PARKER ROAD ANNEXATION APPLICATION

LIST OF EXHIBITS
NARRATIVE
SIGNED PETITION
PROPERTY OWNERSHIP CERTIFICATION OF REGISTERED VOTERS
LEGAL DESCRIPTION WITH SUMMARY AND DEEDS
ASSESSOR MAPS WITH PROPERTY HIGHLIGHTED
CERTIFICATION OF LEGAL & MAP
VICINITY MAP

PARKER ROAD ANNEXATION APPLICATION

NARRATIVE

On November 9, 2009, the West Linn City Council of West Linn passed a motion directing Staff to initiate an annexation application for the property located at 3332 and 3151 Parker Road. The area to be annexed is approximately 7.0 acres in area, and will include the adjacent right-of-way. The property is a single tax lot of record and is currently owned by the West Linn–Wilsonville School District. The property owner has provided written consent for this annexation application. The property is within the limits of the Urban Growth Boundary and the City limits. It has a Comprehensive Plan designation of Medium High Density and it is recommended that, if annexed, the property should receive an R-3 zoning district designation.

Below is a summary of how the proposal meets or exceeds each of the required approval criteria for annexations in the City of West Linn.

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.

The site is within the Portland Metropolitan Urban Growth Boundary.

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

The site is designated as Medium High 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.

The site is contiguous to the existing city limits all sides.

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

Oregon Revised Statute (ORS) Section 222.111 addresses the requirements for the initiation of the annexation process. Written consent from the property owner has been provided.

(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.*

The property has been within the UGB for a considerable period of time and is included in all applicable facility and capital improvement plans. The site is surrounded by existing infrastructure.

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.*

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.*

The application includes a certified legal description and 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.*

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.*

The fee for this application has been waived because the applicant is the City of West Linn.

(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.*

This area is included in the City's adopted facility master plans and capital improvement plans. The area can 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.*

The site can be adequately served by the City's current road system, sanitary sewer system, and storm drainage system.

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;

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;

The City of West Linn and Clackamas County have an Urban Growth Management Agreement with regards to this property. The agreement calls for the annexation and the 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;

The site has a Comprehensive Plan designation of Medium High Density Residential, which allows for a compatible zoning district designation of either R-3 or R-2.1. The proposed annexation is consistent with each of the City's public facilities plans. The site is located in the Rosemont Pressure zone, and is surrounded by water and sanitary sewer lines. An open stormwater channel runs adjacent to Parker Road. The stormwater from the site ultimately feeds into Tanner Creek.

An area along the eastern boundary of the site includes a designated wetland and small stream. The Community Development Code (CDC) provides for transition areas on the subject property for any water resources areas, even if they are located off-site.

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

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;

The City's facilities master plans include the subject parcel and provide all services to this site in a timely, orderly and economic manner.

(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.*

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.*

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:*

COMPREHENSIVE PLAN/LAND USE DESIGNATION	*ASSIGNED*
Medium High Density Residential	*R-3 OR R-2.1*

Based on the Comprehensive Plan designation and zoning classification of the surrounding properties, should the property be annexed, the appropriate zoning district should be R-3

DEVELOPMENT REVIEW APPLICATION

TYPE OF REVIEW (Please check all boxes that apply):

[X]	Annexation	[ ]	Non-Conforming Lots, Uses & Structures
[ ]	Appeal and Review *	[ ]	One-Year Extension *
[ ]	Conditional Use	[ ]	Planned Unit Development
[ ]	Design Review	[ ]	Pre-Application Meeting *
[ ]	Easement Vacation	[ ]	Quasi-Judicial Plan or Zone Change
[ ]	Extraterritorial Ext. of Utilities	[ ]	Street Vacation
[ ]	Final Plat or Plan	[ ]	Subdivision
[ ]	Flood Plain Construction	[ ]	Temporary Uses *
[ ]	Hillside Protection and Erosion Control	[ ]	Tualatin River Greenway
[ ]	Historic District Review	[ ]	Variance
[ ]	Legislative Plan or Change	[ ]	Water Resource Area Protection/Wetland
[ ]	Lot Line Adjustment * /**	[ ]	Willamette River Greenway
[ ]	Minor Partition (Preliminary Plat or Plan)	[ ]	Other/Misc

Home Occupation / Pre-Application / Sidewalk Use Application * / Permanent Sign Review * / Temporary Sign Application require individual application forms available in the forms and application section of the City Website or at City Hall.

