

RESOLUTION NO. 5207-14

RESOLUTION AUTHORIZING THE EXECUTION OF AN ANNEXATION AGREEMENT WITH OWNERS OF PROPERTY LOCATED AT 22475 SW BOONES FERRY ROAD INTO THE CITY OF TUALATIN (TAX MAP 2S1 35BA, TAX LOT 600)

WHEREAS, the property commonly known as the "Kilgore Property," is owned by Gary and Judith Kilgore ("Owners"); and

WHEREAS, Owners applied to the City for annexation of 0.39 acres of land, located at 22475 SW Boones Ferry Road, Map 2S1 35BA; Tax Lot 600 ("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 City Manager to sign the attached Annexation Agreement as referenced above.


Section 2. This Resolution is effective upon adoption.

Adopted by the City Council this 13 Day of October, 2014

CITY OF TUALATIN, OREGON

BY 
City Manager

APPROVED AS TO FORM

BY 
City Attorney

ATTEST:

BY 
City Recorder

ANNEXATION AGREEMENT

Kilgore Property

WHEREAS, Gary L. and Judith A. Kilgore, as owners by entirety have applied to the City for Expedited Annexation of property comprising 0.39 of an acre of land immediately adjacent to the Tualatin City limits generally located at the southwest corner SW Alabama Street and SW Boones Ferry Road and more commonly known as 22475 SW Boones Ferry Road and including Tax Lot 2S1 35BA 600, and legally described in Exhibit "A" attached hereto (the "Subject Property"); and

WHEREAS the Subject Property is located with the Tualatin Urban Planning Area on land designated on Tualatin Development Code (TDC) Map 9-1 as the Low Density Residential (RL) Planning District. The Subject Property is accessed from SW Alabama Street. The Subject Property was previously developed with a single family home and a few outbuildings, but is now vacant. The well and septic tank on the property have been decommissioned. All surrounding properties are within the City boundary. The property to the north is developed with a single family home; the property to the south is developed with a single family home. The parcel to the west of the Subject Property is a water quality and detention tract within the Chilkat Meadow subdivision. SW Boones Ferry Road abuts the Subject Property to the east; 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; and

WHEREAS, on June 27, 2014 the Owner submitted a petition for annexation (ANN-14-03) to the City for that purpose and such petition and application were deemed complete August 6, 2014; and

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

WHEREAS, the City and the Owner seek to 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 development; and

WHEREAS the City has been in discussions with a potential developer and applicant and understands the purpose of this Annexation is for development of one single family home. The Annexation decision is needed to bring the property into the City for purposes of receiving urban services such as sewer and water.

WHEREAS construction of one single family home requires a Single Family Architectural Review, Public Works Permit, and Building Permits.

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

1. There is a legal non-conforming access on SW Boones Ferry Road on the Subject Property at the time of this Agreement. Existing Conditions are attached as Exhibit B.

