

**BEFORE THE WEST LINN CITY COUNCIL
FINAL ORDER**

Regarding the property owner request)
for a Step One Annexation of a 21 acre) ANX-08-01
site located at 1025 Rosemont Rd.)

At the hearing date of January 12, 2009, the West Linn City Council held a meeting pursuant to the provisions of Community Development Code, Chapter 81 to consider the request of Linn-Wilsonville School District and Palmer & Darlene Erickson for a Step 1 Annexation approval of a proposed annexation of 21 acres at 1025 Rosemont Road. They concluded that:

FINDINGS OF FACT

1. The City Council conducted a meeting on January 12, 2009 and heard and accepted the staff report and findings included therein.
2. The City Council found that the Step 1 Annexation request met the approval criteria of Community Development Code, Section 81.050, which included meeting Municipal Code, Section 2.920(1.) The Council found that the conditions necessary to process an annexation were met.
3. The City Council found that the proposal complies with the criteria of Metro Code, Section 3.09.050(d,) and that Section 3.09.050(e) was not applicable. The City has not adopted an annexation plan under ORS 195.065, and there are no urban service agreements in place for the area.
4. The City Council found that the proposal complies with the Comprehensive Plan, the Sanitary Sewer Master Plan, Water System Master Plan, and Storm Drainage Master Plan.
5. The City Council found that the proposed change will promote or not interfere with the timely, orderly, and economic provisions of public facilities and services. This site is adjacent and contiguous to recent development, and is timely, and will not interfere with economic provision of the public facilities or services. The County Enhanced Law Enforcement District is the only unit of government that would lose territory as a result of annexation to the City. The Tri-City Sewer Service District is the only service district that would add territory as a result of annexation to the City.
6. The City Council determined that the site was appropriately zoned R-10 (one dwelling per 10,000 square feet) if annexed into the city, because the site is adjacent

Draft

to land already zoned R-10 within the City to the east and portions to the north; and land zoned R-7 to the south and north; therefore, the R-10 zoning is consistent with the prevailing zoning in the area. Additionally, the site is bisected by a major drainageway, and thus R-10 zoning with its lesser allowed residential density is more appropriate for the site.

7. A motion was made and seconded to approve the Step 1 Annexation, including removal from the County Enhanced Law Enforcement District and annexation into the Tri-Cities Sewer Service District. The Step 1 Annexation was approved, with no additional conditions of approval.

This decision is final on the date it is signed. Necessary parties* can appeal to the Metro Boundary Appeals Commission within 10 days of this final decision, and citizens can appeal to LUBA within 21 days of this final decision.

PATTI GALLE, MAYOR

DATE

MAILED THIS ____ DAY OF _____, 2009.

P/development review/Final Decisions 2008/Final decision Anx 08-01(Step 1)

* "Necessary parties" are defined by Metro Code 3.09.020(j) as "any county, city or district whose jurisdictional boundary or adopted urban service area includes any part of the affected territory or who provides any urban service to any portion of the affected territory, Metro, and any other unit of local government ... that is a party to any agreement for provision of an urban service to the affected territory."



STAFF REPORT

CITY COUNCIL HEARING

MEETING DATE: JANUARY 12, 2009

FILE NO.: ANX 08-01

REQUEST: STEP ONE (1) PUBLIC HEARING FOR THE PROPOSED ANNEXATION OF AN APPROXIMATE 21 ACRE PROPERTY LOCATED THE SOUTH SIDE OF HIDDEN SPRINGS ROAD, EAST OF ROSEMONT ROAD, AT THE SOUTH END OF SUNCREST DRIVE

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**City of West Linn
PLANNING DEPARTMENT**

TO: West Linn City Council
FROM: Chris Kerr, Senior Planner
DATE: December 30, 2008 (City Council Meeting January 12, 2009)
FILE NO.: ANX-08-01
SUBJECT: Step 1 approval hearing on an annexation request for the property located at
1025 Rosemont Road

Planning Director's Initials_____

SPECIFIC DATA

OWNERS: West Linn-Wilsonville School District / Palmer & Darlene Erickson

CONSULTANT: Parsons Brinckerhoff
400 SW Sixth Avenue, Suite 802,
Portland, OR 97204

SITE LOCATION: 1025 Rosemont Road and 20800 Hidden Springs Road

SITE SIZE: 21 acres

DESCRIPTION: Generally located on the south side of Hidden Springs Road, east of
Rosemont Road at the south end of Suncrest Drive. The area is identified
by Clackamas County as Tax Lots 21E23CD, lots 12300, 12301, 12500,
12700, and 12800

**APPROVAL
CRITERIA:** Community Development Code, Chapter

COUNTY ZONING: FU-10 - Future Urbanizable 10 acre district (County)

COMPREHENSIVE PLAN

DESIGNATION: Low Density Residential (City)

APPROVAL

CRITERIA: Community Development Code, Chapter 81

PUBLIC NOTICE: Notice was mailed to all interested parties, including property owners within 500 feet on November 26, October 26, 2008. Public notice was posted on the site, and in four public places within West Linn on October 26, 2009. The hearing was noticed in the West Linn Tidings on January 1, 2009 and again on January 8, 2009 and posted to the City website on November 24, 2008. All notice requirements for Step 1 Annexations were fulfilled.

PUBLIC COMMENTS: As of December 30, 2008 staff had received no written testimony on this application. Staff has had discussions with a representative of the Hidden Springs Neighborhood Association regarding the formation of an "Erickson School Site Task Force" being created by their Association.

RECOMMENDATION

Staff recommends approval of the Step 1 Annexation of this 20 acre property at 1025 Rosemont Road, and recommends that the site be designated in the R-10 zoning district (one dwelling per 10,000 square feet) if annexed. The School District has indicated that, in accordance with the District bond that was recently approved, it intends to develop an elementary school on the site. Staff recommends that, consistent with Council policy on processing of annexations, that a Step Two hearing for this proposal be scheduled for early 2009 to determine the appropriate 2009 ballot date for this annexation. No other requests for annexation have been submitted to the City.

MAJOR ISSUES

In November of this year the School District received voter approval of a Capital Bond that proposed, among other improvements, a new 300 student primary school to be constructed within West Linn. This annexation is the first step towards developing and constructing this school.

If annexed, the site is designated by the West Linn Comprehensive Plan for Low-Density Residential Use.

BACKGROUND

The property owners, Palmer Erickson co-Trustee and the West Linn/Wilsonville School District, submitted a petition requesting that the City Council consider the annexation of the property. During the January 12th City Council hearing the Council will be asked to make a

motion to approve or deny the Step 1 portion of the annexation. If the Council approves the Step 1 annexation, staff will request that the Step 2 hearing be scheduled, at which time the City Council will hear testimony regarding whether the annexation should be referred to the voters. If the Council approves the Step 2 portion of the annexation, they will set a date for the election.

