



City of Tualatin

TUALATIN CITY COUNCIL

Monday, May 12, 2014

JUANITA POHL CENTER

8513 SW Tualatin Road

Tualatin, OR 97062

WORK SESSION begins at 5:00 p.m.

BUSINESS MEETING begins at 7:00 p.m.

Mayor Lou Ogden

Council President Monique Beikman

Councilor Wade Brooksby

Councilor Frank Bubenik

Councilor Joelle Davis

Councilor Nancy Grimes

Councilor Ed Truax

Welcome! By your presence in the City Council Chambers, you are participating in the process of representative government. To encourage that participation, the City Council has specified a time for your comments on its agenda, following Announcements, at which time citizens may address the Council concerning any item not on the agenda or to request to have an item removed from the consent agenda. If you wish to speak on a item already on the agenda, comment will be taken during that item. Please fill out a Speaker Request Form and submit it to the Recording Secretary. You will be called forward during the appropriate time; each speaker will be limited to three minutes, unless the time limit is extended by the Mayor with the consent of the Council.

Copies of staff reports or other written documentation relating to each item of business referred to on this agenda are available for review on the City website at www.tualatinoregon.gov/meetings, the Library located at 18878 SW Martinazzi Avenue, and on file in the Office of the City Manager for public inspection. Any person with a question concerning any agenda item may call Administration at 503.691.3011 to make an inquiry concerning the nature of the item described on the agenda.

In compliance with the Americans With Disabilities Act, if you need special assistance to participate in this meeting, you should contact Administration at 503.691.3011. Notification thirty-six (36) hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

Council meetings are televised *live* the day of the meeting through Washington County Cable Access Channel 28. The replay schedule for Council meetings can be found at www.tvctv.org. Council meetings can also be viewed by live *streaming video* on the day of the meeting at www.tualatinoregon.gov/meetings.

Your City government welcomes your interest and hopes you will attend the City of Tualatin Council meetings often.

PROCESS FOR LEGISLATIVE PUBLIC HEARINGS

A **legislative** public hearing is typically held on matters which affect the general welfare of the entire City rather than a specific piece of property.

1. Mayor opens the public hearing and identifies the subject.
2. A staff member presents the staff report.
3. Public testimony is taken.
4. Council then asks questions of staff, the applicant, or any member of the public who testified.
5. When the Council has finished questions, the Mayor closes the public hearing.
6. When the public hearing is closed, Council will then deliberate to a decision and a motion will be made to either *approve*, *deny*, or *continue* the public hearing.

PROCESS FOR QUASI-JUDICIAL PUBLIC HEARINGS

A **quasi-judicial** public hearing is typically held for annexations, planning district changes, conditional use permits, comprehensive plan changes, and appeals from subdivisions, partitions and architectural review.

1. Mayor opens the public hearing and identifies the case to be considered.
2. A staff member presents the staff report.
3. Public testimony is taken:
 - a) In support of the application
 - b) In opposition or neutral
4. Council then asks questions of staff, the applicant, or any member of the public who testified.
5. When Council has finished its questions, the Mayor closes the public hearing.
6. When the public hearing is closed, Council will then deliberate to a decision and a motion will be made to either *approve*, *approve with conditions*, or *deny the application*, or *continue* the public hearing.

TIME LIMITS FOR PUBLIC HEARINGS

The purpose of time limits on public hearing testimony is to provide all interested persons with an adequate opportunity to present and respond to testimony. All persons providing testimony **shall be limited to 3 minutes**, subject to the right of the Mayor to amend or waive the time limits.

EXECUTIVE SESSION INFORMATION

An Executive Session is a meeting of the City Council that is closed to the public to allow the City Council to discuss certain confidential matters. An Executive Session may be conducted as a separate meeting or as a portion of the regular Council meeting. No final decisions or actions may be made in Executive Session. In many, but not all, circumstances, members of the news media may attend an Executive Session.

The City Council may go into Executive Session for certain reasons specified by Oregon law. These reasons include, but are not limited to: ORS 192.660(2)(a) employment of personnel; ORS 192.660(2)(b) dismissal or discipline of personnel; ORS 192.660(2)(d) labor relations; ORS 192.660(2)(e) real property transactions; ORS 192.660(2)(f) information or records exempt by law from public inspection; ORS 192.660(2)(h) current litigation or litigation likely to be filed; and ORS 192.660(2)(i) employee performance of chief executive officer.



A. CALL TO ORDER
Pledge of Allegiance

B. ANNOUNCEMENTS

1. Tualatin Youth Advisory Council Update for May 2014
2. Tualatin TRYathlon 2014
3. "If I Were Mayor..." 2014 Contest Winners
4. Proclamation Declaring the Week of May 11 – 17, 2014 as “National Police Week” in the City of Tualatin
5. Proclamation Declaring the Week of May 18-24, 2014 as Emergency Medical Services (EMS) Week
6. Proclamation Declaring the Week of May 18-24, 2014 as National Public Works Week

C. CITIZEN COMMENTS

This section of the agenda allows anyone to address the Council regarding any issue not on the agenda, or to request to have an item removed from the consent agenda. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.

D. CONSENT AGENDA

The Consent Agenda will be enacted with one vote. The Mayor will ask Councilors if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. If you wish to request an item to be removed from the consent agenda you should do so during the Citizen Comment section of the agenda. The matters removed from the Consent Agenda will be considered individually at the end of this Agenda under, Items Removed from the Consent Agenda. The entire Consent Agenda, with the exception of items removed from the Consent Agenda to be discussed, is then voted upon by roll call under one motion.

1. Consideration of Approval of the Minutes for the City Council Work Session and Regular Meeting of April 28, 2014
2. Consideration of **Resolution No. 5187-14** to Authorize the City Manager to Execute a Quitclaim Deed of a Public Sanitary Sewer Easement on a Metro Owned Parcel that is Part of the Wetland Protection District.

3. Consideration of Recommendations from the Council Committee on Advisory Appointments
4. Consideration of **Resolution No. 5190-14** Concurring with Washington County's Findings Relating to Vacation of a Portion of a Stormwater Easement for Architectural Review Case 10-05 (AR 10-05), Powin Pacific Phase 2

E. SPECIAL REPORTS

1. Community Enhancement Award Presentation to Jeannine Miller, Fine Arts Instructor at Tualatin High School

F. PUBLIC HEARINGS – *Quasi-Judicial*

1. Consideration of a Petition Requesting Annexation of Property at 17645 SW Jurgens Avenue (Tax Map 2S1 14CC, Tax Lot 4801) (ANN-14-02)

G. GENERAL BUSINESS

If you wish to speak on a general business item please fill out a Speaker Request Form and you will be called forward during the appropriate item. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.

1. Consideration of **Resolution No. 5188-14** Authorizing the Execution of an Annexation Agreement with Owners of Property Located at 17645 SW Jurgens Avenue (Tax Map 2S1 14CC, Tax Lot 4801)

H. ITEMS REMOVED FROM CONSENT AGENDA

Items removed from the Consent Agenda will be discussed individually at this time. The Mayor may impose a time limit on speakers addressing these issues.

I. COMMUNICATIONS FROM COUNCILORS

J. ADJOURNMENT

City Council Meeting

Meeting Date: 05/12/2014

ANNOUNCEMENTS: Tualatin Youth Advisory Council Update

ANNOUNCEMENTS

Tualatin Youth Advisory Council Update for May 2014

A - YAC Update

Council Update May 12, 2014

TUALATIN YOUTH ADVISORY COUNCIL

Project F.R.I.E.N.D.S

(Finding Relations in Every New Diverse Student)



Tualatin YAC – Youth Participating in Governance

Project F.R.I.E.N.D.S.



- May 23, 2014
- Students from Bridgeport, Byrom and Tualatin Elementary Schools
- 3 anti-bullying lessons
- Pre- and post-event surveys
- Anti-bullying video

Tualatin YAC – Youth Participating in Governance

Movies on the Commons

- Free, family-friendly movies
- Saturdays in July & August
- YAC helps choose films, sells concessions



Tualatin YAC – Youth Participating in Governance

Movies on the Commons 2014

- July 5 – Iron Man 3
- July 12 – Monsters University
- July 19 – Men in Black 3
- July 26 – Despicable Me 2
- August 9 – Lego Movie
- August 16 – Jurassic Park
- August 23 – Toy Story 3
- August 30 – Frozen (sing along)



InFocus

 **COMMUNITY
NEWSPAPERS**

Thank you to our sponsors!

NEW SEASONS
MARKET

Additional YAC Activities

- Volunteering at Tualatin TRYathlon June 7
- Teen Kaleidoscope Run June 13
- New member recruitment



Tualatin YAC – Youth Participating in Governance

City Council Meeting

Meeting Date: 05/12/2014

ANNOUNCEMENTS: Tualatin TRYathlon 2014

ANNOUNCEMENTS

Tualatin TRYathlon 2014

A - Tualatin TRYathlon



Tualatin TRYathlon

June 7, 2014





Tualatin TRYathlon

June 7, 2014

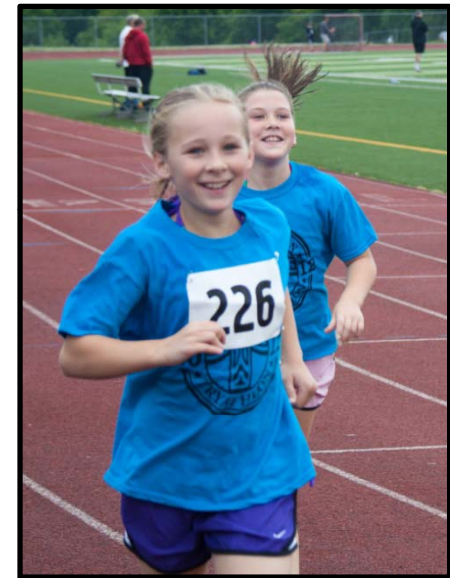
- ◆ Non-competitive, non-timed kids' triathlon
- ◆ Tualatin High School
- ◆ 8:00am – 1:00pm
- ◆ 400 kids
- ◆ Fun Zone
- ◆ Three age categories:
 - ◆ 6-8
 - ◆ 9-11
 - ◆ 12-15





Tualatin TRYathlon

June 7, 2014





Tualatin TRYathlon

June 7, 2014





Tualatin TR Yathlon

June 7, 2014



MERIDIAN PARK
MEDICAL CENTER



RANDALL CHILDREN'S
HOSPITAL
LEGACY EMANUEL



City Council Meeting

Meeting Date: 05/12/2014

ANNOUNCEMENTS: "If I Were Mayor..." Contest Winners

ANNOUNCEMENTS

"If I Were Mayor..." 2014 Contest Winners

A - If I Were Mayor Contest

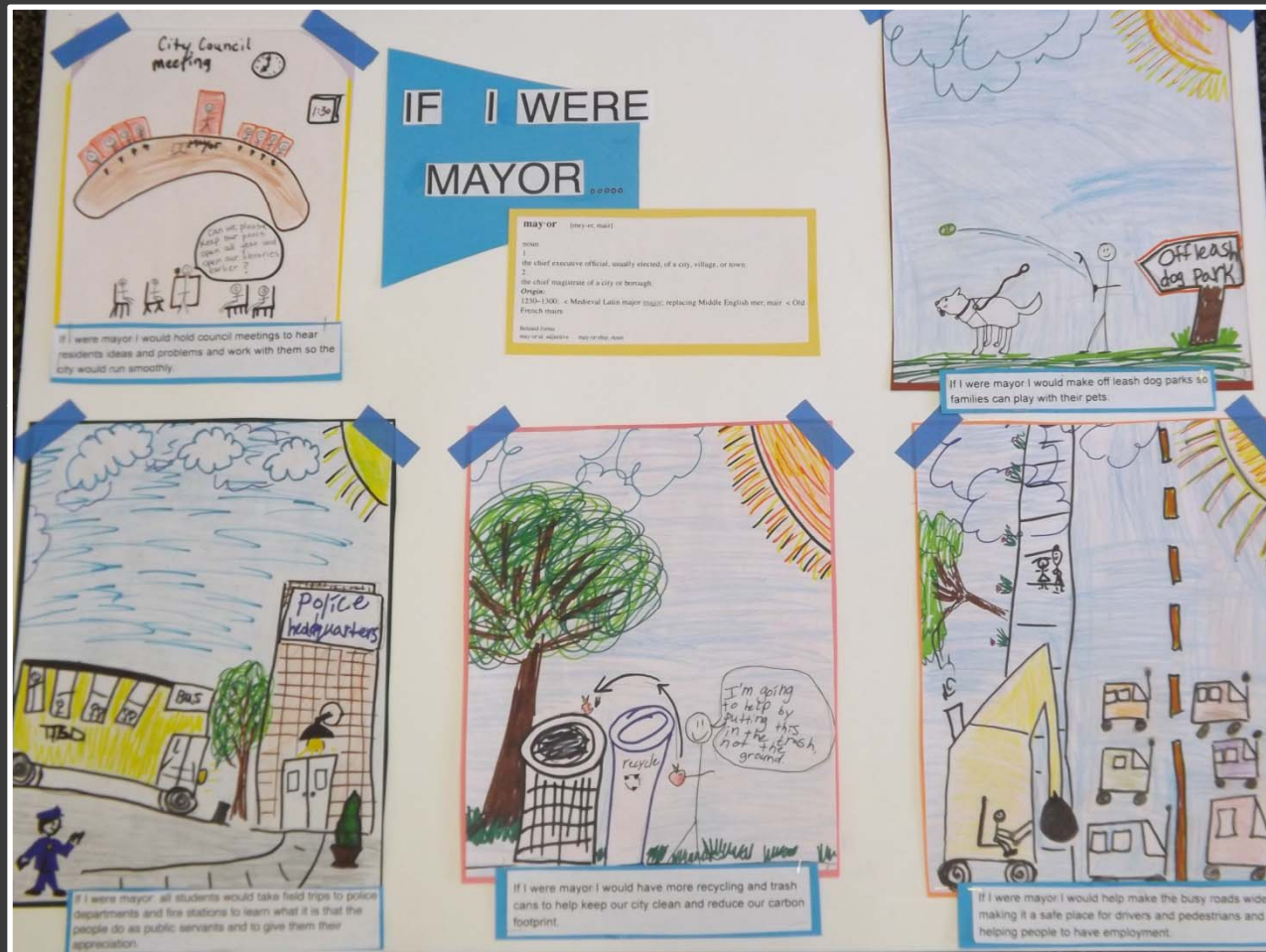
If I Were Mayor...

Sponsored by the City of Tualatin and the Oregon Mayors Association

- A unique opportunity to promote local government education in our community
- Oregon students were asked to respond to the prompt “If I were Mayor, I would...”



Grade 4-5 Poster Contest Winner



**Gabriel Ingham
Byrom Elementary**

Middle School Essay Winner

- “I would first start by opening up programs that help good kids work out bad choices. The programs would reinforce the ideas of a strong work ethic, handling potential distractions and to never give up. My focus being, shape a brighter and better future for the next generation.”

**Kathryn Melvin
Hazelbrook Middle School**

High School Video/PowerPoint Winner

- Ideas included improving education, supporting the Tualatin Public Library, and participating in the City's events.



**Adam Dezay
Tualatin High School**

Next Steps....

- ⦿ Tualatin's winning entries are sent on for statewide competition and the chance to win an iPad Air
- ⦿ Statewide winner announced in mid-June

If I Were Mayor...

Sponsored by the City of Tualatin and Oregon Mayors Association

**Congratulations
Gabriel, Kathryn and Adam!**



City Council Meeting**Meeting Date:** 05/12/2014**ANNOUNCEMENTS:** Proclamation Declaring the Week of May 11 – 17, 2014 as “National Police Week” in the City of Tualatin

ANNOUNCEMENTS

Proclamation Declaring the Week of May 11 – 17, 2014 as “National Police Week” in the City of Tualatin

SUMMARY

The week of May 11-17, 2014 has been designated as National Police Week by the Congress of the United States of America. In addition, May 15th of each year is designated as police Memorial Day in honor of the Federal, State and Municipal Officers who have been killed or disabled in the line of duty. The City of Tualatin is proud of our law enforcement officers and wishes to recognize their commitment to the public safety profession.

Proclamation Police Week May 11-17, 2014

Proclamation

Proclamation Declaring the Week of May 11 - 17, 2014 as "National Police Week" in the City of Tualatin

WHEREAS the Congress of the United States of America has designated the week of May 11 – 17, 2014 to be dedicated as "*National Police Week*" and May 15 of each year to be "*Police Memorial Day*" in honor of the Federal, State and Municipal Officers who have been killed or disabled in the line of duty; and

WHEREAS on average, one law enforcement officer is killed in the line of duty somewhere in the United States every 57 hours, and since the first known line-of-duty death in 1791, more than 19,000 U.S. law enforcement officers have made the ultimate sacrifice; and

WHEREAS the City of Tualatin is proud of its law enforcement officers and wishes to recognize their commitment to the public safety profession; and

WHEREAS the Tualatin Police Department and its officers provide the highest quality services and are committed to the highest professional standards, working in partnership with the community, to meet the challenges of reducing crime, creating a safe environment, and improving quality of life.

NOW, THEREFORE BE IT PROCLAIMED that the City of Tualatin designates the week of May 11-17, 2014 as "*National Police Week*" in the City of Tualatin to call attention to Tualatin Police Officers for the outstanding service they provide to the community. The City Council also calls upon the community to express their thanks to the men and women who make it possible for us to leave our homes and family in safety each day and return to our homes knowing they are protected by men and women willing to sacrifice their lives if necessary, to guard our loved ones, property, and government against all who would violate the law.

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

CITY OF TUALATIN, OREGON

BY _____
Mayor

ATTEST:

BY _____
City Recorder

City Council Meeting

Meeting Date: 05/12/2014

ANNOUNCEMENTS: Proclamation Declaring the Week of May 18-24, 2014 as Emergency Medical Services (EMS) Week

ANNOUNCEMENTS

Proclamation Declaring the Week of May 18-24, 2014 as Emergency Medical Services (EMS) Week

Proclamation

Proclamation

Proclamation Designating the Week of May 18-24, 2014 as Emergency Medical Services Week in the City of Tualatin

WHEREAS emergency medical services is a vital public service; and

WHEREAS the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS the emergency medical services system consists of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators and others; and

WHEREAS the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week;

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

The week of May 18-24, 2014 is designated as Emergency Medical Services Week in the City of Tualatin to call attention to Emergency Medical Services providers for the outstanding service they provide to the community. The City Council also calls upon the community to express their thanks to these the men and women for their outstanding dedication to their field.

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

CITY OF TUALATIN, OREGON

BY _____
Mayor

ATTEST:

BY _____
City Recorder

City Council Meeting

Meeting Date: 05/12/2014

ANNOUNCEMENTS: Proclamation Declaring the Week of May 18-24, 2014 as National Public Works Week

ANNOUNCEMENTS

Proclamation Declaring the Week of May 18-24, 2014 as National Public Works Week

A - Proclamation

Proclamation

Proclamation Declaring May 18-24, 2014 National Public Works Week in the City of Tualatin

WHEREAS public works services in our community are an integral part of our citizens' everyday lives; and

WHEREAS the support of an understanding and informed citizenry is vital to the efficient operation and construction of public works systems such as water, sewer, streets, parks, and drainage and programs such as building maintenance, park maintenance, emergency management, and solid waste management; and

WHEREAS the health, safety, and comfort of this community greatly depends on design, construction, and maintenance of these facilities and services; and

WHEREAS the quality and effectiveness of these facilities, as well as their planning, design, construction and maintenance is vitally dependent upon the efforts and skill of public works employees and officials; and

WHEREAS the efficiency of the qualified and dedicated personnel who provide public works are materially influenced by the people's attitude and understanding of the importance of the work they perform.

NOW, THEREFORE, BE IT PROCLAIMED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, Oregon that:

Section 1. May 18 through 24, 2014 is proclaimed as PUBLIC WORKS WEEK in the City of Tualatin.

Section 2. Tualatin residents are urged to acquaint themselves with the issues involved in providing our public works services and to recognize the contributions which public works employees and officials make every day to our health, safety, comfort, and quality of life.

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

CITY OF TUALATIN, OREGON

BY _____
Mayor

ATTEST:

BY _____
City Recorder



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Nicole Morris, Deputy City Recorder

DATE: 05/12/2014

SUBJECT: Consideration of Approval of the Minutes for the City Council Work Session and Regular Meeting of April 28, 2014

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve the minutes for the City Council Work Session and Regular Meeting of April 28, 2014.

RECOMMENDATION:

Staff respectfully recommends that the Council adopt the attached minutes.

Attachments: [City Council Work Session Minutes of April 28, 2014](#)
[City Council Meeting Minutes of April 28, 2014](#)



OFFICIAL MINUTES OF TUALATIN CITY COUNCIL WORK SESSION FOR APRIL 28, 2014

Present: Mayor Lou Ogden; Council President Monique Beikman; Councilor Wade Brooksby; Councilor Frank Bubenik; Councilor Nancy Grimes; Councilor Ed Truax

Absent: Councilor Joelle Davis

Staff Present: City Manager Sherilyn Lombos; City Attorney Sean Brady; Assistant City Manager Alice Cannon; Community Services Director Paul Hennon; Deputy City Manager Sara Singer; Planning Manager Aquilla Hurd-Ravich; Deputy City Recorder Nicole Morris; Associate Planner Cindy Hahn; Maintenance Services Division Manager Clayton Reynolds; Police Captain Larry Braaksma; Management Analyst Ben Bryant; Public Works Director Jerry Postema

CALL TO ORDER

Mayor Ogden called the meeting to order at 5:05 p.m.

1. ***Basalt Creek Concept Plan Project Update.***

Planning Manager Aquilla Hurd-Ravich and Associate Planner Cindy Hahn presented an update on the Basalt Creek Concept Plan, partnering agreement, and public involvement strategy. Planner Hahn presented the updated partnering agreement noting the only significant change is the inclusion of a statement regarding compliance with Oregon Public Meetings Law.

Planner Hahn presented the public involvement plan. She noted four engagement techniques with five levels of involvement will be utilized. Techniques include engagement materials, targeted stakeholder outreach, public events, online surveys, and informational updates and announcements. The project website will be redesigned to help keep stakeholders engaged. Public workshops and open houses will start in June. Work products that will come from this outreach include an existing conditions report, final alternative scenarios, preferred scenario, final boundary map, and Title 11 compliance memo. Next steps include producing a calendar of milestones, guiding principles, and evaluation measures.

Councilor Bubenik asked how citizens could join the concerned person's mailing list. Planner Hahn stated citizens can submit a comment form on the website and they will be added to the list. Councilor Bubenik asked how often updates will be sent. Planner Hahn stated updates will be sent once a month in addition to news releases and formal meeting notices.

2. ***Metro Councilor Dirksen.***

Metro Councilor Craig Dirksen presented a PowerPoint updating Council on the status of Metro programs. He updated the Council first on the Regional Transportation Plan (RTP) update. The update is currently in the public comment period with final action from the Joint Policy Advisory Committee on Transportation (JPACT) and Metro Council to happen in July. Councilor Dirksen explained the draft Active Transportation Plan (ATP) incorporates all of the bike and pedestrian projects from local and regional plans into one comprehensive document along with a set of policies and actions to help build the network.

Mayor Ogden expressed concern over the ATP, specifically that the plan does more than simply list a set of local projects, but also has many prescriptive measures. Councilor Dirksen explained the ATP project list is comprised of projects that are submitted by each jurisdiction and are ultimately folded into the RTP. While the ATP goes beyond the project list and includes policies and actions to support the active transportation network, no prescriptive measures were put in the legally binding RTP. Mayor Ogden asked if Tualatin had submitted projects for the RTP list. Councilor Dirksen stated cities take projects from their Transportation System Plans (TSP) and submit them to be on the RTP. Tualatin's projects are listed in the draft RTP.

Councilor Dirksen briefed the Council on Climate Smart Communities noting it is a state requirement that each region reduce carbon emissions from cars and small trucks 20% below 2005 levels. Metro has been tasked with creating a plan for our region and is currently working towards a preferred approach. A joint Metro Policy Advisory Committee (MPAC) and JPACT meeting will be held in May to discuss strategies and recommend a draft preferred approach.

Councilor Brooksby asked who is part of the stakeholder group. Councilor Dirksen responded stakeholders include members of the business community and elected officials.

Councilor Dirksen updated the Council on Metro's natural areas. He stated parks and trails are getting healthier due to a 5 year levy. The levy will restore and improve 16,000 acres of open spaces and parks. Brief updates were given on the Convention Center Hotel project, Oregon Zoo improvements, and Cirque du Soleil TOTEM at the Expo Center.

City Manager Lombos asked about a long-term master plan being put in place for when the levy expires. Councilor Dirksen stated Metro is looking for a permanent revenue source to sustain the programs put in place from the levy.

3. *Economic Development Strategic Plan Update.*

Economic Development Manager Ben Bryant and Consultant Janet Young presented an update on the Economic Development Strategic Plan. Manager Bryant briefed the Council on the strategy committee's process for updating the plan. He noted four meetings were held and members developed and prioritized a strategy and recommended the draft plan as presented.

Consultant Young presented the synopsis of the draft plan. She noted the overall goal of the plan is to continue in a leadership role as one of the premier economic activity centers in the greater Portland metropolitan region. She stated it will also be

important to focus on growing family wage jobs in target business clusters while encouraging high standards and excellence in urban design. Consultant Young covered key assumptions of the plan with the two main focuses being infrastructure and quality of life. Two strategies have been formed for the plan. The first strategy is business retention, expansion and recruitment. The second strategy is to work on business climate and competitive positioning. Consultant Young talked to the high level detail of each strategy.

Manager Bryant noted the draft plan is currently being shared with the community and will come back to the Council in the late spring for adoption.

Mayor Ogden stated he would like to ensure that collaborating and leveraging regional investments in our infrastructure is highlighted, as this will be important to Tualatin's economic success.

4. *Community Enhancement Award Recommendation.*

Program Coordinator Becky Savino and Tualatin Arts Advisory Committee (TAAC) member Dawn Upton presented the recommendation for the Community Enhancement Award. Program Coordinator Savino explained the Community Enhancement Award was started back in 2008 to recognize businesses and community members who give to the arts. Ms. Upton stated the TAAC recommended this year's award go to Jeannine Miller, Arts Instructor at Tualatin High School, for her dedication to the Student Visual Chronicle Program.

Council approved the recommendation.

City Manager Lombos stated the formal award presentation is tentatively scheduled for the May 12th Council meeting.

5. *Neighbors Nourishing Community Program.*

Chad Darby and Robert Kellogg presented a PowerPoint on a new local non-profit Neighbors Nourishing Communities. The mission of the group is to provide fresh, nutritious, locally-grown produce to residents in our community, particularly those that lack access due to their economic circumstances. Mr. Darby explained how the program formula is simple and unique by incentivizing participation to make it sustainable so every partner in the program can contribute what they can. He stated Tualatin's poverty rate has increased to 13.6 % making the need for this program great. The program currently has 16 resident gardeners, 6 low-income families and 9 key business partners actively participating. Mr. Darby asked the Council if there was a role they could play in helping make this program successful.

Councilor Bubenik stated that he would like to see the Council help by providing water assistance to gardeners and/or donating space for garden beds or a green house.

Mr. Kellogg stated this year will provide proof of concept for the group. They will be back next year with a plan to seek funding from the City.

ADJOURNMENT

The work session adjourned at 7:03 p.m.

Sherilyn Lombos, City Manager

_____ / Nicole Morris, Recording Secretary

_____ / Lou Ogden, Mayor



OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR APRIL 28, 2014

Present: Mayor Lou Ogden; Council President Monique Beikman; Councilor Wade Brooksby; Councilor Frank Bubenik; Councilor Nancy Grimes; Councilor Ed Truax

Absent: Councilor Joelle Davis

Staff Present: City Manager Sherilyn Lombos; City Attorney Sean Brady; Assistant City Manager Alice Cannon; Community Services Director Paul Hennon; Planning Manager Aquilla Hurd-Ravich; Deputy City Recorder Nicole Morris; Water Division Manager Mick Wilson; Maintenance Services Division Manager Clayton Reynolds; Police Captain Larry Braaksma; Human Resources Manager Janet Newport

A. CALL TO ORDER

Pledge of Allegiance

Mayor Ogden called the meeting to order at 7:03 p.m.

B. ANNOUNCEMENTS

1. Proclamation Declaring May as Older Americans Month in Tualatin

Mayor Ogden read the proclamation declaring May as Older Americans Month in Tualatin.

2. Proclamation Declaring the week of May 4-10, 2014 National Drinking Water Week

Councilor Truax read the proclamation declaring the week of May 4-10, 2014 National Drinking Water Week.

3. New Employee Introduction- Jason Horner, Water Utility Technician I

Public Works Director Jerry Postema introduced Jason Horner, Utility Technican I- Water Division. The Council welcomed him.

4. Proclamation Declaring the Week of May 4 - May 10, 2014 Public Service Recognition Week

Councilor Brooksby read the proclamation declaring the Week of May 4-10, 2014 Public Service Recognition Week.

Mayor Ogden thanked all City staff for their hard work and dedication to the City of Tualatin.

5. Proclamation Declaring Saturday May 17, 2014 as National Kids to Parks Day in Tualatin

Council President Beikman read the proclamation declaring Saturday May 17, 2014 as National Kids to Parks Day in Tualatin.

C. CITIZEN COMMENTS

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D. CONSENT AGENDA

The Consent Agenda will be enacted with one vote. The Mayor will ask Councilors if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. If you wish to request an item to be removed from the consent agenda you should do so during the Citizen Comment section of the agenda. The matters removed from the Consent Agenda will be considered individually at the end of this Agenda under, Items Removed from the Consent Agenda. The entire Consent Agenda, with the exception of items removed from the Consent Agenda to be discussed, is then voted upon by roll call under one motion.

MOTION by Council President Monique Beikman, SECONDED by Councilor Nancy Grimes to approve the consent agenda.

Vote: 6 - 0 MOTION CARRIED

1. Consideration of Approval of the Minutes for the City Council Work Session and Regular Meeting of April 14, 2014 and the Special Work Session of April 15, 2014
2. Recommendation for Approval of an Intergovernmental Agreement with Oregon State Police and the Tualatin Police Department to Provide Fingerprint Services to the Public.
3. Consideration of **Resolution No. 5189-14** Authorizing the City Manager to Sign a Contract for Asset Management Software with NexGen Asset Management
4. 2013 Annual Report of the Tualatin Library Advisory Committee

E. GENERAL BUSINESS

If you wish to speak on a general business item please fill out a Speaker Request Form and you will be called forward during the appropriate item. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.

1. Consideration of **Ordinance No. 1373-14** to Prohibit Medical Marijuana Facilities from Locating in Tualatin until May 1, 2015 - 2nd Reading.

MOTION by Council President Monique Beikman, SECONDED by Councilor Nancy Grimes for second reading by title only.

Vote: 4 - 2 MOTION CARRIED

Nay: Councilor Frank Bubenik
Councilor Ed Truax

MOTION by Council President Monique Beikman, SECONDED by Councilor Nancy Grimes to adopt Ordinance No. 1373-14 relating to medical marijuana facilities; amending ordinance no. 1368-14; and declaring an emergency.

Vote: 4 - 2 MOTION CARRIED

Nay: Councilor Frank Bubenik
Councilor Ed Truax

F. ITEMS REMOVED FROM CONSENT AGENDA

Items removed from the Consent Agenda will be discussed individually at this time. The Mayor may impose a time limit on speakers addressing these issues.

G. COMMUNICATIONS FROM COUNCILORS

Councilor Bubenik participated in the Washington County Community Development Block Grant Bus Tour. The tour took members of the committee to locations in the community that had received grant dollars. Councilor Bubenik also attended the Clackamas County Association dinner. The dinner included a jet boat tour of the Willamette Falls area followed by a presentation on how the area will be redeveloped.

H. ADJOURNMENT

Mayor Ogden adjourned the meeting at 7:28 p.m.

Sherilyn Lombos, City Manager

_____ / Nicole Morris, Recording Secretary

_____ / Lou Ogden, Mayor



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Tony Doran, Engineering Associate
Alice Cannon, Assistant City Manager

DATE: 05/12/2014

SUBJECT: Consideration of **Resolution No. 5187-14** to Authorize the City Manager to Execute a Quitclaim Deed of a Public Sanitary Sewer Easement on a Metro Owned Parcel that is Part of the Wetland Protection District.

ISSUE BEFORE THE COUNCIL:

Consideration of Resolution No. 5187-14 to authorize the City Manager to execute a quitclaim deed of a public sanitary sewer easement located on a Metro owned parcel that is part of the Wetland Protection District.

RECOMMENDATION:

Staff recommends Council authorize the City Manager to execute a quitclaim deed to relinquish a public sanitary sewer easement located on a Metro owned parcel that is part of the Wetland Protection District.

