City of Sherwood Oregon

Home of the Tualatin River National Wildlife Refuge

CITY COUNCIL MEETING PACKET

FOR

Tuesday, December 3, 2024

Sherwood City Hall
22560 SW Pine Street
Sherwood, Oregon

6:00 pm City Council Work Session

7:00 pm City Council Regular Meeting

This meeting will be live streamed at
https://www.youtube.com/user/CityofSherwood

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AGENDA

SHERWOOD CITY COUNCIL
December 3, 2024

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7:00 pm City Council Regular Session

Sherwood City Hall
22560 SW Pine Street
Sherwood, OR 97140

This meeting will be live streamed at
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6:00 PM CITY COUNCIL WORK SESSION

1. **Council Goals & Objectives - Meeting with City Boards & Committee Chairs** (Craig Sheldon, City Manager)

7:00 PM REGULAR SESSION

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **APPROVAL OF AGENDA**
5. **CONSENT AGENDA**
   - A. **Approval of November 19, 2024, City Council Meeting Minutes** (Sylvia Murphy, City Recorder)
   - B. **Resolution 2024-076, Approving a $5m Brownfields Cleanup Grant Cooperative Agreement & Work Plan with the United States Environmental Protection Agency (EPA) for the Tannery Site Cleanup Project** (Jason Waters, City Engineer)
   - C. **Resolution 2024-077, Authorizing City Manager to Enter into a Contract with Northwest Success for Janitorial Services, Hard Floor Maintenance, Carpet and Window Cleaning** (Rich Sattler, Interim Public Works Director)
   - D. **Resolution 2024-078, Authorizing an Interfund Loan from the Community Investment Fund to the Broadband Fund** (David Bodway, Finance Director)
   - E. **Resolution 2024-079, Authorizing the City Manager to sign an Intergovernmental Agreement (IGA) with the Oregon Department of Transportation (ODOT) for the Construction of SW Ice Age Drive** (Jason Waters, City Engineer)
6. **CITIZEN COMMENTS**
7. **PUBLIC HEARING**
   - A. **Resolution 2024-075, Adjusting Solid Waste and Recycling Collection Rates** (Craig Sheldon, City Manager) *(Rescheduled from 11/19/2024 Council Meeting Agenda)*
   - B. **Ordinance 2024-005, Amending Sherwood Municipal Code Chapter 12.12 Limiting Liability for the City of Sherwood and Other Parties from Private Claims Resulting from Use of Trails in a Public Easement or Unimproved Right of Way Under ORS 105.668** (Sebastian Tapia, Interim City Attorney) *(First Reading)*
   - C. **Ordinance 2024-006, Approving annexation of 38.63 acres to the City of Sherwood and Clean Water Services within the Tonquin Employment Area, comprised of five Tax Lots and City of Sherwood and BPA rights-of-way and declaring an emergency** (Joy Chang, Senior Planner)

8. CITY MANAGER REPORT

9. COUNCIL ANNOUNCEMENTS

10. ADJOURN

How to Provide Citizen Comments and Public Hearing Testimony: Citizen comments and public hearing testimony may be provided in person, in writing, or by telephone. Written comments must be submitted at least 24 hours in advance of the scheduled meeting start time by e-mail to Cityrecorder@Sherwoodoregon.gov and must clearly state either (1) that it is intended as a general Citizen Comment for this meeting or (2) if it is intended as testimony for a public hearing, the specific public hearing topic for which it is intended. To provide comment by phone during the live meeting, please e-mail or call the City Recorder at Cityrecorder@Sherwoodoregon.gov or 503-625-4246 at least 24 hours in advance of the meeting start time in order to receive the phone dial-in instructions. Per Council Rules Ch. 2 Section (V)(D)(5), Citizen Comments, "Speakers shall identify themselves by their names and by their city of residence." Anonymous comments will not be accepted into the meeting record.

How to Find out What's on the Council Schedule: City Council meeting materials and agenda are posted to the City web page at www.sherwoodoregon.gov, generally by the Thursday prior to a Council meeting. When possible, Council agendas are also posted at the Sherwood Library/City Hall and the Sherwood Post Office.

To Schedule a Presentation to the Council: If you would like to schedule a presentation to the City Council, please submit your name, phone number, the subject of your presentation and the date you wish to appear to the City Recorder, 503-625-4246 or Cityrecorder@Sherwoodoregon.gov

ADA Accommodations: If you require an ADA accommodation for this public meeting, please contact the City Recorder's Office at (503) 625-4246 or Cityrecorder@Sherwoodoregon.gov at least 48 hours in advance of the scheduled meeting time. Assisted Listening Devices available on site.

SHERWOOD CITY COUNCIL MEETING MINUTES
22560 SW Pine St., Sherwood, Or
November 19, 2024

WORK SESSION

1. **CALL TO ORDER:** Mayor Rosener called the meeting to order at 5:30 pm.

2. **COUNCIL PRESENT:** Mayor Tim Rosener, Council President Kim Young, Councilors Taylor Giles, Ketih Mays, Renee Brouse, and Dan Standke. Councilor Doug Scott was absent.

3. **STAFF PRESENT:** City Manager Craig Sheldon, Assistant City Manager Kristen Switzer, Interim City Attorney Sebastian Tapia, Community Development Director Eric Rutledge, Interim Public Works Director Rich Sattler, IT Director Brad Crawford, Finance Director David Bodway, Police Chief Ty Hanlon, Planning Manager Sean Conrad, Economic Development Manager Erik Adair, HR Director Lydia McEvoy, Records Technician Katie Corgan, and City Recorder Sylvia Murphy.

   OTHERS PRESENT: Consultant Chris Bell with Bell & Associates and Pride Disposal representative Kristin Leichner.

4. **TOPIC:**

A. Review Solid Waste & Recycling Collection Rates

City Manager Craig Sheldon recapped that Council held a work session in September with consultant Chris Bell with Bell & Associates to discuss solid waste and recycling rates and an additional work session had been deemed necessary. Mr. Bell presented the "City of Sherwood Solid Waste & Recycling Collection Rate Presentation" PowerPoint (see record, Exhibit A) and provided an overview of the adjusted 2023 results on page 2 of the presentation and reported that the return on revenues for residential carts was 2.74%, 4.36% for commercial container, 7.72% for drop boxes, and 4.17% for composite. He noted that Pride Disposal had experienced significant cost increases related to garbage disposal, labor, and trucks/equipment. He reported that Pride had purchased 3.5-4 years of trucks within 18-months, which significantly impacted their financials since the cost could not be spread out as they typically would be. He stated the new collection trucks had an 18–24 month delay for procurement and commented that new trucks would continue to be difficult to procure for the next several years and are more expensive. He explained that this was why the adjusted results were lower than expected. Mayor Rosener asked what the depreciation schedule was for new trucks and Mr. Bell replied that it was seven years across the metro region. Pride Disposal representative Kristin Leichner added that generally, Pride bought 4-5 trucks a year on a regular replacement schedule and explained there were ongoing supply chain issues causing delays in truck deliveries and outlined the truck ordering process Pride followed. Councilor Giles asked why the trucks were so expensive and Mr. Bell explained that the costs had

significantly increased within the last four years, as well as inflation and delays added to the cost of the trucks. Mayor Rosener asked how the cost of the trucks were allocated across Pride's franchises. Mr. Bell explained that the cost of the trucks were allocated across the jurisdictions serviced by Pride, and the amount of hours spent in Sherwood were tracked, and the truck expenses allocated to Sherwood reflected those hours. Councilor Brouse asked if Pride planned on moving towards using electronic trucks in the future. Ms. Leichner replied that Pride had ordered two electric trucks to service residential carts and the trucks were scheduled to arrive in the first quarter of 2025. She noted that the electric trucks were more expensive than the natural gas trucks and commented that they had applied for a PGE grant to help offset the cost, but they did not receive it. She stated that Pride was mindful of communities wanting electric trucks but also aware of the expense of those trucks, so Pride planned to purchase the trucks slowly. Mayor Rosener asked if there was a corresponding drop in Pride's operating costs since electricity was cheaper than diesel right now. Ms. Leichner replied that most of Pride's fleet ran on natural gas, so there was not as much savings compared to diesel, but the electric trucks were supposed to have lower maintenance costs. She commented that there should be some offsetting of the operational costs, but they would not know until the electric trucks were being used. Councilor Mays asked if the electric trucks had a smaller payload capacity and Ms. Leichner replied they were similar. She outlined the field-testing they had utilized when they were looking into purchasing electric trucks. Mayor Rosener asked how much of the rate increase was from the trucks and Mr. Bell replied that he would have to look into that and report back to Council. Mayor Rosener commented that knowing that figure would be helpful to Council when interacting with the community because much of the rate increase was from Metro increasing their fees, which cities had no control over. Mr. Bell provided an overview of the collection and disposal rates that became effective in September 2023 on page 3 of the presentation. He explained that costs from 2023 were projected for 2025 rates and outlined the increases as: 5.7% for residential, 4.7% for commercial, and 3.3% for drop boxes. He outlined the factors which drove the cost increases and stated that driver wages increased by 5.9%, truck repair and maintenance increased by 2.5%, organic waste increased by 8.5%, administrative costs increased by 6%, and truck depreciation increased by 13%. Mayor Rosener spoke on Metro tipping fees and rate increases over the last several years. Mr. Bell provided an overview of the cart collection cost increases on page 6 of the presentation and noted that there was a proposed $2.22 collection cost increase. Councilor Giles asked regarding operating margin percentages and Mr. Bell explained that when Pride recalibrated their rates, they aimed for a 10% margin and commented that the margin was not guaranteed, and discussion occurred. Mayor Rosener referred to the use of the term "margin" and asked if it referred to revenue minus the cost of goods sold. Mr. Bell replied that depreciation was included but amortization and income taxes were not. Mayor Rosener referred to capital expenditures and investments. Mr. Bell explained that in the garbage industry it was "revenue minus cost of goods sold. And cost of goods sold is disposal, recycling, and franchise fees. And then you have your operational costs that includes the truck, labor, administrative cost, and then that flows down to whatever that amount is, but we don't calculate income taxes." He explained that Pride paid income taxes on the franchise income of $206,163, and that income tax was not included in the calculation. Mr. Bell provided an overview of the 2025 proposed collection rates on page 7 of the presentation and explained that there were two primary components that drove costs: cost of transfer disposal and the Metro fees and taxes. Mayor Rosener asked how many 6-yard weekly customers there were in Sherwood and Mr. Bell replied that the most popular sizes were 3- and 4-yard weeklies. Mayor Rosener asked that next year customer distribution of services be included in their report. Council President Young referred to the difference in collection costs between carts and yards. Mr. Bell explained that collection costs were allocated on the yard and explained the calculation used. Ms. Leichner added that carts had the same collection rate because it cost Pride the same amount of money in equipment and labor to pick up a 20-gallon cart or a 95-gallon cart. Councilor Standke referred to the 10% increase and the need to "catch up," and asked if in a typical year, if

the rate fell between 8-12%, would it be indexed to a CPI for the region and Mr. Bell replied that was correct. Councilor Standke clarified that Sherwood's code did not guarantee Pride 10% increases every year, it just happened to be around 10% this year. Ms. Leichner added that the data Mr. Bell used for the report was for the 2023 calendar year, so the rates were a delayed reaction. She said that Pride's costs had increased significantly in 2023 due to inflation, and their rates were based off of 2023 numbers not 2024 numbers. Mayor Rosener spoke on Metro's use of solid waste rates to subsidize the losses to their other businesses, such as the Expo Center. He reported that Metro had recently expanded their RWAC (Regional Waste Advisory Committee) to allow more people to serve on the committee. Mayor Rosener reported that he would serve on the board and Ms. Leichner stated that she had also been chosen to serve on the board. Mr. Bell provided an overview of medical collection rates on page 8 of the presentation. He explained that medical waste that needed to be incinerated now had to be transported to Texas because the Oregon and Washington incineration facilities had gone out of business. He explained that this change was the reason for the large increase in rates for medical waste. Ms. Leichner clarified that Pride subcontracted out their medical waste collection to Trilogy, and Pride was responsible for the reporting and the franchise fees. She clarified that none of the medical waste services were subsidized by other services Pride offered. City Manager Sheldon stated that some commercial rates were not included in the resolution that was to be presented at the regular session following this meeting and explained Mayor Rosener would request to remove the resolution from the agenda. He noted that the resolution would be moved to the December 3rd City Council meeting.

B. City Council Goals Update

City Manager Sheldon presented the "Sherwood City Council Goals 2024-2025 Update" PowerPoint presentation (see record, Exhibit B) and explained that staff wished to provide a more detailed update to Council. He noted that a work session to discuss the Youth Advisory Board would be scheduled for the end of December. Assistant City Manager Kristen Switzer outlined the six pillars of Council goals as: Economic Development, Infrastructure, Livability & Workability, Public Safety, Fiscal Responsibility, and Citizen Engagement. She provided an overview of the goals and deliverables for Pillar 1: Economic Development on pages 3-6 of the presentation. City Manager Sheldon referred to the deliverable of "Clarify infrastructure required and financial approach for targeted sites," Ice Age Drive, and Business Oregon loans. He explained an application had been submitted in October and the city would be informed of the outcome in February. He referred to property acquisitions in Ice Age Drive and stated a work session would be scheduled for December because ODOT required a $18 million downpayment by January 13th. He explained if the bidding deadline was missed, they would have to wait until March, which would put the project on the summer schedule. Assistant City Manager Switzer referred to the deliverable of "Identify target industries that will realistically offer diverse economy in Sherwood" and asked if Council wanted to discuss this more, have it come back as a resolution, or were they happy with staff moving forward. Council comments were received that they were happy to have staff move forward, and no further work session or resolution was necessary. Mr. Sheldon referred to the deliverable of "Target Metrics for Jobs/Housing balance" and commented that this was on ongoing conversation with staff and would be affected by the expansion of the UGB via Sherwood West. Mayor Rosener spoke on a new bill for cottage clusters from Governor Kotek which could impact this deliverable. Ms. Switzer provided an overview of the goals and deliverables for Pillar 2: Infrastructure on pages 7-10 of the presentation. Mayor Rosener referred to the pedestrian bridge and the nearby power and data lines and asked for an update. Mr. Sheldon replied that staff were currently working with PGE to resolve that issue. Assistant City Manager Switzer referred to the Cedar Creek Pedestrian Wildlife Undercrossing deliverable of "Pursue State and Federal grant opportunities" and explained that Metro had approved the

project and staff was authorized to apply for funds to design and construct the Cedar Creek Trail to SW Roy Rogers Rd. Mayor Rosener asked if that included funding for the undercrossing and Ms. Switzer replied that it did not. He referred to the Cedar Creek Trail and stated that the last section was federalized, which came with many requirements that increased the project's costs. He asked if the new section could be structured to avoid those costs but still deliver a quality trail. Discussion regarding Sherwood's road CPI scores occurred. Mr. Sheldon replied that the city typically spent $650,000-$750,000 a year in pavement management. Ms. Switzer provided an overview of the goals and deliverables for Pillar 3: Livability & Workability on pages 11-13 of the presentation. Councilor Giles referred to the deliverable of "Promote and Monitor Diverse Housing that will Accommodate a Wide Variety of Life Stages and Needs" and commented he would like to rework this deliverable at Council goal setting in January to make the ADU process more streamlined and discussion regarding HOAs occurred. Council President Young asked how public art was being funded and Assistant City Manager Switzer explained that it was funded from the Transient Lodging Tax. She provided an overview of the goals and deliverables for Pillar 4: Public Safety on pages 14-16 of the presentation. Mayor Rosener referred to the Safe Routes to School program deliverable and asked what the plan was if MSTIP funding was not awarded. City Manager Sheldon replied that if MSTIP funds were not awarded, using some of the traffic capital or street capital replacement funds to pay for the program was a potential option. Discussion regarding ways to measure success for the deliverable of "Continue Momentum Towards Addressing Mental Health Challenges in the Community" occurred. Councilor Giles suggested having a city webpage dedicated to compiling county mental health resources available to the public. Mayor Rosener stated that Metro needed to reauthorize the supporting housing services tax and there were ongoing conversations about giving direct allocations to cities to implement their own solutions versus county-wide solutions. Assistant City Manager Switzer provided an overview of the goals and deliverables for Pillar 5: Fiscal Responsibility on pages 17-19 of the presentation. City Manager Sheldon referred to the $45,000 awarded for the evidence van and noted that more money would be needed to purchase the van and stated it may be feasible to utilize opiate money as well as DEA money. Council President Young asked where the $45,000 came from and Mr. Sheldon replied it was a Homeland Security grant. Mayor Rosener stated that Hillsboro no longer wanted to be a lead agency for cooperative buying and commented that there were a lot of vehicles Sherwood could use to set up its own program in partnership with other agencies so Sherwood could continue to get the price breaks. Ms. Switzer provided an overview of the goals and deliverables for Pillar 6: Citizen Engagement on pages 20-22 of the presentation. Councilor Giles spoke on the need to provide multiple avenues for information to circulate in the community in order to reach as many people as possible. Discussion regarding tracking progress on Council's goals and deliverables occurred and Council stated they preferred this format for Council goal updates moving forward.

C. Recreational Immunity

Interim City Attorney Sebastian Tapia presented the "Recreational Immunity" PowerPoint presentation (see record, Exhibit C) and explained that the city's insurance provider CIS was encouraging cities to opt into a statue concerning immunity protection for cities. He explained that because cities opened up their trails, people using those trails could be injured and they may choose to sue the city. He reported that there were two statutes, one applied to all cities, and the other required cities to opt in. Mayor Rosener provided background and explained that there was a lawsuit where a person claimed that they were not using the trail for recreation as they were using it to get to work and that person was awarded damages. Mr. Tapia explained that ORS 105.682 focused on activities for recreational purposes and ORS 105.668 did not look at the purpose of the activity, it only asks if the trail was open to the public. He noted that ORS 105.668 required cities to opt in and explained that he would present an ordinance to Council in December to codify this choice.

He referred to the Fields v. City of Newport lawsuit and explained that there were temporary fixes in place which would sunset in 2025. He outlined that ORS 105.668 applied to cities with a population of 500,000 or more and cities who chose to opt in via resolution or ordinance. He reported it applied to negligence claims involving the use of trails or the use of structures along trails, but it did not apply to streets or roads. He stated it covered employees and city officials and applied to landowners who opened their land to the public. Mr. Tapia stated that the city's insurance provider recommended that Sherwood opt in. Councilor Giles asked if "trail" was defined and referred to paved trails versus unpaved trails. Mr. Tapia explained that it was a difference between "improved" trails and "unimproved" trails and each statute covered a different type. He clarified the first statute applied to improved trails and the second statute applied to unimproved trails but also included structures. Interim City Attorney Tapia stated that there was no downside or costs associated with opting in.

5. ADJOURN

Mayor Rosener adjourned the work session at 6:49 pm and convened a regular session.

REGULAR SESSION

1. **CALL TO ORDER:** Mayor Rosener called the meeting to order at 7:01 pm.

2. **COUNCIL PRESENT:** Mayor Tim Rosener, Council President Kim Young, Councilors Taylor Giles, Ketih Mays, Renee Brouse, and Dan Standke. Councilor Doug Scott was absent.

3. **STAFF PRESENT:** City Manager Craig Sheldon, Assistant City Manager Kristen Switzer, Interim City Attorney Sebastian Tapia, Community Development Director Eric Rutledge, Interim Public Works Director Rich Sattler, IT Director Brad Crawford, Finance Director David Bodway, Police Chief Ty Hanlon, Planning Manager Sean Conrad, Economic Development Manager Erik Adair, HR Director Lydia McEvoy, Arts Center Manager Chanda Hall, Building Official Jared Bradbury, and City Recorder Sylvia Murphy.

4. **APPROVAL OF AGENDA:**

MOTION: FROM COUNCIL PRESIDENT YOUNG TO REMOVE THE PUBLIC HEARING ITEM RESOLUTION 2024-075, ADJUSTING SOLID WASTE AND RECYCLING COLLECTION RATES FROM THE AGENDA AND MOVE IT TO THE DECEMBER 3RD CITY COUNCIL MEETING. SECONDED BY COUNCILOR BROUSE. MOTION PASSED 6:0; ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCILOR SCOTT WAS ABSENT).

Mayor Rosener addressed the next agenda item.

5. **CONSENT AGENDA:**

   A. **Approval of October 15, 2024, City Council Meeting Minutes**
   B. **Resolution 2024-073, Authorizing the City Manager to sign a Union Contract with the Sherwood Police Sergeants' Association**

MOTION: FROM COUNCILOR BROUSE TO APPROVE THE CONSENT AGENDA. SECONDED BY COUNCIL PRESIDENT YOUNG. MOTION PASSED 6:0; ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCILOR SCOTT WAS ABSENT).

Mayor Rosener addressed the next agenda item.

6. CITIZEN COMMENT:

Sherwood resident Judy Silverforb came forward and provided information on the Friends of the Center for the Arts. She reported that the group was formed in 2015 to bring together individuals in groups and organizations to support and enhance the programs and activities at the Sherwood Center for the Arts. She provided an overview of the events the Friends of the Center for the Arts had hosted since 2015 and stated that they sought scholarships, sponsorships, grants, and donors in order to provide production assistance grants for local and regional organizations that provided events at the Center for the Arts. She reported that the Friends of the Center for the Arts also provided scholarships for children and adults to take classes at the Arts Center.

Friends of the Center for the Arts President Robyn Folsom came forward and reported February 28, 2025 would be the 10-year anniversary for the Center for the Arts. She provided an overview of the planned events to celebrate the Center's 10th anniversary throughout 2025. She outlined that they were working on a community art project that would allow citizens to participate and would be unveiled at their gala in September. She invited Council to participate in as many events as possible. She spoke on her experience watching plays at the Sherwood High School auditorium. She stated that the Friends of the Center for the Arts would like to rename the main hall inside the Arts Center as the Meara Boughey Theater, a previous Sherwood resident who had passed away from cancer in 2023 while pursuing her theater career in New York. Ms. Folsom stated that Meara "truly embodies the spirit of the journey of the arts that has been taken in Sherwood" and to rename the theater after her would allow Meara's legacy to continue by "inspiring generations with her story" and would be incredibly meaningful to the Sherwood theater community. She stated that this would incur no cost to the city and the Friends of the Center for the Arts would work closely with city staff. She stated that she would provide Council with a proposal (see record) and additional information. Mayor Rosener commented that he and Council were in favor of the idea and stated that the idea needed to be presented to the Cultural Arts Commission so they could make a formal recommendation to Council.

Sherwood resident Dave Sweeney came forward and stated he supported naming the Arts Center's main hall the Meara Boughey Theater. He spoke on his experiences watching Ms. Boughey in Sherwood theater productions and her impact on the Sherwood community. He commented that "nobody…has done more for the arts in this community" than Ms. Folsom and he proposed naming the Sherwood High School theater after her.

Mayor Rosener addressed the next agenda item.

7. NEW BUSINESS:

A. Resolution 2024-074, Adopting the Murdock Park Master Plan

Interim Public Works Director Rich Sattler presented the "Murdock Park 2024 Master Plan" PowerPoint

presentation (see record, Exhibit D) and provided background on the project. He reported staff had worked with a consultant over nine months to determine project phasing. He stated that Phase 1 was site analysis, which led to the creation of concept alternatives in Phase 2. He reported that an open house was held for the Master Plan as well as an online survey. He stated that a meeting to determine the preferred concept plan was held on September 24th and reported that the Parks and Recreation Advisory Board had been consulted during each phase and two Council work sessions had been held. He asked that Council approve the Murdock Park Master Plan and provided an overview of the preferred plan on page 3 of the presentation. He clarified there was only enough funding to complete the master plan process and more funds would be included in next year's budget to start implementing some of the planned improvements. He stated that there were some state grant funding opportunities via the Oregon Parks and Recreation Department and noted that staff would pursue those opportunities. Mayor Rosener spoke on the need for projects to be properly planned for in order to prepare for grant readiness. Councilor Mays stated he supported the Murdock Park Master Plan project. Councilor Brouse asked if it could be determined where the majority of survey respondents lived in relation to Murdock Park. Interim Public Works Director Sattler replied that he did not have that information, but the open house was held near Murdock Park in the hopes nearby residents would attend. Mayor Rosener asked for a motion from Council.

MOTION: FROM COUNCIL PRESIDENT YOUNG TO ADOPT RESOLUTION 2024-074, ADOPTING THE MURDOCK PARK MASTER PLAN. SECONDED BY COUNCILOR BROUSE. MOTION PASSED 6:0; ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCILOR SCOTT WAS ABSENT).

Mayor Rosener addressed the next agenda item.

8. PUBLIC HEARING:

A. Resolution 2024-075, Adjusting Solid Waste and Recycling Collection Rates

Mayor Rosener noted that the public hearing for this item was moved to the December 3rd City Council meeting.

Mayor Rosener addressed the next agenda item.

9. CITY MANAGER REPORT:

Police Chief Ty Hanlon reported that the Sherwood Police Department would partner with Portland Cars & Coffee on December 14th at Langer's Entertainment Center to collect toys for the holiday season.

Community Development Director Eric Rutledge introduced new Building Official Jared Bradbury. Mr. Rutledge provided background and reported that Mr. Bradbury joined Sherwood from Newberg and spoke on Mr. Bradbury's certifications. Mr. Bradbury spoke on his excitement to join the City of Sherwood as the new Building Official. Council welcomed Mr. Bradbury to Sherwood.

Community Development Director Rutledge introduced new Economic Development Manager Erik Adair. Mr. Rutledge provided background, spoke on the recruitment process, and reported Mr. Adair was already meeting with local businesses. Mr. Adair provided background and reported he and his family moved to Sherwood from Olympia, Washington and he had twenty years of experience in business development, international trade and sales, and helping businesses expand and grow. He stated he was excited to join the

City of Sherwood. Council welcomed Mr. Adair to Sherwood.

Mayor Rosener addressed the next agenda item.

10. COUNCIL ANNOUNCEMENTS:

Councilor Standke reported that the Planning Commission did not meet and stated that they would not meet until January. He spoke on his experience attending a play at Sherwood High School with his son's class.

Councilor Mays reported on his attendance at the most recent Cultural Arts Commission meeting and spoke on upcoming cultural events.

Councilor Brouse reported she was unable to attend the Veterans Day event at the Arts Center and shared a personal story. She reported that the Senior Advisory Board did not meet, and she would be unable to attend their next meeting in December. She reported she would attend the upcoming WEA meeting as well as a housing forum meeting in Washington County.

Councilor Giles reported that the library was a gift and needs donation drop off location and urged residents to drop off gifts this holiday season as well as make donations to the annual food drive. He reported that the WCCLS was currently exploring sustainable long-term funding sources for libraries. He spoke on the importance of children experiencing live theater.

Council President Young spoke on the Sherwood SHARE Center's Gifts & Needs Drive event. She spoke on her attendance at the Veterans Day event at the Arts Center. She attended the most recent Chamber of Commerce breakfast event. She attended the WCCC meeting in Mayor Rosener's absence.

Mayor Rosener reported on his attendance at the National League of Cities event. He reported that the Pirates of Pinehurst event raised over $15,000 for the Sherwood Education Foundation. He reported that Council would review Council Rules and Council liaison assignments in January.

11. ADJOURN:

Mayor Rosener adjourned the regular session at 7:42 pm.

Attest:

Sylvia Murphy, MMC, City Recorder

Tim Rosener, Mayor

City Council Meeting Date: December 3, 2024

Agenda Item: Consent Agenda

TO: Sherwood City Council

FROM: Jason Waters, P.E., City Engineer
Through: Craig Sheldon, City Manager and Sebastian Tapia, Interim City Attorney

SUBJECT: **Resolution 2024-076, Approving a $5M Brownfield Cleanup Grant Cooperative Agreement & Work Plan with The United States Environmental Protection Agency (EPA) for the Tannery Site Cleanup Project**

Issue:
Shall the City Council approve a $5M Brownfield Cleanup Grant Cooperative Agreement & Work Plan with the United States Environmental Protection agency (EPA) for the Tannery Site Cleanup Project?

Background:
In August 2023, City staff issued a formal Request for Proposal (RFP) in the Oregon Daily Journal of Commerce (DJC) seeking a consultant to perform Qualified Environmental Professional (QEP) services and effectively manage the entire Tannery Site Cleanup project from start to finish through monitoring periods to final closeout and turnover which is anticipated to take 18-24 months to complete. In September 2023, a contract was awarded to WSP USA Environmental who immediately began working with City staff to apply for a $5M EPA Brownfield Cleanup Grant.

In fall 2023 City staff responded to EPA Request for Applications (RFA) No. EPA-I-OLEM-OBLR-23-15 for up to $5M in Brownfield Cleanup Grant funds with applications due shortly thereafter on November 13, 2023. City staff successfully submitted a grant application for the maximum $5M in grant funding for the full site cleanup, Alternative 2, which would have all contaminated materials set to be hauled-off to nearby landfills. The previously preferred Alternative 4 would have left some of the contaminated materials on-site in lined & capped “cells” which was less expensive and more likely to receive the previous maximum EPA Brownfield Cleanup Grant award of $2.5M. EPA increased the grant award from $2.5M to $5M for this grant cycle only which enabled the City to request the additional funds required to clean up the entire site.

The full site cleanup, Alternative 2, is currently anticipated to cost $5M, which is the same amount as the EPA Brownfield Cleanup Grant and therefore there are no additional local City funds programmed into the final approved Cooperative Agreement Work Plan Number 4B-02J89701. In short, there are no matching local funds required to complete the site cleanup work; the site cleanup work is entirely funded by the EPA site cleanup grant funds.

In addition to the $5M site cleanup efforts, City staff and the environmental consultant will continue pursuing additional special funding opportunities, mostly grants, needed to further prepare the site for future development of the site into a public use, for example, a project to bring in additional fill material required to raise portions of the site up and potential stub utilities to the site with the future adjacent projects.

Due to the complex nature of the site cleanup and potential for unforeseen issues to arise, staff recommends establishing a 14% contingency fund of $700,000 in budgeted City funds to ensure the Tannery Site Cleanup project gets completed in a timely manner while considering the best interests of the other large projects the City has planned on and around this site.

It will take approximately 18-24 months to evaluate the natural resources, develop a preliminary site plan, finalize the remedial action plan (RAP) & contaminated media management plan (CMMP), prepare bid documents, and advertise the project for public construction bids from qualified environmental remediation contractors which is anticipated to occur in Spring 2026. The construction schedule will be highly dependent upon the bid opening date and could very well extend across two summers due to a significant amount of grading work occurring within wetlands and floodplains. City staff can provide an update on the schedule for the site cleanup project at a work session Spring 2025. Assuming the site cleanup work will span across 2 summers, the site cleanup project is anticipated to be completed (DEQ issues No Further Action Letter) by June 30, 2027.

Financial Impact:
The $5M EPA Brownfield Cleanup Grant will fully fund the site cleanup project with no matching funds programmed into the Cooperative Agreement Work Plan Number 4B-02J89701. There are no financial impacts anticipated from this action. The $700,000 in authorized contingency funds will be expended across the next 3 fiscal years and shall not be expended until authorized in an adopted City budget.

Recommendation:
Staff respectfully recommends adoption of Resolution 2024-076, approving a $5M Brownfield Cleanup Grant Cooperative Agreement & Work Plan with the United States Environmental Protection Agency (EPA) for the Tannery Site Cleanup Project.

City of Sherwood Oregon
Home of the Tualatin River National Wildlife Refuge

RESOLUTION 2024-076

APPROVING A $5M BROWNFIELD CLEANUP GRANT COOPERATIVE AGREEMENT & WORK PLAN WITH THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (EPA) FOR THE TANNERY SITE CLEANUP PROJECT

WHEREAS, the Tannery Site Cleanup Project is a top priority for the City with several other large City projects dependent upon the timely cleanup of contaminated materials from this site; and

WHEREAS, in fall 2023 City staff responded to EPA Request for Applications (RFA) No. EPA-I-OLEM-OBLR-23-15 to receive up to $5M in Brownfield Cleanup Grant funds with applications due November 13, 2023; and

WHEREAS, staff successfully submitted a grant application for the maximum $5M in grant funding; and

WHEREAS, on May 20th, 2024, the EPA notified City officials of the selection to receive $5M in Brownfield Cleanup Grants and began negotiating a final work plan to award a cooperative agreement for the City to expend those funds; and,

WHEREAS, the direct cleanup costs are expected to equal the available cleanup funds at $5M and no matching or supplemental funds are required for the cooperative agreement cleanup project; and

WHEREAS, the final attached Cooperative Agreement Work Plan has been negotiated and issued (Cooperative Agreement Grant Number 4B-02J89701) by EPA administrators; and

WHEREAS, although no direct participating matching City funds are required for this Cooperative Agreement, staff recommends setting a contingency amount of $700,000.00 (14% of the $5M cleanup grant) in budgeted funds to handle unforeseen conditions and issues encountered over the next 2 to 2 ½ years.

NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

Section 1. The Sherwood City Council hereby approves the final cleanup grant Cooperative Agreement Work Plan No. 4B-02J89701 attached hereto as Exhibit A.

Section 2. The City Manager is authorized to accept the final Cooperative Agreement and begin expending the EPA cleanup grant funds as soon as possible.

Section 3. The City Manager is authorized to expend up to an additional $700,000.00 in budgeted City funds for unforeseen conditions required to complete the site cleanup project.

Section 4. This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 3rd day of December 2024.

Tim Rosener, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

EPA REGION 10
FY2024 BROWNFIELDS CLEANUP COOPERATIVE AGREEMENT
BROWNFIELD CLEANUP GRANT
WORKPLAN

FOR

CITY OF SHERWOOD, OR

Period of Performance (4 years for Community-Wide and Coalition Assessment Grants):
October 1, 2024 – September 30, 2028

Date(s) of Draft Workplan (date each revision): November 5, 2024

Submitted by

The City of Sherwood
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EPA Cooperative Agreement Number: 4B-02J89701

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FY2023 WORKPLAN FOR BROWNFIELDS ASSESSMENT COOPERATIVE AGREEMENT
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1. INTRODUCTION

1.1 Project Description, Goals and Objectives

The City of Sherwood Oregon ("City"; population 20,222; area 4.5 square miles), is in Washington County, approximately 20 miles southwest of Portland. The City's backyard is the 900-acre Tualatin River National Wildlife Refuge (TRNWR), and the City is within the ancestral homelands of the Tualatin Band of the Kalapuyan Tribe, now part of the Confederated Tribes of Grand Ronde. The City incorporated in 1893, and a brickyard developed around the same time, fueled by rich clay deposited by the Missoula Ice Age floods. The City's economy then developed around leather tanning and fruit and vegetable canning. The target area for this work is the City's industrial corridor in northeast Sherwood (census tract 321.04). This area is home to the City's lowest income neighborhood, Brickyard Terrace, which sits across Southwest (SW) Oregon Street from the proposed Brownfields site, the former Frontier Leather Tannery. The target area has been impacted by the City's industrial history and strict state and regional land use requirements, which create Brownfields challenges by limiting land available to accommodate growth.

The City's population grew 521% from 1990 to 2010. Even after slowing to 12% between 2010 and 2020, the City significantly exceeded the 7% median growth rate for Oregon municipalities over that period. Growth has increased demand for municipal services, such as public works, emergency response, and parks. Oregon's unique statewide land use system requires all cities to restrict growth and preserve farmland and forests with an Urban Growth Boundary (UGB). Brownfield reuse is the City's only option for creating space to serve its increasingly diverse residents. It will also protect the adjoining and sensitive TRNWR, bolster resilience by improving floodplain conditions, and reduce the risk that future flood events might spread contamination and impact nearby residents, who are disproportionately renters, lower income, and already impacted by environmental justice (EJ) concerns. Brownfield reuse will also support economic development goals by making the City's main jobs center more attractive to employers and will provide access to greenspace and the TRNWR for workers and underserved residents.

Reuse strategies focus on public uses, and on protecting the floodplain, wetlands, and TRNWR. A 50-foot environmental buffer will separate the developable portion of the Site from the floodplain, providing a wildlife corridor and habitat, plus public education and recreational opportunities. By supporting increased water storage capacity in the 100-year floodplain, the buffer enhances Site resilience: regional climate change models estimate a 32% increase in 100-year extreme precipitation events by 2050, and added on-Site flood storage reduces flood risks. This reuse strategy could also support establishment of a City-run wetland mitigation bank. Reuse strategies for the wetlands portion include a new green infrastructure regional water quality installation to treat currently untreated stormwater from across east Sherwood (a 50-acre basin) before discharging into Rock Creek. Reuse strategies for the developable portion include greenspace and/or an expanded public works and emergency operations center, to include community space and a resilience hub, like a heating or cooling center. The City plans robust public visioning and engagement to further specify reuse strategies.

Different community groups and project partners have expressed a desire for Site redevelopment for over 20 years. Since 2015, the City has maintained a project website and held numerous public meetings regarding the Site, which has targeted hard-to-reach groups, including people with low-income and people with disabilities.

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Description of the Brownfield Site

The City's proposed Brownfield site ("Site") is the former Frontier Leather Tannery, located at 1210 SW Oregon Street. The Site is vacant with no structures, except for one small former pumphouse. It consists of 25 acres, over half of which (17.36 acres) is wetlands. These include two 3.4-acre former sedimentation (waste) lagoons. A portion of the Site is located in the 100-year floodplain. Rock Creek and associated wetlands along the Site's eastern boundary connect the Site to TRNWR. SW Oregon Street – a major thoroughfare – separates the Site from Brickyard Terrace to the south. From 1947, Frontier Leather used chromium oxide to tan cow and deer hides from the local slaughterhouse at the Site and split them into halves. The less valuable halves were buried on Site, and sludge from wastewater treatment processes was discharged into the two lagoons. Frontier Leather also leased an onsite building to a series of lead-acid battery manufacturers from 1956 to 1972, which resulted in the removal of 743 tons of lead-contaminated soil in the mid-1990s. A fire nearly destroyed the facility in 1981. Portions were rebuilt, and the tannery remained in use until 1998, when Frontier Leather went bankrupt, leaving no viable responsible party. The tannery had been vacant for almost 10 years when it burned to the ground in 2006.

The Oregon Department of Environmental Quality (DEQ) added the Site to its Orphan Site List in 2002, and initial assessments identified chromium, lead, and other heavy metals in soil and sediment at concentrations exceeding human health and ecological risks. A FY14 EPA Brownfields Site-Specific Assessment grant funded a Phase II Environmental Site Assessment (ESA) and draft Analysis of Brownfields Cleanup Alternatives (ABCA). Washington County acquired the Site through tax foreclosure between 2012 and 2014, and the City purchased the Site in 2023.

The Site is an attractive nuisance due to its unsecured location, frequent illegal dumping, and presence of wetlands, which is especially problematic given the surrounding residential, commercial, and light industrial uses. The Site also threatens the surrounding natural environment: previous assessments have identified metals in soil and sediment samples in Rock Creek, which discharges to TRNWR. Metal concentrations are highest in the hide-split landfill and downstream of breaches in the former waste lagoons. Chromium-contaminated hides, stacked in layers and exposed by erosion, are easily accessible by wildlife and people, including those camping due to homelessness. Police activity has been documented related to criminal mischief, arson, and odor complaints.

1.2 Organizational Structure and Responsibilities

The City has the knowledge and experience required to manage this grant. City staff engaged in this project are experienced grant administrators capable of successful and timely expenditure of EPA funds, meeting all technical, administrative, financial, and reporting requirements.

Jason Waters, P.E. is the City Engineer and director of the project. Jason has over 20 years' experience managing and delivering large public improvement projects and will manage the project day-to-day. He will work with the Qualified Environmental Professional (QEP) to develop, review, and approve all reports, Assessment, Cleanup and Redevelopment exchange System (ACRES) submissions, and deliverables. He will also lead City efforts to select a remediation contractor and will serve as the City's primary budget manager.

David Bodway is the city's finance director and the project's financial manager. He will work closely with Jason to coordinate the project finances. David will manage and approve EPA funds tracking and submission of reimbursement requests. David has 18 years' experience in government finance and accounting, and holds a Masters in Public Administration from Portland State University.

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Jo Guediri is the Engineering Program Associate and will serve as administrative support. Jo has over 20 years' experience administering complex public construction contracts, including project setup and payments. She will support development of payment requests, review of payment processing, and preparing and submitting grant reimbursement requests.

Tammy Stevens is the City's volunteer coordinator and will serve as the City's community outreach lead, coordinating with Jason. Tammy has worked with the City for 10 years and enjoys strong connections with local nonprofits and other partners.

Craig Sheldon is the Acting City manager and Public Works Director, and will serve as the Project Supervisor. He will be accountable for the project and the City team's success. He will support Jason with reports to City Council. Craig has over 34 years' experience completing construction and public works projects.

The City has staff and systems in place to assist with and support efficient staff transitions should unforeseen events take place. This will eliminate project delays and ensure staff have appropriate qualifications and experience. The City procures $2.2 million of contractor services annually and has the staff and procedures in place to acquire these through a competitive, qualifications-based process compliant with 2 CFR 200.317 - 200.326. Through its partnership with Sherwood School District, as well as Portland Community College and Oregon Tradeswomen, the City will leverage this grant to connect diverse community members with Brownfields redevelopment careers. This could include facilitating field trips, holding Q&A sessions with professionals working at the Site, and sharing project updates.

1.3 Project Outputs and Outcomes

Pursuant to EPA Order 5700.7, "Environmental Results under EPA Assistance Agreements," EPA requires that all grant recipients adequately address environmental outputs and outcomes. Outputs and outcomes differ both in their nature and in how they are measured.

Outputs refer to measurable quantitative or qualitative activities, efforts, deliverables, or work products during the project period. The following outputs are anticipated for each project task.

Task 1: Project Management Outputs. 48 project team meetings, 15 quarterly reports, 4 MBE/WBE reports, 4 Federal Financial Reports, attendance at 1 National Brownfields Training Conference, attendance at 3 state/regional Brownfields conferences, 16 quarterly ACRES updates.

Task 2: Community Engagement and Site Selection Outputs. 1 PIP, 16 City Council updates, 7 community meetings and notes/attendance/recordings, website and online information repository, 16 press releases/blogs/website updates/social media posts, and direct community outreach as needed.

Task 3: Cleanup Planning Outputs. 1 final, updated, Analysis of Brownfields Cleanup Alternatives (ABCA) (ABCA-Rev 2); 1 site-specific Health and Safety Plan (HASP), 1 Quality Assurance Project Plan (QAPP),1 Sampling and Analysis Plan (SAP); 1 cleanup plan (Remedial Action Plan [RAP], 100% design documents; and 1 set of bid documents.

Task 4: Site Cleanup Outputs. 1 memorandum at the completion of excavation activities and 1 grant close-out report detailing cleanup progress and any remaining needs.

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Outcomes refer to the result, effect, or consequence that will occur from carrying out the activities or outputs of the project. Outcomes may be environmental, behavioral, health-related, or programmatic; must be quantitative; and may not necessarily be achievable during the project period. EPA will work with cooperative agreement recipients (CARs) to demonstrate the impact of assessing and cleaning up brownfields by measuring the amount of land on which environmental threats have been determined, what risks have been addressed, and the number of acres made ready for reuse. Outcomes from a grant might include the number of jobs leveraged and other funding leveraged through the economic reuse of properties, or acres of greenspace created for communities.

The City will track and evaluate progress monthly, coordinating with the QEP and project contractor. It will measure/report outputs and other deliverables with quarterly progress reports and in ACRES. Measurement will compare quarterly achievements to output/outcome goals, so that deviations can be identified and corrected as they occur. The following outcomes are anticipated:

- Reuse will protect City residents, Rock Creek, and TRNWR's sensitive environment, including endangered and threatened species, from contamination.
- The City will explore establishing a wetland mitigation bank and will consider donating part of the Site's wetlands to TRNWR.
- Reuse could also benefit City operations and therefore all residents by providing additional space for public functions and services. This is particularly important given the City's rapid growth and expanded service needs. Public works personnel are critical emergency first responders, but the current public works building is projected to be unusable following a major earthquake. An improved emergency operations center would improve resilience to earthquakes, floods from larger storms and other disasters, and support emergency response and long-term social and economic recovery. This would benefit vulnerable and sensitive populations who are more likely to be disproportionately impacted. Any public buildings at the Site would be constructed to energy-efficient standards (e.g., LEED or similar), and reuse plans would consider development of solar generation and a disaster-resilient microgrid.
- Site reuse will facilitate development of a critical segment of the regional, multi-use Tonquin Ice Age Trail ("Trail") along SW Oregon Street, which will include signage explaining the impact of the Missoula Ice Age floods on the City's geology. Reuse will therefore improve access to trails for Brickyard Terrace residents, who are farther from existing trails and are also more likely to be low-income or people of color.
- The Trail will make the 250-acre Tonquin Employment Area (TEA), located 500 feet east of the Site, more attractive to employers; reuse therefore supports job creation and local economic development. The TEA is the City's primary employment cluster, and by 2028, it will host over 3,500 family-wage light manufacturing and technology jobs. 90% of the local workforce commutes outside the City, and 53% of these commute 10-25 miles or more. The Climate and Economic Justice Screening Tool (CEJST) ranks the City in the 80th percentile nationally for transportation barriers (average of relative cost and time spent on transportation), which likely relates to commuting burdens. More local, family-wage jobs benefit residents at all income levels by reducing out-commuting and related emissions and diversifying the economy and taxbase.
- Removal of approximately 45,025 cubic yards of contaminated soil, sediment, and hides from the Site; decrease in chromium, lead, and other metals in soil and Rock Creek sediments.
- Preservation easements for 50-foot wetland buffer.
- Consolidated lot lines, with potential donation of sensitive wetlands at Site's east to TRNWR.
- Increase in wetland buffer and wetland area.
- Increased floodplain capacity due to environmental restoration.