It should be noted that Staff is including the adjacent and corresponding portions of the Rosemont Road right-of-way as part of this annexation. This is appropriate since this is the only segment of Rosemont Road that borders the City which is not currently within the City's jurisdiction. Additionally, as the attached map indicates, the single family home located at 1045 Rosemont Road is not included with this annexation request. Staff has spoken with the owner of that property and confirmed that they did not wish to be a part of this application.

The site generally lacks any steep slopes, but it does include several distinguishable environmentally sensitive areas that will ultimately impact its future development. These include Trillium Creek, which runs both north and then east through the property, as well as two identified wetlands and a large tree canopy. Staff has made the applicant aware of these designated areas and informed them that the City has development restrictions will apply to these areas.

The property has frontage on two arterials, Hidden Springs Road and Rosemont Road. Additionally, both Suncrest Drive and Bay Meadows Drive terminate abruptly at the north and south borders of this property. The City's Transportation System Plan (both the previous one and the one most recently adopted) recommend that the future development of this site include a local street connection between these two streets.

The site is bordered by existing single-family homes to the north, south and east. The surrounding zoning districts are R-7 to the north and south; with R-10 to the east and on the north side of Hidden Springs Road. Since the property is equally bordered by R-7 and R-10 zoning districts, and has frontage on two arterials, the proposed R-10 zoning district is appropriate for this site.

While there are several environmental issues on the site (described above), its important to state that a development application is not required for annexations, and specific development review type issues are not to be considered as part of the annexation process.

FINDINGS

The approval criteria for annexations in the City is found in the following applicable portions of the Community Development Code (CDC), City of West Linn Municipal Code and Metro Code requirements.

COMMUNITY DEVELOPMENT CODE

81.050 APPROVAL CRITERIA

- A. The City Council shall approve or deny a boundary change proposal based on findings and conclusions addressing the following criteria:
1. *If an annexation, the proposal complies with the requirements of Code Section 2.920(1); and,*
 2. *For all boundary changes, the proposal complies with the criteria of Metro Code Section 3.09.050(d) and, if applicable, (e).*

The following Conditions for Annexation are contained within Municipal Code, Section 2.920:

(a) The subject site must be located within the Portland Metropolitan Growth Boundary.

FINDING NO. 1: The site is within the Portland Metropolitan Urban Growth Boundary.

(b) The subject site must have been assigned a City Comprehensive Plan Map designation.

FINDING NO. 2: The site is designated as Low Density Residential on the West Linn Comprehensive Plan Map.

(c) The subject site must be contiguous to the existing City limits, or separated from it only by a public right-of-way, or a stream, bay, lake, or other body of water.

FINDING NO. 3: The site is contiguous to the existing city limits all sides except for Rosemont Road to the west.

(d) The requirements of Oregon Revised Statutes for initiation of the annexation process are met.

FINDING NO. 4: Oregon Revised Statute (ORS) Section 222.111(2) allows initiation of an annexation proposal “by a petition to the legislative body of the city by owners of real property in the territory to be annexed.” The petition required has been submitted. ORS Section 222.170 states that “the legislative body of the city need not call or hold an election in any contiguous territory proposed to be annexed if more than half the owners of land in the territory ... consent in writing to the annexation...” In the petition submitted the property owner has consented to the annexation.

(e) The subject area has been included within each of the adopted City facility master plans and capital improvement plans and the subject area is planned for all needed City infrastructure.

FINDING NO. 5: The property has been within the UGB for a considerable period of time and has been included in all applicable facility and capital improvement plans.

Municipal Code Section 2.935(1) includes the following submittal requirements:

- (a) *Written Consent: A statement of written consent for the annexation signed by the owner(s) of all land to be annexed.*

FINDING NO. 6: The application includes the written consent of the property owner.

- (b) *Legal Description: A legal description of the property to be annexed and a boundary survey certified by a registered surveyor or engineer.*

FINDING NO. 7: The application includes a legal description and certified boundary survey.

- (c) *Vicinity Map: A map of the area to be annexed, including adjacent city territory, surrounding features or landmarks that will help the voters determine the location of the property.*

FINDING NO. 8: The application includes a properly detailed vicinity map.

- (d) *Fees And Deposits: A deposit adequate to cover any and all accrued staff time to review as well as prorated election costs, including public notices, is required. These amounts shall be established by the City. The money due for election costs shall be due at the time the election date is set. All money shall be paid no less than 60 days prior to the election.*

FINDING NO. 9: The applicant has paid the annexation application deposit required.

- (g) *The subject area has been included within each of the adopted City facility master plans and capital improvement plans and the subject area is planned for all needed City infrastructure.*

FINDING NO. 10: This area is included in the city's water, sewer, storm drainage, and transportation master plans. When these plans are implemented, the area will be fully and adequately served by each of these types of facilities.

- (h) *The City has determined that there will be adequate public services for all types of infrastructure whose construction is not specifically excluded by State statute for the subject area at build-out.*

FINDING NO. 11: The city has determined that the site can be adequately served by the city's current road system, sanitary sewer system, and storm drainage system.

The following Conditions for Annexation are contained within Metro Code Section 3.09.050(d):

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

FINDING NO. 12: The City does not have any urban service provider agreements or annexation plans adopted pursuant to ORS 195.065. Therefore, this criterion does not apply.

- (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;*

FINDING NO. 13: The City of West Linn and Clackamas County have an Urban Growth Management Agreement with regards to this property. The agreement calls for annexation and provision of city services as part of any urban development. Therefore, the application is consistent with this criterion.

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

FINDING NO. 14: Comprehensive Plan. The West Linn Comprehensive Plan Designation is for Low Density Residential Development. Corresponding zoning classifications range from R-40 (40,000 square foot minimum lot size) to R-7 (7,000 square foot minimum lot size).

The proposed annexation is consistent with the Water System Master Plan. The site is located in the Rosemont Pressure zone, and would be served by water lines along both Rosemont Drive and Hidden Springs as well as both stub streets that terminate at the property. Several existing sanitary sewer line currently bisect the property.

There are no existing storm lines on the property. The upper-most reach of Trillium Creek is located on the boundary of the site, and will provide storm drainage (after proper detention and treatment) for any future development on the property.

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

FINDING NO. 15: There are no specific directly applicable standards and criteria for boundary changes relevant to this proposal.

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

FINDING NO. 16: The City's facilities master plans contemplate providing services to this parcel, and the City Engineer foresees no problem in doing so. Therefore, the proposed annexation will promote 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; Metro Code 3.09.050(d)(7). Consistency with other applicable criteria for the boundary change in question under state and local law.*

FINDING NO. 17: This application is not for annexation inside Metro's boundaries and therefore is not applicable.

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

FINDING NO. 18: The subject property complies with the approval criteria for the City of West Linn, and the annexation process complies with the procedures set forth under state law.

