

ORDINANCE NO. 1430-20

AN ORDINANCE ANNEXING TERRITORY LOCATED AT 23620, 23740 SW BOONES FERRY ROAD AND 9185, 9335, 9415 SW GREENHILL LANE (TAX MAP: 2S135D LOTS: 400, 401, 500, 501, 600, 800, AND 900) INTO THE CITY OF TUALATIN; ANNEXING PORTIONS OF SW LOWER BOONES-FERRY ROAD; WITHDRAWING THE TERRITORY FROM THE WASHINGTON COUNTY ENHANCED SHERIFF PATROL DISTRICT; AND ANNEXING TERRITORY INTO THE BOUNDARY OF CLEAN WATER SERVICES (ANN-19-0002)

WHEREAS, Stafford Development Company, LLC, representing Autumn Sunrise, LLC, submitted a petition for annexation of approximately 38 acres of property located at 23620, 23740 SW Boones Ferry Road and 9185, 9335, 9415 SW Greenhill Lane (Tax Map: 2S135D Lots: 400, 401, 500, 501, 600, 800, and 900), as well as annexing portions of SW Lower Boones-Ferry Road, hereafter called the "Property," into the City of Tualatin;

WHEREAS, the City of Tualatin is authorized to annex territory under ORS Chapter 222 and Metro Code Chapter 3.09;

WHEREAS, the annexation of the Property has been requested by 100 percent of the property owners, 100 percent of the electors, and qualifies for annexation under ORS 222.125;

WHEREAS, Washington County has not opposed the annexation in accordance with the Urban Growth Management Agreement between the County and the City;

WHEREAS, Metro does not oppose the annexation;

WHEREAS, under ORS 199.510(2)(c), when a city receives services from a district and is part of that district, any territory annexed to the city is to be included in the boundaries of the district and subject to all liabilities of the district in the same manner and to the same extent as other territory included in the district;

WHEREAS, the City receives sewer, storm, and surface water management services from Clean Water Services and is part of the Clean Water Services district, as referenced ORS 199.510(2)(c);

WHEREAS, the Property is in the Washington County Enhanced Sheriff Patrol District;

WHEREAS, ORS 222.520(1) authorizes cities to withdraw territory from districts concurrent with the annexation decision;

WHEREAS, notice of public hearing on the annexation petition was given as required by Tualatin Development Code 32.260;

WHEREAS, the Council conducted a public hearing relating to the annexation on March 23, 2020, where Council heard and considered the testimony and evidence presented by the City staff, the applicant, and those appearing at the public hearing; and

WHEREAS, after the conclusion of the public hearing Council determined the annexation is consistent with all applicable legal requirements of state law, Metro code, and City ordinances related to annexing property and voted to approve the application by unanimous vote.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. The Property identified in the legal description attached as Exhibit 1 and as more fully depicted in the map in Exhibit 2, which are both incorporated by reference, is hereby annexed to and made a part of the City of Tualatin.

Section 2. The findings attached as Exhibit 3, which are incorporated herein by reference, are hereby adopted.

Section 3. The City Recorder is directed to forward copies of this Ordinance to the Oregon Department of Revenue.

Section 4. Within five days of receipt of the required information from the Oregon State Department of Revenue, the City Recorder is directed to send copies of this Ordinance and the approval from the Oregon Department of Revenue to Metro for filing with the Oregon Secretary of State.

Section 5. The annexation of the Property is effective from the date the annexation is filed with the Oregon Secretary of State, as provided in ORS 222.180.

Section 6. On the effective date of the annexation, the Property is withdrawn from the Washington County Enhanced Sheriff Patrol District.

Section 7. On the effective date of the annexation, under ORS 199.510(2)(c), the property is also being annexed into the boundaries of Clean Water Services for the provision of sanitary sewer, storm, and surface water management.

Section 8. The City Recorder is directed to forward copies of this Ordinance and all other required materials to all public utilities and telecommunications utilities operating within the City in accordance with ORS 222.005.

