (D)

- b. Existing access including paved ingress and egress from SW Jurgens Avenue, which also provides access to property commonly known as 17558 SW 104th Avenue (Tax Lot 2S1 14CC 04800, hereinafter referred to as Lot 4800).
 - c. There are no non-conforming uses on the Subject Property at the time of this Agreement.
2. The Owners and City agree that the current residential use and access shall remain unchanged upon annexation until such time as a single-family (SF) residential subdivision is platted, per Tualatin Development Code (TDC) 75.090 (4) Interim Access. The intended preliminary lot layout is depicted in Exhibit D attached hereto.
3. The City identifies the minimum TDC chapters that will apply to any future residential subdivision(s) proposed following annexation as follows:
 - a. 31 General Provisions
 - b. 36 Subdividing, Partitioning and Property Line Adjustments
 - c. 40 Low Density Residential Planning District (RL)
 - d. 73 Community Design Standards
 - e. 74 Public Improvement Requirements
 - f. 75 Access Management
4. In addition to the above referenced applicable TDC chapters, the City and Owners agree to the following general framework in conjunction with any proposed Single Family subdivision of the Subject Property:
 - a. SW Jurgens Avenue Improvements: Dedication of public right-of-way in SW Jurgens Avenue to match the existing width north and south of the Subject Property (i.e., 30 feet from centerline); and construction of improvements (sidewalk, planter strip, curb/gutter and pavement widening) to match existing conditions to the north and south of the Subject Property and neighboring Lot 4800, along the frontages of both the Subject Property and Lot 4800.
5. When the Annexation is effective:
 - a. The Subject Property will assume the designation of the Low Density Residential (RL) Planning District per TDC Map 9-1 Community Plan Map.
 - b. The Owners or their heirs, successors and assigns may choose prior to development of the Subject Property to connect to City potable water and sanitary sewer lines through applicable City permitting processes. If on the Subject Property an existing septic tank, sanitary sewer utility, or potable water utility fails such that it would require replacement, the Owners or their heirs, successors and assigns shall connect to public facilities as required by the City through applicable permitting processes.
6. The Owners or their heirs, successors and assigns shall pay any fees required with building permits and public works permits at the time of development on the Subject Property.
7. The agreement is binding on the property owner(s) of record and on the Owners' heirs, successors and assigns.

INTRODUCED AND ADOPTED this 12th day of May, 2014.

OWNERS:

BY Howard L. Rayborn
Howard L. Rayborn

BY Kathy L. Rayborn
Kathy L. Rayborn

CITY OF TUALATIN, OREGON

BY [Signature]
Mayor

APPROVED AS TO LEGAL FORM

BY [Signature]
City Attorney

ATTEST:

BY [Signature]
City Recorder

Property Description for Annexation into the
City of Tualatin, Washington County, Oregon
Portion of Tax Lot 4801, 2S114CC
January 31, 2014
Project No. 2312-010

ANNEXATION CERTIFIED

BY VF

FEB 06 2014

**WASHINGTON COUNTY A & T
CARTOGRAPHY**

EXHIBIT "A"

A tract of land, located in the southwest one-quarter of Section 14, Township 2 South, Range 1 West of the Willamette Meridian, Washington County, Oregon, being a portion of that tract of land conveyed to Howard L. Rayborn and Kathy L. Rayborn by Deed recorded in Book 1021, Page 56 and corrected in Book 1022, Page 373, recorded May 8, 1975, Washington County Deed Records, and being more particularly described as follows:

Commencing at the southwest corner of Lot 3, "Hazelbrook Farm", said point being on the centerline of an unnamed vacated road and also being South 0°09'27" East, 51.06 feet from the Initial Point of "Jeffwood Estates No. 2";

Thence along the south line of said Lot 3, North 89°34'12" East, 30.00 feet to the east line of said vacated road;

Thence along the east line of said vacated road North 0°09'27" West, 362.70 feet to the Point of Beginning, being the southwest corner of said Rayborn tract and being a point on the north line of Lot 91 of "Jeffwood Estates No. 4";

