

RESOLUTION NO. XLI

A RESOLUTION RELATING TO ANNEXATION AND BOUNDARY CHANGE
FOR THE CITY OF WILSONVILLE.

(Application of Dr. Paul M. Brown, et ux, et al)

WHEREAS, it is the desire of the City of Wilsonville, Clackamas and Washington Counties, State of Oregon, to annex parts of Sections 25 and 26, Township 3 South, Range 1 West of the Willamette Meridian in Clackamas County, Oregon, as hereinafter more particularly described and all of which lies wholly within the same County, i.e., Clackamas County, and is contiguous to the City of Wilsonville; and

WHEREAS, the territory to be annexed consists of approximately 42 acres comprising three separate parcels of land which is now devoted to farming purposes and includes some buildings. Pertinent information relative to each parcel and the ownerships thereof is contained in the various exhibits attached to this Resolution which are hereinafter referred to:

1. Exhibit No. 1 is a LOT-BOOK SERVICE of Title Insurance Company of Oregon dated August 24, 1972, under its Order No. 412646, which shows the owners of record to the three parcels to be annexed as shown by Clackamas County Deed Records. This Exhibit also lists the apparent encumbrances within ten years prior to the effective date of the Lot-Book Service Report, taxes for the 1971-72 tax year for each parcel and a legal description for each parcel followed by the Examiner's notes.
2. Exhibit No. 2 is a photocopy of the County's Section Map drawn to scale showing the three separate parcels of land which are proposed to be annexed by the City of Wilsonville and their relationship to each other.
3. Exhibit No. 3 is a map of the City of Wilsonville drawn to scale showing the boundaries of the city limits as they now exist, the three separate parcels of land to be annexed (shaded in yellow) and their relationship to each other and their proximity to the Wilsonville city limits.
4. Exhibit No. 4 is an aerial photograph dated September 23, 1964, which shows (shaded in yellow) the parcels to be annexed and their environments.
5. Exhibit No. 5 consists of the letter application of Paul M. Brown, M. D. on the letterhead of Paul M. Brown & Associates, P. C. dated June 1, 1972, addressed to the Mayor and Members of the Wilsonville City Council requesting annexation of the parcels therein described.

6. Exhibit No. 6 consists of a sketch of the applicant's proposed subdivision development of a portion of the land to be annexed.

ALL OF THE VARIOUS EXHIBITS PREVIOUSLY DESCRIBED AND REFERRED TO HEREIN ARE ATTACHED HERETO AND BY THIS REFERENCE AND THEIR ANNEXATION HERETO ARE EXPRESSLY MADE A PART HEREOF.

WHEREAS, the Wilsonville City Planning Commission has reviewed the records and file of this matter, including the attached Exhibits, and at a regular meeting thereof on July 27, 1972, determined that it would be in the best interests of the City of Wilsonville if the proposed annexation and boundary change were approved by the Wilsonville City Council; and

WHEREAS, the Wilsonville City Council has reviewed and considered the request of Dr. Paul M. Brown for the annexation of the property hereinafter described to the City of Wilsonville; and the Wilsonville City Council has reviewed and studied the attached Exhibits, the City's proposed development plan and the recommendations of the Wilsonville City Planning Commission, and the City Council is of the opinion that it would be in the best interests of the City of Wilsonville and the inhabitants thereof if the said territory were annexed to the City of Wilsonville for the purpose of increasing the City's tax base, providing sewer, water and other utilities and other City services to the territory in question and also for the purpose of assuring a proper and orderly development of said property.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF WILSONVILLE, CLACKAMAS AND WASHINGTON COUNTIES, OREGON, that it request, and does hereby request, the Local Government Boundary Commission formed under ORS 199.410 to 199.540 to commence necessary proceedings for annexing to the City of Wilsonville the following described real property located in the County of Clackamas, State of Oregon, to-wit:

PARCEL I (John J. Emrich and Lottie Emrich, Husband and Wife):

All of Government Lot 3 in Section 25, T. 3 S., R. 1 W., of the W. M., in the County of Clackamas and State of Oregon, EXCEPT the Easterly 20 feet thereof.