Metro Code 3.09.050(e) applies when there is no urban service agreement adopted pursuant to ORS 195.065 that is applicable, and a boundary change decision is contested by a necessary party. Since there is no necessary party contesting this proposal, this code section is inapplicable.

2.955 Zoning Designations

- (1) *Upon approval of the voters of the annexation question, the City zone will automatically be applied as part of the annexation decision pursuant to the table provided below:*

<i>COMPREHENSIVE PLAN/LAND USE DESIGNATION</i>	<i>ASSIGNED</i>
<i>Low Density Residential</i>	<i>R-7 to R-40</i>

FINDING NO. 19:

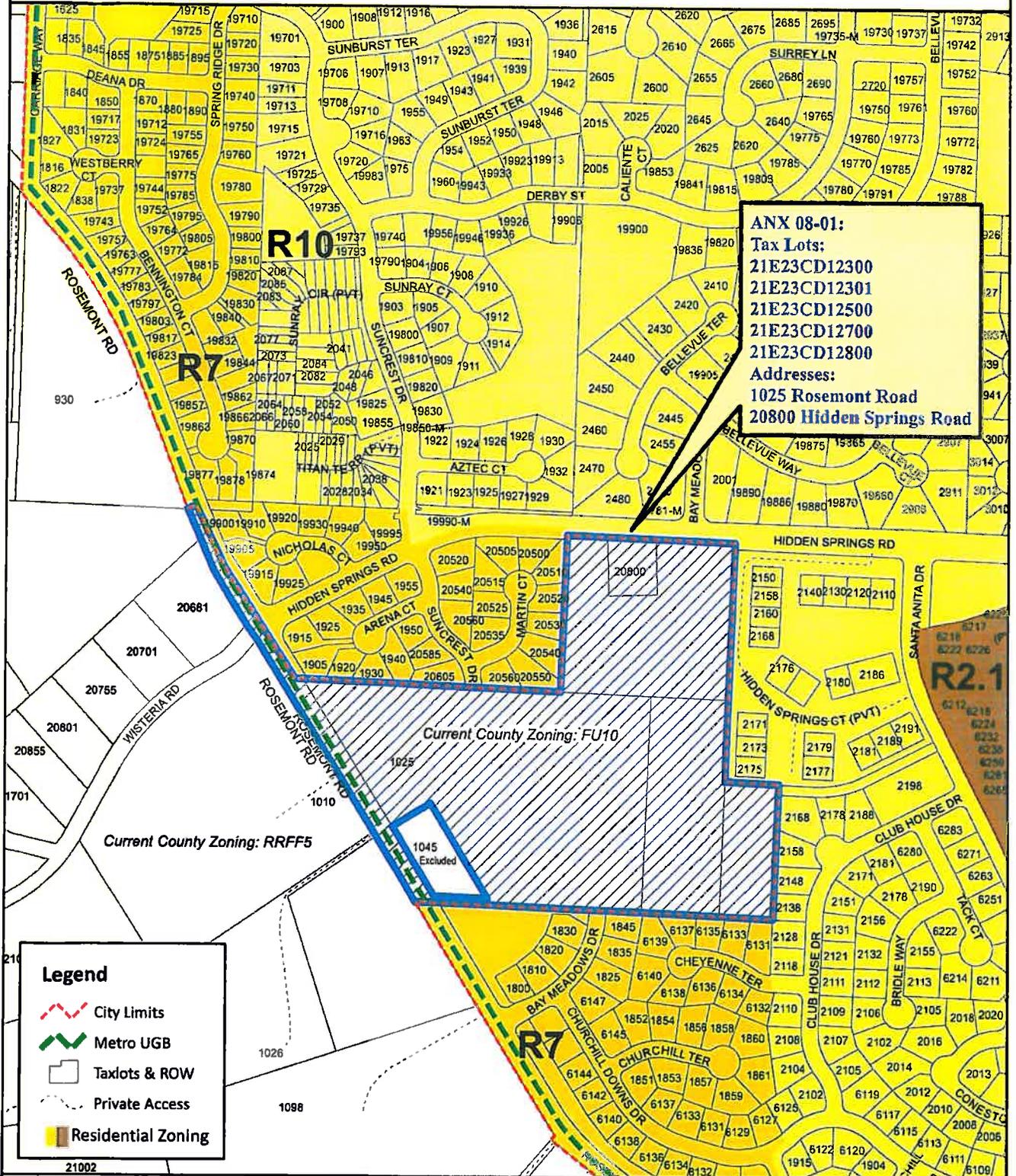
The applicant requests that, upon annexation, the property should be zoned R-10. As described above, this is consistent with the surrounding zoning and Staff's recommendation.

P/devreview/Staffreports2008/anx08-01 step 1



ANX08-01

December 2008



This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information. Taxlot Base Source: Metro RLIS

0 100 200 400 Feet

GIS\PLANNING\2100812_DEC_PROP_ANNEXATIONS\ROSEMONT\ROD_ANX08-01_ZONING MXD / ANA / 12-2-08



**CITY OF WEST LINN
CITY COUNCIL MEETING NOTICE**

STEP 1 ANNEXATION

21 ACRES - GENERALLY LOCATED ON THE SOUTH SIDE OF HIDDEN SPRINGS ROAD, EAST OF ROSEMONT ROAD, AT THE SOUTH END OF SUNCREST DRIVE

FILE NO. ANX-08-01

The West Linn City Council, at its regularly scheduled meeting on **Monday, January 12, 2009**, starting at **6:30 p.m.** in the Council Chambers of City Hall (located at 22500 Salamo Road, West Linn, OR), will hold a meeting on a Step 1 annexation of 21 acres generally located on the south side of Hidden Springs Road, east of Rosemont Road at the south end of Suncrest Drive. The site currently includes one single-family home. The area is identified by Clackamas County as Tax Lots 21E23CD, lots 12300, 12301, 12500, 12700, and 12800. The decision by City Council shall consider the provisions of Community Development Code, Chapter 81 and Municipal Code, Sections 2.915 through 2.960, for the Step 1 annexation.

The City of West Linn has established a two-step process for consideration of annexation requests. Step 1 involves consideration of the land use aspects of the annexation request, and requires a public hearing. Step 2 involves consideration of other policy issues and referral of the annexation to the voters, which also requires a public hearing. An annexation to the City is not effective unless it is approved by a majority vote among the City's electorate.

The property owners, Palmer Erickson co-Trustee and the West Linn/Wilsonville School District, submitted a petition requesting that the City Council consider the annexation of the property. During the January 12 City Council hearing the Council will be asked to make a motion to approve or deny the Step 1 portion of the annexation. If the Council approves the Step 1 annexation, staff will request that the Step 2 hearing be scheduled, at which time the City Council will hear testimony regarding whether the annexation should be referred to the voters. If the Council approves the Step 2 portion of the annexation, they will set a date for the election.