Thence continuing along said east line of vacated road North 0°09'27" West, 223.46 feet to the northwest corner of said Rayborn Tract being on the south line of Lot 1 of "Linden Terrace";

Thence along the north line of said Rayborn Tract being common with the south line of said "Linden Terrace" North 89°17'18" East, 348.56 feet to the northwest corner of that parcel of land described in City of Tualatin Ordinance No. 1204-06:

Thence South 0°25'21" East along the west line of said Ordinance No. 1204-06 parcel a distance of 176.71 feet;

Thence North 89°32'39" East along the south line of said Ordinance No. 1204-06 parcel a distance of 201.89 feet to the westerly right of way line of SE Jurgens Road (being 20 feet from the centerline thereof, when measured at right angles);

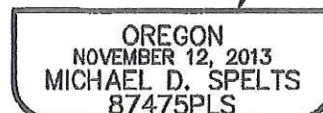
Thence South 3°50'28" East along said right of way a distance of 51.46 feet to the easterly extension of the north line of "Jeffwood Estates";

Thence South 89°51'41" West, along said easterly extension and said north line a distance of 554.55 feet to the Point of Beginning.

Containing 2.04 Acres, more or less.



Michael D. Spelts



RENEWAL: 6-30-2014

Drawing Name: J:\2312-010.13\Survey\CAD\DWG\2312-010Extr2.dwg Feb 06, 2014 - 1:21pm - mds



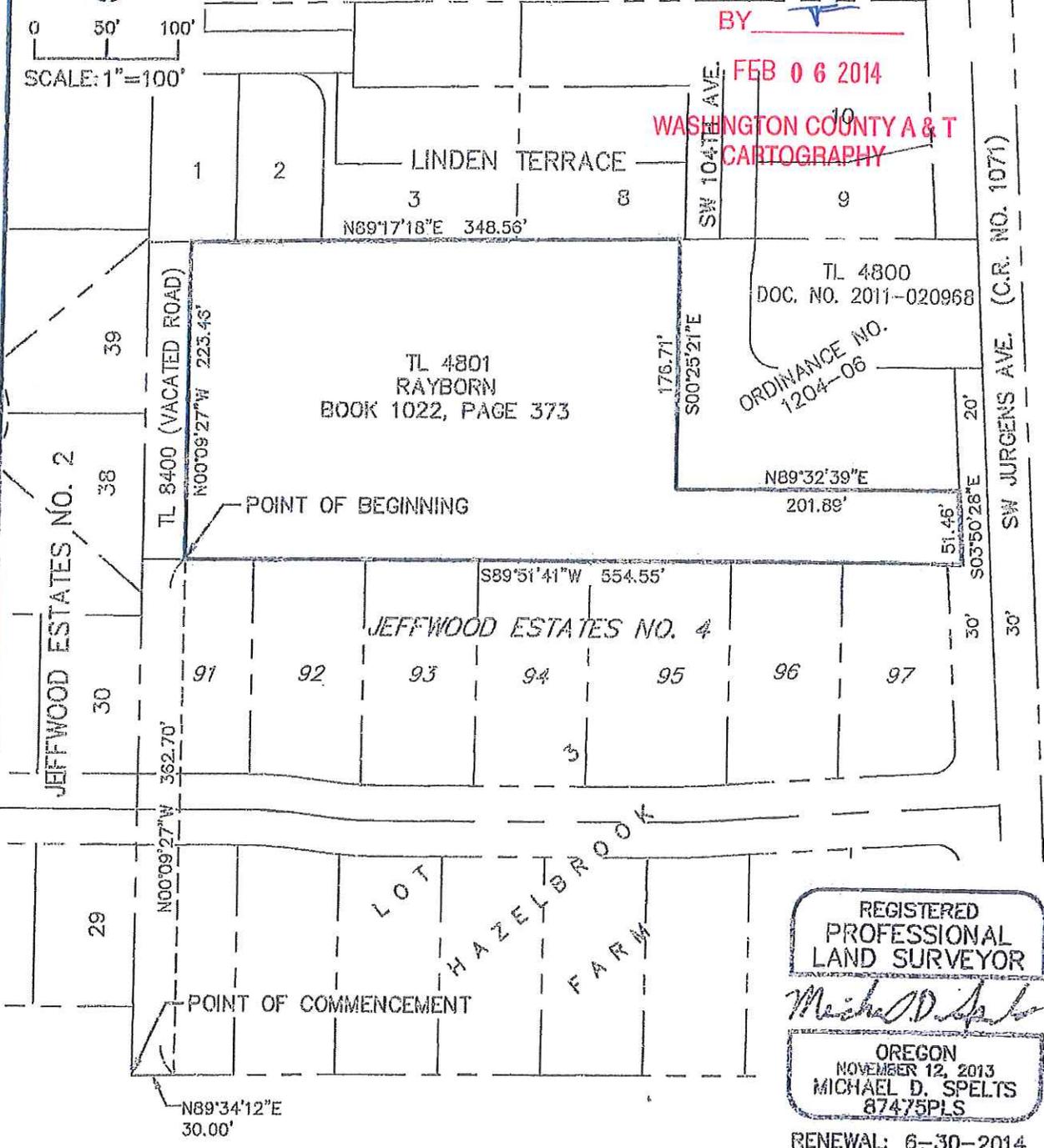
0 50' 100'
SCALE: 1" = 100'