TOTAL FEES/DEPOSIT _____ *** No CD required / ** Only one copy needed**

WL- Wils School District PO Box 35 West Linn 97068

OWNER'S	ADDRESS	CITY	ZIP	PHONE(res.& bus.)
City of West Linn	Planning Dept. City Hall			

APPLICANT'S	ADDRESS	CITY	ZIP	PHONE(res.& bus.)

CONSULTANT	ADDRESS	CITY	ZIP	PHONE

SITE LOCATION 2332 & 2151 Parker Rd. (and adjacent ROW)

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 : 2 1 E 26 D 00500) 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 Mary Neigel Mary Neigel

TITLE Cartographer II

DEPARTMENT

CLACKAMAS COUNTY ASSESSOR'S OFFICE

DATE 11.04.2009

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WARRANTY DEED - STATUTORY FORM
(Individual or Corporation)

LLOYD M. LEVERICH AKA LLOYD MORRIS LEVERICH AND DORIS T. LEVERICH , AS TENANTS BY THE ENTIRETY

Grantor, conveys and warrants to:

WILSONVILLE-WEST LINN SCHOOL DIST. 3-J

Grantee, the following described real property free of encumbrances except as specifically set forth herein:

PLEASE SEE ATTACHED DESCRIPTION SHEET

This instrument will 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.

ENCUMBRANCES:

THE RIGHTS OF THE PUBLIC IN AND TO THAT PORTION OF THE PREMISES HEREIN DESCRIBED LYING WITHIN THE LIMITS OF PUBLIC ROAD AND HIGHWAYS. RIGHTS OF THE PUBLIC AND GOVERNMENTAL BODIES IN AND TO THAT PORTION OF THE PREMISES HEREIN DESCRIBED LYING BELOW THE HIGH WATER MARK OF AN UNNAMED CREEK AN EASEMENT RECORDED NOVEMBER 21, 1947 IN BOOK 399, PAGE 535.

The true consideration for this conveyance is $295,000.00.

Dated this March 17, 1993; if a corporate grantor, it has caused its name to be signed by order of its board of directors.

CHICAGO TITLE INSURANCE COMPANY C-103214

Lloyd M Leverich
LLOYD M. LEVERICH AKA LLOYD MORRIS LEVERICH

Doris T Leverich
DORIS T. LEVERICH

OFFICIAL SEAL
CHERYLE STAHEL-EASTMAN
NOTARY PUBLIC-OREGON
COMMISSION NO. 005682
MY COMMISSION EXPIRES MAY 15, 1995

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CHERYLE STAHEL-EASTMAN
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COMMISSION NO. 005682
MY COMMISSION EXPIRES MAY 15, 1995

STATE OF OREGON,)
County of Clackamas)ss.
March 17, 1993.)

Personally appeared the above named LLOYD M. LEVERICH AKA LLOYD MORRIS LEVERICH and DORIS T. LEVERICH and acknowledged the foregoing instrument to be ~~his/her~~ their voluntary act and deed.

Before me:

Cheryle Stahel Eastman
Notary Public for Oregon
My commission expires: 5/15/95

After recording return and
send tax statements to:
WILSONVILLE-WEST LINN SCHOOL DIST. 3-J
Administration Bldg.
West Linn, Oregon97068

Escrow No. 4200-14843-CE - Order No. 103824

93 18311

15
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WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that WEST LINN-WILSONVILLE SCHOOL DISTRICT NO. 3JT, hereinafter called Grantor, conveys and warrants to the CITY OF WEST LINN, a municipal corporation within the State of Oregon, its successors and assigns, hereinafter called Grantee, the following described real property, free of encumbrances except as specifically set forth below, to wit:

SEE ATTACHED EXHIBIT "A"

The said property is free from encumbrances except: NONE.

The true consideration for this conveyance is $0.00, *and other property or value constituted either part or the whole consideration.*

Dated this 1st *day of* December, 1998.

[This instrument does not guarantee that any particular use may be made of the property described in this instrument. A buyer should check with the appropriate City or County planning department to verify approved uses.]

By Roger L. Woehl

By _____

By _____

STATE OF OREGON, County of Clackamas, December 14, 1998.