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2. PROJECT TASK DESCRIPTIONS

Project Tasks include project management, community engagement, cleanup planning, and site cleanup. The following tables provide additional information including:

- Objective of the task
- Who has the lead for each task
- Milestones and deliverable(s)
- Estimated submittal or completion dates

2.1 TASK 1 – PROJECT MANAGEMENT

Task 1 – Project Management	
i.	Project Implementation, EPA resources. The City will be responsible for overall project execution and management, and will monitor schedule and budget, report on activities and accomplishments to stakeholders, and oversee the QEP, which will support documentation and reporting. City and QEP will meet monthly. Three City staff will attend 1 National Brownfields Training Conference and 3 state or regional conferences.
ii.	Schedule. QEP procured in compliance with 2 CFR 200.317-326 and all applicable EPA guidelines and best practices in Oct. 2023 (see threshold criteria). Work will begin upon completion of EPA-approved workplan, assumed Oct. 1, 2024 to Sept. 30, 2028.
iii.	Task/Activity Lead. City Assist: QEP
iv.	Outputs. 48 project team meetings, 15 quarterly reports, 4 MBE/WBE reports, 4 Federal Financial Reports, attendance at 1 National Brownfields Training Conference, attendance at 3 state/regional Brownfields conferences, 16 quarterly ACRES updates.

2.1.1 Project Management

Activities necessary to manage the project in accordance with the workplan include selection of contractors following all procurement guidelines, establishment and maintenance of necessary cooperative agreement records and files. Additional project management work includes financial management, project oversight, and attendance at necessary project meetings.

2.1.2 Project Reporting - Periodic

Required periodic reports including Quarterly Progress Reports will be submitted within 30 days of the end of each federal fiscal quarter ending December, March, June, and September (due by January 30, April 30, July 30, and October 30). Additionally, the Project Director will submit property specific information reflecting site specific activities within 30 days after the end of the Federal fiscal quarter in which the event occurred via the ACRES on-line reporting system, the . The Project Director will enter ACRES to report the initiation of assessment and completion of assessment activities.

2.1.3 Staff Training/Travel

One City staff member will attend one National Brownfields Training Conference and three state/regional conferences.

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2.1.4 Contractor Procurement

Upon final acceptance by the EPA of the City's workplan and execution of an agreement, the City will procure all necessary contractors in accordance with the City's procurement procedures and with 2 CFR Part 200 Uniform Administrative Requirements for Grants and Cooperative Agreements for Federal Awards and EPA specific Regulations for Grants and Agreements at 2 CFR Part 1500.

2.1.5 Final Performance Report

The City will prepare a final performance report and submit it to the EPA Brownfields Project Manager within 120 calendar days after the expiration or termination of the award. The report will cover the entire project period, including the same information as the Quarterly Progress Reports and may include before and after photos of the cleanup of the site. In addition, the Final Performance Report will specifically address lessons learned in implementing the brownfields cleanup, successes achieved, and a summary fact sheet of the project.

2.2 TASK 2 – COMMUNITY ENGAGEMENT

Task 2 – Community Engagement
i. Project Implementation. City will develop a Public Involvement Plan (PIP) and conduct 8 community meetings at key project milestones. City will work closely with project partners to conduct direct outreach to impacted neighbors, especially Brickyard Terrace, Hawk's View Elementary School, and The Springs senior living facility. City has budgeted participant support costs, including stipends to cover time, loss of wages to attend meetings, and other incentives/costs associated with meeting attendance, including transportation and childcare.
ii. Schedule. Oct. 1, 2024 to Sept. 30, 2028. Community meetings in Nov. 2024 (kickoff, ABCA review, reuse visioning), Mar. 2025 (ABCA review/finalization, reuse visioning), Jul. 2025 (reuse visioning), Dec. 2025 (pre-construction, cleanup plan development), May and Dec. 2026 (cleanup), May 2027 (post-cleanup) and Mar. 2028 (grant completion). Other meetings as needed.
iii. Task/Activity Lead. City Assist. QEP
iv. Outputs. 1 PIP, 16 City Council updates, 8 community meetings and notes/attendance/recordings, website and online information repository, 16 press releases/blogs/website updates/social media posts, and direct community outreach as needed.

2.2.1 Community Outreach and Involvement

The City's priority is to meaningfully engage and solicit from stakeholders directly impacted by the project, especially underserved communities in Brickyard Terrace. The City will develop a PIP to build on past community engagement efforts and meaningfully engage as many diverse stakeholders as possible. The PIP will outline planned engagement activities according to project timelines, target audiences, and engagement best practices. The City anticipates holding eight in-person community meetings, with virtual options to facilitate maximum participation. Reuse visioning will occur at several meetings (Table 7), and meetings will coincide with major project milestones like project initiation (meeting 1), ABCA-Rev 2 finalization (meeting 2), development of cleanup plans and selection of remediation contractor (meetings 3, 4), cleanup (meetings 5, 6), post-cleanup (meeting 7) and grant closeout (meeting 8).

The City will engage the following partners:

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Organization	Contact Name & Info	Organization Purpose & Project Role
Sherwood City Council	Mayor Tim Rosener rosenert@sherwoodoregon.gov 503.625.4246	Advertise community meetings via websites, newsletters, and social media. Facilitate public meetings and engage the community around Site reuse. Collect and share community feedback and questions with City staff and advise on community engagement and messaging.
Clean Water Services (regional water resource management utility)	Elle Wörrlein, PE, Development Services Program Manager; 503.681.3650 worrleine@cleanwaterservices.org	Provide subject matter expertise and engage community on Site redevelopment, infrastructure development, and watershed impacts. Advertise community meetings via website, billing notices, newsletters, and social media.
Sherwood School District	Jessie Palmer, Environmental Science Teacher (Sherwood High School) jpalmer@Sherwood.k12.or.us 503.825.6000	Engage youth in educational opportunities related to environmental careers and provide project details/community meeting information in multiple languages to students and families.
Tualatin River National Wildlife Refuge (US Fish and Wildlife Service)	Richard Mykut, Wildlife Biologist Richard_Mykut@fws.gov 503.625.5944	Subject matter expert on benefits of protecting and connecting bike/ped with TRNWR. Help with outreach via events, e.g. TRNWR Migratory Bird Festival.
Sherwood Chamber	Renee Brouse, Exec. Director Chamber@sherwoodchamber.org 503.625.7800	Engaging/informing business leaders, hosting speakers and outreach events, advertising, and hosting public meetings.
Tualatin Valley Fire & Rescue	Deric Weiss, Fire Chief; dweiss@tvfr.org; 503.649.8577	Hosting public meeting events at Station 33's community meeting room, near Site.

2.2.2 Project Updates and Other Public Information

The City will work with project partners to advertise meetings via partner newsletters, social media, websites, and the newspaper. The City will collect meeting attendance, record all public comments, and consider them in cleanup implementation. The City will transparently post online and share in subsequent public meetings which feedback it incorporated and how, and which it did not or could not, and why.

The City will publish monthly blogs, articles, social media posts, website updates, or press releases to keep the community informed throughout the project, including quarterly updates at City Council meetings. It will work with project partners to provide at least two field trips to support community and career education for diverse stakeholders like youth, Brickyard Terrace residents, and underserved communities.

2.3 TASK 3 – CLEANUP PLANNING

Task 3 – Cleanup Planning
i. Project Implementation. Activities will include a 30-day ABCA public review and comment period; finalizing the updated ABCA (ABCA – Rev 2) to incorporate comments from public notice and regulatory review; obtaining approval from R10 EPA Project Manager; securing all permits/regulatory approvals;

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	developing Site cleanup plans including HASP, QAPP and SAP; completing 100% design documents; preparing bid documents for soliciting cleanup contractors; and completing bidding process.
ii.	Schedule. Jan. 1, 2025 to June 30, 2026
iii.	Task/Activity Lead. QEP Assist. City
iv.	Outputs. 1 final ABCA; 1 HASP, QAPP, SAP; 100% design documents; 1 set of bid documents; 1 cleanup plan

2.3.1 Proposed Cleanup Plan

The preferred remedial action (ABCA Alternative 2) includes excavation and off-site transportation of animal hides and contaminated soils and sediments with metals concentrations above cleanup levels. This includes approximately 25,300 cubic yards of hides and comingled soils, 17,000 cubic yards of contaminated soils and sediments from the north and south sedimentation lagoons, 2,725 cubic yards of sediments outside the lagoons in the Rock Creek floodplain.

2.3.2 ESA and NHPA requirements

All project activities will be conducted in full compliance with the Endangered Species Act (ESA) and National Historic Preservation Act (NHPA). The project manager shall be responsible for providing the EPA's Project Officer all of the necessary documentation to expedite review under ESA and NHPA. This information will include the location of the project, any threatened or endangered species or habitat which may be affected by the project, whether the site is considered to be of concern by the State Historic Preservation officer, a list of Tribes who may believe the site or project could disturb cultural resources, and an evaluation as to whether remediation plans could have adverse effects on endangered species or cultural resources.

2.3.3 Quality Assurance Project Plan (QAPP), Sampling and Analysis Plan (SAP), and Health and Safety Plan

A robust Quality Assurance/Quality Control (QA/QC) process will be implemented. This will include preparation of a Quality Assurance Project Plan (QAAP), Sampling and Analysis Plan (SAP), and Contaminated Media Management Plan, which will cover all project sampling activities. In addition, a site-specific Health and Safety Plan (HASP) will be prepared. The HASP will protect on-site workers and other on-site personnel, and will be prepared in accordance with the Occupational Safety and Health Administration (OSHA). Specific procedures will be followed to reduce or eliminate the potential exposure to contamination.

The QAPP and SAP will be prepared and submitted to DEQ and EPA for review and approval before any cleanup work commences. A copy of the HASP also will be submitted to DEQ. The City's selected QEP will have the lead responsibility for preparing the required QAPP, SAP, and HASP documents and submitting them and securing all appropriate signatures. A copy of the QAPP and SAP will be placed in the cooperative agreement file.

2.3.4 Final Cleanup Plans: Remedial Action Plan (RAP) and Contaminated Media Management Plan (CMMP)

The Final Cleanup Plans (RAP and CMMP) will cover all aspects of the cleanup process, including objectives, approach, safety considerations, timelines for the soil removal and transport, stormwater management during construction activities and infrastructure installation. Information will include dust control measures to protect individuals from contaminant or dust exposure and truck egress and fencing controls to prevent exposure to contamination. On-site activities will be restricted to daytime working hours to limit noise exposure. The City and QEP will coordinate with DEQ and EPA so that appropriate protection is provided for sensitive populations during cleanup activities.

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The documents will be submitted to the Oregon DEQ project manager for concurrence that the Cleanup Plans will meet State cleanup requirements. Because part of the site will be used as a public space, public confidence in the adequacy of the cleanup is paramount. The City's selected QEP will have the lead responsibility for preparing the required RAP and CMMP documents and submitting for DEQ approval.

2.3.5 Cleanup (Remedial) Design

The City's selected QEP will have the lead responsibility for preparing draft and final versions of the Remedial Design (RD) plans and specifications, and preparation of bidding documents, with oversight from the City's project manager and DEQ. A copy of the RD will be provided to DEQ.

2.4 TASK 4 – SITE CLEANUP

Task 4 – Site Cleanup
i. Project Implementation. The majority of grant funds support Site cleanup. The City will competitively procure a remediation contractor(s) in compliance with state regulations and 2CFR 200.317-326, which Project Manager will oversee with QEP assistance. Contractor cleanup activities will include excavation, removal, and disposal of contaminated soil, sediment, and hides, as well as wetland restoration. QEP will work with City to ensure cleanup meets state, City, and federal regulations.
ii. Schedule. May 1, 2026 to Apr. 30, 2028
iii. Task/Activity Lead. Contractor Assist. City and QEP
iv. Outputs. 1 grant close-out report detailing cleanup progress and any remaining needs

2.4.1 Cleanup Activities

The cleanup task will be led by the QEP with oversight from the City's project manager. The preferred cleanup remedy is Alternative 2 from the ABCA and is based upon DEQ requirements. Contaminated sediments will be excavated during dry weather conditions when the water table is lower and sediments are not saturated. If necessary, sediments will be temporarily stockpiled on plastic sheeting and allowed to dry before transporting off site to an appropriate landfill (anticipated to be Hillsboro Landfill 18 miles away). Approximately 45,025 cubic yards of total material (hides, contaminated soils, and contaminated sediments) will be excavated. Excavated areas will be backfilled and compacted to existing grade with suitable fill from the berms of the existing sedimentation lagoons or imported from a local source. An area of 3.9 acres of designated wetlands in the excavated area will be restored and enhanced, including sedimentation lagoon berm areas, which will be converted into a constructed wetland. The City is exploring options with the Oregon Department of State Lands (DSL) that could allow it to use cleanup to establish these 3.9 acres of restored and improved wetlands as a mitigation bank. This alternative will allow for the greatest amount of wetland reconstruction and would contribute to enhanced flood control along Rock Creek and TRNWR. The City will follow green remediation best practices where possible, such as use of biodiesel where practical. Oregon DEQ will provide state oversight for the Voluntary Cleanup Program, and will oversee the requirements of the Prospective Purchaser Agreement's Easement and Equitable Servitudes.

2.4.2 Confirmation sampling

Post-cleanup confirmatory sampling and monitoring will be performed. Confirmatory soil sampling will be performed to document concentrations of contaminants on the "leave" surface. Depending on the concentrations remaining in soil, follow-up groundwater monitoring (monitored natural attenuation [MNA]) in up to four groundwater monitoring wells may then be implemented for up to four quarters. DEQ and EPA approval of the QAPP and SAP will be obtained before sampling begins. In addition to sampling/monitoring for contaminants, the success of the revegetation will also be monitored. Memo-style reports will be prepared that

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will include a discussion of field activities, copies of analytical reports, and tables and graphs (for ease in tracking cleanup progress).

2.4.3 Final Cleanup Report

At the end of monitoring (groundwater and revegetation monitoring as required), the QEP will prepare a comprehensive Cleanup Completion Report that confirms the cleanup is complete and meets the cleanup standards identified in the Final Cleanup Plans. The report will include a Residual Risk Assessment (RRA). Institutional controls will consist of the same Easement and Equitable Servitude (EES) that currently exists for the Site. This will enforce the maintenance of engineering controls and prevent use of groundwater. The CMMP will be updated, as necessary, for use by future contractors. It is anticipated that following the completion of this task the Oregon DEQ will issue a No Further Action (NFA) finding for the Site.

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3. SCHEDULE AND DELIVERABLES

DUE DATE For grant award 10/24/2024	ITEM	Send to:			
		EPA PO	STATE	EPA GRANTS	EPA FINANCE
Month 1	Property Profile Form entered in ACRES or submitted to PO	X			
Month 1	Fact sheet - project starting	X			
Month 2	Final ABCA	X	X		
Month 3	Procure Environmental Cleanup Planning, Cleanup Activities contractor, and Public Involvement Contractors	X			
Month 5	Contractor Selection Process Completed, Contract Executed	X			
Month 5	Public Involvement Plan	X			
Month 6	Final Cleanup Plan	X	X		
Month 7	Remedial Design	X	X		
Before fieldwork begins	QAPP / Health and Safety Plan	X			
Before field work begins	Endangered Species Act (ESA) & National Historic Preservation Act (NHPA) Letters	X			
Months 9-30	Cleanup implementation	X			
Month 30-32	Final Cleanup Report	X			
Every three months	Quarterly Progress Report (QPR)	X			
Annually by Oct. 30	DBE Report (MBE/WBE) (DBE = Disadvantaged Business Enterprises) Reports must be submitted **annually** by October 30th of each year. For forms & more information, visit: https://www.epa.gov/resources-small-businesses	X (copy)		X	
With Quarterly Progress Reports (QPR)	Photos and Lessons Learned	X			
As Needed	Requests for Reimbursement – see Administrative Terms & Conditions				X
Month 36	Fact Sheet - Cleanup results	X			

FINAL APPROVED DRAFT

DUE DATE For grant award 10/24/2024	ITEM	Send to:			
		EPA PO	STATE	EPA GRANTS	EPA FINANCE
Month 36 - 39	Final Federal Financial Report (FFR) (SF425) & Final Drawdown For forms & more information, visit: https://www.epa.gov/grants/epa-grantee-forms	X (copy)		X (copy)	X
Month 36 - 39	Closeout: Final Project Report with Summary Fact Sheet, Photos, and Lessons Learned	X			

4. BUDGET

4.1 Budget Table

Brownfield Cleanup Project Budget Table					
Budget Category	**Task 1 Project Management**	**Task 2 Community Outreach**	**Task 3 Cleanup Planning**	**Task 4 Site Cleanup**	**Total**
Personnel	$15,680	$12,460	$9,100	$16,800	**$54,040**
Fringe Benefits	$6,272	$4,984	$3,640	$6,720	**$21,616**
Travel	$10,650	$0	$0	$0	**$10,650**
Equipment	$0	$0	$0	$0	**$0**
Supplies	$0	$2,500	$0	$0	**$2,500**
Contractual	$21,200	$25,800	$179,400	$205,185	**$431,585**
Construction	$0	$0	$0	$4,413,259	**$4,413,259**
Participant Support Costs	$0	$15,000	$0	$0	**$15,000**
Other	$1,350		$20,000	$30,000	**$51,350**
Total Direct Costs	$55,152	$60,744	$212,140	$4,671,964	$5,000,000
Indirect Costs	$0	$0	$0	$0	**$0**
Total Budget (Direct + Indirect Costs)	**$55,152**	**$60,744**	**$212,140**	**$4,671,964**	**$5,000,000**

✓ Travel to brownfields-related training conferences is an acceptable use of these grant funds. Conference registration fees should be included under the "Other" budget category.

FINAL APPROVED DRAFT

- ✓ EPA defines equipment as items that cost $5,000 or more with a useful life of more than one year. Items costing less than $5,000 are considered supplies. Generally, equipment is not required for Brownfield Grants.
- ✓ Administrative costs (direct and/or indirect) for the Assessment Grant applicant itself cannot exceed 5% of the total EPA-requested funds.

Pre-Award Costs:
Pre-award costs will support the following tasks and items if EPA awards the grant after October 1, 2024:

- **Public Involvement Plan.** The City will prepare a draft Public Involvement Plan (PIP) to facilitate community outreach and education about the planned cleanup and redevelopment.
- **DEQ kick-off meeting.** The City and its QEP will attend a project kick-off meeting with DEQ. The meeting will 1) identify what additional environmental testing is required at the site to address data gaps, and 2) confirm reporting requirements, including the types and formats of reports DEQ is expecting.
- **Fencing.** Perimeter fencing will be installed to secure the site and prevent potential exposure to contaminants.
- **Site topographic survey.** A site survey will be conducted to provide data necessary for preparation of cleanup plans and specifications.
- **Preliminary permitting meetings.** The City and its QEP will hold pre-permit application meetings with regulatory agencies and stakeholders such as US Army Corps of Engineers, Clean Water Services, and Oregon Department of State Lands.
- **Conduct Environmental Data Gap Sampling.** Based on the kick-off meeting with DEQ, the City's QEP will prepare a Sampling and Analysis Plan (SAP) for DEQ approval. Sampling and analytical testing will commence upon approval.
- **Project management.** This includes any coordination with EPA, the QEP, and other stakeholders, as well as required grant reporting.

All pre-award costs are included in the budget with the exception of fencing (estimated at $29,700) and data gap sampling, which is projected at approximately $40,000. A final number will be available following the kick-off meeting with DEQ. If needed, the City will reallocate funding from task 4 (Site Cleanup) to cover these unbudgeted pre-award costs.

FINAL APPROVED DRAFT

4.2 Budget Narrative

Personnel time outlined in all tasks is for Jason Waters, a full time employee with the City of Sherwood and amounts to approximately 1% of Jason's hours charged during the four year duration of the grant.

Task	Cost Basis and Assumptions (Average Rate of $70 per hour for City personnel, $190 per hour for QEP)
1. Project Management	Personnel and Fringe Benefits: $21,952 ($15,680 personnel + $6,272 fringe benefits) • 48 monthly team meetings with prep/follow-up ($98/hr [$70/hr personnel + $28/hr fringe] x 48 hrs = $4,704) • Provide project oversight, such as reviewing QEP-prepared reports ($98/hr x 80 hrs = $7,840)

Task	Cost Basis and Assumptions (Average Rate of $70 per hour for City personnel, $190 per hour for QEP)

	Travel Costs: $10,650
	• National Brownfields Training Conference (1 conference x 3 people x $1,600/person = $4,800). Attendees will include three (3) City staff. Assumes:
	  ○ Three nights' lodging @ $250/night ($250 x 3 nights x 3 people = $2,250)
	  ○ Per diem @$65/day ($65 x 3 days x 3 people = $585)
	  ○ Airfare @ $355/person ($300 x 3 people = $1,065)
	○ Total travel to National Brownfields Training Conference = $3900 State or regional Brownfields conferences (3 conferences x 3 people x $800/person = $7,200) Attendees will include three (3) City staff. Assumes:
	  ○ Three nights' lodging @ $150/night ($150 x 3 nights x 3 people x 3 conferences) = $4,050
	  ○ Per diem @ $65/day ($65 x 3 days x 3 people x 3 conferences = $1,755)
	  ○ Mileage @ $0.56/mile ($0.56/mile x 187 miles roundtrip average/conference x 3 people x 3 conferences = $943)
	  ○ Conference registration @ $50/person ($50 x 3 people x 3 conferences = $450)
	  ○ Total travel to regional or state conferences = $6750
	
	Contractual Costs: $21,200.
	• 48 project team meetings (48 x $200/hr x 1 hr = $9,600)
	• 15 quarterly reports (15 x $200/hr x 2 hrs = $6,000)
	• 1 final summary report (12 hours x $200/hr = $2,400)
	• ACRES updates (16 x $200 x 1 hr = $3,200)
	
	Other Costs: $1350
	• National Conference registration @ $300/person ($300 x 3 people = $900)
	• State or Regional Conference registration @ $50/person ($50 x 3 people x 3 conferences = $450)

2. Community Engagement	Personnel and Fringe Benefits: $17,444 ($12,460 personnel + $4,984 fringe benefits) • Review/finalize PIP ($98/hr [$70 personnel + $28 fringe] x 8 hrs = $784) • Plan/facilitate 8 community outreach meetings ($98/hr x 48 hrs = $4,704) • Conduct direct outreach to key constituencies ($98/hr x 50 hrs = $4,900) • Monthly updates for social media, website, press ($98/hr x 72 hrs = $7,056) Supplies: $2,500. Production of printed outreach materials and information signage for direct community outreach, such as fliers and posters ($2,500) Contractual Costs: $25,800. • Public Involvement Plan (12 x $200/hr = $2,400) • Community outreach meetings (8 x $200/hr = $1,600) • Articles/media and website updates (39 hrs x $200/hr = $7,800) • Direct engagement with impacted stakeholders (50 hrs x $200/hr = $10,000) • Interpretation and translation (20 hrs x $200/hr = $4,000) Participant Support Costs (PSCs): $15,000. City will obtain approval from EPA before paying out PSCs and will track disbursements. Assumes:

FINAL APPROVED DRAFT

Task	Cost Basis and Assumptions (Average Rate of $70 per hour for City personnel, $190 per hour for QEP)
	• $5,000 ($100/hr x 50 hours) for childcare provider for after-hours community meetings • $6,000 ($30/hour x 200 hours) in stipends to cover time and lost wages due to meeting attendance • $3,000 to support transportation expenses for meeting attendance • $1,000 ($50 x 20) to support incentives for attendance and feedback, such as gift cards
3. Cleanup Planning	Personnel and Fringe Benefits: $12,740 ($9,100 personnel + $3,640 fringe benefits) Project oversight, including ABCA review/finalization, review remedial design documents, support permitting efforts, review site workplans, prepare bid documents, attend pre-bid stie meetings, evaluate bids and check references, select contractor and coordinate with/oversee QEP ($98/hr [$70 personnel + $28 fringe] x 130 hrs = $12,740 Contractual Costs: $179,400. • Update and finalize ABCA incorporating comments from public notice and regulatory review (average rate of $150/hr x 50 hours = $7,500) • Remedial design ($170/hr x 105 hrs = $17,850 • Permitting ($170/hr x 175 hours = $29,750 + $15,000 permit fees = $44,750) • Develop Site Workplans including HASP, QAPP, and SAP ($150/hr x 60 hour = $9,000) • Prepare 100% design documents; prepare bid documents; attend pre-bid site meetings; assist as requested with bid evaluation and reference checking to support contractor selection ($170/hr x 90 hours = $15,300) • Sampling/Testing of Soil samples for Per-and polyfluoroalkyl substances (PFAS/PFOS) ($150/hr x 100 hours = $15,000 + $4,000 driller costs + Lab tests @ 10 samples x $500 = $5,000; Total = $24,000) • Surveying ($200/hr x 250 hrs = $50,000 + $11,000 equipment = $61,000 Other Costs: $20,000 DEQ oversight ($200/hr x 100 hrs = $20,000)
4. Site Cleanup	Personnel and Fringe Benefits: $23,520 ($16,800 personnel + $6,720 fringe benefits) Oversight of QEP, regulatory communication and correspondence, closeout report ($98/hr [$70/hr personnel + $28/hr fringe] x 240 hrs = $23,520) Contractual Costs: $205,185 • Excavation oversight/monitoring and closure sampling ($111/hr x 885 hrs = $98,235) • Surveying ($200/hr x 100 hrs = $20,000) • Regulatory correspondence and communications throughout project, prepare construction/closeout reports ($175/hr x 450 hrs = $78,750) • Laboratory analysis for chromium ($20/sample x 410 samples = $8,200) Construction costs: $4,413,259 • Cost estimates from 2018 draft ABCA, updated to 2023 dollars. Contractor site preparation/mobilization/demobilization (588.25 hrs x $170/hr = $100,000) • Vegetation removal ($3,500/acre x 17 acres = $59,500) • Install gravel surfacing to minimize erosion, prevent contamination spread ($50/CY x 3,500 CY = $175,000) • Excavation and grading ($20/CY x 50,000 CY = $1,000,000)

FINAL APPROVED DRAFT

Task	Cost Basis and Assumptions (Average Rate of $70 per hour for City personnel, $190 per hour for QEP)
	• Transport/disposal of contaminated soil/hides to appropriate landfills ($67/ton x 37,836 tons = $2,535,009) • Wetland restoration ($43,500/ac x 12.5 ac = $543,750) Other costs: $30,000 DEQ oversight ($200/hr x 150 hrs = $30,000)

Notes
ABCA=Analysis of Brownfield Cleanup Alternatives
ACRES=Assessment, Cleanup & Redevelopment Exchange
HASP=Health & Safety Plan
hr=Hour
QAPP=Quality Assurance Project Plan
QEP=Qualified Environmental Professional
SAP=Sampling & Analysis Plan

FINAL APPROVED DRAFT

City Council Meeting Date: December 3, 2024

Agenda Item: Consent Agenda

TO: Sherwood City Council

FROM: Rich Sattler, Interim Public Works Director

Through: Craig Sheldon, City Manager and Sebastian Tapia, Interim City Attorney

SUBJECT: **Resolution 2024-077, Authorizing City Manager to Enter into a Contract with Northwest Success for Janitorial Services, Hard Floor Maintenance, Carpet and Window Cleaning**

Issue: Shall the City Council authorize the City Manager to enter into a contract with Northwest Success for Janitorial Services, Hard Floor Maintenance, Carpet and Window Cleaning?

Background: The City of Sherwood has contracted for janitorial services for several years for all City facilities and the permanent restrooms at Snyder Park, Stella Olsen Park, Woodhaven Park and the Cannery Plaza.

Oregon Revised Statutes (ORS) 279.835 to 279.855 outline the requirements for public agencies to procure products or services using the State's Oregon Forward program (formerly known as the Qualified Rehabilitation Facility program (QRF)). This program fulfills a state law supporting meaningful work opportunities for Oregonians living with physical, mental, and developmental disabilities.

The Oregon Department of Administrative Services (DAS) manages the products of the disabled program. DAS qualifies each Oregon Forward Contractor (OFC) in Oregon and manages the list of those goods and services determined suitable for procurement by state and local governments.

OFC businesses provide permanent jobs for disabled Oregonians. The purpose of the program is to establish long term business partnerships with state and local agencies. To this end, DAS does not require agencies to bid for services provided by OFCs as they are approved by the State. If the relationship is mutually beneficial, the City can continue to work with the OFC for the services we need for as long as we require. The City has contracted with Northwest Success since 2020; they have provided consistent, satisfactory service to the City and their pricing has remained reasonably consistent.

Financial Impacts: The contract amount of $301,268.36 is approved in the budget. Staff is requesting 5% ($15,063.42) contingency for potential change orders to this contract that may include emergency janitorial services or changes in frequency to the current scope of work, if/when needed.

As this program does not require a competitive bid process for Oregon Forward services, this contract will be renewed yearly without the need to solicit bids, provided the costs do not increase unreasonably.

Recommendation: Staff respectfully recommends City Council approval of Resolution 2024-077, authorizing the City Manager to enter into a contract with Northwest Success for Janitorial Services, Hard Floor Maintenance, Carpet and Window Cleaning.

City of Sherwood Oregon
Home of the Tualatin River National Wildlife Refuge

RESOLUTION 2024-077

AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH NORTHWEST SUCCESS FOR JANITORIAL SERVICES, HARD FLOOR MAINTENANCE, CARPET AND WINDOW CLEANING

WHEREAS, the City of Sherwood has a need for professional custodial services; and

WHEREAS, ORS 279.835 – 279.855 sets forth the requirements for public agencies to procure products and or services using Oregon Forward Contractors (OFC), formerly the Qualified Rehabilitation Facility program (QRF); and

WHEREAS, the State of Oregon has approved all contractors in the OFC program and encourage public agencies to retain contracts with current OFCs when they are satisfied with the work performed by the OFC; and

WHEREAS, Northwest Success (an OFC) has provided janitorial services for the City since 2020 and continues to provide satisfactory service to the City for janitorial services.

NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

Section 1. The City Manager is authorized to enter into a contract with Northwest Success for Janitorial Services, Hard Floor Maintenance, Carpet and Window Cleaning in the initial amount of $301,268.36 and to execute change orders to this contract in an amount not to exceed 5% ($15,063.42) of the annual base price.

Section 2. This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 3rd of December 2024.

Tim Rosener, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

City Council Meeting Date: December 3, 2024

Agenda Item: Consent Agenda

TO: Sherwood City Council

FROM: David Bodway, Finance Director
Through: Craig Sheldon, City Manager and Sebastian Tapia, Interim City Attorney

SUBJECT: **Resolution 2024-078, Authorizing an Interfund Loan from the Community Investment Fund to the Broadband Fund**

Issue:
Should the City of Sherwood authorize an Interfund Loan from the Community Investment Fund to to the Broadband Fund?

Background:
On May 23, 2024, a meeting was held with the budget committee that discussed a $2,400,000 interfund loan from the Community Investment Fund to the Broadband Fund. In addition, and a part of the budgeting process the budget committee approved the budget on May 23, 2024 as presented and City Council formally adopted the approved budget as recommended by the budget committee on June 18, 2024.

Currently the Broadband Fund has limited resources and is requesting a $2,400,000 loan from the Community Investment Fund to continue the buildout of the city's fiber infrastructure. This is a capital related project.

ORS 294.468 allows a local government to loan money from one fund to another and this type of borrowing has been utilized by the city in the past.

Financial Impacts:
There are no immediate financial impacts of approving this resolution. However, the yearly loan repayment must be budgeted and will be a part of the annual budgeting process.

Recommendation:
Staff respectfully recommends City Council adoption of Resolution 2024-078, Authorizing an Interfund Loan from the Community Investment Fund to the Broadband Fund.

City of Sherwood Oregon
Home of the Tualatin River National Wildlife Refuge

RESOLUTION 2024-078

AUTHORIZING AN INTERFUND LOAN FROM THE COMMUNITY INVESTMENT FUND TO THE BROADBAND FUND

WHEREAS, the City of Sherwood is permitted under ORS 294.468 to loan money from one fund to another, provided the loan is authorized by an official resolution; and

WHEREAS, the resolution must state the fund from which the loan is made and the fund to which the loan is made, the purpose of the loan, the principal amount of the loan, interest rate and repayment schedule; and

WHEREAS, this loan is considered a capital loan and must be repaid in full within 10 years; and

WHEREAS, the Community Investment Fund consists of unrestricted funds; and

WHEREAS, inter-fund loans are less expensive to the City as a whole than external borrowings.

NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

Section 1. **Approval of the Interfund Loan**. The Community Investment Fund shall pay to the Broadband Fund $2,400,000 to assist with the continue buildout of the city's fiber infrastructure. Such loan shall bear interest at 5%, which is the rate earned on the City's deposit in the State Local Government Investment Pool for the effective date nearest the date of this resolution; and be paid in equal installments over ten years, with the first annual payment due December 3, 2025. The loan may be prepaid without penalty.

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Section 2. **Loan Repayment Schedule.**

Fiscal Year	Interest	Principal	Ending Balance
23-24			2,400,000.00
24-25	115,690.09	189,778.60	2,210,221.40
25-26	105,980.65	199,488.03	2,010,733.37
26-27	95,774.47	209,694.22	1,801,039.15
27-28	85,046.11	220,422.57	1,580,616.58
28-29	73,768.88	231,699.81	1,348,916.77
29-30	61,914.67	243,554.01	1,105,362.76
30-31	49,453.99	256,014.70	849,348.06
31-32	36,355.79	269,112.89	580,235.17
32-33	22,587.46	282,881.22	297,353.95
33-34	8,114.72	297,353.95	-

Section 3. **Effective Date.** This Resolution shall become effective upon its approval and adoption.

Duly passed by the City Council this 3rd day of December 2024.

Tim Rosener, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

City Council Meeting Date: December 3, 2024

Agenda Item: Consent Agenda

TO: Sherwood City Council

FROM: Jason Waters P.E., City Engineer
Through: Craig Sheldon, City Manager, Rich Sattler, Interim Public Works Director, and Sebastian Tapia, Interim City Attorney

SUBJECT: **Resolution 2024-079, Authorizing the City Manager to Sign an Intergovernmental Agreement (IGA) with the Oregon Department of Transportation (ODOT) for the Construction of SW Ice Age Drive**

Issue:
Shall the City Council authorize the City Manager to sign an Intergovernmental Agreement (IGA) with the Oregon Department of Transportation (ODOT) for the construction of SW Ice Age Drive using federal transportation funds?

Background:
ODOT is one of just a few government agencies in Oregon certified by the Federal Highway Administration (FHWA) to deliver federally funded transportation projects. Neither the City, Washington County nor any city part of the Metro MPO are certified to administrate the distribution of federal funds. Therefore the $3M in federal funds acquired through the 2019 Regional Federal Flexible Allocation (RFFA) project grant must be administered or "let" through ODOT, which requires the execution of intergovernmental agreements (IGAs) for the applicable phase(s) of the project (e.g. feasibility/plan development <30%, design, ROW, construction).

Unlike the Cedar Creek Trail project which was almost entirely funded through the federal funds along a minimum local match of 11% yet per the IGA also required the City to deposit and commit matching funds covering 110% of the final engineer-cost-estimate, the City's share of the construction deposit could exceed $18M after the $3M in federal funds are deducted, so it's a much different scenario now for the City with a majority locally funded project that must meet federal regulations.

Failure to sign the IGA in a timely manner could cause the bid advertisement to get rescheduled at a later date this spring, which could cause the construction schedule to span 2 summers or cost more in order to compress the work into a shorter period over a single summer.

This resolution authorizes the City Manager to the associated IGA in similar form as approved by the City Attorney. Approval of this resolution does not authorize the City Manager to deposit the construction funds outlined in the IGA, which is based upon the final engineer's cost estimate multiplied by 110%. Authorization for the City Manager to deposit the full amount with ODOT for construction per the IGA will come only after the expenditure is approved by the City Council.[1]

[1] Current anticipated amount to be deposited with ODOT for construction minus the $3M federal funds ranges from $16.5M to $18.5M ($17.25M current budget amount) and subject to change based upon review and acceptance by the ODOT Procurement Office as invoiced to the City in January 2025. Project costs, funding sources, and cost savings options will be presented with loan approvals and separate budget actions.

Construction costs to be administered through ODOT are currently estimate at $17,750,000 including all construction administration, management and inspection costs, which multiplied by 1.1 equals approximately $19,500,000 due for all construction costs to be administered through ODOT with $16,500,000 due after the $3M in federal funds are deducted for a lowest deposit amount likely of $16.5M up to $18.0M maximum with the final amount due based upon the cost estimates submitted with the final plans, specification and estimate (PS&E) submittal to ODOT due in a few weeks.

Financial Impacts:
None directly associated with the approval of this resolution authorizing the City Manager to execute the IGA with deposit amount pending authorization through a separate budget action.

Recommendation:
Staff respectfully recommends City Council approval of Resolution 2024-079, authorizing the City Manager to sign an Intergovernmental Agreement (IGA) with the Oregon Department of Transportation (ODOT) for the construction of SW Ice Age Drive.

City of Sherwood Oregon
Home of the Tualatin River National Wildlife Refuge

RESOLUTION 2024-079

AUTHORIZING THE CITY MANAGER TO SIGN AN INTERGOVERNMENTAL AGREEMENT (IGA) WITH THE OREGON DEPARTMENT OF TRANSPORTATION (ODOT) FOR THE CONSTRUCTION OF SW ICE AGE DRIVE

WHEREAS, the SW Ice Age Drive Improvements establishes a new collector street running east-west through the industrial lands in the Tonquin Employment Area (TEA) per the City's Transportation System Plan (TSP Project D20), including the utility infrastructure within the public right-of-way, and multi-modal transportation facilities through the corridor in compliance with the Americans with Disabilities Act of 1990; and

WHEREAS, City Council Resolution 2019-049 directed staff to apply for $3M in federal transportation funds for the construction of SW Blake Street now known as SW Ice Age Drive between SW 124th Avenue and SW Oregon Street; and

WHEREAS, in June 2019 staff submitted an application through Metro in response to the 2022-2024 Regional Flexible Fund Allocation (RFFA) call for projects; and

WHEREAS, $3M in federal funds were awarded to the City of Sherwood in 2020 and in late 2022 finally authorized for spending on the Construction Phase and programmed as such in the State Transportation Improvement Plan (STIP) and Metropolitan Transportation Improvement Plan (MTIP); and

WHEREAS, ODOT is scheduled to advertise the project for construction bids in February 2025 with a March 2025 bid opening date assuming a timely deposit of the construction funds with ODOT; and

WHEREAS, City of Sherwood Resolution 2018-068 delegated contract authority to the City Manager with the limitation that intergovernmental agreements shall require City Council approval regardless of dollar amount; and

WHEREAS, the actual construction deposit amount to be transfer to the state prior to the bid award in early 2025 will be authorized once approved by City Council via separate action; and

WHEREAS, staff and legal counsel from the respective agencies worked together to develop the recommended Intergovernmental Agreement (IGA) for execution.

NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

Section 1. The City Manager is hereby authorized to execute an Intergovernmental Agreement (IGA) with the Oregon Department of Transportation (ODOT) in a form substantially similar to the attached Exhibit A for the construction of SW Ice Age Drive.

Section 2. The City Manager is hereby authorized to deposit the necessary funds with the ODOT for construction per the IGA once the funds are approved in the City budget.

Section 3. This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 3rd day of December 2024.

_____
Tim Rosener, Mayor

Attest:

_____
Sylvia Murphy, MMC, City Recorder

A156-G092921

ODOT Delivered Federal Project
On Behalf of the City of Sherwood
Project Name: Ice Age Drive: Oregon St – Dahlke Ln (Tonquin)
Key Number: 23524

THIS AGREEMENT ("Agreement") is made and entered into by and between the STATE OF OREGON, acting by and through its Department of Transportation, hereinafter referred to as "State" or "ODOT," and the CITY OF SHERWOOD, acting by and through its elected officials, hereinafter referred to as "Agency," both herein referred to individually as "Party" and collectively as "Parties."

RECITALS

1. By the authority granted in Oregon Revised Statute (ORS) 190.110, 366.572 and 366.576, state agencies may enter into cooperative agreements with counties, cities and units of local governments for the performance of any or all functions and activities that a party to the Agreement, its officers, or agents have the authority to perform.

2. Ice Age Drive between Oregon Street and Dahlke Lane, will be a part of the city street system under the jurisdiction and control of Agency.

3. Agency has agreed that State will deliver this project on behalf of the Agency.

4. The Project was selected as a part of the USDOT FHWA Earmark 2023 and may include a combination of federal and state funds. "Project" is defined under Terms of Agreement, paragraph 1 of this Agreement.

5. The Stewardship and Oversight Agreement On Project Assumption and Program Oversight By and Between Federal Highway Administration, Oregon Division and the State of Oregon Department of Transportation ("Stewardship Agreement") documents the roles and responsibilities of the State with respect to project approvals and responsibilities regarding delivery of the Federal Aid Highway Program. This includes the State's oversight and reporting requirements related to locally administered projects. The provisions of that agreement are hereby incorporated and included by reference.

NOW THEREFORE the premises being in general as stated in the foregoing Recitals, it is agreed by and between the Parties hereto as follows:

TERMS OF AGREEMENT

1. Under such authority, Agency and State agree to State delivering the construction phase of the Ice Age Drive: Oregon St – Dahlke Ln project on behalf of Agency, hereinafter referred to as "Project." Project includes constructing an approximately one mile east/west industrial collector road between SW Oregon Street and SW Dahlke Lane in Sherwood. The design and right of way phases were completed by Agency using Agency funds. The location of the Project is approximately as shown on the map attached hereto, marked "Exhibit A," and by this reference made a part hereof.

2. Agency agrees that, if State hires a consultant to design the Project, State will serve as the lead contracting agency and contract administrator for the consultant contract related to the work under this Agreement.

3. Project Costs and Funding.

   a. The total Project cost is estimated at $20,645,400.00, which is subject to change. Federal funds for the construction phase of the Project shall be limited to $3,000,000.00. The total cost for the ODOT delivered construction phase for this Project is $18,317,900.00. Agency shall be responsible for all remaining costs, including any non-participating costs, all costs in excess of the federal funds, and the 10.27 percent match for all eligible costs. Any unused funds obligated to this Project will not be paid out by State and will not be available for use by Agency for this Agreement or any other projects. "Total Project Cost" means the estimated cost to complete the entire Project, and includes any federal funds, state funds, local matching funds, and any other funds.

   b. With the exception of Americans with Disabilities Act of 1990-related design standards and exceptions, State shall consult with Agency on Project decisions that impact Total Project Cost involving the application of design standards, design exceptions, risks, schedule, and preliminary engineering charges, for work performed on roadways under local jurisdiction. State will allow Agency to participate in regular meetings and will use all reasonable efforts to obtain Agency's concurrence on plans. State shall consult with Agency prior to making changes to Project scope, schedule, or budget. However, State may award a construction contract up to ten (10) percent (%) over engineer's estimate without prior approval of Agency.

   c. Federal funds under this Agreement are provided under Title 23, United States Code.

   d. ODOT does not consider Agency to be a subrecipient or contractor under this Agreement for purposes of federal funds. The Catalog of Federal Domestic Assistance (CFDA) number for this Project is 20.205, title Highway Planning and

Construction. Agency is not eligible to be reimbursed for work performed under this Agreement.

e. State will submit the requests for federal funding to the Federal Highway Administration (FHWA). The federal funding for this Project is contingent upon approval of each funding request by FHWA. Any work performed outside the period of performance or scope of work approved by FHWA will be considered nonparticipating and paid for at Agency expense.

f. Agency guarantees the availability of Agency funding in an amount required to fully fund Agency's share of the Project.

