

RESOLUTION NO. 289

AUTHORIZATION TO CONNECT TAX LOT 2500, T3S-R1W, SECTION 11, TO THE EXTRATERRITORIAL WATERLINE APPROVED ALONG RIDDER ROAD.

WHEREAS, the City Staff has prepared a report on the above captioned subject which is attached hereto as Exhibit "A", and

WHEREAS, the City Council has duly considered the subject and the recommendation(s) contained in the staff report, and

WHEREAS, interested parties, if any, have had an opportunity to be heard on the subject,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Wilsonville does hereby adopt the staff report attached hereto as Exhibit "A", with the recommendation(s) contained therein and further instructs that action appropriate to the recommendation(s) be taken.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 7th day of February, 1983, and filed with the Wilsonville City Recorder this same day.



WILLIAM G. LOWRIE, Mayor

ATTEST:



DEANNA J. THOM, City Recorder

CITY OF



P.O. Box 220 / Wilsonville, Oregon 97070
503/682-1011

MEMORANDUM

TO: CITY COUNCIL
FROM: BEN ALTMAN
DATE: FEBRUARY 2, 1983
RE: EXHIBIT A OF RESOLUTION NO. - AUTHORIZATION TO
CONNECT TO AN EXTRATERRITORIAL WATERLINE

The City has previously approved an extraterritorial waterline extension along Ridder Road to the Oregon Glass Company. The extraterritorial service has further been approved by the Portland Metropolitan Area Boundary Commission.

We have recently received a request from Wayne Bender, represented by John Ludlow, to authorize connection to said waterline for Tax Lot 2500, T3S-R1W, Section 11. This property is located on Ridder Road just to the east of the Oregon Glass Company. The property is currently zoned Industrial under Clackamas County's Zoning Ordinance and is further designated Immediate Urban under the provisions of the joint City-County Plan Area Agreement. Under the provisions of the joint Agreement, building plans have been approved for the subject property. However, construction of said improvements are restricted by the Tualatin Fire District pending adequate water service.

The authorization for the extraterritorial waterline service to Oregon Glass has opened the door for the Bender property to connect. Since both properties are similarly situated in Clackamas County, zoned Industrial and designated for immediate urban development, it is totally consistent with the City and County Comprehensive Plans to authorize a water connection. As with the Oregon Glass authorization, said connection shall be for fire protection only until such time as the subject property is annexed to the City.

The applicant has further prepared the necessary documents for submittal to the Boundary Commission for authorization to connect. These documents include an annexation application and a Consent to Annex form, together with a restrictive covenant waiving the property owners' right to remonstrate against future annexation to the City of Wilsonville.

Based on the documents submitted and consistent with the City's policies established in the Oregon Glass approval, it is recommended that the City Council adopt Resolution No. , together with this Report authorizing the requested connection.

Copies of the Boundary Commission application form and supporting documents are attached.

bjajmh

RESOLUTION NO. _____

A RESOLUTION INITIATING ANNEXATION OF TERRITORY TO THE CITY OF Wilsonville.

This matter is before the Common Council of the City of Wilsonville hereinafter referred to as Council; and

It appearing that:

- 1) The Council is authorized by ORS 199.490(2) to initiate an annexation upon receiving consent in writing from more than half of the owners of land in the territory proposed to be annexed who also own more than half the land and real property therein representing more than half of the assessed value of all real property in the territory proposed to be annexed.
- 2) The Council has received the necessary "consents" signed by the owners of land in sufficient numbers to meet the so-called "triple majority" annexation requirements listed above and set the boundary of the territory proposed for annexation as authorized by ORS 199.490(2).
- 3) The territory proposed to be annexed is presently within the _____ Water District and/or _____ Sewer District and the Council intends to withdraw the territory from the _____ District(s) by authority of ORS 222.520 subsequent to consummation of the annexation.
- 4) The Council may request that the proposed annexation be approved without the study, public hearing and adoption of a final order as authorized by Sec. 14, Chapter 265 Oregon Laws 1981.

USE AS APPROPRIATE

NOW THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF _____ AS FOLLOWS:

- 1) that the Council by this resolution approves the proposed annexation with the boundaries described in Exhibit "A" and depicted in Exhibit "B" attached hereto;
- 2) that the Council requests the Boundary Commission to approve the proposed annexation without the study, public hearing and adoption of a final order as required by ORS 199.461 and authorized by Sec. 14, Chap. 265 OL 1981; and
- 3) that the City Recorder is hereby directed to file certified copies of the statements of consent and this Resolution with the Portland Metropolitan Area Local Government Boundary Commission at once.

The foregoing Resolution adopted this _____ day of _____, 19 _____.

(City Recorder)

City of: _____

Address: _____

(Tip)

PMALGBC FORM #15X

REQUEST FOR EXPEDITED PROCEDURE
For
ANNEXATION OR EXTRATERRITORIAL WATER OR SEWER LINE EXTENSION
(Section 14, Chapter 265 OL 1981)

I (We), the undersigned Principal Petitioner(s), request this

- Annexation Proposal
- Water Line Extension Proposal
- Sewer Line Extension Proposal

be approved without the study, public hearing or adoption of a final order required by ORS 199.461. This request is made pursuant to the provisions of Section 14, Chapter 265 Oregon Laws 1981.

I (We) understand that a study, public hearing and adoption of a final order may be required if requested by any person or governing body receiving a copy of the Executive Officer's analysis and recommendation as required by Section 14, Chapter 265, OL 1981.

This request is made in addition to and supplements all other requirements for filing an annexation petition or tentative plan for an extraterritorial water or sewer line extension.