ANNEXATION CERTIFIED

BY

FEB 06 2014

WASHINGTON COUNTY A & T
CARTOGRAPHY



JEFFWOOD ESTATES NO. 2

TL 4801
RAYBORN
BOOK 1022, PAGE 373

TL 4800
DOC. NO. 2011-020968

ORDINANCE NO.
1204-06

JEFFWOOD ESTATES NO. 4

LOT
HAZELBROOK
FARM

REGISTERED
PROFESSIONAL
LAND SURVEYOR
Michael D. Spelts
OREGON
NOVEMBER 12, 2013
MICHAEL D. SPELTS
87475PLS
RENEWAL: 6-30-2014

EXHIBIT B

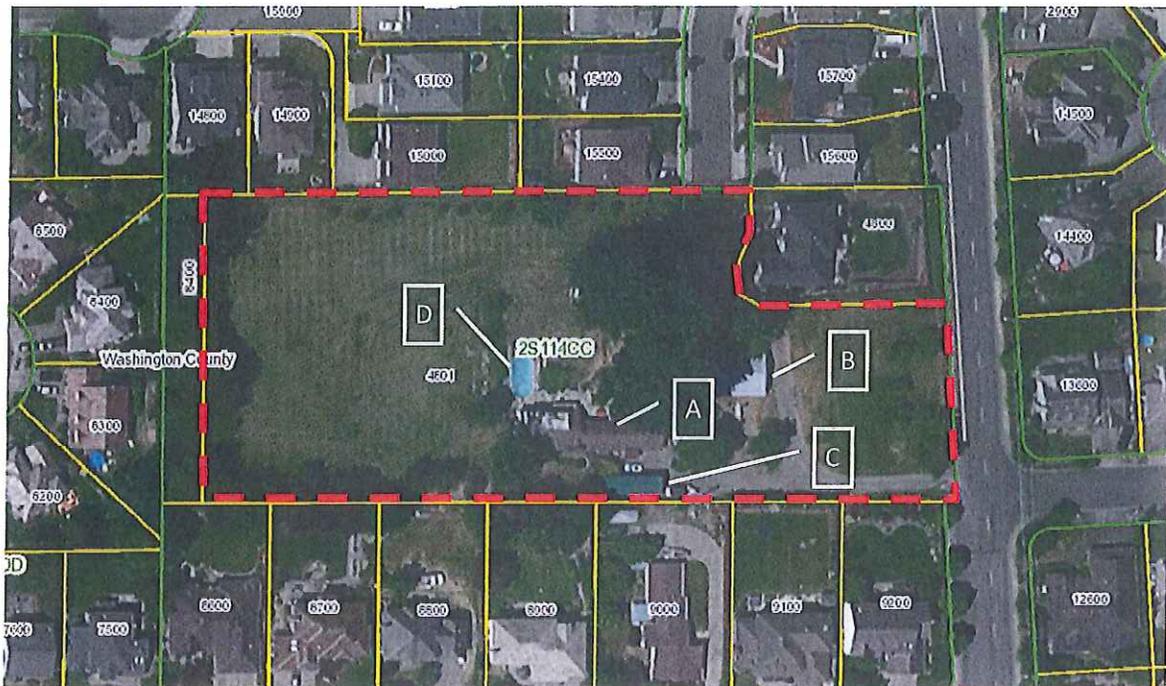
LOCATED IN THE SW 1/4 OF SECTION 14
TOWNSHIP 2 SOUTH, RANGE 1 WEST, W.1/4
CITY OF TUALATIN, WASHINGTON COUNTY, OREGON