At least 15 days prior to the City Council meeting, a copy of the staff report will be available for inspection at no cost. For further information, please contact Chris Kerr, at City Hall, 22500 Salamo Road, #1000, West Linn, OR 97068 (phone: 503-723-2538) or by email at ckerr@westlinnoregon.gov.

Failure to raise an issue in person or by letter at some point prior to the close of the meeting, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes an appeal to the appellant body with jurisdiction based on that issue.

TERESA ZAK
Planning Department Administrative Asst.

MEMORANDUM

To: Gordon Howard, Planning Director
From: Keith Liden
Re: Annexation Request - West Linn-Wilsonville School District
and Erickson
Date: November 12, 2008

The West Linn-Wilsonville School District wishes to annex an undeveloped, 21-acre property into West Linn. The property is located on the south side of Hidden Springs Road between Rosemont Road and Santa Anita Drive. Suncrest Drive terminates into the property from the north, and Bay Meadows Drive terminates into the property from the south.

The school district purchased the property in 1989 from Palmer and Darlene Erickson to accommodate a future school. The Ericksons retained their home on a 24,829 square-foot parcel on Hidden Springs Road. It continues to be the district's intention to develop a school on the site. Annexation is a necessary step to ultimately allow this to occur. The Ericksons wish to participate in this annexation application.

The annexation application request must address relevant criteria in Municipal Code Section 2.920 and Metro Code Section 3.09.050 (d), along with the submittal requirements in Metro Code Section 3.09.040.

Municipal Code Section 2.920 is satisfied because the annexation the five conditions contained in this section:

- (a) *The subject site must be located within the Portland Metropolitan Urban Growth Boundary.*

Condition met. The site is within the UGB. /

- (b) *The subject site must have been assigned a City Comprehensive Plan Map designation.*

Condition met. The site is designated Low Density Residential on the City Comprehensive Plan Map.

- (c) *The subject site must be contiguous to the existing City limits ...*

Condition met. The site abuts the City limits on three sides.

- (d) *The requirements of Oregon Revised Statutes for initiation of the annexation process are met.*

Condition met. The annexation application meets all of the relevant city of West Linn and Metro code requirements, which are consistent with the Oregon Revised Statutes.

- (e) *The subject area has been included within each of the adopted City facility master plans and capital improvement plans, and the subject area is planned for all needed City infrastructure.*

Condition met. The property has been within the UGB and the city's planning area for an extended period. Therefore, it has been considered in recent facilities and capital improvement plans.

Community Development Code Section 81.040 is satisfied because the annexation application has been prepared and submitted in compliance with this section:

- A. *A petition to annex to the city of West Linn may be initiated by a property owner(s) of the area to be annexed*

Condition met. The two property owners initiated this annexation application.

- B. *A preapplication conference shall be held prior to submitting an application.*

Condition met. A preapplication conference was held on October 16, 2008.

- C. *A petition to annex shall include the completed petition form and three copies of the following: 1. Compliance with Metro Code Section 3.09.040; 2. a narrative addressing Code Section 2.920 and Metro Code Sections 3.09.050(d) and (e), if applicable, and 3. vicinity, legal and other maps necessary to show compliance with Code Section 2.920 and Metro Code 3.09.040.*

Condition met. These materials and information are provided in the application.

- D. *A petition of any type of boundary change, other than annexation, shall be processed as provided by State law and Metro Code Chapter 3.09.*

Not applicable. Only annexation is sought.

- E. *The applicant shall pay the requisite fee.*

Condition met. The fee is included with the application.

Community Development Code Section 81.050 is satisfied because the annexation application has been prepared and submitted in compliance with this section:

- A. *The City Council shall approve or deny a boundary change proposal based on findings and conclusions addressing the following criteria:*
1. *If an annexation, the proposal complies with the requirements of Code Section 2.920(1).*

Condition met. The application meets these criteria as noted above.

2. *For all boundary changes, the proposal complies with the criteria of Metro Code Section 3.09.050(d) and, if applicable, (e).*

Condition met. The application meets these criteria as noted below.

Metro Code 3.09.040 (a) indicates the information that must be contained in a boundary change application. The first three criteria apply, and they will be satisfied as noted below:

- (1) *The jurisdiction of the reviewing entity to act on the petition.*

Condition met. The city of West Linn will be clearly identified as the reviewing entity.

- (2) *A map and legal description of the affected territory in the form prescribed by the reviewing entity.*

Condition met. A map and legal description are included as part of the application.

- (3) *For minor boundary changes, the names and mailing addresses of all persons owning property and all electors within the affected territory as shown in the records of the tax assessor and county clerk.*

Condition met. The relevant information for the two property owners, West Linn-Wilsonville School District and Palmer and Darlene Erickson, are provided.

Metro Code 3.09.050 (d) states that for the reviewing entity to approve a boundary change, it shall apply the criteria and consider the factors in Metro Code Subsections (d) and (e) of 3.09.045, which are addressed below:

- (1) *The city finds that the change is consistent with expressly applicable provisions in:*

- (A) *Any applicable urban service agreement.*

Not applicable. Relevant urban service agreements were not identified during the preapplication meeting.

(B) Any applicable adopted annexation plan.

Not applicable. A relevant annexation plan was not identified during the preapplication meeting.

(C) Any applicable cooperative planning agreement.

Not applicable. A relevant cooperative planning agreement was not identified during the preapplication meeting.

(D) Any applicable public facility plan.

Condition met. The two properties have been within the UGB and the city's planning area for years. They have been included in public facility planning efforts.

(E) Any applicable comprehensive plan.

Condition met. The annexation satisfies the West Linn Comprehensive Plan by following the prescribed annexation process identified in the Code and Community Development Plan.

(2) The city must also consider whether the boundary change would:

(A) Promote the timely, orderly and economic provision of public facilities and services.

Condition met. The properties have been within the UGB for some time, and they are included in the West Linn Comprehensive Plan as Low Density Residential land. Properties surrounding these properties are currently receiving urban services, which will be available to the subject properties following annexation.

(B) Affect the quality and quantity of urban services.

Condition met. Because the properties have been covered under the West Linn Comprehensive Plan, their eventual entry into the city is completely anticipated, and the quality of urban services will not be compromised because of the annexation and eventual development of these properties.

(C) Eliminate or avoid unnecessary duplication of facilities or services.

Condition met. Service will be provided by the city.

Metro Code 3.09.050 (e) states the city may not annex territory that lies outside the UGB...

Not applicable. The two properties are completely within the UGB.

PETITION FOR ANNEXATION TO THE CITY OF WEST LINN, OREGON

TO: The Council of the City of West Linn, Oregon.

We, the undersigned property owners of and/or registered voters in the area described below, hereby petition for, and give our consent to, annexation of the area to the City of West Linn.

The property to be annexed is described as follows:

*(Insert Legal Description here or attach it as Exhibit "A")**

* A metes and bounds legal description of the territory to be annexed shall be submitted. This description should be attached to the Petition. A lot, block, and subdivision description may be substituted for the metes and bounds description if the area is platted and no metes and bounds description is available, and if this is acceptable to the County Assessor's Office.