Signature of Principal Petitioner(s)	Address	Tax Lot Number
A. Wayne Bender	9912 S.W. Tigard Rd. Tigard Ore 97223	35, 1W, Sec 11 TL 2500

PMALGBC FORM #16

ALL THE OWNERS OF PROPERTY INCLUDED IN THE AREA TO BE SERVED BY THE EXTENSION

(To be completed IF the area to be served contains 10 or fewer properties--tax lots or parcels). Please indicate the name and address of all owners of each property. This is for notification purposes.)

	NAME OF OWNER	ADDRESS	PROPERTY DESIGNATION (Indicate tax lot and section number, and township range)
1)	Wayne Bender	9912 S.W. Tigard St. Tigard Ore. 97223	T3S R1W Sec. 11 TL2500
2)		620-1457	
3)			
4)			
5)			
6)			
7)			
8)			
9)			
10)			

EXTENSION OF WATER LINE OUTSIDE OF CITIES OR DISTRICTS
OR PRIVATELY OWNED COMMUNITY WATER SYSTEMS

I. LOCATION

- A. Project Name or Name of Applicant City of Wilsonville, Waterline Extension
- B. County Clackamas
- C. Direction and distance to nearest identifiable City or Community 1,100 feet to the east - City of Wilsonville

II. EXISTING CONDITIONS IN AREA TO BE SERVED:

- A. Land Area of territory to be served by extension: Acres 2.3 or: Square Miles _____
- B. General description of territory to be served by the extension. (Include topographic features such as slopes, vegetation, drainage basins, flood plain areas which are pertinent to this proposal).
Property is basically flat with little vegetation and no drainage areas. It slopes to the south with a 3% to 5% grade. One small home is located in the northeast corner of property.
- C. Describe land uses on surrounding parcels. Use tax lots as reference points.
TL 2400 - vacant land owned by BPA; TL 2900 - vacant with on SFR house; TL 2700 - vacant land
- D. Existing land use in territory to be served by extension:

Number of single family units 1
 Number of multi-family units None
 Number of commercial structures None
 Number of industrial structures 1
 Public facilities or other uses None

What is the current use of the land proposed to be served
Fully developed industrial glass company and industrially zoned property

- E. Total current year Assessed Valuation \$ Land - 135,600; Buil.P.n, 23,450
- F. Total existing population 4

III. REASON FOR EXTENSION

- A. Explain why this extension is desired and should be made. Please be very specific.

The attached letter from the Tualatin Rural Fire Protection District indicates that subject property cannot be built upon without hooking up to the approved "Oregon Glass" water extension line. All other approvals are completed through Clackamas County. This property is expected to annex within three to five years, and this line extension would be consistent with the City's Master Water Plan.

- B. If the property to be served is entirely or substantially undeveloped, what are the plans for future development? Be specific. Describe type (residential, industrial, commercial, etc.), density, etc.

The property has been zoned and approved through Clackamas County for up to 50,000 square feet of light industrial building.

IV. LAND USE AND PLANNING

- A. Does the proposed development comply with applicable regional, county or city comprehensive plans? Please describe.

The property is within the Regional (City) UG-B and presently zoned light industrial through Clackamas County. It is also designated light industrial on the Wilsonville Comprehensive Plan.

- B. What is the zoning on the territory to be served?

I-1 light Industrial

- C. Can the proposed development be accomplished under current county zoning:

Yes No

If No, has a zone change been sought from the county either formally or informally:

Yes No

Please describe outcome of zone change request if answer to previous question was Yes.

D. If the proposed development is for a subdivision, has the proposed development received preliminary approval of the County Planning Commission?

Yes N/A No _____

If Yes, please submit copy of same.

E. If the proposed development involves partitioning of property, have the lots to be served been recorded yet? N/A If so, when? _____

F. If the proposed development is for one or more recorded lots:

1. Has a building permit been applied for? NO When? _____

2. Was an address assigned to the property by the building department at the time a permit was applied for? NO What is the address?

House in existence is 10110 S.W. Ridder Rd. Wilsonville Ore.

If no address was assigned, what is the number or other identifying symbol under which the permit application is filed?

3. Has approval been granted for a county-approved sewage disposal method?

No, property has If so, please submit a copy of same.
"perk'd", however no final permit has been applied for.

V. SERVICES AND UTILITIES -- DESCRIPTION OF SYSTEM

A. The construction will involve:

- Extension of 1100 feet of ten (10)-inch line
- _____ feet of _____-inch line
- _____ feet of _____-inch line
- _____ feet of _____-inch line

... including one fire hydrants minimum on site plus stub every 500 feet along Ridder

- Construction of N/A mil. gallon reservoir
- Construction of a N/A MGD treatment plant
(Please indicate on map)

B. The (City's, Public Water District's, Private Water District's) existing twelve (12)-inch line which serves this area provides a pressure of 70 static, 44 residual pounds per square inch at the point of the proposed extension and the fire flow at the hydrant nearest to the point of extension is 1780 gallons per minute.

Please indicate on the county assessor's map the size, location and ownership of existing water lines in the vicinity of the extension, the location of nearby hydrants and the number of users currently hooked to the line from which the extension is being made.