DATE	2-6-2014
DRAWN BY	MDS
CHECKED BY	TGB
REVISION	0
JOB NO.	2312-010

WESTLAKE
CONSULTANTS INC.

ENGINEERING ♦ SURVEYING ♦ PLANNING

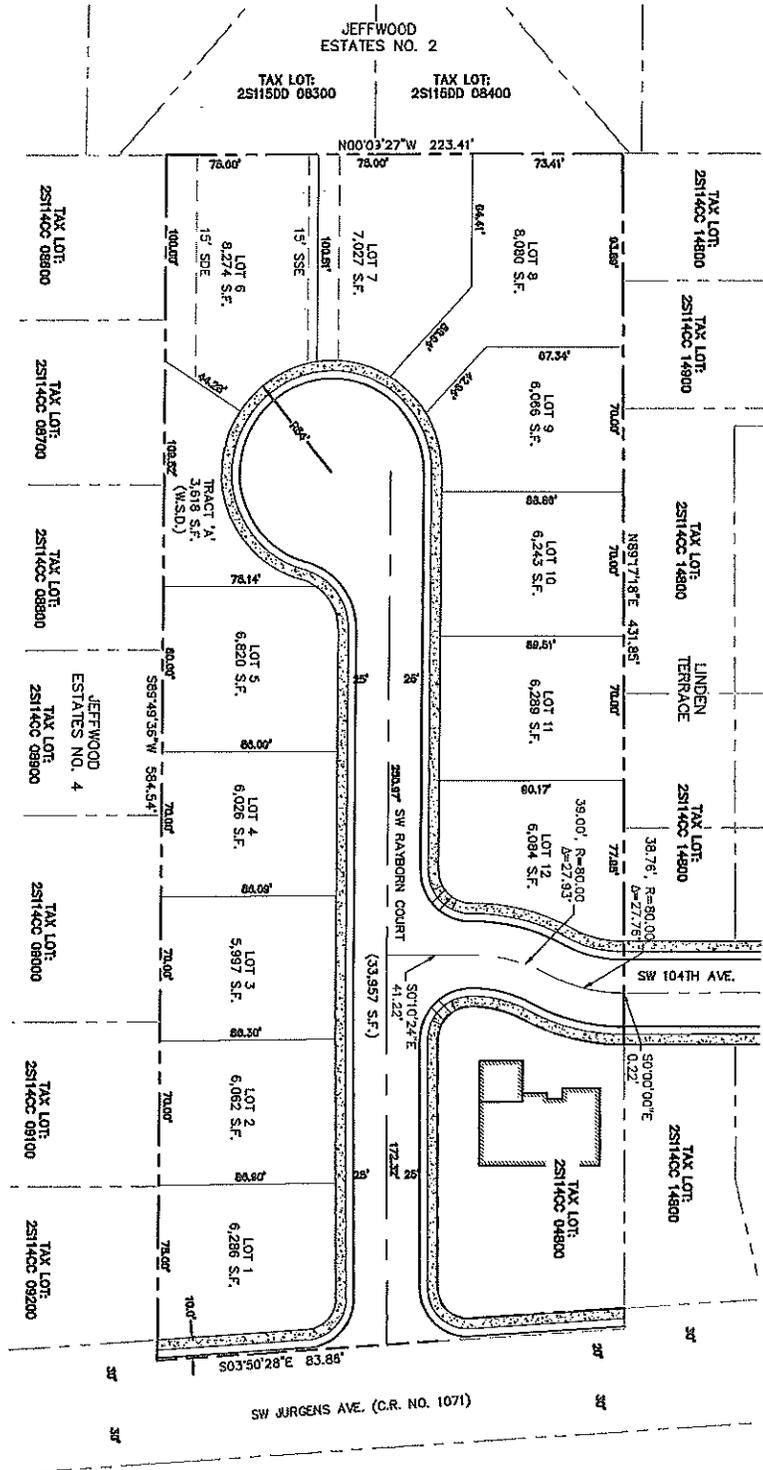
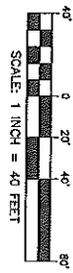
PACIFIC CORPORATE CENTER
15115 S.W. SEQUOIA PARKWAY, SUITE 150 (503) 894-0852
TIGARD, OREGON 97224 FAX (503) 824-0167