4. The term of this Agreement shall begin on the date all required signatures are obtained and shall terminate upon completion of the Project and final payment or ten (10) calendar years following the date all required signatures are obtained, whichever is sooner.

5. Termination.

   a. This Agreement may be terminated by mutual written consent of both Parties.

   b. State may terminate this Agreement upon 30 days' written notice to Agency.

   c. State may terminate this Agreement effective upon delivery of written notice to Agency, or at such later date as may be established by State, under any of the following conditions:

      i. If Agency fails to provide services called for by this Agreement within the time specified herein or any extension thereof.

      ii. If Agency fails to perform any of the other provisions of this Agreement, or so fails to pursue the work as to endanger performance of this Agreement in accordance with its terms, and after receipt of written notice from State fails to correct such failures within ten (10) days or such longer period as State may authorize.

      iii. If Agency fails to provide payment of its share of the cost of the Project.

      iv. If State fails to receive funding, appropriations, limitations or other expenditure authority sufficient to allow State, in the exercise of its reasonable administrative discretion, to continue to make payments for performance of this Agreement.

      v. If federal or state laws, regulations or guidelines are modified or interpreted in such a way that either the work under this Agreement is prohibited or if State is prohibited from paying for such work from the planned funding source.

   d. Any termination of this Agreement shall not prejudice any rights or obligations accrued to the Parties prior to termination.

6. **Americans with Disabilities Act Compliance**:

a. When the Project scope includes work on sidewalks, curb ramps, or pedestrian-activated signals or triggers an obligation to address curb ramps or pedestrian signals, the Parties shall:

i. Utilize ODOT standards to assess and ensure Project compliance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 as amended (together, "ADA"), including ensuring that all sidewalks, curb ramps, and pedestrian-activated signals meet current ODOT Highway Design Manual standards;

ii. Follow ODOT's processes for design, construction, or alteration of sidewalks, curb ramps, and pedestrian-activated signals, including using the ODOT Highway Design Manual, ODOT Design Exception process, ODOT Standard Drawings, ODOT Construction Specifications, providing a temporary pedestrian accessible route plan and current ODOT Curb Ramp Inspection form; and

iii. At Project completion, send a completed ODOT Curb Ramp Inspection Form 734-5020 to the address on the form as well as to State's Project Manager for each curb ramp constructed or altered as part of the Project. The completed form is the documentation required to show that each curb ramp meets ODOT standards and is ADA compliant. ODOT's fillable Curb Ramp Inspection Form and instructions are available at the following address:

https://www.oregon.gov/ODOT/Engineering/Pages/Accessibility.aspx.

b. Agency shall ensure that any portions of the Project under Agency's maintenance jurisdiction are maintained in compliance with the ADA throughout the useful life of the Project. This includes, but is not limited to, Agency ensuring that:

i. Pedestrian access is maintained as required by the ADA,

ii. Any complaints received by Agency identifying sidewalk, curb ramp, or pedestrian-activated signal safety or access issues are promptly evaluated and addressed,

iii. Agency or abutting property owner, pursuant to local code provisions, performs any repair or removal of obstructions needed to maintain the facility in compliance with the ADA requirements that were in effect at the time the facility was constructed or altered,

iv. Any future alteration work on Project or Project features during the useful life of the Project complies with the ADA requirements in effect at the time the future alteration work is performed, and

v. Applicable permitting and regulatory actions are consistent with ADA requirements.

c. Maintenance obligations in this section shall survive termination of this Agreement.

7. State shall ensure compliance with the Cargo Preference Act and implementing regulations (46 CFR Part 381) for use of United States-flag ocean vessels transporting materials or equipment acquired specifically for the Project. Strict compliance is required, including but not limited to the clauses in 46 CFR 381.7(a) and (b) which are incorporated by reference. State shall also include this requirement in all contracts and ensure that contractors include the requirement in their subcontracts.

8. Agency grants State the right to enter onto Agency right of way for the performance of duties as set forth in this Agreement.

9. The Parties acknowledge and agree that State, the Oregon Secretary of State's Office, the federal government, and their duly authorized representatives shall have access to the books, documents, papers, and records of the Parties which are directly pertinent to the specific Agreement for the purpose of making audit, examination, excerpts, and transcripts for a period of six (6) years after completion of the Project and final payment. Copies of applicable records shall be made available upon request. Payment for costs of copies is reimbursable by the requesting party.

10. The Special and Standard Provisions attached hereto, marked Attachments 1 and 2, respectively, are incorporated by this reference and made a part hereof. The Standard Provisions apply to all federal-aid projects and may be modified only by the Special Provisions. The Parties hereto mutually agree to the terms and conditions set forth in Attachments 1 and 2. In the event of a conflict, this Agreement shall control over the attachments, and Attachment 1 shall control over Attachment 2.

11. Agency shall assume sole liability for Agency's breach of any federal statutes, rules, program requirements and grant provisions applicable to the federal funds, and shall, upon Agency's breach of any such conditions that requires the State to return funds to FHWA, hold harmless and indemnify the State for an amount equal to the funds received under this Agreement.

12. Agency and State are the only parties to this Agreement and are the only parties entitled to enforce its terms. Nothing in this Agreement gives, is intended to give, or shall be construed to give or provide any benefit or right, whether directly, indirectly or otherwise, to third persons unless such third persons are individually identified by name herein and expressly described as intended beneficiaries of the terms of this Agreement.

13. State and Agency hereto agree that if any term or provision of this Agreement is declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the Parties shall be construed and enforced as if the Agreement did not contain the particular term or provision held to be invalid.

14. Notwithstanding anything in this Agreement or implied to the contrary, the rights and obligations set out in the following paragraphs of this Agreement shall survive Agreement expiration or termination, as well as any provisions of this Agreement that by their context are intended to survive: Terms of Agreement Paragraphs 3.e (Funding), 5.d (Termination), 6.b (ADA maintenance), 9-14, 17 (Integration, Merger; Waiver); and Attachment 2, paragraphs 1 (Project Administration), 7, 9, 11, 13 (Finance), and 38-42 (Maintenance and Contribution).

15. Agency certifies and represents that the individual(s) signing this Agreement has been authorized to enter into and execute this Agreement on behalf of Agency, under the direction or approval of its governing body, commission, board, officers, members or representatives, and to legally bind Agency.

16. This Agreement may be executed in several counterparts all of which when taken together shall constitute one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of this Agreement so executed shall constitute an original.

17. This Agreement and attached exhibits constitute the entire agreement between the Parties on the subject matter hereof. In the event of conflict, the body of this Agreement and the attached exhibits will control over Project application and documents provided by Agency to State. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement shall bind either party unless in writing and signed by both Parties and all necessary approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of State to enforce any provision of this Agreement shall not constitute a waiver by State of that or any other provision. Notwithstanding this provision, the Parties may enter into a Right Of Way Services Agreement in furtherance of the Project.

18. State's Contract Administrator for this Agreement is Katie Gillespie, 123 NW Flanders Street, Portland, OR 97211, katie.j.gillespie@odot.oregon.gov, or assigned designee upon individual's absence. State shall notify the other Party in writing of any contact information changes during the term of this Agreement.

19. Agency's Contract Administrator for this Agreement is Jason M. Waters, PE, City of Sherwood, 22560 SW Pine Street, Sherwood, Oregon, 97140, 503-925-2304, watersj@sherwoodoregon.gov, or assigned designee upon individual's absence. Agency shall notify the other Party in writing of any contact information changes during the term of this Agreement.

THE PARTIES, by execution of this Agreement, hereby acknowledge that their signing representatives have read this Agreement, understand it, and agree to be bound by its terms and conditions.

Agreement No.73000-00029360

This Project is in the 2024-2027 Statewide Transportation Improvement Program (STIP), (Key #23524) that was adopted by the Oregon Transportation Commission on July 13, 2023 (or subsequently by amendment to the STIP).

CITY OF SHERWOOD, by and through its elected officials

By _____

Title _____

Date _____

By _____

Title _____

Date _____

LEGAL REVIEW APPROVAL (If required in Agency's process)

By _____
Agency Counsel

Date _____

Agency Contact:
Jason M. Waters, P.E.
City of Sherwood
22560 SW Pine Street
Sherwood, OR 97140
503-925-2304
watersj@sherwoodoregon.gov

State Contact:
Katie Gillespie
123 NW Flanders Street
Portland, OR 97211
971-264-4290
Katie.j.gillespie@odot.oregon.gov

STATE OF OREGON, by and through its Department of Transportation

By _____
Delivery & Operations Division Administrator

Date _____

APPROVAL RECOMMENDED

By _____
Region 1 Manager

Date _____

By _____
State Traffic Roadway Engineer

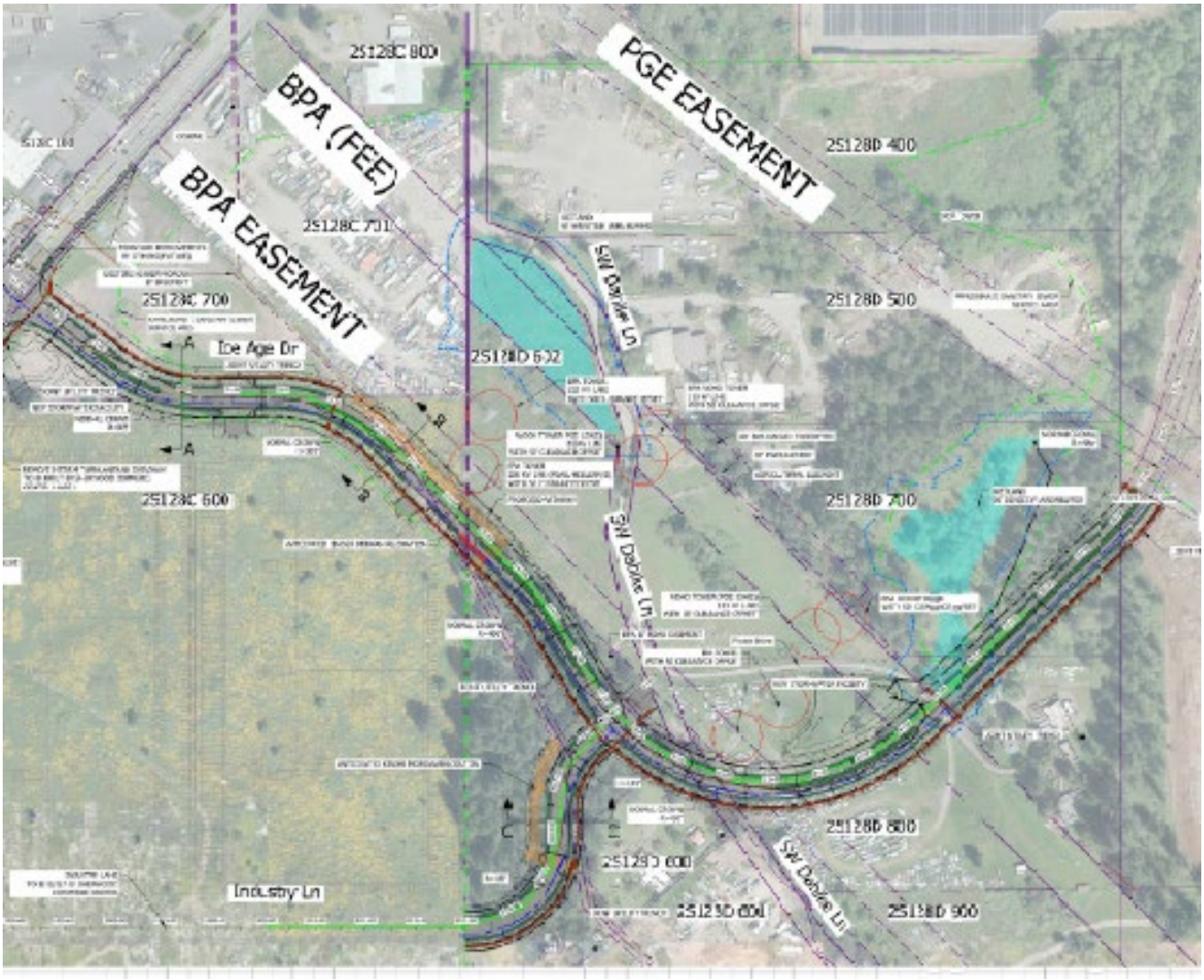
Date _____

APPROVED AS TO LEGAL SUFFICIENCY

By Janet Borth,
Assistant Attorney General

Date: October 5, 2024

EXHIBIT A – Project Location Map



ATTACHMENT NO. 1 to AGREEMENT NO. 73000-0029360
SPECIAL PROVISIONS

1. State or its consultant shall conduct all work components necessary to complete the Project, except for those responsibilities specifically assigned to Agency in this Agreement.

   a. State will advertise, bid, and award the construction contract. Upon State's award of the construction contract, a consultant hired and overseen by the State shall be responsible for contract administration and construction engineering & inspection, including all required materials testing and quality documentation. State shall make all contractor payments.

   b. State will perform project management and oversight activities throughout the duration of the Project. The cost of such activities will be billed to the Project.

2. State and Agency agree that the useful life of this Project is defined as 20 years.

3. If Agency fails to meet the requirements of this Agreement or the underlying federal regulations, State may withhold the Agency's proportional share of Highway Fund distribution necessary to reimburse State for costs incurred by such Agency breach.

ATTACHMENT NO. 2
FEDERAL STANDARD PROVISIONS

PROJECT ADMINISTRATION

1. State (ODOT) is acting to fulfill its responsibility to the Federal Highway Administration (FHWA) by the administration of this Project, and Agency (i.e. county, city, unit of local government, or other state agency) hereby agrees that State shall have full authority to carry out this administration. If requested by Agency or if deemed necessary by State in order to meet its obligations to FHWA, State will act for Agency in other matters pertaining to the Project. Prior to taking such action, State will confer with Agency concerning actions necessary to meet federal obligations. State and Agency shall each assign a person in responsible charge "liaison" to coordinate activities and assure that the interests of both Parties are considered during all phases of the Project.

2. Any project that uses federal funds in project development is subject to plans, specifications and estimates (PS&E) review and approval by FHWA or State acting on behalf of FHWA prior to advertisement for bid proposals, regardless of the source of funding for construction.

3. State will provide or secure services to perform plans, specifications and estimates (PS&E), construction contract advertisement, bid, award, contractor payments and contract administration. A State-approved consultant may be used to perform preliminary engineering, right of way and construction engineering services.

4. Agency may perform only those elements of the Project identified in the special provisions.

PROJECT FUNDING REQUEST

5. State shall submit a separate written Project funding request to FHWA requesting approval of federal-aid participation for each project phase including a) Program Development (Planning), b) Preliminary Engineering (National Environmental Policy Act - NEPA, Permitting and Project Design), c) Right of Way Acquisition, d) Utilities, and e) Construction (Construction Advertising, Bid and Award). Any work performed prior to FHWA's approval of each funding request will be considered nonparticipating and paid for at Agency expense. State, its consultant or Agency shall not proceed on any activity in which federal-aid participation is desired until such written approval for each corresponding phase is obtained by State. State shall notify Agency in writing when authorization to proceed has been received from FHWA. All work and records of such work shall be in conformance with FHWA rules and regulations.

FINANCE

6. Federal funds shall be applied toward Project costs at the current federal-aid matching ratio, unless otherwise agreed and allowable by law. Agency shall be responsible for the entire match amount for the federal funds and any portion of the Project, which is not covered by federal funding, unless otherwise agreed to and specified in the intergovernmental Agreement (Project Agreement). Agency must obtain written approval from State to use in-kind contributions rather than cash to satisfy all or part of the matching funds requirement. If federal funds are used, State will specify the Catalog of Federal Domestic Assistance (CFDA) number in the Project Agreement. State will also determine and clearly state in the Project Agreement if recipient is a subrecipient or contractor, using the criteria in 2 CFR 200.331.

7. If the estimated cost exceeds the total matched federal funds available, Agency shall deposit its share of the required matching funds, plus 100 percent of all costs in excess of the total matched federal funds. Agency shall pay one hundred (100) percent of the cost of any item in which FHWA will not participate. If Agency has not repaid any non-participating cost, future allocations of federal funds or allocations of State Highway Trust Funds to Agency may be withheld to pay the non-participating costs. If State approves processes, procedures, or contract administration that result in items being declared non-participating by FHWA, such items deemed non-participating will be negotiated between Agency and State. Agency agrees that costs incurred by State and Agency for services performed in connection with any phase of the Project shall be charged to the Project, unless otherwise mutually agreed upon by the Parties.

8. Agency's estimated share and advance deposit.

   a) Agency shall, prior to commencement of the preliminary engineering and/or right of way acquisition phases, deposit with State its estimated share of each phase. Exception may be made in the case of projects where Agency has written approval from State to use in-kind contributions rather than cash to satisfy all or part of the matching funds requirement.

   b) Agency's construction phase deposit shall be one hundred ten (110) percent of Agency's share of the engineer's estimate and shall be received prior to award of the construction contract. Any additional balance of the deposit, based on the actual bid, must be received within forty-five (45) days of receipt of written notification by State of the final amount due, unless the contract is cancelled. Any balance of a cash deposit in excess of amount needed, based on the actual bid, will be refunded within forty-five (45) days of receipt by State of the Project sponsor's written request.

   c) Pursuant to Oregon Revised Statutes (ORS) 366.425, the advance deposit may be in the form of 1) money deposited in the State Treasury (an option where a deposit is made in the Local Government Investment Pool), and an Irrevocable Limited Power of Attorney is sent to State's Active Transportation Section, Funding and Program Services Unit, or 2) an Irrevocable Letter of Credit issued by a local bank in the name of State, or 3) cash or check submitted to the Oregon Department of Transportation.

9. If Agency makes a written request for the cancellation of a federal-aid project; Agency shall bear one hundred (100) percent of all costs incurred as of the date of cancellation. If State was the sole cause of the cancellation, State shall bear one hundred (100) percent of all costs incurred. If it is determined that the cancellation was caused by third parties or circumstances beyond the control of State or Agency, Agency shall bear all costs, whether incurred by State or Agency, either directly or through contract services, and State shall bear any State administrative costs incurred. After settlement of payments, State shall deliver surveys, maps, field notes, and all other data to Agency.

10. Agency shall make additional deposits, as needed, upon request from State. Requests for additional deposits shall be accompanied by an itemized statement of expenditures and an estimated cost to complete the Project.

11. Agency shall, upon State's written request for reimbursement in accordance with Title 23, CFR part 630.112(c) 1 and 2, as directed by FHWA, reimburse State for federal-aid funds distributed to Agency if any of the following events occur:

a) Right of way acquisition is not undertaken or actual construction is not started by the close of the twentieth federal fiscal year following the federal fiscal year in which the federal-aid funds were authorized for right of way acquisition. Agency may submit a written request to State's Liaison for a time extension beyond the twenty (20) year limit with no repayment of federal funds and State will forward the request to FHWA. FHWA may approve this request if it is considered reasonable.

12. State shall, on behalf of Agency, maintain all Project documentation in keeping with State and FHWA standards and specifications. This shall include, but is not limited to, daily work records, quantity documentation, material invoices and quality documentation, certificates of origin, process control records, test results, and inspection records to ensure that the Project is completed in conformance with approved plans and specifications.

13. State shall submit all claims for federal-aid participation to FHWA in the normal manner and compile accurate cost accounting records. State shall pay all reimbursable costs of the Project. Agency may request a statement of costs-to-date at any time by submitting a written request. When the final total cost of the Project has been computed, State shall furnish Agency with an itemized statement. Agency shall pay an amount which, when added to said advance deposit and federal reimbursement payment, will equal one hundred (100) percent of the final total cost of the Project. Any portion of deposits made in excess of the final total cost of the Project, minus federal reimbursement, shall be released to Agency. The actual cost of services provided by State will be charged to the Project expenditure account(s) and will be included in the final total cost of the Project.

DESIGN STANDARDS

14. Agency and State agree that minimum design standards on all local agency jurisdictional roadway or street projects on the National Highway System (NHS) and projects on the non-NHS shall be the American Association of State Highway and Transportation Officials (AASHTO) standards and be in accordance with State's Oregon Bicycle & Pedestrian Design Guide (current version). State or its consultant shall use either AASHTO's A Policy on Geometric Design of Highways and Streets (current version) or State's Resurfacing, Restoration and Rehabilitation (3R) design standards for 3R projects. State or its consultant may use AASHTO for vertical clearance requirements on Agency's jurisdictional roadways or streets.

15. Agency agrees that if the Project is on the Oregon State Highway System or a State-owned facility, that design standards shall be in compliance with standards specified in the current ODOT Highway Design Manual and related references. Construction plans for such projects shall be in conformance with standard practices of State and all specifications shall be in substantial compliance with the most current Oregon Standard Specifications for Highway Construction and current Contract Plans Development Guide.

16. State and Agency agree that for all projects on the Oregon State Highway System or a State-owned facility, any design element that does not meet ODOT Highway Design Manual design standards must be justified and documented by means of a design exception. State and Agency further agree that for all projects on the NHS, regardless of funding source; any design element that does not meet AASHTO standards must be justified and documented by means of a design exception. State shall review any design exceptions on the Oregon State Highway System and retain authority for said approval. FHWA shall review any design exceptions for projects subject to Project of Division Interest and retains authority for their approval.

17. ODOT agrees all traffic control devices and traffic management plans shall meet the requirements of the current edition of the Manual on Uniform Traffic Control Devices and Oregon Supplement as

adopted in Oregon Administrative Rule (OAR) 734-020-0005. State or its consultant shall, on behalf of Agency, obtain the approval of the State Traffic Engineer prior to the design and construction of any traffic signal, or illumination to be installed on a state highway pursuant to OAR 734-020-0430.

PRELIMINARY & CONSTRUCTION ENGINEERING

18. Preliminary engineering and construction engineering may be performed by either a) State, or b) a State-approved consultant. Engineering work will be monitored by State to ensure conformance with FHWA rules and regulations. Project plans, specifications and cost estimates shall be performed by either a) State, or b) a State-approved consultant. State shall review and approve Project plans, specifications and cost estimates. State shall, at project expense, review, process and approve, or submit for approval to the federal regulators, all environmental statements. State shall offer Agency the opportunity to review the documents prior to advertising for bids.

19. Architectural, engineering, photogrammetry, transportation planning, land surveying and related services (A&E Services) as needed for federal-aid transportation projects must follow the State's processes to ensure federal reimbursement. State will award, execute, and administer the contracts. State's personal services contracting process and resulting contract document will follow Title 23 CFR part 172, 2 CFR part 1201, ORS 279A.055, 279C.110, 279C.125, OAR 731-148-0130, OAR 731-148-0220(3), OAR 731-148-0260 and State Personal Services Contracting Procedures, as applicable and as approved by the FHWA. Such personal services contract(s) shall contain a description of the work to be performed, a project schedule, and the method of payment. No reimbursement shall be made using federal-aid funds for any costs incurred by Agency or the state approved consultant prior to receiving authorization from State to proceed.

20. The State or its consultant responsible for performing preliminary engineering for the Project shall, as part of its preliminary engineering costs, obtain all Project related permits necessary for the construction of said Project. Said permits shall include, but are not limited to, access, utility, environmental, construction, and approach permits. All pre-construction permits will be obtained prior to advertisement for construction.

21. State shall prepare construction contract and bidding documents, advertise for bid proposals, award all construction contracts, and administer the construction contracts.

22. Upon State's award of a construction contract, State shall perform quality assurance and independent assurance testing in accordance with the FHWA-approved Quality Assurance Program found in State's Manual of Field Test Procedures, process and pay all contractor progress estimates, check final quantities and costs, and oversee and provide intermittent inspection services during the construction phase of the Project.

23. State shall, as a Project expense, assign a liaison to provide Project monitoring as needed throughout all phases of Project activities (preliminary engineering, right-of-way acquisition, and construction). State's liaison shall process reimbursement for federal participation costs.

Disadvantaged Business Enterprises (DBE) Obligations

24. State and Agency agree to incorporate by reference the requirements of 49 CFR part 26 and State's DBE Program Plan, as required by 49 CFR part 26 and as approved by USDOT, into all contracts entered into under this Project Agreement. The following required DBE assurance shall be included in all contracts:

"*The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of Title 49 CFR part 26 in the award and administration of federal-aid contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as Agency deems appropriate. Each subcontract the contractor signs with a subcontractor must include the assurance in this paragraph (see 49 CFR 26.13(b)).*"

25. State and Agency agree to comply with all applicable civil rights laws, rules and regulations, including Title V and Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (ADA), and Titles VI and VII of the Civil Rights Act of 1964.

26. The Parties hereto agree and understand that they will comply with all applicable federal, state, and local laws, regulations, executive orders and ordinances applicable to the work including, but not limited to, the provisions of ORS 279C.505, 279C.515, 279C.520, 279C.530 and 279B.270, incorporated herein by reference and made a part hereof; Title 23 CFR parts 1.11, 140, 635, 710, and 771; Title 49 CFR parts 24 and 26; , 2 CFR 1201; Title 23, USC, Federal-Aid Highway Act; Title 41, Chapter 1, USC 51-58, Anti-Kickback Act; Title 42 USC; Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970, as amended, the provisions of the FAPG and *FHWA Contract Administration Core Curriculum Participants Manual & Reference Guide*. State and Agency agree that FHWA-1273 Required Contract Provisions shall be included in all contracts and subcontracts verbatim and not by reference.

RIGHT OF WAY

27. Right of Way activities shall be conducted in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, ORS Chapter 35, FAPG, CFR, and the *ODOT Right of Way Manual*, Title 23 CFR part 710 and Title 49 CFR part 24.

28. State is responsible for proper acquisition of the necessary right of way and easements for construction and maintenance of projects. State or its consultant may perform acquisition of the necessary right of way and easements for construction and maintenance of the Project in accordance with the *ODOT Right of Way Manual*, and with the prior approval from State's Region Right of Way office.

29. If the Project has the potential of needing right of way, to ensure compliance in the event that right of way is unexpectedly needed, a right of way services agreement will be required. State, at Project expense, shall be responsible for requesting the obligation of project funding from FHWA. State, at Project expense, shall be entirely responsible for project acquisition and coordination of the right of way certification.

30. State or its consultant shall ensure that all project right of way monumentation will be conducted in conformance with ORS 209.155.

31. State and Agency grant each other authority to enter onto the other's right of way for the performance of non-construction activities such as surveying and inspection of the Project.

32. State will purchase right of way in State's name. Upon completion of the Project, State and Agency agree that any right of way purchased outside of State jurisdiction will be transferred to Agency. Agency agrees to take title to the property and shall maintain the property pursuant to this Agreement. Agency shall use the property for public road purposes. If the property is no longer used for public road purposes, it shall revert to State.

RAILROADS

33. State shall follow State established policy and procedures when impacts occur on railroad property. The policy and procedures are available through the State's Liaison, who will contact State's Railroad Liaison on behalf of Agency. Only those costs allowable under Title 23 CFR part 140 subpart I, and Title 23 part 646 subpart B shall be included in the total Project costs; all other costs associated with railroad work will be at the sole expense of Agency, or others.

UTILITIES

34. State or its consultant shall follow State established statutes, policies and procedures when impacts occur to privately or publicly-owned utilities. Policy, procedures and forms are available through the State Utility Liaison or State's Liaison. State or its consultant shall provide copies of all signed utility notifications, agreements and Utility Certification to the State Utility & Railroad Liaison. Only those utility relocations, which are eligible for reimbursement under the FAPG, Title 23 CFR part 645 subparts A and B, shall be included in the total Project costs; all other utility relocations shall be at the sole expense of Agency, or others. Agency may send a written request to State, at Project expense, to arrange for utility relocations/adjustments lying within Agency jurisdiction. This request must be submitted no later than twenty-one (21) weeks prior to bid let date. Agency shall not perform any utility work on state highway right of way without first receiving written authorization from State.

GRADE CHANGE LIABILITY

35. Agency, if a County, acknowledges the effect and scope of ORS 105.755 and agrees that all acts necessary to complete construction of the Project which may alter or change the grade of existing county roads are being accomplished at the direct request of the County.

36. Agency, if a City, hereby accepts responsibility for all claims for damages from grade changes. Approval of plans by State shall not subject State to liability under ORS 105.760 for change of grade.

37. Agency, if a City, by execution of the Project Agreement, gives its consent as required by ORS 373.030(2) to any and all changes of grade within the City limits, and gives its consent as required by ORS 373.050(1) to any and all closure of streets intersecting the highway, in connection with or arising out of the Project covered by the Project Agreement.

MAINTENANCE RESPONSIBILITIES

38. Agency shall, at its own expense, maintain operate, and provide power as needed upon Project completion at a minimum level that is consistent with normal depreciation and/or service demand and throughout the useful life of the Project. The useful life of the Project is defined in the Special Provisions. State may conduct periodic inspections during the life of the Project to verify that the Project is properly maintained and continues to serve the purpose for which federal funds were provided. Maintenance and power responsibilities shall survive any termination of the Project Agreement. In the event the Project will include or affect a state highway, this provision does not address maintenance of that state highway.

CONTRIBUTION

39. If any third party makes any claim or brings any action, suit or proceeding alleging a tort as now or hereafter defined in ORS 30.260 ("Third Party Claim") against State or Agency with respect to which the other Party may have liability, the notified Party must promptly notify the other Party in writing of

the Third Party Claim and deliver to the other Party a copy of the claim, process, and all legal pleadings with respect to the Third Party Claim. Each Party is entitled to participate in the defense of a Third Party Claim, and to defend a Third Party Claim with counsel of its own choosing. Receipt by a Party of the notice and copies required in this paragraph and meaningful opportunity for the Party to participate in the investigation, defense and settlement of the Third Party Claim with counsel of its own choosing are conditions precedent to that Party's liability with respect to the Third Party Claim.

40. With respect to a Third Party Claim for which State is jointly liable with Agency (or would be if joined in the Third Party Claim), State shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by Agency in such proportion as is appropriate to reflect the relative fault of State on the one hand and of Agency on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of State on the one hand and of Agency on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. State's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if State had sole liability in the proceeding.

41. With respect to a Third Party Claim for which Agency is jointly liable with State (or would be if joined in the Third Party Claim), Agency shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by State in such proportion as is appropriate to reflect the relative fault of Agency on the one hand and of State on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of Agency on the one hand and of State on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. Agency's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if it had sole liability in the proceeding.

ALTERNATIVE DISPUTE RESOLUTION

42. The Parties shall attempt in good faith to resolve any dispute arising out of this Project Agreement. In addition, the Parties may agree to utilize a jointly selected mediator or arbitrator (for non-binding arbitration) to resolve the dispute short of litigation.

WORKERS' COMPENSATION COVERAGE

43. All employers, including Agency, that employ subject workers who work under this Project Agreement in the State of Oregon shall comply with ORS 656.017 and provide the required Workers' Compensation coverage unless such employers are exempt under ORS 656.126. Employers Liability Insurance with coverage limits of not less than five hundred thousand ($500,000) must be included. State and Agency shall ensure that each of its contractors complies with these requirements.

LOBBYING RESTRICTIONS

44. Agency certifies by signing the Agreement that:

a) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.

b) If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, and contracts and subcontracts under grants, subgrants, loans, and cooperative agreements) which exceed one hundred thousand dollars ($100,000), and that all such subrecipients shall certify and disclose accordingly.

d) This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Title 31, USC Section 1352.

e) Any person who fails to file the required certification shall be subject to a civil penalty of not less than ten thousand dollars ($10,000) and not more than one hundred thousand dollars ($100,000) for each such failure.

CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY, AND VOLUNTARY EXCLUSION – LOWER TIER COVERED TRANSACTIONS

By signing this Agreement, Agency agrees to fulfill the responsibility imposed by 2 CFR Subpart C, including 2 CFR 180.300, 180.355, 180.360, and 180.365, regarding debarment, suspension, and other responsibility matters. For the purpose of this provision only, Agency is considered a participant in a covered transaction. Furthermore, by signing this Agreement, Agency is providing the certification for its principals required in Appendix to 2 CFR part 180 – Covered Transactions.

City Council Meeting Date: December 3, 2024

Agenda Item: Public Hearing

TO: Sherwood City Council

FROM: Craig Sheldon, City Manager

Through: Sebastian Tapia, City Attorney

SUBJECT: **Resolution 2024-075, Adjusting Solid Waste and Recycling Collection Rates**

Issue: Shall City Council adjust the solid waste and recycling collection rates?

Background: Solid waste and recycling collection services in Sherwood are provided by Pride Disposal, a private company pursuant to a franchise issued under Sherwood Municipal Code (SMC) Chapter 8.20. As set forth in SMC 8.20.80, the City Council sets the rates the franchise holder charges for those services. The current solid waste and recycling collection rates have been in effect since September 1, 2023. SMC 8.20.080 outlines the related factors and processes to be followed by City Council to adjust solid waste and recycling collection rates.

Most cities in Washington County aim to set a reasonable composite rate of return of 8 to 12 percent annually for their solid waste franchisees and SMC 8.20.080 defines a similar target for Sherwood franchisees. With updated 2023 financial information from Pride Disposal, the City had Bell and Associates conduct a Rate Review and issue a report, which was completed in July 2024. The City has determined through the analysis of financial information from Pride Disposal that their adjusted rate of return for 2023 ranged from 2.74% to 7.72% depending upon the type of collection services, with a composite rate return of 4.17%

During the City Council work session on September 17, 2024, Bell & Associates presented a recommendation to adjust rates (see attached) based on increased costs for collection and the increase in tipping fees from Metro. The financial analysis determined that the projected rate of return in 2024 ranges from 4.8% to 12.51% depending upon the type of collection service with a composite of 6.69%.

Financial Impacts: With the proposed rate increase, there will be a minimal financial impact on the City budget as a result of the approval of this resolution.

Recommendation: Staff respectfully recommends City Council approval of Resolution 2024-075, Adjusting the solid waste and recycling collection rates.

City of Sherwood Oregon

Solid Waste & Recycling Rate Review Report

| SEPTEMBER 2024

City of Sherwood Solid Waste Rate Review

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Background

Collection of waste and recycling within the City of Sherwood (City) is accomplished under an exclusive franchise agreement between Pride Disposal (Pride) and the City. As the regulator of waste and recycling, the City Council is responsible for setting rates for waste collection services. Section 8.20.080, subsection F.1 of the Sherwood Municipal Codes states the following: *On or before March 15, the franchisee shall file an annual report, in a form established by the city manager, with the city manager for the year ending the immediately previous December 31. The report is required from the franchisee regardless of whether or not a rate adjustment is requested.*

In March 2024, Pride Disposal submitted the annual detailed cost report to the City for the calendar year 2023. The reported financial results of collection operations within the City was 2.56%.

To assist with the review of the solid waste rates, the City contracted with Bell & Associates to provide City staff with solid waste and recycling consulting services.

Annual Cost Report

The annual cost report provides line-item costs and revenues associated with providing service within the City and combined line-item totals for their non-Sherwood operations. The format provides the capacity to calculate the cost of service for each line of business (cart, container, and drop box). Cart collection is primarily for residential customers, whereas business customers are serviced with a container. Reported results were analyzed and the following tasks were completed:

a. Analyze reported route collection hours to the reported customer counts for each line of business.
b. Using a predictive test of revenue for each line of business, ensure the reported revenues are reasonable for the number of reported customers.
c. By thoroughly reviewing the reported direct cost line items, determine if the expense is reasonable in relation to the customer and operational data entered from the detailed cost report.
d. Utilize a predictive test of disposal to determine if the reported disposal expense is reasonable.
e. Using the reported administrative line items, determine if the expense is reasonable compared to the operational data entered from the detailed cost report.
f. Review the costs between the City and Pride's other franchised collection operations to determine if the allocations are reasonable.

Adjusted Report

Financial data was consolidated by service, showing the collection system's total revenues and expenses. This consolidated report allows the calculation of Pride's return on revenue and provides a measure of the adequacy of rates. Table 1 on the following page details the return for each collection service within the Sherwood collection franchise.

Table 1: 2023 Sherwood Results

Cost Component	Roll Cart	Container	Drop Box	Total
Revenues	$2,687,869	$1,249,129	$1,010,168	$4,947,166
Direct Costs of Operations	$2,293,830	$999,844	$845,178	$4,138,852
Indirect Costs of Operations	$320,302	$194,867	$86,982	$602,151
Allowable Costs for Rates	$2,614,132	$1,194,711	$932,160	$4,741,003
Franchise Income	$73,737	$54,418	$78,008	$206,163
Return on Revenues	2.74%	4.36%	7.72%	4.17%

Projected Results for 2024-25

Projecting the financial performance for 2025 was completed by applying the following assumptions to the 2023 adjusted revenues and expenses.

Table 2: Assumed Inflation Factors

Expense	Increase
Driver Wages	7.6%
Organic Processing	7.5%
Truck Depreciation	13.9%
Truck Repair	2.5%
Administration	6.0%

- September 1, 2023, a rate increase of 5.7% for residential service, 2.4% for commercial service, and 4.8% for the drop box / roll off compactor haul fee plus disposal pass-through.

- The driver wage increase is calculated on the hourly wage increase from the Teamster's contract, which was $32.35 in March 2024. This is an increase of 2.8% from 2023. It will increase by 3.0% in 2024. The two year increase from 2023 through 2025 is 5.9%.

- Recology increased organic waste processing by 5.5% in 2024 and 3% in 2025.

- Administrative salaries and costs are estimated to increase by 6% from 2023 through 2025.

- Pride maintains fleet readiness through regular truck replacement; however, the problems with the supply chain for new trucks have delayed replacement. As a result, collection trucks ordered in 2020 through 2022 were delivered throughout 2023, which has increased truck depreciation by $33,386 or 13.9% from 2023. Truck repair costs are estimated to increase by 2.5%.

Table 3 calculates the tipping fee increase from 2023 through 2024. Pride's contracts for transport and disposal increased based on the CPI on January 1. The four-year All Items West CPI average is 4.4%, which is the estimated increase in January 2025.

Table 3: Increased Disposal Fee Per Ton Calculation

	2023 Average	2024 Average	January 2025	23 to 25 $ ▲
Tonnage Fee	$84.52	$97.33	$101.61	$17.09
Metro Fees	$46.35	$48.44	$50.57	$4.22
Total Fee	$130.87	$145.77	$152.18	$21.31
% ▲		11.4%	**16.3%**	

Year-to-Year Comparison of Expenses

Table 4 compares projected revenue and expenses for 2025 to the adjusted amounts from 2023.

Table 4: Revenue and Expense Comparison from 2023 to 2025

Description	2023 Actual	2025 Projected	$ ▲	% ▲
Total Revenue	$4,947,166	$5,223,907	$276,741	5.6%
SW and Yard Debris Disposal	$1,729,992	$1,998,199	$268,207	15.50%
Recycling Processing	$194,108	$194,108	$-	0.00%
Labor	$931,486	$977,430	$45,944	4.93%
Truck	$680,386	$705,461	$25,075	3.69%
Equipment	$142,577	$143,329	$752	0.53%
Franchise Fees	$243,501	$257,338	$13,837	5.68%
Other Direct	$216,802	$216,840	$38	0.02%
G & A	$602,151	$634,932	$32,781	5.44%
Total Expenses	$4,741,003	$5,127,637	$386,634	8.16%
Rate of Return	**4.17%**	**1.84%**		

Section 8.20.080 of the Sherwood Municipal Code details the collection rate adjustment method. Because the 2023 reported results were below 8%, the code requires the City to undertake a rate study to recommend new rates. The study will be designed to recommend new rates effective immediately following January 1 and intended to produce a rate of return of ten percent for the calendar year beginning on that date.

Calculating the Cost of Collection Services

The financial impact of applying the increased costs from Table 4 reveals the variable returns for each service provided by Pride Disposal in Table 5.

Table 5: Estimated 2025 Rate of Return by Service

Service	Cart	Container	Drop Box	Composite
Revenues	$2,843,543	$1,279,072	$1,101,292	$5,223,907
Direct Costs	$2,466,612	$1,068,036	$958,057	$4,492,705
Indirect Costs	$337,767	$205,505	$91,660	$634,932
Allowable Costs	$2,804,379	$1,273,541	$1,049,717	$5,127,637
Franchise Income	$39,164	$5,531	$51,575	$96,270
Return on revenues	1.38%	0.43%	4.68%	1.84%

Table 5 reported the estimated composite return is 1.84% for 2025 without any rate adjustments. When the **waste disposal increase** was eliminated from the estimate, the expected rate of return for all three lines of business increased, which is summarized below.

Cart	Container	Drop Box
4.81%	**5.86%**	**12.51%**

The calculation without the disposal increase is necessary to measure the revenue requirement for collection operations.

The additional amount for cart collection is $156,666, or $2.22 ($156,666 / 12 months / 5,878 customers) per month. The adjustment for disposal varies by the size of the customer's roll cart. Table 6 details the expenses to calculate the proposed cart/residential rates.

Table 6: Rate Calculation for Cart Collection Services

Service	Residential Customers	Current Rate	Collection Increase	Disposal Increase	Total Increase	% Rate ▲
20 gal cart	416	$29.92	$2.22	$0.71	$2.93	9.8%
35 gal cart	2,719	$32.99	$2.22	$1.19	$3.41	10.3%
65 gal cart	2,188	$43.29	$2.22	$2.17	$4.39	10.1%
95 gal cart	465	$53.73	$2.22	$3.15	$5.37	10.0%

The projected return for commercial collection without any rate adjustment is 5.86%; therefore, increasing the commercial collection rates for the cost of collection and the waste disposal increase is necessary to keep the line of business within the allowable margin range. The revenue requirement for container collection is $55,206 or $0.90 ($55,206 / 61,594 yards) per collected yard of waste.

The average weight per collected garbage yard is approximately 110 pounds, and it will cost an additional $1.38 per yard to dispose of waste. The total increased cost for container collection is $2.28 per yard ($0.90 + $1.38). Table 7 details the additional disposal expense on Sherwood's most popular container sizes.

Table 7: Commercial Rate Calculation with Disposal Pass-Through

Level of Service	Customers	Current Rate	Container Increase	New Rate	% Rate ▲
2 yard weekly	22	$211.52	$19.74	$231.26	9.3%
3 yard weekly	33	$284.15	$29.62	$313.77	10.4%
4 yard weekly	40	$356.83	$39.49	$396.32	11.1%
6 yard weekly	32	$501.84	$59.23	$561.07	11.8%

Drop box service is comprised of three costs: haul fee, disposal, and drop box rental. Disposal costs are the actual cost of the material hauled in the box and are "pass-through" to the customer. These costs vary depending on the weight or amount of material hauled. Because the customer pays the actual disposal cost, these expenses are not considered when calculating the haul fees. Table 8 shows the projected drop box service return with the disposal removed from the revenue and disposal. No rate increase is required because the projected return is within the 8% to 12% return range.

Table 8: Projected Drop Box / Roll Off Compactor Service Results

Description	Amount
Revenue w/o Disposal	$ 486,249
Collection	$ 343,014
G&A	$ 91,660
Total	$ 434,674
Revenue	$ 51,575
Projected Return	10.6%

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City of Sherwood Oregon
Home of the Tualatin River National Wildlife Refuge

RESOLUTION 2024-075

ADJUSTING SOLID WASTE AND RECYCLING COLLECTION RATES

WHEREAS, the current solid waste and recycling rates have been in effect since September 1, 2023; and

WHEREAS, the Sherwood City Council sets rates for all solid waste collection services as set forth in Sherwood Municipal Code (SMC) 8.20.080; and

WHEREAS, SMC 8.20.60 provides for compensation to be paid by solid waste franchisees for the use of City streets in the form of solid waste franchise fees; and

WHEREAS, Pride Disposal, a franchisee for solid waste services in Sherwood, has submitted their 2023 annual report per SMC 8.20.080(F)(1); and

WHEREAS, the City has determined through an analysis of financial information from Pride Disposal that their adjusted rate of return for 2023 ranged from 2.74% to 7.72% depending upon type of collection service, with a composite rate of return of 4.17%; and

WHEREAS, the City has determined through analysis of financial information from Pride Disposal that their projected rate of return for 2024 ranges from 9.8% to 11.8% depending upon type of collection services; and

WHEREAS, the City Manager has reviewed the Rate Review Report compiled by Bell & Associates and concurs with the recommendation to adjust solid waste and recycling collection rates in a manner intended to achieve a projected composite rate of return of 10%; and

WHEREAS, the City has determined that the new solid waste and recycling collection rates should take effect on January 1, 2025.

NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

Section 1. The Sherwood City Council hereby approves the proposed schedule of solid waste and recycling collection rates as contained in the attached Exhibit A.

Section 2. The adjusted solid waste and recycling collection rates will take effect on January 1, 2025.

Section 3. This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 3rd of December 2024.