Adopted by the City Council this ____ day of _____, 2020.

CITY OF TUALATIN, OREGON
BY Frank Bubenik
Mayor

APPROVED AS TO FORM
BY Sean Brady
City Attorney

ATTEST:
BY Sherilyn Lombos
City Recorder

Exhibit 1
Ordinance No. 1430-20

CITY OF TUALATIN ANNEXATION
PROPERTY DESCRIPTION

Page 1

A tract of land in the South one-half of Section 35, Township 2 South, Range 1 West of the Willamette Meridian; being those properties conveyed by Document Number 2007-105096, Washington County Deed Records; and S.W. Boones Ferry Road; Washington County, Oregon; being more particularly described as follows:

Beginning at a northwesterly corner of said properties conveyed by Document Number 2007-105096, being a point which bears South 89°41'31" West a distance of 1333.30 feet and then South 00°09'07" East a distance of 1334.31 feet, from the East one-quarter corner of Section 35;

thence along the north line, North 89°38'49" East a distance of 16.50 feet to an angle point;

thence, North 00°09'07" West a distance of 16.50 feet to an angle point, also being the most northerly northwest corner of said properties;

thence along the most northerly line, North 89°35'49" East a distance of 674.70 feet, more or less, to the west right-of-way line of Interstate Highway No. 5 (Baldock Freeway, West Portland Hubbard Highway);

thence along said west right-of-way line, South 15°44'54" West a distance of 1,126.97 feet, more or less, to the southeast corner of that tract of land conveyed to Autumn Sunrise, LLC as recorded in Document Number 2007-105096, Washington County Deed Records, also being on the north- right-of-way line of S.W. Greenhill Lane, as per "Tualatin Orchard Tract" subdivision plat;

thence along said north right-of-way line and a westerly extension thereof, South 89°40'38" West a distance of 1,801.59 feet, more or less, to the centerline of SW Boones Ferry Road (Market RD 24);

thence along said centerline, North 03°23'20" West a distance of 409.46 feet, more or less, to a point of curvature;

thence along said curve to the right, having a radius of 918.87 feet, through a central angle of 20°29'37" (Chord bears North 06°51'29" East, 326.91 feet), an arc length of 328.66 feet,

thence along said Tualatin City Limits line, South 72°53'43" East a distance of 30.00 feet to an angle point therein at the (old) easterly right-of-way line of S.W. Boones Ferry Road being on a line laying 30.00 feet east of the (old) centerline when measured at right angles thereto;

thence along said Tualatin City Limits line, North 89°36'05" East a distance of 1365.65 feet;

thence along said Tualatin City Limits line, North 00°09'07" West a distance of 313.47 feet to the Point of Beginning.

Bearings are based upon Survey Number 29,037 Washington County Surveys.

Area equals 38.00 acres, more or less, (R/W = 1.38 acres and property = 36.62 acres).