EXECUTIVE SUMMARY:

On December 12, 1988 Tualatin's City Council adopted Resolution 2488-88, which granted the City a public sanitary sewer line easement for construction of the public sanitary sewer system in 1988. A portion of this easement is adjacent to the north property line of a Metro owned parcel that is part of the Wetland Protection District southwest of the intersection of SW Herman Road and SW Teton Avenue and recorded as Washington County Document No. 88-58145.

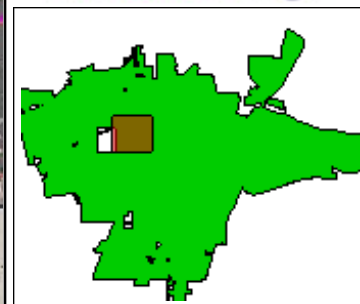
On April 23, 2007 Clean Water Services obtained a public sanitary sewer easement over the same location as Tualatin's public sanitary sewer easement. The Clean Water Services' easement was associated with project 6030, the Cipole Trunk Upgrade. The easement was recorded as Washington County Document No. 2007-044913. Clean Water Services now maintains the public sanitary sewer line in this location.

Metro has requested that Tualatin quitclaim its interest of the public sanitary sewer easement as the easement is no longer needed by Tualatin. ORS 271.310 and ORS 271.330 authorize the City to quitclaim an easement to another agency upon finding the City no longer needs it for a public purpose. With the creation of Clean Water Services' public sanitary sewer easement

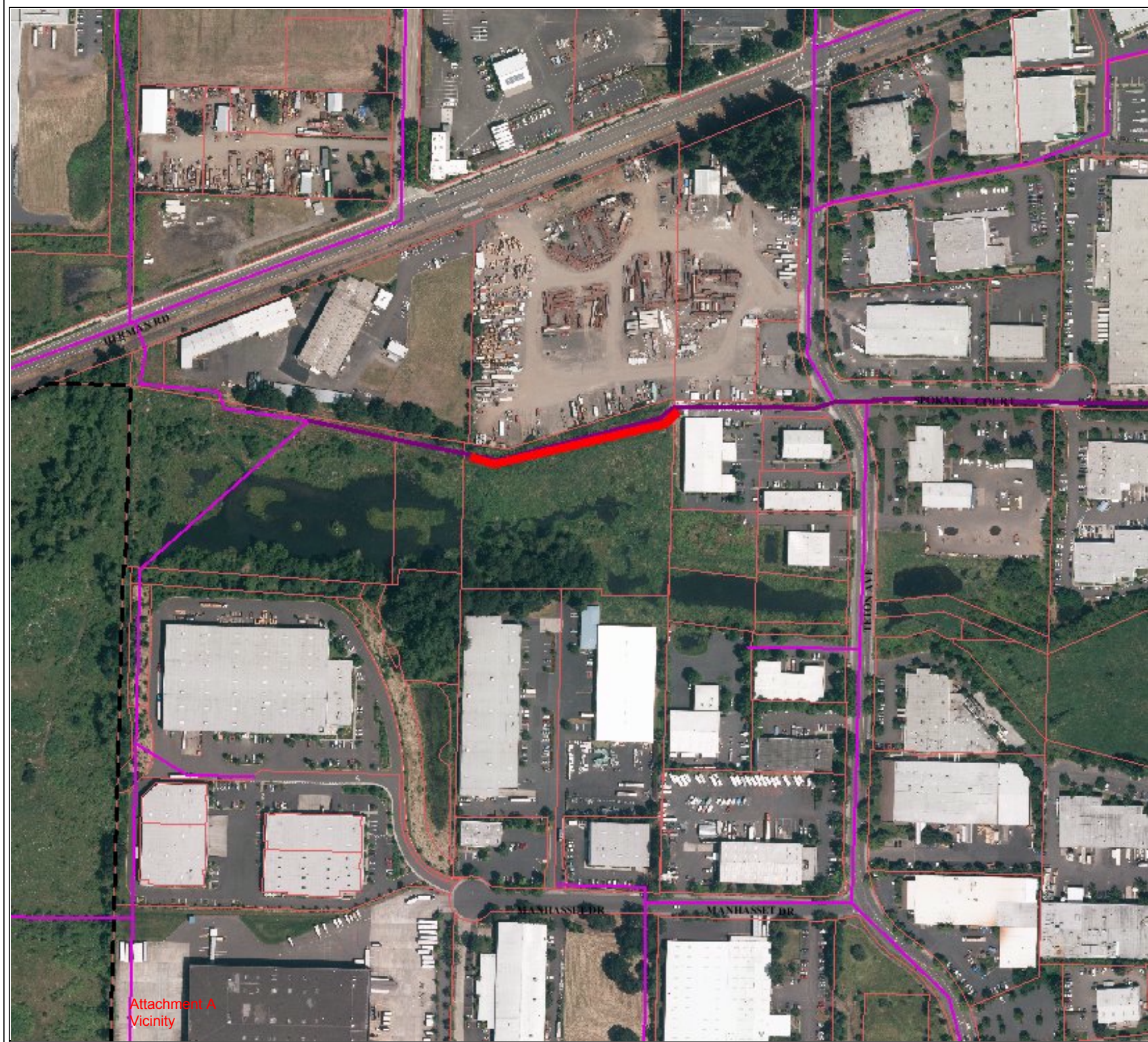
and associated current and future maintenance responsibility, there is no longer a need for Tualatin's easement. Approval of this quitclaim will remove Tualatin's public sanitary sewer easement on this parcel.

Attachments: A - Vicinity Map
 B - Metro Ownership
 C - Tualatin Easement To Be Quitclaimed
 D - CWS Easement To Remain
 E - Resolution
 F - Quitclaim

Area of Interest



- Sewer Lines
-  Tualatin Gravity
-  Tualatin Force
-  CWS Gravity
-  CWS Force



Scale 1:3,916
1 in = 326 ft

Attachment A
Vicinity



After recording return to:
Metro
600 NE Grand Avenue
Portland, OR 97232

Until a change is requested all tax
statements shall be sent to the
following address:
Metro Parks & Environmental Services
600 NE Grand Avenue
Portland, OR 97232

File No.: NCS-546326-OR1 (ch)

THIS SPACE RES

Washington County, Oregon **2013-045057**
D-DW
Stn=12 S PFEIFER **05/20/2013 09:21:00 AM**
\$25.00 \$11.00 \$5.00 \$15.00 **\$56.00**

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

STATUTORY WARRANTY DEED

Carolla E. Fritzler and Sally E. Kuykendall, Trustees, or successor Trustee, of the Carolla E. Fritzler Revocable Trust, Grantor, conveys and warrants to **Metro, an Oregon municipal corporation**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

LEGAL DESCRIPTION: Real property in the County of Washington, State of Oregon, described as follows:

See Exhibit 'A' attached hereto and by reference made a part hereof

Subject to: Those items as outlined in Exhibit 'B' attached hereto and by reference made a part hereof

The true consideration for this conveyance is **\$50,000.00**. (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.

Dated this 16 day of May, 2013.

Carolla E. Fritzler, Trustee
Carolla E. Fritzler, as Trustee of the Carolla E. Fritzler Revocable Trust

Sally E. Kuykendall, Trustee
~~Carolla E. Fritzler, as Trustee of the Carolla E. Fritzler Revocable Trust~~
Sally E. Kuykendall x SKK

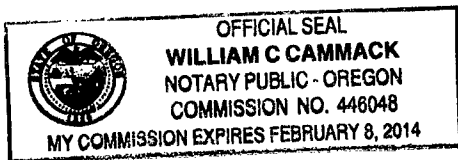
STATE OF Oregon

County of Multnomah)
SS.

This instrument was acknowledged before me on this 16th day of May, 2013 by Carolla E Fritzler and Sally E. Kuykendall, as Trustees of the Carolla E. Fritzler Revocable Trust, on behalf of said trust.

Kuykendall
SKK

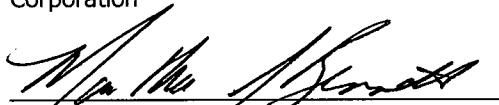
[Signature]
Notary Public for Oregon
My commission expires: FEB 8 2014



This conveyance is approved as to form and content and accepted by Metro, an Oregon municipal corporation.

Approved as to form:

Metro, an Oregon municipal Corporation



Martha J. Bennett, Chief Operating Officer



STATE OF Oregon)
)ss.
County of Multnomah)

This instrument was acknowledged before me on this 16th day of May, 2013 by Martha J. Bennett as Chief Operating Officer of Metro, an Oregon municipal corporation.



Notary Public for Oregon
My commission expires:

EXHIBIT 'A'

PARCEL I:

THE FOLLOWING PARCEL BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 2 SOUTH, RANGE 1 WEST, W.M., WASHINGTON COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN AXLE WITH 6" FLANGE AT THE EAST QUARTER CORNER OF SECTION 22, TOWNSHIP 2 SOUTH, RANGE 1 WEST, W.M., WASHINGTON COUNTY, OREGON;
THENCE, ALONG THE EAST LINE OF SAID SECTION 22, SOUTH 0° 14' 51" EAST A DISTANCE OF 540.00 FEET TO A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP MARKED R.A. WRIGHT ENGINEERING, INC.;
THENCE, NORTH 87° 42' 57" WEST A DISTANCE OF 151.72 FEET TO A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP MARKED R.A. WRIGHT ENGINEERING, INC.;
THENCE, NORTH 2° 14' 31" EAST A DISTANCE OF 40.00 FEET TO A 5/8" IRON ROD;
THENCE, NORTH 87° 43' 53" WEST A DISTANCE OF 345.47 FEET TO A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP MARKED R.A. WRIGHT ENGINEERING, INC.;
THENCE, NORTH 0° 14' 49" WEST A DISTANCE OF 361.30 FEET TO THE SOUTHERLY PLAT LINE OF GLENMORAG PARK (PLAT BOOK 3, PAGE 0034);
THENCE, ALONG THE SOUTHERLY PLAT LINE OF SAID GLENMORAG PARK (PLAT BOOK 3, PAGE 0034), SOUTH 82° 31' 43" EAST A DISTANCE OF 105.40 FEET;
THENCE, NORTH 71° 12' 17" EAST A DISTANCE OF 411.91 FEET TO THE POINT OF BEGINNING.

THE LEGAL DESCRIPTION WAS CREATED PRIOR TO JANUARY 01, 2008.

PARCEL II:

ACCESS EASEMENT AS SET FORTH IN DOCUMENT ENTITLED "BARGAIN AND SALE DEED", RECORDED DECEMBER 23, 1986 AS FEE NO. 88057231, OF WASHINGTON COUNTY.

PARCEL III:

ACCESS EASEMENT AS SET FORTH IN DOCUMENT ENTITLED "VEHICULAR ACCESS EASEMENT", RECORDED MAY 10, 1991 AS FEE NO. 91023660, OF WASHINGTON COUNTY.

Exhibit "B"

1. A portion of said land lies within the Wetlands Protection District of the City of Tualatin as disclosed by instrument recorded October 17, 1983 as Recorder's Fee No. 83038274 and as amended by instruments recorded November 18, 1983 as Fee No. 83042751, and recorded June 29, 1984 as Fee No. 84025190, recorded July 10, 1984 as Fee No. 84026641.

2. Easement, including terms and provisions contained therein:
Recording Information: December 29, 1988 as Fee No. 88-58145
In Favor of: City of Tualatin
For: Sanitary sewer line

3. The terms, provisions and easement(s) contained in the document entitled "Vehicular Access Easement" recorded May 10, 1991 as Fee No. 91023660 of Official Records.

4. The terms, provisions and easement(s) contained in the document entitled "Storm Drainage and Water Quality Treatment Easement" recorded May 10, 1991 as Fee No. 91023661 of Official Records.

5. The terms, provisions and easement(s) contained in the document entitled "Storm Drainage Easement" recorded May 10, 1991 as Fee No. 91023662 of Official Records.

6. Easement, including terms and provisions contained therein:
Recording Information: April 23, 2007 as Fee No. 2007-044913
In Favor of: Clean Water Services
For: Sanitary sewer (or sewers)

RESOLUTION NO. 2248-88

A RESOLUTION ACCEPTING A SANITARY SEWER LINE
EASEMENT FROM CAROLLA E. FRITZLER IN ASSOCIATION
WITH LID NO. 33-83-SS

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

Section 1. The Sanitary Sewer Line Easement attached hereto
is for the right to construct, reconstruct, operate and maintain
a sanitary sewer line in association with LID NO. 33-83-SS, and
is hereby accepted by the City of Tualatin for the purposes
herein stated; and

Section 2. The City Recorder be instructed to cause said
Sanitary Sewer Line Easement to be recorded on the Book of
Records of the Washington County Recorder.

INTRODUCED AND ADOPTED this 12th day of December, 1988.

CITY OF TUALATIN, OREGON

By Luanne B. Thielke
Mayor

ATTEST:

By Stephen A. Rhodes
City Recorder

Resolution No. 2248-88

2S1 22D, 100

CITY OF TUALATIN, OREGON

SANITARY SEWER LINE EASEMENTKNOW ALL MEN BY THESE PRESENTS, that Carolla E. Fritzler

hereinafter called the GRANTOR, does hereby grant unto the City of Tualatin, hereinafter called the CITY, its successors in interest and assigns, the permanent right to construct, reconstruct, operate and maintain a Sanitary Sewer Line on the following described land:

A tract of land in the SE 1/4, Section 22, T. 2 S., R. 1 W., W.M., Washington County, Oregon, said tract being a portion of that parcel describes in a conveyance to Edwin N. Fritzler and Carolla E. Fritzler recorded in Book 872, Page 801, Washington County Deed Records and being described as follows:

Beginning at the East 1/4 corner of said Section 22 as said 1/4 corner is described in U.S.B.T. Book 2, Page 272, Entry 348; thence along the East line of said Section 22, S 00°02'07" W, 34.29 feet; thence S 33°44'34" W, 21.37 feet; thence S 73°48'23" W, 418.35 feet; thence N 79°44'25" W, 82.77 feet to the West line of said Fritzler parcel; thence along said West line N 0°02'07" E, 37.43 feet to the South line of that property described in a conveyance to Henry Saxton recorded in Deed Book "P", Page 151; thence along said Saxton property, S 82°14'45" E, 105.45 feet; thence continuing along said Saxton property, N 71°29'15" E, 411.91 feet to the point of beginning.

Containing 19,539 square feet, more or less.

TO HAVE AND TO HOLD, the above described easement unto the CITY, its successors in interest and assigns forever.

GRANTOR reserves the right to use the surface of the land for walkways, plantings, parking and related uses. Such uses undertaken by the GRANTOR shall not be inconsistent or interfere with the use of the subject easement area by the CITY. No building or utility shall be placed upon, under or within the property subject to the foregoing easement during the term thereof, however, without the written permission of the CITY.

Upon completion of the construction, the CITY shall restore the surface of the property to its original condition and shall indemnify and hold the GRANTOR harmless against any and all loss cost or damage arising out of the exercise of the rights granted herein.

1-3

The true consideration of this conveyance is \$0.00 and other good and valuable consideration, the receipt of which is hereby acknowledged by GRANTOR.

CITY will allow the GRANTOR to connect to the CITY sanitary sewer system at any time in the future upon the GRANTOR paying all connection fees in effect at the time of connection.

And the GRANTOR above named hereby covenants to and with the CITY, and CITY's successors in interest and assigns that GRANTOR is lawfully seized in fee simple of the above granted premises, free from all encumbrances

and that GRANTOR and their heirs and personal representatives shall warrant and forever defend the said premises and every part thereof to the CITY, its successors in interest and assigns against the lawful claims and demands of all persons claiming by, through, or under the GRANTOR.

WITNESS our hands and seals this 30th day of November, 1988.

Carolla E. Fritzer (seal)

_____ (seal)

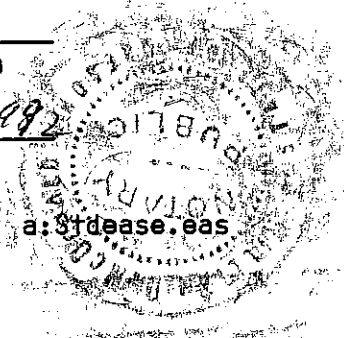
STATE OF OREGON)
County of Clatsop) ss

On this 30th day of November, 1988, before me, the undersigned, a Notary Public, personally appeared Carolla E. Fritzer and acknowledged the foregoing instrument to be their voluntary act and deed.

The undersigned City Manager of the City of Tualatin, being duly authorized and directed by the Council of the City of Tualatin, pursuant to Resolution No. 2248-88, does hereby approve and accept the foregoing sanitary sewer line easement

Before me: William J. Quinn
Notary Public for Oregon

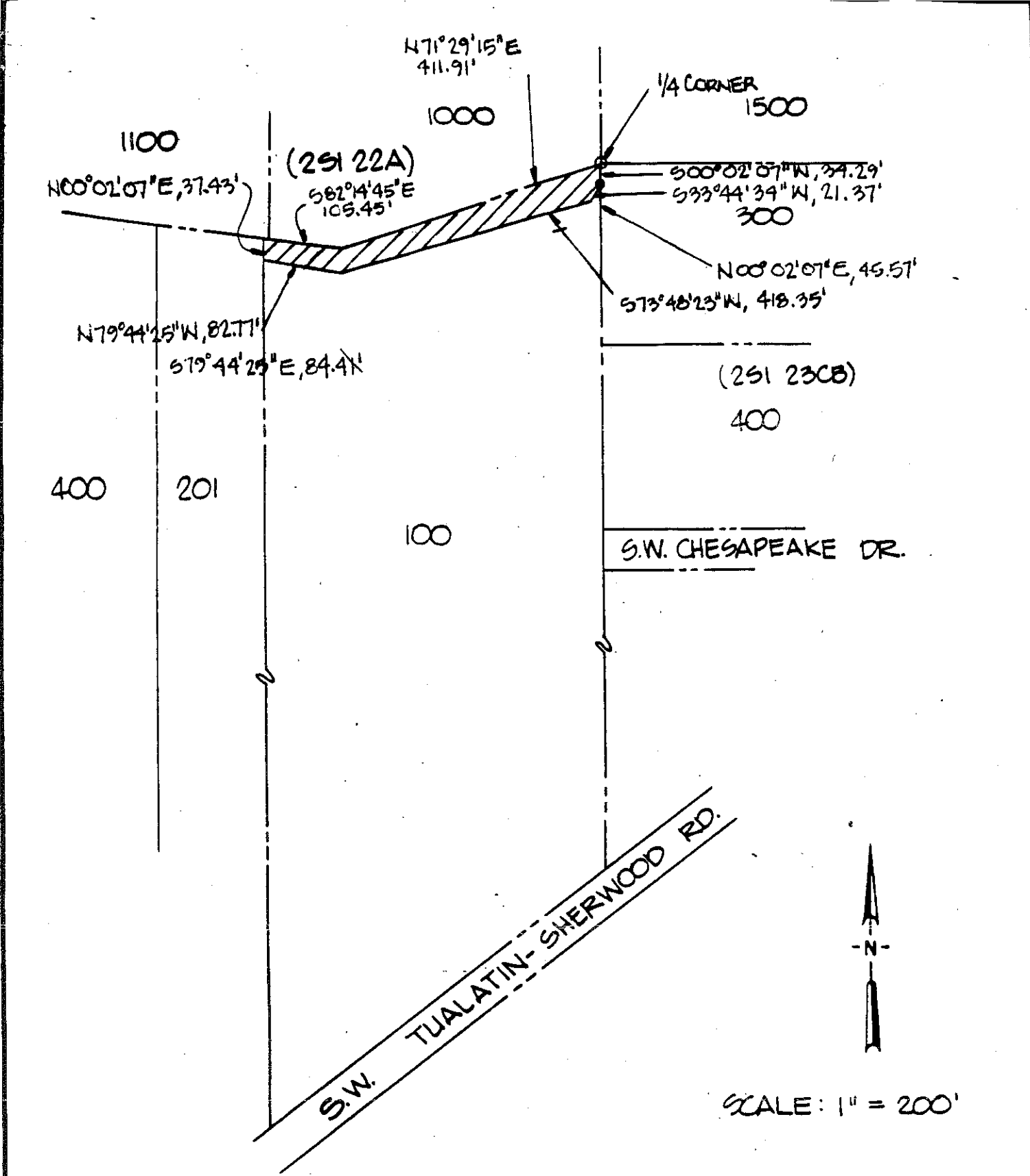
My Commission Expires: May 20, 1992




behalf of the City of Tualatin.
Dated this 12th day of December, 1988.

Stephen A. Rhodes
City Manager

After recording, return to:
City of Tualatin
P. O. Box 369
Tualatin, OR 97062



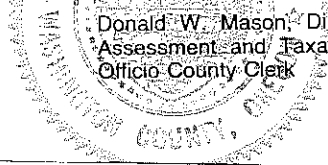
Return to:

CITY OF TUALATIN OREGON
 1880 S.W. MARTINAZZI AVENUE
 TUALATIN, OR 97062

**WEST TUALATIN ANNEXATION
 SEWER IMPROVEMENTS
 PHASE 1 LID No. 33-83-SS**
 2S1 22D T.L. 100

STATE OF OREGON }
 County of Washington } SS **847**

I, Donald W. Mason, Director of Assessment and Taxation and Ex-Officio Recorder of Conveyances for said county, do hereby certify that the within instrument of writing was received and recorded in book of records of said county.

Donald W. Mason, Director of Assessment and Taxation, Ex-Officio County Clerk



Doc : 88058145
 Rect: 1538 21.00
 12/29/1988 02:49:52PM



01105032200700449130050050

I, Richard Hobemicht, 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 Hobemicht, Director of Assessment and Taxation, Ex-Officio County Clerk



RETURN TO: Clean Water Services
Project #6030

Project: 6030 Cipole Trunk Upgrade

Mail Stop 10
2550 SW Hillsboro Highway
Hillsboro, OR 97123

Tax Lot No.: 2S122DA00100
Square Feet: 7,824

EASEMENT FOR SANITARY SEWER

GRANTOR'S NAME: Carolla E. Fritzler

MAILING ADDRESS: 6061 SW Prosperity Park Road, Tualatin, OR 97062

GRANTOR(s), owner of the property referred to above, has the authority and does hereby grant, convey and warrant unto Clean Water Services, GRANTEE, a non-exclusive perpetual easement in gross to use the real property described in Exhibit A attached hereto and by this reference incorporated herein (Easement Area). This easement is for the purpose of placing, constructing, operating, maintaining, inspecting, repairing, replacing and removing sanitary sewer (or sewers), associated facilities and planting and maintaining vegetation and controlling invasive vegetation through, under, over and along the Easement Area together with the right of use, ingress and egress over, across and on the Easement Area. This easement shall run with the land and shall be binding upon and shall inure to the benefit of the parties hereto, their heirs, successors, and assigns. No structure shall be erected upon the easement without the written consent of GRANTEE. GRANTEE shall not have any responsibility for pre-existing environmental contamination or for environmental contamination caused by GRANTOR or any third party of the Easement Area. This grant is made subject to the conditions attached hereto, marked Exhibit B and by this reference incorporated herein. This grant is made subject to no other conditions.

GRANTEE shall continue to have access along the Temporary Easement area, described on Sheet 2 of Exhibit A and depicted on the map included as Sheet 3 of Exhibit A, to maintain plantings and to remove invasive plants (e.g. blackberry, etc.) for a period of five years after the project is completed.

The consideration for this grant is \$2,400.

GRANTEE

GRANTOR

CLEAN WATER SERVICES

By: [Signature]
General Manager or Designee

[Signature]
Carolla E. Fritzler

APPROVED AS TO FORM

[Signature]
District Counsel

NOTARIZE DOCUMENT BELOW:



STATE OF Oregon)
County of Clatsamas)

This instrument was acknowledged before me on this 16th day of March, 2007 by Carolla E. Fritzler.

[Signature]
Notary Public

SANITARY SEWER EASEMENT

EXHIBIT A
Sheet 1 of 3

PROJECT: **CIPOLE TRUNK UPGRADE NO. 6030**

LOCATION: **TAX LOT 100 2S 1 22DA**

PREPARED BY:
Compass Engineering
6564 S.E. Lake Road
Milwaukie, Oregon 97222
(503) 653-9093

PERMANENT EASEMENT:

A 15.00 FOOT WIDE STRIP OF LAND SITUATED IN THE SOUTHEAST 1/4 OF SECTION 22, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON, LYING 7.50 FEET ON EACH SIDE OF THE CENTERLINE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO CAROLLA E. FRITZLER RECORDED AS DOCUMENT NUMBER 88-57232, WASHINGTON COUNTY DEED RECORDS; THENCE ALONG THE WEST LINE OF SAID FRITZLER TRACT SOUTH 00°01'04" WEST 25.55 FEET TO THE TRUE POINT OF BEGINNING OF THE CENTERLINE TO BE DESCRIBED; THENCE SOUTH 79°58'04" EAST 84.12 FEET; THENCE NORTH 73°56'50" EAST 410.33 FEET; THENCE NORTH 40°49'47" EAST 27.17 FEET TO A POINT ON THE WEST LINE OF PARCEL 1, PARTITION PLAT NO. 1999-091, WASHINGTON COUNTY PARTITION PLAT RECORDS, WHICH IS LOCATED SOUTH 00°01'04" WEST 22.71 FEET FROM AN AXLE AT THE WEST 1/4 CORNER OF SECTION 23, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON, AND THE TERMINUS OF SAID CENTERLINE.

THE SIDELINES OF THE ABOVE DESCRIBED 15.00 FOOT WIDE STRIP SHALL BE EXTENDED OR SHORTENED, AS NECESSARY, TO TERMINATE (AT THE WESTERLY END OF SAID 15.00 FOOT WIDE STRIP) ON THE WEST LINE OF THAT TRACT OF LAND DESCRIBED IN DEED TO CAROLLA E. FRITZLER RECORDED AS DOCUMENT NUMBER 88-57232, WASHINGTON COUNTY DEED RECORDS AND (AT THE EASTERLY END OF SAID 15.00 FOOT WIDE STRIP) ON THE WEST LINE OF PARCEL 1, PARTITION PLAT NO. 1999-091.

CONTAINS 7824 SQUARE FEET, MORE OR LESS.

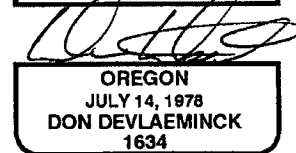
TEMPORARY EASEMENT:

A TRACT OF LAND SITUATED IN THE SOUTHEAST 1/4 OF SECTION 22, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO CAROLLA E. FRITZLER RECORDED AS DOCUMENT NUMBER 88-57232, WASHINGTON COUNTY DEED RECORDS; THENCE ALONG THE NORTH LINE OF SAID FRITZLER TRACT (BEING ALSO THE SOUTH LINE OF THE PLAT OF "GLENMORAG PARK", A PLAT OF RECORD IN WASHINGTON COUNTY, OREGON) SOUTH 82°15'50" EAST 105.40 FEET; THENCE CONTINUING ALONG SAID NORTH LINE NORTH 71°29'30" EAST 411.79 FEET TO AN AXLE AT THE WEST 1/4 CORNER OF SECTION 23, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON; THENCE ALONG THE WEST LINE OF PARCEL 1, PARTITION PLAT NO. 1999-091, WASHINGTON COUNTY PARTITION PLAT RECORDS, SOUTH 00°01'04" WEST 61.49 FEET; THENCE LEAVING SAID WEST LINE SOUTH 51°42'05" WEST 20.04 FEET; THENCE SOUTH 73°56'50" WEST 410.76 FEET; THENCE NORTH 79°58'04" WEST 85.77 FEET TO A POINT ON THE WEST LINE OF THE AFOREMENTIONED FRITZLER TRACT; THENCE ALONG SAID WEST LINE NORTH 00°01'04" EAST 56.02 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM: ANY PORTION LYING WITHIN THE LIMITS OF THE ABOVE DESCRIBED PERMANENT EASEMENT.

CONTAINS 21,602 SQUARE FEET, MORE OR LESS.

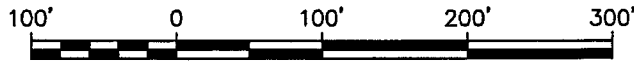


DATE OF SIGNATURE: *2/2/06*
VALID UNTIL 12/31/2007

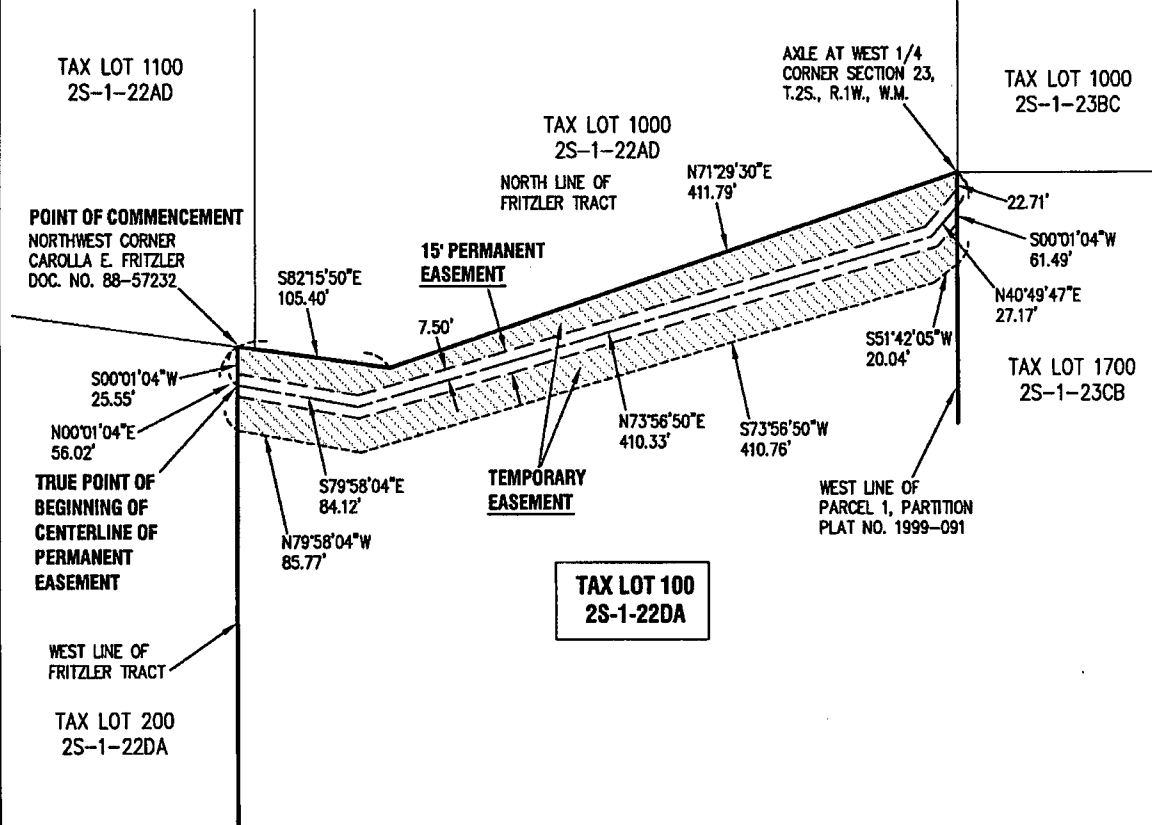
EXHIBIT "A"
SHEET 3 OF 3



 **TEMPORARY EASEMENT**



Scale: 1" = 100'



CIPOLE TRUNK UPGRADE NO. 6030
TAX LOT 100 (2S-1-22DA)
S.E. 1/4 SECTION 22, T2S, R1W, W.M.
WASHINGTON COUNTY, OREGON



EASEMENT CONDITIONS

1. During the time that the work is in progress, GRANTEE'S Contractor shall make every effort to maintain the site in a neat and orderly condition. All refuse, broken pipe, excess fill material, cribbing, etc., shall be removed as soon as practicable. Should the work not be maintained in satisfactory condition, GRANTEE may cause the work to stop until the cleanup portion of the work has been done to the satisfaction of GRANTOR and/or GRANTEE. Unusual conditions and special situations may cause final cleanup and restoration to be delayed until the final stages of construction.

RESOLUTION NO. 5187-14

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A QUITCLAIM DEED OF A PUBLIC SANITARY SEWER EASEMENT OVER METRO PROPERTY

WHEREAS, the City acquired a sanitary sewer easement over Metro property (Tax Lot 2S122DA00100); and

WHEREAS, subsequent to the City's acquisition of a sanitary sewer easement, Clean Water Services acquired a sanitary sewer easement over the same Metro property; and

WHEREAS, the City Council finds that the City's sanitary sewer easement is no longer needed for a public purpose; and

WHEREAS, the Council finds it is in the best interest of the City and the public to execute a quitclaim deed to relinquish the City's interest in the sanitary sewer easement.