EXHIBIT A

Legal Descriptions



First American Title Insurance Company of Oregon

Clackamas (OR)

Prepared For:	Prepared By: Customer Service Department 222 SW Columbia St, Suite 400 - Portland, Oregon 97201 Phone: (503) 219-TRIO Fax: (503) 790-7872
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OWNERSHIP INFORMATION			
Owner	: Erickson Palmer J Co-trstee	Ref Parcel Number	: 21E23CD12300
CoOwner	:	T: 02S R: 01E S: 23 Q: 252	
Site Address	: 20800 Hidden Springs Rd West Linn 97068	Parcel Number	: 00367917
Mail Address	: 20800 Hidden Springs Rd West Linn Or 97068		
Telephone	: Owner: 503-655-1950 Tenant:	County	: Clackamas (OR)

SALES AND LOAN INFORMATION			
Transferred	: 08/01/1998	Loan Amount	:
Document #	: 98-77959	Lender	:
Sale Price	:	Loan Type	:
Deed Type	: Warranty	Interest Rate	:
% Owned	:	Vesting Type	:

PROPERTY DESCRIPTION	ASSESSMENT AND TAX INFORMATION
Map Page & Grid : 686 H4	MktLand : \$222,873
Census : Tract: 205.02 Block: 2	MktStructure : \$159,360
Improvement Type : 132 Sgl Family,R1-3,1-story (basement)	MktTotal : \$382,233
Subdivision/Plat :	M50 Assd Total : \$192,029
Neighborhood Cd :	% Improved : 42
Land Use : 101 Res,Residential Land,Improved	07-08 Taxes : \$3,108.22
Legal : SECTION 23 TOWNSHIP 2S RANGE 1E	Exempt Amount :
: QUARTER CD TAX LOT 12300	Exempt Type :
:	Levy Code : 003004
	Millage Rate : 16.1862

PROPERTY CHARACTERISTICS			
Bedrooms : 3	Building SF : 2,080	Stories : 1 Story-bsmt	
Bathrooms : 2.00	1st Floor SF : 1,040	Garage SF : 520	
Fireplace : Single Fireplce	Above Ground SF : 1,040	Lot Acres : .57	
Heat Type : Forced Air-gas	Upper Finished SF :	Lot SF : 24,829	
Interior Material: Drywall	Unfin Upper Story :	Year Built : 1965	
Exterior Finish : Bevel Siding	Upper Total SF :	Year Appraised :	
Floor Cover : Carpet	Finished SF : 1,040	Appraisal Area :	
Roof Type : Composition	Basement Fin SF :	School District : 003	
Roof Shape : Gable	Basement Unfin SF : 1,040	Utility District :	
Foundation : Concrete	Basement Total SF : 1,040		

This title information has been furnished, without charge, in conformance with the guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insureds. Indiscriminate use only benefiting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in this report.

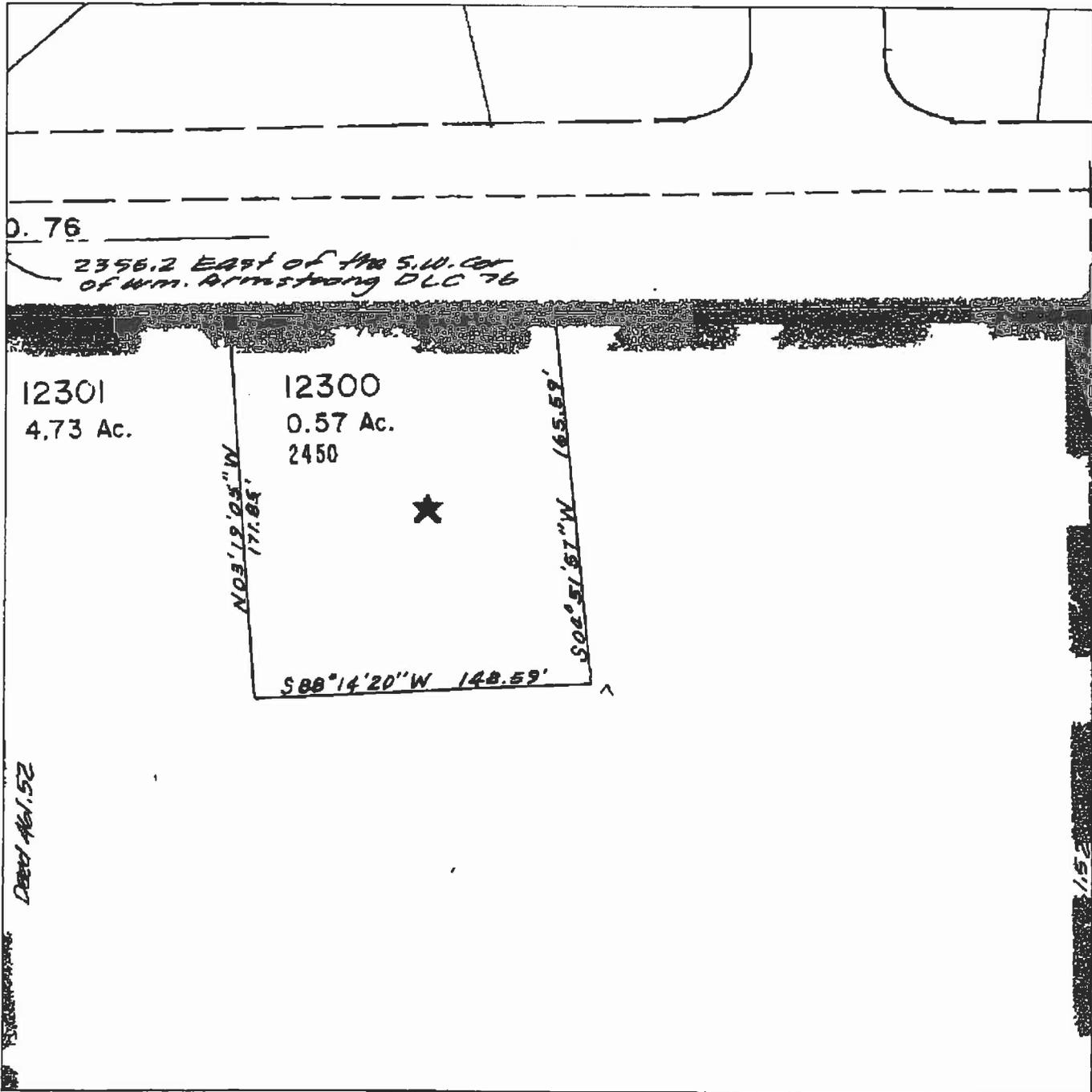


First American Title Insurance Company of Oregon

An assumed business name of TITLE INSURANCE COMPANY OF OREGON

This map is provided as a convenience in locating property
First American Title Insurance Company assumes no liability for any variations as may be disclosed by an actual survey