Tim Rosener, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

City of Sherwood

Rates Effective January 1, 2025

Roll Cart Collection Rates	1/1/2025	Service Fees	9/1/23 Rate
One 20 gallon cart	32.85	Walk-in Fee	5.44
One 35 gallon cart	36.40	SNP	25.00
One 60 gallon cart	47.68	NSF	25.00
One 90 gallon cart	59.10	Go Back Fee	17.94
On-Cal Service	21.36	Special Services (per hr.)	104.68
Extra Can / 32 gal bag	8.08	Recycling Contamination Fee	30.00
Extra Bag (small)	4.38		
Yard Debris Only	8.51	Commercial Container Fees	
Second Yard Debris Cart	8.51	Extras - per collected yard	15
Yard Debris Extra	2.74	Extra with Clean Up *	30
Recycling Only	8.11	* Requires driver to pick up waste /recycling	
Commercial Food Waste			
One 60 gallon cart	45.05		

Drop Box Rates

Service / Box Volume	1/1/25 Rate	
10 Cubic Yards per Haul	$155.00	Haul charge listed + actual disposal fee
20 Cubic Yards per Haul	$155.00	Haul charge listed + actual disposal fee
30 Cubic Yards per Haul	$155.00	Haul charge listed + actual disposal fee
40 Cubic Yards per Haul	$155.00	Haul charge listed + actual disposal fee
Compactor per Haul	$190.00	Haul charge listed + actual disposal fee
Delivery / Relocation (per box)	$77.00	Per movement
Box Not Ready Trip Fee	$26.00	Per occurrence

Open Top Box Rental	1/1/25 Rate
10 and 20 Cubic Yards	$11.00
30 Cubic Yards	$13.00
40 Cubic Yards	$13.00
Box with a lid	
10 and 20 Cubic Yards	$16.00
30 Cubic Yards	$18.00
Mileage Charge [1]	$3.89

1. Mileage Charges are assessed on the disposal leg of the haul mileage if greater than 5 miles from pick-up to the disposal site

Medical Waste Collection Rates

Service Component	1/1/25 Rate	Note:
On-site Pick-up Charge	49.00	
Disposal		
Disposal Cost per 17 or < Gal. Unit	18.02	
Disposal Cost per 23 Gal. Unit	24.39	
Disposal Cost per 31 Gal. Unit	32.87	
Disposal Cost per 31 Gal. Unit (10 or more per stop)	21.89	Unit rate when 10 or more units are collected
Disposal Cost per 43 Gal. Unit	45.59	
Disposal Cost per 43 Gal. Unit (10 or more per stop)	30.36	Unit rate when 10 or more units are collected
Pharmaceutical Waste per 5 gal	48.19	
Chemotherapy Waste Disposal	115.00	
Cardboard Bio Boxes (per 23/30 gallon per box)	8.50	

* The medical collection rate is the sum of the onsite pick-up fee plus the disposal cost per unit of waste. Customers typically have multiple containers, so the onsite pick-up cost is spread over containers.

City of Sherwood

Proposed Commercial Collection Rates

Effective January 1, 2025

Container(s):	One	Two	Three	Four	Five	EOW
1 yard	144.63	272.92	396.99	521.11	645.44	
each additional	101.5	197.18	292.7	388.23	483.87	
1.5 yard	189.91	354.94	519.92	684.87	849.93	
each additional	142.83	279.24	415.6	551.95	688.38	
2 yard	231.26	437.06	642.85	848.65	1054.46	135.27
each additional	184.19	361.35	538.56	715.77	892.92	95.37
3 yard	313.77	601.25	888.65	1176.02	1463.58	177.89
each additional	266.69	525.51	784.32	1043.16	1302.02	134.29
4 yard	396.32	765.52	1134.5	1503.49	1872.71	216.84
each additional	349.9	689.78	1030.17	1370.59	1711.17	173.28
5 yard	478.85	929.55	1380.27	1830.98	2281.67	
each additional	431.79	853.84	1275.93	1698.06	2120.13	
6 yard	561.07	1093.46	1625.76	2158.05	2690.46	294.63
each additional	513.99	1017.72	1521.41	2025.16	2528.91	250.99
8 yard	727.27	1422.85	2118.47	2814.03	3509.62	372.42
each additional	680.21	1347.12	2014.14	2681.13	3348.05	329.45
Compacted Rates						
1 yard compacted	320.47	604.19	878.39	1152.53	1426.95	
2 yard compacted	510.4	963.52	1416.58	1869.65	2321.93	
3 yard compacted	691.03	1322.97	1954.58	2586.28	3217.11	
4 yard compacted	871.71	1682.5	2492.72	3302.94	4112.32	

Proposed Commercial Collection Rates

Heavy Container	One	Two	Three	Four	Five
1 yard	153.91	293.36	429.22		
each additional	n/a	n/a	n/a	n/a	n/a
1.5 yard	244.24	456.23	702.84	915.17	1126.17
each additional	233.85	450.35	667.83	868.1	1067.12
2 yard	323.69	630.33	922.67	1201.12	1476.68
each additional	308.1	591.48	858.39	1115.18	1369.8
3 yard	451.16	875.93	1279.1	1662.09	2058.57
each additional	433.67	846.68	1244.04	1638.7	2029.29
4 yard	578.26	1122.64	1664.02	2178.26	2677.46
each additional	562.62	1107.05	1640.64	2162.49	2656.14
5. yard	699.84	1377.46	2042.96	2693.67	3312.12
each additional	689.73	1348.22	1999.08	2639.4	3263.49
6 yard	811.31	1596.66	2370.58	3124.69	3871.58
each additional	799.41	1573.35	2335.44	3066.98	3797.68
8 yard	1040.42	2046.5	3032.65	4003.67	4952.49
each additional	1024.34	2015.33	2986.4	3941.63	4874.6

City Council Meeting Date: December 3, 2024

Agenda Item: Public Hearing *(First Reading)*

TO: Sherwood City Council

FROM: Sebastian Tapia, Interim City Attorney

SUBJECT: **Ordinance 2024-005, Amending Sherwood Municipal Code Chapter 12.12 Limiting Liability for the City of Sherwood and Other Parties from Private Claims Resulting from Use of Trails in Public Easements or Unimproved Rights-of-Way Under ORS 105.668**

Issue:
Shall the City Council adopt an ordinance limiting liability for the City of Sherwood and other parties from private claims resulting from use of trails in a public easement or unimproved right of way under ORS 105.668?

Background:
ORS 105.668 provides immunity from liability for injury or property damage resulting from the use of trails or structures to public easements or rights of way. Cities with populations of 500,000 residents or more are automatically included, as well as those cities' agents, officers, and employees, to the extent they are covered by ORS 30.285. ORS 105.668 also automatically applies to owners of land abutting the public unimproved right of way or public easement, as well as nonprofits and their volunteers that construct or maintain the trail or structure in the right of way or public easement.

The immunity from liability does not apply to: persons receiving compensation for providing assistance, services or advice in relation to conduct that leads to a personal injury or damage to property; gross negligence or reckless, wanton, or intentional misconduct; or activity where the actor is strictly liable without regard to fault.

SB 1576 (2024) amended ORS 105.668 to create opt in provisions for local governments as opposed to cities and counties. A local government that is not automatically covered may opt into limit liability under ORS 105.668 by ordinance, resolution, rule, order or other regulation. Not only will the local government be covered by the immunity protections, but also: the officers, employees or agents of the local government, to the extent they are entitled to defense and indemnification under ORS 30.285; the owner of land abutting the public easement or unimproved right of way in the local government; and nonprofit corporations and their volunteers for the construction and maintenance of the trail or the structures in a public easement or unimproved right of way in the local government.

Opting into ORS 105.668's immunity is a different scope of protection as is the recreational immunity already provided under ORS 105.682 because ORS 105.668 provides immunity for negligence claims arising out of personal injuries or property damages resulting from any use or a trail or structure in an unimproved right of way or easement. ORS 105.668 also explicitly provides immunity for a local government's officers, employees, and agents and incentivizes landowners to grant public easements and rights of way in the form of protections from liability.

Because Sherwood has less than 500,000 residents, Council may choose to opt into ORS 105.668 immunity. The City of Sherwood adopted Resolution 2017-012 to support legislation promulgated to restore recreational immunity to landowners and their officers, employees, agents or volunteers who are acting within the scope of their employment or duties so to allow Oregonians to access their lands for recreational use and enjoyment. Staff recommends that Council adopt an ordinance to opt into ORS 105.668 immunity, as opposed to a resolution, to ensure that Council's action becomes part of the Sherwood Municipal Code.

Financial Impacts:
There are no financial impacts with regards to opting into ORS 105.668.

Recommendation:
Staff respectfully recommends City Council hold a public hearing on Ordinance 2024-005, Amending Sherwood Municipal Code Chapter 12.12 Limiting Liability for the City of Sherwood and Other Parties from Private Claims Resulting from Use of Trails in a Public Easement or Unimproved Right of Way Under ORS 105.668.

City of Sherwood Oregon
Home of the Tualatin River National Wildlife Refuge

ORDINANCE 2024-005

AMENDING SHERWOOD MUNICIPAL CODE 12.12 LIMITING LIABILITY FOR THE CITY OF SHERWOOD AND OTHER PARTIES FROM PRIVATE CLAIMS RESULTING FROM USE OF TRAILS IN PUBLIC EASEMENTS OR UNIMPROVED RIGHTS-OF-WAY UNDER ORS 105.668

WHEREAS, ORS 105.668(2) limits the liability of certain cities, adjacent property owners within those cities, and certain nonprofit groups for personal injuries or damage to property that results from the public's non-motorized use of trails or structures that are in a public easement or an unimproved right of way; and

WHEREAS, ORS 105.668 immunity extends automatically to cities with populations of 500,000 or more and allows smaller cities that opt in to the same immunity by adopting a resolution or ordinance; and

WHEREAS, the City of Sherwood has trails, structures in public easements, and unimproved rights of way that are open to the public's use for non-motorized activities, such as walking, hiking, or biking; and

WHEREAS, the City of Sherwood seeks to protect the City, adjacent property owners, and certain nonprofit groups who provide the public with access to and perform maintenance for such trails or structures so that the public may continue to access, use, and enjoy such trails or structures; and

WHEREAS, the City of Sherwood previously adopted Resolution 2017-012 to support legislation promulgated to restore recreational immunity to landowners and their officers, employees, agents or volunteers who are acting within the scope of their employment or duties so to allow Oregonians to access their lands for recreational use and enjoyment; and

WHEREAS, adopting this Ordinance will codify the limitation of liability as part of the Sherwood Municipal Code; and

WHEREAS, ORS 105.668 extends immunity to the city's officers, employees, and agents; and

WHEREAS, ORS 105.668 offers landowners an incentive to grant public easements and rights of way by providing increased protections from liability in the same manner as it does cities and their officers, employees, and agents.

NOW, THEREFORE, THE CITY OF SHERWOOD ORDAINS AS FOLLOWS:

Section 1. Sherwood Municipal Code, shall be amended to add section 12.12.260, titled "Limited Liability" and states as follows:

The City of Sherwood elects to join the limited liability protection granted under ORS 105.668.

Section 2. This ordinance shall become effective the 30th day after its enactment by the City Council and approval by the Mayor.

Duly passed by the City Council this 17th of December, 2024.

_____
Tim Rosener, Mayor

Attest:

_____
Sylvia Murphy, MMC, City Recorder

	AYE	NAY
Standke	____	____
Giles	____	____
Scott	____	____
Mays	____	____
Brouse	____	____
Young	____	____
Rosener	____	____

City Council Meeting Date: December 3, 2024

Agenda Item: Public Hearing

TO: Sherwood City Council

FROM: Joy Chang, Senior Planner
Through: Sean Conrad, Planning Manager, Eric Rutledge, Community Development Director, Craig Sheldon, City Manager, and Sebastian Tapia, Interim City Attorney

SUBJECT: **Ordinance 2024-006, Approving annexation of 38.63 acres to the City of Sherwood and Clean Water Services within the Tonquin Employment Area, comprised of five Tax Lots and City of Sherwood and BPA rights-of-way and declaring an emergency**

Issue:
Shall the City Council approve the proposed annexation (Case File No. LU 2024-019 AN) of 38.63 acres of land within the Tonquin Employment Area?

Background:
The project site is approximately 38.63 acres of public and private properties that includes City of Sherwood and Bonneville Power Administration (BPA) rights-of-way, all located within the Tonquin Employment Area (TEA) Concept Plan.

The Tonquin Employment Area (previously referred to as Study Area 48) was brought into the Sherwood Urban Growth Boundary in 2004 via Metro Ordinance 04-1040B to provide for needed industrial land. The entire TEA is comprised of approximately 300 acres. In October 2010, the City approved the concept plan and associated implementing Comprehensive Plan and Map Amendments via Ordinance 2010-014.

A TEA market analysis, business recruitment strategy and implementation plan was completed in June 2015 and formally accepted by the City Council under Resolution 2015-051. The implementation plan provides an in-depth analysis of issues and opportunities along with specific recommendations that the City could consider helping provide incentives or remove obstacles to encourage development in the area.

In 2016, Senate Bill 1573 changed the requirements for areas where 100% of the owners petition the City. Public votes are no longer required or permitted in the annexation requests assuming certain criteria laid out in SB1573 are satisfied. However, in 2012 under Measure No. 34-202, residents of Sherwood voted to support annexation when property owners chose to submit requests to the City Council. SB1573 criteria are as follows:

a. *The territory is included within an urban growth boundary adopted by the city or Metro, as defined in ORS 197.015;*
b. *The territory is, or upon annexation of the territory into the city will be, subject to the acknowledged comprehensive plan of the city;*
c. *At least one lot or parcel within the territory is contiguous to the city limits or is separated from the city limits only by a public right-of-way or body or water; and*
d. *The proposal conforms to all other requirements of the city's ordinances.*

Currently, the City's latest planning efforts for the TEA include designing a new collector status roadway that will connect SW Oregon Street to SW 124th Avenue. The new collector road, identified as SW Ice Age Drive, has completed 100% design (the entire design process for the project is complete, including all necessary plans, specifications, and details ready for construction to begin) and is expected to go to bid during the first quarter of 2025. Annexation of the property will enable the City to permit construction of Ice Age Drive subject to City land use and infrastructure requirements.

The City is also studying the future alignment of SW Dahlke Lane in the vicinity of the property. The City's consultant is working on a 30% design for this local industrial road, and it is expected that local improvements associated with Dahlke Lane will be provided by each adjacent property owner as the property develops. The proximity of existing roads along with the anticipated construction of Ice Age Drive and improvements to Dahlke Lane provide suitable access for the property and other properties within the TEA now and into the future as the area further redevelops.

The applicant is seeking approval of the annexation petition under the procedures of Oregon Senate Bill 1573. Under this method, a vote by the City electorate is not required to approve the annexation as long as 100% of the land owners have signed the petition and the application meets the approval criteria in ORS 222.127(2)(a)-(d). The legislative body of the City is responsible for approving or denying such annexation petitions based on the compliance with local, regional, and state criteria. The approval criteria for all levels are summarized below:

- Oregon Revised Statutes (ORS) 222.111 – 222.183
- Metro Code 3.09
- City of Sherwood 2040 Comprehensive Plan, Strategic and Collaborative Governance, Governance and Growth Management

The City of Sherwood receives sanitary sewer treatment and water quality services from Clean Water Services (CWS). If the annexation is approved, 38.63 acres of land will be added to the CWS district boundaries as prescribed in ORS 199.510(2)(c) that states:

> *(2)(c) When a city receives services from a district and is part of that district, any territory thereafter annexed to the city shall be included in the boundaries of the district and shall be subject to all liabilities of the district in the same manner and to the same extent as other territory included in the district.*

The attached staff report reviews the applicable criteria that must be considered for annexations under the proposed method and provides a discussion of how the application meets the criteria. Based on this analysis and findings in the staff report, staff recommends approval of the annexation to the City of Sherwood and Clean Water Services District.

Emergency Declaration:
Staff is recommending the ordinance be passed as an emergency pursuant to Section 17 of the Sherwood City Charter. Such action would allow the ordinance to become effective immediately upon passage. An emergency declaration is required in order to ensure that the City's Ice Age Drive construction project stays on schedule and does not miss the spring construction season. Annexation of the subject properties is required in order to receive approval from the Department of Environmental Quality for the City's erosion and grading control permit for the project, also known as a 1200C permit. Annexation is also required for the City to permit the larger Ice Age Drive project.

Alternatives:
If the City Council finds that the proposed annexation does not meet the criteria identified in SB 1573 and ORS 199.510(2)(c), it could not approve the Ordinance. City Council may also approve the ordinance but not as an emergency, and the ordinance would be effective 30-days after passage.

Financial Impacts:
Should the Council approve this application, the property would need City services, the cost of which would be mostly borne by implementing development. The development of the site will require the extension of City services (transportation, water, sewer, etc.); however, impacts and potential mitigations would be addressed by future land use applications. In addition, once the property is annexed to the City it will be subject to the taxes, bonds, and fees assessed by the City of Sherwood.

Recommendation:
Staff recommends opening the hearing on Ordinance 2024-006, Approving annexation of 38.63 acres to the City of Sherwood and Clean Water Services within the Tonquin Employment Area, comprised of five Tax Lots and City of Sherwood and BPA rights-of-way and unanimously approving the annexation. If needed, a second hearing has been scheduled for December 17, 2024.

Exhibit:
1. Staff Report and Exhibits for LU 2024-019 AN TEA Annexation

City of Sherwood **Staff Report: November 22, 2024**
Staff Report for TEA Annexation **Hearing: December 3, 2024**
Case File No: LU 2024-019 AN

Signed: _____
Joy Chang, Senior Planner

Proposal: The City along with several other property owners are seeking approval from the City of Sherwood to annex five parcels of land totaling ±38.63 acres that includes City of Sherwood and Bonneville Power Administration (BPA) rights-of-way. The proposed annexation will accommodate the future street improvements of SW Dahlke Lane and the construction of SW Ice Age Drive. The properties are in unincorporated Washington County, Oregon with a current zoning designation of Future Development 20 Acres (FD-20). It is covered by the Washington County – Sherwood Urban Planning Area Agreement. The properties are in the Tonquin Employment Planning Area and upon annexation to the City, the properties will be zoned Employment Industrial (EI). The annexation is proposed under ORS 222.127 (SB 1573 method) which requires petition from 100% of landowners. The applicants are also requesting annexation of the properties into Clean Water Services boundary for the provision of sanitary sewer, stormwater, and surface water management pursuant to ORS 199.510(2)(c). No development is currently proposed.

I. BACKGROUND

A. Applicant: City of Sherwood
22560 SW Pine Street
Sherwood, OR 97140

Owners: City of Sherwood
22560 SW Pine Street
Sherwood OR 97140

Bonneville Power Administration
1002 NE Holladay Street
Portland, OR 97232

AR Vial Associates PC, Nicolas A. Vial, Nicholas A. Vial et al.
(21680 SW Dahlke Lane)
12840 SW River Road
Hillsboro, OR 97123

City of Sherwood Urban Renewal Agency
(21775 SW Dahlke Lane and 21370 SW Oregon Street)
22560 SW Pine Street
Sherwood, OR 97140
Dahlke Lane Land Company LLC
(21825 SW Dahlke Lane)
24925 Garden Acres Road
Sherwood, OR 97140

Dahlke Lane Land Company II
(21700 SW Dahlke Lane)
24925 Garden Acres Road
Sherwood, OR 97140

Applicant's Rep.: AKS Engineering & Forestry
12965 SW Herman Road, Suite 100
Tualatin OR 97062

B. Tax Map/Tax Lots: 2S1 28C / Lot 700
2S1 28D / Lots 600, 602, 700, and 800
City of Sherwood and BPA rights-of-way

C. Location: The properties are generally located southeast of SW Oregon Street, south of SW Tualatin-Sherwood Road, west of 124th Avenue, and on both sides of SW Dahlke Lane. Addressed at 21370 SW Oregon Street and 21680, 21700, 21775, 21825 SW Dahlke Lane. A map of the project area is attached as Exhibit A.

D. Review Type: The City Charter requires a vote on annexation if approved by the City Council. However, Senate Bill 1573 includes language that supersedes the City's Charter, requiring the City Council to take action on an annexation petition of land submitted by all owners without submitting the proposal to the electors if the criteria outlined in Section 2(2)(a)-(d) are met. Senate Bill 1573 provides specific criteria that the City Council must consider and act upon. Consequently, this application is being processed as a quasi-judicial action. The applicant is also requesting annexation into the boundaries of Clean Water Services for the provision of sanitary sewer, storm and surface water management pursuant to ORS 199.510(2)(c).

E. Public Notice and Hearing: Notice of the December 3, 2024 and tentative January 7, 2025 City Council hearing on the proposed annexation was posted in five public locations around town on November 13, 2024 and provided to affected agencies and service providers on October 21, 2024. Notice was posted on the subject property on November 13, 2024. While ORS only requires mailed notice within 250 feet, the City mailed notice to all property owners within 1,000 feet of the area proposed to be annexed on November 13, 2024 in accordance with Sherwood land use public hearing notice standards. Notice of the hearing was also provided the November 14, 2024 and November 28, 2024 edition of The Times, a local

newspaper.

F. Review Criteria: There are three levels of criteria and requirements, State, Regional and City. For the State, Oregon Revised Statutes (ORS 222) guide the process for annexations. Senate Bill 1573 was added to, and made a part of, ORS 222.111 to 222.180 and provides specific criteria for deciding city boundary changes. ORS 199.510(2)(c) guides the process for annexing to Clean Water Services Service district. For the regional level, Metro, the regional government for this area, has criteria for reviewing annexations (Metro Code 3.09). In addition, the City of Sherwood Comprehensive Plan policies, including the Conceptual Plan for the Tonquin Employment Area (which includes the subject site), which are applicable and are addressed within this report.

G. History: The project site is approximately 38.63 acres of public and private properties that includes City of Sherwood and Bonneville Power Administration (BPA) rights-of-way, all located within the Tonquin Employment Area (TEA) Concept Plan.

The Tonquin Employment Area (previously referred to as Study Area 48) was brought into the Sherwood Urban Growth Boundary in 2004 via Metro Ordinance 04-1040B to provide for needed industrial land. The entire TEA is comprised of approximately 300 acres. In October 2010, the City approved the concept plan and associated implementing Comprehensive Plan and Map Amendments via Ordinance 2010-014.

Even though the TEA was not in the City of Sherwood boundary, in 2012 under Measure No. 34-202, residents of Sherwood voted to support annexation when property owners chose to submit requests to the City Council.

A TEA market analysis, business recruitment strategy and implementation plan was completed in June 2015 and formally accepted by the City Council under Resolution 2015-051. The implementation plan provides an in-depth analysis of issues and opportunities along with specific recommendations that the City could consider helping provide incentives or remove obstacles to encourage development in the area.

In 2016, Senate Bill 1573 changed the requirements for areas where 100% of the owners petition the City for annexation. Public votes are no longer required or permitted in the annexation requests assuming certain criteria laid out in SB1573 are satisfied.

Currently, the City's latest planning efforts for the TEA include designing a new collector status roadway that will connect SW Oregon Street to SW 124th Avenue. The new collector road, identified as SW Ice Age Drive, has completed 100% design and is expected to go to bid during the first quarter of 2025. Annexation of the property will enable the City to permit construction of Ice Age Drive subject to City land use and infrastructure requirements.

The City is also studying the future alignment of SW Dahlke Lane in the vicinity of the property. The City's consultant is working on a 30% design for this local industrial road, and it is expected that local improvements associated with SW Dahlke Lane will be provided by each adjacent property owner as the property develops. The proximity of existing roads along with the anticipated construction of SW Ice Age Drive and improvements to SW Dahlke Lane provide suitable access for the property and other properties within the TEA now and into the future as the area further redevelops.

H. Site Characteristics and Existing Zoning: The proposed annexation area includes approximately 38.63 acres of land including existing and future street rights-of-way. The properties are generally located southeast of SW Oregon Street, south of SW Tualatin-Sherwood Road, west of 124th Avenue, and on both sides of SW Dahlke Lane.

The properties are currently being used as follows:

- 21370 SW Oregon Street: Storage of construction equipment
- 21680 SW Dahlke Lane: Single-family residence; property is bisected by BPA ROW
- 21700 SW Dahlke Lane: Single-family residence and vehicle storage lot; property is bisected by BPA ROW
- 21775 SW Dahlke Lane: Single-family residence
- 21825 SW Dahlke Lane: Single-family residence
- BPA ROW: High-voltage electrical transmission lines
- SW Dahlke Lane ROW: Public access to abutting properties

Generally, properties to the west of the project site are within the city boundary. The parcels to the north and south of the project site are generally in Unincorporated Washington County.

Currently, the properties are zoned Future Development 20-Acre District (FD-20) by Washington County. According to Washington County's code, the FD-20 District applies to the unincorporated urban lands added to the urban growth boundary by Metro through a Major or Legislative Amendment process after 1998. The FD-20 District recognizes the desirability of encouraging and retaining limited interim uses until the urban comprehensive planning for future urban development of these areas is complete.

The subject site is within the Tonquin Employment Area, which is reflected in the City's Comprehensive Plan. The City zoning for the site has already been adopted with the approved Concept Plan and becomes effective upon annexation. The adopted City zoning for the site is Employment Industrial (EI). The EI zoning district provides employment areas that are suitable for, and attractive to, key industries and industry clusters that have been identified by the State of Oregon and the City's economic development strategy as important to the state and local economy. The following are preferred industry sectors for areas zoned EI: Clean Technology;

Technology and Advanced Manufacturing; and Outdoor Gear and Active Wear.

Land zoned EI shall provide for large and medium-sized parcels for industrial campuses and other industrial sites that can accommodate a variety of industrial companies and related businesses. Areas zoned EI are also intended to provide the opportunity for flex building space within small- and medium-sized industrial campuses and business parks to accommodate research and development companies, incubator/emerging technology businesses, related materials and equipment suppliers, and/or spin-off companies and other businesses that derive from, or are extensions of, larger campus users and developments. Retail and commercial uses are allowed only when directly supporting area employers and employees.

Industrial establishments and support services shall not have objectionable external features and shall feature well-landscaped sites and attractive architectural design, as determined by the Hearing Authority. Any future development would not be approved unless an applicant submits a formal land use proposal to develop the site that is consistent with the Sherwood Zoning and Community Development Code.

II. AFFECTED AGENCY, PUBLIC NOTICE, AND PUBLIC COMMENTS

Agencies

Notice was provided to the following agencies on October 21, 2024: Tri-Met, NW Natural Gas, Sherwood Broadband, Bonneville Power Administration (BPA), City of Sherwood Public Works, City of Sherwood Police Department, Tualatin Valley Fire and Rescue (TVFR), Sherwood School District, Oregon Department of Transportation (ODOT), Oregon Department of State Lands, Pride Disposal, Allied Waste, Waste Management, City of Sherwood Engineering, City of Sherwood Economic Development, Kinder Morgan, Raindrops2Refuge, Portland Gas and Electric (PGE), Washington County, Portland Western Railroad, Metro, and Clean Water Services (CWS).

At the time this staff report was drafted, the Planning Department had heard back from two agencies/departments: Sherwood Engineering, Sherwood Public Works, and Oregon Department of Transportation.

Sherwood Engineering Department – Craig Christensen, Senior Civil Engineer, provided the following comments regarding the proposed annexation (Exhibit D):

> *The proposed annexation accommodates transportation access for the five parcels of land via a public street within the city limits with one parcel having access to SW Oregon Street and the other 4 parcels having access to SW Dahlke Road which is included in annexation application.*
>
> *Upon completion of the ongoing Ice Age Drive project, all five parcels of this*

annexation request will have access to public water, sanitary sewer, storm sewer and transportation facilities.

As a whole, the subject property of this annexation request meets the criteria for acceptance of annexation into the City of Sherwood.

Further engineering analysis are provided later within this report.

Sherwood Public Works – An email correspondence, dated October 21, 2024, from Rich Sattler, Interim Public Works Director, stated he has no comments on this proposal.

Oregon Department of Transportation (ODOT) Region 1 – An email correspondence, dated October 22, 2024, from Marah Danielson, Senior Planner, stated that ODOT won't have any comments so long as the new zoning is consistent with the city's comprehensive plan. *This proposal does not request a zone change. Once annexed, the project site will receive a new zoning district of Employment Industrial (EI). The EI zoning district is consistent with the city's comprehensive plan.*

Public Notice and Comments

At the time the staff report was published, November 22, 2024, staff has not received any public comments.

III. REQUIRED CRITERIA AND FINDINGS FOR ANNEXATION AND BOUNDARY CHANGE

A. State Standards

Oregon Revised Statute 222 authorizes and guides the process for annexations of unincorporated and adjacent areas of land into the incorporated boundary of the City. In this instance, the property owners of the area, are petitioning the City to annex under the annexation provisions outlined in Senate Bill 1573, which was added to ORS 222.111 to 222.180. Senate Bill 1573, Subsection 2(4) states that when the legislative body (City Council) determines that the annexation petition meets the criteria described in subsection (2), the territory is to be annexed to the city by ordinance. Assuming the City Council determines that the annexation petition meets the prescribed criteria, an ordinance annexing the territory and forwarding notification to the Secretary of State, Department of Revenue and affected agencies and districts will be prepared for Council approval.

Senate Bill 1573, Section 2.

(1) This section applies to a city whose laws require a petition proposing annexation of territory to be submitted to the electors of the city.

(2) Notwithstanding a contrary provision of the city charter or a city ordinance, upon receipt of a petition proposing annexation of territory submitted by all owners of land in the territory, the legislative body of the city shall annex

the territory without submitting the proposal to the electors of the city if:

The annexation petition is proposed by all the owners of the land in the territory, representing 100% of the property owners within the ±38.63 acre territory proposed for annexation. The property owner's legal representatives have signed the annexation petition.

(a) The territory is included within an urban growth boundary adopted by the city or Metro, as defined in ORS 197.015;

The territory proposed for annexation is located within the Urban Growth Boundary, in what is known as the Tonquin Employment Area Concept Plan. The Tonquin Employment Area was brought into the Sherwood Urban Growth Boundary in 2004 via Metro Ordinance 04-1040B to provide for needed industrial land.

(b) The territory is, or upon annexation of the territory into the city will be, subject to the acknowledged comprehensive plan of the city;

The entire Tonquin Employment area is comprised of approximately 300 acres. In October 2010, the City approved the concept plan and associated implementing Comprehensive Plan and Zone Map Amendments via Ordinance 2010-014. Thus, the Comprehensive Plan applies, and the established zoning for the property will take effect upon adoption of the Ordinance for the annexation.

(c) At least one lot or parcel within the territory is contiguous to the city limits or is separated from the city limits only by a public right-of-way or body or water; and

The parcels to the west and east of the site have all been annexed into the Sherwood city limits with either Employment Industrial (EI) or General Industrial (GI) zoning designations. The parcels within the territory are contiguous to the city limits.

(d) The proposal conforms to all other requirements of the city's ordinances.

The annexation petition was prepared in accordance with the City's requirements and all information required in the City's "Checklist for Annexation Request to the City of Sherwood" has been submitted. Additional review of the City Comprehensive Plan is shown below.

(3) The territory to be annexed under this section includes any additional territory described in ORS 222.111 (1) that must be annexed in order to locate infrastructure and right-of-way access for services necessary for development of the territory described in subsection (2) of this section at a density equal to the average residential density within the annexing city.

Because the subject site abuts the City boundary (west and east) and various services will be available to serve the property once the Ice Age Drive project is completed. Therefore, is not necessary that any other properties be annexed.

Per City Engineering, the proposed annexation will allow for the construction of the new city collector street (Ice Age Drive) between SW Oregon Street and SW 124th Avenue. Also included in this annexation is SW Dahlke Lane (currently a county road) from the southern end of this proposed annexation to the current city limits to the north where SW Dahlke Lane connects to SW Oregon Street.

Currently SW Dahlke Lane is a long dead-end street that provides transportation access to four of the five subject parcels with the fifth parcel having driveway access onto SW Oregon Street. With the proposed annexation of SW Dahlke Lane right-of-way along the frontage of the subject properties up to its connection to the current city limits, all proposed parcels will have transportation access to public streets within the newly accessed city limits under this annexation proposal. Furthermore, the subject properties will have access to the future Ice Age Drive and extension of SW Industry Lane upon project completion. All parcels will also have access to all public services upon the completion of the Ice Age Drive project.

(4) When the legislative body of the city determines that the criteria described in subsection (2) of this section apply to territory proposed for annexation, the legislative body may declare that the territory described in subsections (2) and (3) of this section is annexed to the city by an ordinance that contains a description of the territory annexed.

As discussed above, the criteria described in subsection (2) apply to the territory proposed for annexation.

Oregon Revised Statute Chapter 199.510 - Clean Water Services Boundary

Oregon Revised Statute Chapter 199.510 Financial effects of transfer or withdrawal; exceptions

***

(2)(c) When a city receives services from a district and is part of that district, any territory thereafter annexed to the city shall be included in the boundaries of the district and shall be subject to all liabilities of the district in the same manner and to the same extent as other territory included in the district.

***

Clean Water Services provides sanitary sewer treatment and water quality services to urban areas within Washington County including within the Sherwood city limits. The subject territory is not currently within the Clean Water Services district boundary. Oregon Revised Statute Chapter 199.510(2)(c) stipulates that when a city receives services from a district, such as Clean Water Services, the territory annexed to the city

is also automatically added to the boundaries of the service district. Therefore, approval of the annexation ordinance will result in adding the annexed territory to the Clean Water Services district.

B. Regional Standards

In addition to the specific criteria for deciding city boundary changes within Senate Bill 1573, the Legislature has directed Metro to establish criteria, which must be used by all cities within the Metro boundary. This area is both within the Urban Growth Boundary and within Metro's Boundary. The site and the entire Tonquin Employment Area is within the Metro Boundary. As such, below is a review of the annexation for compliance with the applicable Metro Code Chapter, Chapter 3.09 (Local Government Boundary Changes).

3.09.050 Hearing and Decision Requirements for Decisions Other Than Expedited Decisions

A. The following requirements for hearings on petitions operate in addition to requirements for boundary changes in ORS Chapters 198, 221 and 222 and the reviewing entity's charter, ordinances or resolutions.

B. Not later than 15 days prior to the date set for a hearing the reviewing entity shall make available to the public a report that addresses the criteria in subsection (d) and includes the following information:

1. The extent to which urban services are available to serve the affected territory, including any extra territorial extensions of service;

The application is not an expedited decision pursuant to Metro rules. The Tonquin Employment Area Concept Plan, adopted in 2010, identifies the location and size of urban services, including water, sanitary and storm sewer. The Water System Master Plan, Storm Water Master Plan, and Sanitary Sewer Master Plan already include assumptions for the Tonquin Employment area and upgrades needed to serve the TEA are already programmed.

The proposed annexation will bring the subject properties into the city limits in preparation for the upcoming Ice Age Drive project that will interconnect SW Oregon Street to SW 124th Avenue.

Water Per City Engineering Department, public water exists within SW Industry Lane which is stubbed at the eastern city limits adjacent to the four eastern parcels. There is also public water located in SW Oregon Street. With the above-mentioned Ice Age Drive project, the water line within SW Industry Lane will be extended to Ice Age Drive with the water line continuing within Ice Age Drive to SW Oregon Street and SW 124th Avenue to provide future public water service to all five parcels of this annexation request. Therefore, all parcels will have access to public water service upon the completion of the Ice Age Drive project.

Sewer Per City Engineering Department, public sanitary sewer exists within SW Industry Lane which is stubbed at the eastern city limits adjacent to the four eastern parcels. With the above-mentioned Ice Age Drive project, the sanitary

sewer line within SW Industry Lane will be extended to Ice Age Drive with the sanitary sewer continuing within Ice Age Drive to provide future public sanitary sewer service to all five parcels of this annexation request. Therefore, all parcels will have access to public sanitary sewer service upon the completion of the Ice Age Drive project.

Storm Drainage Per City Engineering Department, Currently, public storm sewer exists within the property to the south of the western parcel. There is also an existing wetland located within one of the four eastern parcels. With the above-mentioned Ice Age Drive project, the storm sewer will be constructed within Ice Age Drive to provide future public storm sewer service to all five parcels of this annexation request. Therefore, all parcels will have access to public storm sewer service upon the completion of the Ice Age Drive project.

Parks and Recreation The City of Sherwood maintains several developed parks and open spaces. Additionally, the City maintains over 300 acres of greenway/greenspace/natural areas. Dedication and construction of new parks and trails generally occurs with development or with system development charges required of new development. Maintenance and operations of the parks and open space system is funded out of the General Fund. An annexation alone does not trigger any park requirements. At the time development is proposed, likely with a Site Plan application, the applicant will be required to comply with park requirements, including any required System Development Charges (SDC's).

Transportation Per City Engineering Department, the proposed annexation will allow for the construction of the new city collector street (Ice Age Drive) between SW Oregon Street and SW 124th Avenue. Also included in this annexation is SW Dahlke Lane (currently a county road) from the southern end of this proposed annexation to the current city limits to the north where SW Dahlke Lane connects to SW Oregon Street.

Currently SW Dahlke Lane is a long dead-end street that provides transportation access to four of the five subject parcels with the fifth parcel having driveway access onto SW Oregon Street. With the proposed annexation of SW Dahlke Lane right-of-way along the frontage of the subject properties up to its connection to the current city limits, all proposed parcels will have transportation access to public streets within the newly accessed city limits under this annexation proposal. Furthermore, the subject properties will have access to the future Ice Age Drive and extension of SW Industry Lane upon project completion.

The master plan for the Ice Age Tonquin Regional Trail shows that the proposed location for this trail is along SW Oregon Street which is adjacent to one of the parcels of this annexation and the BPA right-of-way that is being annexed. All other parcels are outside of the limits of the conceptual Ice Age Tonquin Regional Trail location. The annexation will not affect the ability to

implement the Ice Age Tonquin Regional Trail master plan. At the time of land use application/development, parcels abutting/fronting Oregon Street will be required to implement the Ice Age Tonquin Region Trail mater plan.

The proposed annexation accommodates transportation access for the five parcels of land via a public street within the city limits with one parcel having access to SW Oregon Street and the other four parcels having access to SW Dahlke Road which is included in the annexation application.

A Transportation Impact Analysis (TIA) will be required to be conducted as part of the site development land use review process, where transportation mitigation requirements will be identified and conditioned.

Fire The territory is within the boundary of the Tualatin Valley Fire and Rescue District (TVF&R), which is served by Station 33 located on SW Oregon Street. Station 35 in King City and Station 34 in Tualatin are also in close proximity. This will not change with annexation.

Police According to online County records, the proposed territory to be annexed is within the Washington County Enhanced Sheriff's Patrol District (ESPD). If it is subsequently found that the property is within Washington County ESPD, the City will withdraw the territory from the District upon annexation in accordance with ORS 222.520 and 222.120(5). If the City declares the territory withdrawn from the District on the effective date of the annexation the District's tax levy will no longer apply.

Upon annexation, police services will be provided by the Sherwood Police Department which provides 24-hour/day protection.

2. **Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party; and**

   As discussed above, the territory proposed to be annexed is within the Washington County Enhanced Sherriff's Patrol District. If the County's records are correct, it is expected that the parcels will be withdrawn from the district upon annexation into the City.

3. **The proposed effective date of the boundary change.**

   The effective date of annexation will be finalized after Council adoption of the ordinance annexing the territory and filing of the approval with the Secretary of State, Department of Revenue, and other affected agencies.

C. **The person or entity proposing the boundary change has the burden to demonstrate that the proposed boundary change meets the applicable criteria.**

The applicant has submitted the annexation application and narrative explaining how the project meets all criteria. The applicant has submitted certified petitions and legal descriptions required to initiate the request. This staff report evaluates the applicant's materials, the Tonquin Employment Area Concept Plan and applicable standards to determine whether the applicable criteria have been met.

D. To approve a boundary change, the reviewing entity shall apply the criteria and consider the factors set forth in Subsections (D) and (E) of Section 3.09.045.

The criteria are evaluated immediately below.

Metro Criteria § 3.09.045 (D)

1. Find that the change is consistent with expressly applicable provisions in:

a. Any applicable urban service agreement adopted pursuant to ORS 195.065;

Under the Washington County/Sherwood Urban Planning Area Agreement (UPAA), the City was responsible for preparing the comprehensive plan and public facilities plan within the regional Urban Growth Boundary surrounding the City limits. In the UPAA the County agreed that the City would be responsible for comprehensive planning within the Urban Planning Area and would be responsible for the preparation, adoption and amendment of the public facility plan required by OAR 660-11 within the Urban Planning Area. The UPAA also identifies the City as the appropriate provider of local water, sanitary sewer, storm sewer and transportation facilities within the urban planning area.

As discussed within this report, the concept plan for the area was developed consistent with the UPAA. The agreement specifies that the City of Sherwood is the appropriate urban service provider for this area and that Washington County will not oppose annexation. Therefore, the annexation is fully consistent with Washington County policies and agreements.

b. Any applicable annexation plan adopted pursuant to ORS 195.205

This section of ORS code provided for a vote to be taken by the electorate. This provision has now been superseded by Senate Bill 1573 and the City Council now votes to provide for the annexation of properties to the city.

Furthermore, in 2012 under Measure No. 34-202, residents of Sherwood voted to support annexation when property owners choose to submit requests to the City Council.

This criterion is not applicable.

c. Any applicable cooperative planning agreement adopted pursuant to ORS 195.020(2) between the affected entity and a necessary party

ORS 195.020(2) explains that the City must enter into cooperative agreements with all urban services providers. In the case of the subject parcel, the land is within the boundaries of all required urban services. The City has agreements with all providers.

The City is inside the Clean Water Services District and the site will be in CWS Service District once annexed into the city boundary. The City and CWS have cooperative agreements that will not be affected by this annexation. The territory is also in the TVF&R service district which will not change upon annexation. The proposed annexation area is within the Enhanced Sheriff Patrol District and is expected to be withdrawn upon annexation.

Both the City and Washington County will continue to honor the mutual aid agreements which ensure coverage of law enforcement regardless of the jurisdictional boundary. The area to be annexed will be withdrawn from all County districts as the City of Sherwood provides these services and the County special district services are no longer necessary. As affected agencies, Washington County, CWS and TVF&R received notice of the proposed annexation and the opportunity to provide comments.

d. Any applicable public facility plan adopted pursuant to a Statewide planning goal on public facilities and services; and

The Sherwood City Council reviewed and adopted the Tonquin Employment Area Concept Plan in October 2010. The Tonquin Employment Area Concept Plan incorporated the recommendations found in the City's water, sanitary sewer and storm water master plan and the Transportation System Plan. At that hearing, the Council evaluated the Plan's consistency with the Comprehensive Plan, applicable master plans and all State Planning Goals and found that these were met/satisfied; however, the discussions and findings in this report also demonstrate that the proposed annexation can feasibly comply with those plans.

e. Any applicable comprehensive plan; and

Compliance with the local Comprehensive Plan is discussed further in this report under the "Local Standards" section.

f. Any applicable concept plan.

Compliance with the Tonquin Employment Area Concept Plan is discussed further in this report under the "Local Standards" section.

2. Consider whether the boundary change would:

a. Promote the timely, orderly and economic provision of public facilities and services;

The proposed annexation area can be served by extending existing sewer and water services that abut the property at the current City limits. Franchise utilities and road access are already provided by both the City and the respective utility service provider. Upgrades to these utilities will be studied in more detail when a development application is submitted, and if needed, required to be paid for by the development. Adjacent lands to the subject site were developed under the City standards along with various service utilities. The extension of these facilities will provide for the development of the site as anticipated by the land use zoning per the City's Comprehensive Plan. Finally, by annexing the area, the City will be able to collect the System Development Charges (SDC) necessary to make infrastructure improvements needed to serve the area consistent with the applicable master plans.

The provision of public facilities and services in this area, can occur in a timely and orderly manner concurrent with proposed development applications. The proposed annexation represents a logical step in the growth of the area with the upcoming Ice Age Drive project that will interconnect SW Oregon Street to SW 124th Avenue and will be provided utility services for future development. Any necessary upgrades to existing facilities have already been identified in existing plans, including the Tonquin Employment Area Concept Plan and it has been determined that funding is reasonably likely which is a necessary finding to meet state Transportation Planning Rule requirements.

b. Affect the quality and quantity of urban services; and

The Metro Code defines urban services as "sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit."

Currently, there are no urban infrastructure in the territory proposed to be annexed; therefore, annexation will provide the opportunity for extension of urban services to City standards. There are existing roads in good condition. Annexation will not immediately affect these positively or negatively, however as development occurs, road improvements will likely be required, and utility connections and possible upgrades will be made. Other urban infrastructure is expected to be provided at the expense of the developer when mitigation is required for impacts resulting from subsequent development of the area. Further, upon development of the area, SDCs will be collected to assist in the construction of identified needs or improvements to City services to offset impacts to existing City and County facilities.