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

Section 1. The City of Tualatin sanitary sewer easement over Metro property located on Tax Lot 2S122DA00100 is not longer needed for a public purpose and it is in the best interest of the City and the public to release the City's interest in the easement to Metro.

Section 2. The City Manager is authorized to execute a quitclaim deed for the benefit of Metro of the City's sanitary sewer easement (Recorded Document #88-58145, Washington County, Oregon).

Section 3. 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

ATTEST:

BY _____
City Attorney

BY _____
City Recorder

After recording return to:

Metro
600 NE Grand Avenue
Portland, OR 97232

QUITCLAIM DEED

The City of Tualatin, Oregon ("Grantor"), releases and quitclaims to Metro, an Oregon Municipal Corporation, ("Grantee"), all right, title and interest in and to the Sanitary Sewer easement, situated in Washington County, Oregon, conveyed to Grantor by Recorded Document #88-58145, Washington County Oregon.

Document #88-58145 describing the easements is attached as Exhibit A and incorporated herein by reference.

The true consideration for this conveyance is other valuable consideration, the receipt of which is acknowledged by Grantor.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSONS 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 (Definitions for ORS 92.010 to 92.192) OR 215.010 (Definitions), 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 (Definitions for ORS 30.930 to 30.947), AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300 (Definitions for ORS 195.300 to 195.336), 195.301 (Legislative findings) AND 195.305 (Compensation for restriction of use of real property due to land use regulation) TO 195.336 (Compensation and Conservation Fund) 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 this ____ day of _____, 2014.

CITY OF TUALATIN, OREGON

By _____
City Manager

STATE OF OREGON)
)
County of Washington)

This instrument was acknowledged before me on _____, 2014, by
Sherilyn Lombos, City Manager for the City of Tualatin, Oregon.

Notary Public - State of Oregon
My commission expires: _____

2S1 22D, 100

CITY OF TUALATIN, OREGON

SANITARY SEWER LINE EASEMENTKNOW ALL MEN BY THESE PRESENTS, that Carolla E. Fritzler

hereinafter called the GRANTOR, does hereby grant unto the City of Tualatin, hereinafter called the CITY, its successors in interest and assigns, the permanent right to construct, reconstruct, operate and maintain a Sanitary Sewer Line on the following described land:

A tract of land in the SE 1/4, Section 22, T. 2 S., R. 1 W., W.M., Washington County, Oregon, said tract being a portion of that parcel describes in a conveyance to Edwin N. Fritzler and Carolla E. Fritzler recorded in Book 872, Page 801, Washington County Deed Records and being described as follows:

Beginning at the East 1/4 corner of said Section 22 as said 1/4 corner is described in U.S.B.T. Book 2, Page 272, Entry 348; thence along the East line of said Section 22, S 00°02'07" W, 34.29 feet; thence S 33°44'34" W, 21.37 feet; thence S 73°48'23" W, 418.35 feet; thence N 79°44'25" W, 82.77 feet to the West line of said Fritzler parcel; thence along said West line N 0°02'07" E, 37.43 feet to the South line of that property described in a conveyance to Henry Saxton recorded in Deed Book "P", Page 151; thence along said Saxton property, S 82°14'45" E, 105.45 feet; thence continuing along said Saxton property, N 71°29'15" E, 411.91 feet to the point of beginning.

Containing 19,539 square feet, more or less.

TO HAVE AND TO HOLD, the above described easement unto the CITY, its successors in interest and assigns forever.

GRANTOR reserves the right to use the surface of the land for walkways, plantings, parking and related uses. Such uses undertaken by the GRANTOR shall not be inconsistent or interfere with the use of the subject easement area by the CITY. No building or utility shall be placed upon, under or within the property subject to the foregoing easement during the term thereof, however, without the written permission of the CITY.

Upon completion of the construction, the CITY shall restore the surface of the property to its original condition and shall indemnify and hold the GRANTOR harmless against any and all loss cost or damage arising out of the exercise of the rights granted herein.

1-3

The true consideration of this conveyance is \$0.00 and other good and valuable consideration, the receipt of which is hereby acknowledged by GRANTOR.

CITY will allow the GRANTOR to connect to the CITY sanitary sewer system at any time in the future upon the GRANTOR paying all connection fees in effect at the time of connection.

And the GRANTOR above named hereby covenants to and with the CITY, and CITY's successors in interest and assigns that GRANTOR is lawfully seized in fee simple of the above granted premises, free from all encumbrances

and that GRANTOR and their heirs and personal representatives shall warrant and forever defend the said premises and every part thereof to the CITY, its successors in interest and assigns against the lawful claims and demands of all persons claiming by, through, or under the GRANTOR.

WITNESS our hands and seals this 30th day of November, 1988.

Carolla E. Fritzer (seal)

_____ (seal)

STATE OF OREGON)
County of Clatsop) ss

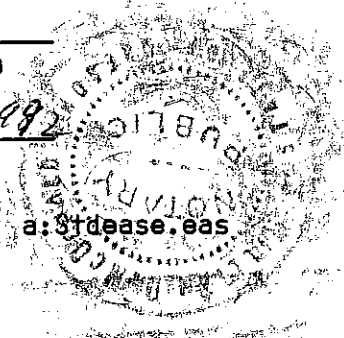
On this 30th day of November, 1988, before me, the undersigned, a Notary Public, personally appeared Carolla E. Fritzer

and acknowledged the foregoing instrument to be their voluntary act and deed.

The undersigned City Manager of the City of Tualatin, being duly authorized and directed by the Council of the City of Tualatin, pursuant to Resolution No. 2248-88, does hereby approve and accept the foregoing sanitary sewer line easement

Before me: William J. [Signature]
Notary Public for Oregon

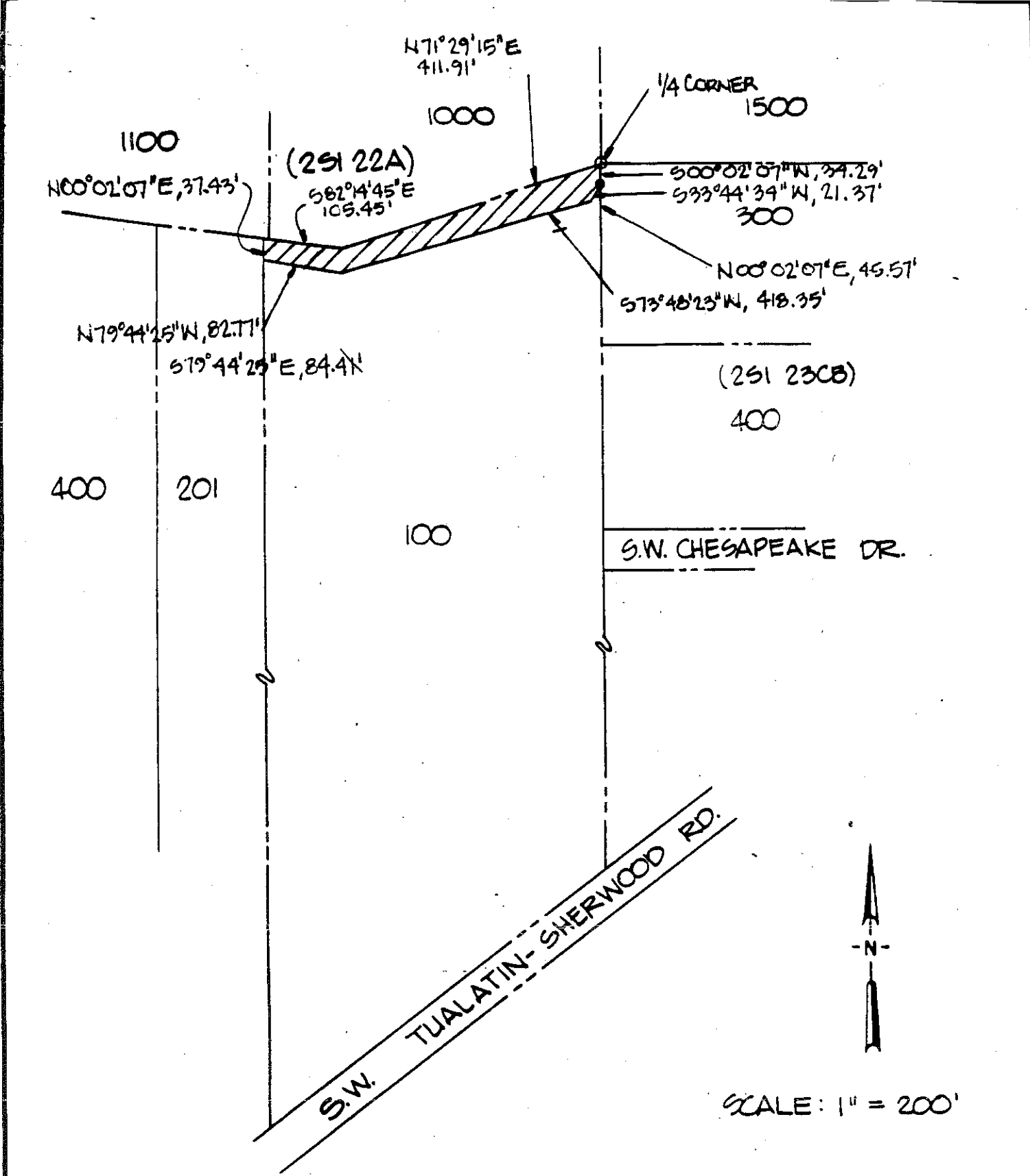
My Commission Expires: May 20, 1992




behalf of the City of Tualatin.
Dated this 12th day of December, 1988.

Stephen A. Rhodes
City Manager

After recording, return to:
City of Tualatin
P. O. Box 369
Tualatin, OR 97062



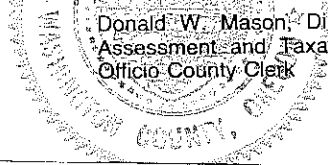
Return to:

CITY OF TUALATIN OREGON
 18880 S.W. MARTINAZZI AVENUE
 TUALATIN, OR 97062

**WEST TUALATIN ANNEXATION
 SEWER IMPROVEMENTS
 PHASE 1 LID No. 33-83-SS**
 2S1 22D T.L. 100

STATE OF OREGON }
 County of Washington } SS **847**

I, Donald W. Mason, Director of Assessment and Taxation and Ex-Officio Recorder of Conveyances for said county, do hereby certify that the within instrument of writing was received and recorded in book of records of said county.

Donald W. Mason, Director of Assessment and Taxation, Ex-Officio County Clerk



Doc : 88058145
 Rect: 1538 21.00
 12/29/1988 02:49:52PM



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Nicole Morris, Deputy City Recorder

DATE: 05/12/2014

SUBJECT: Consideration of Recommendations from the Council Committee on Advisory Appointments

ISSUE BEFORE THE COUNCIL:

Consideration of re-appointments and new appointments to the Tualatin Arts Advisory Committee and the Tualatin Planning Commission.

RECOMMENDATION:

Staff recommends the City Council approve the recommendations from the Council Committee on Advisory Appointments (CCAA) and reappoint and appoint the below listed individuals.

EXECUTIVE SUMMARY:

The Council Committee on Advisory Appointments met and interviewed citizens interested in participating on City advisory committees and boards. The Committee recommends reappointing and appointing the following individuals:

| <i>Individuals</i> | <i>Board</i> | <i>Term</i> |
|---------------------------|----------------------------------|---------------------------------------|
| Gary Thompson | Tualatin Arts Advisory Committee | Reappointment Term Expiring 3/31/17 |
| Adam Butts | Tualatin Planning Commission | New Appointment Term Expiring 8/31/15 |
| Jan Giunta | Tualatin Planning Commission | New Appointment Term Expiring 8/31/14 |

Attachments:



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Tony Doran, Engineering Associate
Alice Cannon, Assistant City Manager

DATE: 05/12/2014

SUBJECT: Consideration of **Resolution No. 5190-14** Concurring with Washington County's Findings Relating to Vacation of a Portion of a Stormwater Easement for Architectural Review Case 10-05 (AR 10-05), Powin Pacific Phase 2

ISSUE BEFORE THE COUNCIL:

Consideration of a resolution concurring with Washington County's findings relating to vacation of a portion of a public stormwater easement for AR 10-05, Powin Pacific Phase 2.

RECOMMENDATION:

Staff recommends Council execute a concurrence with Washington County's findings regarding a vacation of a portion of a public stormwater easement for AR 10-05, Powin Pacific Phase 2.

EXECUTIVE SUMMARY:

In 1984 Washington County obtained a public stormwater easement across a parcel northwest of the intersection of SW Tualatin-Sherwood Road and SW 115th Avenue. The purpose was to convey stormwater and provide access from SW Tualatin-Sherwood Road to a public water quality facility north of this parcel.

AR 10-05, Powin Pacific Phase 2 approved development on this parcel. The building location required rerouting the public stormwater line with an associated public stormwater and access easement to the City of Tualatin. This document provides both a public stormwater and access easement in association with the relocated public stormwater line.

With the creation of Tualatin's public stormwater easement and associated maintenance responsibility there is no longer a need for Washington County's easement. Approval of this concurrence will enable Washington County to vacate their public stormwater and access easement which is no longer needed on this parcel.

Attachments: A - Vacation
B - Easement

C - Resolution

Washington County, Oregon

03/24/2014 11:29:37 AM

2014-016259

D-VAC

Cnt=1 Str=29 RECORDS1

\$40.00 \$5.00 \$11.00 \$20.00 - Total = \$76.00



01925463201400162590080083

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

Richard Hobernicht, Director of Assessment and Taxation, Ex-Officio County Clerk



Return to:
Washington County
LUT – Survey
MS 15

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Consent – Land Use & Transportation (CPO 5)

Agenda Title: VACATE A PORTION OF A PERMANENT DRAINAGE EASEMENT AND AN INGRESS AND EGRESS EASEMENT DESCRIBED IN PARCEL VI OF DEED DOCUMENT NO. 90048906, VACATION 499

Presented by: Andrew Singelakis, Director of Land Use & Transportation

SUMMARY:

A petition was received by the Board to vacate a portion of a permanent drainage easement and an ingress and egress easement described in parcel VI of Deed Document No. 90048906. Said portion lying northeasterly of the northerly right-of-way of SW Tualatin-Sherwood Road and being situated in the northwest One-quarter of Section 27, T2S, R1W, W.M., Washington County, Oregon, as described and shown in the attached Vacation Report.

The vacation petition was signed by 100% of the abutting property owners. The storm lines have been removed from the proposed vacation area and have been re-located in a new easement granted to the City of Tualatin and recorded as Deed Document No. 2011-081613. Staff has reviewed this request and has determined that the easements proposed to be vacated are not used by the public and are not necessary for future public use. The proposed vacation is in the public interest. There will not be any adverse impacts to the public or on the abutting properties.

A Resolution and Order has been prepared granting the requested vacation and, when executed, it will complete Washington County's portion of the vacation proceedings. This easement is in the city limits of Tualatin. Pursuant to ORS 368.361(3), the City, by resolution or order, must concur in the findings of the county governing body to complete the vacation proceedings.

Attachments: 1. Resolution and Order
2. Vacation Report with legal description and Map (Exhibit "A" and Exhibit "B")

DEPARTMENT'S REQUESTED ACTION:

Vacate the permanent drainage easement and ingress and egress easement described in the attached vacation report, and request that the City Council of the City of Tualatin resolve or order concurrence with this vacation pursuant to ORS 368.361(3).

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

RO 14-32

| | |
|-----------------|-------------|
| Agenda Item No. | <u>2.i.</u> |
| Date: | 03/18/14 |

IN THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

In the Matter of the Vacation of a portion of a)
Permanent drainage easement and an ingress)
And egress easement described in parcel VI of)
Deed Document No. 90048906, and being in the)
Northwest One-quarter of Section 27, T2S, R1W,)
W.M., Washington County, Oregon.)

RESOLUTION AND ORDER

NO. 14-32
VACATION NO. 499

The above-entitled matter having come on regularly before the Board at its meeting March 18, 2014; and

It appearing to the Board that a petition has been filed to vacate a portion of a permanent drainage easement and an ingress and egress easement described in parcel VI of Deed Document No. 90048906. Said portion lying northeasterly of the northerly right-of-way of SW Tualatin-Sherwood Road and being situated in the northwest One-quarter of Section 27, T2S, R1W, W.M., Washington County, Oregon, and being described and shown in the attached Vacation Report. The petition was signed by owners of 100% of the property to be vacated and by the owners of 100% of the abutting properties, pursuant to ORS 368.351; and

It appearing to the Board that said petition did describe the easements proposed to be vacated, the names of the parties to be particularly affected thereby, and set forth the particular circumstances of the case; and

It appearing to the Board that said easements proposed to be vacated may be under the jurisdiction of Washington County and entirely within the corporate limits of the City of Tualatin, Oregon as described in ORS 368.361(3); and

It appearing to the Board that said easements, proposed to be vacated, are no longer needed for the use of the public; and

It appearing to the Board that the County Road Official did examine the area proposed to be vacated and hereby submits to the Board the Vacation Report attached hereto, and by this reference made a part hereof, in accordance with ORS 368.351(1); it is therefore

RESOLVED AND ORDERED that the easements more particularly described in the attached Vacation Report are hereby vacated as it is in the public interest. This vacation shall become final upon the formal concurrence of the City of Tualatin by either resolution or order pursuant to ORS 368.361(3); and it is further


RESOLVED AND ORDERED that the County Surveyor of Washington County, Oregon, be and hereby is authorized and directed to mark the vacated easements on the plats and records of Washington County Oregon; and it is further

RESOLVED AND ORDERED that the County Surveyor of Washington County, Oregon, is hereby authorized and directed to have this order of vacation and the resolution or order of the City of Tualatin recorded in the records of Washington County, Oregon, and cause copies of these orders to be filed with the Director of Assessment and Taxation and the County Surveyor's office in accordance with ORS 368.356(3).

Dated this 18th day of March, 2014.

| | <u>AYE</u> | <u>NAY</u> | <u>ABSENT</u> |
|------------|-------------------------------------|--------------------------|--------------------------|
| DUYCK | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| SCHOUTEN | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| MALINOWSKI | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ROGERS | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| TERRY | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON




Chairperson



Recording Secretary

Approved as to form



Cortney D. Duke-Driessen
Assistant County Counsel
Date: Feb. 13, 2014

Page 2 – R&O No. 14-32
Vacation No. 499

**DEPARTMENT OF LAND USE AND TRANSPORTATION
REPORT ON VACATION NO. 499**

March 18, 2014

**VACATION OF A PORTION OF A PERMANENT DRAINAGE EASEMENT AND AN
INGRESS AND EGRESS EASEMENT DESCRIBED IN PARCEL VI OF DEED
DOCUMENT NO. 90048906**

A request for vacation proceedings has been received by the staff for the Board of County Commissioners to vacate a portion of a permanent drainage easement and an ingress and egress easement described in parcel VI of Deed Document No. 90048906. Said portion lying northeasterly of the northerly right-of-way of SW Tualatin-Sherwood Road and being situated in the northwest One-quarter of Section 27, T2S, R1W, W.M., Washington County, Oregon. Said portions of said easements are described in the attached Exhibit "A" and shown on the attached Exhibit "B".

The owners of the property abutting the portion of the road to be vacated are:

2S1 27BD, TL 1900

Powin Pacific Properties, LLC
An Oregon limited liability company
13432 Rogers Rd.
Lake Oswego, OR 97035

CRITERIA FOR EVALUATION OF ROAD VACATION REQUESTS

1) Conformance with the County's Comprehensive Plan

The easements proposed to be vacated are no longer in use. The storm lines have been removed from the proposed vacation area and have been re-located in a new easement granted to the City of Tualatin and recorded as Deed Document No. 2011-081613.

2) Use of the Right-of-Way or Easements

The storm facilities and associated easements have been re-located in a new easement granted to the City of Tualatin. Therefore, they are no longer necessary.

3) Impact of Utilities and Emergency Services

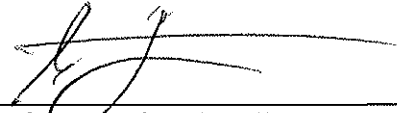
Utility providers and Emergency Services are not affected by this proposed vacation.

4) Limits of Vacation and Evaluation of "public road" Status

The easements proposed to be vacated are not needed for public use. They are within the city limits of Tualatin and, pursuant to ORS 368.361(3), the city must concur with this vacation proceeding for it to become finalized.

The limits of the easements proposed to be vacated are logical and justifiable, and the vacation of these easements will not have any adverse impacts on the abutting property.

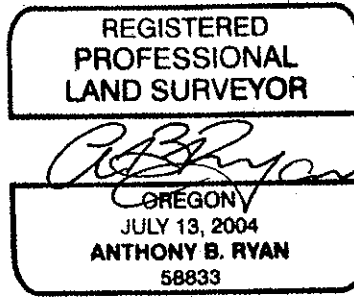
Based on the above statements, it is recommended that the Board of Commissioners grant the vacation of the easements proposed herein, as it is in the public interest.

A handwritten signature in black ink, appearing to read 'G. Stockhoff', is written over a horizontal line.

Gary A. Stockhoff, P.E.
Washington County Engineer



6950 SW Hampton Street, Suite 170
Tigard, OR 97223
Phone: (503) 595-8702
Fax: (503) 595-8705
office@weddlesurveying.com
www.weddlesurveying.net



RENEWAL DATE: DEC. 31, '12

October 25, 2011
Job No. 4348-SDE-VAC

VACATION OF A 10 FOOT WIDE PERMANENT DRAINAGE EASEMENT AND
ADJOINING 20 FOOT WIDE INGRESS AND EGRESS EASEMENT

LEGAL DESCRIPTION

EXHIBIT "A"

A tract of land described as Parcel VI (Permanent Drainage Easement) in Dedication Deed Document No. 90-48906, Washington County Deed Records, located in the Northwest Quarter of Section 27, Township 2 South, Range 1 West, Willamette Meridian, City of Tualatin, Washington County, Oregon, more particularly described in said Document No. 90-48906 as follows:

"PARCEL VI (Permanent Drainage Easement)

A portion of that tract of land situated in the Northwest one-quarter of Section 27, Township 2 South, Range 1 West of the Willamette Meridian, Washington County, Oregon, described in the deed to Lloyd H. Koch and Helen J. Koch recorded as Document No. 84-046392 in Washington County Book of Records lying northerly of the North right-of-way line of Proposed County Road No. 2737, said easement being more particularly described as being 5.0 feet on each side of the following described line:

Beginning at a point that is 33.0 feet from and radial to centerline Station 145+09 of the road centerline described in Parcel I (County Road No. 2737); thence North 53°31'48" East 300.00 feet; thence North 34°52'45" East 315.31 feet; thence North 00°02'34" East 15.0 feet more or less to a point on the North line of that tract of land described in Document No. 84-046392 of Washington County Book of Records, said point being North 89°57'26" West 24.0 feet from a point that is 299.85 feet left of centerline Station 151+10.77.

Excepting THEREFROM that portion thereof lying within the right-of-way of County Road No. 2737."

"Together with the right of ingress and egress to and from the above stated Drainage Easement, over and across a strip of land being 20.00 feet in width and parallel to the southerly line of the above stated 10.00 foot Permanent Drainage Easement, of the adjacent land of the grantors for the purpose of maintenance and operation of said drainage facilities."

EXHIBIT "B"

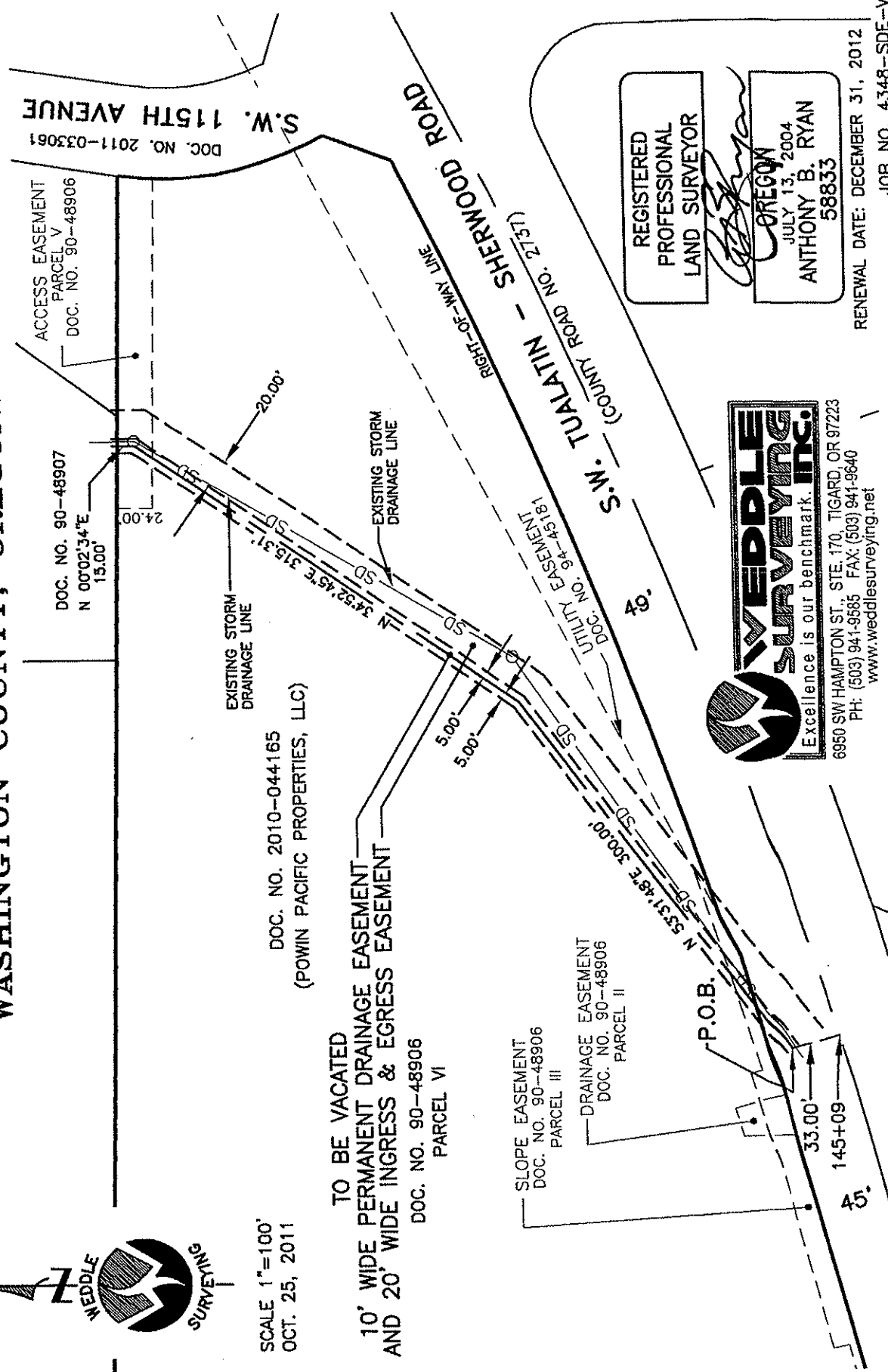
**STORM DRAINAGE, INGRESS & EGRESS EASEMENT VACATION
IN THE NORTHWEST QUARTER OF SECTION 27,
TOWNSHIP 2 SOUTH, RANGE 1 WEST,
WILLAMETTE MERIDIAN, CITY OF TUALATIN,
WASHINGTON COUNTY, OREGON.**



SCALE 1"=100'
OCT. 25, 2011

DOC. NO. 2010-044165
(POWIN PACIFIC PROPERTIES, LLC)

**TO BE VACATED
10' WIDE PERMANENT DRAINAGE EASEMENT
AND 20' WIDE INGRESS & EGRESS EASEMENT**
DOC. NO. 90-48906
PARCEL VI



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Anthony B. Ryan

OREGON
JULY 13, 2004
ANTHONY B. RYAN
58833

WEDDLE SURVEYING
Excellence is our benchmark.
6950 SW HAMPTON ST., STE. 170, TIGARD, OR 97223
PH: (503) 941-9585 FAX: (503) 941-9640
www.weddlesurveying.net

RENEWAL DATE: DECEMBER 31, 2012
JOB NO. 4348-SDE-VAC

After recording return to:
City of Tualatin, Oregon
18880 SW Martinazzi Ave.
Tualatin, OR 97062-7092



01650235201100816130040048

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 County Clerk



**CITY OF TUALATIN, OREGON
STORM DRAINAGE LINE AND ACCESS EASEMENT**

Powin Pacific Properties, LLC ("GRANTOR"), grants to the City of Tualatin (the "CITY"), its successors and assigns, the permanent right to design, construct, reconstruct, operate and maintain a STORM DRAINAGE LINE AND ACCESS EASEMENT on the following described land:

*See attached legal description and drawing,
incorporated by reference*

TO HAVE AND TO HOLD, the described EASEMENT unto the CITY, its successors and assigns, runs with the land.

GRANTOR reserves the right to use the surface of the land for walkways, landscaping, parking, and other uses undertaken by the GRANTOR that are not inconsistent and do not interfere with the use of the subject EASEMENT area by the CITY. No building or utility shall be placed upon, under or within the property subject to this easement during its term without the written permission of the CITY.

Except as otherwise provided, upon completion of construction by CITY on the EASEMENT, the CITY shall restore the property's disturbed surface to the condition reasonably similar to the previous state, and shall indemnify and hold the GRANTOR harmless against all loss, costs, or damage arising out of the exercise of the rights granted. Nothing in this easement shall be construed as requiring the CITY, its successors or assigns, to maintain landscaping, walkways, parking or other surface or subsurface improvement made or constructed by or on behalf of the GRANTOR, its heirs, successors or assigns.

The true and actual consideration paid for this transfer consists of \$ 0.00 or includes other property or other value given or promised, the receipt of which is

CD-11-12

acknowledged by the GRANTOR.

The GRANTOR covenants to the CITY, and its successors and assigns, that GRANTOR is lawfully seized in fee simple of the granted premises, free from all encumbrances and that GRANTOR, and the GRANTOR'S heirs and personal representatives, shall warrant and forever defend the premises to the CITY, its agents, successors, and assigns against the lawful claims and demands of all persons claiming by, through, or under the GRANTOR.

Executed this 1st day of NOVEMBER, 2011.

 / z z .

Signature Signature

JOSEPH LU

Name (print or type) Name (print or type)

OWNER

Title Title

STATE OF OREGON)ss
County of Washington)

On this 1st day of NOVEMBER, 2011, before me, the undersigned, a Notary Public, personally appeared JOSEPH LU and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me: [Signature]
Notary Public for Oregon
My commission expires: 10-29-2012

CITY OF TUALATIN, OREGON
By: [Signature]
City Manager

The City Manager of the City of Tualatin, being duly authorized and directed by the Council of the City of Tualatin, pursuant to Ordinance 787-89, approves and accepts the foregoing Dedication on behalf of the City of Tualatin. Dated this 2nd day of November 2011.

[Signature]

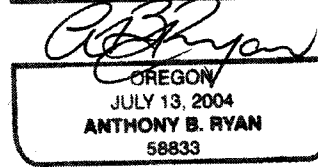
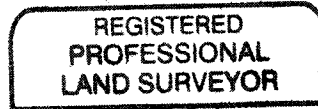
City Manager

APPROVED AS TO LEGAL FORM

[Signature]
CITY ATTORNEY



6950 SW Hampton Street, Suite 170
Tigard, OR 97223
Phone: (503) 595-8702
Fax: (503) 595-8705
office@weddlesurveying.com
www.weddlesurveying.net



RENEWAL DATE: DEC. 31, '12

October 25, 2011
Job No. 4348-SDE

PERMANENT STORM DRAINAGE LINE & ACCESS EASEMENT

LEGAL DESCRIPTION

EXHIBIT "A"

A tract of land for Storm Drainage Line & Access Easement purposes, being a portion of that tract of land described in Statutory Warranty Deed to Powin Pacific Properties, LLC, recorded as Document Number 2010-044165, Washington County Deed Records, located in the Northwest Quarter of Section 27, Township 2 South, Range 1 West, Willamette Meridian, City of Tualatin, Washington County, Oregon, being more particularly described as follows:

A 20.00 foot wide tract of land for Storm Drainage Line and Access Easement purposes, being 10.00 feet on each side of the following described centerline:

Commencing at a point on the Northerly right-of-way line of S.W. Tualatin-Sherwood Road (County Road Number 2737), said point being 45.00 feet left of and radial to Engineer's Centerline Station 145+55.77 of said road: thence North 55°55'21" East, a distance of 184.79 feet; thence South 85°45'46" East, a distance of 21.59 feet; thence North 65°44'18" East, a distance of 315.46 feet; thence North 62°17'19" East, a distance of 108.16 feet; thence North 19°17'10" West, a distance of 99.49 feet; thence North 72°23'44" West, a distance of 22.45 feet to a point hereinafter referred to as Point 'A'; thence continuing North 72°23'44" West, a distance of 137.44 feet to the Northerly line of said Document No. 2010-044165 and the terminus of said centerline description, the sidelines of said 20.00 foot wide tract of land to be lengthened or shortened to intersect with property lines as shown on the attached exhibit map.