Personally appeared Roger L. Woehl *and* _____ *who, being duly sworn, each for himself and not one for the other, did say that the former is the* Supt. *and the latter is the* _____ *of West Linn-Wilsonville School District No. 3JT, a municipal corporation, and that said instrument was signed 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.*

OFFICIAL SEAL
JANE L MC FADDEN
NOTARY PUBLIC - OREGON
COMMISSION NO. 056819
MY COMMISSION EXPIRES NOV. 9, 2000

Before Me: Jane L. McFadden
Notary Public of Oregon

My Commission Expires: 11/09/2000

WARRANTY DEED

West Linn-Wilsonville School District
Grantor

City of West Linn
Grantee

Eng. Division
2042 8th Ave
Address
West Linn, OR 97068

After recording, return to:
Patricia A. Rich
~~Clackamas County D.T.D.~~

Road File No. _____

Until a change is requested, all tax statements shall be sent to the following address:

State of Oregon 98-018528
County of _____

I certify that the within instrument was received for record on the ____ *day of* _____, 19____, *at* _____ *o'clock* ___*M., and recorded in book/reel/volume No.* _____, *Record of Deeds of said county.*

Witness my hand and seal of County affixed.

_____ _____
Name *Title*

By: _____ *Deputy*

ORIGINAL

EXHIBIT A
PARKER ROAD
RIGHT OF WAY ACQUISITION
DOCUMENT NO. 93-18311 PARCEL
August 28, 1998

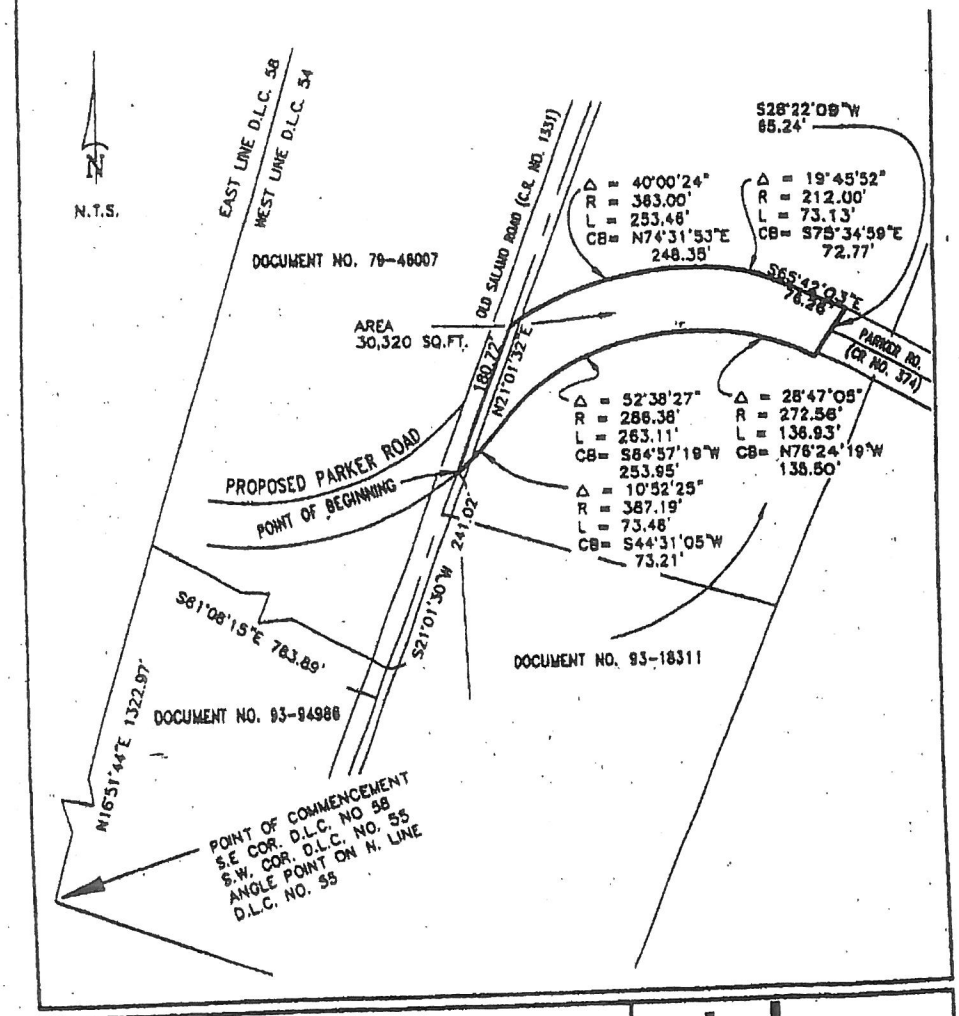
A parcel of land in the Julia Lewis Donation Land Claim Number 54, in the southeast one-quarter of Section 26, T.2S., R.1.E. W.M., Clackamas County, Oregon, said parcel being more particularly described as follows:

Commencing at the southwest corner of said Julia Lewis Donation Land Claim, said southwest corner being identical with the southeast corner of the Steven Miller Donation Land Claim Number 58 and an angle point on the North line of the William Bland Donation Land Claim Number 55 and the Plat of "Bland Acres"; thence N.16°51'44"E., along the line common to said Lewis and Miller Donation Land Claims, 1322.97 feet to the northwest corner of that parcel of land described in deed Fee Number 93-94986 as recorded in the Clackamas County Records, said northwest corner being identical with the southwest corner of that parcel of land described in Deed Fee Number 79-46007 as recorded in said County Records; thence leaving said line common to the Lewis and Miller Donation Land Claims S.61°08'15"E. along the line common to said Deed Fees Number 93-94986 and 79-46007, 783.89 feet to a point on the centerline of Salamo Road (county Road Number 1331); thence N.21°01'30"E. along said centerline, 241.02 feet to the Point of Beginning of the herein described parcel; thence continuing N.21°01'32" E. along said centerline, 180.72 feet; thence leaving said centerline along the arc of a non-tangent curve (the radius point of which bears S.35°28'19"E., 363.00 feet) though a central angle of 40°00'24", 253.46 feet (chord bears N. 74°31'53" E., 248.35 feet); thence along the arc of a 212.00 foot radius curve right through a central angle of 19°45'52", 73.13 feet (chord bears S.75°34'59"E., 72.77 feet); thence S.65°42'03"E., 76.26 feet to a point on the northeast line of Parker Road (County Road Number 374); thence S.28°22'09"W., 65.24 feet; thence along the arc of a non-tangent curve (the radius point of which bears S.27°59'14"W., 272.56 feet) through a central angle of 28°47'05", 136.93 feet (chord bears N.76°24'19"W., 135.00 feet); thence along the arc of a 286.38 foot radius curve left through a central angle of 52°38'27", 263.11 feet (chord bears S.64°57'19"W., 253.95 feet); thence along the arc of a 387.19 foot radius curve right through a central angle of 10°52'25", 73.48 feet (chord bears S.44°31'05"W., 73.21 feet) to the Point of Beginning.

EXCEPTING THEREFROM any portion of the above described parcel falling within the right-of-way of Dedicated Public roads.

Parcel contains 30,320 square feet (0.70 acres), more or less.