TVF&R, the fire protection provider for the area, did not provide any comments.

The City of Sherwood maintains several developed parks and open spaces. Additionally, the City maintains over 300 acres of greenway, greenspace, and natural areas. Given the zoning for the site will be Employment Industrial,

parks and open spaces will be minimally impacted.

Mass transit will not be directly affected by the annexation; however, with additional individuals/employees comes additional demand on the transit system and increased opportunities for better transit service to serve the existing and future populations.

While development in the area will increase the number of individuals utilizing urban services, as discussed above, it is unlikely that the quantity of urban services will be diminished by the addition of this parcel and the anticipated employees. In addition, these new employment industrial developments will be assessed taxes which will contribute to schools, fire department, transit providers and the City which will off-set the additional impacts of serving this area. In other words, the quality of services provided are not expected to decrease because the new developments will be contributing to the tax base which funds services.

c. Eliminate or avoid unnecessary duplication of facilities or services.

The existing property owners most likely use City facilities, such as the library and parks, while also relying upon County services for law enforcement. However, because of the proximity to the City, Sherwood would be a first responder on many emergency calls. In addition, there can sometimes be confusion on the part of both the City and residents when an area is developed in such close proximity to the City in regard to who the service provider is. Annexation will eliminate any confusion or potential duplication of services.

Metro Criteria § 3.09.045 (E)

A city may not annex territory that lies outside the UGB, except that it may annex a lot or parcel that lies partially within and partially outside the UGB.

The proposed annexation territory lies entirely within the UGB.

C. Local Standards

The territory is within the City's Urban Planning Area as identified in Sherwood/ Washington County Urban Planning Area Agreement. As such, the Comprehensive Plan goals and policies for urbanization apply. In addition, the city adopted the Tonquin Employment Area Concept Plan, including amendments to the Comprehensive Plan to implement the concept plan. Ordinance 2010-014 designated zoning on the properties in the area. A copy of the adopted comprehensive plan zoning map is attached as Exhibit C. This zoning will be applied upon annexation of the area.

The Strategic and Collaborative Governance Chapter of the City's adopted 2040 Comprehensive Plan contains several applicable policy objectives which are reviewed below.

Strategic and Collaborative Governance

Governance and Growth Management

***

Goal 3 Ensure that the rate, amount, type, location and cost of new development will preserve and enhance Sherwood's quality of life so that it is accessible to all community members.

***

POLICY 3.4 Ensure annexation to the City occurs in an orderly and coordinated manner, and services are provided to support urban growth consistent with the 2040 Vision. Consider annexation proposals which meet the following criteria:

a) The subject property must be located within the Metro Urban Growth Boundary.

The subject properties proposed for annexation are located within the Urban Growth Boundary, in what is known as the Tonquin Employment Area Concept Plan. The Tonquin Employment Area was brought into the Sherwood Urban Growth Boundary in 2004 via Metro Ordinance 04-1040B to provide for needed industrial land.

b) The subject property must be contiguous to the existing City limits or separated from it only by a public right of way.

The parcels to the west and east of the subject properties have all been annexed into the Sherwood city limits with either Employment Industrial (EI) or General Industrial (GI) zoning designations. The parcels within the site are contiguous to the city limits.

c) Right-of-way that is not within City limits may be annexed for road reconstruction or modification or for the placement of utilities.

The project site is approximately 38.63 acres of public and private properties that includes City of Sherwood and Bonneville Power Administration (BPA) rights-of-way, all located within the Tonquin Employment Area (TEA) Concept Plan. The annexation of these rights-of-way will allow for construction and extension of SW Ice Age Drive and its associated utilities. Furthermore, the annexation will grant the City permitting authority for the construction of SW Ice Age Drive right-of-way.

d) The proposed use for the site complies with the Sherwood Comprehensive Plan and with the designation(s) thereon. If a re-designation of the plan map is requested after an annexation is finalized, the uses allowed under the proposed designation must comply with the Comprehensive Plan.

As stated previously, the subject site is within the Tonquin Employment Area, which is

reflected in the City's Comprehensive Plan. The City zoning for the site has already been adopted with the approved Concept Plan and becomes effective upon annexation. The adopted City zoning for the site is Employment Industrial (EI). The EI zoning district provides employment areas that are suitable for, and attractive to, key industries and industry clusters that have been identified by the State of Oregon and the City's economic development strategy as important to the state and local economy. The following are preferred industry sectors for areas zoned EI: Clean Technology; Technology and Advanced Manufacturing; and Outdoor Gear and Active Wear.

If redesignation of the plan map is requested in the future, a formal land use proposal for the zone change must be submitted and meet the approval criteria of Sherwood Zoning and Community Development Code (SZCDC) Section 16.80 Plan Amendments. Furthermore, future development of the site would not be approved unless an applicant submits a formal land use proposal to develop the site that is consistent with the SZCDC.

e) An adequate level of urban services and infrastructure are available or can be extended in a cost effective and efficient manner to the area.

The Tonquin Employment Area Concept Plan, adopted in 2010, identifies the location and size of urban services, including water, sanitary and storm sewer. The Water System Master Plan, Storm Water Master Plan, and Sanitary Sewer Master Plan already include assumptions for the Tonquin Employment area and upgrades needed to serve the TEA are already programmed.

The proposed annexation will bring the subject properties into the city limits in preparation for the upcoming Ice Age Drive project that will interconnect SW Oregon Street to SW 124th Avenue. The construction and extension of the roadway will provide urban services to the area.

Once the proposed annexation is approved, SW Ice Age Drive will be permitted and constructed by the city in turn being cost effective and efficient.

f) The proposed annexation represents a logical direction for City expansion, promotes an orderly, reasonable and economically feasible expansion of the City boundaries and, in the judgment of the City, serves the present and future interests of the City.

This is a policy that is achieved through the concept planning and public facility planning for new urban areas. This was done concurrent with the Tonquin Employment Area Concept Plan. New growth is encouraged within the Urban Growth Boundary.

The proposed annexation represents a logical step in the growth of the area with the upcoming Ice Age Drive project that will interconnect SW Oregon Street to SW 124th Avenue and will be provided utility services for future development. Any necessary upgrades to existing facilities have already been identified in existing plans, including the Tonquin Employment Area Concept Plan and it has been determined that funding is

reasonably likely which is a necessary finding to meet state Transportation Planning Rule requirements.

g) Improvements for needed infrastructure may be secured by a funding mechanism that will place the primary economic burden on the territory proposed for annexation and not on the City of Sherwood generally.

The proposed annexation will allow for the construction of SW Ice Age Drive that will interconnect SW Oregon Street to SW 124th Avenue and will provide utility services for future development. Funding for SW Ice Age Drive construction is under the umbrella of Sherwood's Urban Renewal Agency Capital Projects, Federal funds, and other funding mechanisms. Future development of parcels within the territory will trigger infrastructure improvements that would typically be paid and constructed by the developer. The future infrastructure needs of the proposed annexation will not be an economic burden for the City of Sherwood in general.

POLICY 3.5 Require larger UGB expansion areas to complete concept plans that conform to local, regional and state requirements, include a phased development plan and reflect Sherwood's landform to achieve a sustainable transition over time. Concept plans shall strive to:

- ***Balance the needs of existing and new residents and businesses to ensure a sustainable tax base to deliver services.***
- ***Consider a variety of housing and employment uses for each concept plan as an opportunity to provide walkable neighborhood services and efficient transportation alternatives.***

This is a policy that is achieved through the concept planning and public facility planning for new urban areas. This was done concurrent with the Tonquin Employment Area Concept Plan. The Tonquin Employment Area (previously referred to as Study Area 48) was brought into the Sherwood Urban Growth Boundary in 2004 via Metro Ordinance 04-1040B to provide for needed industrial land. The entire TEA is comprised of approximately 300 acres. In October 2010, the City approved the concept plan and associated implementing Comprehensive Plan and Map Amendments via Ordinance 2010-014.

IV. RECOMMENDATION

This staff report provides a review and analysis of the existing criteria for annexation. It is staff's recommendation, based on the criteria in Senate Bill 1573, ORS 199.510(2)(c), Metro annexation criteria and the City's policies in the Comprehensive Plan and Tonquin Employment Area Concept Plan, that the Tonquin Employment Area annexation petition, LU 2024-019 AN, be approved.

V. EXHIBITS

A. Map of Project Area
B. Legal Description of Area to Be Annexed and Map
C. Comprehensive Plan and Zoning Map adopted via Ord. 2010-014
D. Sherwood Engineering Department Comment Letter
E. Department of Revenue Preliminary Approval Letter
F. Applicant's Submittal with narrative and supporting documents

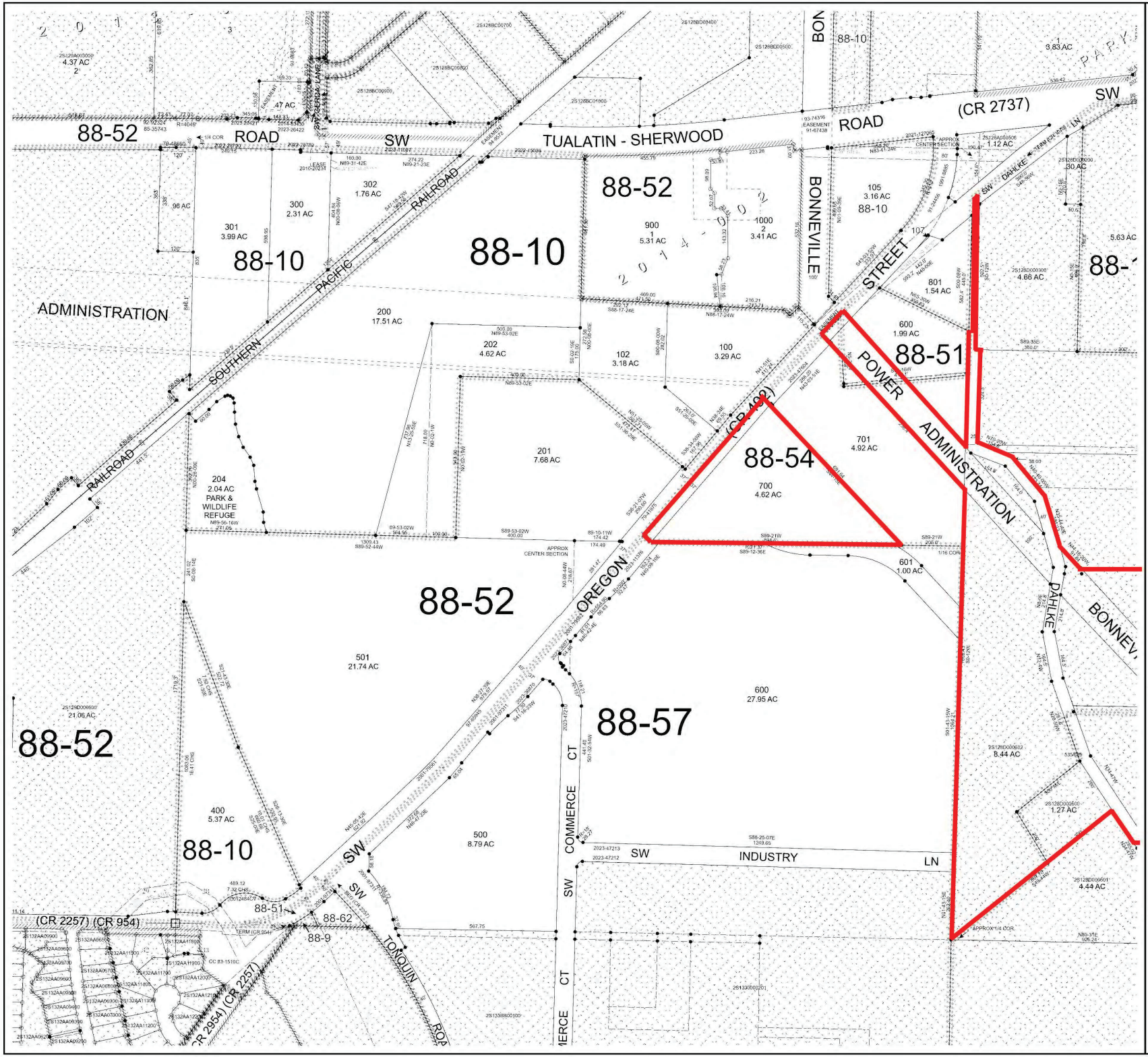
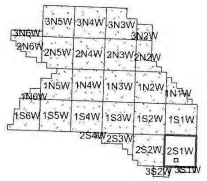
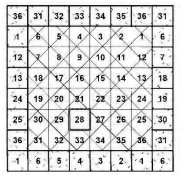


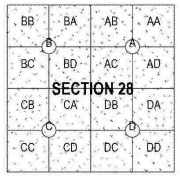
Exhibit A

2S128C

WASHINGTON COUNTY OREGON
SW 1/4 SECTION 28 T2S R1W
SCALE 1"= 200'







FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
www.washingtoncountyor.gov/gis

Cancelled Taxlots For: 2S128C
104, 203, 103, 106, 401, 201A2, 201A3, 300A1, 200A1, 201A1, 101

Feet
0 100 200 400 600

Assessment CARTOGRAPHY

PLOT DATE: 7/30/2024
Rotation: 0
FOR ASSESSMENT PURPOSES ONLY - DO NOT RELY ON FOR OTHER USE

Map areas delineated by either gray shading or a cross-hatched pattern are for reference only and may not indicate the most current property boundaries. Please consult the appropriate map for the most current information.

98
SHERWOOD
2S128C

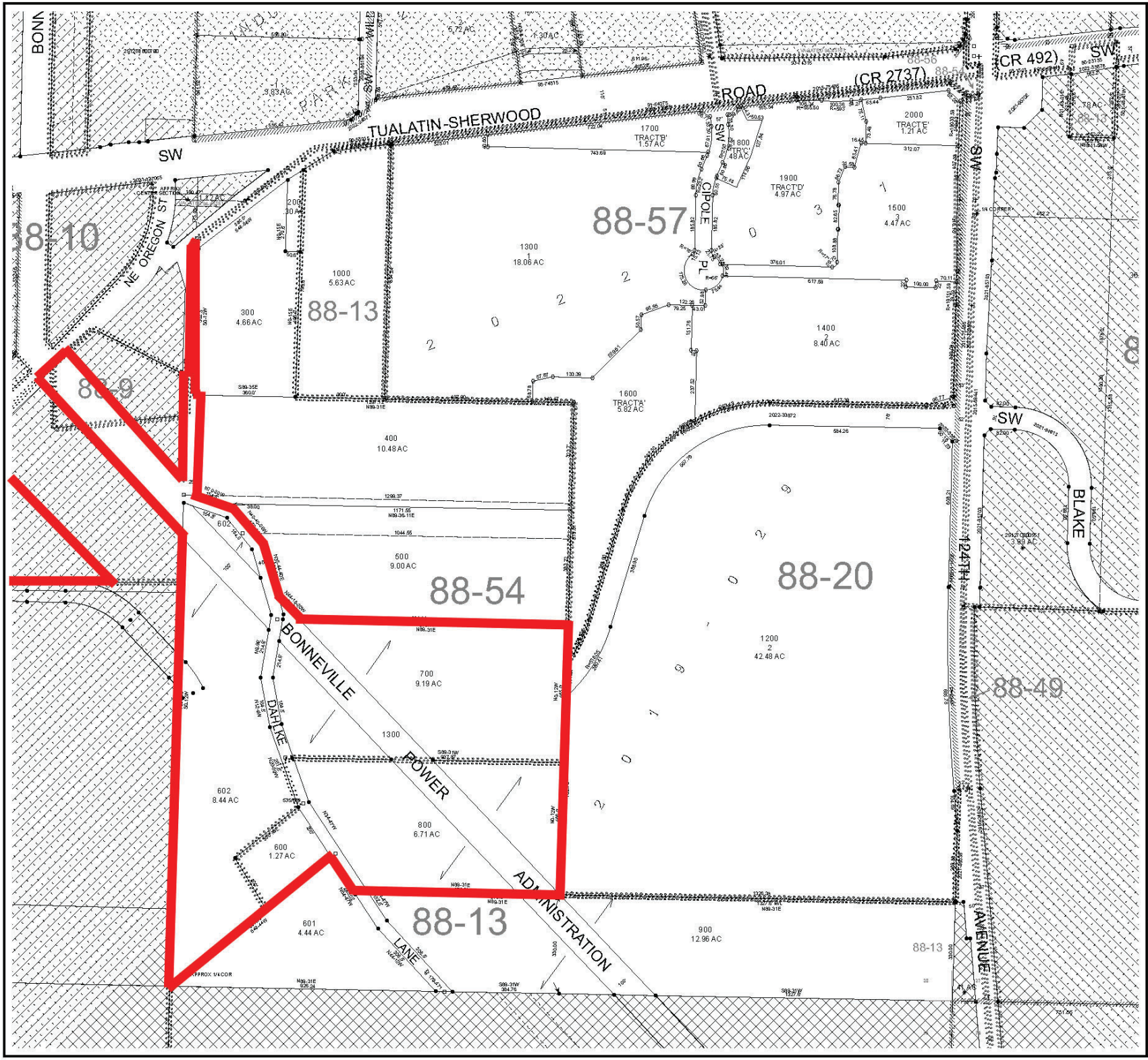
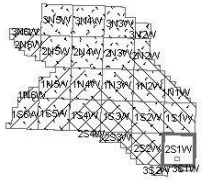
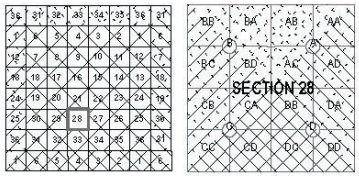


Exhibit A

2S128D

WASHINGTON COUNTY OREGON
SE 1/4 SECTION 28 T2S R1W
SCALE 1"= 200'





FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
www.washingtoncountyor.gov/gis

Cancelled Taxlots For: 2S128D
101, 100, 1100

Feet
0 100 200 400 600

Assessment
CARTOGRAPHY
Taxation

PLOT DATE: 1/3/2024
Rotation: 0

FOR ASSESSMENT PURPOSES ONLY - DO NOT RELY ON FOR OTHER USE

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99
SHERWOOD
2S128D

EXHIBIT "A"

Tonquin Employment Area Annexation
City of Sherwood
July 30, 2024

Tax Maps 2S128C and 2S128D

PARCEL 1

A tract of land lying in the South Half of Section 28, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, described as follows:

Beginning at the South quarter corner of Section 28, Township 2 South, Range 1 West, Willamette Meridian; thence North 0°07'50" East along the East line of the Southeast quarter of the Southwest quarter of said Section 28, a distance of 1326.63 feet to the Northeast corner of the said quarter-quarter; thence North 0°03'38" West along the East line of the Northeast quarter of the Southwest quarter, a distance of 198.53 feet to a point on the Southwesterly boundary of that Bonneville Power Administration tract described in Book 180, Page 501, Washington County Book of Records; thence North 44°32'33" West along said Southwesterly boundary a distance of 706.70 feet to a point on the center line of S.W. Oregon Street (County Road No. 492); thence North 41°28'45" East along said center line a distance of 100.24 feet, more or less, to a point on the Northeasterly boundary of said Bonneville Power Administration tract; thence South 44°32'33" East along said Northeasterly boundary a distance of 611.83 feet to a point on said East line of the Northeast quarter of the Southwest quarter; thence North 0°03'38" West along said East line a distance of 375.67 feet, more or less, to a point on the Southerly boundary of that property described in Document No. 2013-106185, Washington County Book of Records, also being a point on the Southerly annexation boundary described in Annexation Proposal No. 3735; thence South 65°30'00" East, more or less, along said Southerly annexation boundary a distance of 13.74 feet, more or less, to a point on the center line of S.W. Dahlke Lane whose right-of-way is described as a 25.00 foot wide strip of land in Book 179, Page 471, Washington County Book of Records; thence North 0°03'38" West along said center line of S.W. Dahlke Lane a distance of 468.07 feet, more or less, to a point on the center line of County Road No. 492; thence North 47°32'40" East, more or less, along said center line of County Road No. 492 a distance of 16.90 feet, more or less, to a point on the Northerly extension of the East line of said S.W. Dahlke Lane right-of-way; thence South 0°03'38" East, along said Northerly extension and said East line, a distance of 528.84 feet, more or less, to a point on the South line of that property described in Document No. 2018-085434, Washington County Book of Records; thence North 89°33'10" East along said South line of said property a distance of 15.00 feet to a point on the Easterly right-of-way of the 40.00 foot wide S.W. Dahlke Lane; thence South 0°03'38" East along said Easterly right-of-way a distance of 313.98 feet; thence South 70°50'35" East a distance of 125.22 feet; thence South 41°07'35"

East a distance of 173.46 feet; thence South 17°39'06" East a distance of 173.28 feet to a point on the Northeasterly boundary of said Bonneville Power Administration tract; thence South 44°32’33” East along said Northeasterly boundary a distance of 102.04 feet to a point on the Northerly boundary of that property described in Document No. 2023-014259, Washington County Book of Records; thence North 89°26’07” East along said Northerly boundary a distance of 905.18 feet to a point on the Westerly boundary of Partition Plat No. 2019-029, Washington County Survey Records; thence South 0°04’06” East along said Westerly boundary a distance of 931.12 feet to a 1-1/8” Ford axle being the Southwest corner of said Partition Plat; thence South 89°26’02” West through the said Bonneville Power Administration tract and along a portion of the Southerly boundary of that property described in Document No. 2023-040577, Washington County Book of Records, a distance of 693.22 feet to a point on the Westerly right-of-way of said S.W. Dahlke Lane; thence North 34°44’06” West along said Westerly right-of-way a distance of 139.66 feet to a point on the Northwesterly boundary of that property described in Document No. 2016-001001, Washington County Book of Records; thence South 49°45’43” West along said Northwesterly boundary a distance of 697.75 feet to the Point of Beginning.

This tract of land contains 33.52 acres, more or less.

The bearings of this description were established on Record of Survey No. 34604, Washington County Survey Records.

PARCEL 2

A tract of land lying in the Northeast quarter of the Southwest quarter of Section 28, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, described as follows:

Beginning at a point on the North line of the Southeast quarter of the Southwest quarter, said point lying South 89°11’33” West 205.37 feet from the Northeast corner of said quarter-quarter; thence South 89°11’33” West along said North line and the Southerly boundary of that property described in Document No. 2022-059410, Washington County Book of Records, a distance of 844.49 feet to a point on the Southeasterly Right-of-Way of S.W. Oregon Street (37.00 feet from center line); thence North 51°26’34” West a distance of 37.00 feet to said center line; thence North 38°33’26” East along said center line a distance of 418.10 feet to a point of curvature; thence continuing along said center line on a curve to the right with a radius of 1312.33 feet (the long chord of which bears North 40°01’05” East 66.92 feet) a distance of 66.93 feet to a point of tangency; thence North 41°28’45” East continuing along said center line a distance of 133.26 feet; thence leaving said center line South 44°32’33” East along the Northeasterly boundary of said Document No. 2022-059410 a distance of 686.37 feet to the Point of Beginning.

This parcel of land contains 5.11 acres, more or less.

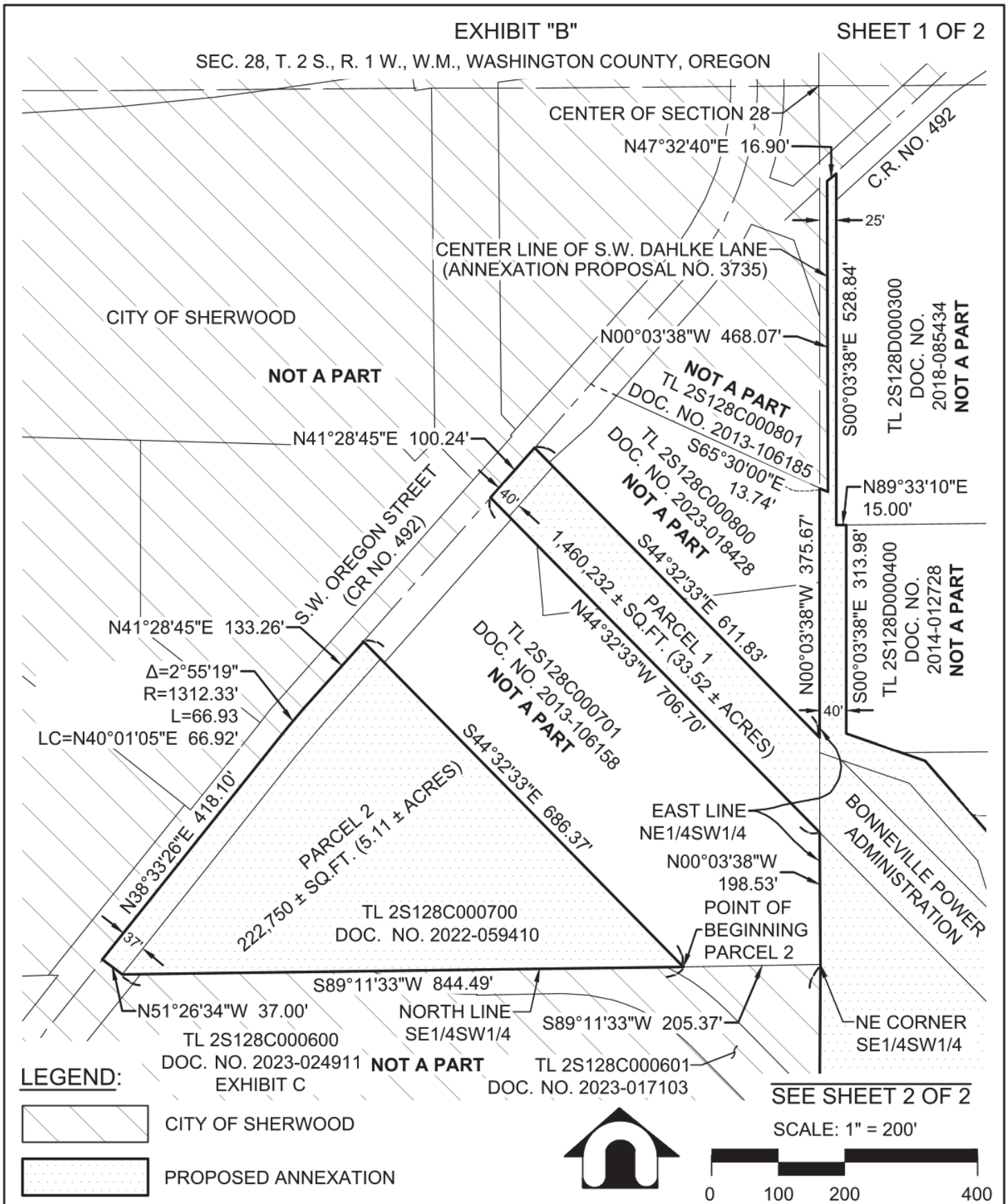
The bearings of this description were established on Record of Survey No. 34604, Washington County Survey Records.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

DIGITALLY SIGNED 2024.10.17
08:52:41-07'00'

OREGON
JULY 13, 2021
KEITH LYMAN
94803

RENEWS: 12/31/2024

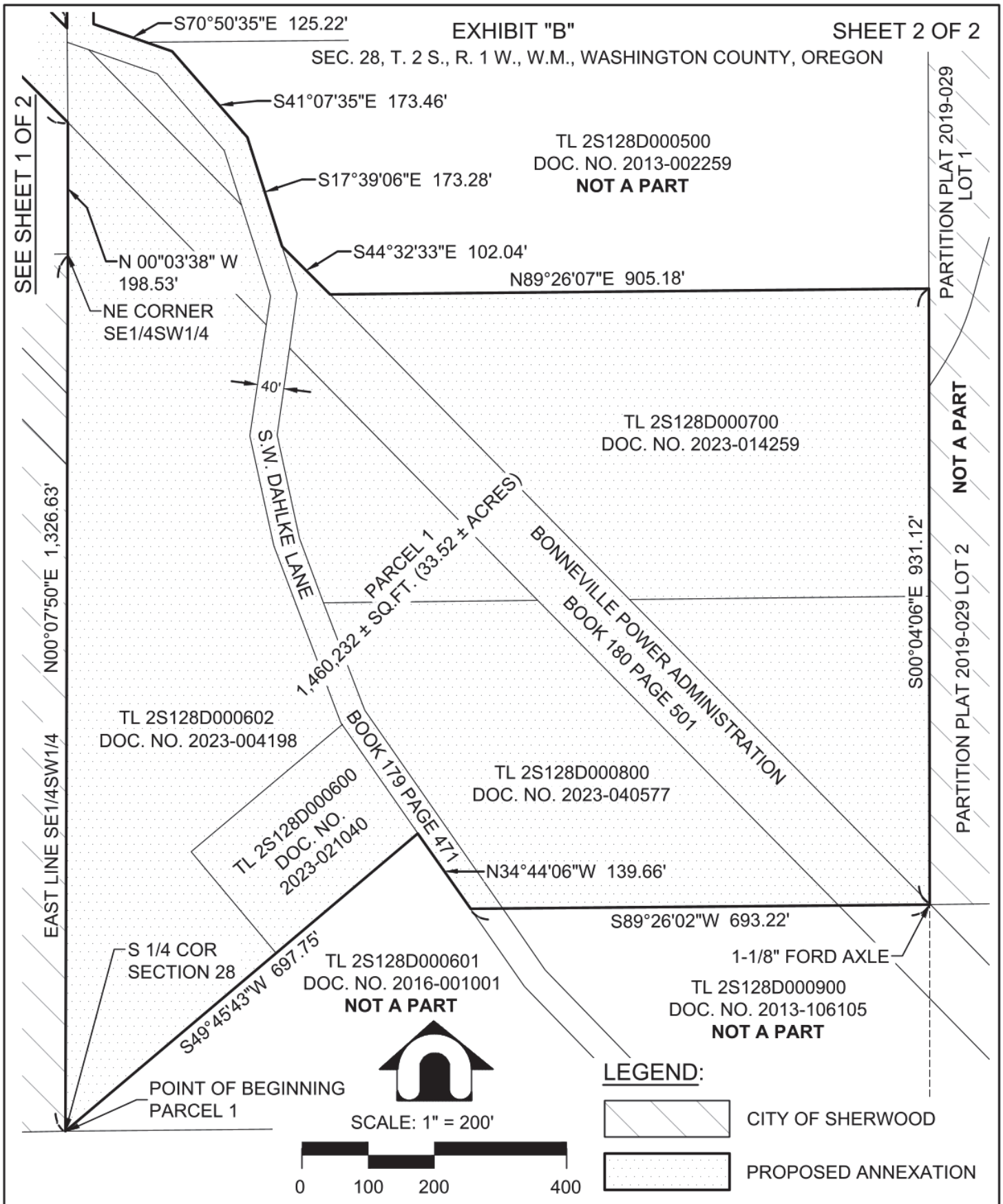


TONQUIN EMPLOYMENT AREA ANNEXATION
CITY OF SHERWOOD

FILE NO: ANX 01	SUBMITTAL DATE: 07/30/2024
TAX LOT: -	REVISED DATE: 10/16/2024
TAX MAP: -	ADDRESS: -NA-

DAVID EVANS AND ASSOCIATES INC.
2100 S River Parkway, Suite 100
Portland Oregon 97201
Phone: 503.223.6663

P:\S\SHWX00000064\0400CAD\SV\EXHIBITS\SV-EM-01-SHWX0064 - Rev2 10/16/2024 11:46 AM



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Portland Oregon 97201
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EXHIBIT "A"

Tonquin Employment Area Annexation
Clean Water Services
July 30, 2024

Tax Maps 2S128C and 2S128D

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A tract of land lying in the Northeast quarter of the Southwest quarter of Section 28, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, described as follows:

Beginning at a point on the North line of the Southeast quarter of the Southwest quarter, said point lying South 89°11’33” West 205.37 feet from the Northeast corner of said quarter-quarter; thence South 89°11’33” West along said North line and the Southerly boundary of that property described in Document No. 2022-059410, Washington County Book of Records, a distance of 844.49 feet to a point on the Southeasterly Right-of-Way of S.W. Oregon Street (37.00 feet from center line); thence North 51°26’34” West a distance of 37.00 feet to said center line; thence North 38°33’26” East along said center line a distance of 418.10 feet to a point of curvature; thence continuing along said center line on a curve to the right with a radius of 1312.33 feet (the long chord of which bears North 40°01’05” East 66.92 feet) a distance of 66.93 feet to a point of tangency; thence North 41°28’45” East continuing along said center line a distance of 133.26 feet; thence leaving said center line South 44°32’33” East along the Northeasterly boundary of said Document No. 2022-059410 a distance of 686.37 feet to the Point of Beginning.

This parcel of land contains 5.11 acres, more or less.

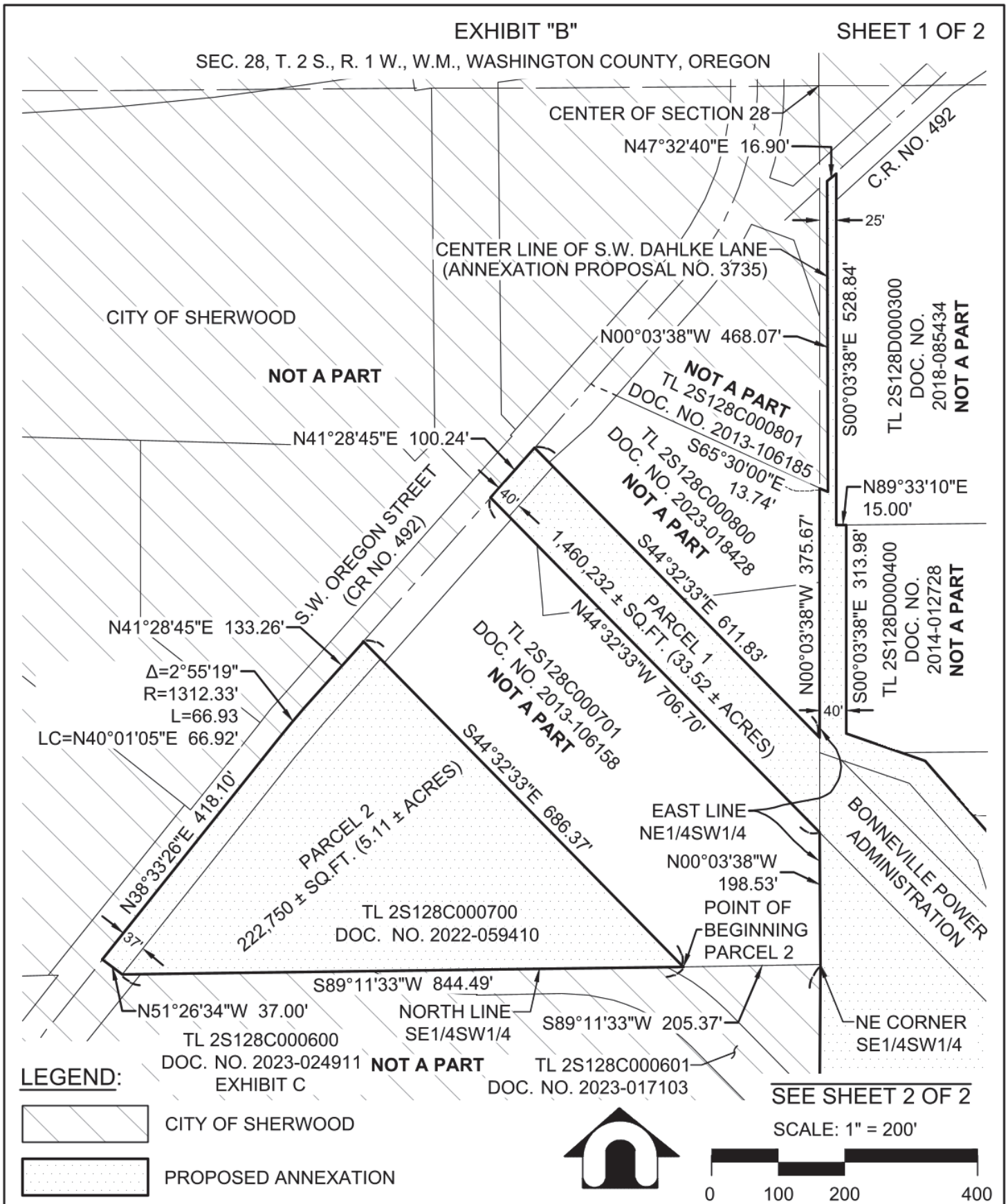
The bearings of this description were established on Record of Survey No. 34604, Washington County Survey Records.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

DIGITALLY SIGNED 2024.10.17
08:52:14-07'00'

OREGON
JULY 13, 2021
KEITH LYMAN
94803

RENEWS: 12/31/2024



TONQUIN EMPLOYMENT AREA ANNEXATION
CLEAN WATER SERVICES

FILE NO: ANX 01	SUBMITTAL DATE: 07/30/2024
TAX LOT: -	REVISED DATE: 10/16/2024
TAX MAP: -	ADDRESS: -NA-

DAVID EVANS AND ASSOCIATES INC.
2100 S River Parkway, Suite 100
Portland Oregon 97201
Phone: 503.223.6663

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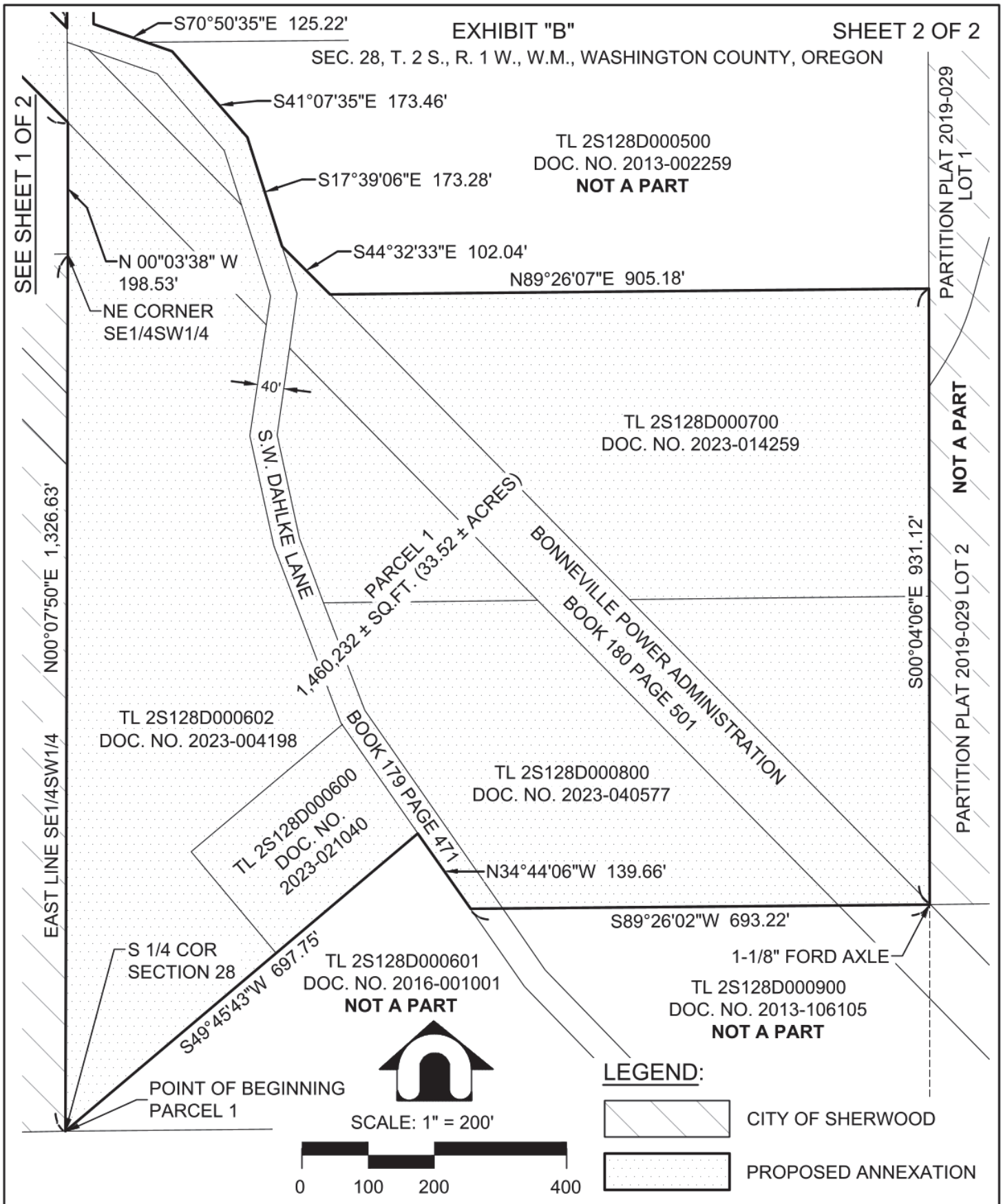

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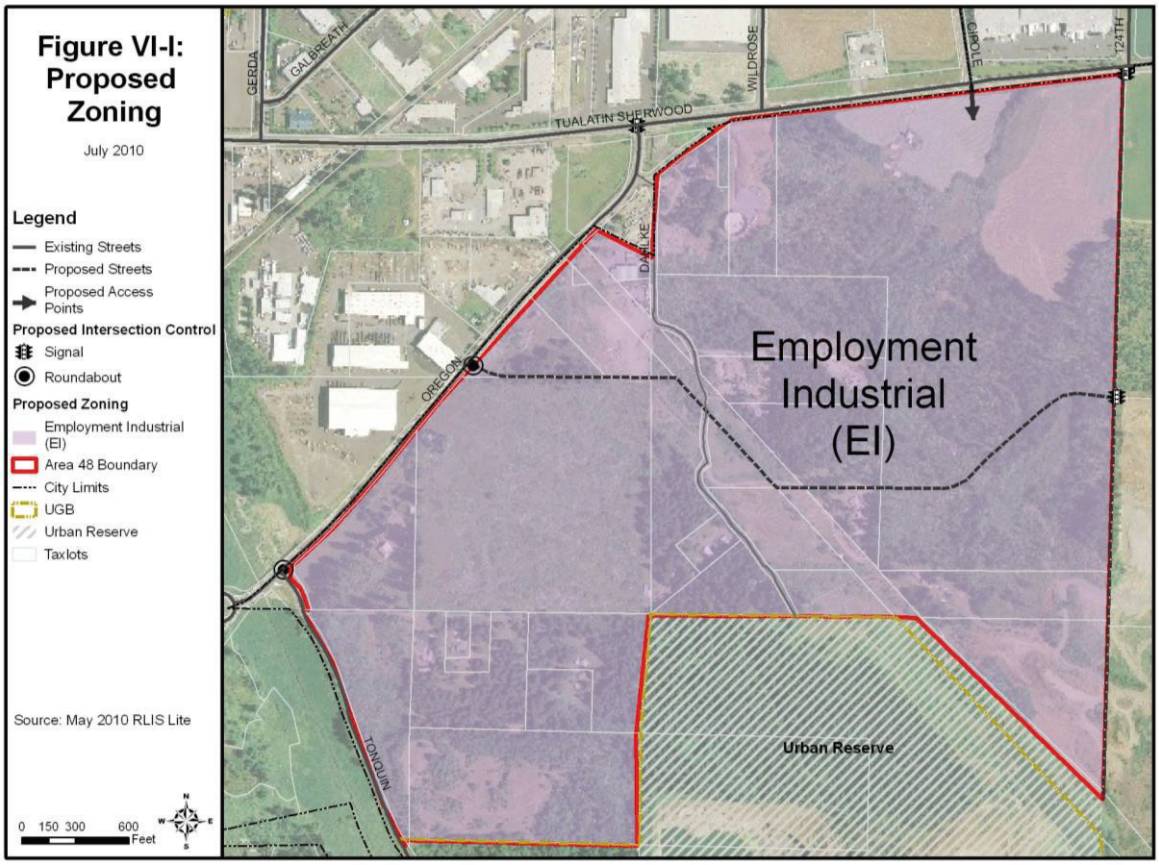
Figure VI-1: Proposed Zoning



Engineering Annexation Application Comments

To:	Joy Chang, Senior Planner
From:	Craig Christensen P.E., Senior Civil Engineer
Project:	Tonquin Employment Area Annexation (LU 2024-019)
Date:	October 22, 2024

Engineering staff has reviewed the information provided for the above referenced private development project. Final construction plans will need to meet the standards established by the City of Sherwood Engineering Department and Public Works Department, Clean Water Services (CWS) and Tualatin Valley Fire & Rescue (TVF&R), in addition to requirements established by other jurisdictional agencies providing land use comments. City of Sherwood Engineering Department comments are as follows:

General Information

The proposed annexation consists of the annexation of five tax lots in the Tonquin Employment Area (Tax Lot 2S128C00700, 2S128D00600, 2S128D00602, 2S128D00700 & 2S128D00800) as well as a portion of Bonneville Power Administration right-of-way and a portion of SW Dahlke Lane right-of-way. This annexation is to bring the subject properties into the city limits in preparation for the upcoming Ice Age Drive project that will interconnect SW Oregon Street to SW 124th Avenue.