Reference Parcel Number 21E23CD12300



STATE OF OREGON 98-077859
CLACKAMAS COUNTY
Received and placed in the public
records of Clackamas County
RECEIPTS AND FEE: 78223 \$26.00
DATE AND TIME: 08/24/98 02:02 PM
JOHN KAUFFMAN, COUNTY CLERK

2



Fidelity National Title Company of Oregon

401 S.W. Fourth Avenue, Portland, Oregon 97204
(503) 223-8338

Page No. 2
Order No. 300005

DESCRIPTION:

PARCEL I T.L. 12301

Part of the DLC of Samuel Miller and wife in Section 23, Township 2 South, Range 1 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning at a point in the North boundary of said DLC that is 690 feet West from the Northeast corner of said claim; thence Westerly tracing the North line of said claim a distance of 500 feet to a point; thence South 0 degrees 02' West 491.521 feet to an iron pipe; thence Easterly parallel to the North line of said tract 500 feet to an iron pipe, being the Southeast corner of that certain tract described of record in Book 363, Page 171; thence North 0 degrees 02' East 491.521 feet to the point of beginning; excepting a roadway 30 feet in width along the North side of said premises located in Clackamas County, State of Oregon, and further excepting any portion lying within the boundaries of Dedication Deed recorded November 7, 1988 at Fee No. 88 46510.

PARCEL II T.L. 12700

A tract of land in the Samuel Miller DLC in Section 26, Township 2 South, Range 1 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning at an iron pipe driven at a point that is South 0 degrees 02' West 431.52 feet distant from an iron pipe driven in the North boundary of said DLC, that is 690.0 feet West of the Northeast corner of said DLC, thence South 0 degrees 02' West 645.0 feet to an iron pipe; thence West 236.50 feet to an iron rod; thence North 0 degrees 02' East 645.0 feet to an iron rod; thence East 236.50 feet to the point of beginning. Together with the right to use in common, as a roadway to Rosemont Road, with the owners and occupiers of the tract of two acres each conveyed or devised to Gilbert Rand and Evelyn Hart, and shown as a 20 foot strip along the Southerly boundary of the George C. Rand, et ux tract survey of Gene Leuthold in July, 1966. Such easement is more particularly described as follows:

A tract of land in the Samuel Miller DLC in Section 26, Township 2 South, Range 1 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning at the Northeast corner of said DLC, thence West 690 feet; thence South 0 degrees 02' West 1136.52 feet to an iron pipe; thence West 236.50 feet to the true point of beginning; thence North 0 degrees 02' East to a point which is 20 feet North of when measured at right angles to the South line of the property described in the deed to George Rand, et ux, recorded March 21, 1931 in Deed Book 210, Page 438; thence West parallel with the South line of said Rand tract to the center line of the Linn City and Hillsboro Road No. 82; thence Southeasterly on said road center line to an iron pipe which is 649.64 feet West of the true point of beginning; thence East to an iron pipe in the East line of the road; thence East 609.66 feet to the true point of beginning.



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401 S.W. Fourth Avenue, Portland, Oregon 97204
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Page No. 3
Order No. 300005

PARCEL III T.L. 12800

Part of the Samuel Miller DLC No. 58 in Sections 23 and 26, Township 2 South, Range 1 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as:

Beginning at an iron pipe 690.00 feet West and South 0 degrees 02' West 1135.52 feet from the Northeast corner of said claim No. 58, Township 2 South, Range 1 East of the Willamette Meridian, which is the Southwest corner of a tract of land conveyed to James W. McDonald and Anna McDonald, his wife, by deed recorded May 8, 1946 in Volume 366 at Page 741, deed records of Clackamas County, Oregon; thence East on the South boundary of said McDonald land 163.00 feet; thence North 0 degrees 02' East 401.00 feet; thence West 163.00 feet to the West line of said McDonald land; thence South 0 degrees 02' West 401.00 feet to the point of beginning.

PARCEL IV T.L. 12500

A part of the DLC of Samuel Miller and wife in Sections 23 and 26, Township 2 South, Range 1 East of the Willamette Meridian, in Clackamas County, Oregon, described as follows:

Beginning at an iron pipe driven at a point that is South 0 degrees 02' West 491.52 feet distant from an iron pipe driven in the North boundary of the Samuel Miller DLC that is 690.0 feet West of the Northeast corner of said Claim; thence South 0 degrees 02' West 645.0 feet to an iron pipe; thence West 876.04 feet to an iron pipe driven in the center of the Linn City and Hillsboro Road No. 82; thence along the center of said road North 33 degrees 45' West 775.73 feet to an iron pipe; thence East 1307.45 feet to the place of beginning, subject to a 20 foot roadway easement over the South 20 feet thereof.

EXCEPTING THEREFROM the Easterly portion thereof conveyed to Darlene Erickson by Deed recorded February 29, 1968 as Recorder's Fee No. 68-3640, Clackamas County Records, and ALSO EXCEPTING therefrom those portions thereof in the Southwesterly corner conveyed to Ralph Keller, et ux, by Deed recorded September 4, 1962 in Book 609, Page 847, Clackamas County Deed Records and by Deed recorded December 5, 1978 as Recorder's Fee No. 78-52112, Clackamas County Records. T.L. 12800

ALSO EXCEPTING therefrom a parcel of land situated in the Samuel Miller Donation Land Claim No. 58 in the Southwest one-quarter of Section 23, Township 2 South, Range 1 East, Willamette Meridian, Clackamas County, Oregon, being more particularly described as follows: T.L. 12300

Commencing at the Northwest corner of that parcel of land conveyed to Palmer Juliene Erickson by deed recorded in Book 661, Page 813, Clackamas County deed records; thence along the North line of said Erickson parcel South 89 degrees 12' 29" East, 114.55 feet to the true point of beginning of the parcel to be described; thence continuing along the North line of said Erickson parcel, South 89 degrees 12' 29" East, 144.44 feet; thence leaving said North line of said Erickson parcel South 04 degrees 51' 57" East, 165.59 feet; thence South 88 degrees 14' 20" West, 148.59 feet; thence North 03 degrees 19' 03" West, 171.85 feet to the



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true point of beginning, containing 24,663 square feet, more or less.