ANNEXATION CERTIFIED

BY VF

MAR 02 2020

WASHINGTON COUNTY A & T
CARTOGRAPHY

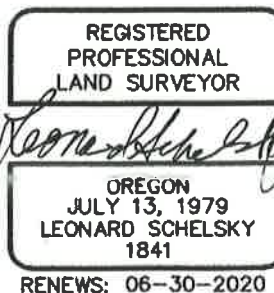


Exhibit 1

Ordinance No. 1430-20

Washington County, Oregon 2007-105096

09/28/2007 03:29:27 PM

D-DW Cnt=1 Stn=16 D HOFFMAN

\$25.00 \$5.00 \$11.00 \$7,143.00 - Total = \$7,184.00



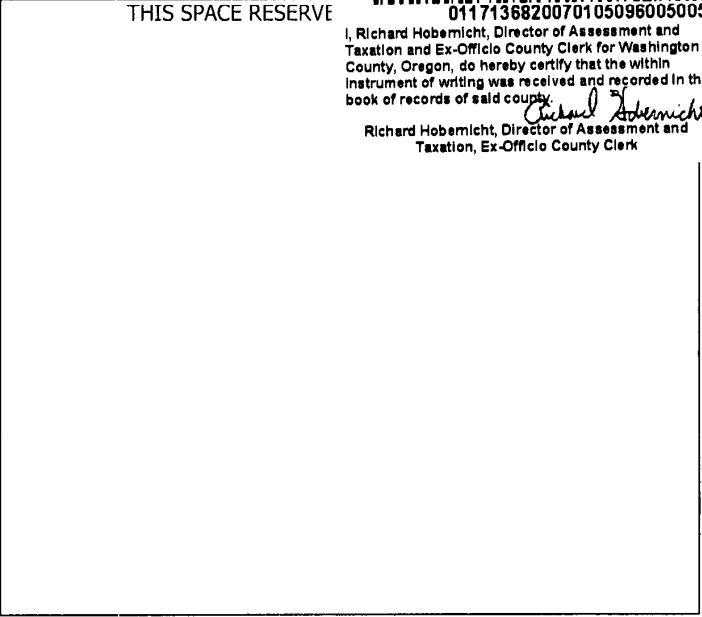
01171368200701050960050056

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



THIS SPACE RESERVE



After recording return to:
Autumn Sunrise LLC
1400 SW Schaeffer Road
West Linn, OR 97068

Until a change is requested all tax statements shall be sent to the following address:
Autumn Sunrise LLC
1400 SW Schaeffer Road
West Linn, OR 97068

File No.: 7073-1087491 (LSH)
Date: September 14, 2007

2007-105096
41



1087491-LLC

FATCO. NO.

STATUTORY SPECIAL WARRANTY DEED

Kimball Hill Homes Oregon, Inc., an Oregon Corporation, Grantor, conveys and specially warrants to Autumn Sunrise LLC, an Oregon limited liability company, Grantee, the following described real property free of liens and encumbrances created or suffered by the Grantor, except as specifically set forth herein:

This property is free from liens and encumbrances, EXCEPT:

1. The 2007/08 Taxes, a lien not yet payable.
2. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. 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 APPROVED USES, 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 197.352.

The true consideration for this conveyance is \$7,143,000.00.



WASHINGTON COUNTY	
REAL PROPERTY TRANSFER TAX	
\$ 7143.00	9-28-07
FEE PAID	DATE

Exhibit 1
Ordinance No. 1430-20

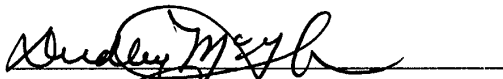
APN: R560253

Statutory Special Warranty Deed
- continued

File No.: 7073-1087491 (LSH)
Date: 09/14/2007

Dated this 26TH day of SEPTEMBER, 2007.

Kimball Hill Homes Oregon, Inc., an Oregon
corporation


By: Dudley McGee, Vice President

STATE OF California)
)ss.
County of SACRAMENTO)

This instrument was acknowledged before me on this 26TH day of SEPTEMBER, 2007
by Dudley McGee as Vice President of Kimball Hill Homes Oregon, Inc., on behalf of the corporation.





Notary Public for California
My commission expires: APRIL 20, 2008

Exhibit 1
Ordinance No. 1430-20

APN: R560253

Statutory Special Warranty Deed
- continued

File No.: 7073-1087491 (LSH)
Date: 09/14/2007

EXHIBIT A

LEGAL DESCRIPTION:

PARCEL I:

BEGINNING AT A POINT WHICH POINT IS 5 CHAINS SOUTH OF THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON, AND RUNNING THENCE SOUTH 5 CHAINS TO A POINT; THENCE WEST 20 CHAINS, MORE OR LESS, TO THE CENTER OF THE COUNTY ROAD; THENCE NORTHERLY ALONG THE CENTER OF SAID COUNTY ROAD TO THE SOUTHWEST CORNER OF THAT CERTAIN TRACT OF LAND CONVEYED BY ANNIE C. VOGET IN FEE SIMPLE REMAINDER TO BEN D. ANDREWS AND HARRIET K. ANDREWS AS DESCRIBED IN BOOK 294 PAGE 587, DEED RECORDS OF WASHINGTON COUNTY; THENCE EAST ALONG THE SOUTH LINE OF SAID TRACT SO CONVEYED TO BEN D. ANDREWS AND HARRIET K. ANDREWS AS DESCRIBED IN BOOK 294 PAGE 587, DEED RECORDS OF SAID COUNTY, TO THE POINT OF BEGINNING, EXCEPT THAT PORTION DESCRIBED IN CONTRACT OF SALE IN FAVOR OF ROBERT K. COLE, AND WIFE, RECORDED MARCH 25, 1968 IN BOOK 686, PAGE 495, RECORDS OF WASHINGTON COUNTY.

PARCEL II:

A TRACT OF LAND SITUATED IN THE SOUTH ONE-HALF OF SECTION 35, TOWNSHIP 2 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF WASHINGTON AND STATE OF OREGON, AND BEING A PART OF THAT CERTAIN TRACT OF LAND DESCRIBED IN BOOK 294, PAGE 585, DEED OF RECORDS, WASHINGTON COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT THE INTERSECTION OF THE WESTERLY LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 35, WITH THE NORTHERLY LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 294, PAGE 585, DEED RECORDS. FROM SAID PLACE OF BEGINNING THENCE NORTH 89°53'45" EAST ALONG SAID NORTHERLY LINE OF SAID TRACT DESCRIBED IN BOOK 294, PAGE 585, 1319.70 FEET TO THE NORTHEAST CORNER OF SAID TRACT OF LAND; THENCE SOUTH 0°14' WEST 330.00 FEET TO THE NORTHERLY LINE OF TUALATIN ORCHARD TRACT; THENCE SOUTH 89°53'45" WEST ALONG SAID NORTHERLY LINE OF TUALATIN ORCHARD TRACT, 802.80 FEET; THENCE LEAVING SAID NORTHERLY LINE OF TUALATIN ORCHARD TRACT, NORTH 0°06'15" WEST 144 FEET; THENCE SOUTH 89°53'45" WEST PARALLEL WITH SAID NORTHERLY LINE OF TUALATIN ORCHARD TRACT, 618.35 FEET TO THE INTERSECTION OF EASTERLY RIGHT OF WAY LINE OF STATE HIGHWAY NO. 217; THENCE NORTHEASTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 883.87 FEET THROUGH A CENTRAL ANGLE OF 10°55'20" A DISTANCE OF 169.44 FEET TO A POINT OF TANGENT; THENCE NORTH 17°16' EAST 251.58 FEET; THENCE LEAVING SAID EASTERLY RIGHT OF WAY LINE OF STATE HIGHWAY NO. 217, NORTH 89°53'45" EAST 60.42 FEET TO THE PLACE OF BEGINNING.

TOGETHER WITH A PORTION OF PARCEL 1 OF THOSE CERTAIN TRACTS OF LAND IN THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON CONVEYED TO GRACE COMMUNITY CHURCH OF THE ASSEMBLIES OF GOD, INC., BY DEED RECORDED AS DOCUMENT NUMBER 200155727 WASHINGTON COUNTY, OREGON DEED RECORDS, SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Exhibit 1
Ordinance No. 1430-20