The proposed annexation area is contiguous to the existing city limits with one parcel being contiguous to the north side of the Sherwood Commerce Center site and the other four parcels being contiguous to the east side of the Sherwood Commerce Center site and the west side of the Willamette Water Supply site.

Transportation

As noted above the proposed annexation will allow for the construction of the new city collector street (Ice Age Drive) between SW Oregon Street and SW 124th Avenue. Also included in this annexation is SW Dahlke Lane (currently a county road) from the southern end of this proposed annexation to the current city limits to the north where SW Dahlke Lane connects to SW Oregon Street.

Currently SW Dahlke Lane is a long dead end street that provides transportation access to four of the five subject parcels with the fifth parcel having driveway access onto SW Oregon Street. With the proposed annexation of SW Dahlke Lane right-of-way along the frontage of the subject properties up to its connection to the current city limits, all proposed parcels will have transportation access to public streets within the newly accessed city limits under this annexation proposal. Furthermore, the subject properties will have access to the future Ice Age Drive and extension of SW Industry Lane upon project completion.

The master plan for the Ice Age Tonquin Trail shows that the proposed location for this trail is along SW Oregon Street which is adjacent to one of the parcels of this annexation and the BPA right-of-way that is being annexed. All other parcels are outside of the limits of the conceptual Ice Age Tonquin Trail location. The annexation will not affect the ability to implement the Ice Age Tonquin Trail master plan.

Conclusion: The proposed annexation accommodates transportation access for the five parcels of land via a public street within the city limits with one parcel having access to SW

Oregon Street and the other 4 parcels having access to SW Dahlke Road which is included in annexation application.

Sanitary Sewer

Currently, public sanitary sewer exists within SW Industry Lane which is stubbed at the eastern city limits adjacent to the four eastern parcels. With the above mentioned Ice Age Drive project, the sanitary sewer line within SW Industry Lane will be extended to Ice Age Drive with the sanitary sewer continuing within Ice Age Drive to provide future public sanitary sewer service to all five parcels of this annexation request.

Conclusion: Therefore, all parcels will have access to public sanitary sewer service upon the completion of the Ice Age Drive project.

Storm Sewer

Currently, public storm sewer exists within the property to the south of the western parcel. There is also an existing wetland located within one of the four eastern parcels. With the above mentioned Ice Age Drive project, the storm sewer will be constructed within Ice Age Drive to provide future public storm sewer service to all five parcels of this annexation request.

Conclusion: Therefore, all parcels will have access to public storm sewer service upon the completion of the Ice Age Drive project.

Water

Currently, public water exists within SW Industry Lane which is stubbed at the eastern city limits adjacent to the four eastern parcels. There is also public water located in SW Oregon Street. With the above mentioned Ice Age Drive project, the water line within SW Industry Lane will be extended to Ice Age Drive with the water line continuing within Ice Age Drive to SW Oregon Street and SW 124th Avenue to provide future public water service to all five parcels of this annexation request.

Conclusion: Therefore, all parcels will have access to public water service upon the completion of the Ice Age Drive project.

Conclusion:

Upon completion of the ongoing Ice Age Drive project, all five parcels of this annexation request will have access to public water, sanitary sewer, storm sewer and transportation facilities.

Conclusion: As a whole, the subject property of this annexation request meets the criteria for acceptance of annexation into the City of Sherwood.

Boundary Change Preliminary Review

OREGON DEPARTMENT OF REVENUE

Cadastral Information Systems Unit
PO Box 14380
Salem, OR 97309-5075
fax 503-945-8737
boundary.changes@dor.oregon.gov

City of Sherwood
Comm. Dev. Div.--Planning Dept.
22560 SW Pine St
Sherwood OR 97140

October 18, 2024

Documents received: 9/18/2024, 10/17/2024
From: Joy Chang

This letter is to inform you that the Description and Map for your planned --Annex to City of Sherwood;
--Annex to Clean Water Services District ((LU 2024-019 AN) - Tonquin Employment Area) in Washington County have been reviewed per your request. They MEET the requirements of ORS 308.225 for use with an Order, Ordinance, or Resolution which must be submitted to the Washington County Assessor and the Department of Revenue in final approved form before March 31 of the year in which the change will become effective.

DOR recieved 2 Revised exhibit maps dated 10-16-2024. These should be used in the Final packet.

Preliminary Review

If you have any questions please contact Elise Bruch, 503-302-8353

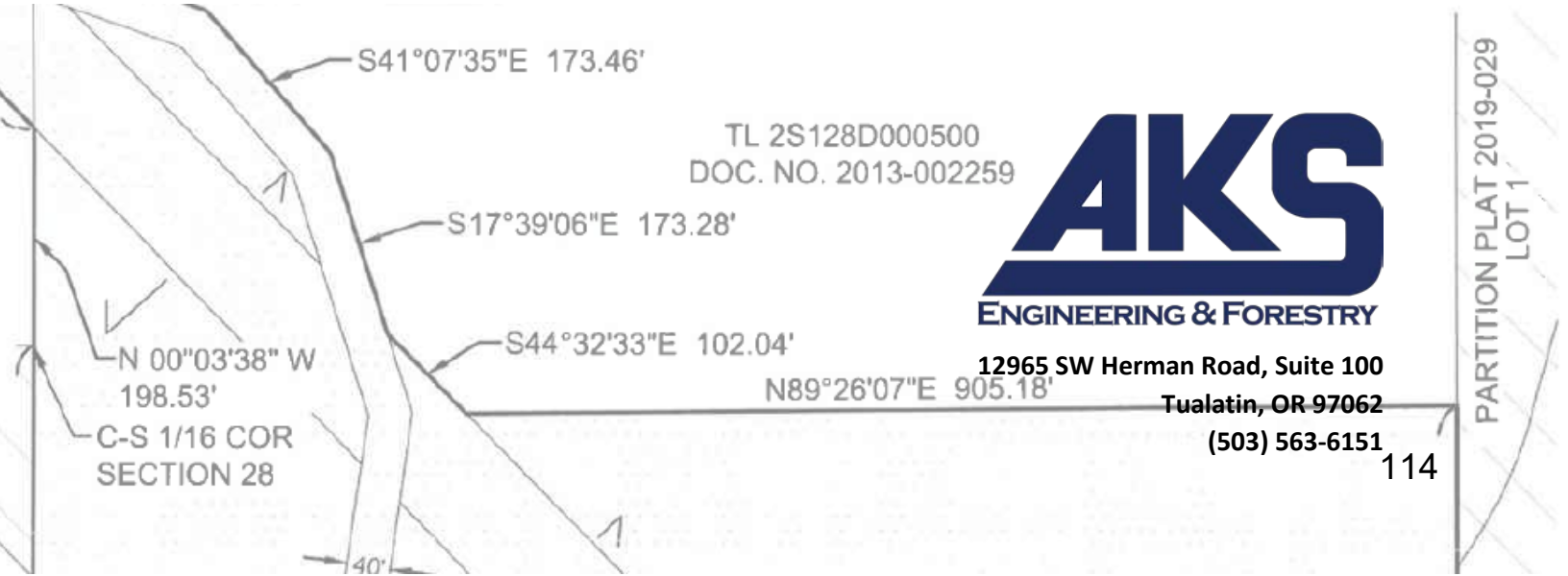
Tonquin Employment Area Annexation Application

Date: September 2024

Submitted to: City of Sherwood
Planning Department
22560 SW Pine Street
Sherwood, OR 97140

Applicant: City of Sherwood
22560 SW Pine Street
Sherwood, OR 97140

AKS Job Number: 11364



ENGINEERING & FORESTRY
12965 SW Herman Road, Suite 100
Tualatin, OR 97062
(503) 563-6151

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Exhibits

Exhibit A: City of Sherwood Petition for Annexation and Land Use Application
Exhibit B: Washington County Assessor's Map
Exhibit C: Legal Description and Map
Exhibit D: Boundary Change Data Sheet
Exhibit E: Annexation Questionnaire
Exhibit F: Worksheet for Annexation to the City of Sherwood
Exhibit G: Certification of Property Ownership
Exhibit H: Certification of Legal Description and Map
Exhibit I: Ownership Information
Exhibit J: Additional Referenced Documents
Exhibit K: Washington County-Sherwood Urban Planning Agreement
Exhibit L: Public Notice Information

Tonquin Employment Area
Annexation Application

Submitted to:

City of Sherwood
Planning Department
22560 SW Pine Street
Sherwood, OR 97140

Applicant:

City of Sherwood
22560 SW Pine Street
Sherwood, OR 97140

Property Owners:

City of Sherwood
22560 SW Pine Street
Sherwood, OR 97140

Bonneville Power Administration
1002 NE Holladay Street
Portland, OR 97232

AR Vial Associates PC, Nicolas A. Vial, Nicholas A. Vial et al.
(21680 SW Dahlke Lane)
12840 SW River Road
Hillsboro, OR 97123

City of Sherwood Urban Renewal Agency
(21775 SW Dahlke Lane and 21370 SW Oregon Street)
22560 SW Pine Street
Sherwood, OR 97140

Dahlke Lane Land Company LLC
(21825 SW Dahlke Lane)
24925 Garden Acres Road
Sherwood, OR 97140

Dahlke Lane Land Company II
(21700 SW Dahlke Lane)
24925 Garden Acres Road
Sherwood, OR 97140

Applicant's Consultant:	AKS Engineering & Forestry, LLC 12965 SW Herman Road, Suite 100 Tualatin, OR 97062 Contact: Zach Pelz, AICP Email: pelzz@aks-eng.com Phone: (503) 563-6151
Site Location:	21370 SW Oregon Street, 21680 SW Dahlke Lane, 21700 SW Dahlke Lane, 21775 SW Dahlke Lane, and 21825 SW Dahlke Lane, Sherwood, OR 97140
Washington County Assessor's Map:	2S 1 28C Lot 700 2S 1 28D Lots 600, 602, 700, 800 City of Sherwood right-of way Bonneville Power Administration right-of-way
Site Size:	±38.63 acres
County Plan Designation:	Future Development 20-Acre District (FD-20)
City Zoning Upon Annexation:	Employment Industrial (EI)

I. Executive Summary

The City of Sherwood (Applicant) is seeking approval to annex ±38.63 acres of land into the corporate limits of the City of Sherwood (City). The subject properties ("property") are generally located southeast of SW Oregon Street, south of SW Tualatin-Sherwood Road, west of SW 124th Avenue, and on both sides of SW Dahlke Lane.

The property is comprised of ±5 parcels along with portions of the SW Dahlke Lane public right-of-way (ROW) as well as ROW owned by the Bonneville Power Administration (BPA). The property is located within the City of Sherwood's Tonquin Employment Area (TEA), which was added to the Urban Growth Boundary (UGB) by the Metro Council in 2004. In conjunction with Metro adding this area to the UGB, the City of Sherwood undertook extensive planning of the TEA, including planning for transportation and infrastructure, culminating in a TEA Final Concept Plan in 2010. Annexation of the property into the City of Sherwood is the next step in the progression of urbanization that will implement the City's vision for this area.

The City's latest planning efforts for the TEA include designing a new collector status roadway that will connect SW Oregon Street to SW 124th Avenue. The new collector road, identified as SW Ice Age Drive, is nearing 100% design. Annexation of the property will enable the City to approve construction of Ice Age Drive subject to City land use and infrastructure requirements. If the land is not annexed into the City limits, the City would be required to obtain land use and environmental permits from Washington County in order to construct the roadway.

The City is also studying the future alignment of SW Dahlke Lane in the vicinity of the property. The City's consultant is working on a 30% design for the local industrial road. It is expected that local improvements associated with Dahlke Lane will be provided by each adjacent property owner as the properties develop.

Senate Bill 1573 (2016) outlines the process for cities to annex property without an election by voters. The steps for this process are outlined and addressed below and the proposed annexation meets the requirements of a Senate Bill (SB) 1573 annexation. Pursuant to ORS 199.510(2)(c), this application includes a simultaneous annexation of the property into the boundaries of Clean Water Services (CWS) for the provision of sanitary sewer, stormwater, and surface water management.

This written narrative, together with the preliminary plans and other documentation included in the application materials, establishes that the application complies with all applicable approval criteria. This documentation provides the basis for the City to approve the application.

II. Site Description/Setting

The property is generally located southeast of SW Oregon Street, south of SW Tualatin-Sherwood Road, west of SW 124th Avenue, and on both sides of SW Dahlke Lane. The property is currently within Washington County and carries a Future Development 20-Acre District (FD-20) plan designation. The property is within the TEA, which stipulates that individual properties will be designated as Employment Industrial (EI) upon annexation.

The property is currently being used as follows:

- 21370 SW Oregon Street: Storage of construction equipment.
- 21680 SW Dahlke Lane: Single-family residence; property is bisected by BPA ROW.

- 21700 SW Dahlke Lane: Single-family residence and vehicle storage lot; property is bisected by BPA ROW.
- 21775 SW Dahlke Lane: Single-family residence.
- 21825 SW Dahlke Lane: Single-family residence.
- BPA ROW: High-voltage electrical transmission lines.
- SW Dahlke Lane ROW: Public access to abutting properties.

Public Utilities. Public sewer, water, and storm facilities are available in SW Oregon Street; however new utilities are planned to be located within the future SW Ice Age Drive, including water, sanitary sewer, and storm water. It is expected that extension of local roadways and utilities will be provided with site development to meet the "to and through" requirement pursuant to the Sherwood Municipal Code. Existing utilities are identified below:

Service	Provider	Size (in.)	Location	Distance from Property
Water	City of Sherwood	24	SW Oregon Street	Adjacent to Map/Tax Lot 2S128C000700 and ROW corridor
	City of Sherwood	12	SW Oregon Street	Adjacent to Map/Tax Lot 2S128C000700 and ROW corridor
	City of Sherwood	24	SW Tualatin-Sherwood Road	±100 feet west of SW Dahlke Lane ROW
	City of Sherwood	12	SW Tualatin-Sherwood Road	±100 feet west of SW Dahlke Lane ROW
Sanitary Sewer	City of Sherwood	12	SW Tualatin-Sherwood Road	±500 feet north of SW Dahlke Lane ROW
	City of Sherwood	8	SW Oregon Street	±100 feet west of SW Dahlke Lane ROW
Storm Sewer	Clean Water Services	12	SW Oregon Street	Adjacent to Map/Tax Lot 2S128C000700 and ROW corridor
	Clean Water Services	12	SW Tualatin-Sherwood Road	±500 feet north of SW Dahlke Lane ROW

Transportation. The property currently has partial frontage on SW Oregon Street which is under the jurisdiction of Washington County and is classified as an arterial street with three lanes and a posted speed limit of 35 miles per hour. SW Tualatin-Sherwood Road is classified as an arterial and is located north of the property. SW Dahlke Lane, classified as a local street, runs generally north-south through the property from SW Oregon Street to the southern extent of the Urban Growth Boundary.

The City's latest planning efforts for the TEA include designing a new collector status roadway that will connect SW Oregon Street to SW 124th Avenue. The new collector road, identified as SW Ice Age Drive, is nearing 100% design. Annexation of the property will enable the City to approve construction of Ice Age Drive subject to City land use and infrastructure requirements. The City is also studying the future alignment of SW Dahlke Lane in the vicinity of the property. The City's consultant is working on a 30% design for this local industrial road, and it is expected that local improvements associated with Dahlke

Lane will be provided by each adjacent property owner as the property develops. The proximity of existing roads along with the anticipated construction of Ice Age Drive and improvements to Dahlke Lane provide suitable access for the property and other properties within the TEA now and into the future as the area further redevelops.

III. Applicable Review Criteria

OREGON REVISED STATUTES

ORS 222

ORS 222.127 Annexation without election notwithstanding contrary city law upon petition of all owners of land; declaration of annexation.

(1) This section applies to a city whose laws require a petition proposing annexation of territory to be submitted to the electors of the city.

Response: Owners of property have petitioned the City of Sherwood for annexation via the methodology described in ORS 222.127. Subsequently, a voter-approved annexation is not required.

(2) Notwithstanding a contrary provision of the city charter or a city ordinance, upon receipt of a petition proposing annexation of territory submitted by all owners of land in the territory, the legislative body of the city shall annex the territory without submitting the proposal to the electors of the city if:

(a) The territory is included within an urban growth boundary adopted by the city or Metro, as defined in ORS 197.015

Response: This annexation involves property located within the Portland Metropolitan UGB and the City of Sherwood UGB. The property is within the TEA. The area was added to the Sherwood UGB in 2004 via Metro Ordinance 04-1040B for the purpose of accommodating anticipated demand for future industrial land.

All affected landowners have signed the annexation petition, which is included in the application materials as Exhibit A. Additionally, there are no contrary provisions of the City of Sherwood City Charter or existing City ordinances. The criterion is met.

(b) The territory is, or upon annexation of the territory into the city will be, subject to the acknowledged comprehensive plan of the city.

Response: The property is located within the TEA Concept Plan area boundary, which was adopted by the City of Sherwood City Council as a supplement to its Comprehensive Plan in 2010. The property is designated as Employment Industrial (EI) on Sherwood's Plan and Zone Map. Upon annexation Property will be zoned EI, consistent with the City's Comprehensive Plan. The criterion is met.

(c) At least one lot or parcel within the territory is contiguous to the city limits or is separated from the city limits only by a public right of way or a body of water.

Response: As shown on the legal description and map, the property is contiguous to the City limits along SW Oregon Street and SW Dahlke Lane. This criterion is met.

(d) The proposal conforms to all other requirements of the city's ordinances.

Response: Required information, forms, and documents found in the "Checklist for Annexation Request to the City of Sherwood" are included in this annexation application. This provision is satisfied.

(3) The territory to be annexed under this section includes any additional territory described in ORS 222.111 (1) that must be annexed in order to locate infrastructure and right of way access for services necessary for development of the territory described in subsection (2) of this section at a density equal to the average residential density within the annexing city.

Response: The territory to be annexed (property) includes all territories that must be annexed in order to locate infrastructure and right-of-way access for services necessary for development of the territory at a density equal to the average residential density within the annexing City, per the Tonquin Employment Area Concept Plan. Access is available from SW Oregon Street and SW Dahlke Lane currently and will be provided in the future by a new collector status road that will connect SW Oregon Steet to SW 124th Avenue, as well as through improvements to Dahlke Lane. Currently, public sanitary sewer is available via an existing sanitary sewer main located in SW Tualatin-Sherwood Road and northwest of the property from SW Oregon Street, and public water service is available in both SW Oregon Street and SW Tualatin-Sherwood Road; however, new utilities are planned to be located within the future SW Ice Age Drive (including water, sanitary sewer, and storm water) and the property will have access to these utilities within the roadway. Thus, annexation and development of the property will permit further infrastructure development in the City of Sherwood. This criterion is satisfied.

(4) When the legislative body of the city determines that the criteria described in subsection (2) of this section apply to territory proposed for annexation, the legislative body may declare that the territory described in subsections (2) and (3) of this section is annexed to the city by an ordinance that contains a description of the territory annexed.

Response: The criteria of subsection (2) of this section are met through information provided in individual responses to each of the criteria. Therefore, a legal description and map for the property planned for annexation prepared by a Professional Land Surveyor is included in the application materials (Exhibit C).

ORS 199.510

Financial effects of transfer or withdrawal; exceptions.

(…)

(2)

(…)

(c) When a city receives services from a district and is part of that district, any territory thereafter annexed to the city shall be included in the boundaries of the district and shall be subject to all liabilities of the district in the same manner and to the same extent as other territory included in the district.

Response: Upon annexation, the property will receive services from the City of Sherwood, Tualatin Valley Fire & Rescue (TVFR), Sherwood School District, and Washington County Cooperative Library Services. Moreover, portions of the property that are not currently within the Clean Water Services (CWS) service district will be annexed to CWS who will

subsequently provide water resources management services to the property. This criterion is met.

METRO CODE

Chapter 3.09 – Local Government Boundary Changes

3.09.040 Requirements for Petitions

A. A petition for a boundary change must contain the following information:

1. The jurisdiction of the reviewing entity to act on the petition;

2. A map and a legal description of the affected territory in the form prescribed by the reviewing entity;

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; and

4. For boundary changes under ORS 198.855(3), 198.857, 222.125 or 222.170, statements of consent to the annexation signed by the requisite number of owners or electors.

B. A city, county and Metro may charge a fee to recover its reasonable costs to carry out its duties and responsibilities under this chapter.

Response: The City is the reviewing entity that will act on this petition. Necessary application forms and exhibits, as well as associated review fees, have been submitted with this application. A map and legal description of the affected territory are included in Exhibit C. The names and mailing addresses of persons owning property in the affected territory, per County Tax Assessor and County Clerk records, are included in Exhibit I. Finally, a statement of consent from the requisite owners and electors is included in Exhibit A. The criteria are met.

3.09.045 Expedited Decisions

(…)

D. To approve a boundary change through an expedited process, the city shall:

1. Find that the change is consistent with expressly applicable provisions in:

a. Any applicable urban service agreement adopted pursuant to ORS 195.065;

b. Any applicable annexation plan adopted pursuant to ORS 195.205;

c. Any applicable cooperative planning agreement adopted pursuant to ORS 195.020(2) between the affected entity and a necessary party;

d. Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services;

e. Any applicable comprehensive plan;

f. Any applicable concept plan; and

2. Consider whether the boundary change would:

a. Promote the timely, orderly and economic provision of public facilities and services;

b. Affect the quality and quantity of urban services; and

c. **Eliminate or avoid unnecessary duplication of facilities or services.**

E. A city may not annex territory that lies outside the UGB, except it may annex a lot or parcel that lies partially within and partially outside the UGB.

Response: Applicant is not seeking approval of the subject annexation through an expedited process. Further, the property is wholly within the City of Sherwood's and Metro's UGB. The criteria do not apply.

3.09.050 Hearing and Decision Requirements for Decisions Other Than Expedited Decisions

A. The following requirements for hearings on petitions operate in addition to requirements for boundary changes in ORS Chapters 198, 221 and 222 and the reviewing entity's charter, ordinances or resolutions.

Response: This narrative and accompanying exhibits respond to applicable State and local requirements pertaining to boundary changes. Additionally, Metro Code Section 3.09 and the Sherwood Development Code implement the applicable annexation provisions from ORS Chapters 198, 221, and 222. This narrative demonstrates that the applicable boundary change requirements have been satisfied. The criterion is met.

B. Not later than 15 days prior to the date set for a hearing the reviewing entity shall make available to the public a report that addresses the criteria identified in subsection (D) and includes the following information:

1. The extent to which urban services are available to serve the affected territory, including any extra territorial extensions of service;

Response: Urban services are or will be made available to serve the affected territory to a level consistent with City and CWS standards per the City's TEA Concept Plan, Water System Master Plan, Stormwater Master Plan, and Sanitary System Master Plan.

The property can be served by existing public utilities located adjacent, or near, the property. Public sewer, water, and storm facilities are available in SW Oregon Street. Existing 12-inch and 24-inch public water mains are located in SW Oregon Street**.** Public sanitary sewer is available via an existing 12-inch sanitary sewer main located in SW Tualatin-Sherwood Road and an 8-inch sanitary sewer main located in SW Oregon Street. Finally, an existing 12-inch storm sewer main is located in both SW Oregon Street and SW Tualatin Sherwood Road. However, new utilities are planned to be located within the future SW Ice Age Drive, including water, sanitary sewer, and storm water and the property will have access to these utilities within the roadway. It is expected that extension of local roadways and utilities will be provided with site development to meet the "to and through" requirement pursuant to the Sherwood Municipal Code.

Parks and recreation and transportation planning services will be provided by the City of Sherwood upon annexation. The annexation application does not trigger park requirements. A transportation analysis was completed as part of the Tonquin Employment Area Concept Plan and a Transportation Impact Analysis (TIA) will be required with future site development.

Fire and Police services are currently available to the property through TVFR and the Washington County Enhanced Sheriff's Patrol District. While the area to be annexed will be removed from the Washington County Enhanced Sheriff's Patrol District and will

instead be served by the City of Sherwood Police Department, the area will continue to be served by TVFR following the annexation. These requirements are satisfied.

2. Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party; and

Response: Metro Code Section 3.09.020 defines the following terms: "affected territory" means a territory described in a petition; "necessary party" means 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, including Metro, or any other unit of local government, as defined in ORS 190.003, that is a party to any agreement for provision of an urban service to the affected territory. The annexation will add ±38.63 acres of land to the City of Sherwood for the provision of urban services but will not withdraw the affected territory from the legal boundary of any party other than the Washington County Enhanced Sheriff's Patrol District, as outlined above. The legal description of the area is included in Exhibit C.

3. The proposed effective date of the boundary change.

Response: The Applicant anticipates approval of the Annexation application upon adoption by the City of Sherwood City Council, by December 2024. The criterion is met.

C. The person or entity proposing the boundary change has the burden to demonstrate that the proposed boundary change meets the applicable criteria.

Response: This application includes responses demonstrating compliance with the applicable boundary change criteria. The criterion is met.

D. To approve a boundary change, the reviewing entity shall apply the criteria and consider the factors set forth in subsections (D) and (E) of section 3.09.045.

Response: As demonstrated throughout the responses in this narrative, the subject annexation is consistent with the City of Sherwood's Comprehensive Plan, associated utility system master plans, and with applicable Statewide Planning Goals and cooperative agreements with Washington County and other service districts. Moreover, the planned annexation accommodates the timely provision of public facilities and services and addresses Sherwood's future demand for industrial land. The applicable criteria are met.

CITY OF SHERWOOD 2040 COMPREHENSIVE PLAN

Strategic and Collaborative Governance

Governance and Growth Management

Goal 3 Ensure that the rate, amount, type, location and cost of new development will preserve and enhance Sherwood's quality of life so that it is accessible to all community members.

Policy 3.2 Designate land uses in a manner that accommodates projected population and employment growth and ensure development is consistent and compatible with the community's needs and resources.

Response: Property is part of the City's TEA Concept Plan and was added to the UGB in 2004 for the purpose of accommodating future industrial and employment use needs. Extending community services and public facilities to serve the TEA was considered concurrently

with the TEA Concept Plan. At that time, the City found that services were currently available, or could reasonably be made available, to future development in the area. Transportation and circulation improvements needed to serve the future development of the annexed area have been identified in the TEA Concept Plan and Transportation System Plan and will further refined as development in the area occurs. Currently, planned transportation improvements include a new collector status roadway that will connect SW Oregon Street to SW 124th Avenue and improvements to SW Dahlke Lane. New utilities are planned to be located within the future SW Ice Age Drive, including water, sanitary sewer, and storm water and the property will have access to these utilities within the roadway. This criterion is met.

Policy 3.3 **Provide for compatible, phased and orderly transition from rural to suburban or urban uses, reflecting Sherwood's landform on adjacent land outside Sherwood city limits or the Metro urban Growth Boundary.**

Response: As above, the property is part of the City's TEA Concept Plan and was added to the UGB in 2004 for the purpose of accommodating future industrial and employment use needs. The property is designated by Sherwood's Plan and Zone Map for Employment Industrial (EI) uses. The TEA Concept Plan provides a guide for future development of the area in a manner that will be orderly and compatible with surrounding uses. This criterion is met.

Policy 3.4 **Ensure annexation to the City occurs in an orderly and coordinated manner, and services are provided to support urban growth consistent with the 2040 Vision. Consider annexation proposals which meet the following criteria:**

a.) **The subject property must be located within the Metro Urban Growth Boundary.**

Response: The property is located within the Metro Urban Growth Boundary. This criterion is met.

b.) **The subject property must be contiguous to the existing City limits or separated from it only by a public right of way.**

Response: The property abuts Sherwood's corporate limits along SW Oregon Street and SW Dahlke Lane. This criterion is met.

c.) **Right-of-way that is not within City limits may be annexed for road reconstruction or modification or for the placement of utilities.**

Response: The application includes the annexation of portions of right-of-way and BPA ROW that may be reconstructed, modified, or used for the placement of utilities at some point in the future. This criterion is met.

d.) **The proposed use for the site complies with the Sherwood Comprehensive Plan and with the designation(s) thereon. If a re-designation of the plan map is requested after an annexation is finalized, the uses allowed under the proposed designation must comply with the Comprehensive Plan.**

Response: The property was added to the UGB in 2004, is located within the TEA, and is designated Employment Industrial (EI) on the City's Plan and Zone Map. This application will allow industrial land use to occur within city limits in a location that is compatible with other

nearby industrially-zoned properties, consistent with its anticipated plan designation. This criterion is met.

> e.) An adequate level of urban services and infrastructure are available or can be extended in a cost effective and efficient manner to the area.

Response: The property was added to the UGB in 2004. Services have been identified in the City's TEA Concept Plan as currently available or available for extension to this area. Transportation and circulation improvements needed to serve the future development of the annexed area have been identified in the TEA Concept Plan and Transportation System Plan and will further be reviewed at the time of a future development application. Currently, planned transportation improvements include a new collector status roadway that will connect SW Oregon Street to SW 124th Avenue and improvements to SW Dahlke Lane. New utilities are planned to be located within the future SW Ice Age Drive, including water, sanitary sewer, and storm water and the property will have access to these utilities within the roadway. This criterion is met.

> f.) The proposed annexation represents a logical direction for City expansion, promotes an orderly, reasonable and economically feasible expansion of the City boundaries and, in the judgment of the City, serves the present and future interests of the City.

Response: The property was added to the UGB in 2004 and is flanked by Sherwood's corporate limits on three sides. By including the subject area within the UGB, both Metro and the City of Sherwood have identified this land as a logical direction for City expansion and appropriate for future urbanization. Services have been identified in the TEA Concept Plan. This criterion is met.

> g.) Improvements for needed infrastructure may be secured by a funding mechanism that will place the primary economic burden on the territory proposed for annexation and not on the City of Sherwood generally.

Response: Transportation and circulation improvements needed to serve the future development of the annexed area have been identified in the TEA Concept Plan and Transportation System Plan and will further be reviewed at the time of a future development application. It is the policy of the City of Sherwood to require that new development be responsible to provide all necessary infrastructure and facilities needed to serve such development thereby limiting the City's economic burden. Currently, transportation improvements include a new collector status roadway that will connect SW Oregon Street to SW 124th Avenue and improvements to SW Dahlke Lane. New utilities are planned to be located within the future SW Ice Age Drive, including water, sanitary sewer, and storm water and the property will have access to these utilities within the roadway. This criterion is met.

> Policy 3.5 Require larger UGB expansion areas to complete concept plans that conform to local, regional and state requirements, include a phased development plan and reflect Sherwood's landform to achieve a sustainable transition over time. Concept plans shall strive to:
>
> - Balance the needs of existing and new residents and businesses to ensure a sustainable tax base to deliver services.

- Consider a variety of housing and employment uses for each concept plan as an opportunity to provide walkable neighborhood services and efficient transportation alternatives.

Response: The TEA Concept Plan provides a framework for how future industrial development in the vicinity of the property will occur and considers the necessary timing and financing of public services and infrastructure to support this needed employment land. This criterion is met.

IV. Conclusion

The submittal requirements have been met and the required findings made for the applicable approval criteria. These findings serve as the basis for the City to approve the annexation application and are supported by substantial evidence in the application materials.

Exhibit A:
City of Sherwood Petition for Annexation and Land Use Application

CHECKLIST FOR ANNEXATION REQUEST TO THE CITY OF SHERWOOD

Submit the following to the City of Sherwood Planning Department, 22560 SW Pine Street, Sherwood, OR 97140: (503) 625-5522.

☑ **Fee- $7,500**. Applicants are required to pay the $7,500 filing fee which will be applied to all costs related to processing the annexation application. Money not used for costs will be returned to the applicant.

☑ An original and one copy of the enclosed packet titled **Annexations to City of Sherwood.**

☑ **Mailing labels:** Submit two (2) sets of mailing labels for property owners within 1000 feet of the outside edge of the territory to be annexed. Mailing labels can be obtained from a private title insurance company.

☑ Additionally, you must submit a list of all property owners and registered voters in the area to be annexed regardless of whether they signed the annexation petition or not.

Annexations to the City of Sherwood

There are generally four methods of owner initiated annexation. These methods are described below, and the information needed to initiate either method is covered in this application. It should be noted that a vote of the citizens of the City of Sherwood are required in three of the four methods.

Double Majority- An annexation where the majority of electors and a majority of the landowners in the proposed annexation area have agreed to annex into the City. In this instance, a majority of the landowners, and at least 51% of the registered voters within the area to be annexed must support the annexation. This method requires a vote of the citizens of the City of Sherwood.

Triple Majority- An annexation method that requires consent from a majority of the land owners who own a majority of real property and a majority of the assessed value of land within the area that is to be annexed. This method does not require that 51% of the registered voters in the area to be annexed support the application. This method requires a vote of the citizens of the City of Sherwood.

Super Majority- An annexation method where more than 50% of the registered voters within the affected territory, and 100% of the property owners within the affected territory support annexation. This method requires a vote of the citizens of the City of Sherwood.

SB1573 Method- When 100% of the property owners file a petition to be annexed, and if all criteria outlined in SB1573 are satisfied, then the requirement from the City Charter for a mandated City wide vote is exempted (this is required in all three other methods). The City Council becomes the acting authority and no vote of the public is required or permitted.

I. Application Process for Property Owners and Registered Voters

PLEASE READ ALL INSTRUCTIONS BEFORE FILING A PETITION WITH THE CITY

Step 1. Petition

Please complete the attached Petition form.

Who May Sign: An elector registered to vote in the territory to be annexed; a property owner who is the legal owner of record or, where there is a recorded land contract, the purchaser thereunder. If there is multiple ownership each signer is counted in proportion to the size of their ownership. If a corporation owns land, the corporation is considered the individual owner and the form must be signed by an officer of the corporation who has the right to sign on behalf of the corporation.

Have the County Assessor's Office:

1. Certify the property owner signatures using the attached *Certification of Property Ownership* form (all methods).
2. Certify the assessed value for the properties on the attached *Certification of Assessed Value* form (for the Triple Majority Method only).
3. Buy two ¼ Section Maps showing the property to be annexed (all methods).
4. Certify the map and legal description using the attached *Certification of Assessed Value* form (all methods).
5. Proceed to the County Elections Department and have them certify the signatures of the registered voters by completing the attached *Certification of Registered Voters* form (for the Double Majority and Super Majority Method only). Do this even if the property is vacant. In that case they certify that there are no registered voters in the affected territory.

Step 2. Legal Description

The legal description noted above must be a metes and bounds legal description of the territory to be annexed. This description should be inserted in or attached to the Petition. In addition, one separate copy of the metes and

bounds description should be submitted to the City along with the application. (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.) If the legal description contains any deed or book and page references, legible copies of these must be submitted with the legal description.

Step 3. Map

As noted above you must submit two copies of the 1/4 Section map. This should be the latest County Assessor's quarter section map (or maps) which indicates the territory to be annexed. Outline the area to be annexed on the maps with a red marker or pencil.

Step 4. Notice List & Labels

You must submit two (2) sets of mailing labels for property owners within 1000 feet of the outside edge of the territory to be annexed. Mailing labels can be obtained from a private title insurance company. Additionally, you must submit a list of all property owners and registered voters in the area to be annexed regardless of whether they signed the annexation petition or not.

Step 5. Information Sheet

Complete the attached *Boundary Change Data Sheet*.

Step 6. Work Sheet

A *Worksheet* is attached. Fill out the worksheet to help verify that all requirements are met.

Step 7. Annexation Questionnaire

Complete the *Annexation Questionnaire.*

Step 8. Draft a Narrative

The application must include a detailed narrative of how the project complies with criteria for approval. There are three levels of criteria/requirements, State, Regional and City. It is the applicant's responsibility to justify the petition.

For the State, Oregon Revised Statutes guide the process for annexations, ORS 222. See: https://www.oregonlegislature.gov/bills_laws/ors/ors222.html.

For the fourth method outlined above, Senate Bill 1573 was added to, and made a part of, ORS 222.111 to 222.180 and provides specific criteria for deciding city boundary changes. See:
https://www.oregonlaws.org/ors/222.111.

For the regional level Metro is governing agency. Metro has criteria for reviewing annexations (Metro Code 3.09). See:
http://www.oregonmetro.gov/sites/default/files/309_eff_071112__final.pdf.

In addition, the City of Sherwood Comprehensive Plan goals and policies, specifically those in Chapter 3 and Chapter 8 are applicable and should be addressed in the narrative. See:
https://www.sherwoodoregon.gov/planning/page/comprehensive-plan-ii.

Step 9. Submit Application to City

Submit all materials to City Planning Department.

II. City Review

BELOW IS A SUMMARY OF THE STEPS WHICH WILL BE TAKEN REGARDING ANNEXATIONS INITIATED BY ANY OF THESE FOUR METHODS.

Step 1. Compliance Review

Submitted materials will be checked for compliance with requirements of state statutes and the Metro Code Section 3.09 requirements.

Step 2. Public Hearing Date Set

The proposal will be set for a hearing by the city council at the next hearing date for which all the requirements of the Metro Code and state statutes can be met. The **setting** of the hearing date must occur within 45 days of the day the proposal is judged to be complete pursuant to Metro rules.

Step 3. Public Hearing Notice

Notice of the public hearing will be sent to service providers in the area, to the applicant, to adjacent property owners and to appropriate neighborhood or community organizations. Notice of the hearing will be posted in and around the territory to be annexed. The hearing will also be advertised twice in a newspaper of general circulation in the area

Step 4. Staff Study and Report

A staff report will be prepared. This report will cover all applicable criteria specified in State ORS 222, the Metro Code, and all applicable criteria and goals form the City of Sherwood Comprehensive Plan. This report will be made available to the public 15 days prior to the hearing.

Step 5. Public Hearing

The City Council holds a public hearing. At the hearing the Council will consider applicable criteria. For the SB1573 Method, this is the final decision making body that acts on the petition.

For the other three methods, at the conclusion of the public hearing, if Council supports the annexation, they will forward the issue to the voters at the next available election (usually no less than 60 days).

All annexations, except those that use the SB1573 Method, in Sherwood require a majority approval of the voters. After the election, the Council will accept the certified election results and, if approved, by the voters, proclaim the annexation.

III. Additional Information

1. In order to officially change the boundary, Staff must send the order must be sent to Secretary of State, County Recorder and County Assessor, State Revenue Department, and City Recorder. Other interested parties (such as the utilities) are notified as well. Staff will mail the notice of decision to several local, regional, and State agencies and departments as required by law to complete the annexation.

2. Annexation to the City of Sherwood boundary allows for City Services. Additional service district boundary annexations may be necessary (e.g. Clean Water Services, Metro Regional Boundary, etc.).

3. All annexations fees to the City are deposit based, meaning the City will charge all required time and materials against the funds, and request additional form the applicant should additional funds be required.

4. Metro requires a fee to process city-approved annexations for individual applicants. That fee will be paid by the City as a pass through, and varies depending on the size and type of the annexation. The Metro fee will be taken from the applicants application deposit.

CITY OF SHERWOOD PETITION FOR ANNEXATION

TO THE COUNCIL OF THE CITY OF SHERWOOD, OREGON:

We, the undersigned owner(s) of the property described in **Attachment A** and/or elector(s) residing at the referenced location(s), hereby petition for, and give consent to, Annexation of said property to the City of Sherwood.

LEGEND: PO - Property Owner RV - Registered Voter OV - Property Owner & Registered Voter

SIGNATURE	PRINTED NAME	I AM A			ADDRESS	PROPERTY DESCRIPTION		Assessed Value
		PO	RV	OV		Parcel Number	Parcel Size	
Craig Sheldon	Craig Sheldon, City	X			21370 SW Oregon St.	2S128C 700	4.62 AC	$0
	Manager on behalf							
	of City of Sherwood							
	URA							
Craig Sheldon	Craig Sheldon, City	X			21775 SW Dahlke Ln.	2S128D 602	9.95 AC	$0
	Manager on behalf							
	of City of Sherwood							
	URA							

NOTE: This petition may be signed by any qualified persons even though they may not know their property description or precinct number.

CITY OF SHERWOOD PETITION FOR ANNEXATION

TO THE COUNCIL OF THE CITY OF SHERWOOD, OREGON:

We, the undersigned owner(s) of the property described in **Attachment A** and/or elector(s) residing at the referenced location(s), hereby petition for, and give consent to, Annexation of said property to the City of Sherwood.

LEGEND: PO - Property Owner RV - Registered Voter OV - Property Owner & Registered Voter

SIGNATURE	PRINTED NAME	I AM A			ADDRESS	PROPERTY DESCRIPTION		
		PO	RV	OV		Parcel Number	Parcel Size	Assessed Value
Craig Sheldon	Craig Sheldon, City				Dahlke Ln. Right-of-Way	N/A	N/A	N/A
	Manager on behalf							
	of City of Sherwood							

NOTE: This petition may be signed by any qualified persons even though they may not know their property description or precinct number.

CITY OF SHERWOOD PETITION FOR ANNEXATION

TO THE COUNCIL OF THE CITY OF SHERWOOD, OREGON:

We, the undersigned owner(s) of the property described in **Attachment A** and/or elector(s) residing at the referenced location(s), hereby petition for, and give consent to, Annexation of said property to the City of Sherwood.

LEGEND: PO - Property Owner RV - Registered Voter OV - Property Owner & Registered Voter

SIGNATURE	PRINTED NAME	I AM A			ADDRESS	PROPERTY DESCRIPTION		Assessed Value
		PO	RV	OV		Parcel Number	Parcel Size	
darin smith Darin smith (Aug 20, 2024 14:29 PDT)	Darin Smith	X			N/A	N/A	N/A	$0
	Realty Specialist							
	on behalf of Bonneville							
	Power Adminstration							

NOTE: This petition may be signed by any qualified persons even though they may not know their property description or precinct number.

CITY OF SHERWOOD PETITION FOR ANNEXATION

TO THE COUNCIL OF THE CITY OF SHERWOOD, OREGON:

We, the undersigned owner(s) of the property described in **Attachment A** and/or elector(s) residing at the referenced location(s), hereby petition for, and give consent to, Annexation of said property to the City of Sherwood.

LEGEND: PO - Property Owner RV - Registered Voter OV - Property Owner & Registered Voter

SIGNATURE	PRINTED NAME	I AM A			ADDRESS	PROPERTY DESCRIPTION		Assessed Value
		PO	RV	OV		Parcel Number	Parcel Size	
A Armand Vial (Aug 7, 2024 11:02 PDT)	Richard Vial on behalf	X			21680 SW Dahlke Ln.	2S128D 700	8.99 AC	$287,1
	of AR Vial Associates							
A. Nicolas Vial A. Nicolas Vial (Aug 7, 2024 09:51 PDT)	Nicolas Vial on behalf	X						
	of Basalt Industrial							
A. Nicolas Vial A. Nicolas Vial (Aug 7, 2024 09:51 PDT)	A Nicolas Vial	X						
Nathan Vial (Aug 7, 2024 14:27 PDT)	Nathan R Vial	X						
Christian Vial (Aug 13, 2024 16:32 PDT)	Christian Lee Vial	X						

NOTE: This petition may be signed by any qualified persons even though they may not know their property description or precinct number.

CITY OF SHERWOOD PETITION FOR ANNEXATION

TO THE COUNCIL OF THE CITY OF SHERWOOD, OREGON:

We, the undersigned owner(s) of the property described in **Attachment A** and/or elector(s) residing at the referenced location(s), hereby petition for, and give consent to, Annexation of said property to the City of Sherwood.

LEGEND: PO - Property Owner RV - Registered Voter OV - Property Owner & Registered Voter

SIGNATURE	PRINTED NAME	I AM A			ADDRESS	PROPERTY DESCRIPTION		
		PO	RV	OV		Parcel Number	Parcel Size	Assessed Value
Dave Balfour Dave Balfour (Aug 29, 2024 15:26 PDT)	Dave Balfour on behalf				21825 SW Dahlke Ln	2S128D600	1.33 AC	186,456
	of Dahlke Lane Land							
	Co							
Sam Karpeles Sam Karpeles (Aug 29, 2024 09:46 PDT)	Sam Karpeles on							
	behalf of Dahlke Lane							
	Land Co							
Dave Balfour Dave Balfour (Aug 29, 2024 15:26 PDT)	Dave Balfour on behalf				21700 SW Dahlke Ln	2S128D600	7.01 AC	343,426
	of Dahlke Lane Land							
	Co II							
Brian clopton Brian clopton (Aug 29, 2024 15:59 PDT)	Brian Clopton on							
	behalf of Dahlke Lane							
	Land Co II							

NOTE: This petition may be signed by any qualified persons even though they may not know their property description or precinct number.