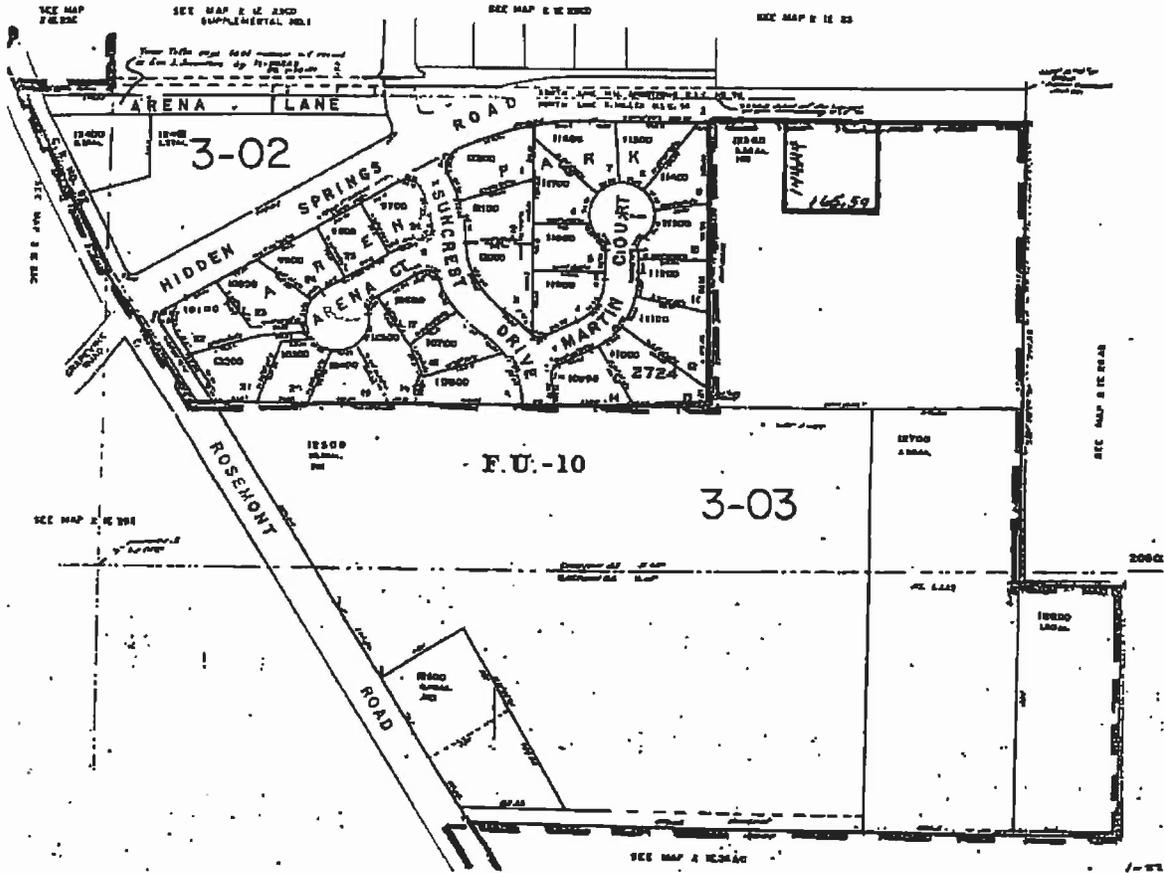
TOGETHER WITH an easement of reasonable size over that property containing the existing well house and water line serving the property described above.

Bearings in this legal description are based upon P.S. 21042, Clackamas County Survey Records, and said survey by reference thereto is made a part hereof.



Fidelity National Title Company of Oregon

The sketch below is made solely for the purpose of assisting in locating said premises and the Company assumes no liability for variations, if any, in dimensions and location ascertained by actual survey.



SUPPLEMENTAL
2 IE 23
page 2

207

DEDICATION DEED

KNOW ALL MEN BY THESE PRESENTS, that PALMER JULIENE ERICKSON and DARLENE E. ERICKSON, husband and wife, (hereinafter "Grantor") for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto the CITY OF WEST LINN, Oregon, (hereinafter "Grantee") and grantee's successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Clackamas, State of Oregon, described as follows:

A tract of land in the southeast and southwest quarters of Section 23, Township 2 South, Range 1 East, W.M.7 Clackamas County, Oregon, said tract being more particularly described as follows:

Beginning at the intersection of the south line of the William Armstrong D.L.C. with the west line of "Hidden Springs Ranch No. 4", a duly recorded plat in said county, and running thence north 89°11'48" west, along said south line of said D.L.C. 499.52 feet to the intersection of said south line with the east line of "Arena Park", a duly recorded plat in said county, thence south 00°48'58" west, along the east line thereof, 25.00 feet, thence south 89°00'30" east 369.72 feet, thence south 88°20'10" east 129.81 feet to a point on the west line of said "Hidden Springs Ranch No. 4", thence 00°50'00" east, along said west line 28.17 feet to the point of beginning.

CHICAGO TITLE

RESERVING access rights for ingress and egress at each of the three existing access locations which are located approximately as shown on the attached Exhibit A, until partition of grantor's remaining adjacent property, and construction and acceptance by the City of the extension of Bay Meadows Drive on Grantor's property.

RESERVING perpetual access rights for ingress and egress, after partition or other development of grantor's remaining adjacent property, for access to one single family residence at the center of the three access locations shown on the attached Exhibit A, plus a perpetual curb cut for the extension of Bay Meadows Drive to be located on grantor's remaining adjacent property.

To have and to hold the same unto the said grantee and grantee's successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is NONE. However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration.

In construing this deed and where the context so requires, the singular includes the plural.

This instrument does not guaranty that any particular use may be made of the property described in this instrument. A buyer shall check with the appropriate city or county planning department to verify approved uses.

IN WITNESS WHEREOF, the Grantor has executed this instrument this 24 day of October, 1988.

Palmer J. Erickson
Palmer Juliene Erickson

Darlene E. Erickson
Darlene E. Erickson

STATE OF OREGON)
County of Clackamas) ss.

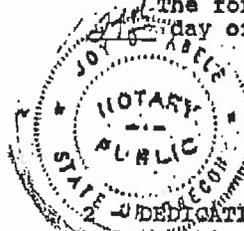
The foregoing instrument was acknowledged before me this 24 day of October, 1988, by Palmer Juliene Erickson.



Lyndell White
Notary Public for Oregon
My Commission Expires: 11-27-87

STATE OF OREGON)
County of Clackamas) ss.

The foregoing instrument was acknowledged before me this 24 day of October, 1988, by Darlene E. Erickson.



Lyndell White
Notary Public for Oregon
My Commission Expires: 11-27-87

2

After recording, return to:

City of West Linn
P.O. Box 48
West Linn, OR 97068

DEDICATION DEED

3

LOT 9

S 00°48'08" W

S 88°00'00" E

N 00°04'16" E

Hidden Springs

Hidden Springs

ERICKSON

ERICKSON

ERICKSON

SOUTH LINE WILLIAM ANTHONY D.L.C.