C. Please indicate to the best of your knowledge (or that of the owner or operator of the system to which you seek connection) the age and general condition of:

- 1. The system to which the extension is being made is owned by the City of Wilsonville and has been in existence since early 1970's

2. The particular line to which you are connecting

is also owned by the City of Wilsonville and was built in
1979

D. The water source for the system is:

connection to an existing private or public water system

NAME OF THAT SYSTEM City of Wilsonville

an existing well which has been tested at 30+ GPM (gal. per min.)

a proposed well

a river or stream whose flow is _____ CFS (cu. feet per sec.) for
which your system has an appropriation of _____ CFS which
has has not been approved by the State Engineer's Office

a spring with a capacity of _____ GPM

E. Elevation of area to be served is 210 feet. Which service level
(name and overflow elevation) does this extension fall in?

Low level, as it is served by a 400-foot high water level, 2.2 MG
reservoir along Elligsen Road.

F. Does the project fall within an area for which a master water plan has been
completed? Yes If so, is the projected extension in conformance
with that plan? yes If not in conformance, please explain why not.

G. What is the estimated cost of extending the water line and what is to be the
method of financing?

\$50,000 to \$70,000 and the cost will be borne by the
owners of Oregon Glass Company initially.

H. If the territory to be served is presently included within the boundaries of any
of the following types of governmental units, please so indicate by stating the
name or names of the governmental units involved:

City _____ Rural Fire Dist. Tualatin Rural Fire Protection District
 County Service Dist. _____ Sanitary District _____
 Hwy. Lighting Dist. _____ Water District _____
 Park & Rec. Dist. _____

Note: The best method for checking the above is to contact the county assessor's office. Your tax statement may also state which governmental units you are paying taxes to.

I. If any of the above units are presently servicing the territory (for instance, are residences in the territory hooked up to a public sewer or water system), please so describe. No

J. Will the proposed development require other services (sewer, fire, police protection, etc.)? Yes Which of these services will be required, and are they currently available in adequate quantity and quality to serve the proposed development? Fire protection is provided by the Tualatin Rural Fire Protection District, and Police services are provided by Clackamas County. Both of these services are adequate to serve this property.

If other services will be required and are not now available, how will they be provided? None other required. As a condition of approval of this extension request, the city will obtain non-remonstrance on future annexation of the subject property.

Applicant's Name John Mahlon Ludlow
 Address P.O. Box 505
Wilsonville Ore 97170
 (City) (State) (Zip)
 Telephone No. 682 2914 (Work) 682 254 (Res.)
 Representing: Wayne Bender
 Date: 2-1-83

RESTRICTIVE COVENANT

We, the undersigned, being the legal owners of real property hereinafter described, do hereby consent to annexation of said property to the City of Wilsonville at any time at the discretion of the City of Wilsonville. In consideration of not annexing at this time, we hereby expressly waive any and all right to remonstrate against the annexation of said property to the City of Wilsonville in exchange for the ability to perform an extraterritorial waterline extension along Ridder Road to said property. Said waterline is only intended to provide fire protection service. The use of the waterline for other purposes will not be available until annexation of said property occurs. Said waterline extension was granted by the Wilsonville City Council to ^{Oregon} ~~glass~~ property on July 19, 1982, by Resolution NO. 261. Said Resolution was approved based upon the anticipation that said property would likely annex to the City of Wilsonville within the next three to five years.

The property subject to this consent and waiver of remonstrance is described as follows:

Part of Section 11, T. 3S., R. 1W., of the W.M., more particularly described as beginning 40 rods and 20 feet North 89°05' East of the Northwest corner of said section; thence North 89°05' East, 20 rods; thence South 0°03' East, 80 rods; thence South 89°05' East, 20 rods; thence North 0°03' West, 80 rods; to the point of beginning, EXCEPT that part lying within the following described tract:

Beginning in the West line of the Oregon City Substation Site at a point which is South 69°01'00" East, 1400.8 feet from the Northwest corner of said Section 11; thence a long said substation line South 10°34'00" West, 950.8 feet; thence North 88°47'30" West, 1235.8 feet; thence North 44°48'30" West, 930 feet more or less to a point in Grace M. Charlton property line according to deed recorded in Book 323, page 11, Deed Records; thence along said property line North 15°43' East (deed bearing) 331 feet more or less to a point in the centerline of the Oregon Electric Railway; thence a long said centerline of railway North 46°28' West (deed bearing) 37 feet, more or less; thence leaving said centerline of railway North 87°22'10" East, 1942 feet more or less to a point in the West line of said substation site; thence along said substation line South 1°34'00" West, 152.9 feet to the point of beginning.

It is hereby intended that this consent to, and waiver of remonstrance against, annexation of said property to the City of Wilsonville shall be binding on ourselves and all subsequent owners, their successors and assigns, of the hereinabove-described property and shall run with the title to the said property.

DATED this 17 day of January, 1982.

Wayne Bender
Wayne Bender

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 1982.

Notary Public for Oregon
My commission expires: _____

PMALGVC FORM #8

PETITION FOR ANNEXATION TO THE CITY OF Wilsonville, OREGON

TO: The Council of the City of Wilsonville, OREGON

We, the undersigned property owners of the area described below, hereby petition for, and give our consent to, annexation fo the area to the City of Wilsonville. If approved by the city, we further request that this petition be forwarded to the Portland, Metropolitan Area Local Government Boundary Commission for the necessary procedures as prescribed by ORS 199.490 (2).

The property to be annexed is described as follows: (Insert Legal Description here OR attach it as Exhibit "A")

PETITION SIGNERS

NOTE: THIS PETITION MAY BE SIGNED BY QUALIFIED PERSONS, EVEN THOUGH THEY MAY NOT KNOW THEIR TAX LOT NO.S.