City of Sherwood Oregon

Home of the Tualatin River National Wildlife Refuge

Case No. _____
Fee _____
Receipt # _____
Date _____
TYPE _____

City of Sherwood
Application for Land Use Action

Type of Land Use Action Requested: (check all that apply)

- [x] Annexation
- [ ] Plan Amendment (Proposed Zone _____)
- [ ] Planned Unit Development
- [ ] Site Plan (square footage of building and parking area)
- [ ] Variance (list standards to be varied in description)
- [ ] Conditional Use
- [ ] Partition (# of lots _____)
- [ ] Subdivision (# of lots _____)
- [ ] Other: _____

By submitting this form the Owner, or Owner's authorized agent/ representative, acknowledges and agrees that City of Sherwood employees, and appointed or elected City Officials, have authority to enter the project site at all reasonable times for the purpose of inspecting project site conditions and gathering information related specifically to the project site.

Note: See City of Sherwood current Fee Schedule, which includes the "Publication/Distribution of Notice" fee, at **www.sherwoodoregon.gov.** Click on Government/Finance/Fee Schedule.

Owner/Applicant Information:

Applicant: City of Sherwood, c/o Eric Rutledge and Bruce Coleman
Phone: _____
Applicant Address: 22560 SW Pine Street, Sherwood, OR 97140
Email: _____
Owner: Multiple, see below.
Phone: Please contact consultant
Owner Address: Multiple, see below.
Email: Please contact consultant
Contact for Additional Information: Zach Pelz, AICP (AKS Engineering & Forestry, LLC), pelzz@aks-eng.com; 503-563-6151

Property Information:

Street Location: 21370 SW Oregon Street; 21680, 21700, 21775, and 21825 SW Dahlke Lane, Sherwood, OR 97140
Tax Lot and Map No: 2S 1 28C Lot 700; 2S 1 28D Lots 600, 602, 700, and 800
Existing Structures/Use: Various industrial (e.g., construction equipment, vehicle storage) and residential uses.
Existing Plan/Zone Designation: Future Development 20-Acre Designation (FD-20) (Washington County)
Size of Property(ies) ±38.63 acres

Proposed Action:

Purpose and Description of Proposed Action:

Annexation of ±38.63 acres of land into the City of Sherwood. Site is generally located southeast of SW Oregon Street, south of SW Tualatin-Sherwood Road, west of SW 124th Avenue, and on both sides of SW Dahlke Lane.

Proposed Use: No change in use at this time. Future uses consistent with the Tonquin Employment Area.

Proposed No. of Phases (one year each): N/A

Continued on Reverse

City of Sherwood Urban Renewal Agency
(Map 2S 1 28C Tax Lot 700)
(Map 2S 1 28D Tax Lot 602)

LAND USE APPLICATION FORM

Authorizing Signatures:

I am the owner/authorized agent of the owner empowered to submit this application and affirm that the information submitted with this application is correct to the best of my knowledge.

I further acknowledge that I have read the applicable standards for review of the land use action I am requesting and understand that I must demonstrate to the City review authorities compliance with these standards prior to approval of my request.

Eric Rutledge on behalf of City of Sherwood *Eric Rutledge* — Aug 7, 2024

Applicant's Signature — Date

Craig Sheldon on behalf of City of Sherwood URA *Craig Sheldon* — Aug 7, 2024

Owner's Signature — Date

The following materials must be submitted with your application or it will not be accepted at the counter. Once taken at the counter, the City has up to 30 days to review the materials submitted to determine if we have everything we need to complete the review. Applicant can verify submittal includes specific materials necessary for the application per checklist.

☒ **3 Copies of Application Form*** completely filled out and signed by the property owner (or person with authority to make decisions on the property.

☒ **Copy of Deed** to verify ownership, easements, etc.

☒ **At least 3 folded** sets of plans*

☒ **At least 3 copies** of narrative addressing application criteria*

☒ **Fee** (along with calculations utilized to determine fee if applicable)

☐ **Neighborhood Meeting Verification** including affidavit, sign-in sheet and meeting summary (required for Type III, IV and V projects)

* **Note** that the required numbers of copies identified on the checklist are required for completeness; however, upon initial submittal applicants are encouraged to submit only 3 copies for completeness review. Prior to completeness, the required number of copies identified on the checklist and one full electronic copy will be required to be submitted.

Authorizing Signatures:

I am the owner/authorized agent of the owner empowered to submit this application and affirm that the information submitted with this application is correct to the best of my knowledge.

I further acknowledge that I have read the applicable standards for review of the land use action I am requesting and understand that I must demonstrate to the City review authorities compliance with these standards prior to approval of my request.

Eric Rutledge on behalf of City of Sherwood Eric Rutledge — Aug 7, 2024

Applicant's Signature — Date

Darin Smith on behalf of Bonneville Power Administration — Aug 20, 2024

darin smith (Aug 20, 2024 14:29 PDT)

Owner's Signature — Date

The following materials must be submitted with your application or it will not be accepted at the counter. Once taken at the counter, the City has up to 30 days to review the materials submitted to determine if we have everything we need to complete the review. Applicant can verify submittal includes specific materials necessary for the application per checklist.

- [■] **3 Copies of Application Form*** completely filled out and signed by the property owner (or person with authority to make decisions on the property.
- [■] **Copy of Deed** to verify ownership, easements, etc.
- [■] **At least 3 folded** sets of plans*
- [■] **At least 3 copies** of narrative addressing application criteria*
- [■] **Fee** (along with calculations utilized to determine fee if applicable)
- [ ] **Neighborhood Meeting Verification** including affidavit, sign-in sheet and meeting summary (required for Type III, IV and V projects)

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I further acknowledge that I have read the applicable standards for review of the land use action I am requesting and understand that I must demonstrate to the City review authorities compliance with these standards prior to approval of my request.

Eric Rutledge on behalf of City of Sherwood Eric Rutledge — Aug 29, 2024

Applicant's Signature — Date

Dave Balfour on behalf of Dahlke Lane Land Co Dave Balfour (Aug 29, 2024 15:26 PDT) — Aug 29, 2024

Owner's Signature — Date

Sam Karpeles on behalf of Dahlke Lane Land Co Sam Karpeles (Aug 29, 2024 09:46 PDT) — Aug 29, 2024

The following materials must be submitted with your application or it will not be accepted at the counter. Once taken at the counter, the City has up to 30 days to review the materials submitted to determine if we have everything we need to complete the review. Applicant can verify submittal includes specific materials necessary for the application per checklist.

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☑ **Copy of Deed** to verify ownership, easements, etc.

☑ **At least 3 folded** sets of plans*

☑ **At least 3 copies** of narrative addressing application criteria*

☑ **Fee** (along with calculations utilized to determine fee if applicable)

☐ **Neighborhood Meeting Verification** including affidavit, sign-in sheet and meeting summary (required for Type III, IV and V projects)

* **Note** that the required numbers of copies identified on the checklist are required for completeness; however, upon initial submittal applicants are encouraged to submit only 3 copies for completeness review. Prior to completeness, the required number of copies identified on the checklist and one full electronic copy will be required to be submitted.

Authorizing Signatures:

I am the owner/authorized agent of the owner empowered to submit this application and affirm that the information submitted with this application is correct to the best of my knowledge.

I further acknowledge that I have read the applicable standards for review of the land use action I am requesting and understand that I must demonstrate to the City review authorities compliance with these standards prior to approval of my request.

Eric Rutledge on behalf of City of Sherwood Eric Rutledge — Aug 29, 2024

Applicant's Signature — Date

Dave Balfour on behalf of Dahlke Lane Land Co II Dave Balfour (Aug 29, 2024 15:26 PDT) Aug 29, 2024

Owner's Signature — Date

Brian Clopton on behalf of Dahlke Lane Land Co II Brian clopton (Aug 29, 2024 15:59 PDT) Aug 29, 2024

The following materials must be submitted with your application or it will not be accepted at the counter. Once taken at the counter, the City has up to 30 days to review the materials submitted to determine if we have everything we need to complete the review. Applicant can verify submittal includes specific materials necessary for the application per checklist.

☑ **3 Copies of Application Form*** completely filled out and signed by the property owner (or person with authority to make decisions on the property.

☑ **Copy of Deed** to verify ownership, easements, etc.

☑ **At least 3 folded** sets of plans*

☑ **At least 3 copies** of narrative addressing application criteria*

☑ **Fee** (along with calculations utilized to determine fee if applicable)

☐ **Neighborhood Meeting Verification** including affidavit, sign-in sheet and meeting summary (required for Type III, IV and V projects)

* **Note** that the required numbers of copies identified on the checklist are required for completeness; however, upon initial submittal applicants are encouraged to submit only 3 copies for completeness review. Prior to completeness, the required number of copies identified on the checklist and one full electronic copy will be required to be submitted.

AR Vial Associates PC;
A Nicolas Vial; A Nicholas Vial.;
Nathan R Vial; Christian Lee Vial
(Map 2S 1 28D Tax Lot 700)

LAND USE APPLICATION FORM

Authorizing Signatures:

I am the owner/authorized agent of the owner empowered to submit this application and affirm that the information submitted with this application is correct to the best of my knowledge.

I further acknowledge that I have read the applicable standards for review of the land use action I am requesting and understand that I must demonstrate to the City review authorities compliance with these standards prior to approval of my request.

Eric Rutledge on behalf of City of Sherwood Eric Rutledge — Aug 7, 2024

Applicant's Signature — Date

A. Richard Vial on behalf of AR Vial Associates: ARV Armand Vial (Aug 7, 2024 11:02 PDT) — Aug 7, 2024

Owner's Signature — Date

The following materials must be submitted with your application or it will not be accepted at the counter. Once taken at the counter, the City has up to 30 days to review the materials submitted to determine if we have everything we need to complete the review. Applicant can verify submittal includes specific materials necessary for the application per checklist.

■ **3 Copies of Application Form*** completely filled out and signed by the property owner (or person with authority to make decisions on the property.

■ **Copy of Deed** to verify ownership, easements, etc.

■ **At least 3 folded** sets of plans*

■ **At least 3 copies** of narrative addressing application criteria*

■ **Fee** (along with calculations utilized to determine fee if applicable)

☐ **Neighborhood Meeting Verification** including affidavit, sign-in sheet and meeting summary (required for Type III, IV and V projects)

* **Note** that the required numbers of copies identified on the checklist are required for completeness; however, upon initial submittal applicants are encouraged to submit only 3 copies for completeness review. Prior to completeness, the required number of copies identified on the checklist and one full electronic copy will be required to be submitted.

Authorizing Signatures:

I am the owner/authorized agent of the owner empowered to submit this application and affirm that the information submitted with this application is correct to the best of my knowledge.

I further acknowledge that I have read the applicable standards for review of the land use action I am requesting and understand that I must demonstrate to the City review authorities compliance with these standards prior to approval of my request.

Eric Rutledge on behalf of City of Sherwood Eric Rutledge — Aug 7, 2024

Applicant's Signature — Date

Nicolas Vial on behalf of Basalt Industrial A. Nicolas Vial — Aug 7, 2024

A. Nicolas Vial (Aug 7, 2024 09:51 PDT)

Owner's Signature — Date

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Eric Rutledge on behalf of City of Sherwood Eric Rutledge — Aug 7, 2024

Applicant's Signature — Date

Nathan R Vial Nathan Vial (Aug 7, 2024 14:27 PDT) — Aug 7, 2024

Owner's Signature — Date

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Eric Rutledge on behalf of City of Sherwood Eric Rutledge — Aug 7, 2024

Applicant's Signature — Date

Christian Lee Vial — Aug 13, 2024

Christian Vial (Aug 13, 2024 16:32 PDT)

Owner's Signature — Date

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Eric Rutledge on behalf of City of Sherwood Eric Rutledge — Aug 7, 2024

Applicant's Signature — Date

A Nicolas Vial A. Nicolas Vial (Aug 7, 2024 09:51 PDT) — Aug 7, 2024

Owner's Signature — Date

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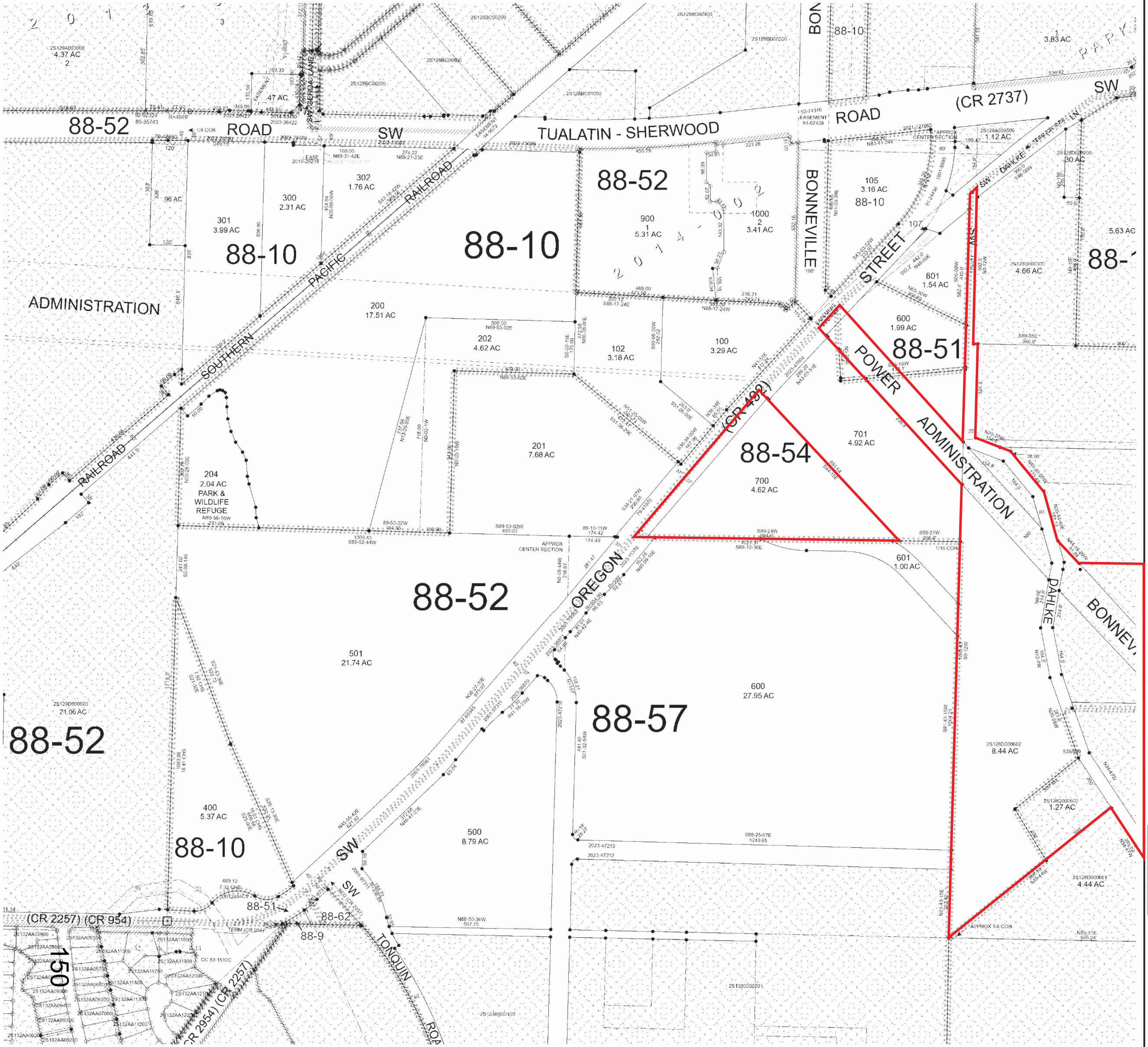
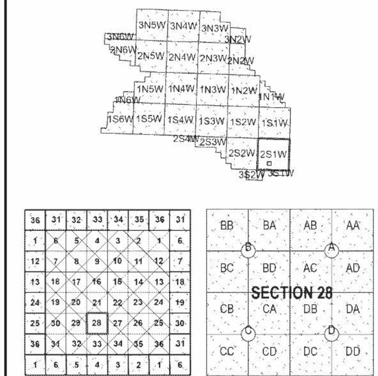
Exhibit B: Washington County Assessor's Map



2S128C

WASHINGTON COUNTY OREGON
SW 1/4 SECTION 28 T2S R1W
SCALE 1"= 200'



FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
www.washingtoncountyor.gov/gis

Cancelled Taxlots For: 2S128C
104, 203, 103, 106, 401, 201A2, 201A3, 300A1, 200A1, 201A1, 101

Feet
0 100 200 400 600

Assessment CARTOGRAPHY

PLOT DATE: 4/24/2024
Rotation: 0
FOR ASSESSMENT PURPOSES ONLY - DO NOT RELY ON FOR OTHER USE

Map areas delineated by either gray shading or a cross-hatched pattern are for reference only and may not indicate the most current property boundaries. Please consult the appropriate map for the most current information.

SHERWOOD
2S128C

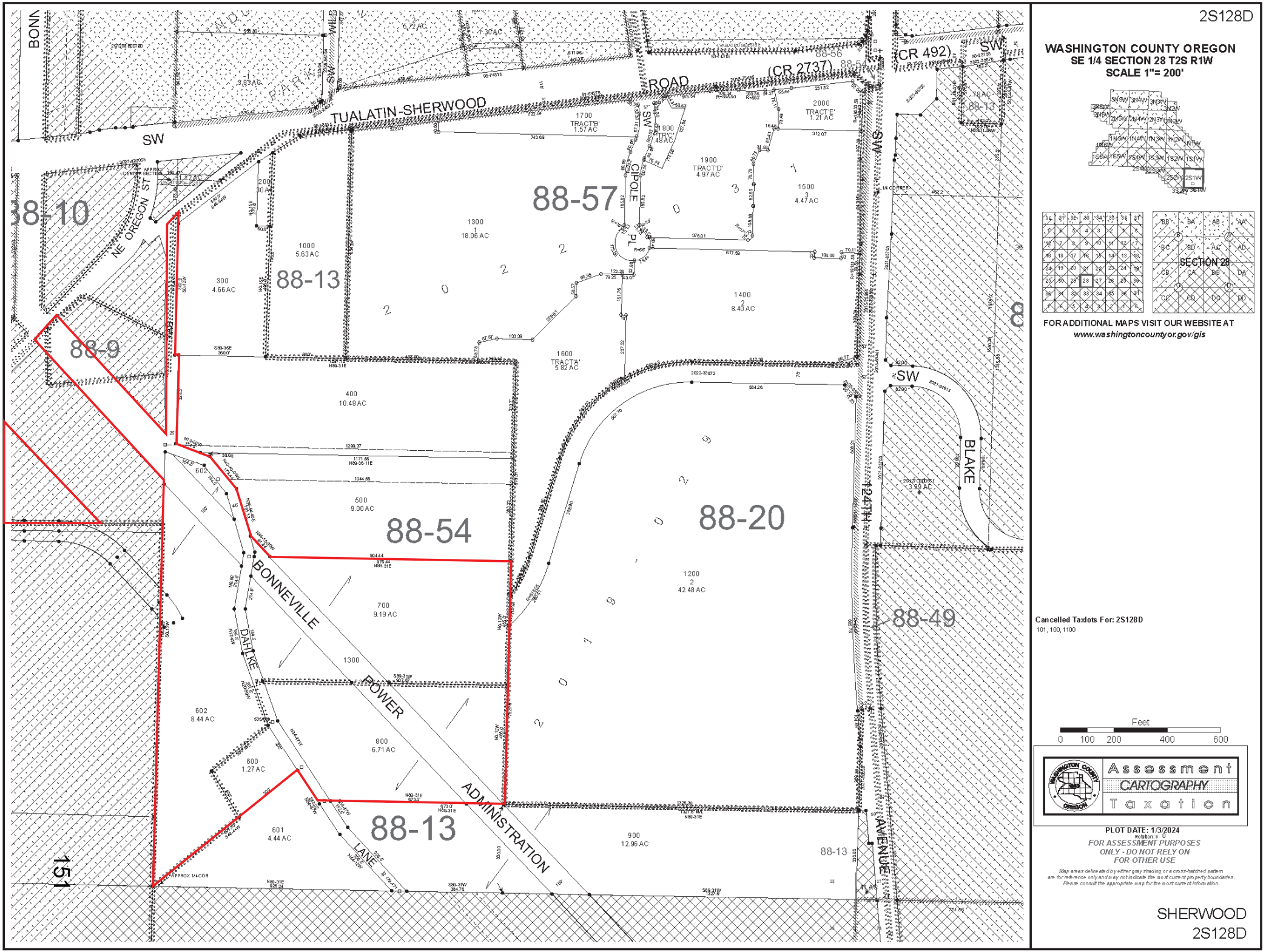

2S128D
WASHINGTON COUNTY OREGON
SE 1/4 SECTION 28 T2S R1W
SCALE 1"= 200'
FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
www.washingtoncountyor.gov/gis
88-57
88-13
88-9
88-54
88-20
88-49
88-10
88-56
TUALATIN-SHERWOOD ROAD
(CR 2737)
(CR 492)
SW
NE OREGON ST
BONNEVILLE POWER ADMINISTRATION LANE
DAHTKE
BLAKE AVENUE
124TH
SECTION 28
Cancelled Taxlots For: 2S128D
101, 100, 1100
Feet
0 100 200 400 600
Assessment
CARTOGRAPHY
Taxation
PLOT DATE: 1/3/2024
FOR ASSESSMENT PURPOSES ONLY - DO NOT RELY ON FOR OTHER USE
SHERWOOD
2S128D

Exhibit C: Legal Description and Map

EXHIBIT “A”

Tonquin Employment Area Annexation
City of Sherwood
July 30, 2024

Tax Maps 2S128C and 2S128D

PARCEL 1

A tract of land lying in the South Half of Section 28, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, described as follows:

Beginning at the South quarter corner of Section 28, Township 2 South, Range 1 West, Willamette Meridian; thence North 0°07'50" East along the East line of the Southeast quarter of the Southwest quarter of said Section 28, a distance of 1326.63 feet to the Northeast corner of the said quarter-quarter; thence North 0°03'38" West along the East line of the Northeast quarter of the Southwest quarter, a distance of 198.53 feet to a point on the Southwesterly boundary of that Bonneville Power Administration tract described in Book 180, Page 501, Washington County Book of Records; thence North 44°32'33" West along said Southwesterly boundary a distance of 706.70 feet to a point on the center line of S.W. Oregon Street (County Road No. 492); thence North 41°28'45" East along said center line a distance of 100.24 feet, more or less, to a point on the Northeasterly boundary of said Bonneville Power Administration tract; thence South 44°32'33" East along said Northeasterly boundary a distance of 611.83 feet to a point on said East line of the Northeast quarter of the Southwest quarter; thence North 0°03'38" West along said East line a distance of 375.67 feet, more or less, to a point on the Southerly boundary of that property described in Document No. 2013-106185, Washington County Book of Records, also being a point on the Southerly annexation boundary described in Annexation Proposal No. 3735; thence South 65°30'00" East, more or less, along said Southerly annexation boundary a distance of 13.74 feet, more or less, to a point on the center line of S.W. Dahlke Lane whose right-of-way is described as a 25.00 foot wide strip of land in Book 179, Page 471, Washington County Book of Records; thence North 0°03'38" West along said center line of S.W. Dahlke Lane a distance of 468.07 feet, more or less, to a point on the center line of County Road No. 492; thence North 47°32'40" East, more or less, along said center line of County Road No. 492 a distance of 16.90 feet, more or less, to a point on the Northerly extension of the East line of said S.W. Dahlke Lane right-of-way; thence South 0°03’38” East, along said Northerly extension and said East line, a distance of 528.84 feet, more or less, to a point on the South line of that property described in Document No. 2018-085434, Washington County Book of Records; thence North 89°33'10" East along said South line of said property a distance of 15.00 feet to a point on the Easterly right-of-way of the 40.00 foot wide S.W. Dahlke Lane; thence South 0°03’38” East along said Easterly right-of-way a distance of 313.98 feet; thence South 70°50'35" East a distance of 125.22 feet; thence South 41°07'35"

East a distance of 173.46 feet; thence South 17°39'06" East a distance of 173.28 feet to a point on the Northeasterly boundary of said Bonneville Power Administration tract; thence South 44°32’33” East along said Northeasterly boundary a distance of 102.04 feet to a point on the Northerly boundary of that property described in Document No. 2023-014259, Washington County Book of Records; thence North 89°26’07” East along said Northerly boundary a distance of 905.18 feet to a point on the Westerly boundary of Partition Plat No. 2019-029, Washington County Survey Records; thence South 0°04’06” East along said Westerly boundary a distance of 931.12 feet to a 1-1/8” Ford axle being the Southwest corner of said Partition Plat; thence South 89°26’02” West through the said Bonneville Power Administration tract and along a portion of the Southerly boundary of that property described in Document No. 2023-040577, Washington County Book of Records, a distance of 693.22 feet to a point on the Westerly right-of-way of said S.W. Dahlke Lane; thence North 34°44’06” West along said Westerly right-of-way a distance of 139.66 feet to a point on the Northwesterly boundary of that property described in Document No. 2016-001001, Washington County Book of Records; thence South 49°45’43” West along said Northwesterly boundary a distance of 697.75 feet to the Point of Beginning.

This tract of land contains 33.52 acres, more or less.

The bearings of this description were established on Record of Survey No. 34604, Washington County Survey Records.

PARCEL 2

A tract of land lying in the Northeast quarter of the Southwest quarter of Section 28, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, described as follows:

Beginning at a point on the North line of the Southeast quarter of the Southwest quarter, said point lying South 89°11’33” West 205.37 feet from the Northeast corner of said quarter-quarter; thence South 89°11’33” West along said North line and the Southerly boundary of that property described in Document No. 2022-059410, Washington County Book of Records, a distance of 844.49 feet to a point on the Southeasterly Right-of-Way of S.W. Oregon Street (37.00 feet from center line); thence North 51°26’34” West a distance of 37.00 feet to said center line; thence North 38°33’26” East along said center line a distance of 418.10 feet to a point of curvature; thence continuing along said center line on a curve to the right with a radius of 1312.33 feet (the long chord of which bears North 40°01’05” East 66.92 feet) a distance of 66.93 feet to a point of tangency; thence North 41°28’45” East continuing along said center line a distance of 133.26 feet; thence leaving said center line South 44°32’33” East along the Northeasterly boundary of said Document No. 2022-059410 a distance of 686.37 feet to the Point of Beginning.

This parcel of land contains 5.11 acres, more or less.

The bearings of this description were established on Record of Survey No. 34604, Washington County Survey Records.

ANNEXATION CERTIFIED

BY_____

AUG 16 2024

WASHINGTON COUNTY A & T
CARTOGRAPHY

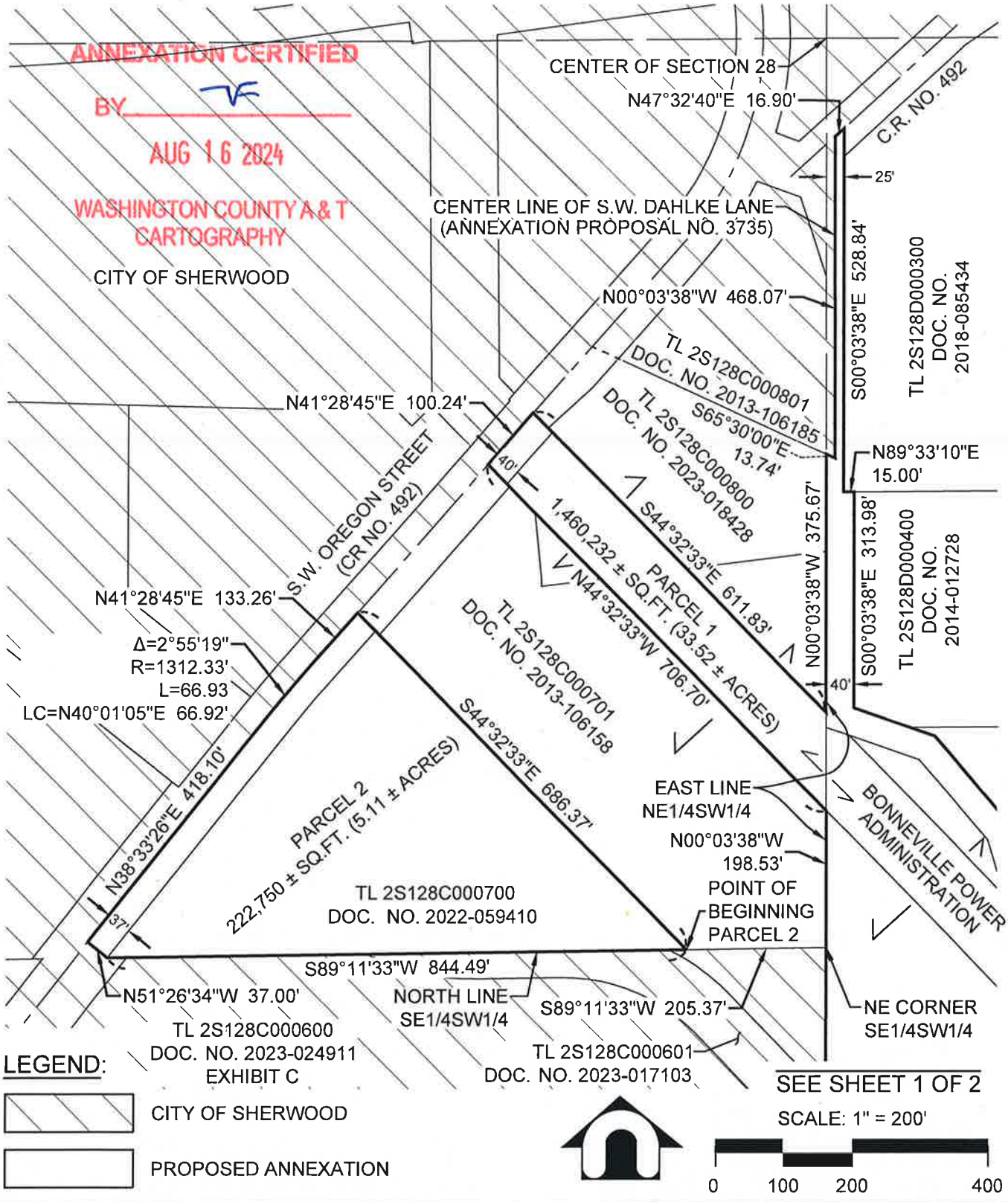
REGISTERED
PROFESSIONAL
LAND SURVEYOR

DIGITALLY SIGNED 2024.09.09 15:58:54-07'00'

OREGON
JULY 13, 2021
KEITH LYMAN
94803

RENEWS: 12/31/2024

EXHIBIT "B" SHEET 1 OF 2



TONQUIN EMPLOYMENT AREA ANNEXATION
CITY OF SHERWOOD

FILE NO: ANX 01	SUBMITTAL DATE: 07/30/2024	REV'D:
TAX LOT: -	ADDRESS: -NA-	
TAX MAP: -		

DAVID EVANS AND ASSOCIATES INC.
2100 S River Parkway, Suite 100
Portland Oregon 97201
Phone: 503.223.6663

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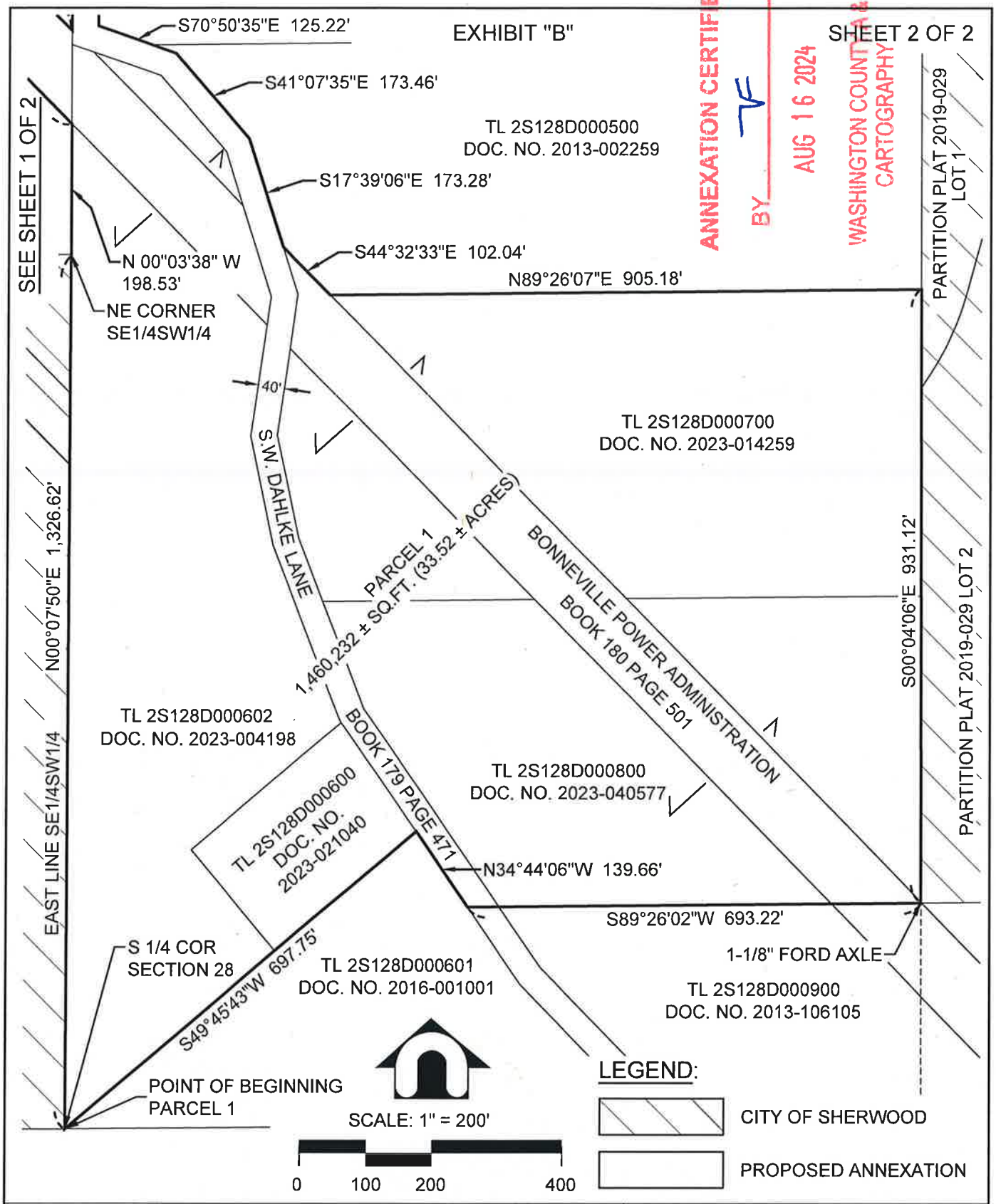

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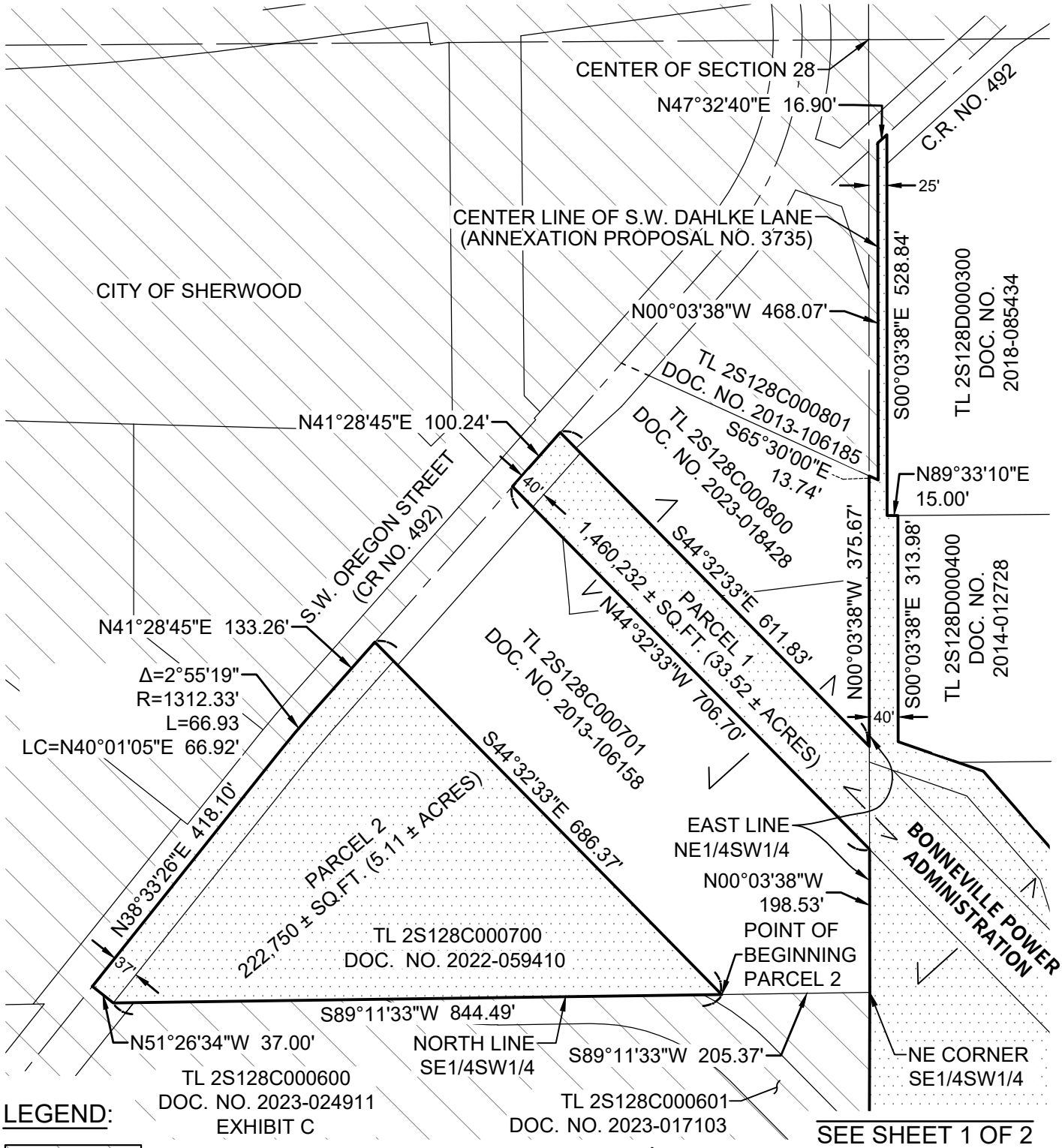
EXHIBIT "B" SHEET 1 OF 2



SEE SHEET 1 OF 2

LEGEND:

CITY OF SHERWOOD

PROPOSED ANNEXATION

SCALE: 1" = 200'

0 100 200 400

TONQUIN EMPLOYMENT AREA ANNEXATION
CITY OF SHERWOOD

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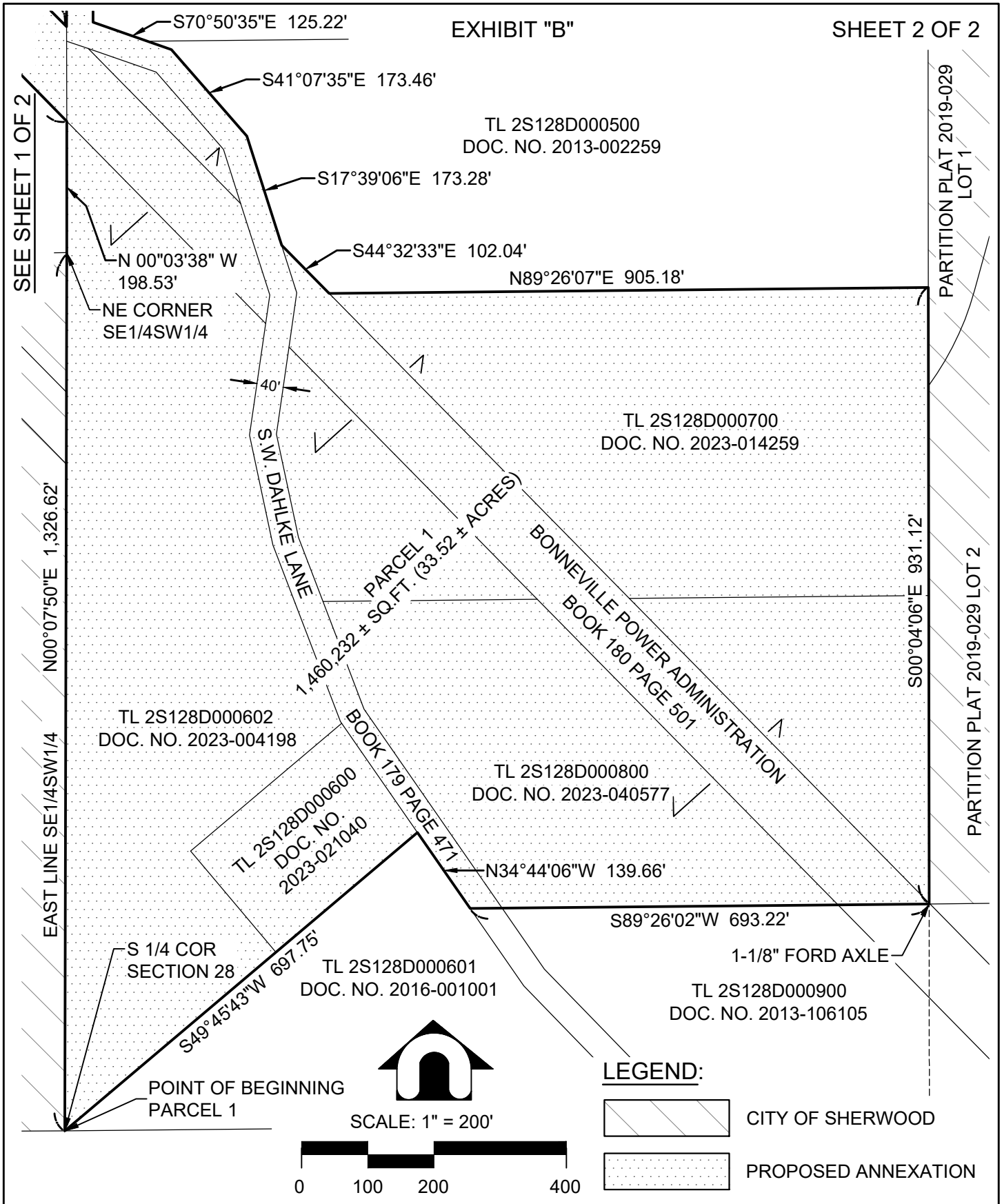

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CITY OF SHERWOOD

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Portland Oregon 97201
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EXHIBIT “A”