TOGETHER WITH a 15.00 foot wide tract of land for Access Easement purposes, being 7.50 feet on each side of the following described centerline:

Commencing at the above mentioned Point 'A'; thence North 90°00'00" East, a distance of 64.06 feet to the Westerly right-of-way line of S.W. 115th Avenue as described in Deed of Dedication to the City of Tualatin recorded 05/03/2011 as Document No. 2011-033061, said Deed Records and the terminus of said centerline description, the sidelines of said 15.00 foot wide tract of land to be lengthened or shortened to intersect with property lines and easement lines as shown on the attached exhibit map.

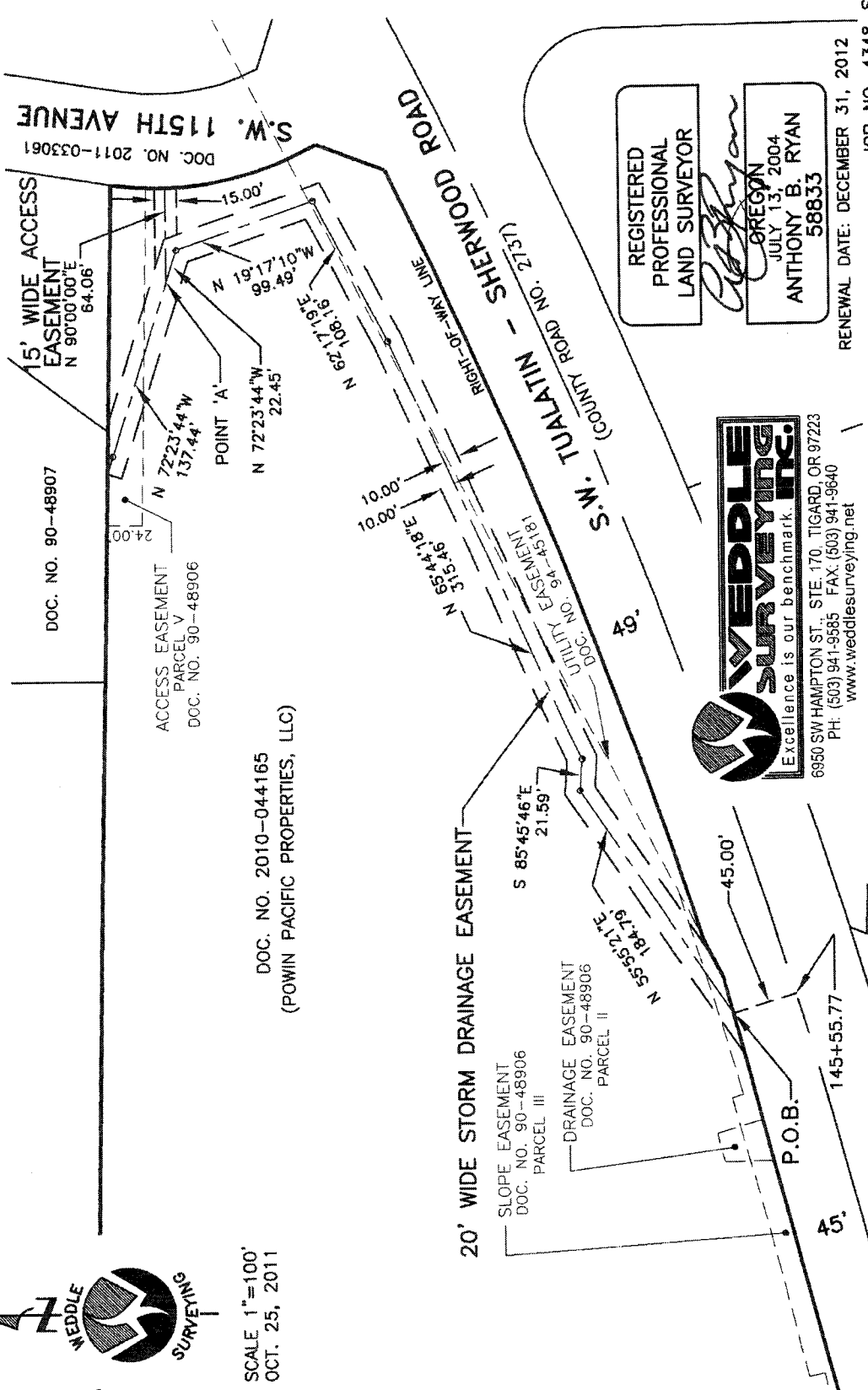
The basis of bearings for this description is Survey Number 31366, Washington County Survey Records.

EXHIBIT "B"

**STORM DRAINAGE & ACCESS EASEMENT
IN THE NORTHWEST QUARTER OF SECTION 27,
TOWNSHIP 2 SOUTH, RANGE 1 WEST,
WILLAMETTE MERIDIAN, CITY OF TUALATIN,
WASHINGTON COUNTY, OREGON.**



SCALE 1"=100'
OCT. 25, 2011



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Anthony B. Ryan

OREGON
JULY 13, 2004
ANTHONY B. RYAN
588333

RENEWAL DATE: DECEMBER 31, 2012
JOB NO. 4348-SDE

WEDDLE SURVEYING
Excellence is our benchmark.
6950 SW HAMPTON ST., STE. 170, TIGARD, OR 97223
PH: (503) 941-9885 FAX: (503) 941-9640
www.weddlesurveying.net

RESOLUTION NO. 5190-14

RESOLUTION CONCURRING WITH WASHINGTON COUNTY FINDINGS REGARDING A VACATION OF A PORTION OF A PERMANENT DRAINAGE EASEMENT AND AN INGRESS AND EGRESS EASEMENT FOR AR 10-05, POWIN PACIFIC PHASE 2

WHEREAS Washington County Board of Commissioners Resolution and Order No. 14-32 (the Order) ordered the vacation of a portion of a permanent drainage easement and an ingress and egress easement described in parcel VI of Deed Document No. 90048906, Vacation 499; and

WHEREAS an Architectural Review (AR 10-05, Powin Pacific Phase 2) allowed relocation of a public stormwater line and easement to accommodate their development; and

WHEREAS a new public stormwater line has been relocated and accepted by the City of Tualatin and an associated new public stormwater easement has been recorded; and

WHEREAS a portion of an existing stormwater easement under jurisdiction of the county over the Powin Pacific Phase 2 site is no longer needed; and

WHEREAS after receiving notice of the proposed vacation and prior to the County adoption of the Order, the City of Tualatin reviewed the proposed vacation and concurs with the findings of the County; and

WHEREAS ORS 368.361(3) provides that a county body may vacate property that is under the jurisdiction of the county and that is entirely within the limits of a city if the city concurs with the findings of the county.

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

Section 1. Based upon the above findings which are incorporated herein by reference the City Council concurs with the finding of Washington County as specified in Washington County Board of Commissioners Resolution and Order No. 14-52.

Section 2. A copy of this resolution shall be provided to the Washington County Surveyor's Office.

Section 3. This Resolution is effective immediately upon adoption.

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

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder

City Council Meeting

Meeting Date: 05/12/2014

SPECIAL Community Enhancement Award Presentation
REPORTS:

SPECIAL REPORTS

Community Enhancement Award Presentation to Jeannine Miller, Fine Arts Instructor at Tualatin High School

Community Enhancement Award Presentation

Community Enhancement Award

Tualatin Arts Advisory Committee
Community Services Department

100

YEARS



CITY of TUALATIN

1913 • 2013

Purpose of Award

- Created to recognize individuals or organizations whose contributions have impacted arts-related experiences for local residents.
 - The Tualatin Arts Advisory Committee identifies award candidates and makes recommendations to the City Council.
-

Past Recipients

- April 2013
The Lewis & Floetta Ide Healing Garden,
Meridian Park Hospital.
 - November 2011
Don Armstrong, McDonald's Restaurants.
 - March 2011
Althea Pratt-Broome, Willowbrook Arts Camp.
 - September 2010
Lumiere Players Theatre.
-

Award Recipient

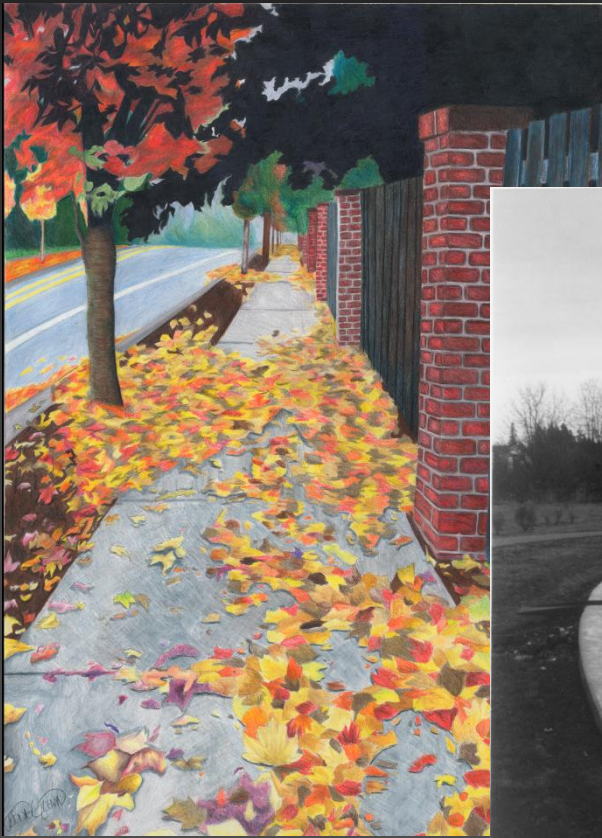
➤ Award recipient:

Jeannine Miller
Fine Arts Instructor
Tualatin High School

Community Enhancement Award

- Instrumental in the inception of the Student Visual Chronicle program in 2007.
 - Promotes the program at the high school and works countless hours with students to create artwork for the Student Visual Chronicle.
 - Currently 29 pieces of artwork in the student collection.
-

Student Visual Chronicle Artwork



Community Enhancement Award

Questions/Comments



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Colin Cortes, Assistant Planner
Aquilla Hurd-Ravich, Planning Manager

DATE: 05/12/2014

SUBJECT: Consideration of a Petition Requesting Annexation of Property at 17645 SW Jurgens Avenue (Tax Map 2S1 14CC, Tax Lot 4801) (ANN-14-02)

ISSUE BEFORE THE COUNCIL:

Consideration of a petition for annexation of a property known as the Rayborn Property and as Tax Lot 4801 on Washington County Assessor's Map 2S1 14CC located at 17645 SW Jurgens Avenue and withdrawing the territory from the Washington County Enhanced Sheriff Patrol District and the County Urban Road Maintenance District.

RECOMMENDATION:

Staff recommends that the City Council consider the staff report and direct staff to prepare an ordinance granting ANN-14-02 and removing the property from the Washington County Enhanced Sheriff Patrol and Washington County Urban Road Maintenance District.

EXECUTIVE SUMMARY:

This matter is a quasi-judicial public hearing, and it is a petition for an expedited annexation.

The applicant is Mission Homes Northwest, LLC, represented by Joshua Kelso, Managing Member, which represents Howard & Kathy Rayborn, owners of the 2.54-acre Tax Lot 4801 (Map 2S1 14CC) with the address of 17645 SW Jurgens Avenue. A Vicinity Map is included as Attachment 101. The application materials are included as Attachment 103.

The applicant conducted a neighborhood/developer meeting on January 29, 2014 to explain the proposal to neighboring property owners and to receive comments. Besides the applicant and two City staff members, twenty-three (23) residents of nearby residential areas attended and marked the sign-in sheets. Questions regarding development plans for the property were answered.

The property is occupied by three existing structures and the listed uses and improvements (Attachment 102):

- A. One house

- B. One storage shed
- C. One recreational vehicle (RV) garage
- D. One above-ground swimming pool with deck

When annexed, the property will be in the Low Density Residential (RL) Planning District. The Tualatin Development Code (TDC) chapters that will apply to existing structures, signs, uses, access, and facilities on the subject property upon annexation are as follows:

- 31 General Provisions
- 36 Subdividing, Partitioning and Property Line Adjustments
- 40 Low Density Residential Planning District (RL)
- 73 Community Design Standards
- 74 Public Improvement Requirements
- 75 Access Management

The applicant has prepared application materials that address the annexation approval criteria (Attachment 103). The submitted application contains all the necessary signatures to qualify for the expedited annexation hearing as described in Metro Code 3.09.045. Staff has reviewed the application material and included pertinent excerpts in the Analysis and Findings section of this report (Attachment 104). Notice of public hearing was mailed to all surrounding properties for this May 12th hearing in accordance with TDC [31.064\(1\)](#).

The property owner worked with staff to prepare an Annexation Agreement that addresses the adequacy and suitability of existing improvements on the subject property for existing and future development on the property. The Rayborn Property Annexation Agreement will be considered by the City Council as a general business item on the May 12, 2014 Meeting Agenda. If approved by the Council and signed by the property owner, the stated terms of Annexation Agreement will apply to the subject property when the proposed annexation takes effect.

The annexation agreement:

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

The territory will concurrently be withdrawn from the Washington County Enhanced Sheriff Patrol District and the Urban Road Maintenance District. The property is not within the service district boundary of Clean Water Services (CWS), the Washington County stormwater management and sewage treatment agency, but will be annexed into the CWS District upon annexation into the City.

The applicable policies and regulations that apply to the annexation of a property in the RL Planning District include: TDC 4.050 General Growth Objectives; TDC 5.030 Residential General Objectives; TDC 31.067 Procedure for Annexing Territory to the City Limits; and TDC 40.10 RL Planning District Purpose. The Analysis and Findings (Attachment 104) considers the applicable policies and regulations.

Before granting the proposed annexation, the City Council must find that the annexation conforms to TDC Objectives 4.050(20) and (21), the applicable criteria in Metro Code 3.09 and Oregon Revised Statutes (TDC 31.067[5]). The Analysis and Findings (Attachment 104) examines the application in respect to the requirements for granting an annexation. Staff finds

that the annexation meets the applicable criteria.

OUTCOMES OF DECISION:

Granting the Annexation petition will result in the following:

1. The property is annexed to the City of Tualatin and designated in the Low Density Residential (RL) Planning District.
2. The territory is concurrently withdrawn from the Washington County Enhanced Sheriff Patrol District and the Urban Road Maintenance District.
3. If approved, the May 12, 2014 Rayborn Annexation Agreement between the City and the Property Owner is implemented by Resolution No. 5188-14.
4. The City Council directs staff to bring back Ordinance No. 1371-14 for the annexation.

Denial of the Annexation petition will result in the following:

- The property remains outside city limits and within unincorporated Washington County.

ALTERNATIVES TO RECOMMENDATION:

The alternatives to the staff recommendation for the Council are:

1. Deny the petition for the annexation.
2. Continue the discussion of the annexation and return to the matter at a later date.

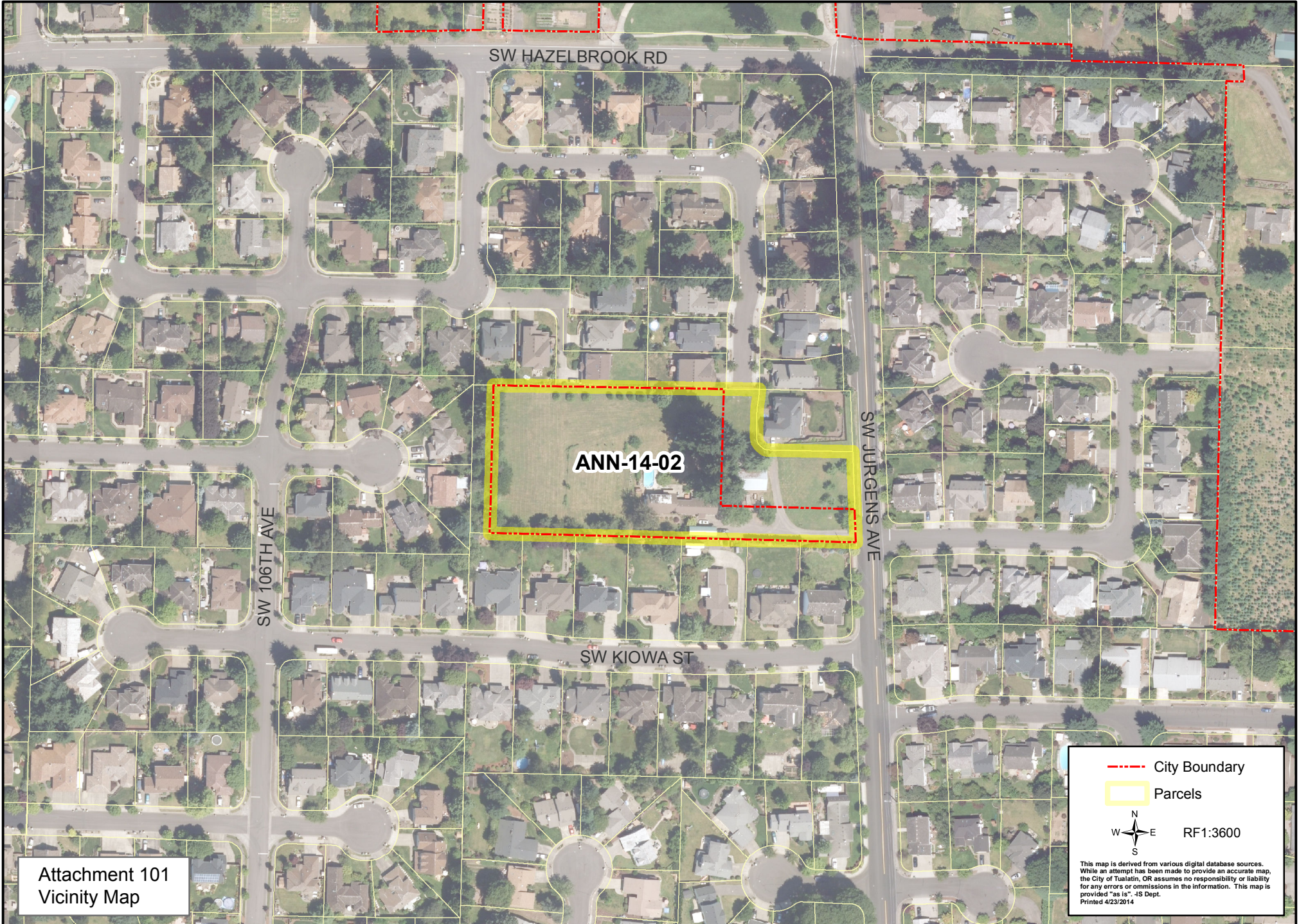
FINANCIAL IMPLICATIONS:

If this application is approved, the City will provide services to the property and the property owner will begin paying City property taxes for those services. The applicant paid the required application fee of \$1,425.00.

-
- Attachments:** 101. Vicinity Map
 102. Existing Site Improvements Map
 103. Application Materials
 104. Analysis and Findings
 105. Slide Presentation

ANN-14-02 Rayborn Property

17645 SW Jurgens Ave



ANN-14-02

SW HAZELBROOK RD

SW KIOWA ST

SW 106TH AVE

SW JURGENS AVE

--- City Boundary

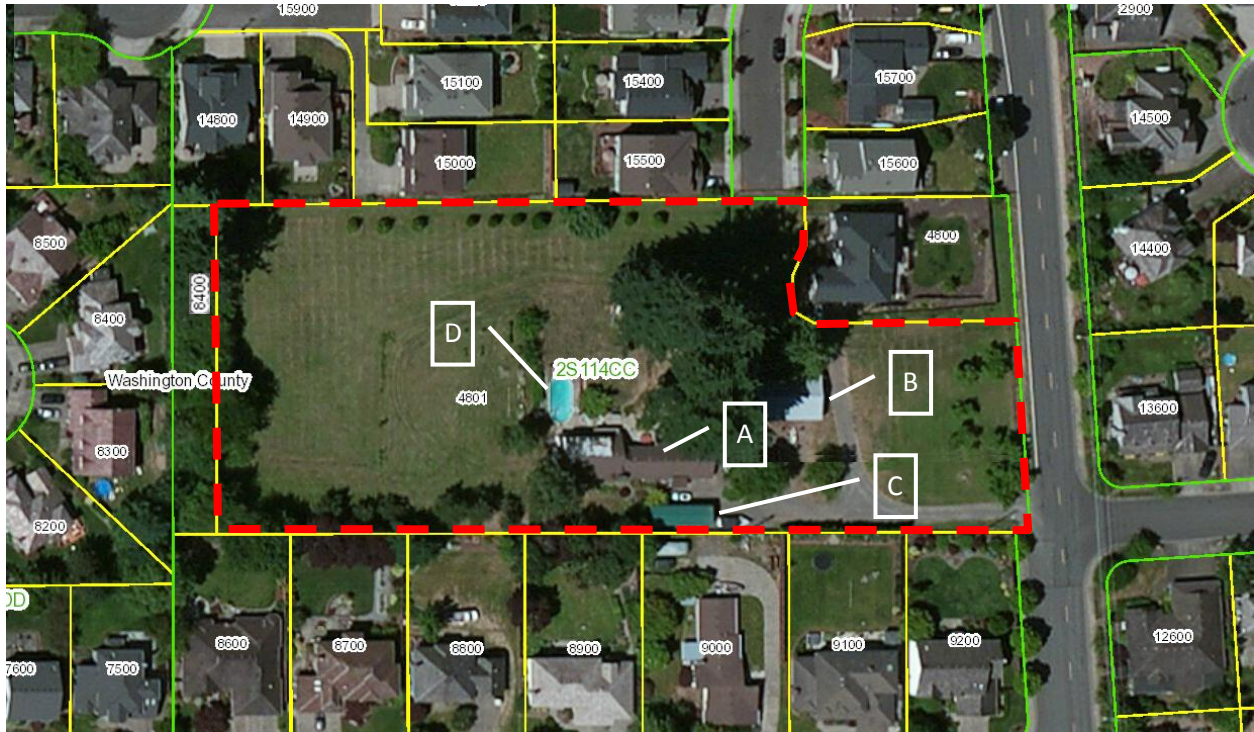
▭ Parcels



RF1:3600

This map is derived from various digital database sources. While an attempt has been made to provide an accurate map, the City of Tualatin, OR assumes no responsibility or liability for any errors or omissions in the information. This map is provided "as is". -IS Dept. Printed 4/23/2014

Attachment 101
Vicinity Map



Legend

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

Exhibit C

Rayborn Property Annexation Submittal

February 20, 2014

Contents

I. Application Forms and Materials

1. Application for Annexation
2. Petition to Annex to the City of Tualatin
3. Property Owner Information Sheet
4. Request for Expedited Procedure
5. Measure 37 Waiver of Rights and Remedies
6. Annexation Property Information Sheet
7. Draft Annexation Agreement

II. Certifications

8. Certification of Legal Description and Map
9. Legal Description
10. Map
11. Certification of Property Ownership
12. Certification of Registered Voters

III. Process Documentation

13. Memo: Pre-Submittal Meetings
14. Neighborhood / Developer Meeting Documentation
 - Meeting Notice
 - Mailing Area Map
 - Affidavit of Mailing and List of Recipients
 - Returned / Re-Sent Item
 - Site Posting Certification and Photo Sheet
 - Sign-In Sheets
 - Meeting Notes
15. Annexation Mailing Area Map and Label Set (copy of gummed labels)
16. Certification of Sign Posting



**Rayborn Property Annexation
17645 SW Jurgens Avenue**

**Rayborn Property
Annexation Application**

February 21, 2014

Rayborn Property

Annexation Application

Prepared for:

Kurt Dalbey

Mission Homes Northwest, LLC

PO Box 1689

Lake Oswego, OR 97035

Phone: (503)-781-1814

Prepared by:

Westlake Consultants, Inc.

15115 SW Sequoia Parkway, Suite 150

Tigard, Oregon 97224

Phone: (503) 684-0652

Fax: (503) 624-0157

Exhibit 1

Application for Annexation

Exhibit 2

Petition to Annex to the City of Tualatin

Exhibit 3

Property Owner Information Sheet

Exhibit 4

Request for Expedited Procedure

Exhibit 5

Measure 37 Waiver of Rights and Remedies

Exhibit 6

Annexation Property Information Sheet

Exhibit 7

Draft Annexation Agreement

Exhibit 8

Certification of Legal Description and Map

Exhibit 9

Legal Description

Exhibit 10

Map

Exhibit 11

Certificate of Property Ownership

Exhibit 12

Certification of Registered Voters

Exhibit 13

Memo: Pre-Submittal Meetings

Exhibit 14

Neighborhood/Developer Meeting Documentation

Exhibit 15

Annexation Mailing Area Map and Label Set

Exhibit 16

Certification of Sign Posting



City of Tualatin

www.ci.tualatin.or.us

APPLICATION FOR ANNEXATION

PLEASE PRINT IN INK OR TYPE

Applicant's Name Mission Homes Northwest, LLC, Joshua Kelso, Managing Member

Applicant's Address P.O. Box 1689, Lake Oswego, OR 97035
(street) (city) (state) (zip code)

Applicant is: Owner Contract Purchaser Developer Agent Other

Applicant Phone Number: 503-781-1814 Applicant Fax Number: joshkelso3@gmail.com

Applicant Signature: *[Signature]* Date: 1/29/14

Owner's Name Howard L. and Kathy L. Rayborn Phone

Owner's Address 17645 SW Jurgens Avenue, Tualatin, OR 97062
(street) (city) (state) (zip code)

Owner Phone Number: 5036926210 Owner Fax Number: keethy@hotmail.com

Owner recognition of application: (Howard) X *Howard L. Rayborn* 01/29 / 2014
(Kathy) X *Kathy L. Rayborn* 01/29 / 2014
signature of owner(s) (original required) Date

Assessor's Map Number 2S1 14CC Tax Lot Number(s) 04801
Assessor's Map Number Tax Lot Number(s)
Assessor's Map Number Tax Lot Number(s)

Address of Property 17645 SW Jurgens Avenue Lot Area 2.54 +/- acres

Current County Zone FD - 10 Proposed City Planning District RL

Current Use Single Family Residential Proposed Use Single Family Residential Subdivision

Rights-of-Way to be Included: (SW Jurgens Avenue was previously annexed)

As the person responsible for this application, I, the undersigned hereby acknowledge that I have read the above application and its attachments, understand the requirements described herein, and state that the information supplied is as complete and detailed as is currently possible, to the best of my knowledge.

Name Lee D. Leighton, AICP; Westlake Consultants, Inc. Date Phone 503-684-0652

Address 15115 SW Sequoia Parkway, Suite 150 Tigard OR 97224
(street) (city) (state) (zip code)

FOR STAFF USE ONLY:

Case # ANN- Received By
City Filing Fee Receipt #
Date Received Complete Date

PETITION TO ANNEX TO THE CITY OF TUALATIN

To the Council of the City of Tualatin, Oregon

We, the undersigned owner(s) of the property described below and/or elector(s) residing at the location below described, hereby petition for and give consent to, annexation of said property to the City of Tualatin.

| | |
|---|------------|
| The consent for annexation is for the following described property: | |
| 17645 SW Jurgens Avenue; Tualatin, OR 97062 | |
| Street Address of Property (If address has been assigned) (Not Applicable) | |
| Subdivision Name, Lot Number(s), Block Number(s) 2S1 14CC, Tax Lot 4801 | Washington |
| Map & Tax Lot Number(s) | County |

Signature(s) of Legal Owner(s) and/or Registered Voter(s)

| | | | |
|--|-----------------------------|-----------------------------|---------------------------|
| <u>Howard L. Rayborn</u> Signature HOWARD L. RAYBORN | <u>HFR</u> Owner initial | <u>HFR</u> Voter initial | <u>1/29/2014</u> Date |
| <u>Kathy L. Rayborn</u> Signature KATHY L. RAYBORN | <u>KLR</u> Owner initial | <u>KLR</u> Voter initial | <u>01/29/2014</u> Date |

| | | | |
|--|---|--------------------------------|------|
| Owner Authorized Signature | Owner initial | Voter initial | Date |
| <u>17645 SW Jurgens Avenue; Tualatin, OR 97062</u> Street Address | <u>5036926210</u> Phone | <u>9719983820</u> Alt Phone | |
| <u>17645 SW Jurgens Avenue;</u> Mailing Address | <u>Tualatin, OR 97062</u> City, State, Zip | | |

We, the owner(s) of the property described above and/or elector(s) residing on said property understand the annexation process can take more than one year. Therefore, we agree to waive the one-year time limitation on this consent established by ORS 222.173, and further agree that this contract shall be effective indefinitely until _____.

| |
|-------------------------|
| Office Use Only |
| Date Received _____ |
| Ownership Checked _____ |
| By _____ |

| | |
|---------------------------------------|---------------------------|
| <u>Howard L. Rayborn</u> Signature | <u>1/29/2014</u> Date |
| <u>Kathy L. Rayborn</u> Signature | <u>01/29/2014</u> Date |

If you have questions, call 503-691-3026.



City of Tualatin

www.ci.tualatin.or.us

PROPERTY OWNER INFORMATION SHEET

(This form is NOT the petition)

ALL OWNERS OF PROPERTY AND/OR REGISTERED VOTORS INCLUDED IN BOUNDARY CHANGE PROPOSAL AREA SHOULD SIGN

To be completed IF the proposal contains 10 or fewer land owners and/or registered voters. Please indicate the name and address of all owners and/or voters regardless of whether they signed an annexation petition or not. This is not for notification purposes. A signature on this form does not indicate support or opposition to the request.

| NAME OF OWNER/VOTER | ADDRESS | PROPERTY DESIGNATION |
|--|---------|----------------------|
| (Indicate tax lot, section number, Township & Range) | | |

(1) Howard L. Rayborn 17645 SW Jurgens Avenue 2S1 14CC 04801

x *Howard L. Rayborn* Tualatin, OR 97062

(2) Kathy L. Rayborn 17645 SW Jurgens Avenue 2S1 14CC 04801

x *Kathy L. Rayborn* Tualatin, OR 97062

(3) (NOT APPLICABLE)

(4)

(5)

(6)





City of Tualatin

www.ci.tualatin.or.us

REQUEST FOR EXPEDITED PROCEDURE FOR ANNEXATION TO THE CITY OF TUALATIN

I (We), the undersigned Principle Petitioners, request this Annexation Proposal be approved in an expedited fashion. This request is made pursuant to ORS 222.125 and Metro Code 3.09.045.

This request is made in addition to and supplements all other requirements for filing an annexation petition.

| Signature of Principal Petitioners | Address | Map and Tax Lot Number |
|--|---|------------------------|
| 1.  Howard L. Rayborn | 17645 SW Jurgens Avenue Tualatin, OR 97062 | 2S1 14CC 04801 |
| 2.  Kathy L. Rayborn | 17645 SW Jurgens Avenue Tualatin, OR 97062 | 2S1 14CC 04801 |
| 3. | | |
| 4. | | |
| 5. | | |
| 6. | | |
| 7. | | |

This form is NOT a petition for annexation. It is only a request to expedite the process. This form must be accompanied by a regular petition and the other forms normally submitted to initiate a proposal.

| | |
|--|---------------------------------|
| Name of Document For Recording: Waiver Of Rights And Remedies Grantor: (Petitioner(s)) Grantee: City of Tualatin Consideration: None. Tax Statement to be mailed to: No change. <u>After Recording, Return To:</u> City of Tualatin, Attn: City Recorder, 18880 SW Martinazzi, Tualatin, OR 97062 | (For County Recording Use Only) |
|--|---------------------------------|

Measure 37 Waiver Of Rights And Remedies

Whereas, Howard L. Rayborn (“Petitioner”, including collectively all petitioners) has petitioned to the City of Tualatin (“City”) to commence certain proceedings, i.e., annexation, planning district change, and/or plan text amendment for the following described real property,

See attached legal description (Exhibit A)

Whereas, under Ballot Measure 37 (effective December 2, 2004), a property owner may seek just compensation or waiver of certain land use regulations if a public entity enacts or enforces the land use regulations after the property owner acquired the property; and

Whereas, Oregon electors or the Oregon Legislature may, in the future, enact further statutory or constitutional amendments relating to compensation for the impact of local regulations upon real property, under certain circumstances; and

Whereas, City does not wish to approve the Petitioner’s requested proceedings if such approval could result in the owner or the owner’s successors or assigns filing a claim for compensation for the land use regulations in effect upon the effective date of the proceedings or a claim seeking to require the City to waive its land use regulations, which are being newly imposed upon the property as a result of the Petitioner’s requested proceedings; and

Whereas, Petitioner wishes to obtain the City’s approval of Petitioner’s requested proceedings and therefore agrees to eliminate the potential of claim for compensation or the right to seek waiver from the City’s land use regulations existing as of the effective date of the proceedings.