APN: **R560253**

Statutory Special Warranty Deed
- continued

File No.: **7073-1087491 (LSH)**
Date: **09/14/2007**

BEGINNING AT THE SOUTHEAST CORNER OF THAT CERTAIN TRACT OF LAND CONVEYED TO GRACE COMMUNITY CHURCH BY DEED RECORDED AS DOCUMENT NUMBER 2002004397 SAID DEED RECORDS AND RUNNING THENCE ALONG THE BOUNDARY OF SAID PARCEL 1, NORTH 89°34'48" EAST 485.62 FEET, NORTH 15°44'54" EAST 690.21 FEET, SOUTH 89°35'49" WEST 674.70 FEET SOUTH 00°09'07" EAST 16.50 FEET AND SOUTH 89°38'49" WEST 16.50 FEET; THENCE SOUTH 00°09'07" EAST 313.47 FEET TO A POINT ON THE NORTH LINE OF SAID DOCUMENT NUMBER 2002004397; THENCE ALONG THE BOUNDARY THEREOF NORTH 89°36'05" EAST 16.50 FEET AND SOUTH 00°08'37" EAST 313.16 FEET TO THE POINT OF BEGINNING.

PARCEL III:

LOT 1, TUALATIN ORCHARDS TRACT, EXCEPTING THE WEST 140 FEET OF THE EAST 260 FEET OF THE SOUTH 140 FEET, IN THE COUNTY OF WASHINGTON AND STATE OF OREGON.

PARCEL IV:

THE WEST 140 FEET OF THE EAST 260 FEET OF THE SOUTH 140 FEET OF LOT 1, TUALATIN ORCHARD TRACTS, IN THE COUNTY OF WASHINGTON AND STATE OF OREGON.

PARCEL V:

THE WESTERLY MOST 207.5 FEET, BEING A PORTION OF THAT CERTAIN TRACT OF LAND LOCATED IN SECTION 35, TOWNSHIP 2 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, CONVEYED BY GRACE SCHUSTER TO JOHN DAY AND JESSIE DAY, UNDER DATE OF APRIL 20, 1949, AS SET FORTH IN DEED RECORDED IN BOOK 294 AT PAGE 446, DEED RECORDS, SAID TRACT SO CONVEYED, OF WHICH THE LAND HEREBY CONVEYED FORMS A PART, BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SECTION 35, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN; THENCE NORTH 233 FEET; THENCE NORTH 87°15' WEST 1255.52 FEET TO THE SOUTHEAST CORNER OF THE TRACT HEREBY CONVEYED; THENCE NORTH 420 FEET ALONG THE WEST LINE OF LOT 4, TUALATIN ORCHARD TRACTS, TO THE SOUTH LINE OF TRACT CONVEYED BY DEED TO GEORGE ANDREWS, ET AL, IN BOOK 70, PAGE 374, RECORDED DECEMBER 27, 1905; THENCE NORTH 87°15' WEST 990.32 FEET ALONG THE SOUTH LINE OF SAID ANDREWS TRACT; THENCE SOUTH 420 FEET ALONG THE EAST LINE OF LOT 1, TUALATIN ORCHARDS TRACTS; THENCE SOUTH 87°15' EAST 990.32 FEET TO THE SOUTHEAST CORNER OF PROPERTY HEREBY CONVEYED.

PARCEL VI:

BEGINNING AT THE NORTHEAST CORNER OF TRACT 1, TUALATIN ORCHARD TRACTS, A DULY RECORDED SUBDIVISION IN SECTION 35, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON; THENCE SOUTH 87°15' EAST 207.5 FEET TO THE POINT OF TRUE BEGINNING OF THIS DIRECTION; THENCE SOUTH PARALLEL TO THE EAST LINE OF SAID TRACT 1, TUALATIN ORCHARD TRACTS, AND 207.5 FEET EASTERLY THEREFROM 420.0 FEET TO A POINT; THENCE SOUTH 87°15' EAST 90 FEET TO A POINT; THENCE NORTH PARALLEL TO THE EAST LINE OF SAID TRACT 1, 420.0 FEET; THENCE NORTH 87°15' WEST 90 FEET TO THE POINT OF TRUE BEGINNING OF THIS DESCRIPTION.