2. There exists a decommissioned well and a decommissioned septic system on the property.
3. The City identifies the minimum TDC chapters that will apply to any future residential subdivision(s) proposed following annexation. The development will be subject, but not limited to, the following Chapters of the TDC:
 - a. Chapter 31 General Provisions
 - b. Chapter 34 Special Regulations
 - c. Chapter 36 Subdividing, Partitioning and Property Line Adjustments
 - d. Chapter 40 Low Density Residential Planning District (RL)
 - e. Chapter 73 Community Design Standards
 - f. Chapter 74 Public Improvement Requirements
 - g. Chapter 75 Access Management
4. In addition to the above referenced applicable TDC chapters, the City and Owner agrees to the following general framework in conjunction with any proposed single family home development of the Subject Property:
 - a. Dedication of 37-feet of public right-of-way along the entirety Tax Lot 2S1 35BA 600's SW Boones Ferry Road frontage (BFR) (37-feet from centerline).
 - b. Construct a 6-foot side sidewalk along the entirety of the BFR frontage (Subject Tax Lot 2S1 35BA 600).
 - c. Construct a wall or fence along the entirety of the Subject Site's property line along SW Boones Ferry Road to TDC 34.330 Fence Standards.
 - d. Construct a Low Impact Design Approaches (LIDA) water quality facility for storm water drainage per Clean Water Services Design and Construction Standards.
 - e. Connect a sewer lateral to the City sewer manhole at the end of SW 96th Drive.
 - f. Connect to City water at the end of SW 96th Drive. Extend an 8-inch public line sufficient to connect private lateral.
 - g. Construct a driveway and lot access to City standard from SW Alabama Street in the approximate location shown on Exhibit C, Site Plan. Exhibit C is attached for reference only and does not approve any proposed items on the site plan. This agreement does not constitute approval of permits for design and construction of the concepts in Exhibit C.
 - h. Record a lot access restriction along the entirety of the Subject Site's property line along SW Boones Ferry Road with Washington County.
 - i. Dedicate 50-feet of public right-of-way across the entirety of subject site's west property line to the City.
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.
6. The Owner or its 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 of record and on the Owner's heirs, successors, and assigns.

INTRODUCED AND ADOPTED this 13 day of October, 2014.

OWNER:

BY _____
Gary L. Kilgore

BY _____
Judith A. Kilgore

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO LEGAL FORM ATTEST

BY S-B BY Shank
City Attorney City Recorder



**ORTHWEST
SURVEYING, INC.**

RESIDENTIAL - COMMERCIAL - INDUSTRIAL

Licensed in OR, WA & ID

1815 NW 169th Place, Suite 2090
Beaverton, OR 97006

Telephone: 503-848-2127
Fax: 503-848-2179

Property Description

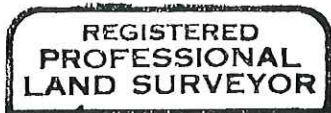
October 1, 2014
NWS Project Number 1165
Annexation Area

A tract of land described in deed to Gary L. Kilgore and Judith A. Kilgore recorded June 3, 1987 as Document Number 87-028180, Washington County Deed Records, located in the northwest one-quarter of Section 35, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, and being more particularly described as follows:

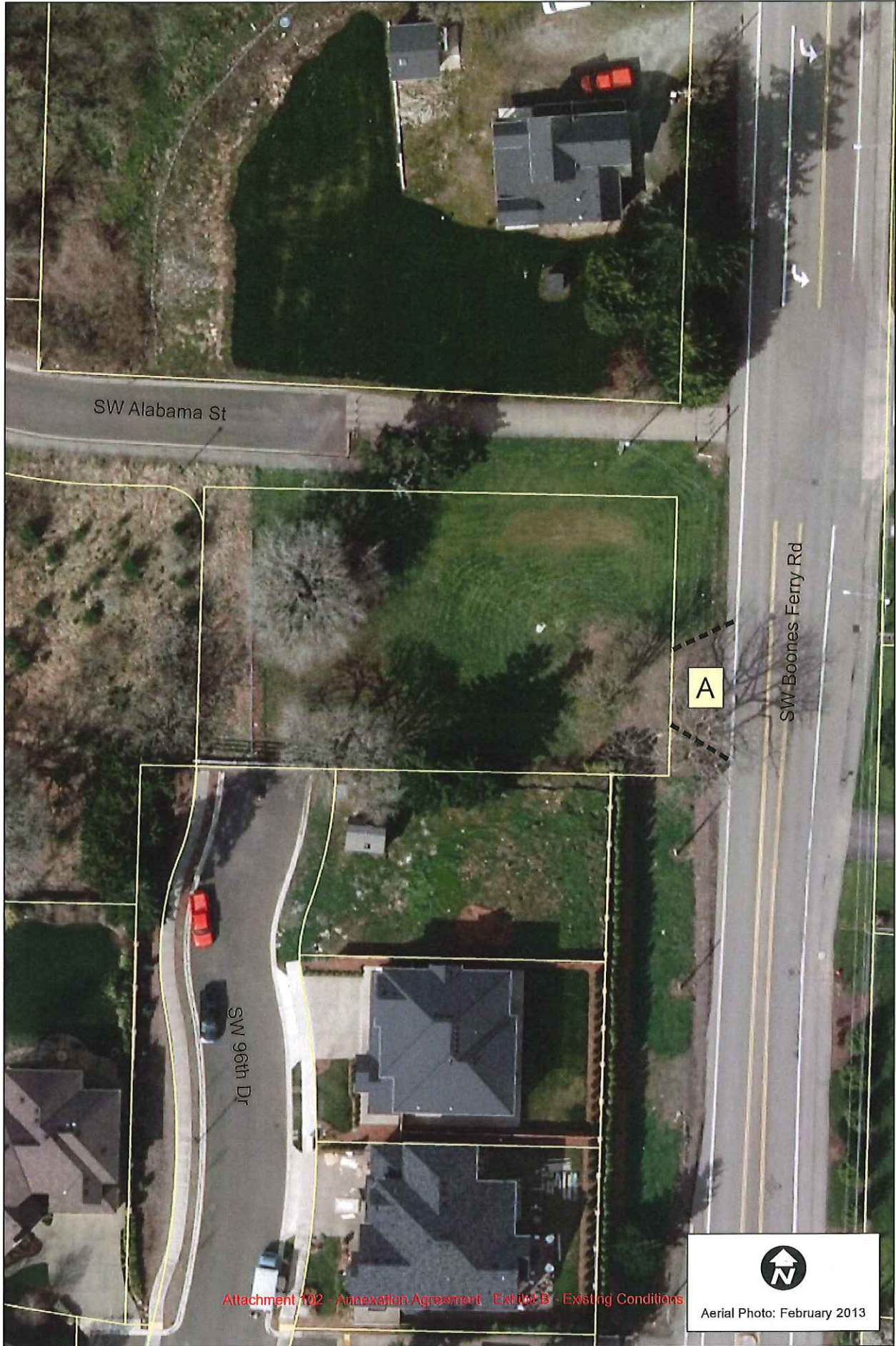
Beginning at a 5/8 inch iron rod with a yellow plastic cap stamped "Northwest Surveying, Inc." located at the northeast corner of Parcel 1 of Partition Plat No. 2008-032, Washington County Plat Records; Thence along the north line of said Parcel 1 and the westerly extension thereof, South 89°36'14" West 148.94 feet to a 5/8 inch iron rod with a yellow plastic cap stamped "Westlake Consultants" located at the southwest corner of said Kilgore property, also being the most easterly southeast corner of Tract "B" of Chilkat Meadow, Recorded as Document Number 2007-095071, Washington County Plat Records; Thence along the most easterly line of said Tract "B" and the northerly extension thereof, North 00°16'22" West 100.00 feet to an angle point on the southerly right-of-way line of SW Alabama Street (25.00 feet southerly from the centerline thereof, when measured at right angles); Thence along said southerly right-of-way line and the easterly extension thereof, North 89°32'58" East 200.02 feet to a point on the centerline of SW Boones Ferry Road; Thence along said centerline, South 00°13'37" East 100.19 feet to its intersection with the easterly extension of the northerly line of said Parcel 1; Thence along said easterly extension line, South 89°36'14" West 51.00 feet to the Point of Beginning.