Legend

- A One House
- B One Storage Shed
- C One Recreational Vehicle Cover
- D One Above-Ground Swimming Pool with Deck

Exhibit C



- NOTES
1. BASIS OF BEARINGS BASED ON SW 31570, WASHINGTON COUNTY SURVEY RECORDS.
 2. TAX LOT: 2S114CC 04801.

EXHIBIT MAP

LOCATED IN THE SW 1/4 OF SECTION 14
 TOWNSHIP 2 SOUTH, RANGE 1 WEST, WM.
 CITY OF TUALATIN, WASHINGTON COUNTY, OREGON
 Z CONTOURS PER 2007 DOGAMI LIDAR DATA
 VERTICAL DATUM NGVD29

PRELIMINARY LOT LAYOUT
 RAYBORN PROPERTY
 CITY OF TUALATIN, WASHINGTON COUNTY, OREGON

WESTLAKE
 CONSULTANTS INC.
 ENGINEERING • SURVEYING • PLANNING
 PACIFIC CORPORATE CENTER
 15115 E.W. SEQUOIA PARKWAY, SUITE 150 (503) 694-0582
 TIGARD, OREGON 97224 FAX (503) 624-0167

NO.	DATE	DESCRIPTION	BY	CHECKED BY
1	12/19/13	ISSUE FOR PERMIT	RLC	RLC
2				
3				
4				
5				
6				
7				
8				
9				
10				