Signature of Legal Owner(s)	Address	Tax lot Numbers					
		Lot#	1/4-1/4	1/4	Sec.	Twp.	R
Wayne Bender	9912 SW Tigard Rd. Tigard, OR 97223	2500	NW	NW	11	NS	1W
<i>X Wayne Bender</i>							

(IF MORE SPACE IS NEEDED, PLEASE USE A SEPARATE PAGE)

WASHINGTON CO

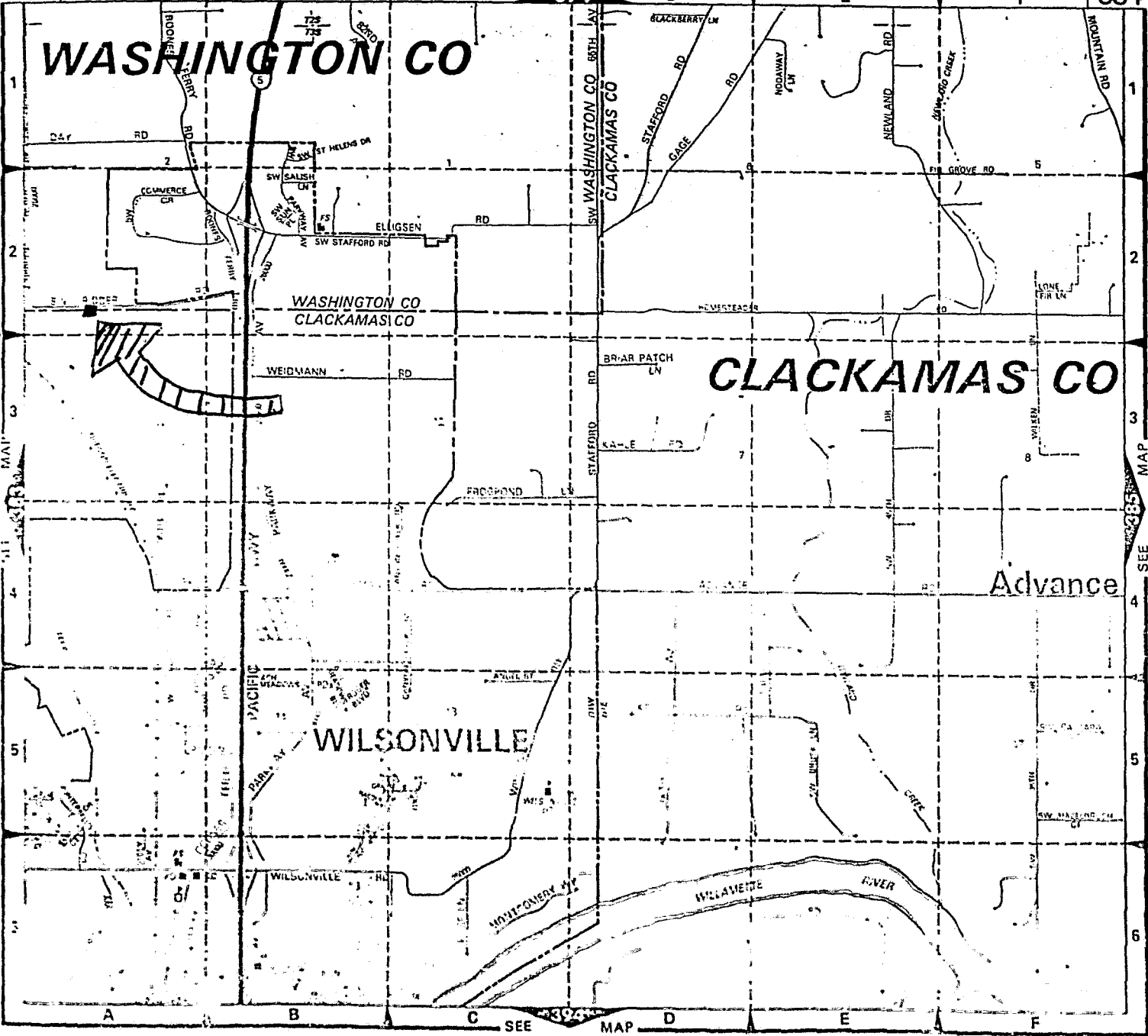
CLACKAMAS CO

WASHINGTON CO
CLACKAMAS CO

Advance

WILSONVILLE

WILLAMETTE RIVER



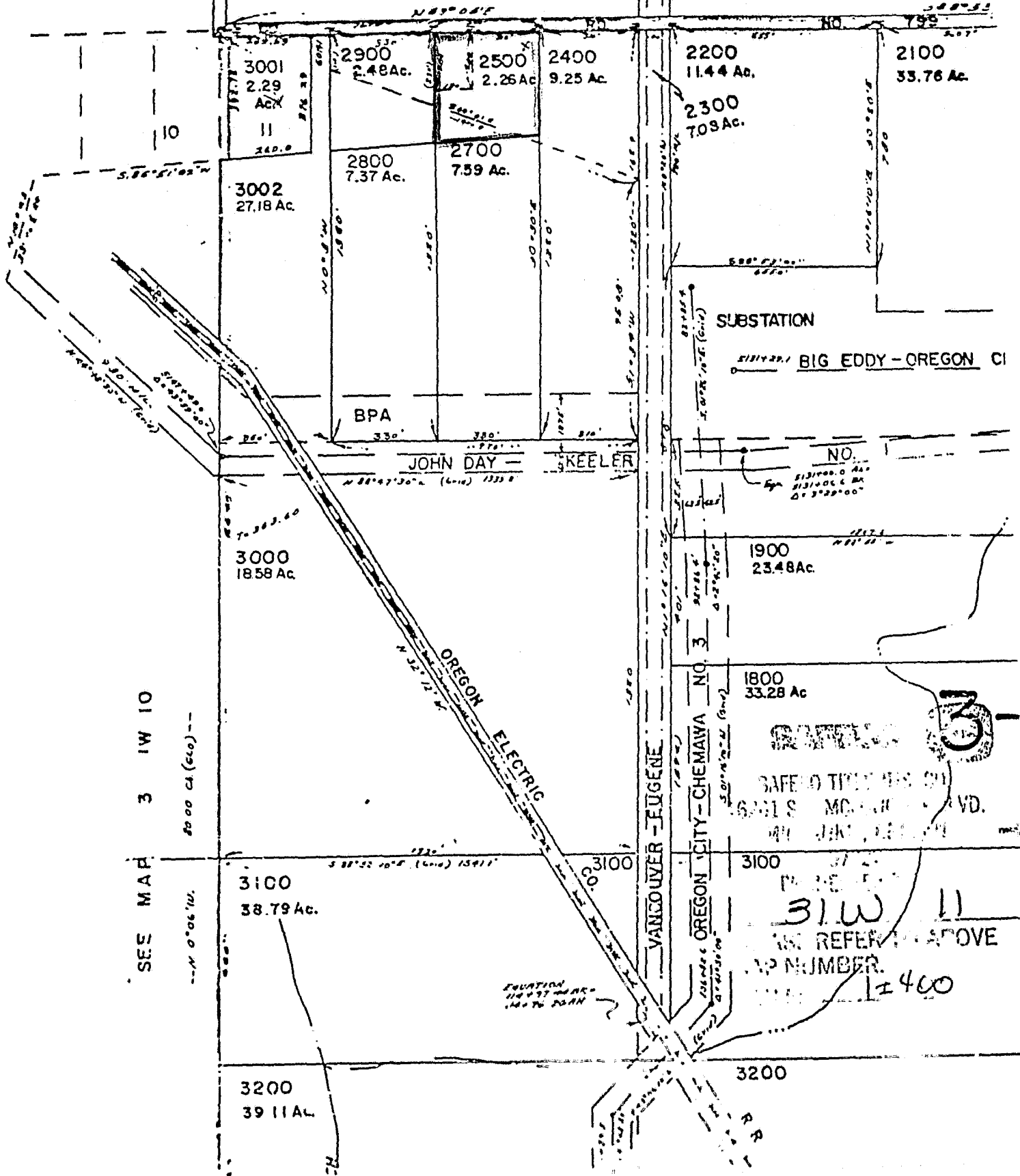
WASHINGTON

3

2

-- S 89° 30' W, 80.12' --

38 07' 53"