PARCEL VII:

Exhibit 1
Ordinance No. 1430-20

APN: **R560253**

Statutory Special Warranty Deed
- continued

File No.: **7073-1087491 (LSH)**
Date: **09/14/2007**

A TRACT OF LAND IN THE SOUTHEAST 1/4 OF SECTION 35, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

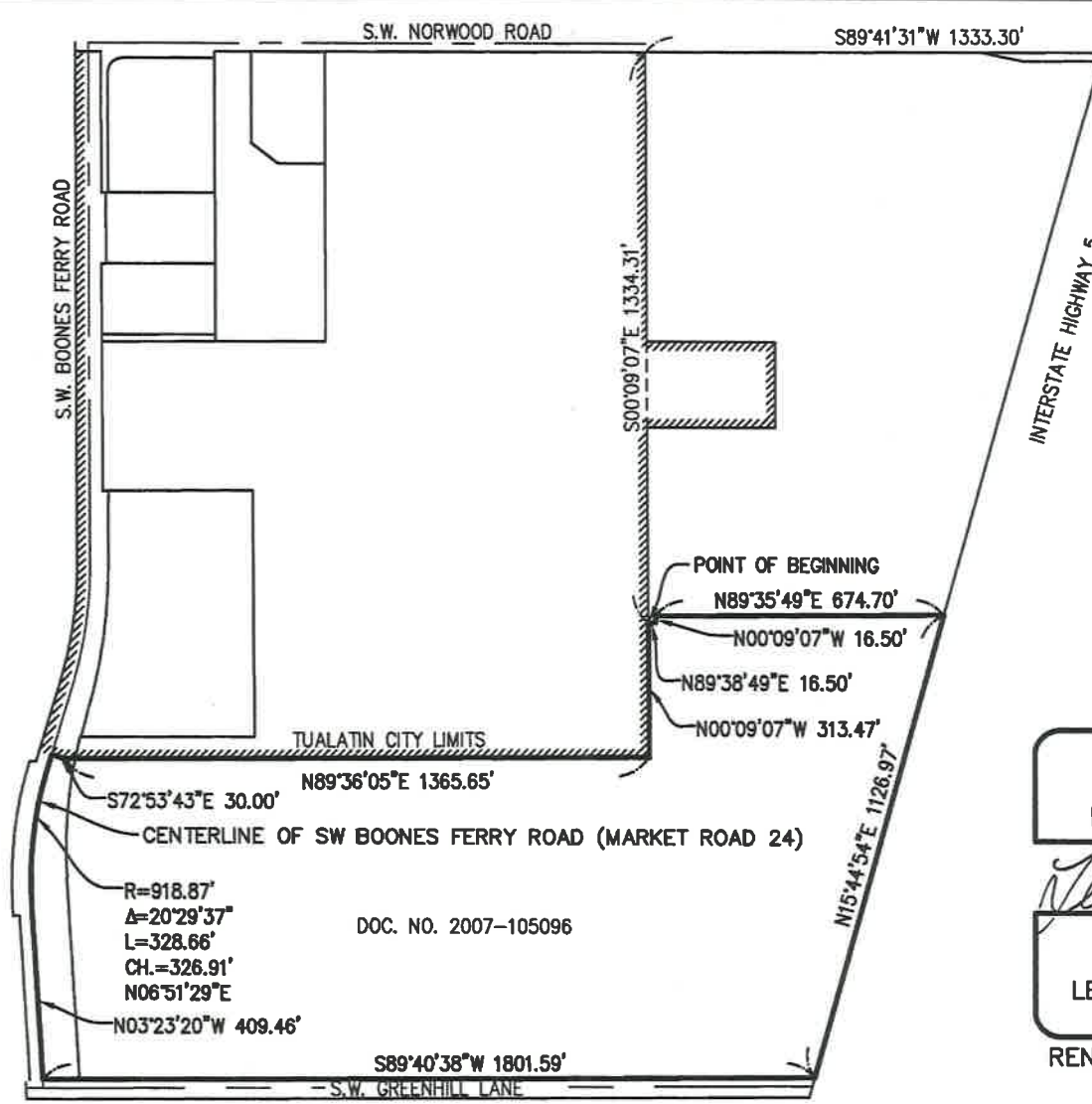
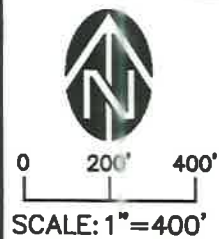
BEGINNING AT THE SOUTHWEST CORNER OF LOT 12, TUALATIN ORCHARD TRACTS; THENCE NORTH 89°44'43" EAST 1159.47 FEET; THENCE NORTH 3°00'17" WEST 880.00 FEET TO A POINT ON A LINE EXTENDED FROM THE NORTHEAST CORNER OF LOT 1, TUALATIN ORCHARD TRACTS TO THE NORTHWEST CORNER OF LOT 4, TUALATIN ORCHARD TRACTS, SAID POINT FALLING NORTH 89°44'43" EAST 686.11 FEET FROM THE NORTHEAST CORNER OF SAID LOT 1 AND BEING THE TRUE POINT OF BEGINNING; THENCE SOUTH 3°00'17" EAST 420.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF GREENHILL LANE; THENCE WESTERLY ALONG SAID RIGHT OF WAY LINE SOUTH 89°44'43" WEST 389.06 FEET; THENCE NORTH 3°00'17" WEST 420.00 FEET; THENCE NORTH 89°44'43" EAST 389.06 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL VIII:

A TRACT OF LAND IN THE SOUTHEAST 1/4 OF SECTION 35, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 12, TUALATIN ORCHARD TRACTS; THENCE NORTH 89°44'43" EAST 1159.47 FEET; THENCE NORTH 3°00'17" WEST 880.00 FEET TO A POINT ON A LINE EXTENDED FROM THE NORTHEAST CORNER OF LOT 1, TUALATIN ORCHARD TRACTS TO THE NORTHWEST CORNER OF LOT 4, TUALATIN ORCHARD TRACTS, SAID POINT FALLING NORTH 89°44'43" EAST 686.11 FEET FROM THE NORTHEAST CORNER OF SAID LOT 1 AND BEING THE TRUE POINT OF BEGINNING; THENCE NORTH 89°44'43" EAST 763.79 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY OF THE BALDOCK FREEWAY; THENCE SOUTH 15°49'15" WEST 436.59 FEET ALONG SAID RIGHT OF WAY TO THE NORTH RIGHT OF WAY LINE OF GREENHILL LANE; THENCE WESTERLY ALONG SAID RIGHT OF WAY SOUTH 89°44'43" WEST 622.75 FEET; THENCE NORTH 3°00'17" WEST 420.00 FEET TO THE TRUE POINT OF BEGINNING.

Exhibit 2
Ordinance No. 1430-20



ANNEXATION CERTIFIED
BY
MAR 02 2020
WASHINGTON COUNTY A & T
CARTOGRAPHY

REGISTERED
PROFESSIONAL
LAND SURVEYOR
Leonard Schelsky
OREGON
JULY 13, 1979
LEONARD SCHELSKY
1841
RENEWS: 06-30-2020

EXHIBIT B
LOCATED IN THE SOUTH 1/2 OF SECTION 35
TOWNSHIP 2 S., RANGE 1 W., W.M.
WASHINGTON COUNTY, OREGON

DATE	3/02/2020
DRAWN BY	CAJ
CHECKED BY	LJS
REVISION	1
JOB NO.	2401-001

WESTLAKE
CONSULTANTS inc.
ENGINEERING ♦ SURVEYING ♦ PLANNING
PACIFIC CORPORATE CENTER
15115 S.W. SEQUOIA PARKWAY, SUITE 150 (503) 684-0652
TIGARD, OREGON 97224 FAX (503) 624-0157

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