Now, therefore, Petitioner warrants that the Petitioner executing this Waiver Agreement holds the full and complete present ownership or any interest therein in the property, and agrees as follows:

1. As inducement to the City to proceed with the following proceeding(s) affecting the subject real property: Annexation, planning district change, and/or plan text amendment which may include designation of the property as subject to additional applicable overlay zones and districts, e.g., Mixed Use Commercial

Overlay District, Industrial Business Park Overlay District, Flood Plain District, Wetlands Protection District, Greenway Protection Overlay District and Natural Areas, and/or design districts (“proceedings”), the undersigned Petitioner, on behalf of Petitioner, Petitioner’s heirs, devisees, executors, administrators, successors and assigns, agrees and covenants to the City of Tualatin, its officers, agents, employees and assigns that the Petitioner hereby waives, releases and forever discharges, and agrees that Petitioner shall be estopped from asserting any rights and remedies, actions, causes of action, suits, claims, liabilities, demands, and rights to waivers arising under or granted by any statutory or constitutional regulatory compensation or waiver provisions, including but not limited to Ballot Measure 37 (2004) or otherwise enacted after the date of this proceeding which would create a right of claim for compensation or waiver from city land use regulations that exist upon the effective date of the proceeding and which, by the approval of the proceeding, are then applicable to the property.

2. This Waiver and release shall bind the undersigned’s heirs, devisees, executors and administrators, successors in interests, and assigns. This waiver, release and discharge shall run with the land, and this instrument or a memorandum of it may be recorded in the official records of the County in which the subject real property is located. This instrument may be terminated upon the filing of a Notice of Termination of Waiver filed by the City of Tualatin.

3. If this instrument is given contemporaneous with a consent to future proceedings to be initiated by the City, Petitioner acknowledges that the proceedings may be initiated by the City of Tualatin at any time in the discretion of the City and that this waiver and release is applicable to any ordinances adopted prior to the effective date of the proceeding.

4. This document is executed of my own free will and without duress. I/we respectively acknowledge that I/we have been advised to obtain legal advice prior to the execution of this document, and that either I, or each of us respectively, have either obtained legal advice or have independently elected not to seek legal advice prior to the execution of this document, recognizing that this document may affect our legal rights and remedies.

DATED this 13th day of February, 2014.

| | |
|--|---|
| <p><i>Howard L. Rayborn</i> (signature)</p> <hr/> <p>Petitioner Name: Howard L. Rayborn</p> <hr/> <p>Date Signed: <u>2/13/2014</u></p> | <p><i>Kathy L. Rayborn</i> (signature)</p> <hr/> <p>Petitioner Name: Kathy L. Rayborn</p> <hr/> <p>Date Signed: <u>02/13/2014</u></p> |
|--|---|

Petitioner (corporation, etc.) Name: _____
 By: _____
 Name of Signor: _____
 Office/Title of Signor: _____

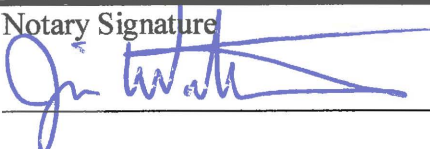
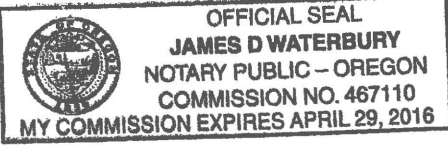
State of Oregon _____)
 County of Washington)

On this 13th day of February, 2014, before me the undersigned
 Notary Public, personally appeared

HAWAARD L. ROYERSON KATHY L. RAYBORN

 (Name of Petitioners signing; not Notary name)

- Personally known to me
 - Proved to me on the basis of satisfactory evidence
- To be the person who executed the within instrument**
- As _____ or on behalf of the entity therein named, pursuant to authority, and acknowledged to me the execution hereof.

| | |
|---|--|
| WITNESS my hand and official seal (Do not write outside of the box) | Place Notary Seal Below |
| Notary Signature  |  |
| Notary name (legible): <u>James D Waterbury</u> | |

This document is accepted pursuant to authority and approved for recording.

City of Tualatin, Oregon

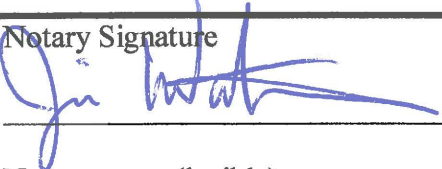
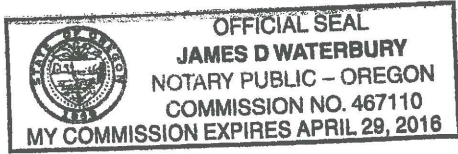
 City Manager

State of Oregon)
County of ~~Clackamas~~ Washington

On this 13th day of February, 2014, before me the undersigned Notary Public,
personally appeared _____,

- personally known to me
- proved to me on the basis of satisfactory evidence

To be the person who executed the within instrument as City Manager or on behalf of the entity therein named, pursuant to authority, and acknowledged to me the execution hereof.

| | |
|---|--|
| WITNESS my hand and official seal Do not write outside of the box | Place Notary Seal Below (Do not place seal over any portion of text or signature) |
| Notary Signature  Notary name (legible): <u>James Waterbury</u> |  |

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.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Michael D. Spelts

OREGON
NOVEMBER 12, 2013
MICHAEL D. SPELTS
87475PLS

RENEWAL: 6-30-2014



City of Tualatin

www.ci.tualatin.or.us

ANNEXATION PROPERTY INFORMATION SHEET

I. EXISTING CONDITIONS IN AREA TO BE ANNEXED

A. Land Area: Acres 2.54 +/-

B. General description of territory. (Include topographic features such as slopes, vegetation, drainage basins, floodplain areas, which are pertinent to this proposal).

Site with existing house and accessory structures, west of SW Jurgens Avenue, slopes gently downhill to both north and south. Not in or near flood plain.

C. Describe land uses on surrounding parcels. Use tax lots as reference points.

North: Single-family residential - Linden Terrace Lots 1, 2, 3 & 8
(2S1 14CC 14800, 14900, 15000, 15500)

South: Single-family residential - Jeffwood Estates No. 4, lots 91-97
(2S1 14CC 08600, 08700, 08800, 08900, 09000, 09100, 09200)

East: (Across SW Jurgens Avenue) Single-family residential - Century Estates No. 2 lots 28 & 36 (2S1 14CC 13600 & 14400)

West: Vacated 30' Right-of-Way (2S1 14CC 08400) and Single-family residential - Jeffwood Estates No. 2 Lots 38 & 39 (2S1 15DD 08300 & 08400)

D. EXISTING LAND USE:

No. of single-family units 1 No. of multi-family units 0

No. of commercial structures 0 No. of industrial structures 0

Public facilities or other uses None

What is the current use of the land proposed to be annexed: _____

Residence

E. Total current year Assessed Valuation – Land \$ 364,030 Structures \$ 108,380

F. Total existing population 2

G. Is the territory contiguous to the City Limits? Yes

H. Is the subject territory inside or outside of the Metro Regional Urban Growth Boundary? Inside

II. CRITERIA FOR APPROVAL OF BOUNDARY CHANGES

The following are the criteria used in making a decision to annex property to the City of Tualatin. **Please address each of these in narrative form.** Be as thorough and complete with your answers as possible. Please see the attached "Criteria Guidelines" sheet for further clarification of the criteria. If you have any questions or need assistance, please contact the City of Tualatin, Planning Division at 503-691-3026.

SEE SUPPLEMENT

A. Metro Code 3.09.050(d) states that a boundary change proposal shall address the following minimum criteria:

1. Consistency with directly applicable provisions in an urban service provider agreement or annexation plan adopted pursuant to ORS 195.065;

2. Consistency with directly applicable provisions in an urban planning or other agreements, other than agreements adopted pursuant to ORS 195.065, between the affected entity and a necessary party;

3. Consistency with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facility plans;

*** SEE SUPPLEMENT ***

4. Consistency with specific directly applicable standards or criteria for boundary changes contained in the Regional Framework Plan or any functional plan;
5. Whether the proposed change will promote or not interfere with the timely, orderly and economic provisions of public facilities and services;
6. If the proposed boundary change is for annexation of territory to Metro, a determination by the Metro Council that the territory should be included in the Urban Growth Boundary shall be the primary criterion for approval;
7. Consistency with other applicable criteria for the boundary change in question under state and local law.

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

City (Tualatin UGB)

County Washington

Highway Lighting District N/A

Rural Fire District Tualatin Valley Fire & Rescue (TVFR)

Sanitary District Clean Water Services (CWS)

Water District N/A

Grade School District Tigard/Tualatin

High School District Tigard/Tualatin

Library District Washington County

Drainage District N/A

Parks & Recreation District N/A

Other _____

- 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 describe.

N/A

APPLICANT'S NAME Kurt Dalbey

MAILING ADDRESS Mission Homes Northwest, LLC

P.O. Box 1689; Lake Oswego, OR 97035

WORK TELEPHONE 503-781-1814

HOME TELEPHONE ---

REPRESENTING ---

DATE 02/18/2014

CRITERIA GUIDELINES:

These guidelines were designed to assist you in completing the criteria Section II, A 1-7 on the Property Information Sheet.

1. At this time, there are no agreements, pursuant to ORS 195.065, in place between Tualatin and any service provider.
2. Annexations within the established Urban Boundary are consistent with Tualatin's Urban Planning Area Agreement with Washington County and the Urban Growth Management Agreement between City of Tualatin and Clackamas County.
3. Because the area to be annexed is within the City's Planning Area Boundary and the Metro Urban Growth Boundary, services can be provided at the property owners expense. This is consistent with Tualatin's Community Plan (Comprehensive Plan).
4. The Regional Framework Plan and Functional Plan have no provisions directly related to annexation. Because services and transportation facilities are available in the area and all property within the Urban Growth Boundary and Urban Planning Area Boundary were included in calculations for facility capacity, housing and employment, annexation would be consistent with the Framework and Functional Plans.
5. State location (address or tax map) and means of service (sewer, water, storm, transportation) provision.
6. No applicable.
7. No other criteria have been determined to be applicable.

II. CRITERIA FOR APPROVAL OF BOUNDARY CHANGES

The following are the criteria used in making a decision to annex property to the City of Tualatin. Please address each of these in narrative form. Be as thorough and complete with your answers as possible. Please see the attached “Criteria Guidelines” sheet for further clarification of the criteria. If you have any questions or need assistance, please contact the City of Tualatin, Planning Division at 503-691-3026.

- A. Metro Code 3.09.050(d) states that a boundary change proposal shall address the following minimum criteria:
1. Consistency with directly applicable provisions in an urban service provider agreement or annexation plan adopted pursuant to ORS 195.065;

Response: At this time, there are no agreements, pursuant to ORS 195.065, in place between Tualatin and any service provider. This provision is not applicable.

2. Consistency with directly applicable provisions in an urban planning or other agreements, other than agreements adopted pursuant to ORS 195.065, between the affected entity and a necessary party;

Response: The subject property is within the portion of Washington County that is inside the acknowledged Tualatin Urban Boundary. Annexations within the established Urban Boundary are consistent with Tualatin’s Urban Planning Area Agreement with Washington County.

3. Consistency with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facility plans;

Response: Because the area to be annexed is within the City’s Planning Area Boundary and the Metro Urban Growth Boundary, services can be provided at the property owner’s expense. This is consistent with Tualatin’s Community Plan (Comprehensive Plan).

4. Consistency with specific directly applicable standards or criteria for boundary changes contained in the Regional Framework Plan or any functional plan;

Response: The Regional Framework Plan and Functional Plan have no provisions directly related to annexation. Because services and transportation facilities are available in the area and all property within the Urban Growth Boundary and Urban Planning Area Boundary were included in calculations for facility capacity, housing and employment, annexation is consistent with the Framework and Functional Plans.

5. Whether the proposed change will promote or not interfere with the timely, orderly and economic provisions of public facilities and services;

Response: All needed urban services are available as a result of previous residential development surrounding the subject property.

6. If the proposed boundary change is for annexation of territory to Metro, a determination by the Metro Council that the territory should be included in the Urban Growth Boundary shall be the primary criterion for approval;

Response: Not applicable because the subject property is already within the Metro jurisdictional boundary.

7. Consistency with other applicable criteria for the boundary change in question under state and local law.

Response: No other criteria have been determined to be applicable

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 04801, Washington County Tax Map 2S1 14CC, AND LEGALLY DESCRIBED IN Exhibit ___A attached hereto (the “Subject Property”); and

WHEREAS the Subject Property is located within the Tualatin Urban Planning Area on land designated on Tualatin Development Code (TDC) Map 9-1 as the Low Density Residential (RL) Planning District and on TDC 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-14-0___) 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 ___B:
 - a. Four existing structures:
 - i. One Residential Building (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 04800, Tax Map 2S1 14CC, hereinafter referred to as Tax Lot 04800).

- 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.
3. The City identifies the minimum TDC chapters that will apply to any future residential subdivision(s) proposed following annexation as follows:
 - a. Chapter 31 General Provisions
 - b. Chapter 36 Subdividing, Partitioning and Property Line Adjustments
 - c. Chapter 40 Low Density Residential Planning District (RL)
 - d. Chapter 73 Community Design Standards
 - e. Chapter 74 Public Improvement Requirements
 - f. Chapter 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. Shadow Plat: Because neighboring properties have already been developed consistent with existing zoning, a shadow plat to illustrate redevelopment of adjacent properties is not required.
 - b. Accessways: Because abutting properties have already been developed without accessways extending to the Subject Property, no accessway connection is required.
 - c. Street System Connectivity: Because abutting properties have already been developed without stub streets or accessways extending to the west and south boundaries of the Subject Property, access can only be achieved by extending a new cul-de-sac street west from SW Jurgens Avenue, and extending SW 104th Avenue south to intersect it. The City acknowledges that the resulting cul-de-sac will therefore fall within specific exceptions to certain street standards as provided in Tualatin Development Code (TDC) Section 74.410(2)(a)(i) through (iv).
 - d. SW 104th Avenue Extension: The extension of SW 104th Avenue shall be built to match that local street's existing 50-foot right-of-way width and cross section (pavement width, curbing, planter strips and sidewalks), dedicating right-of-way and extending it south to intersect a new local cul-de-sac street extending west from SW Jurgens Avenue generally as depicted on Exhibit ___C.
 - e. New Local Street: The new street to serve the proposed redevelopment of the Subject Property shall be a cul-de-sac in a new dedicated public right-of-way built to the local street 50-foot ROW cross section per TDC Figure 74-2F, attached as Exhibit ___D.
 - f. 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 Tax

Lot 04800, along the frontages of both the Subject Property and Tax Lot 04800.

- 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 ____ day of _____, 2014.

OWNERS:

BY _____
Howard L. Rayborn

BY _____
Kathy L. Rayborn

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO LEGAL FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder

Exhibit "A"

A parcel of land in the Southwest one-quarter of Section 14, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tualatin, County of Washington and State of Oregon, described as follows:

Beginning 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; thence along the East line of said vacated street North 0° 09' 27" West, 362.70 feet to the true point of beginning, being the Southwest corner of that tract of land conveyed by Deed to Howard L. Rayborn and Kathy L. Rayborn recorded in Book 1021, Page 56 and corrected in Book 1022, Page 373, recorded May 8, 1975, Washington County Deed Records and being a point on the North line of Lot 91 of JEFFWOOD ESTATES NO. 4; thence continuing along said East line of vacated street North 0° 09' 27" West, 223.46 feet to the Northwest corner of said Rayborn Tract being a point on the South line of Lot 1, 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, 401.85 feet to a 5/8 inch iron rod (IR) with yellow plastic cap inscribed "WELKIN ENGINEERING PC" (YPC) on the East right of way and the Southerly terminus of SW 140th Avenue; thence following the arc of a 100 foot radius curve to the right with a central angle of 09° 51' 27" the long chord of which bears: South 04° 13' 43" West, 17.18 feet to a 5/8 inch IR with YPC; thence following the arc of a 100 foot radius curve to the left with a central angle of 09° 51' 27" the long chord of which bears: South 04° 13' 43" West, 17.18 feet to a 5/8 inch IR with YPC; thence South 00° 42' 00" East, 36.91 feet to a 5/8 inch IR with YPC; thence following the arc of a 20 foot radius curve to the left with a central angle of 89° 57' 56" the long chord of which bears: South 45° 40' 58" East, 28.28 feet to a 5/8 inch IR with YPC; thence North 89° 20' 04" East, 125.96 feet to a 5/8 inch IR with YPC on the Westerly right of way line of SW Jurgens Road (20 feet from centerline); thence South 03° 50' 28" West along said right of way a distance of 137.95 feet to a point on said right of way and on the Easterly extension of the North line of JEFFWOOD ESTATES; thence South 89° 49' 36" West along said Easterly extension and said North line a distance of 554.47 feet to the point of beginning.

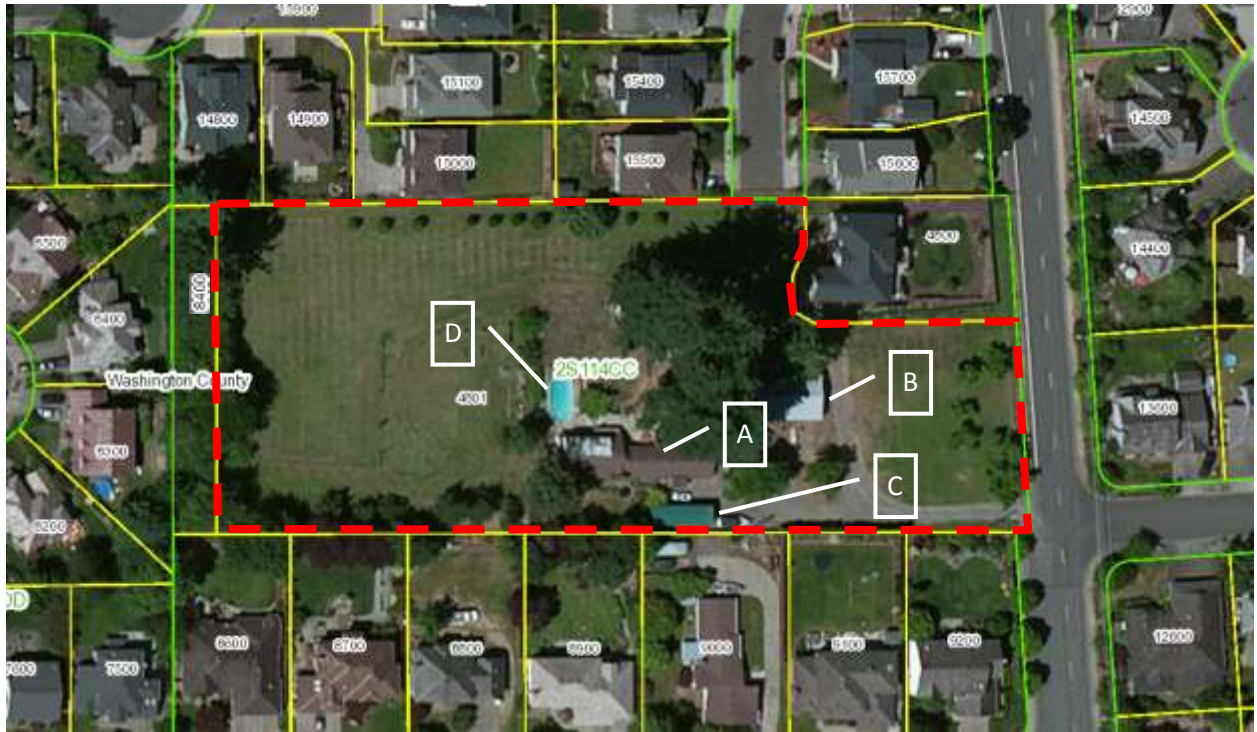
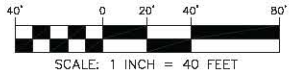


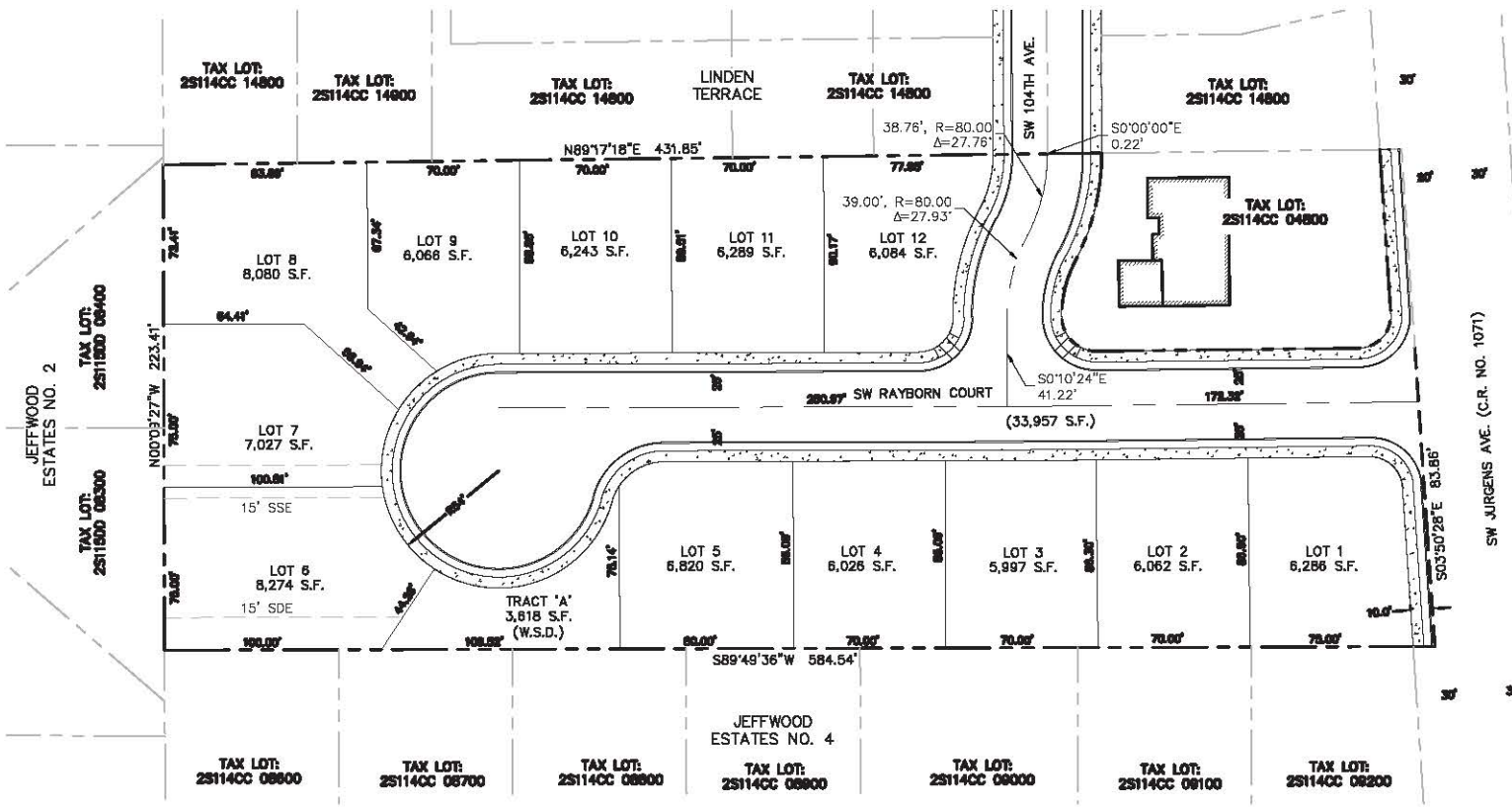
Exhibit __B



- NOTES
1. BASIS OF BEARINGS BASED ON SN 31576, WASHINGTON COUNTY SURVEY RECORDS.
 2. TAX LOT: 25114CC 04801.

WESTLAKE CONSULTANTS INC.
 ENGINEERING • SURVEYING • PLANNING
 PACIFIC CORPORATE CENTER (503) 864-0852
 15115 S.W. BRADDOCK PARKWAY, SUITE 150 TUALATIN, OREGON 97256 FAX (503) 854-3137

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



Drawing Name: A:\25112-010.13\Engr\250\Engr\25112110 - R04 DWG.DWG - 32.dwg Date: 18-Nov-2013 9:17am - drc

EXHIBIT MAP

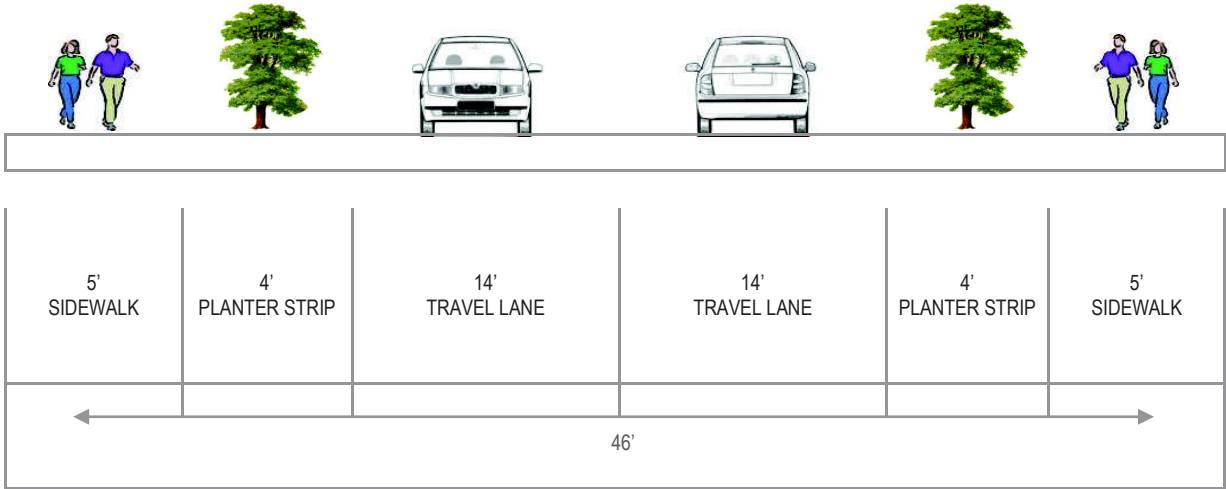
LOCATED IN THE SW 1/4 OF SECTION 14
 TOWNSHIP 2 SOUTH, RANGE 1 WEST, W.M.
 CITY OF TUALATIN, WASHINGTON COUNTY, OREGON
 2' CONTOURS PER 2007 DOGAMI LIDAR DATA
 VERTICAL DATUM NAD83

Attachment 103, Page 42

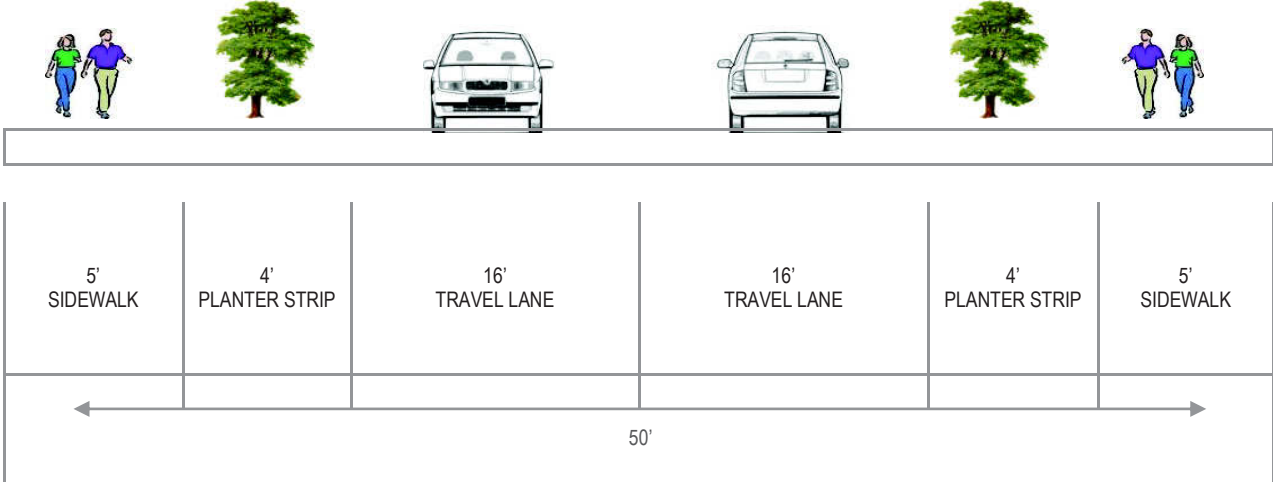
| REVISIONS | NO. | DATE | DESCRIPTION | BY | APP. | DATE | DESCRIPTION |
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| | 1 | | | | | | |
| SHEET | | | | | | | |
| 1 OF 1 | | | | | | | |
| JOB NO. 2312-10 | | | | | | | |

LOCAL

Minimum



Preferred





City of Tualatin

www.ci.tualatin.or.us

CERTIFICATION OF LEGAL DESCRIPTION AND MAP

I certify that the description of the property included within the attached petition (located on Assessor's Map 281 1400) 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 2/6/14

ANNEXATION CERTIFIED

BY TF

FEB 06 2014

WASHINGTON COUNTY A & T
CARTOGRAPHY

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 TF

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.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Michael D. Spelts

OREGON
NOVEMBER 12, 2013
MICHAEL D. SPELTS
87475PLS

RENEWAL: 6-30-2014

Drawing Name: J:\2312-010.13\Survey\CAD\DWG\2312-010Exh2.dwg Feb 06, 2014 - 1:21pm - mds



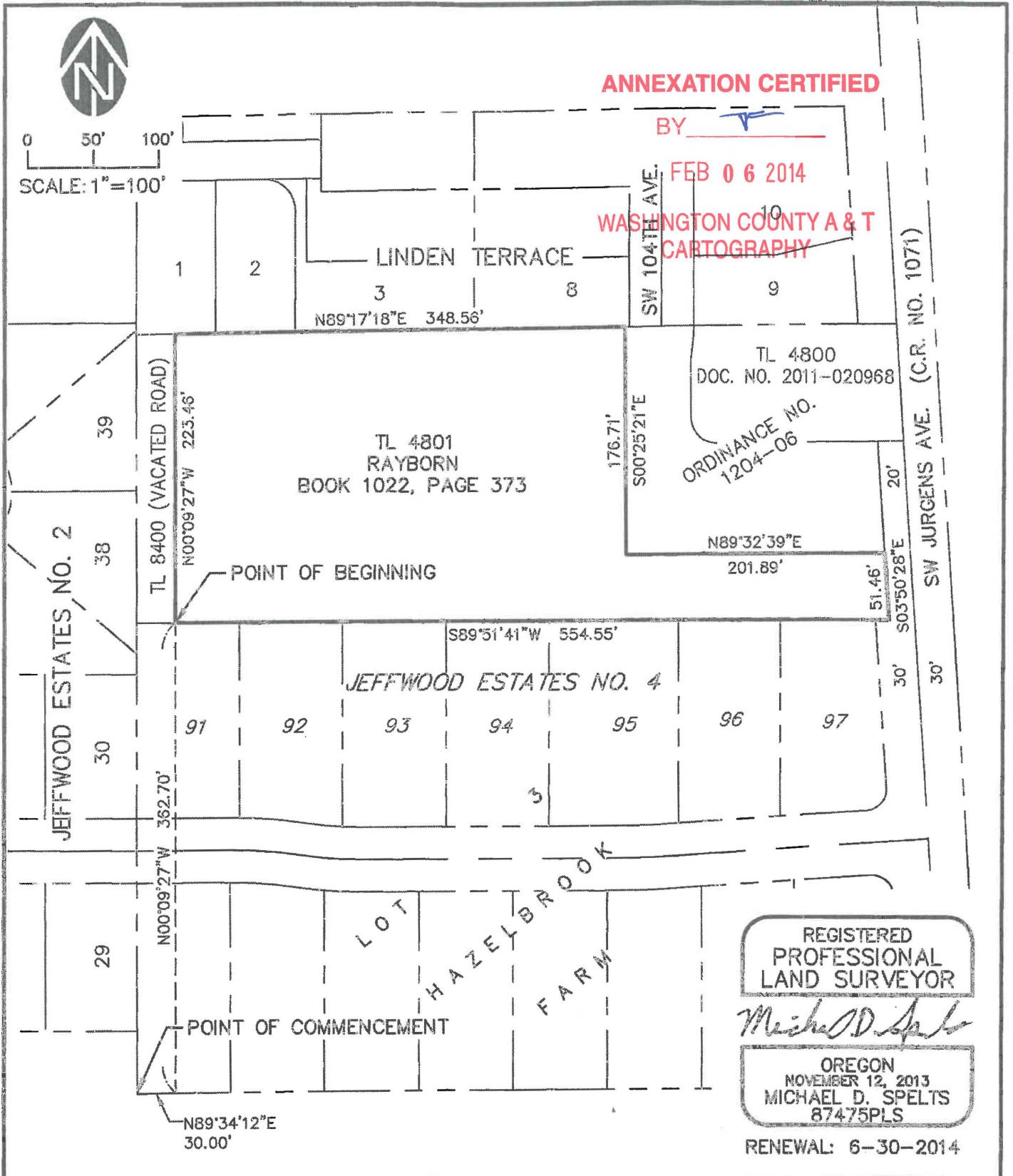
0 50' 100'
SCALE: 1"=100'

ANNEXATION CERTIFIED

BY 

FEB 06 2014

WASHINGTON COUNTY A & T
CARTOGRAPHY



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.M.
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) 684-0652
TIGARD, OREGON 97224 FAX (503) 624-0167



City of Tualatin

www.ci.tualatin.or.us

CERTIFICATION OF PROPERTY OWNERSHIP

I certify that the attached petition for annexation of the described territory to the City of Tualatin contains the names of the owners* of a majority of the land area of the territory to be annexed, as shown on the last available complete assessment roll.