SEE MAP 3 IW 10

40.00 CI (CLO) --

-- N 0° 06' W --

EQUATION 114 97 44 AC = 140 76 25 AN

R-8A
R-8

A. Wayne Bender
SUBJECT
PROPERTY

R-4

R-1C

R-7C
R-7B

R-1A

R-8

R-7

WILSONVILLE

WILLAMETTE RIVER

WILLAMETTE RIVER

R-12

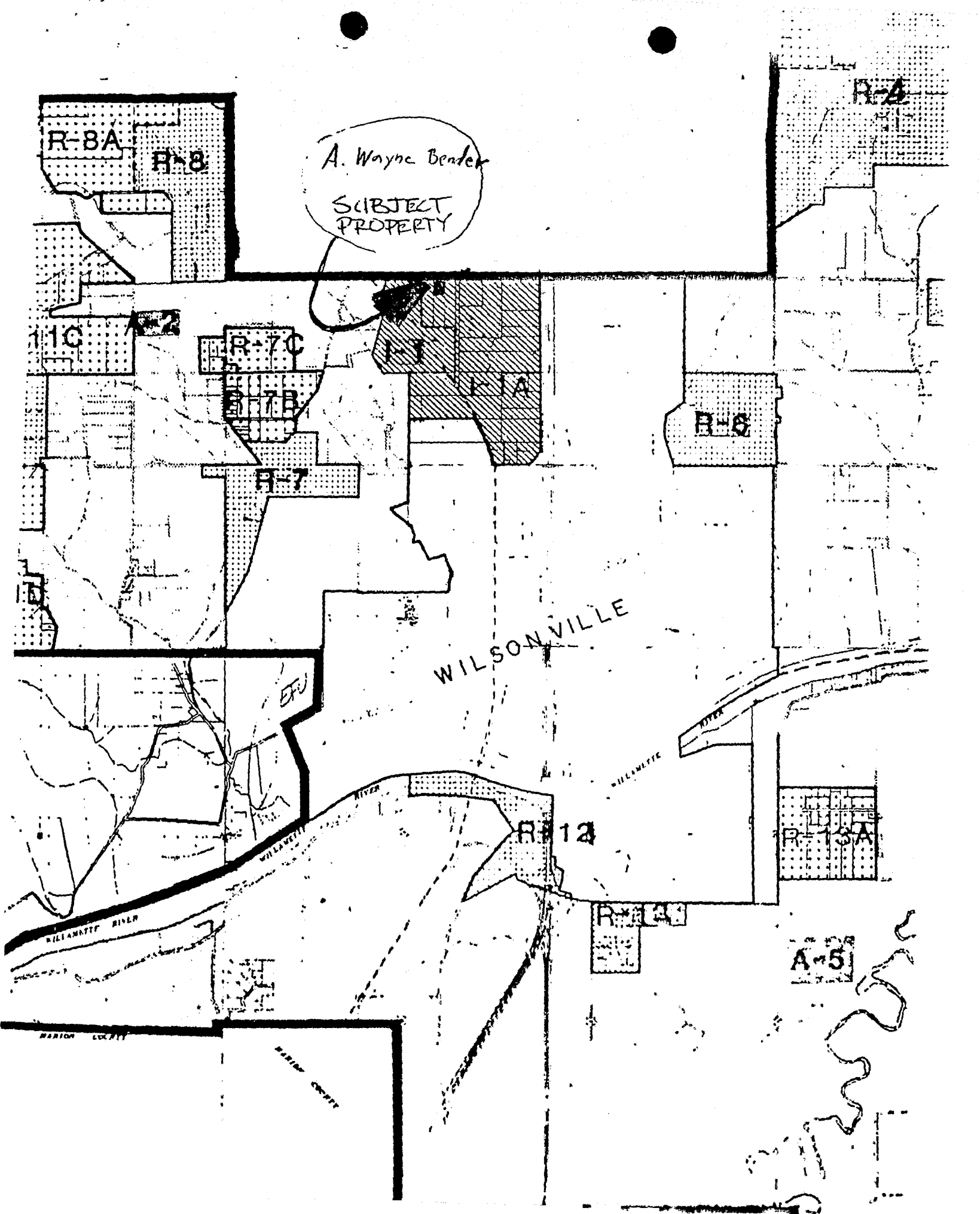
R-13A

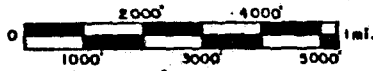