PARCEL II (Paul M. Brown and Barbara M. Brown, Husband and Wife, as to all except the Easterly 105 feet, and John J. Emrich and Lottie Emrich, Husband and Wife, as to the Easterly 105 feet):

All of Government Lot 4, in Section 25, T. 3 S., R. 1 W. of the W. M., in the County of Clackamas and State of Oregon, EXCEPTING therefrom the following:

Beginning at the Southwest corner of said Government Lot 4; thence North $89^{\circ} 56'$ East 30.00 feet to the East line of Market Road No. 27 and the true point of beginning of the tract herein to be described; thence continuing North $89^{\circ} 56' 20''$ East along the South line of said Government Lot 4, a distance of 417.42 feet; thence North $0^{\circ} 02' 15''$ West parallel with the West line of Government Lot 4, a distance of 208.71 feet; thence South $89^{\circ} 56' 20''$ West parallel with the South line of Government Lot 4 a distance of 417.42 feet to the East line of Market Road No. 27; thence South $0^{\circ} 02' 15''$ West along said East line 208.71 feet to the true point of beginning.

PARCEL III (Paul M. Brown and Barbara M. Brown, Husband and Wife):

Part of the George L. Curry D.L.C., in Section 26, T. 3 S., R. 1 W., of the W. M., in the County of Clackamas and State of Oregon, described as follows:

Beginning at a point on the South boundary of the George L. Curry D.L.C., that is 13.00 chains Easterly of the Southwest corner thereof; said point being the Southwest corner of the tract conveyed to School District No. 60, by Book "P", Page 56, Deed Records, and the true point of beginning of the tract herein to be described; thence Easterly along the Southerly boundary of the Curry D.L.C., 208.00 feet to the Southeast corner of said School District tract; thence North along the East line thereof 80.00 feet to a point in the Southwesterly boundary of Parcel No. 2 decreed to the State of Oregon by and through its State Highway Commission by final judgment filed April 4, 1971, in Case No. 73079 in the Circuit Court of the State of Oregon for the County of Clackamas; thence Southeasterly along said Parcel II, 245.0 feet, more or less, to a point in the Easterly boundary of the First Parcel conveyed to Louis Van De Moortele, by deed recorded March 4, 1935 in Clackamas County Deed Book 226, page 347; thence South 33° West along said Easterly boundary 700.00 feet, more or less, to a point of intersection with the Easterly boundary of Parcel I decreed to the State of Oregon by and through its State Highway Commission by final judgment above described; thence Northwesterly and Northerly along said Easterly right-of-way boundary of Parcel I to a point of intersection with the Southerly boundary of the Curry D.L.C.; thence Easterly along the Southerly boundary of the D.L.C. to the true point of beginning.


That the three parcels proposed to be annexed adjoin the Wilsonville city limits.

BE IT FURTHER RESOLVED that the City of Wilsonville has jurisdiction to annex said property and, in reliance on the application


of Dr. Paul M. Brown, who purportedly is acting as agent for all of the owners of the various parcels, is proceeding under the provisions and authority of ORS 222.170.

BE IT FURTHER RESOLVED that the Wilsonville City Recorder file a copy of this Resolution with all attached Exhibits with the Boundary Commission having jurisdiction in this matter; and if it takes no action in this matter within sixty (60) days from the date this Resolution is filed with the said Commission, that the City of Wilsonville shall consider that the Boundary Commission has consented to said annexation, and the City of Wilsonville shall then proceed to annex said property pursuant to the laws of Oregon.

This Resolution is adopted by the Wilsonville City Council and filed with the City Recorder this 28 day of August, 1972.


PHILLIP R. BALSIGER Mayor

ATTEST:


MARJORIE A. HINTZ - City Recorder