NAME TED FOSTER **ANNEXATION CERTIFIED**
 TITLE GIS TECH **BY TF**
 DEPARTMENT CARTOGRAPHY **FEB 06 2014**
 COUNTY OF WASHINGTON **WASHINGTON COUNTY A & T**
 DATE 2/6/14 **CARTOGRAPHY**

*Owner means the owner of the title to real property or the contract purchaser of the real property.

CERTIFICATION OF REGISTERED VOTERS

I certify that the attached petition for annexation of described territory to the City of Tualatin contains the names of at least a majority of the electors registered in the territory to be annexed.

NAME _____
 TITLE _____
 DEPARTMENT _____
 COUNTY OF _____
 DATE _____

To the Council of the City of Tualatin, Oregon:

We, the undersigned Owner(s) of the property described below and/or elector(s) residing at the referenced location, hereby petition for, and give consent to, annexation of said property to the City of Tualatin. We understand that the City will review this request in accordance with ORS Chapter 222 and applicable regional and local policies prior to approving or denying the request for annexation.

| Signature | Printed Name | I am a | | | Address | Property Description | | | | Date |
|--------------------------|-------------------|--------|----|----|-----------------------|----------------------|------|---------|------------|------|
| | | PO | RV | OV | | T/S | Map | Tax Lot | Precinct # | |
| <i>Howard L. Rayborn</i> | HOWARD L. RAYBORN | ✓ | ✓ | ✗ | 17645 SW JURGENS AVE. | 251 | 14CC | 4801 | 437 | |
| <i>Kathy L. Rayborn</i> | KATHY L. RAYBORN | ✓ | ✓ | ✗ | 17645 SW JURGENS AVE. | 251 | 14CC | 4801 | 437 | |
| | | | | | | | | | | |

ANNEXATION CERTIFIED

BY *FR*

FEB 06 2014

WASHINGTON COUNTY A & T
CARTOGRAPHY

PO: Property Owner
RV: Registered Voter

OV: Property Owner & Registered Voter
T/S: Township & Section

Page 1 of 1

2/10/14 25114CC04801 2 valid of 2 names



**CERTIFICATION OF REGISTERED VOTERS
FOR ANNEXATION PURPOSES***

I hereby certify that the attached petition for the annexation of the territory listed herein to the City of Tualatin contains, as of the date listed, the following information:

- 2 Number of signatures of individuals on petition.
- 2 Number of active **registered voters** within the territory to be annexed.
- 2 Number of **VALID signatures of active registered voters** within the territory to be annexed, on the petition.

Tax lot number(s): 2S114CC04801 17645 SW Jurgens Rd

DIVISION: ELECTIONS
 COUNTY: WASHINGTON
 DATE: February 10, 2014
 NAME: Angie Muller
 TITLE: Administrative Specialist II

Angie Muller
 (Signature of Election Official)



*This 'Certification of Registered Voters for Annexation Purposes' DOES NOT, in any way, make the determination if this petition meets the annexation requirements of the city/district listed.

Annexation certification sht rev4-043009

Date: February 20, 2014
To: City of Tualatin
From: Lee Leighton, AICP
Re: Rayborn Annexation Petition – Pre-Submittal Meetings

In preparing to submit the Rayborn property annexation request, Kurt Dalbey of Mission Homes Northwest, LLC and members of his project team from Westlake (Len Schelsky, P.L.S.; Lee Leighton, AICP) participated in the following meetings with City of Tualatin staff:

- Scoping Meeting, December 11, 2013
- Pre-Application Meeting, December 20, 2013

The project team mailed timely meeting invitations and posted an on-site notice to invite people to a neighborhood meeting, which took place on January 29, 2014.



January 8, 2014

RE: NOTICE OF NEIGHBORHOOD REVIEW MEETING
ANNEXATION AND SUBDIVISION OF PROPERTY AT 17645 SW Jurgens Avenue

Dear Property Owner:

Mission Homes Northwest, LLC (Mission Homes) is preparing a proposal to annex the 2.7 acre property at 17645 SW Jurgens Avenue (Tax Map 2S114CC, Tax Lots 04801 & 08400) into the City of Tualatin, and redevelop it with an estimated twelve lots for construction of detached single-family residences. The property is located in the Low-Density Residential (RL) Zone, in which minimum lot size is 6,000 square feet.

The meeting will be held:

Date: Wednesday, January 29, 2014

Location: Juanita Pohl Center
(in Tualatin Community Park)

Time: 6:00 p.m.

Address: 8513 SW Tualatin Road

The purpose of this meeting is to provide a forum for surrounding property owners / residents to review the proposal and to identify issues so they can be considered before the formal application is submitted. This meeting gives you the opportunity to share with us any special information you know about the property involved. We will try to answer questions related to how the project will meet the development standards in Tualatin's land use regulations.

Please note that this will be an informational meeting on preliminary development plans. These plans may change slightly before the application is submitted to the City. You may also receive an official notice from the City of Tualatin when the application is submitted, advising you of your opportunity to participate by submitting written comments.

I look forward to discussing this proposal with you. If you have questions but will be unable to attend, please feel free to call me at (503) 684-0652, email me at lleighon@westlakeconsultants.com, or send a fax to (503) 624-0157.

Sincerely,

Westlake Consultants, Inc.

Lee D. Leighton, AICP
Director of Planning / Associate

J:\2312-010.13\Plan\Neighborhood Mtg\Rayborn Meeting Letter 010814.doc



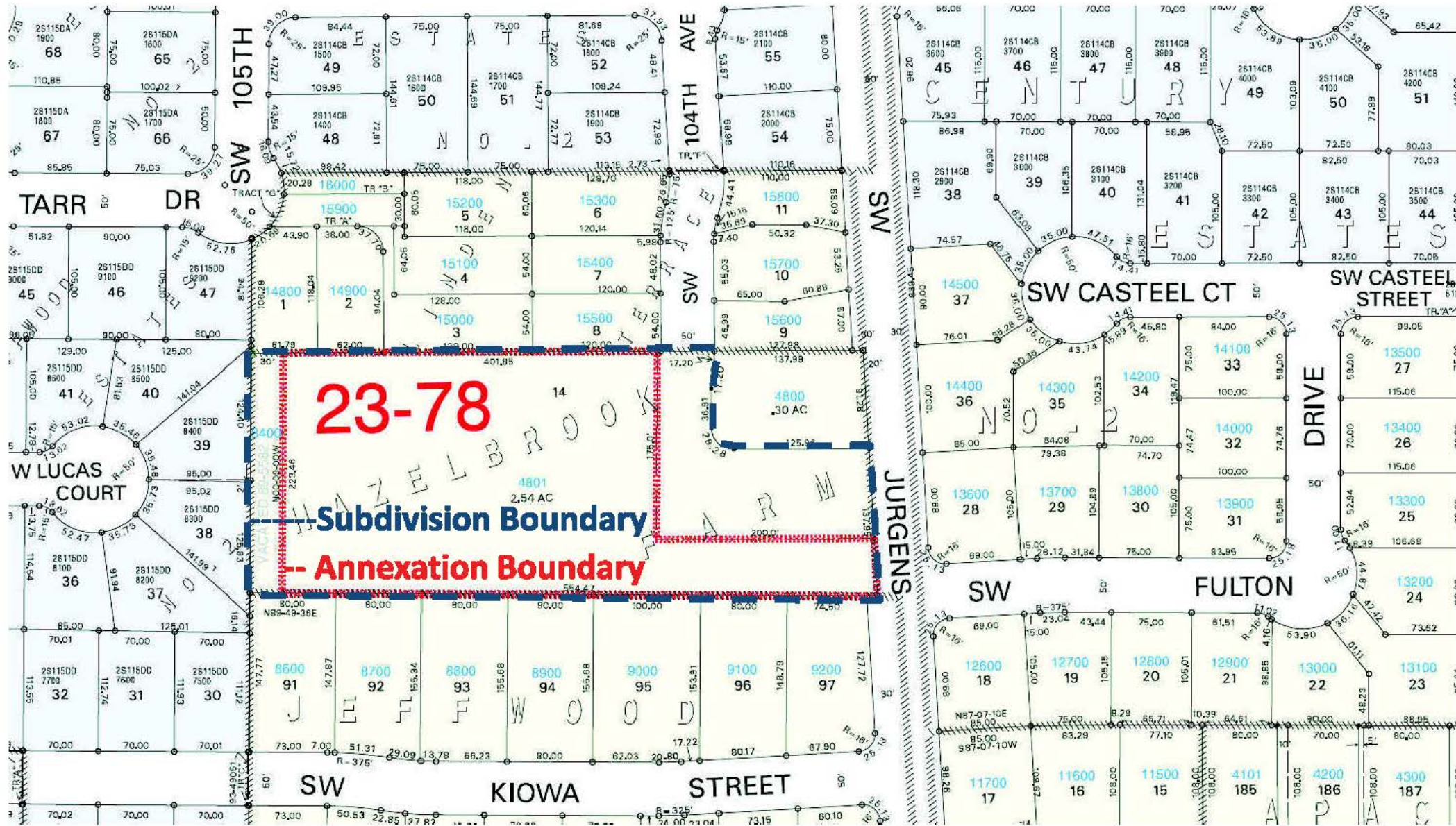
Neighborhood Meeting

Juanita Pohl Community Center
 in Tualatin Community Park
 (formerly known as the
 Tualatin Senior Center)

Wednesday, January 29, 2014
 6:00 p.m.

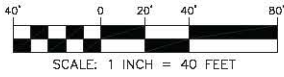
Subject Property

17645 SW Jurgens Avenue
 (2.7 Acres +/-)



Rayborn Property – Proposed Annexation and Subdivision Boundaries

Tax Map 2S1 14CC, Tax Lots 4801 & 8400 (not to scale)



NOTES

1. BASIS OF BEARINGS BASED ON SN 31576, WASHINGTON COUNTY SURVEY RECORDS.
2. TAX LOT: 25114CC 04801.

WESTLAKE CONSULTANTS INC.
 ENGINEERING • SURVEYING • PLANNING
 PACIFIC CORPORATE CENTER
 10110 S.W. BRADDOCK PARKWAY, SUITE 100
 TUALATIN, OREGON 97256
 (503) 884-0868
 FAX (503) 884-3137

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

THESE DRAWINGS ARE THE PROPERTY OF WESTLAKE CONSULTANTS INC. (WCI) AND ARE NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF WCI.

| REVISIONS | NO. | DATE | DESCRIPTION | DRAWN | CHECKED |
|-----------|-----|----------|-----------------|-------|---------|
| | 0 | 12/16/13 | INITIAL RELEASE | | |

SHEET 1 OF 1
 JOB NO. 2312-10
 COPYRIGHT © 1999

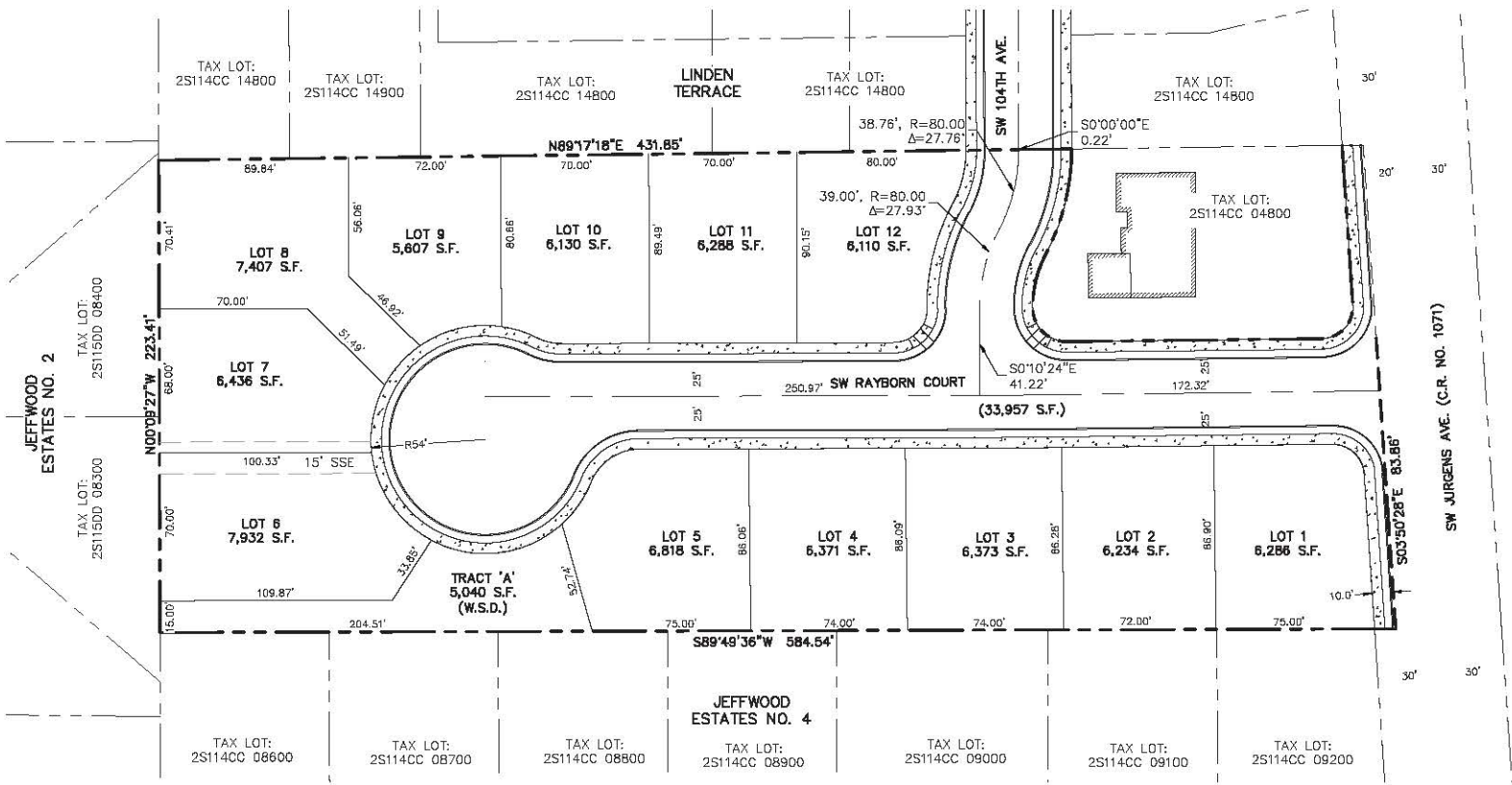


EXHIBIT MAP

LOCATED IN THE SW 1/4 OF SECTION 14
 TOWNSHIP 2 SOUTH, RANGE 1 WEST, W.M.
 CITY OF TUALATIN, WASHINGTON COUNTY, OREGON
 2' CONTOURS PER 2007 DOGAMI LIDAR DATA
 VERTICAL DATUM NAD83

Drawing Name: A:\2312-010.13\Engin\200\Draws\2312110 - ROW EXHIBIT - 32.dwg Jan 06, 2014 - 3:22pm - jdc

**NEIGHBORHOOD/DEVELOPER MEETING
AFFIDAVIT OF MAILING**

STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

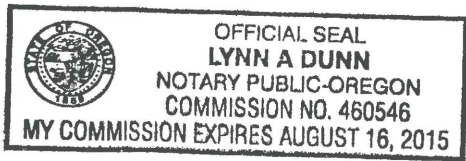
I, LEE D. LEIGHTON, being first duly sworn, depose and say:

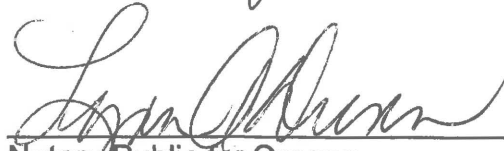
That on the 15TH day of JANUARY, 2014, I served upon the persons shown on Exhibit "A," attached hereto and by this reference incorporated herein, a copy of the Notice of Neighborhood/Developer meeting marked Exhibit "B," attached hereto and by this reference incorporated herein, by mailing to them a true and correct copy of the original hereof. I further certify that the addresses shown on said Exhibit "A" are their regular addresses as determined from the books and records of the Washington County and/or Clackamas County Departments of Assessment and Taxation Tax Rolls, and that said envelopes were placed in the United States Mail with postage fully prepared thereon.



Signature

SUBSCRIBED AND SWORN to before me this 16th day of January, 2014.



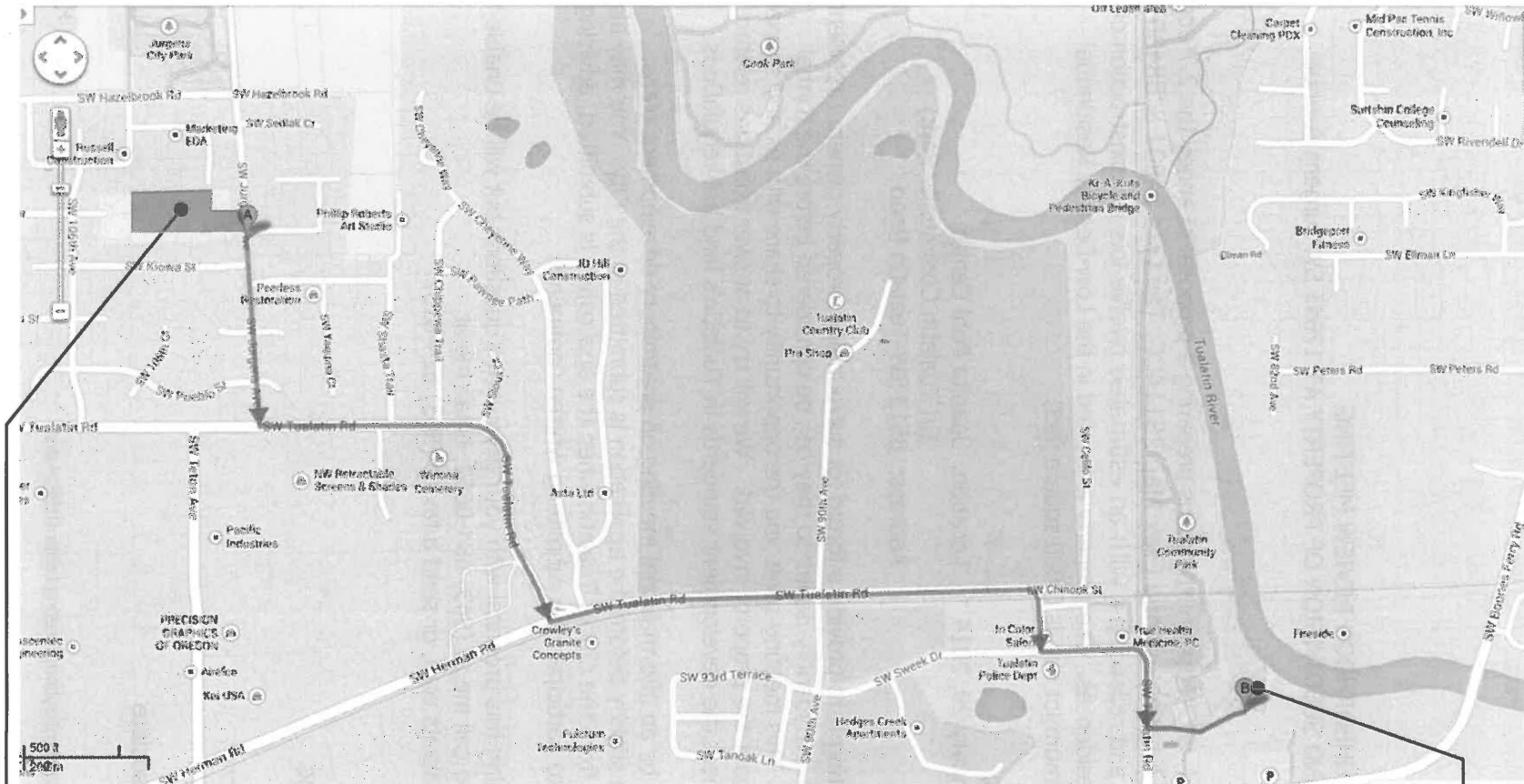


Notary Public for Oregon
My commission expires: August 16, 2015

RE: RAYBORN PROPERTY ANNEXATION & SUBDIVISION

ANN-14-02

To lessen the bulk of the notice of application and to address privacy concerns, this sheet substitutes for the photocopy of the mailing labels. A copy is available upon request.



Subject Property

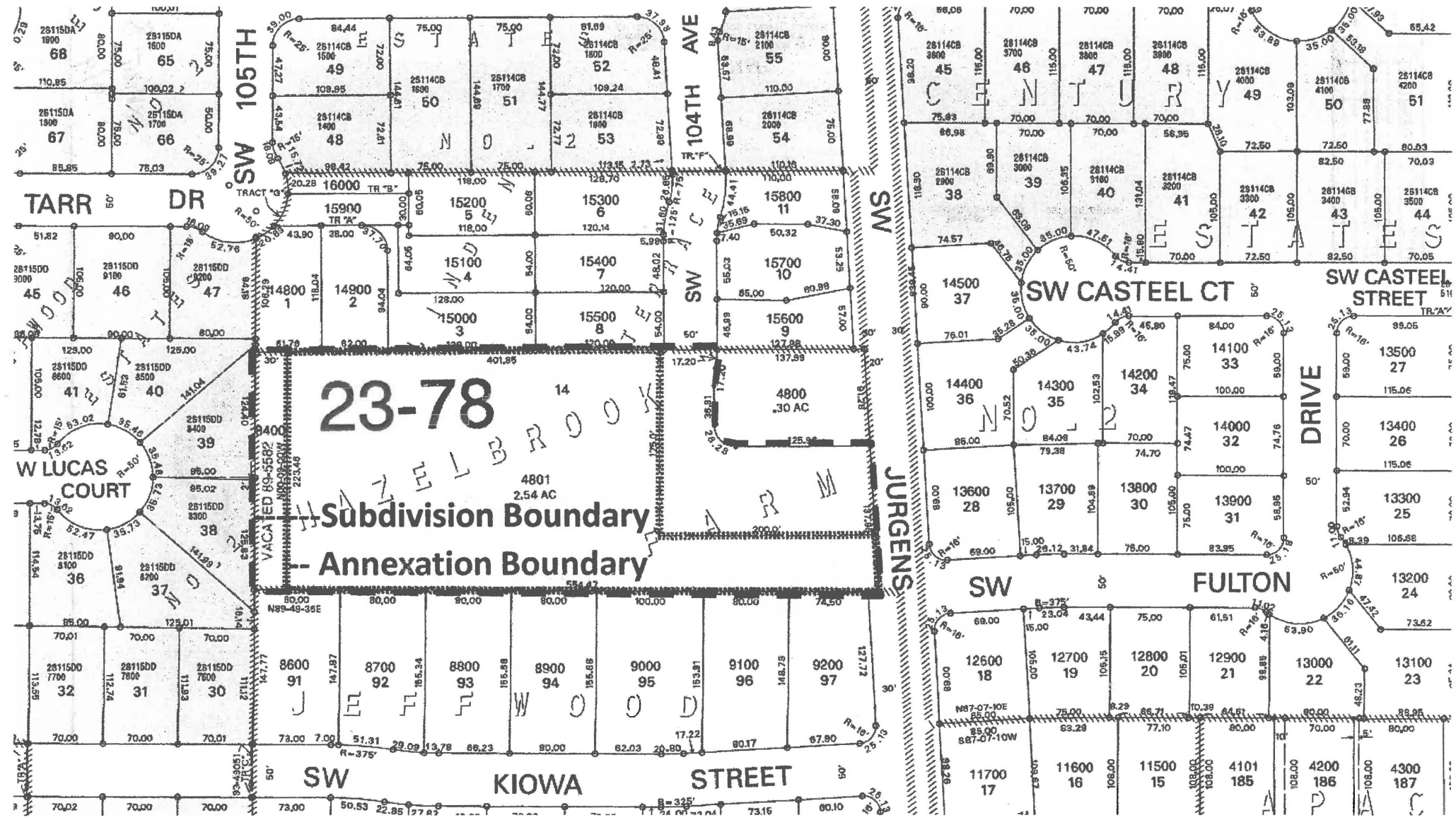
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(2.7 Acres +/-)

Neighborhood Meeting

Juanita Pohl Community Center
in Tualatin Community Park
(formerly known as the
Tualatin Senior Center)

Wednesday, January 29, 2014
6:00 p.m.

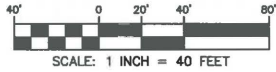
2/4



Rayborn Property – Proposed Annexation and Subdivision Boundaries

Tax Map 2S1 14CC, Tax Lots 4801 & 8400 (not to scale)

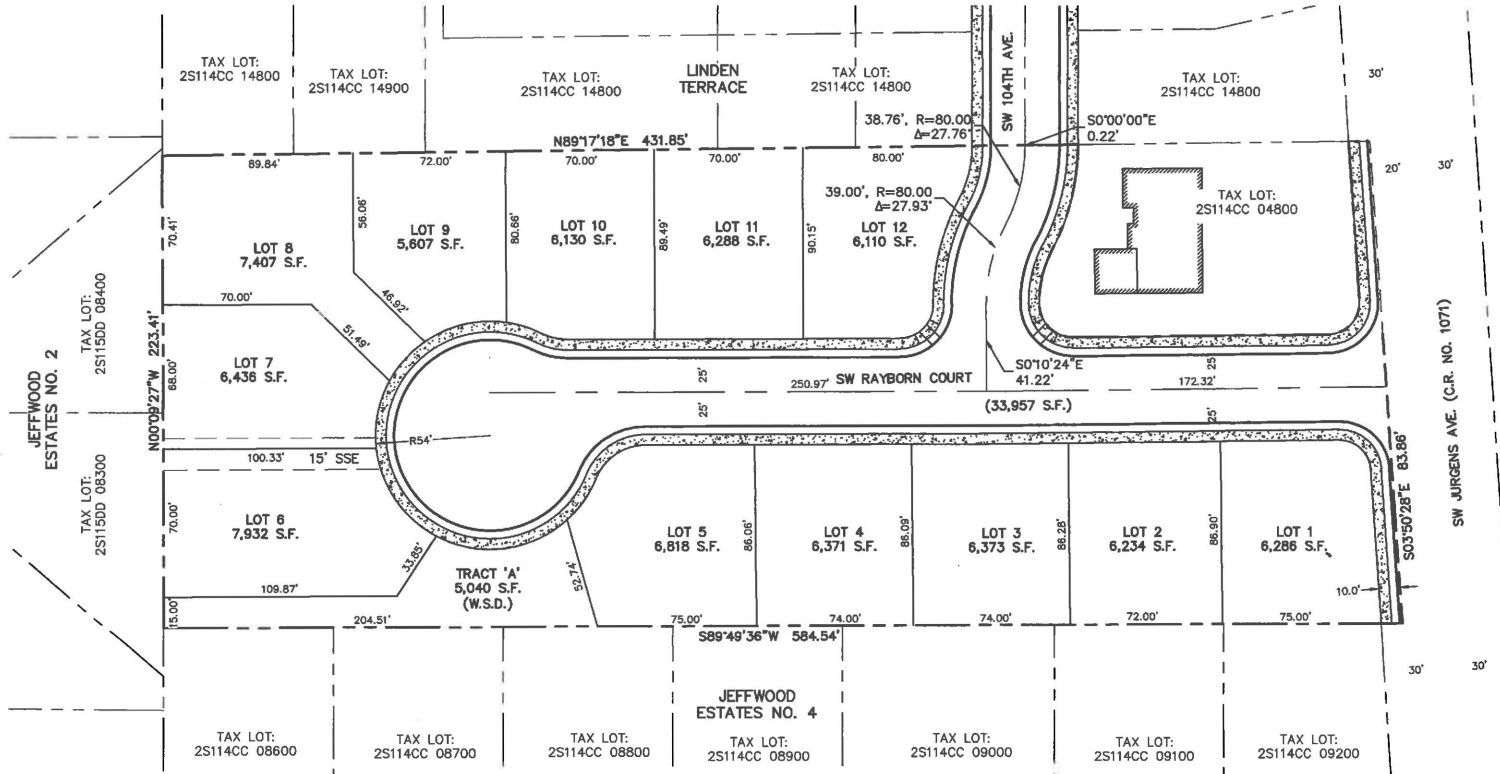
3/4



NOTES

1. BASIS OF BEARINGS BASED ON SN 31576, WASHINGTON COUNTY SURVEY RECORDS.
2. TAX LOT: 2S114CC 04801.

WESTLAKE CONSULTANTS INC.
 ENGINEERING SURVEYING PLANNING
 14115 N. NATIONAL PARKWAY, SUITE 190 TUALATIN, OREGON 97234
 (503) 664-6668 FAX (503) 664-3127



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

THESE LOTS ARE THE PROPERTY OF WESTLAKE CONSULTANTS INC. AND ARE NOT TO BE REPRODUCED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF WESTLAKE CONSULTANTS INC.

| REVISIONS | NO. | DATE | DESCRIPTION | BY | CHK |
|-----------|-----|----------|-----------------|-----|-----|
| | 1 | 12/17/13 | INITIAL RELEASE | LUR | BT |

SHEET **1** OF **1**

JOB NO. **2312-10**

EXHIBIT MAP

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

EXHIBIT 5
h/h

NEIGHBORHOOD / DEVELOPER MEETING CERTIFICATION OF SIGN POSTING

| | |
|---|-----|
| <p style="text-align: center;">NOTICE</p> <p style="text-align: center;">NEIGHBORHOOD / DEVELOPER MEETING</p> <p style="text-align: center;">__/__/2010 __:__.m.</p> <p style="text-align: center;">SW _____</p> <p style="text-align: center;">503-____-____</p> | 18" |
| 24" | |

In addition to the requirements of TDC 31.064(2) quoted earlier in the packet, the 18" x 24" sign that the applicant provides must display the meeting date, time, and address and a contact phone number. The block around the word "NOTICE" must remain **orange** composed of the **RGB color values Red 254, Green 127, and Blue 0**. Additionally, the potential applicant must provide a flier (or flyer) box on or near the sign and fill the box with brochures reiterating the meeting info and summarizing info about the potential project, including mention of anticipated land use application(s). Staff has a Microsoft PowerPoint 2007 template of this sign design available through the Planning Division homepage at < www.tualatinoregon.gov/planning/land-use-application-sign-templates >.

As the applicant for the

RAYBORN PROPERTY ANNEXATION & SUBDIVISION project, I

hereby certify that on this day, ONE sign(s) was/were posted on the subject property in accordance with the requirements of the Tualatin Development Code and the Community Development Department - Planning Division.