R-14

A-5

MARION COUNTY

MARION COUNTY





Scale: 1" = 3200'

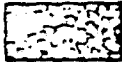



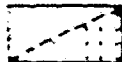

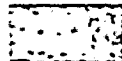


RURAL PLAN AMENDMENT

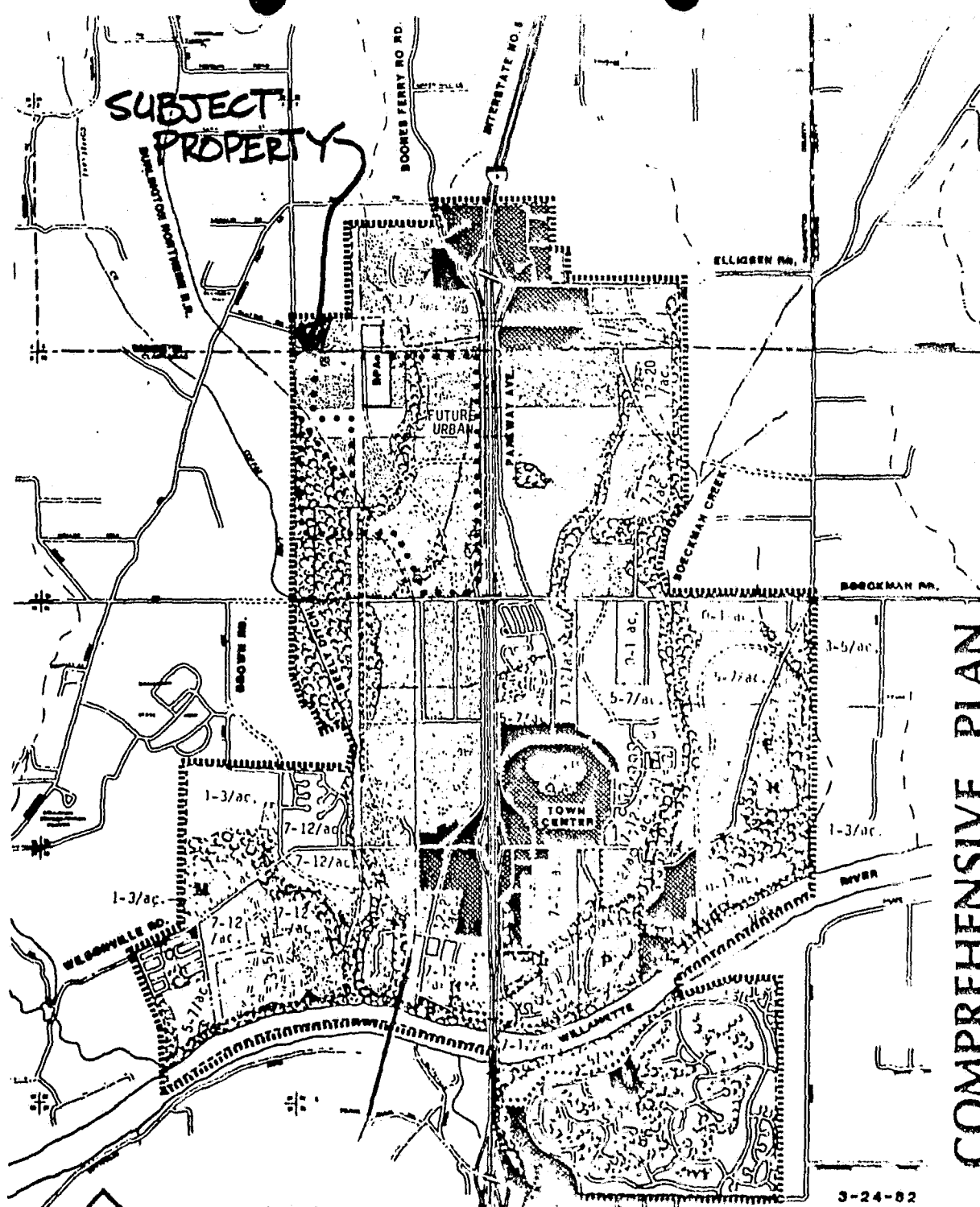
FILE NO.-CP-21

APPROVED-JULY 31, 1978

RECORDED-

LEGEND:

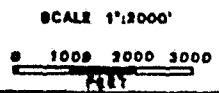
- | | |
|---|--|
|  FOREST |  COMMERCIAL |
|  AGRICULTURE |  LIGHT INDUSTRIAL |
|  RURAL |  HEAVY INDUSTRIAL |
|  RURAL CENTER |  CITIES AND AREAS NOT INCLUDED
IN PROPOSED PLAN AMENDMENT |
|  RURAL PLAN AMENDMENT BOUNDARY | |



COMPREHENSIVE PLAN

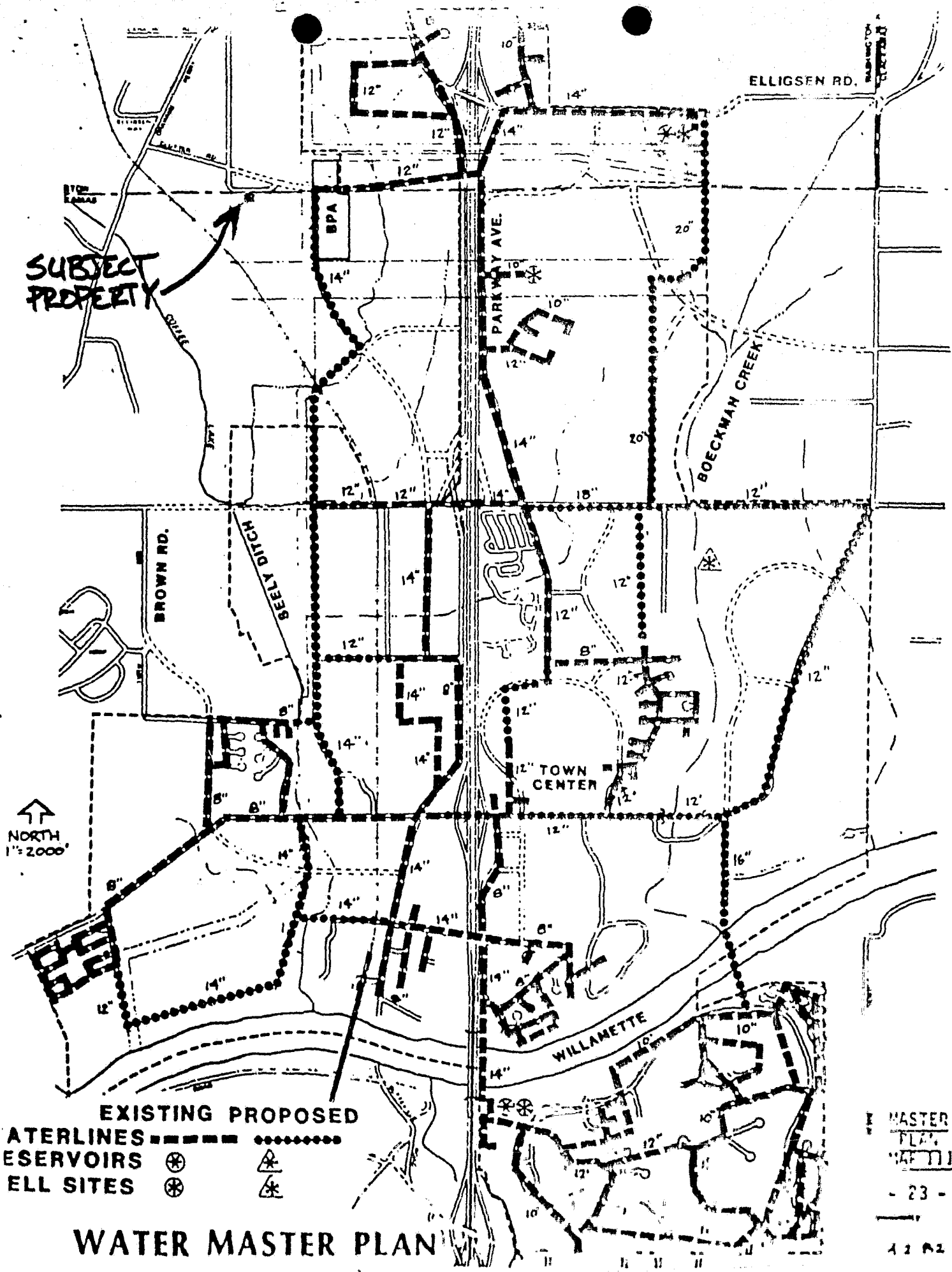
3-24-82

NORTH



CITY OF WILSONVILLE

<p>0 to 20 RESIDENTIAL (dwelling units per acre)</p> <p>COMMERCIAL</p> <p>INDUSTRIAL PARK</p> <p>OPEN SPACE (all open space is not shown on map - see plan text)</p> <p>CONTINUING AGRICULTURE (future - lower density)</p>	<p>PUBLIC LANDS</p> <p>----- CITY LIMITS</p> <p>P - PARKS</p> <p>E - ELEMENTARY SCHOOL</p> <p>M - MIDDLE SCHOOL</p> <p>H - HIGH SCHOOL</p>	<p>POWER LINE EASEMENTS</p> <p>..... WILLAMETTE RIVER GREENWAY BOUNDARY</p> <p>..... PROPOSED STREETS</p> <p>..... URBAN GROWTH BOUNDARY</p> <p>..... FUTURE URBAN GROWTH BOUNDARY</p>
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SUBJECT PROPERTY