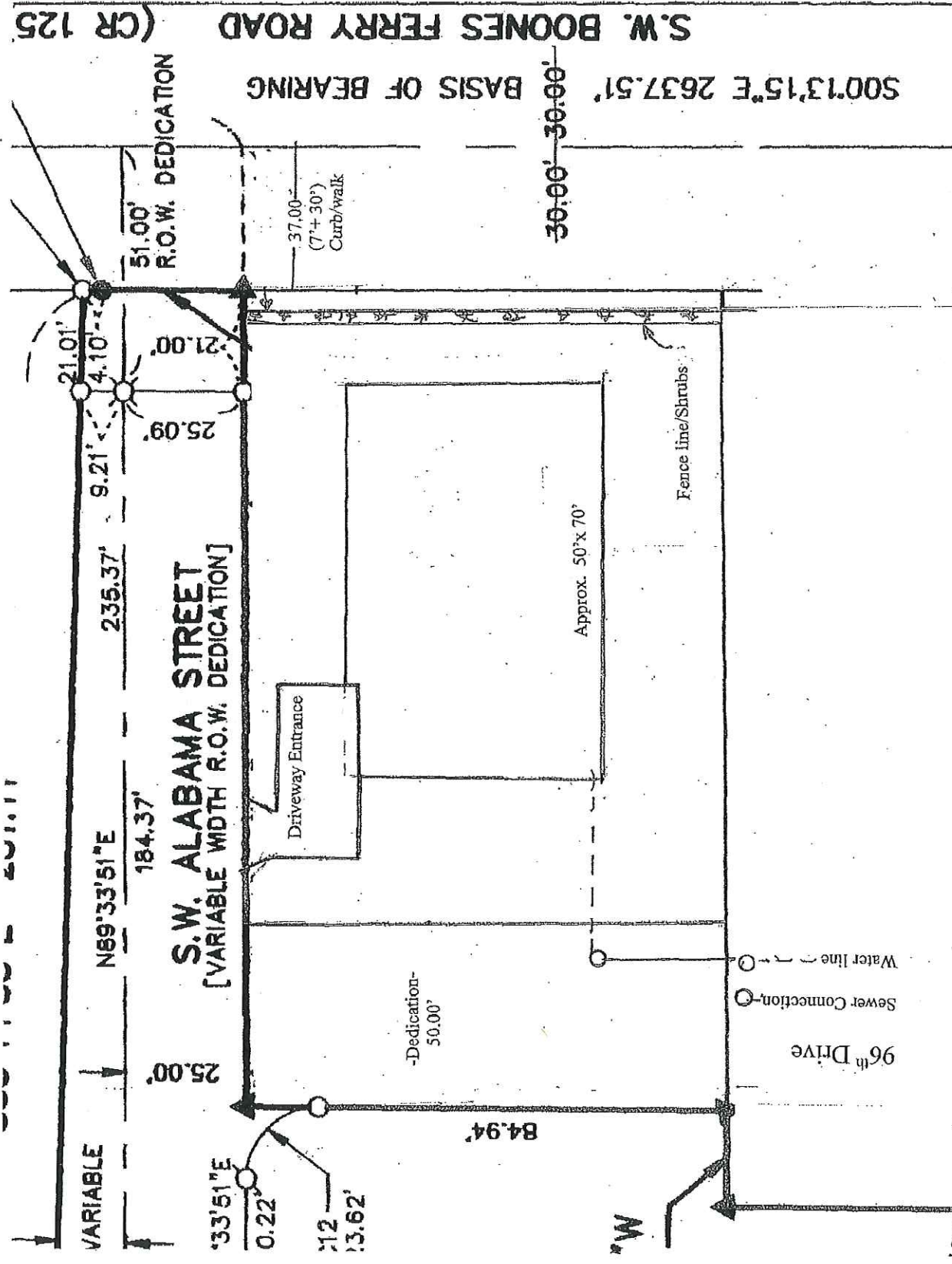
The above described tract of land contains 20,017 square feet, more or less.

The basis of bearings for this description is the north line of said Parcel 1.