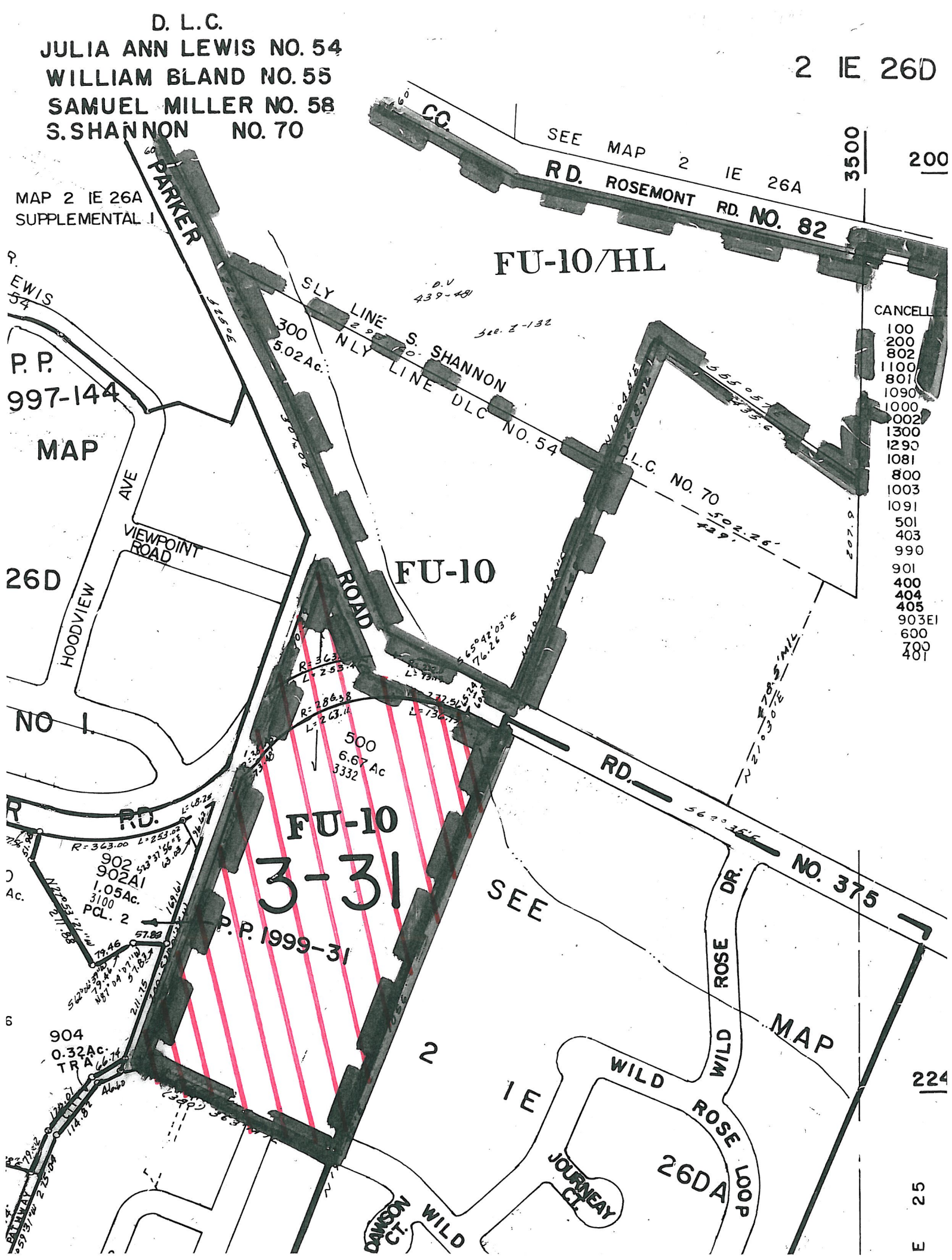
STATE OF OREGON 98-018528
CLACKAMAS COUNTY
Received and placed in the public records of Clackamas County
RECEIPT# AND FEE: 88182 $26.00
DATE AND TIME: 02/24/99 09:56 AM
JOHN KAUFFMAN, COUNTY CLERK