↑
NORTH
1" = 2000'

EXISTING PROPOSED

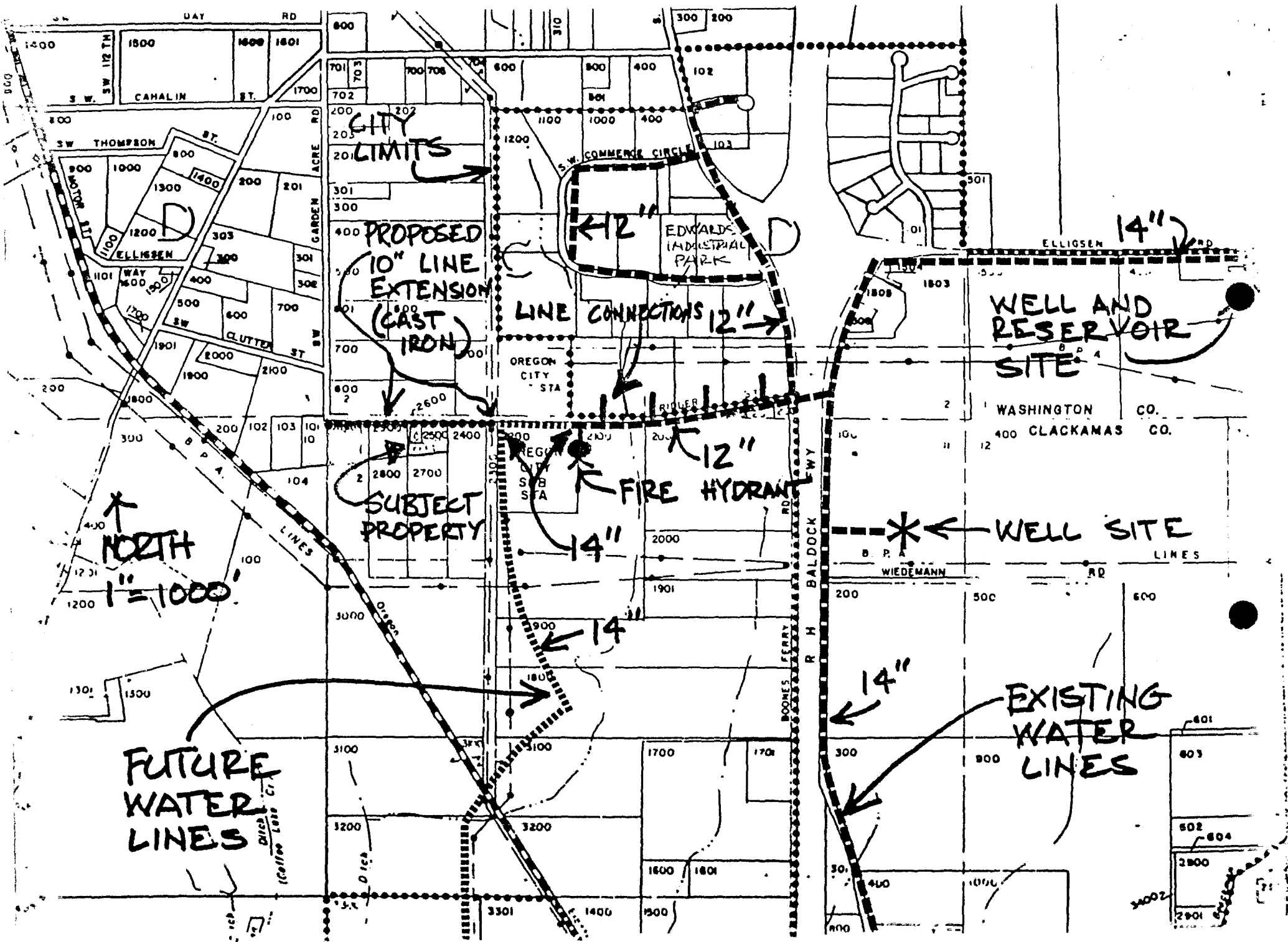
WATER LINES ———— ●●●●●●
RESERVOIRS ⊗ ⊗
WELL SITES ⊗ ⊗

MASTER PLAN
DATE

- 23 -

WATER MASTER PLAN

4.2.82



DAY RD

CAHALIN ST.

THOMPSON ST.

ELLIGSEN ST.

WAY ST.

CLUTTER ST.

OREGON CITY STA

REGENT SUB STA

WIEDEMANN RD

WIEDEMANN RD

WIEDEMANN RD

WIEDEMANN RD

WIEDEMANN RD

WIEDEMANN RD

WIEDEMANN RD

WIEDEMANN RD

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WIEDEMANN RD

800

701

702

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301

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2600

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700

800

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1100

1200

1300

1400

1500

1600

1700

1800

1900

2000

2100

2200

2300

2400

2500

2600

NORTH
1" = 1000'

FUTURE
WATER
LINES

PROPOSED
10" LINE
EXTENSION
(CAST
IRON)

SUBJECT
PROPERTY

LINE CONNECTIONS 12"

FIRE HYDRANT

WELL AND
RESERVOIR
SITE

WELL SITE

EXISTING
WATER
LINES

CITY
LIMITS

12"

12"

14"

14"

14"

14"

DISCH
LATERAL CT

DISCH

R H BALDOCK E W Y

BOONES FERRY RD

ELLIGSEN RD

WASHINGTON CO.
400 CLACKAMAS CO.

WIEDEMANN RD

WIEDEMANN RD

601

603

604

602

600

601

602

603