Applicant's Name: LEE D. LEIGHTON
(PLEASE PRINT)

Applicant's Signature: [Signature]

Date: JANUARY 10, 2014




Rayborn Property Neighborhood Meeting Notice Posting, 17645 SW Jurgens Avenue

January 10, 2014

Mission Woods

Proposed Annexation and Subdivision
Neighborhood Meeting, January 29, 6:00 PM
Juanita Pohl Community Center
8513 SW Tualatin Road

Sign In Sheet (Please Print Legibly)

| Name | Address | Phone | E-mail |
|-----------------------------|---|-------|--------|
| Heather Davis Brooks |  | | |
| Connie Wilson | | | |
| JIM DRAPER | | | |
| Pat Thomason | | | |
| Colin Cortes | | | |
| Mike & Stephanie Zenkiewicz | | | |
| Monica & Lonny Clark | | | |
| DAN GAUR | | | |
| FRANK BUBENIK | | | |
| | | | |
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| | | | |
| | | | |

Mission Woods

Proposed Annexation and Subdivision
 Neighborhood Meeting, January 29, 6:00 PM
 Juanita Pohl Community Center
 8513 SW Tualatin Road

Sign In Sheet (Please Print Legibly)

| Name | Address | Phone | E-mail |
|-------------------------|--------------------|-------------|-------------------------|
| David & Kristina Murphy | | | |
| Susan DeMerit | | | |
| JOE MANN & SONYA SEROFF | | | |
| SHARON Gitt | | | |
| LARRY RAYBORN | | | |
| Tony Doran | | | |
| Stephen Titus | | | |
| Mark + Stacey Taft | | | |
| Lori Kellogg | | | |
| Candi Difono | | | |
| HEATHER KEASTER | 11100 SW 10TH AVE. | 503 475 512 | HEATHER.KEASTER@TIC.COM |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

ENGINEERING • SURVEYING • PLANNING

PHONE 503.684.0652

| | | | |
|-------------------------|---|------------------------|------------------|
| DATE OF MEMO: | February 14, 2014 | PROJECT NAME: | Rayborn Property |
| DATE OF MEETING: | January 29, 2014 | PROJECT NUMBER: | 2312-010 |
| LOCATION: | Juanita Pohl Center, Tualatin Community Park | | |
| PREPARED BY: | Lee Leighton, AICP | | |

Lee Leighton, Director of Planning for Westlake Consultants, introduced himself, welcomed citizens and began the presentation a few minutes after 6:00 p.m. (See two attached Sign In Sheets for list of attendees.) He then introduced Westlake Principal Len Schelsky, P.L.S., and their client, Kurt Dalbey of Mission Homes Northwest, LLC. He also introduced two members of Tualatin City staff in attendance: Tony Doran, E.I.T. from the Engineering Department, and Colin Cortes from Planning.

The following notes summarize his presentation to the group:

The proposed project is a subdivision for construction of detached single-family residences, with an estimated count of twelve lots. None of the existing buildings on the site will be retained.

Land use approval for the proposed project will involve two steps: first, annexation into the City of Tualatin; and second, subdivision review and approval by the City of Tualatin. This meeting is intended to cover both aspects of the proposed development plan.

The subject property, owned by Howard “Larry” Rayborn and Kathy L. Rayborn, consists of two tax lots identified as Tax Lots 4801 and 8400, Washington County Tax Map 2S1 14CC. Tax Lot 8400 is already within the City limits, having been annexed as road right-of-way that was subsequently vacated and now belongs to the Rayborns. The boundary of Tax Lot 4801 does not match the proposed annexation boundary at its northeast corner because of a lot line adjustment with the neighboring property (Tax Lot 4800), which had previously been annexed. The lot line adjustment reduced the size of Lot 4800 and enlarged 4801, but it had no effect on the annexation boundary. The “bottom line” is that the proposed annexation will completely eliminate this “island of County” that has not yet been annexed into the City of Tualatin that surrounds it.

The property is in the City of Tualatin’s Low Density Residential (RL) Plan District, in which the minimum average lot size requirement is 6,500 square feet. Lot sizes are allowed to vary for flexibility to design in response to land characteristics. The largest lot will contain 7,932 square feet and the smallest will have 5,607 square feet, and the overall average lot size meets the requirement.

Access to the subject property will be by way of a new street extending west from SW Jurgens Avenue, just south of Tax Lot 4800, and a southerly extension of SW 104th Avenue, which stubs to the north property boundary. West of the intersection of those streets, a new public cul-de-sac street will extend west to serve eight of the proposed twelve lots and the water quality treatment facility that will be situated just south of the cul-de-sac bulb. The project will include widening of SW Jurgens Avenue along the east edge of the subject property as well as Tax Lot 4801, which will bridge the gap that currently exists between the improved paving widths and curbside sidewalks that exist both to the north and south of the property. The developer will match and extend those street improvements along the SW Jurgens Avenue property frontage, forming the new street intersection.

Utility services (water, sewer, storm drainage) are all available to serve the subject property as a result of previous residential development that surrounds it. Water lines in Jurgens and 104th will be extended to intersect and form a water line loop at the new street intersection, and a water line will be extended in the cul-de-sac street to serve the homes around it. Sewer service is available from an existing sewer line located just west of the subject property, to which an extension in the new cul-de-sac street can connect to serve all of the proposed homes.

Because the subject property is at a slightly higher elevation than the surrounding area, sloping gently downhill to both the north and the south, storm water flows will split into three directions. Improvements to SW Jurgens Avenue will include connecting to the existing storm system in that roadway. Limited flows from the extension of SW 104th Avenue will flow north into the existing system in that street. Most of the runoff from the new cul-de-sac street will be collected and directed to a storm water quality management pond near the southwest corner of the site. This “dry pond” will be designed to contain water only for a few hours immediately following a storm shower, in order to reduce the rate at which site runoff enters the public storm drain system. Plants and soils within the facility are selected for their capability to extract pollutants from street runoff before releasing it, as part of a region-wide strategy to protect and restore water quality for fish-bearing rivers and streams. Such facilities are mandatory pursuant to the regulations of Clean Water Services (CWS), the agency responsible for storm and sanitary sewer systems in the urban areas of Washington County.

Natural gas and other “dry” utilities such as telephone, cable and internet services will be extended using underground lines rather than poles and overhead wires.

Grading of the subject property will be designed to reduce and mitigate the effects of grade changes across property lines at the boundaries of the site, and to avoid creating situations that complicate positive storm drainage from any of the surrounding properties.

Kurt Dalbey then addressed the group, responding to a question about fences. He clarified that his home buyers want and expect new “good neighbor”-style fencing for their yards, so abutting owners could expect his company to construct a new fence at the property line at no cost to them, replacing existing fencing (unless they wanted to work out a different agreement in special circumstances).

He said the sizes of the homes would typically range between 2,200 and 3,500 square feet, with prices at about \$600,000 and higher. He noted that the development would likely result in additional market value for properties surrounding it. He suggested that people visit a recent project of his on SW Vermont Street in southwest Portland, called “Plum Tree.” Located a few hundred feet east of the SW Oleson Road intersection, it provides a unique setting in which there is significant variety in the lot configurations as well as the homes that have been built there. (Visit online at <http://missionhomesnw.com/plum-tree/>)

Discussion Themes / Questions and Answers

Water Quality Facilities. Some attendees expressed dislike for water quality facilities, noting their developments did not have them, and asked why they were necessary. Kurt explained that they are a regulatory requirement that both he and the City have to comply with since the adoption of the standards in the 1990s. Developments constructed prior to that time were not subject to the same rules. The neighbor adjacent to the proposed pond’s location indicated a preference for fencing rather than a backyard view of the facility.

Traffic and Transportation. Attendees noted that there is no bus transit service in the vicinity, so transportation will be almost exclusively by private vehicles, and they expect additional congestion to occur. Tony Doran (Tualatin Engineering) responded that because the proposal was consistent with zoning, the traffic modeling the City has performed as part of its Transportation System Plan has already anticipated this level of development. As a result, the applicant will not be required to prepare a separate traffic impact analysis. Due to the relatively small number of additional vehicle trips the development will generate, no intersection signalization will be warranted. It is likely that STOP signs will be placed on SW 104th at the new cul-de-sac, and on the new cul-de-sac where it intersects SW Jurgens Avenue.

Construction Access and Parking. An attendee was concerned about construction traffic and parking occurring on SW 104th Avenue. Kurt Dalbey responded that the project would be accessed directly from SW Jurgens Avenue and would be able to mobilize within the site itself to accommodate parking by workers. He noted that, by comparison, accessing the

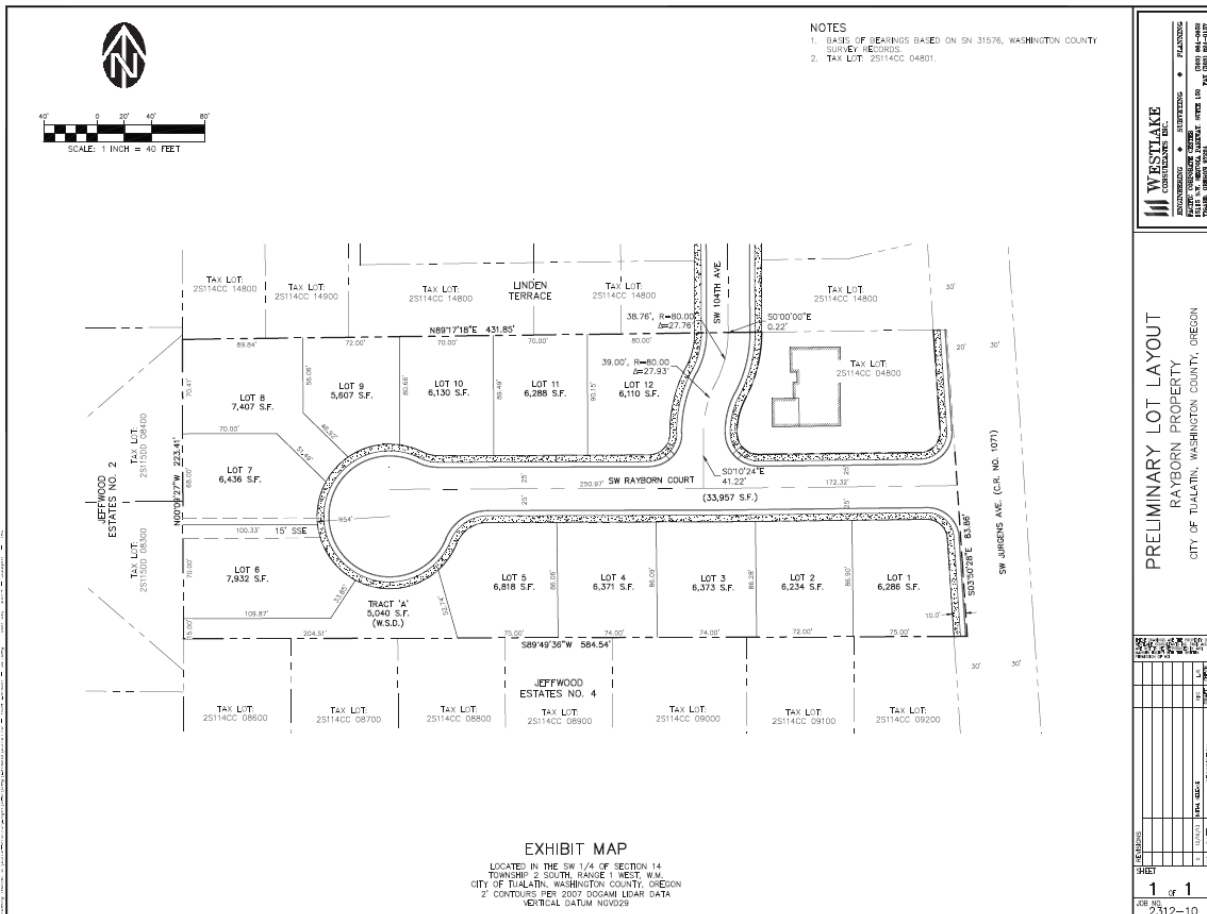
site by way of 104th requires quite a bit of out-of-direction travel, so there would be little incentive for people to want to go that way.

Trees. Using an aerial photograph, Lee Leighton pointed out locations where large existing trees are situated on the property. A grove of tall firs in the east-central part of the property cannot be avoided in constructing the required extension of SW 104th Avenue to connect with a new street extending west from SW Jurgens Avenue. Farther to the west, near the northwest corner of the site, there are other large trees that it may be possible to conserve, if it will be safe to do so. Kurt explained that buyers generally prefer homes located in the presence of significant trees. Mission Homes works closely with a professional arborist to inventory and assess the condition of existing trees, and to provide specific recommendations, which can include discussing neighbors' concerns and preferences.

Procedures and Time Frame. Lee Leighton explained that the annexation procedure involves a public hearing before the City Council, where anyone can provide testimony. Anticipating submittal of the annexation request in February, the Council hearing could be scheduled as soon as March or April. Assuming the annexation is approved, the team will promptly submit the subdivision application. That procedure will include mailing a notice of the application to surrounding property owners, but may not involve a public hearing – it can be completed as a staff decision with opportunity to provide written comments, which people must do in order to have the right to appeal the staff decision. (The mailing list the City uses to mail notices of the proposed land use actions is the same as the one used to mail out invitations to the neighborhood meeting.) The subdivision decision could be issued sometime during the summer, and site construction could commence as early as the fall of this year. Kurt Dalbey added that site grading and infrastructure construction for this site could be completed in perhaps six to eight weeks, followed by a longer period of homebuilding.

When there were no more questions, Kurt Dalbey offered the attendees his personal mobile number, 503-781-1814, and invited them to contact him directly in the course of the approval and construction process.

Lee Leighton thanked all for attending, and concluded the meeting at approximately 7:30 p.m.



ANN-14-02

To lessen the bulk of the notice of app and to address the worries of some Tualatin residents about online land use application packets containing their names and addresses as a reflection of the mailing notice area, this sheet substitutes for the photocopy of the mailing labels. A copy is available upon request.

ANNEXATION CERTIFICATION OF SIGN POSTING



* SEE ATTACHED
PHOTO EXHIBIT
AND FLYER

24"

The applicant shall provide and post a sign pursuant to Tualatin Development Code (TDC) 31.064(2). Additionally, the 18" x 24" sign must contain the application number, and the block around the word "NOTICE" must remain **medium purple** composed of the **RGB color values Red 112, Green 48, and Blue 160**. Additionally, the potential applicant must provide a flier (or flyer) box on or near the sign and fill the box with brochures reiterating the meeting info and summarizing info about the potential project, including mention of anticipated land use application(s). Staff has a Microsoft PowerPoint 2007 template of this sign design available through the Planning Division homepage at <http://www.ci.tualatin.or.us/departments/communitydevelopment/planning>.

NOTE: For larger areas, the Community Development Department may require the posting of additional signs in conspicuous locations.

As the applicant for the RAYBORN PROPERTY ANNEXATION
project, I hereby certify that on this day, ONE (1) sign(s) was/were posted on the
subject property in accordance with the requirements of the Tualatin Development Code and the
Community Development Department - Planning Division.

Applicant's Name: LEE LEIGHTON, AICP WESTAKE CONSULTANTS, INC.
(PLEASE PRINT)

Applicant's Signature: [Handwritten Signature]

Date: 02/20/14



Photo Exhibit: Sign and Flyers Posted at North Edge of Rayborn Property Driveway, February 20, 2014

ENGINEERING • SURVEYING • PLANNING

PHONE 503.684.0652

| | | | |
|-------------------------|---|------------------------|------------------|
| DATE OF MEMO: | February 14, 2014 | PROJECT NAME: | Rayborn Property |
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He said the sizes of the homes would typically range between 2,200 and 3,500 square feet, with prices at about \$600,000 and higher. He noted that the development would likely result in additional market value for properties surrounding it. He suggested that people visit a recent project of his on SW Vermont Street in southwest Portland, called “Plum Tree.” Located a few hundred feet east of the SW Oleson Road intersection, it provides a unique setting in which there is significant variety in the lot configurations as well as the homes that have been built there. (Visit online at <http://missionhomesnw.com/plum-tree/>)

Discussion Themes / Questions and Answers

Water Quality Facilities. Some attendees expressed dislike for water quality facilities, noting their developments did not have them, and asked why they were necessary. Kurt explained that they are a regulatory requirement that both he and the City have to comply with since the adoption of the standards in the 1990s. Developments constructed prior to that time were not subject to the same rules. The neighbor adjacent to the proposed pond’s location indicated a preference for fencing rather than a backyard view of the facility.

Traffic and Transportation. Attendees noted that there is no bus transit service in the vicinity, so transportation will be almost exclusively by private vehicles, and they expect additional congestion to occur. Tony Doran (Tualatin Engineering) responded that because the proposal was consistent with zoning, the traffic modeling the City has performed as part of its Transportation System Plan has already anticipated this level of development. As a result, the applicant will not be required to prepare a separate traffic impact analysis. Due to the relatively small number of additional vehicle trips the development will generate, no intersection signalization will be warranted. It is likely that STOP signs will be placed on SW 104th at the new cul-de-sac, and on the new cul-de-sac where it intersects SW Jurgens Avenue.

Construction Access and Parking. An attendee was concerned about construction traffic and parking occurring on SW 104th Avenue. Kurt Dalbey responded that the project would be accessed directly from SW Jurgens Avenue and would be able to mobilize within the site itself to accommodate parking by workers. He noted that, by comparison, accessing the

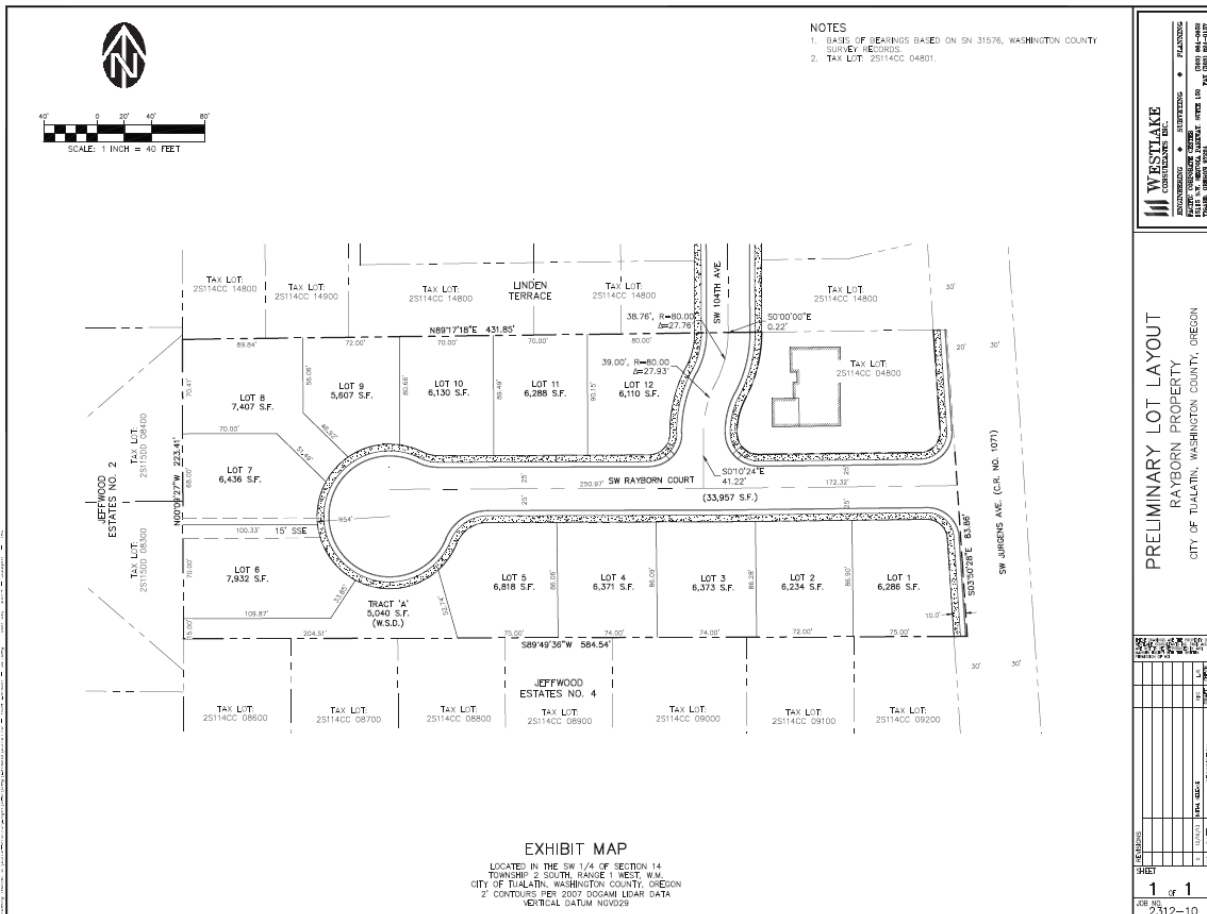
site by way of 104th requires quite a bit of out-of-direction travel, so there would be little incentive for people to want to go that way.

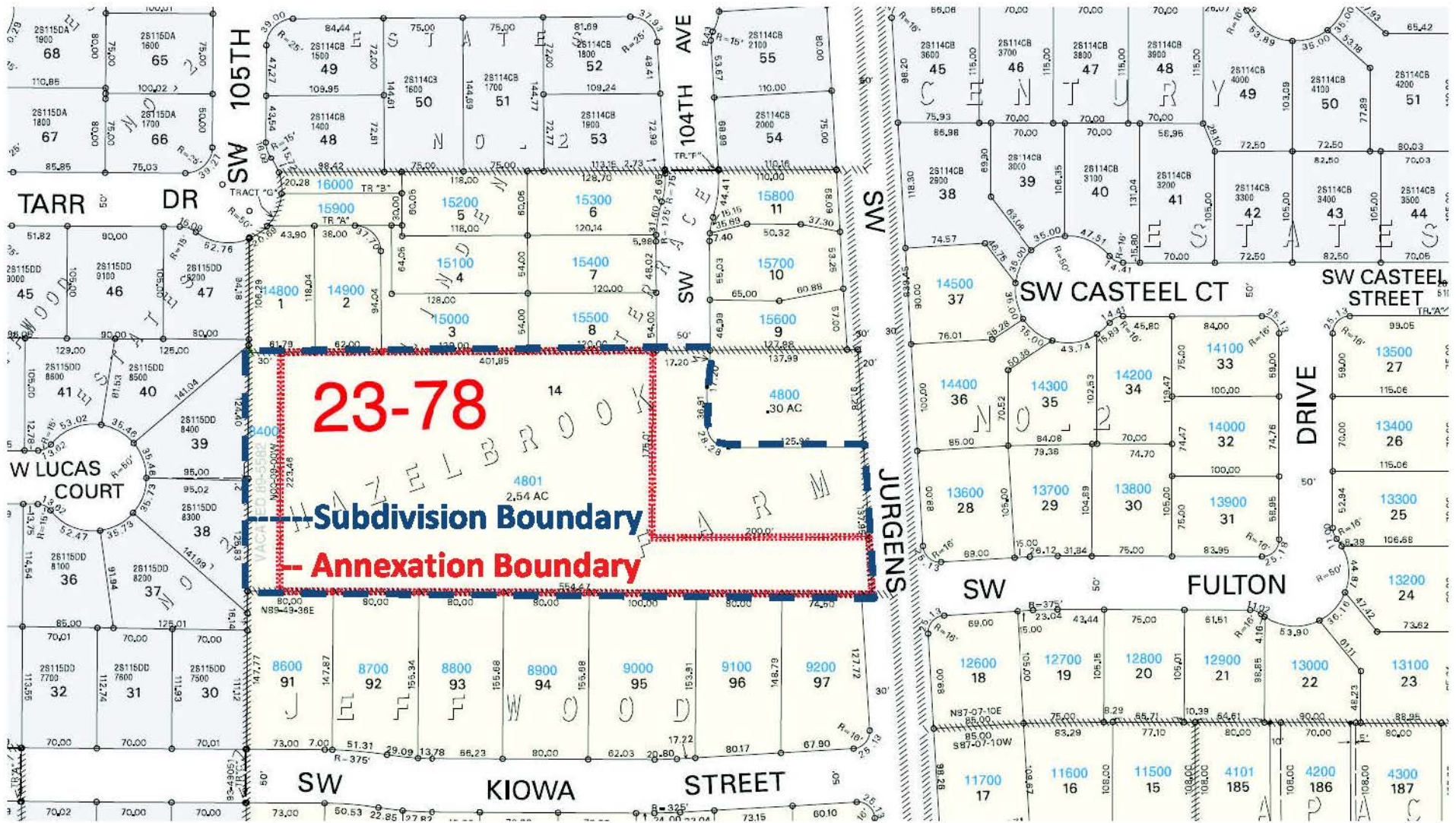
Trees. Using an aerial photograph, Lee Leighton pointed out locations where large existing trees are situated on the property. A grove of tall firs in the east-central part of the property cannot be avoided in constructing the required extension of SW 104th Avenue to connect with a new street extending west from SW Jurgens Avenue. Farther to the west, near the northwest corner of the site, there are other large trees that it may be possible to conserve, if it will be safe to do so. Kurt explained that buyers generally prefer homes located in the presence of significant trees. Mission Homes works closely with a professional arborist to inventory and assess the condition of existing trees, and to provide specific recommendations, which can include discussing neighbors' concerns and preferences.

Procedures and Time Frame. Lee Leighton explained that the annexation procedure involves a public hearing before the City Council, where anyone can provide testimony. Anticipating submittal of the annexation request in February, the Council hearing could be scheduled as soon as March or April. Assuming the annexation is approved, the team will promptly submit the subdivision application. That procedure will include mailing a notice of the application to surrounding property owners, but may not involve a public hearing – it can be completed as a staff decision with opportunity to provide written comments, which people must do in order to have the right to appeal the staff decision. (The mailing list the City uses to mail notices of the proposed land use actions is the same as the one used to mail out invitations to the neighborhood meeting.) The subdivision decision could be issued sometime during the summer, and site construction could commence as early as the fall of this year. Kurt Dalbey added that site grading and infrastructure construction for this site could be completed in perhaps six to eight weeks, followed by a longer period of homebuilding.

When there were no more questions, Kurt Dalbey offered the attendees his personal mobile number, 503-781-1814, and invited them to contact him directly in the course of the approval and construction process.

Lee Leighton thanked all for attending, and concluded the meeting at approximately 7:30 p.m.





Rayborn Property – Proposed Annexation and Subdivision Boundaries

Tax Map 2S1 14CC, Tax Lots 4801 & 8400 (not to scale)

ATTACHMENT 104

ANN-14-02: ANALYSIS AND FINDINGS

The subject is a petition for annexation of a property known as the Rayborn Property and as Tax Lot 4801 on Washington County Assessor's Map 2S1 14CC located at 17645 SW Jurgens Avenue and withdrawing the territory from the Washington County Enhanced Sheriff Patrol District and the County Urban Road Maintenance District. The applicant is Mission Homes Northwest, LLC, represented by Joshua Kelso, Managing Member, which represents Howard & Kathy Rayborn, owners of the 2.54-acre Tax Lot 4801.

The City Council must find that the annexation conforms to Tualatin Development Code (TDC) Objectives 4.050(20) and (21), and the applicable criteria in Metro Code 3.09 and Oregon Revised Statutes (ORS; TDC 31.067[5]). The applicant submitted application materials that address the annexation requirements (Attachment 103), and staff reviewed the application materials and included pertinent excerpts below.

A. Metro Code, 3.09.050(d) states that an approving entity's final decision on a boundary change shall include findings and conclusions addressing the following criteria:

1) Consistency with directly applicable provisions in an urban service provider agreement or annexation plan adopted pursuant to ORS 195.065.

There is no urban service provider agreement pursuant to ORS 195.065 that applies to the subject property. The application and proposed annexation agreement between the City and the property owner are not an annexation plan per Oregon Revised Statutes (ORS) 195.065.

Therefore, there are no applicable provisions of an urban service agreement or annexation plan with which the proposed annexation can be reviewed for consistency.

This site is currently located within the Clean Water Services (CWS) boundary and will remain in the CWS boundary after annexation. The property will now conform to 2005 Intergovernmental Agreement (IGA) between CWS and the City as per the agreement. Currently the site is served by a well and septic tanks. The property would be served by City water and sewer. The site is not currently in a parks district, but would be served by the City Community Services Department upon annexation. The property will be removed from the Washington County Sheriff's Department patrols and will have City police service following annexation. The site is currently served by Tualatin Valley Fire and Rescue (TVF&R), and fire protection service would continue upon annexation.

Tigard-Tualatin School District 23J will continue to serve this property after annexation.

The criterion is not applicable.

2) Consistency with directly applicable provisions of urban planning or other agreements, other than agreements adopted pursuant to ORS 195.065, between the affected entity and a necessary party.

The subject property is within the portion of Washington County that is inside the acknowledged Tualatin Planning Boundary reflected by TDC [Map 9-1](#).

As required by the [Urban Planning Area Agreement \(UPAA\)](#) between the City of Tualatin and Washington County, staff notified the County of this proceeding via first class mail. Annexations within the established Planning Boundary are consistent with the UPAA. In accordance with TDC 1.030(6) and UPAA Section III(I), the subject property will automatically assume the Low Density Residential (RL) Planning District designation on the effective date of the annexation. Per UPAA Section III(G), the County does not oppose this annexation.

The criterion is met.

3) Consistency with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facility plans.

The applicable standards or criteria in the TDC for boundary changes are 4.050(20) and (21). TDC 4.060(1) is also relevant to boundary changes.

4.050(20) Initiate annexation of property within the Urban Growth Boundary planned for residential development only when petitioned to do so by owners of the affected property, including cases involving unincorporated “islands” of property surrounded by land annexed previously.

The subject property, which is within the Urban Growth Boundary (UGB) and will be within the Low Density Residential (RL) Planning District, is an unincorporated island for which the property owner initiated the annexation application. The requirement is met.

4.050(21) Territories to be annexed shall be in the Metro Urban Growth Boundary.

The subject property is currently within the existing Metro UGB. The requirement is met.

4.060(1) A long-range growth boundary is necessary to predict the amount and location of urban land needed in the future. The establishment of this boundary provides a framework for the orderly conversion of rural land to urban uses. The growth boundary establishes the City's intent to annex and provide urban services to specific properties over a specific period of time. Thus, the growth boundary establishes the basis of a City annexation policy and provides landowners with some assurance as to the City's intent for the future use of their land.

4.060(1) is not a directly applicable standard or criteria for boundary changes, but is relevant. Because the annexation territory falls within the Urban Planning Area that accounts for future growth, the boundary is a long-range growth one, and the annexation is in support of the statement contained in TDC 4.060(1).

4) Consistency with specific directly applicable standards or criteria for boundary changes contained in the Regional Framework Plan or any functional plan.

The application states: "The Regional Framework Plan and Functional Plan have no provisions directly related to annexation. Because services and transportation facilities are available in the area and all property within the Urban Growth Boundary and Urban Planning Area Boundary were included in calculations for facility capacity, housing and employment, annexation would be consistent with the Framework and Functional Plans." Staff concurs.

The criterion is met.

5) Whether the proposed change will promote or not interfere with the timely, orderly, and economic provisions of public facilities and services.

Potable water, sanitary sewer, and stormwater public lines are available from a combination of SW Jurgens Avenue, SW 104th Avenue, and an easement along Tax Lot 2S1 14CC 08400 (Lot 8400), which is west adjacent to the subject property.

Pedestrian, cyclist, and vehicular access to the subject property is available via both SW 104th Avenue and SW Jurgens Avenue.

Following annexation and upon development, a developer will be required to construct stormwater management improvements for adequate treatment, detention and conveyance to serve the subject property. Staff informed the applicant about the availability of public facilities at the annexation pre-application meeting.

Future street rights-of-way (ROWs), including their functional classifications and prospective alignments, were established as part of the Tualatin Transportation System Plan (TSP), which is incorporated into TDC [Chapter 11](#). State of Oregon planning rules stipulate that the TSP must be based on the current comprehensive plan land use map and provide a transportation system that accommodates the expected 20-year growth in population and employment that will result from implementation of the land use plan. (The Tualatin Community Plan, which is Chapters 1-30 of the TDC, is the Tualatin comprehensive plan, and TDC Map 9-1 Community Plan Map is the comprehensive plan land use map.) Although actual alignment of roadways may be negotiated during development review, the general capacity needs and the associated alignments of the Tualatin transportation system have been established and planned for via the TDC. (Any existing and future local streets, collector or arterial roads, or highways or expressways that are in the general vicinity of the subject property have been established as part of the TSP.)

The general alignment and potential functional classification of such streets and roads can be found in TDC [Figure 11-1](#) Functional Classification and Traffic Signal Plan and [11-3](#) Local Street Plan. Though the annexation itself affects no public street needs, the City determines that because the street and road network and vehicular capacity planning has already been established as part of the TSP, future development will not interfere with the provision of this type of service in the area. The ability of the transportation facilities – including the southward extension of SW 104th Avenue to a new east-west cul-de-sac that connects to the east at SW Jurgens Avenue as shown in the Northwest Enlargement within Figure 11-3 – to serve development on the subject property and the need for street improvements to serve this property would be determined in a land use process upon proposal of development.

A proposed annexation agreement between the City and the property owner addresses the orderly provision of services and the adequacy and suitability of existing improvements on the subject property for existing and future development on this property. The orderly provision of services is confirmed and ensured. The proposed Rayborn Annexation Agreement will establish the uses and property improvements that upon redevelopment will be in conformance with the Tualatin Development Code (TDC) and Tualatin Municipal Code (TMC).

Staff finds that because the subject property can be served by these public facilities, the annexation will not interfere with the timely, orderly and economic provision of public facilities and services.

The criterion is met.

6) If the proposed boundary change is for annexation of territory to Metro, a determination by the Metro Council that the territory should be included in the Urban Growth Boundary shall be the primary criterion for approval.

Because the subject site is already within both the Metro Service District Boundary and UGB, the criterion is not applicable.