DRAWING TO ACCOMPANY
EXHIBIT "C"
PARKER ROAD
RIGHT OF WAY AQUISITION
DOCUMENT NO. 93-18311 PARCEL 3
August 28, 1998

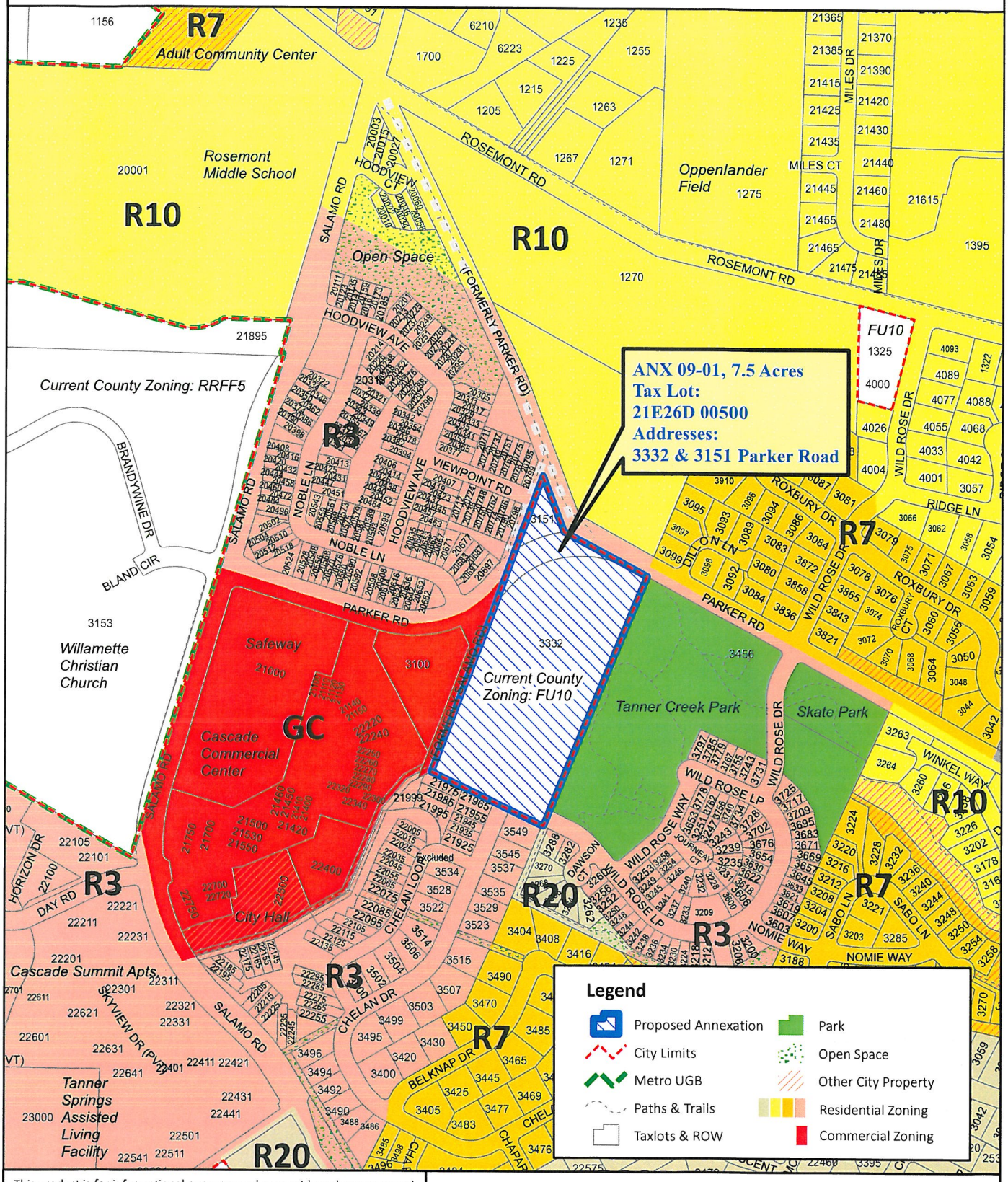
otak incorporated
surveyors engineers planners
17355 S.W. BOONES FERRY ROAD
LAKE OSWEGO, OREGON 97035
(503)635-3618 FAX (503)635-5395

S197E18D (C) 9197


D. L. C.
JULIA ANN LEWIS NO. 54
WILLIAM BLAND NO. 55
SAMUEL MILLER NO. 58
S. SHANNON NO. 70
2 IE 26D
MAP 2 IE 26A
SUPPLEMENTAL I
SEE MAP 2 IE 26A
3500
200
CO. RD. ROSEMONT RD. NO. 82
PARKER
FU-10/HL
SLY LINE S. SHANNON DLC NO. 54
NLY LINE DLC NO. 54
300
5.02 Ac.
CANCELL
100
200
802
1100
801
1090
1000
1002
1300
1290
1081
800
1003
1091
501
403
990
901
400
404
405
903EI
600
700
401
P. P. 997-144
MAP
26D
HOODVIEW AVE
VIEWPOINT ROAD
NO. 1
FU-10
ROAD
D.L.C. NO. 70
500
6.67 Ac
3332
FU-10
3-31
P. P. 1999-31
902
902A1
1.05Ac.
3100
PCL. 2
904
0.32Ac.
TRA
RD.
NO. 375
SEE MAP 2 IE 26D
WILD ROSE DR.
WILD ROSE LOOP
JOURNEAY CT.
DAWSON CT.
WILD
26DA
224
25

ANX09-01

October 2009



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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/PLANNING2/200910_OCT_PROP_ANNEXATIONS\
PARKERRD_ANX09-01_ZONING.MXD / AHA / 10-26-09

West Linn GIS
GEOGRAPHIC INFORMATION SYSTEMS