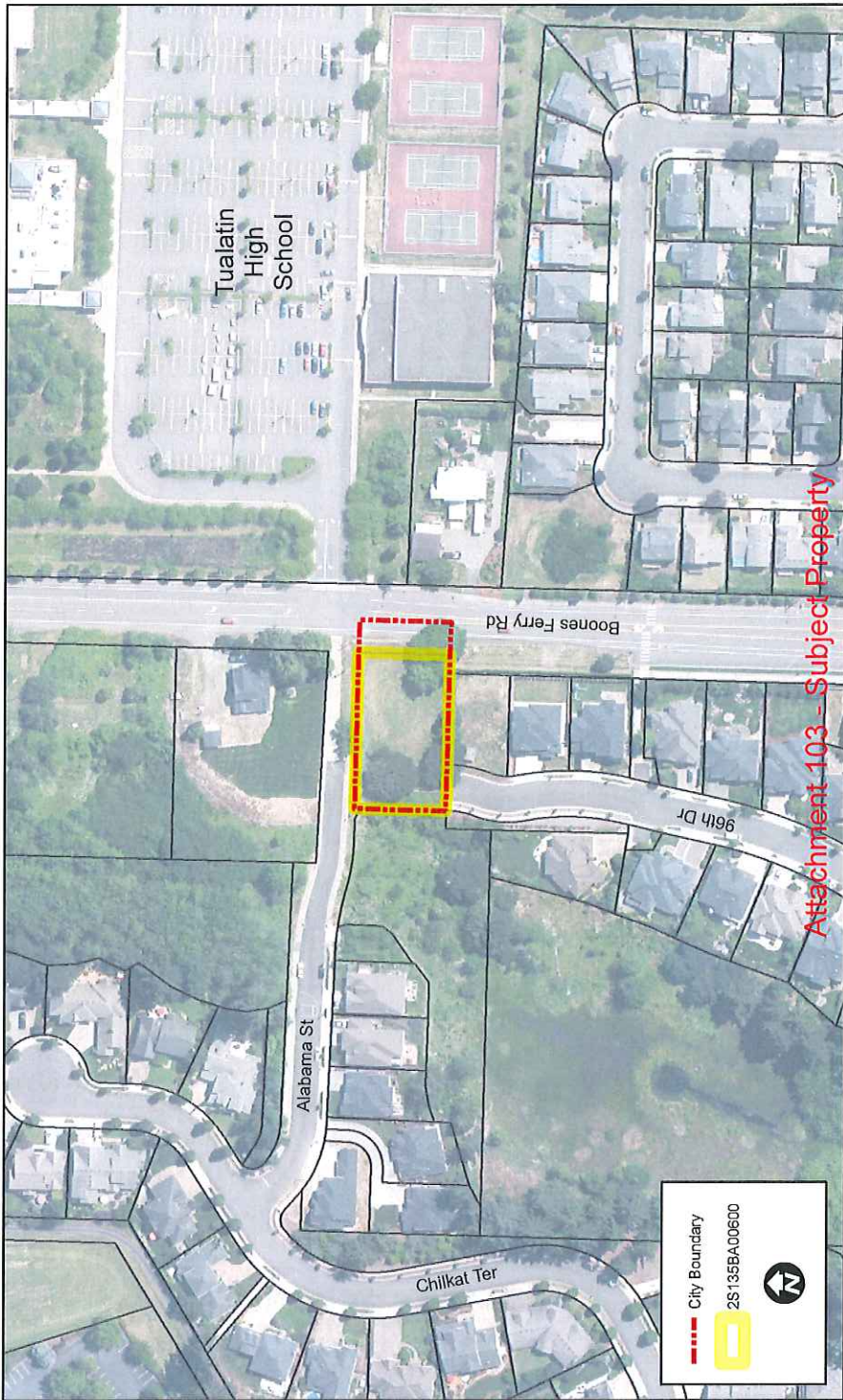


RENEWAL DATE: 6/30/16





(Attachment 1) Sketch Eimon Project Plan Proposal 22475 SW BFR Rev 1



Attachment 103 - Subject Property