7) Consistency with other applicable criteria for the boundary change in question under state and local law.

One item in the TDC and two items in ORS Chapter 222 apply to annexations.

TDC 4.050(21) states, "Territories to be annexed shall be in the Metro Urban Growth Boundary."

The territory to be annexed is currently within the existing Metro UGB. The requirement is met.

ORS 222.111(1) states, "When a proposal containing the terms of annexation is approved in the manner provided by the charter of the annexing city or by ORS 222.111 to 222.180 or 222.840 to 222.915, the boundaries of any city may be extended by the annexation of territory that is not within a city and that is contiguous to the city or separated from it only by a public right of way or a stream, bay, lake or other body of water. Such territory may lie either wholly or partially within or without the same county in which the city lies."

The subject property is not currently within a city and is contiguous to Tualatin city limits on all sides.

This requirement is met.

ORS 222.520(1) states, "Whenever a part less than the entire area of a district named in ORS 222.510 becomes incorporated as or annexed to a city in accordance with law, the city may cause that part to be withdrawn from the district in the manner set forth in ORS 222.120 or at any time after such incorporation or annexation in the manner set forth in ORS 222.524. Until so withdrawn, the part of such a district incorporated or annexed into a city shall continue to be a part of the district."

The subject territory is in the Washington County Enhanced Sheriff Patrol District and the Washington County Urban Road Maintenance District. As part of this annexation, the subject territory will be withdrawn from the Enhanced Sheriff Patrol District and the Urban Road Maintenance District. The City of Tualatin will provide police services. Because the proposed boundary change is consistent with state and local law, the requirement is met.

The criterion is met.

B. Metro 3.09.050(g) states that, “Only territory already within the defined Metro Urban Growth Boundary at the time a petition is complete may be annexed to the city or included in territory proposed for incorporation into a new city.”

The subject property is currently within the Metro UGB and was so at the time the petition for annexation was filed on January 29, 2014.

The requirement is met.

C. Conclusion

Based on the application and the above analysis and findings, the approval criteria of Metro Code 3.09.050(d), the Tualatin Development Code, and Oregon Revised Statutes are met.

**Annexation
ANN-14-02**

Rayborn Property

May 12, 2014



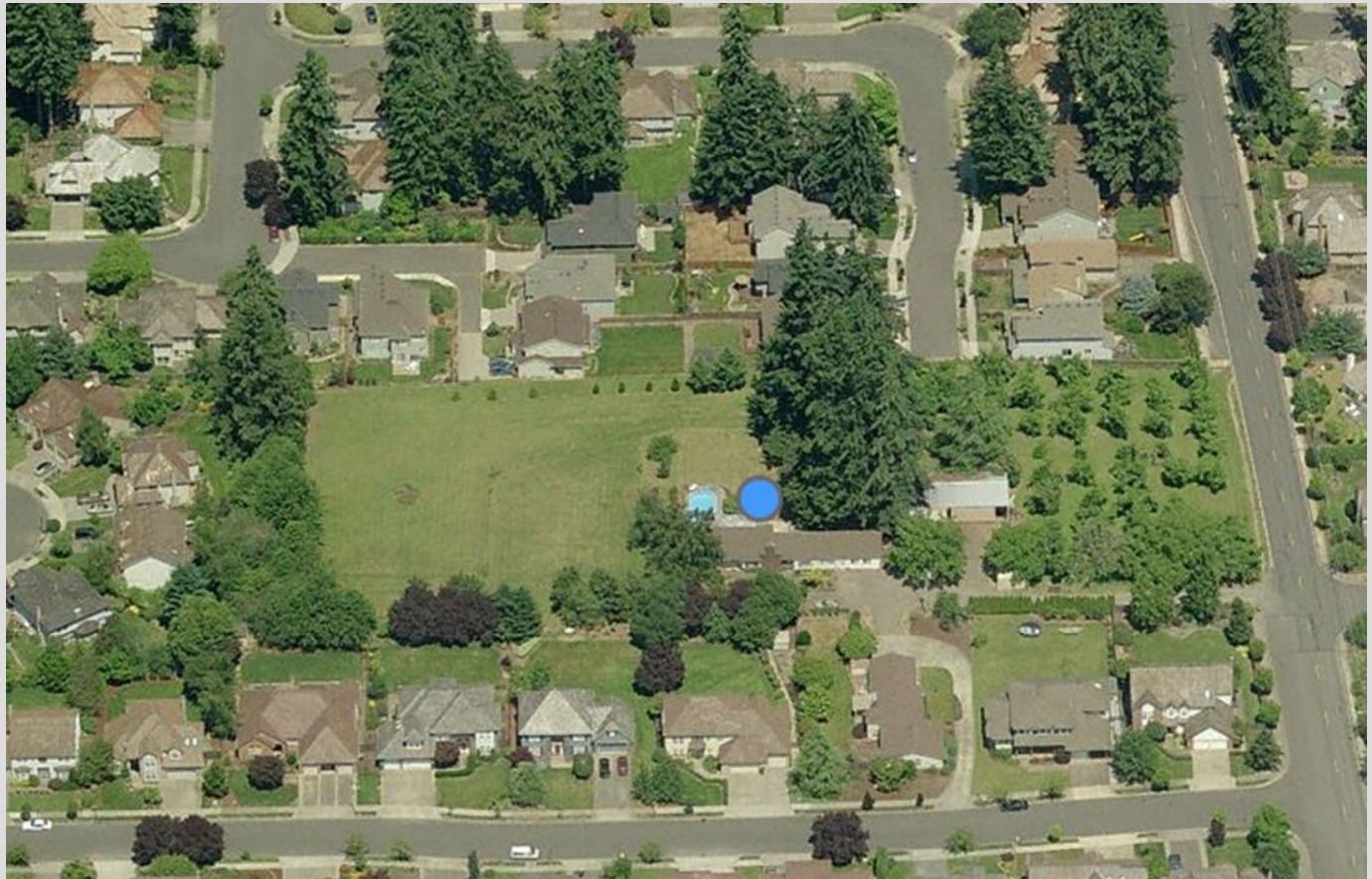


ANN-14-02 Rayborn Property
17645 SW Jurgens Ave





Oblique Aerial View





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

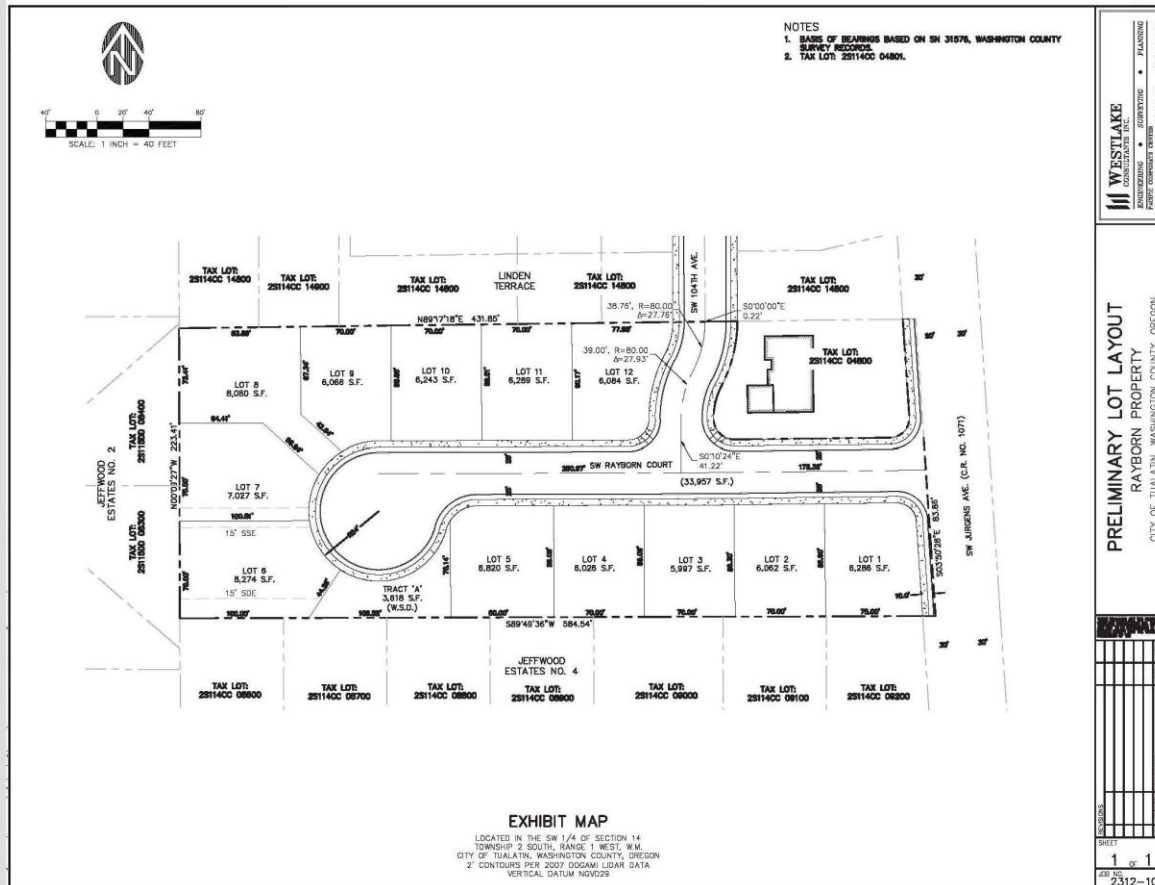


Annexation Agreement

- 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



Preliminary Subdivision Plan





Subdivision Improvements Addressed



*SW Jurgens Avenue
frontage improvements*

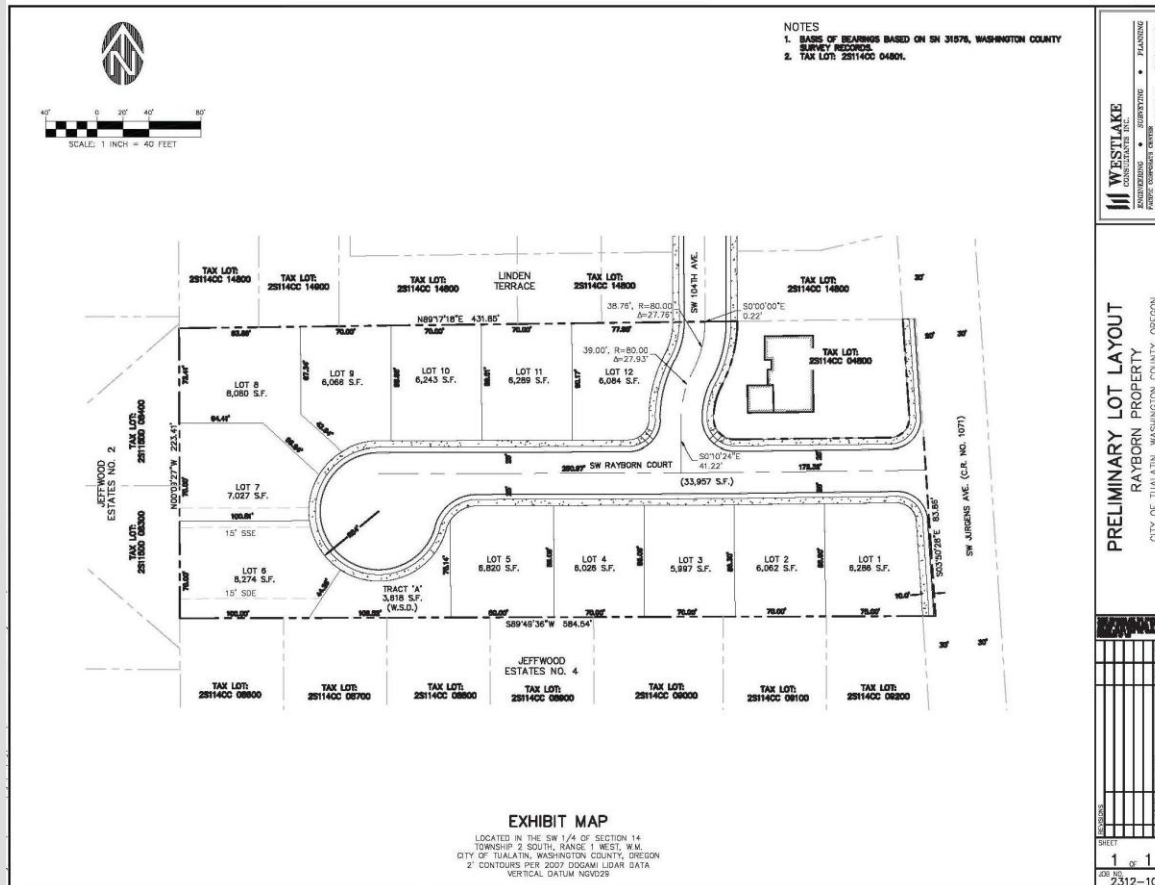


Conclusion

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



Questions?





STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Colin Cortes, Assistant Planner
Aquilla Hurd-Ravich, Planning Manager

DATE: 05/12/2014

SUBJECT: Consideration of **Resolution No. 5188-14** Authorizing the Execution of an Annexation Agreement with Owners of Property Located at 17645 SW Jurgens Avenue (Tax Map 2S1 14CC, Tax Lot 4801)

ISSUE BEFORE THE COUNCIL:

The issue before the Council is consideration of Resolution No. 5188-14 authorizing the execution of an annexation agreement with owners of property located at 17645 SW Jurgens Avenue (Tax Map 2S1 14CC, Tax Lot 4801).

RECOMMENDATION:

Staff recommends that the Council consider the attached resolution authorizing the attached annexation agreement.

EXECUTIVE SUMMARY:

Howard L. Rayborn and Kathy L. Rayborn own 2.54 acres of territory located outside city limits on the west side of SW Jurgens Avenue (the "subject property"). Currently, the property is occupied by four existing structures including a house (A), a storage shed (B), a recreation vehicle (RV) cover (C), and an above-ground swimming pool with deck (D).

On behalf of the owner, Mission Homes Northwest, LLC has applied to the City for annexation of the subject property (ANN-14-02) known as the Rayborn Property. When annexed, the property will be designated as within the Low Density Residential (RL) Planning District. The applicant indicates future subdivision of the subject property to develop single-family houses as illustrated in a preliminary subdivision plan or "shadow plat" (Attachment 202, Exhibit D). A public hearing for the annexation is scheduled for May 12, 2014.

The annexation process does not provide opportunity to address non-conforming use, structure or sign issues and conformance with public facility standards that would arise following annexation into the City and with development or redevelopment, so the Community Development Department requested that the applicant participate in an annexation agreement. The proposed annexation agreement (Attachment 202) is a product of work by the applicant and City staff over the past several months.

The purpose of this annexation agreement is to:

- Identify existing uses, buildings, structures, signs, access, paving, landscaping, and other improvements on the property;
- Identify the 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 redevelopment; and
- Address SW Jurgens Avenue improvements: To the northeast of the subject property is Lot 4800, once part of the subject property and now the site of a single family residence. The development of the house did not include frontage improvements along SW Jurgens Avenue. The applicant intends as part of a future subdivision to provide improvements not only for the subdivision itself but also along Lot 4800. Improvements include dedication of public right-of-way and construction of improvements (sidewalk, planter strip, curb/gutter and pavement widening).

The terms of the proposed Annexation Agreement include:

- Setting of a general framework identifying expected attributes of a preliminary single-family subdivision
- Owner agreement that if prior to development on the subject property an existing septic tank, sanitary sewer utility, or potable water utility fails such that it would require replacement, the owner shall connect to public facilities as required by the City through applicable permitting processes
- That the agreement is binding on the subject property owner of record and on the heirs, successors and assigns

OUTCOMES OF DECISION:

Approval of Resolution No. 5188-14 authorizing the proposed annexation agreement between the City and the property owner would:

1. Authorize the City to execute the annexation agreement.
2. When signed by the City and the property owner, apply to the property upon annexation.

Denial of the Resolution would result in the following:

1. The City does not execute the annexation agreement.
2. The agreement is not in effect upon annexation of the property.

ALTERNATIVES TO RECOMMENDATION:

The alternatives to the staff recommendation for the Council are:

1. Approve the resolution with revisions to the proposed annexation agreement that the Council deems necessary.
2. Do not approve the resolution authorizing the proposed annexation agreement.
3. Continue the discussion of the proposed annexation agreement and return to the matter at a later date.

FINANCIAL IMPLICATIONS:

Approving the annexation agreement would not result in financial outlays by the City.

Attachments: 201. Resolution 5188-14
 202. Rayborn Annexation Agreement
 203. Slide Presentation

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 ____ Day of _____, 20__.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
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 ____ day of _____, 2014.

OWNERS:

BY _____
Howard L. Rayborn

BY _____
Kathy L. Rayborn

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO LEGAL FORM

ATTEST:

BY _____
City Attorney

BY _____
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.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Michael D. Spelts

OREGON
NOVEMBER 12, 2013
MICHAEL D. SPELTS
87475PLS

RENEWAL: 6-30-2014

Drawing Name: J:\2312-010.13\Survey\CAD\DWG\2312-010Exh2.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 8400 (VACATED ROAD)

N00°09'27"W 223.46'

TL 4801
RAYBORN
BOOK 1022, PAGE 373

TL 4800
DOC. NO. 2011-020968

ORDINANCE NO.
1204-06

POINT OF BEGINNING

JEFFWOOD ESTATES NO. 4

S89°51'41"W 554.55'

N00°09'27"W 362.70'

POINT OF COMMENCEMENT

N89°34'12"E
30.00'

LOT
HAZELBROOK
FARM

REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
NOVEMBER 12, 2013
MICHAEL D. SPELTS
87475PLS

RENEWAL: 6-30-2014

EXHIBIT B

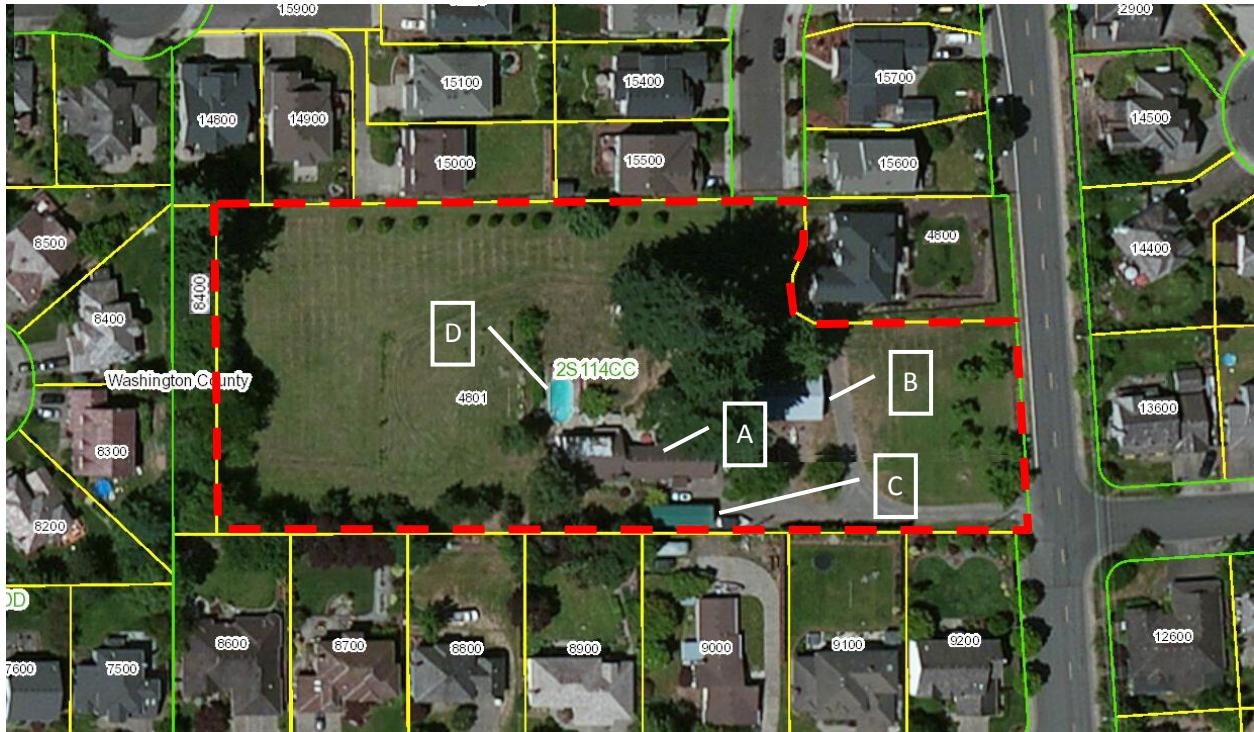
LOCATED IN THE SW 1/4 OF SECTION 14
TOWNSHIP 2 SOUTH, RANGE 1 WEST, W.M.
CITY OF TUALATIN, WASHINGTON COUNTY, OREGON

| | |
|------------|----------|
| 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) 684-0852
TIGARD, OREGON 97224 FAX (503) 624-0157



Legend

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

Exhibit C



SCALE: 1 INCH = 40 FEET

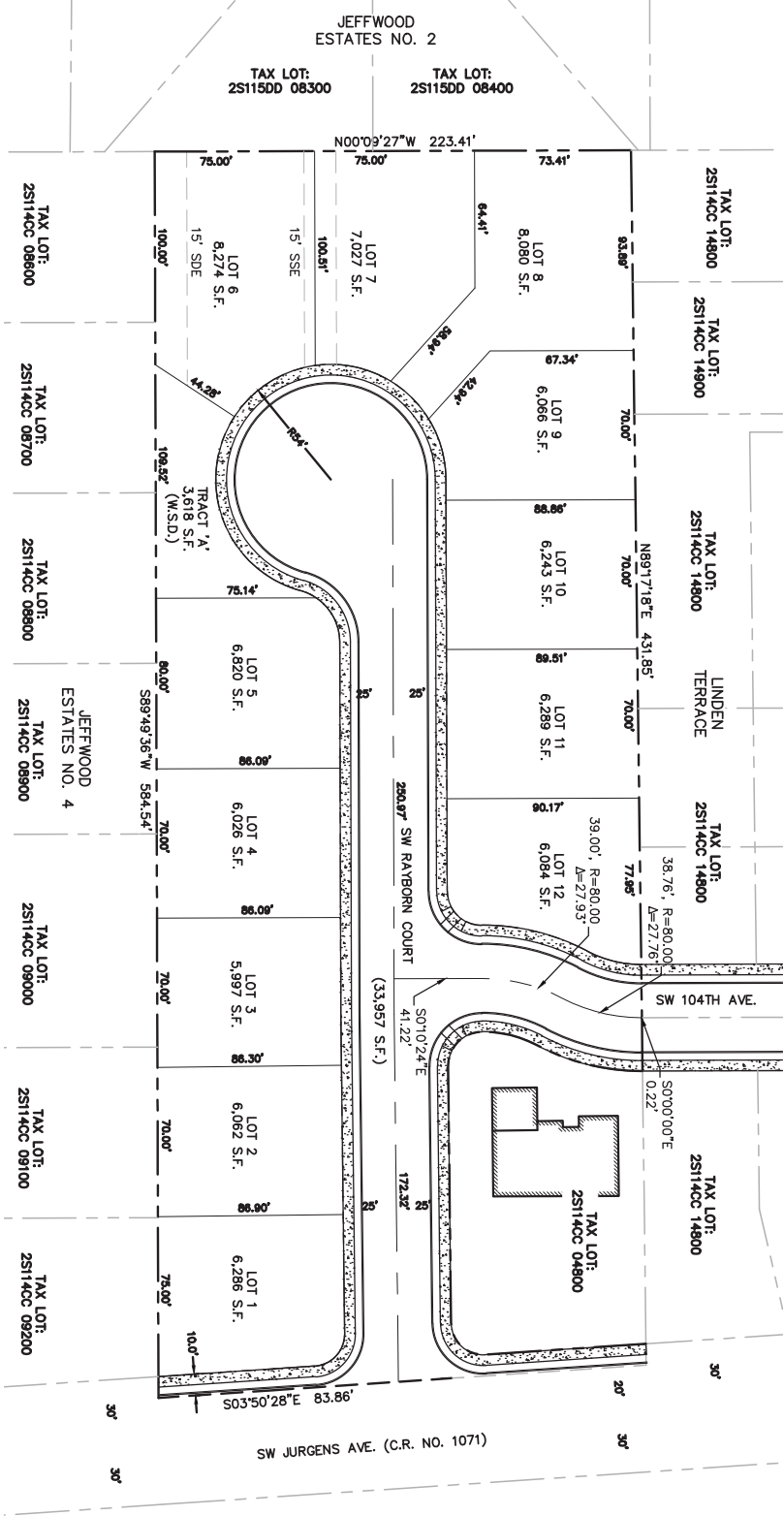


EXHIBIT MAP

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

- NOTES**
1. BASIS OF BEARINGS BASED ON SN 31576, WASHINGTON COUNTY
 2. SURVEY RECORDS
 3. TAX LOT: 2S114CC 04801.

Exhibit D

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

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PACIFIC CORPORATE CENTER
15115 S.W. SQUOIA PARKWAY, SUITE 150 (503) 684-0652
TIGARD, OREGON 97224 FAX (503) 624-0157

| NO. | DATE | DESCRIPTION | DRAWN BY | CHECK BY |
|-----|----------|-----------------|----------|----------|
| 0 | 12/16/13 | INITIAL RELEASE | | |

| NO. | DATE | DESCRIPTION | DRAWN BY | CHECK BY |
|-----|------|-------------|----------|----------|
| 1 | 01/1 | | | |

**Annexation
ANN-14-02**

Rayborn Property

May 12, 2014





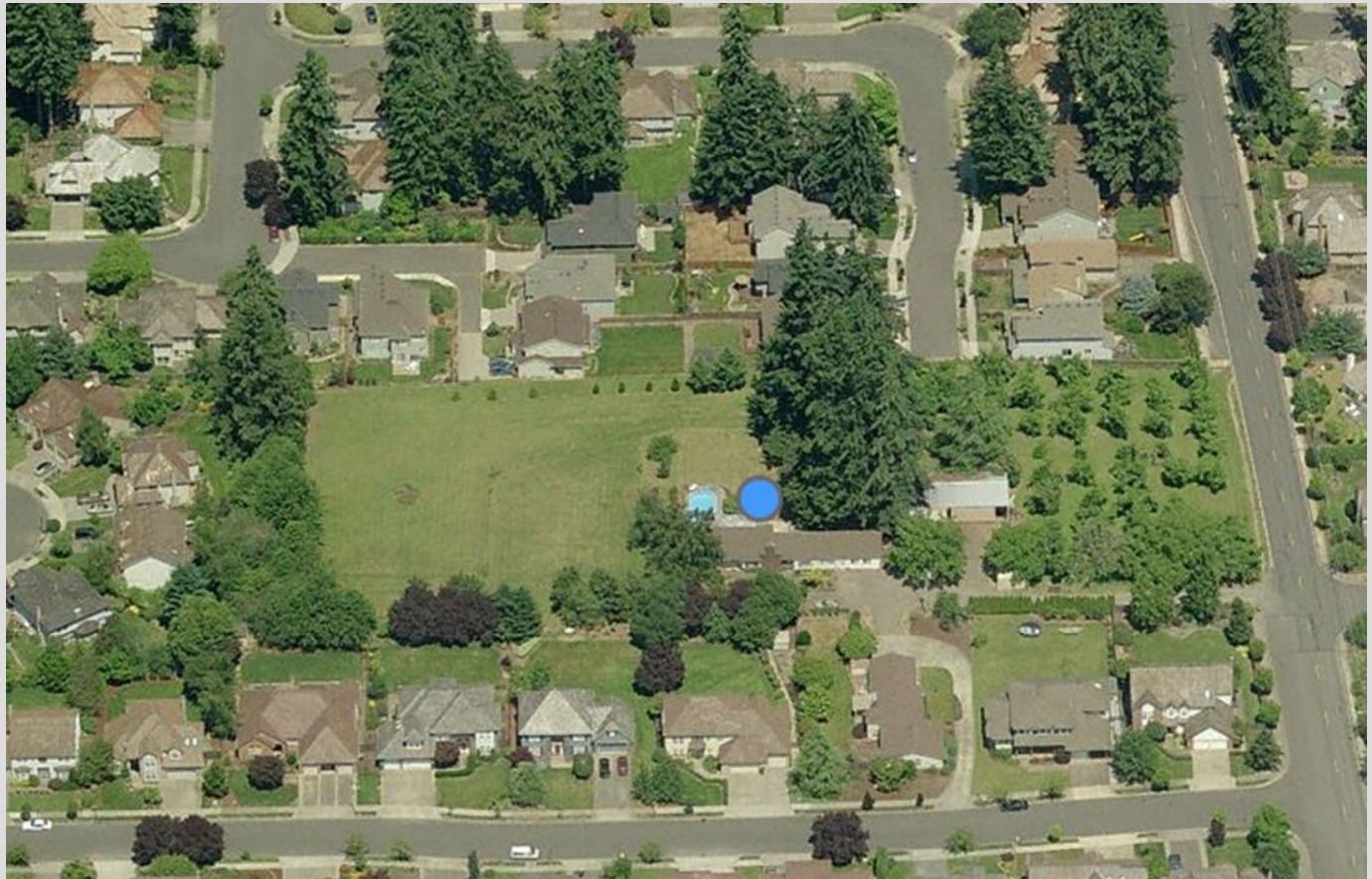
ANN-14-02 Rayborn Property
17645 SW Jurgens Ave



Attachment 101
Vicinity Map



Oblique Aerial View





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

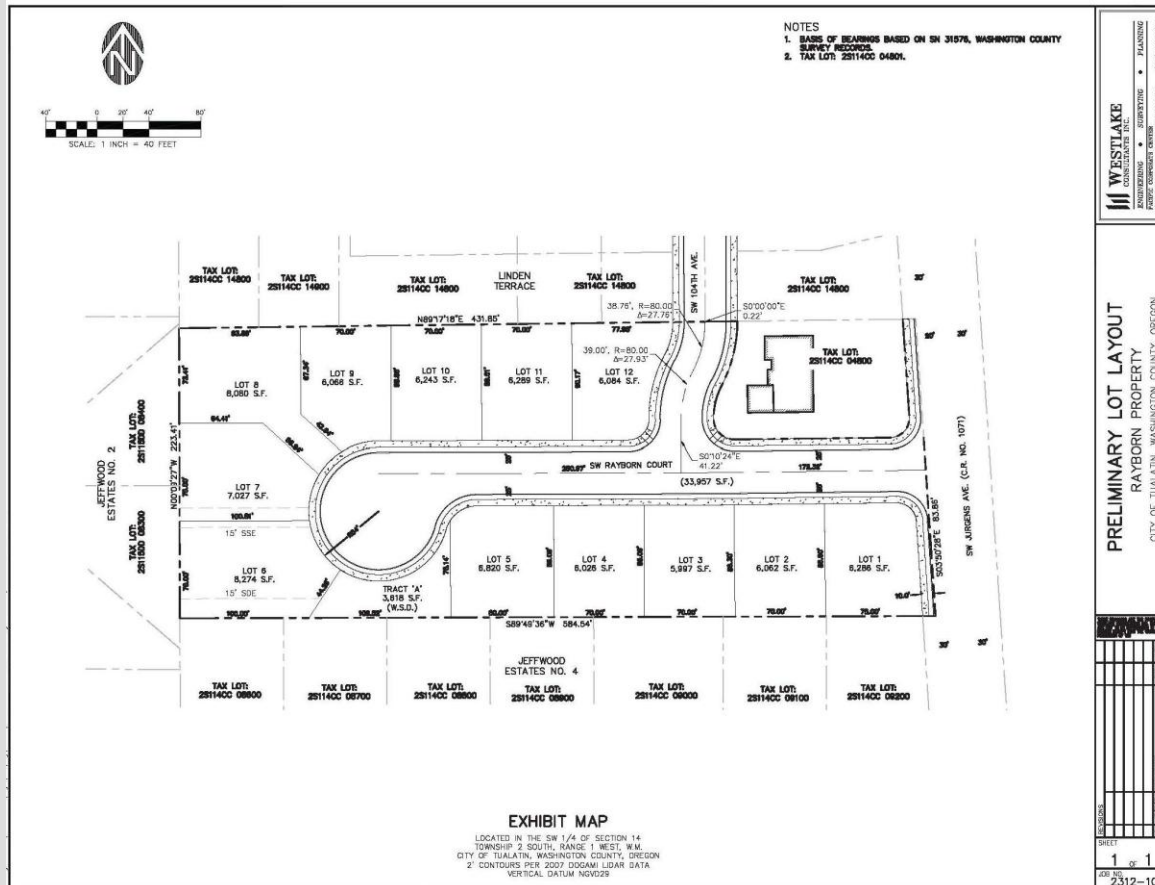


Annexation Agreement

- 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



Preliminary Subdivision Plan





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?