HIDDEN SPRINGS ROAD

HIDDEN SPRINGS SUBDIVISION (PROPOSED)

EXHIBIT "A"
MAP TO ACCOMPANY DESCRIPTIONS
IN THE S.W. AND S.E. 1/4
SECTION 23, T2S, R1E, W.M.
CLACKAMAS COUNTY, OREGON
SCALE 1" = 40'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

John M. Peterson

OREGON
JOHN M. PETERSON
1856

BAY MEADOWS STREET (PROPOSED)



D&D DEVELOPMENT &
CONSTRUCTION
SERVICES

2724 S.E. Sunflower Court
Millsboro, Oregon 97123
(503) 648-4959

STATE OF OREGON
County of Clackamas

I, John F. Kauffman, County Clerk, for the County of Clackamas, do hereby certify that the instrument of writing was received for recording in the records of said county at



Witness my hand and seal of office

John F. Kauffman
JOHN F. KAUFFMAN
County Clerk

Recording Certificate
CC-111 (Rev. 10/20)

88-46510

HIDDEN SPRINGS RANCH NO. 2

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That George Claud Rand and Rosa E. Rand, husband and wife hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by Ralph Heller and Lucilla Heller, husband and wife, hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Clackamas and State of Oregon, described as follows, to-wit:

A tract of land situated on the southwest 1/4 of Section 26 T.25, R.1E. of the Willamette Meridian, Clackamas County, Oregon, being in the Samuel Miller D. & C. being more particularly described as follows, to-wit:
Beginning at a 5/8" iron rod in the northeasterly right of way line of Rosemont Road, County Road No 82 (Based on D.T. # 1174 640 County Survey Records) with iron rod from south 0° 02' West 1136.52 feet and West 1529.92 feet from the northeast of the Samuel Miller D. & C.; thence West 5.41 feet to a 1/2" iron rod in the northeasterly right of way line Rosemont Road (Based on P.S. # 6627); thence North 33° 45' 10" along (cont.)

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever. And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances

and that grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 1000.00

However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration (indicate which). (The sentence between the symbols @, if not applicable, should be deleted. See ORS 93.030.)

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 5 day of Dec, 1978; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

George C. Rand
Rosa E. Rand

(If executed by a corporation, affix corporate seal)

STATE OF OREGON,
County of Clackamas,
Dec 15 1978

STATE OF OREGON, County of _____) ss.
Personally appeared _____ and _____, who, being duly sworn, each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of _____, a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

Personally appeared the above named George C. Rand
Rosa E. Rand
and acknowledged the foregoing instrument to be their voluntary act and deed.

Belongs me:
Clifford D. Boyle
Notary Public for Oregon
My commission expires: _____ FOR OREGON

Notary Public for Oregon
My commission expires: _____

<u>George C. Rand and Rosa E. Rand</u> <u>2225 Rosemont Rd.</u> <u>West Linn, Or. 97068</u>
<u>Ralph D. Heller and Lucilla Heller</u> <u>2225 Rosemont Rd.</u> <u>West Linn, Or. 97068</u>
After recording return to: <u>Ralph D. Heller</u> <u>2225 Rosemont Rd.</u> <u>West Linn, Or. 97068</u>
Until a change is requested all communications shall be sent to the following address: <u>Ralph D. Heller</u> <u>2225 Rosemont Rd.</u> <u>West Linn, Or. 97068</u>

STATE OF OREGON,
County of _____) ss.
I certify that the within instrument was received for record on the _____ day of _____, 19____, at _____ o'clock _____ M., and recorded in book _____ on page _____ or as file/roll number _____ Record of Deeds of said county. Witness my hand and seal of County affixed.

By _____ Recording Officer
Deputy

said right of way line 151.11 feet
 to a 1/2" iron rod at the most southerly corner of that
 tract conveyed to Ralph Keller, et ux, as recorded
 in Book 609, Page 847, Deed Records, being the true
 place of beginning of the tract to be described, thence
 bearing said northeasterly right of way line, North 56° 15'
 East 135.00 feet to a 1/2" iron rod; thence South 33° 45'
 East, parallel with said Rosemont Road, northeasterly
 right of way line, 179.82 feet to a 1/2" iron rod in
 the northerly line of a 20.00 foot easement,
 thence West along said easement northerly line,
 162.36 feet to a 1/2" iron rod in said northeasterly
 right of way line of Rosemont Road; thence North
 33° 45' West along said northeasterly right of way
 line, 89.62 feet to the place of beginning.
 Containing .42 Acres, more or less.
 Subject to the rights of the public.

STATE OF OREGON
County of Clatsop

I, George D. Popen, County Clerk, Es-Orlando
Recorder of Conveyances, Es-Office Clerk
of the Circuit Court of the State of Oregon, for
the County of Clatsop, do hereby certify that
the within instrument of writing was received for
and recorded in the records of said county at

78 DEC 5 P 2:43



Witness my hand and the seal of said County at
Astoria, Oregon, this 5th day of December, 1978.
George D. Popen
County Clerk

Recording Certificate

78 52112

CCP-R4

2

CITY OF WEST LINN

CERTIFICATION OF LEGAL DESCRIPTION AND MAP

I hereby certify that the description of the property included within the attached petition (located on Assessor's Map 21E-23CD S1 12300, 12301 1290, 12700) has been checked by me and it is a true and exact description of the property under 12800 consideration, and the description corresponds to the attached map indicating the property under consideration.

NAME Elsie M. Harvey

TITLE Cartographer 2

DEPARTMENT _____
CLACKAMAS COUNTY ASSESSOR'S OFFICE

DATE Nov 10, 2008

CITY OF WEST LINN

CERTIFICATION OF PROPERTY OWNERSHIP

I hereby certify that the attached petition for annexation of the territory described herein to the City of West Linn 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 Elsie Hrey
TITLE Cartographer 2
DEPARTMENT _____
CLACKAMAS COUNTY ASSESSOR'S OFFICE
DATE Nov 10, 2008

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



CERTIFICATION OF REGISTERED VOTERS

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

NAME FLOYA THOMAS
TITLE DEPUTY CLERK
DEPARTMENT ELECTIONS
CLACKAMAS COUNTY ELECTION'S DEPARTMENT
DATE 11-10-08

CLACKAMAS COUNTY ELECTIONS
1710 RED SOILS CT, SUITE 100
OREGON CITY, OR 97045

Floyd Thomas
A-23

To the Council of the City of West Linn, 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 West Linn. 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		Township/ Section	Map	Tax Lot	Precinct	
<i>Palmer J. Erickson</i>	Palmer J. Erickson			X	20800 Hidden Springs Rd	S 23	21E2300	12300	326	11-7-08
<i>Dorlene F. Erickson</i>	Dorlene F. Erickson			X	20800 Hidden Springs Rd	S 23	21E2300	12300	326	11-7-08
	West Linn - Wilsonville School District					S 23		12301		
					1025 S. Rosemont Road	S 23/26	21E2300	12500		
		X				S 23/26		12700		
<i>Roger L. Wenzel</i>	Roger L. Wenzel, Supt.			X		S 26		12800	326	11/3/08

PO Property Owner
 RV Registered Voter
 OV Property Owner & Registered Voter

A legal description of the property must be submitted with this petition

Initial _____

P/devreview/forms/annexation petition

Handwritten signature/initials