**Annexation
ANN-14-02**

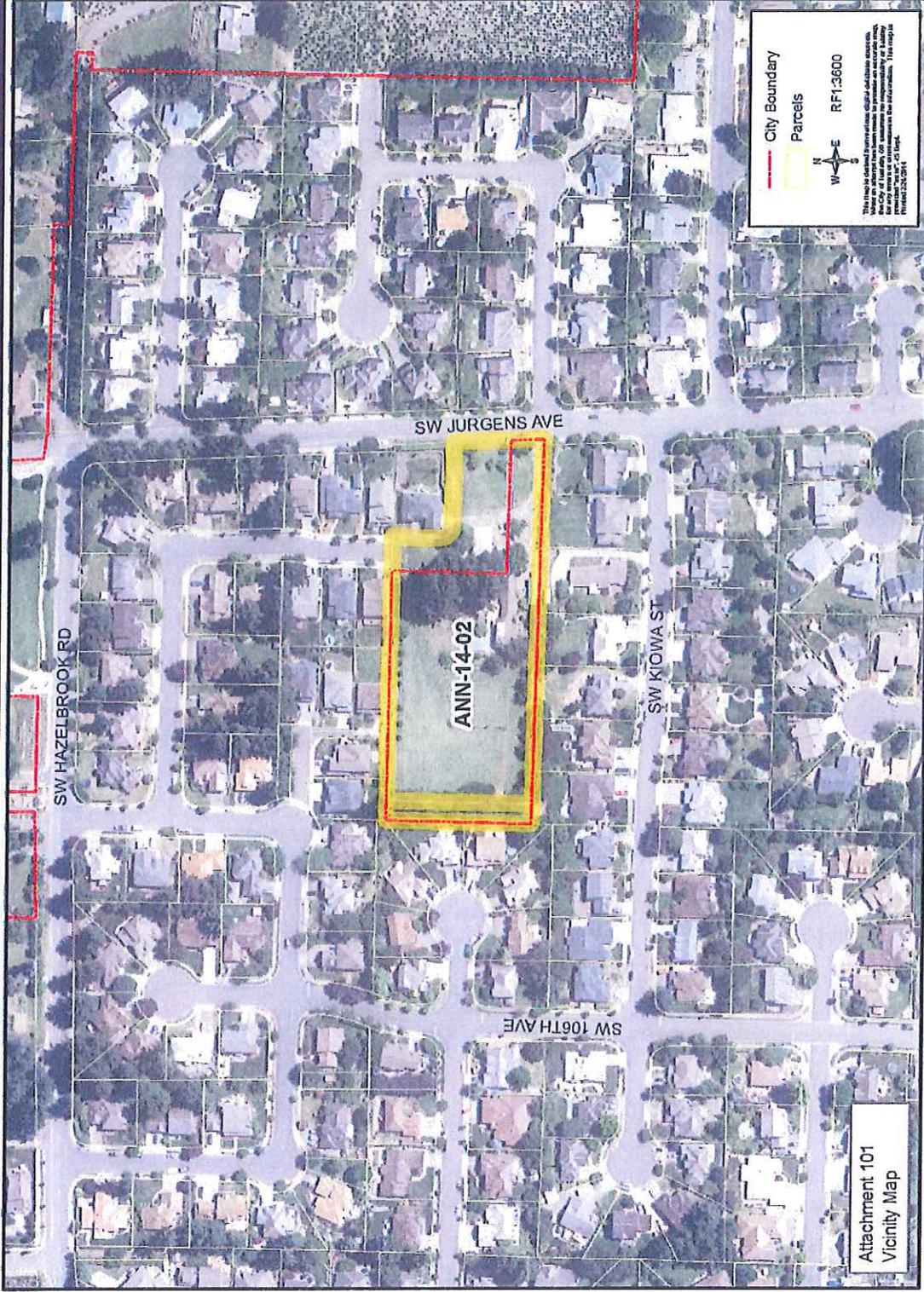
Rayborn Property

May 12, 2014





ANN-14-02 Rayborn Property
17645 SW Jurgens Ave

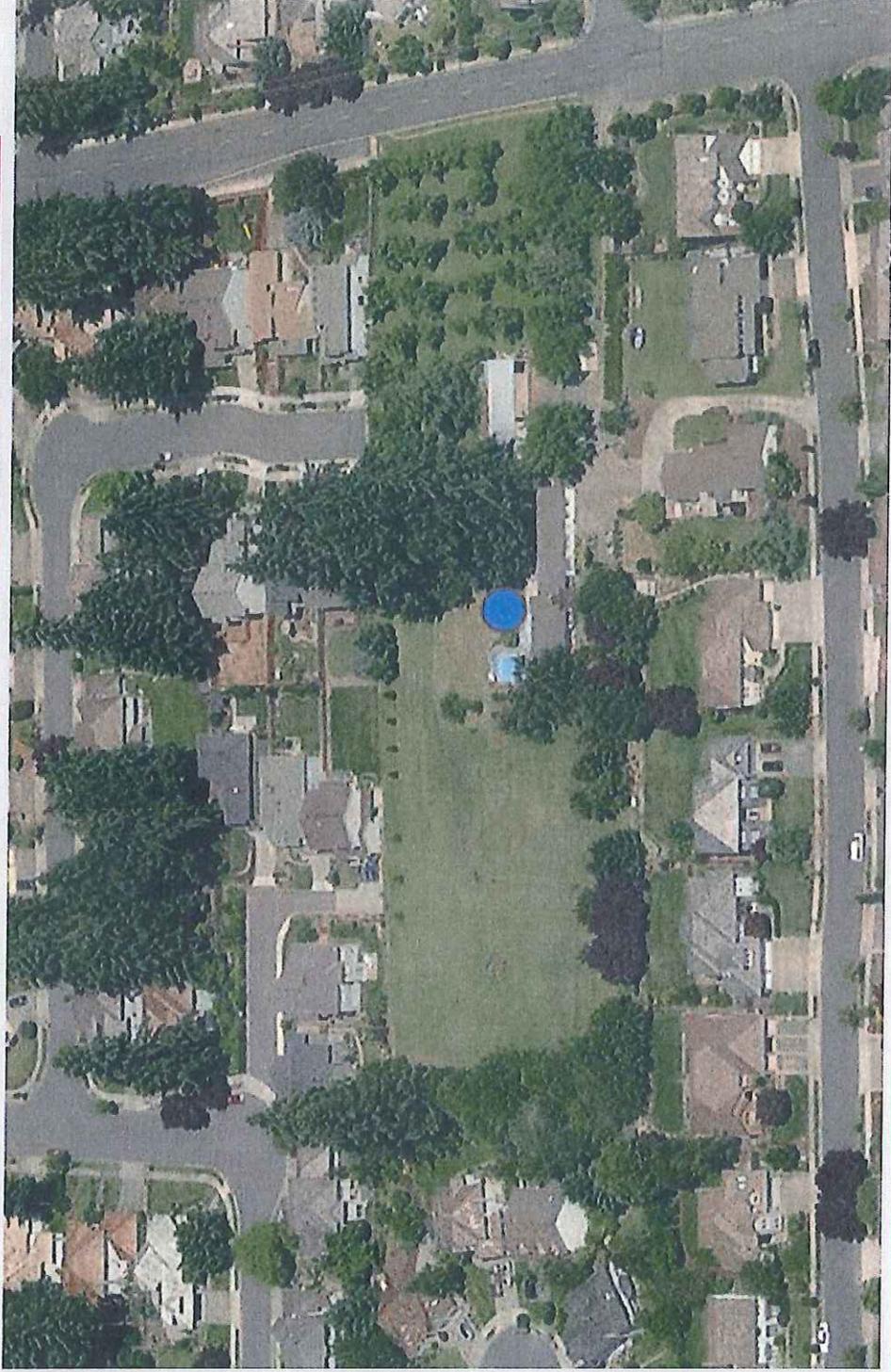


May 12, 2014

City of Tualatin



Oblique Aerial View



May 12, 2014

City of Tualatin



Annexation Request

- Petition by property owner to annex 2.54-acre subject property
- Property will be designated in the Low Density (RL) Planning District
- Proposed annexation agreement between City and owner to address existing and future development of property



Annexation Agreement

- Identifies existing uses, buildings, and other property improvements
- Identifies the standards and requirements from the TDC and TMC applicable to the property upon annexation and at time of redevelopment
- Addresses existing and future property development



Subdivision Improvements Addressed

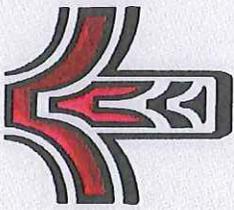
Agreement addresses SW Jurgens Ave improvements:

- Dedication of public ROW to match the existing width north and south of subject property
- Construction of improvements (sidewalk, planter strip, curb/gutter and asphalt) to match existing conditions to north and south along both subject property and Lot 4800 (Rayborns' daughter's house northeast of subject property).



Conclusion

- Separate and parallel Rayborn Annexation Agreement sets framework identifying expected attributes of a preliminary subdivision plan and addresses existing and future development
- Analysis and Findings show the Rayborn Petition meets annexation requirements of TDC 31.067



Questions?