Tonquin Employment Area Annexation
Clean Water Services
July 30, 2024

Tax Maps 2S128C and 2S128D

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BY _____

AUG 16 2024

WASHINGTON COUNTY A & T
CARTOGRAPHY

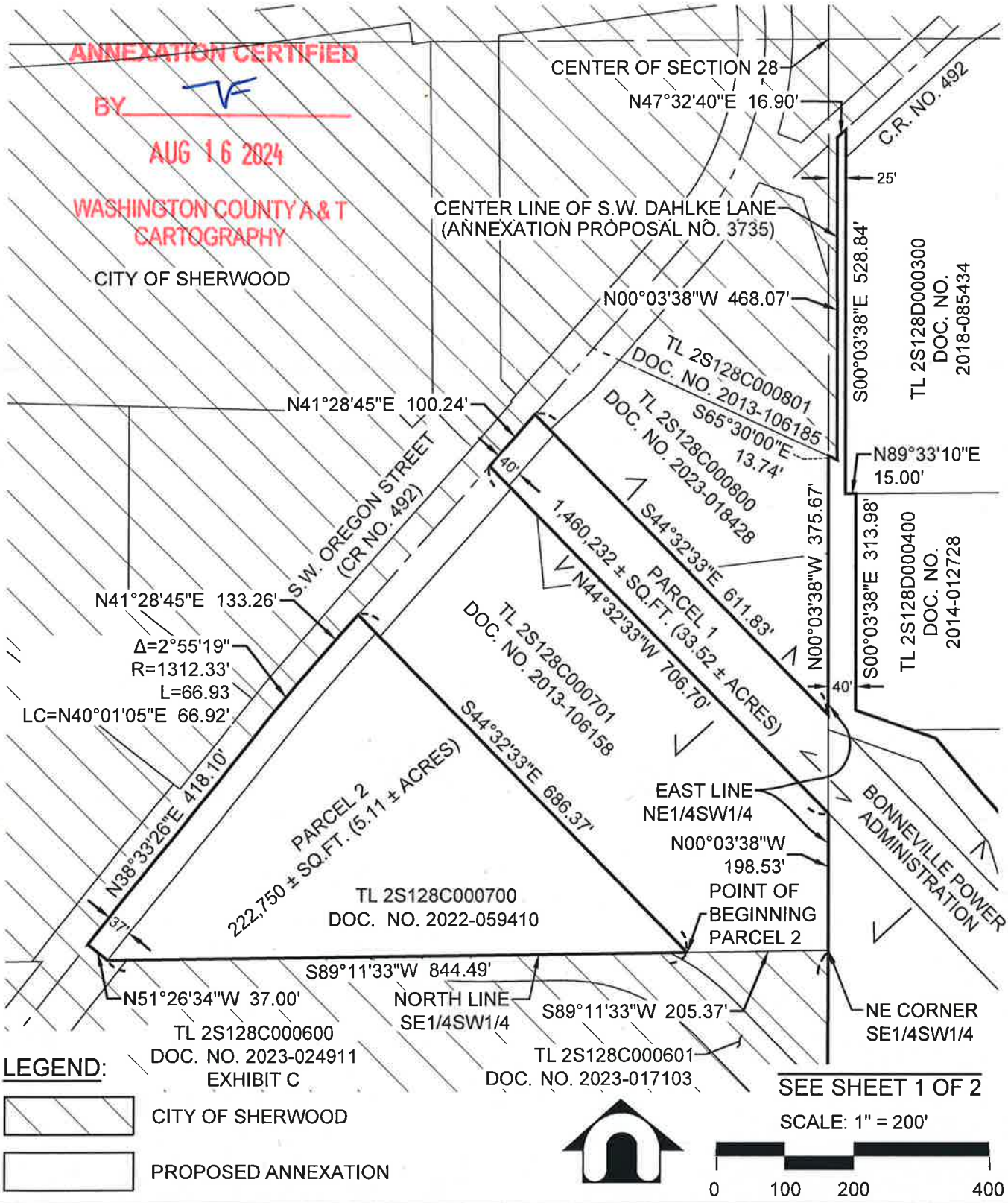
REGISTERED
PROFESSIONAL
LAND SURVEYOR

DIGITALLY SIGNED 2024.09.09 15:58:23-07'00'

OREGON
JULY 13, 2021
KEITH LYMAN
94803

RENEWS: 12/31/2024

EXHIBIT "B" SHEET 1 OF 2

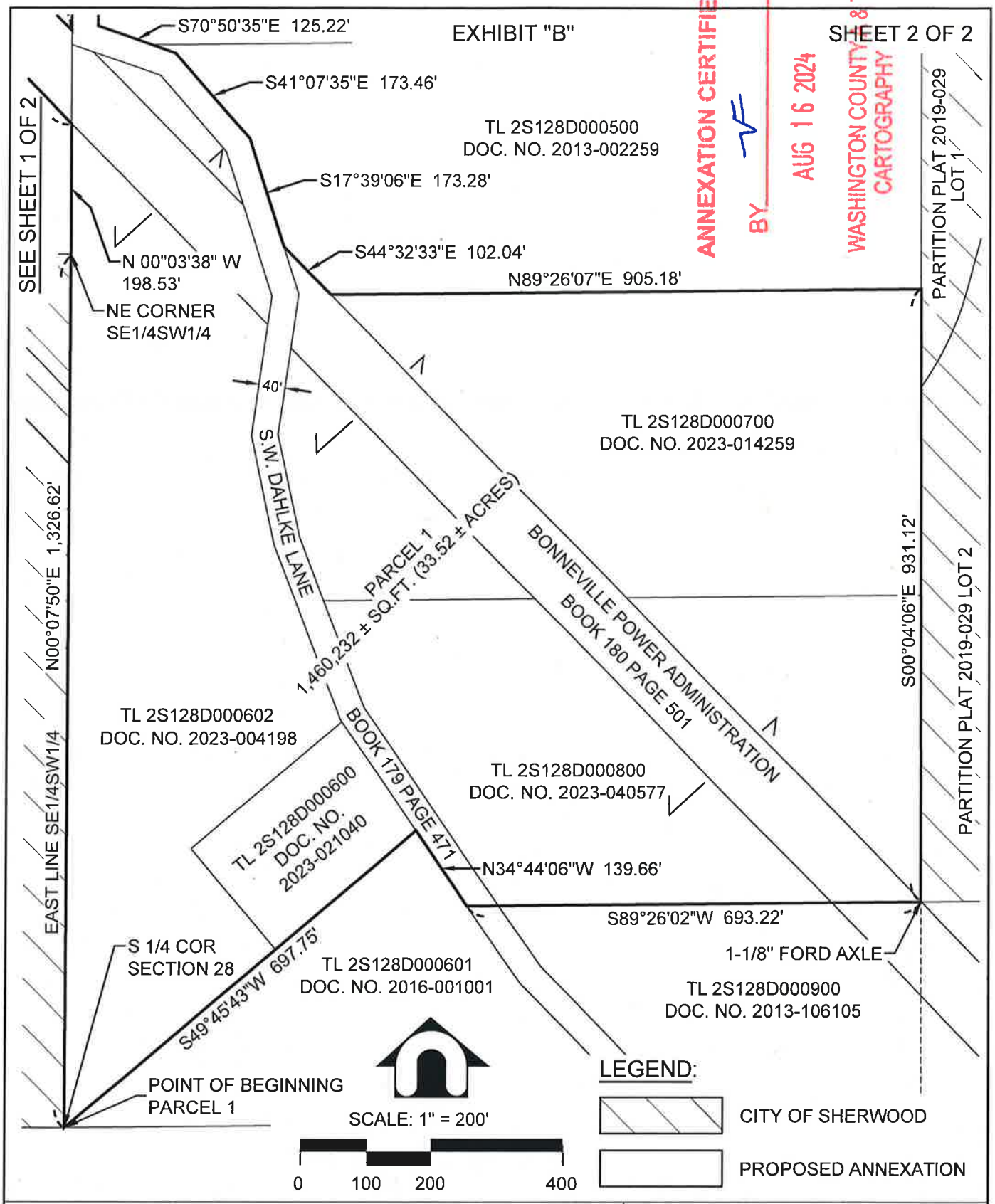


TONQUIN EMPLOYMENT AREA ANNEXATION
CLEAN WATER SERVICES

FILE NO: ANX 01	SUBMITTAL DATE: 07/30/2024	REV'D:
TAX LOT: -	ADDRESS: -NA-	
TAX MAP: -		

DAVID EVANS AND ASSOCIATES INC.
2100 S River Parkway, Suite 100
Portland Oregon 97201
Phone: 503.223.6663

P:\S\SHWX00000641\0400CAD\SV\EXHIBITS\SV-EM-01-SHWX0064 - CWS -Rev1 7/30/2024 12:54 PM



TONQUIN EMPLOYMENT AREA ANNEXATION
CLEAN WATER SERVICES

FILE NO: ANX 01	SUBMITTAL DATE: 07/30/2024	REV'D:
TAX LOT: -	ADDRESS: -NA-	
TAX MAP: -		

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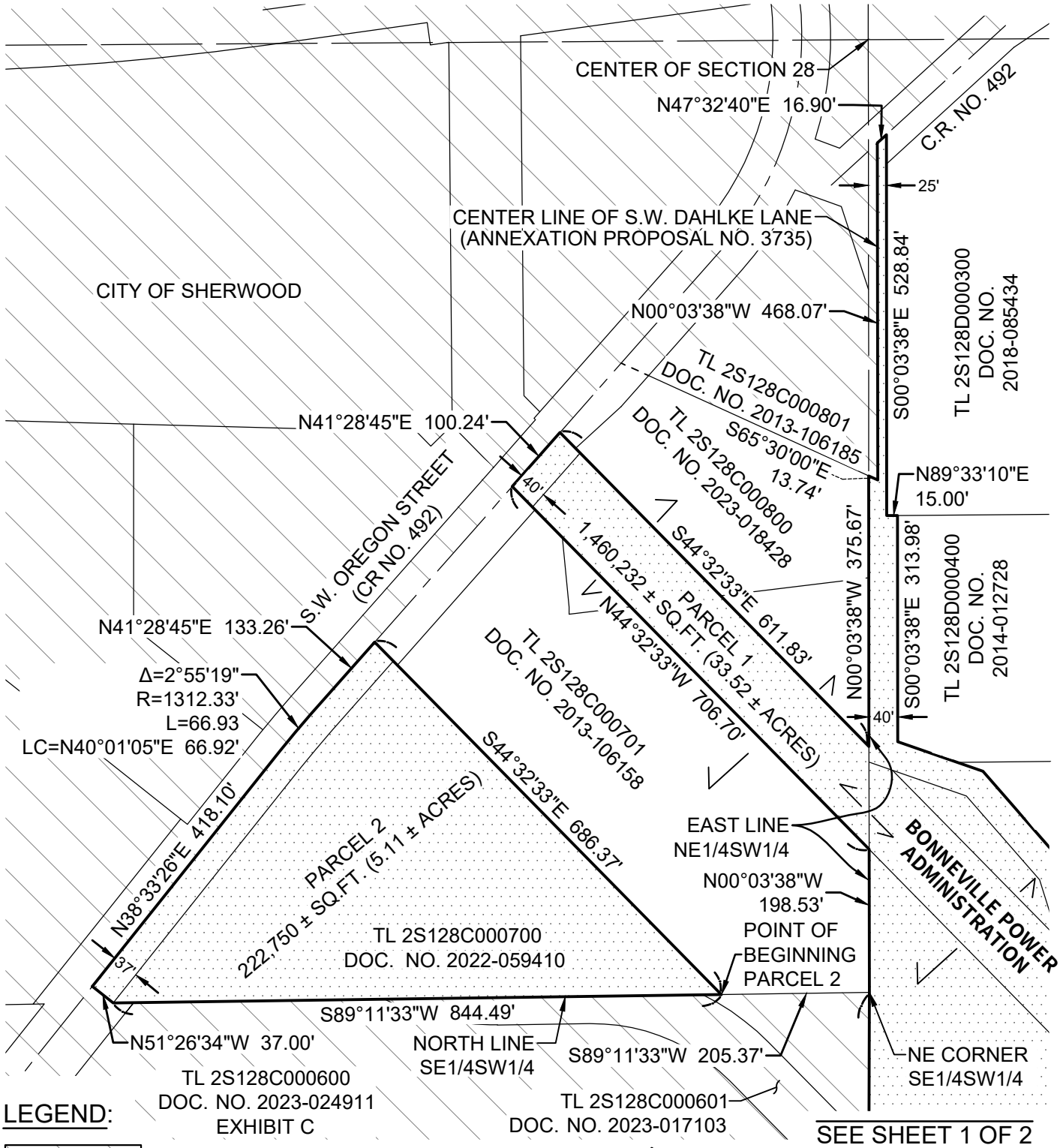
P:\S\SHWX00000064\0400CAD\SV\EXHIBITS\SV-EM-01-SHWX0064 - CWS - Rev1 7/30/2024 12:54 PM

EXHIBIT "B" SHEET 1 OF 2



SEE SHEET 1 OF 2

LEGEND:

CITY OF SHERWOOD

PROPOSED ANNEXATION

SCALE: 1" = 200'

0 100 200 400

TONQUIN EMPLOYMENT AREA ANNEXATION
CLEAN WATER SERVICES

FILE NO: ANX 01	SUBMITTAL DATE: 07/30/2024	REV'D:
TAX LOT: -	ADDRESS: -NA-	
TAX MAP: -		

DAVID EVANS AND ASSOCIATES INC.
2100 S River Parkway, Suite 100
Portland Oregon 97201
Phone: 503.223.6663

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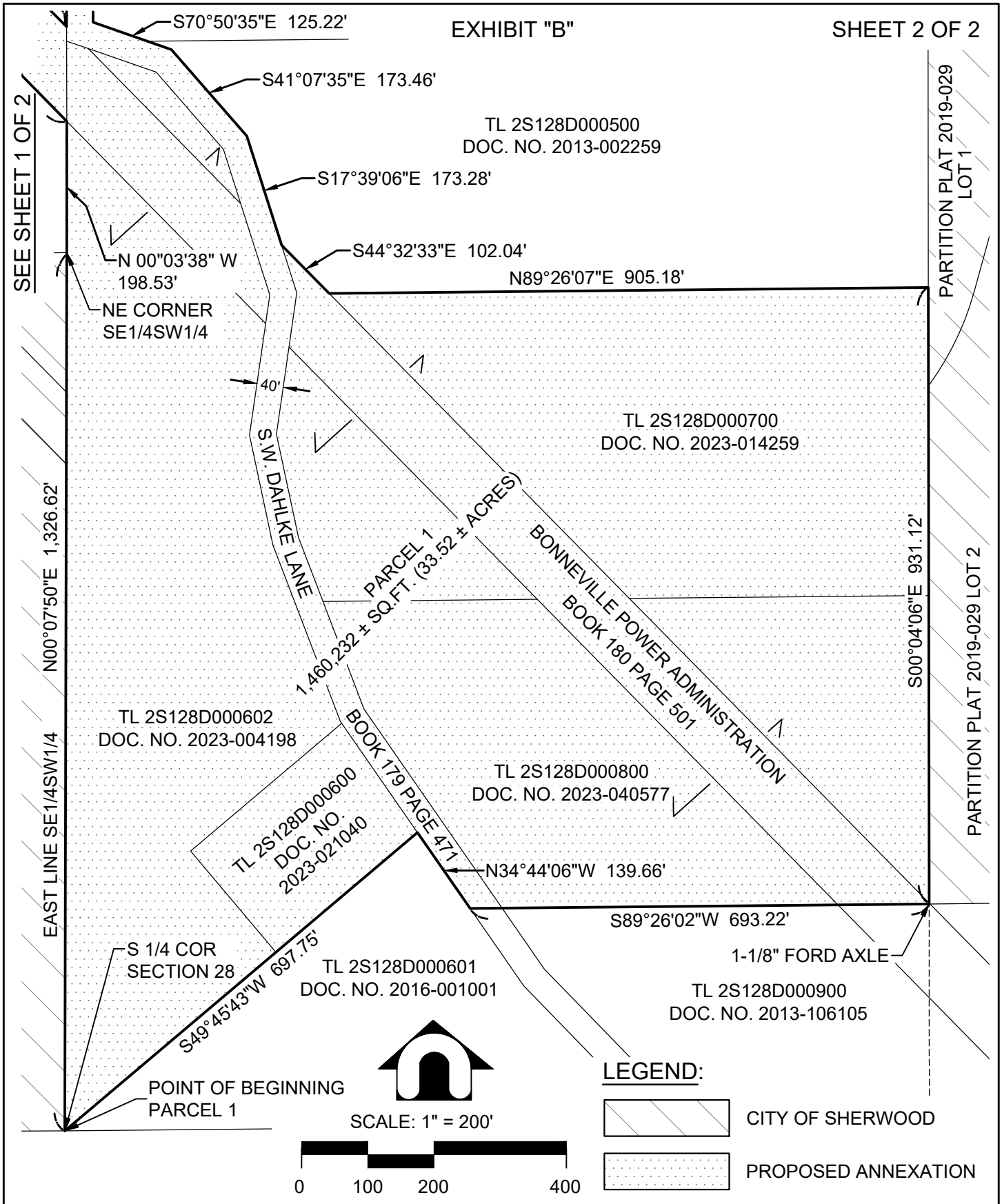

TONQUIN EMPLOYMENT AREA ANNEXATION
CLEAN WATER SERVICES

FILE NO: ANX 01	SUBMITTAL DATE: 07/30/2024	REV'D:
TAX LOT: -	ADDRESS: -NA-	
TAX MAP: -		

DAVID EVANS AND ASSOCIATES INC.
2100 S River Parkway, Suite 100
Portland Oregon 97201
Phone: 503.223.6663

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Exhibit D: Boundary Change Data Sheet

BOUNDARY CHANGE DATA SHEET

I. EXISTING CONDITIONS IN AREA TO BE ANNEXED OR WITHDRAWN

A. General location: SE of SW Oregon St., S of SW Tualatin Sherwood Rd.

B. Land Area: Acres ±38.63 acres or Square Miles _____

C. General description of territory. (Include topographic features such as slopes, vegetation, drainage basins, floodplain areas, which are pertinent to this proposal.)

Partially developed area, comprised of industrial, residential, and vegetated land. No floodplain, floodway, or significant steep slopes exist on the property.

D. Describe Land uses on surrounding parcels. Use tax lots as reference points.

North: Map Tax/Lot 2S128D001300 - General Industrial (City of Sherwood)
Map Tax/Lot 2S128A000506 - General Industrial (City of Sherwood)

East: Map/Tax Lot 2S128D001200 - Employment Industrial (City of Sherwood)

South: Map/Tax Lot 2S128C00060 - Employment Industrial (City of Sherwood)
Map/Tax Lot 2S1330000100 - EFC (Washington County)

West: Map/Tax Lot 2S128C000201 - General Industrial (City of Sherwood)

E. Existing Land Use:

Number of single-family units 4 Number of multi-family units _____

Number of commercial structures _____ Number of industrial structures 3

Public facilities or other uses _____

What is the current use the land proposed to be annexed: Industrial Service

F. Total current year Assessed Valuation: $_____

G. Total existing population: _____

II. REASON FOR BOUNDARY CHANGE

A. The Metro Code spells out criteria for consideration (Metro Code 3.09.050). Considering these criteria, please provide the reasons the proposed boundary change should be made. Please be very specific. Use additional pages if necessary.

Please see attached narrative.

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.

Annexation for future industrial development and city services. Please see attached narrative.

III. LAND USE AND PLANNING

A. Is the subject territory inside or outside of the Metro Regional Urban Growth Boundary?

Inside Metro Regional UGB

B. What is the applicable County Planning Designation? FD-20

Or City Planning Designation? EI-Employment Industrial

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

The area to be annexed is consistent with the TEA Concept Plan, an adopted part of the City of Sherwood Comprehensive Plan. See attached narrative.

C. What is the zoning on the territory to be served?

EI - Employment Industrial

D. Can the proposed development be accomplished under current county zoning?

_____ Yes _____ No N/A - No development proposed at this time

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

_____ Yes _____ No N/A - No development proposed at this time

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

N/A

E. Please indicate all permits and/or approvals from a City, County or Regional Government which will be needed for the proposed development. If already granted, please indicate date of approval and identifying number:

APPROVAL	PROJECT FILE NO.	DATE OF APPROVAL	FUTURE REQUIREMENT
Metro UGB Amendment		2004	
City of County Plan Amendment	TEACP	10/2010	
Pre-Application Hearing (City or County)			
Preliminary Subdivision Approval			
Final Plat Approval			
Land Partition			
Conditional Use			
Variance			
Sub-Surface Sewage Disposal			
Building Permit			

Please submit copies of proceedings relating to any of the above permits or approvals which are pertinent to the annexation.

F. If a city and/or county-sanctioned citizens' group exists in the area of the annexation, please list its name and address of a contact person.

Washington County CPO 5 Sherwood-Tualatin S1 - Inactive

IV. SERVICES AND UTILITIES

A. Please indicate the following:

1. Location and size of nearest water line that can serve the subject area.

24" and 12" water line in SW Oregon Street.

2. Location and size of nearest sewer line which can serve the subject area.

12" sanitary sewer line in SW Tualatin Sherwood Road and 8" sanitary sewer line in SW Oregon Street and Map/Tax Lot 2S128C000801

3. Proximity of other facilities (storm drains, fire engine companies, etc.) which can serve the subject area.

12" storm water line within SW Oregon Street

TVFR Station 33, located ±1.5 miles southwest of property

4. The time at which services can be reasonably provided by the city or district.
   Services will be available upon annexation to the City.

5. The estimated cost of extending such facilities and/or services and what is to be the method of financing. (Attach any supporting documents.)
   The cost of extending necessary utilities will be paid upon future site devel

6. Availability of desired service from any other unit of local government. (Please indicate the government.)
   All requested services are available.

B. If the territory described in the proposal is presently included within the boundaries of or being served extraterritorially or contractually by, any of the following types of governmental units please so indicate by stating the name or names of the governmental units involved.

City N/A
Rural Fire Dist. TVFR
County Service Dist. Washington Co.
Sanitary District N/A
Hwy. Lighting Dist. N/A
Water District N/A
Grade School Dist. SSD 88J
Drainage District N/A
High School Dist. SSD 88J
Diking District N/A
Library Dist. WCCLS
Park & Rec. Dist. N/A
Special Road Dist. N/A
Other District Supplying Water Service N/A

C. If any of the above units are presently servicing the territory (for instance, are residents in the territory hooked up to a public sewer or water system), please so describe.
   TVFR currently serves the area and will continue to do so once annexed.

V. APPLICANT INFORMATION

APPLICANT'S NAME City of Sherwood

MAILING ADDRESS 22560 SW Pine Street

Sherwood, OR 97140

TELEPHONE NUMBER Please Contact Applicant's Consultant (Work)

(Res.)

REPRESENTING AKS Engineering & Forestry, LLC - Zach Pelz, AICP

DATE 6/14/2024 pelzz@aks-eng.com

Exhibit E: Annexation Questionnaire

ANNEXATION QUESTIONNAIRE

It is the applicant's responsibility to obtain the information requested on the attached annexation questionnaire. The information is used by the Center for Population Research and Census (CPRC) at Portland State University to update the estimate of the population for the City of Sherwood after annexations.

The information collected is confidential and is used for no other purpose. Please obtain the information prior to submitting the annexation petition. It is your responsibility to update this information if changes are made between the original application filing and the effective date of the application.

Fill out one sheet per property that is being annexed.

Address: 21370 SW Oregon Street, Sherwood, OR 97140

Housing type:

- ☐ Single-family home
- ☐ Multi-family residence
- ☐ Manufactured home

Occupancy:

- ☐ Owner occupied
- ☐ Renter occupied
- ☐ Vacant
- ☐ Seasonal

Resident Information:

LAST NAME	FIRST NAME	SEX	AGE
N/A	N/A - No residents on the property	N/A	N/A

ANNEXATION QUESTIONNAIRE

It is the applicant's responsibility to obtain the information requested on the attached annexation questionnaire. The information is used by the Center for Population Research and Census (CPRC) at Portland State University to update the estimate of the population for the City of Sherwood after annexations.

The information collected is confidential and is used for no other purpose. Please obtain the information prior to submitting the annexation petition. It is your responsibility to update this information if changes are made between the original application filing and the effective date of the application.

Fill out one sheet per property that is being annexed.

Address: 21680 SW Dahlke Lane, Sherwood, OR 97140

Housing type:

- ☑ Single-family home
- ☐ Multi-family residence
- ☐ Manufactured home

Occupancy:

- ☐ Owner occupied
- ☐ Renter occupied
- ☐ Vacant
- ☐ Seasonal

Resident Information:

LAST NAME	FIRST NAME	SEX	AGE

ANNEXATION QUESTIONNAIRE

It is the applicant's responsibility to obtain the information requested on the attached annexation questionnaire. The information is used by the Center for Population Research and Census (CPRC) at Portland State University to update the estimate of the population for the City of Sherwood after annexations.

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Fill out one sheet per property that is being annexed.

Address: 21700 SW Dahlke Lane, Sherwood, OR 97140

Housing type:

- ☑ Single-family home
- ☐ Multi-family residence
- ☐ Manufactured home

Occupancy:

- ☐ Owner occupied
- ☐ Renter occupied
- ☐ Vacant
- ☐ Seasonal

Resident Information:

LAST NAME	FIRST NAME	SEX	AGE

ANNEXATION QUESTIONNAIRE

It is the applicant's responsibility to obtain the information requested on the attached annexation questionnaire. The information is used by the Center for Population Research and Census (CPRC) at Portland State University to update the estimate of the population for the City of Sherwood after annexations.

The information collected is confidential and is used for no other purpose. Please obtain the information prior to submitting the annexation petition. It is your responsibility to update this information if changes are made between the original application filing and the effective date of the application.

Fill out one sheet per property that is being annexed.

Address: 21775 SW Dahlke Lane, Sherwood, OR 97140

Housing type:

- ☑ Single-family home
- ☐ Multi-family residence
- ☐ Manufactured home

Occupancy:

- ☐ Owner occupied
- ☐ Renter occupied
- ☐ Vacant
- ☐ Seasonal

Resident Information:

LAST NAME	FIRST NAME	SEX	AGE

ANNEXATION QUESTIONNAIRE

It is the applicant's responsibility to obtain the information requested on the attached annexation questionnaire. The information is used by the Center for Population Research and Census (CPRC) at Portland State University to update the estimate of the population for the City of Sherwood after annexations.

The information collected is confidential and is used for no other purpose. Please obtain the information prior to submitting the annexation petition. It is your responsibility to update this information if changes are made between the original application filing and the effective date of the application.

Fill out one sheet per property that is being annexed.

Address: 21825 SW Dahlke Lane, Sherwood, OR 97140

Housing type:

- ☑ Single-family home
- ☐ Multi-family residence
- ☐ Manufactured home

Occupancy:

- ☐ Owner occupied
- ☐ Renter occupied
- ☐ Vacant
- ☐ Seasonal

Resident Information:

LAST NAME	FIRST NAME	SEX	AGE

Exhibit F:
Worksheet for Annexation to the City of Sherwood

WORKSHEET FOR ANNEXATION TO THE CITY OF SHERWOOD

Please list all properties/registered voters included in the proposal. (If needed, use separate sheets for additional listings.)

Property Information (ALL METHODS)

	PROPERTY DESIGNATION (Tax Lot Numbers)	NAME OF PROPERTY OWNER	TOTAL ACRES	ASSESSED VALUE OF THE PROPERTY	SIGNED PETITION YES	NO
	2S 1 28D Lot 700	A Richard Vial (AR Vial Associates); Nicolas V	±8.99	$287,180	x	
		A Nicolas Vial; Nathan R Vial; Christian Lee V				
	2S 1 28D Lot 602	City of Sherwood Urban Renewal Agency	±9.95	$0	x	
	2S 1 28C Lot 700	City of Sherwood Urban Renewal Agency	±4.62	$0	x	
	2S 1 28D Lot 600	Dave Balfour, Sam Karpeles (Dahlke Lane La	±1.33	$186,450	x	
	2S 1 28D Lot 800	Dave Balfour, Brian Clopton (Dahlke Lane Lar	±7.01	$343,420	x	
Totals:			±38.63	$817,050	x	

Registered Voters (DOUBLE MAJORITY METHOD ONLY)

	ADDRESS OF REGISTERED VOTER	NAME OF REGISTERED VOTER	SIGNED PETITION YES	NO
Totals:				

Summary

TOTAL NUMBER OF REGISTERED VOTERS IN THE PROPOSAL: N/A
NUMBER OF REGISTERED VOTERS WHO SIGNED PETITION: N/A
PERCENTAGE OF REGISTERED VOTERS WHO SIGNED PETITION: N/A
TOTAL ACREAGE IN THE PROPOSAL: 38.6
ACREAGE SIGNED FOR: 38.6

PERCENTAGE OF ACREAGE SIGNED FOR: 100
TOTAL NUMBER OF SINGLE-FAMILY UNITS: ±4
TOTAL NUMBER OF MULTI-FAMILY UNITS: 0
TOTAL NUMBER OF COMMERCIAL STRUCTURES: 0
TOTAL NUMBER OF INDUSTRIAL STRUCTURES: ±3

Exhibit G: Certification of Property Ownership

THIS SECTION IS TO BE COMPLETED BY WASHINGTON COUNTY ASSESSOR'S OFFICE

CERTIFICATION OF PROPERTY OWNERSHIP

(All Methods)

I hereby certify that the attached petition for a proposed boundary change (annexation) of the territory described in Attachment A of the petition contains the names of the owners* of at least one-half of the land area within the annexation area described, as shown on the last available complete assessment roll.

NAME: TED FOSTER

TITLE: GIS TECH

DEPARTMENT: CARTOGRAPHY

COUNTY OF: WASHINGTON

DATE: 9/16/24

* "Owner" means the legal owner of record or, where there is a recorded a land contract which is in force, the purchaser thereunder. If there is a multiple ownership in a parcel of land each consenting owner shall be counted as a fraction to the same extent as the interest of the owner in the land bears in relation to the interest of the other owners and the same fraction shall be applied to the parcel's land mass and assessed value for purposes of the consent petition. If a corporation owns land in territory proposed to be annexed, the corporation shall be considered the individual owner of that land.

ANNEXATION CERTIFIED

BY

AUG 16 2024

WASHINGTON COUNTY A & T
CARTOGRAPHY

Exhibit H: Certification of Legal Description and Map

THIS SECTION IS TO BE COMPLETED BY WASHINGTON COUNTY ASSESSOR'S OFFICE

CERTIFICATION OF LEGAL DESCRIPTION AND MAP

(All Methods)

I hereby certify that the description of the property included within the attached petition (located on Assessor's Map 2S128C + 2S128D) 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 TED FOSTER

TITLE GIS TECH

DEPARTMENT CARTOGRAPHY

COUNTY OF WASHINGTON

DATE 9/16/24

ANNEXATION CERTIFIED

BY TF

AUG 16 2024

WASHINGTON COUNTY A & T
CARTOGRAPHY

Exhibit I: Ownership Information

FIRST AMERICAN TITLE

Property Research Report

SUBJECT PROPERTY
21370 SW Oregon St
Parcel #: R547484
Map & Taxlot #: 2S128C000700
County: Washington

OWNER
Sherwood, City Of Urban Renewal Agency

DATE PREPARED
Date: 06/24/2024

PREPARED BY
gparilla@firstam.com

First American Title

Customer Service Department
503.219.8746
cs.oregon@firstam.com

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First American Title

Customer Service Department
503.219.8746
cs.oregon@firstam.com
Date: 06/24/2024

OWNERSHIP INFORMATION

Owner: Sherwood, City Of Urban Renewal Agency
CoOwner:
Site: 21370 SW Oregon St Sherwood OR 97140
Mail: 22560 SW Pine St Sherwood OR 97140

Parcel #: R547484
Ref Parcel #: 2S128C000700
TRS: 02S / 01W / 28 / SW
County: Washington

PROPERTY DESCRIPTION

Map Grid: 684-J6
Census Tract: 032107 Block: 1019
Neighborhood: CPO5S1 - Cpo 5 Sherwood-Tualatin S1
School Dist: 88J Sherwood
Impr Type:
Subdiv/Plat:
Land Use: 9400 - Exempt City Gov Vacant
Std Land Use: VMSC - Vacant Misc
Zoning: Washington Co.-FD-20 - Future Development 20-Acre District
Lat/Lon: 45.36474888 / -122.81845979
Watershed: Fanno Creek-Tualatin River
Legal: ACRES 4.62

ASSESSMENT AND TAXATION

Market Land: $1,023,280.00
Market Impr: $0.00
Market Total: $1,023,280.00 (2023)
% Improved: 0.00%
Assessed Total: $0.00 (2023)
Levy Code: 88.54
Tax: $0.00 (2023)
Millage Rate: 16.4404
Exemption: $1,023,280.00
Exemption Type:

PROPERTY CHARACTERISTICS

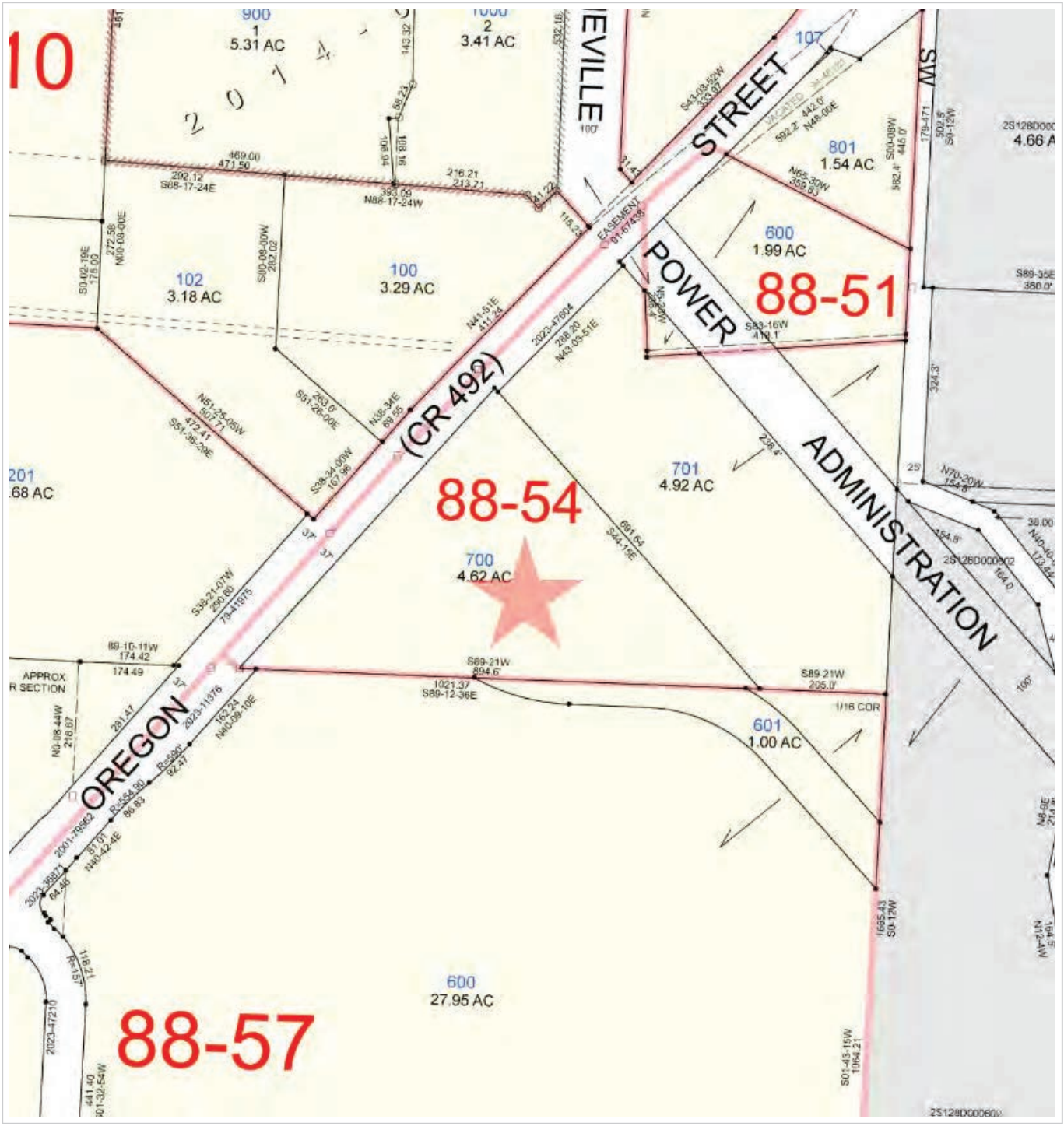
Bedrooms:	Total SqFt:	Year Built:
Baths, Total:	First Floor:	Eff Year Built:
Baths, Full:	Second Floor:	Lot Size Ac: 4.62 Acres
Baths, Half:	Basement Fin:	Lot Size SF: 201,247 SqFt
Total Units:	Basement Unfin:	Lot Width:
# Stories:	Basement Total:	Lot Depth:
# Fireplaces:	Attic Fin:	Roof Material:
Cooling:	Attic Unfin:	Roof Shape:
Heating:	Attic Total:	Ext Walls:
Building Style:	Garage:	Const Type:

SALES AND LOAN INFORMATION

Owner	Date	Doc #	Sale Price	Deed Type	Loan Amt	Loan Type
SHERWOOD CITY OF URBAN RENEWAL AGENCY	09/26/2022	59410	$125,000.00	Deed		Conv/Unk
VANDOMELEN JOINT TRUST	09/24/2019	65711	$750,000.00	Deed	$250,000.00	Private Party Lender
KERRY J FITCH	07/18/2016	55857		Deed		Conv/Unk
OREGON STREET PROPERTY LLC	07/18/2016	55858		Deed		Conv/Unk
RECORD OWNER	03/30/1992	20167		Deed		Conv/Unk

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

Assessor Map



Parcel ID: R547484

Site Address: 21370 SW Oregon St

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

Aerial Map

First American Title

Parcel ID: R547484

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

WFG Title 22-399559 Comm

File No.: 22-399559

Grantor
VanDomelen Joint Trust dated February 11, 2015 4825 SW Evans Street Portland, OR 97219
Grantee
City of Sherwood Urban Renewal Agency 22560 SW Pine Street Sherwood, OR 97140
After recording return to
City of Sherwood Urban Renewal Agency 22560 SW Pine Street Sherwood, OR 97140
Until requested, all tax statements shall be sent to
City of Sherwood Urban Renewal Agency 22560 SW Pine Street Sherwood, OR 97140 Tax Acct No(s): 2S128C0-00700, R547484

Washington County, Oregon **2022-059410**
D-DW
Stn=4 A STROM **09/26/2022 12:14:54 PM**
$30.00 $11.00 $5.00 $60.00 **$106.00**

I, Joe Nelson, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.

Joe Nelson, Director of Assessment and Taxation, Ex-Officio County Clerk

Reserved for Recorder's Use

STATUTORY WARRANTY DEED

Kenneth A. VanDomelen and Carol L. VanDomelen, as Trustees of the VanDomelen Joint Trust dated February 11, 2015, Grantor conveys and warrants to **City of Sherwood Urban Renewal Agency**, Grantee(s), the real property described in the attached Exhibit A, subject only to those liens and encumbrances set forth on the attached Exhibit B.

The true consideration for this conveyance is **$1,125,000.00**. (Here comply with requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Executed this 22 day of September, 2022

VanDomelen Joint Trust dated February 11, 2015

By: Kenneth A. VanDomelen
Name: Kenneth A. VanDomelen
Its: Trustee

By: Carol L. VanDomelen
Name: Carol L. VanDomelen
Its: Trustee

STATE OF OREGON
COUNTY OF Multnomah

This instrument was acknowledged before me this 22nd day of September, 2022 by Kenneth A. VanDomelen and Carol L. VanDomelen, as Trustees, of VanDomelen Joint Trust dated February 11, 2015, on behalf of the Trust.

Print Name: Heidi Lee Rogers
Notary Public for Oregon
My Commission Expires: 03/22/26

OFFICIAL STAMP
HEIDI LEE ROGERS
NOTARY PUBLIC - OREGON
COMMISSION NO. 1022945
MY COMMISSION EXPIRES MARCH 22, 2026

ACCEPTED AND APPROVED

City of Sherwood Urban Renewal Agency

By: _____
Name: Keith Campbell
Its: Urban Renewal Agency Administrator

STATE OF OREGON
COUNTY OF WASHINGTON

This instrument was acknowledged before me this 26th day of September, 2022 by Keith Campbell, as Urban Renewal Agency Administrator, of City of Sherwood Urban Renewal Agency, on behalf of the agency.

_____
Print Name:
Notary Public for Oregon
My Commission Expires:

OFFICIAL STAMP
KRISTINA MARIE OUELLETTE-SMITH
NOTARY PUBLIC - OREGON
COMMISSION NO. 998527
MY COMMISSION EXPIRES APRIL 14, 2024

EXHIBIT "A"
LEGAL DESCRIPTION

Beginning at the intersection of the South line of the Northeast one-quarter of the Southwest one-quarter of Section 28, Township 2 South, Range 1 West of the Willamette Meridian, in the County of Washington and State of Oregon with the Southwesterly line of the Bonneville Power Administration Easement at a point, South 89°21' West, 205 feet from the Southeast corner of said subdivision, said beginning point being the Southwest corner of that tract conveyed to Lawrence V. Kummer, et ux, by Deed recorded October 11, 1963 in Book 497, Page 324, Deed Records; thence South 89°21' West along the South line of the Northeast one-quarter of said Southwest one-quarter, 894.6 feet to the center of the County Road; thence Northeasterly along the center of said road to a point, North 44°15' West, of the point of beginning; thence South 44°15' East, 691.64 feet to the point of beginning.

EXCEPTING THEREFROM that portion conveyed to Washington County for road purposes by Deed recorded July 13, 2001 as Recorder's Fee No. 2001-069166.

EXHIBIT "B"
Exceptions

1. Rights of the public in and to any portion of the herein described premises lying within the boundaries of streets, roads or highways.

2. Easement, including the terms and provisions thereof:

For	:	Right of Way
Granted to:		Southern Pacific Pipe Lines, Inc., a corporation
Recorded	:	May 3, 1962
Recording No(s)	:	(book) 462 (page) 261
Affects	:	The Esterly 10 feet as disclosed by Right of Way Deed

Conveyed to Southern Pacific Pipe lines Partnership, L.P. a Delaware limited liablity company

Recorded	:	December 14, 1988, as Recording No.: 88055571

3. The following matters disclosed by a survey made by Chase, Jones & Associates Inc., dated August 18, 2022, Job No. 16330:

Chain Link Fence and Wire Fence crossing onto properties along the Easterly, Westerly and Southerly property lines

OREGON DEPARTMENT OF REVENUE

Certification of Charges Paid

(2015 Oregon Laws Chapter 96)

Certification #
2022-023

All charges against the real property have been paid for the property that is the subject of the deed between:

Grantor
Vandomelen

Grantee
City of Sherwood

Signed on (date)	and for consideration of
n/a	$ n/a

Assessor's signature	Date
	9-26-2022

150-310-411 (Rev. 10-15)

FIRST AMERICAN TITLE

Property Research Report

SUBJECT PROPERTY
21825 SW Dahlke Ln
Parcel #: R547572
Map & Taxlot #: 2S128D000600
County: Washington

OWNER
Dahlke Lane Land Co LLC

DATE PREPARED
Date: 06/24/2024

PREPARED BY
gparilla@firstam.com

First American Title

Customer Service Department
503.219.8746
cs.oregon@firstam.com

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First American Title

Customer Service Department
503.219.8746
cs.oregon@firstam.com
Date: 06/24/2024

OWNERSHIP INFORMATION

Owner: Dahlke Lane Land Co LLC
CoOwner:
Site: 21825 SW Dahlke Ln Sherwood OR 97140
Mail: 24925 SW Garden Acres Rd Sherwood OR 97140

Parcel #: R547572
Ref Parcel #: 2S128D000600
TRS: 02S / 01W / 28 / SE
County: Washington

PROPERTY DESCRIPTION

Map Grid: 685-A6
Census Tract: 032107 Block: 1019
Neighborhood: CPO5S1 - Cpo 5 Sherwood-Tualatin S1
School Dist: 88J Sherwood
Impr Type: CR1 - Residence
Subdiv/Plat:
Land Use: 1910 - Urban Developable Tract Improved
Std Land Use: RSFR - Single Family Residence
Zoning: Washington Co.-FD-20 - Future Development 20-Acre District
Lat/Lon: 45.36186802 / -122.81447197
Watershed: Abernethy Creek-Willamette River
Legal: ACRES 1.33

ASSESSMENT AND TAXATION

Market Land: $294,580.00
Market Impr: $1,000.00
Market Total: $295,580.00 (2023)
% Improved: 0.00%
Assessed Total: $186,450.00 (2023)
Levy Code: 88.13
Tax: $3,065.30 (2023)
Millage Rate: 16.4404
Exemption:
Exemption Type:

PROPERTY CHARACTERISTICS

Bedrooms: 3	Total SqFt: 1,568 SqFt	Year Built: 1965
Baths, Total: 2	First Floor: 1,568 SqFt	Eff Year Built:
Baths, Full:	Second Floor:	Lot Size Ac: 1.33 Acres
Baths, Half:	Basement Fin:	Lot Size SF: 57,935 SqFt
Total Units:	Basement Unfin:	Lot Width:
# Stories:	Basement Total:	Lot Depth:
# Fireplaces: 1	Attic Fin:	Roof Material: Built Up
Cooling: Yes	Attic Unfin:	Roof Shape:
Heating:	Attic Total:	Ext Walls: Wood Sheathing
Building Style: RS0 - Single Family	Garage: Unfinished Garage 396 SqFt	Const Type: Wood

SALES AND LOAN INFORMATION

Owner	Date	Doc #	Sale Price	Deed Type	Loan Amt	Loan Type
DAHLKE LANE LAND CO LLC	05/23/2023	21040	$375,000.00	Deed	$281,250.00	Conventional
MOREY,DON F & CORBY A	05/07/2013	0000041366		Deed Of Trust	$313,181.00	Conv/Unk
MOREY,DON F & CORBY A	10/13/2005	0000126981		Deed Of Trust	$234,000.00	Conv/Unk
DON F MOREY	09/27/1996			Deed		Conv/Unk
DON F MOREY	09/27/1996	87076		Quit Claim	$55,000.00	Conventional
RECORD OWNER	08/12/1991	43777		Deed		Conv/Unk

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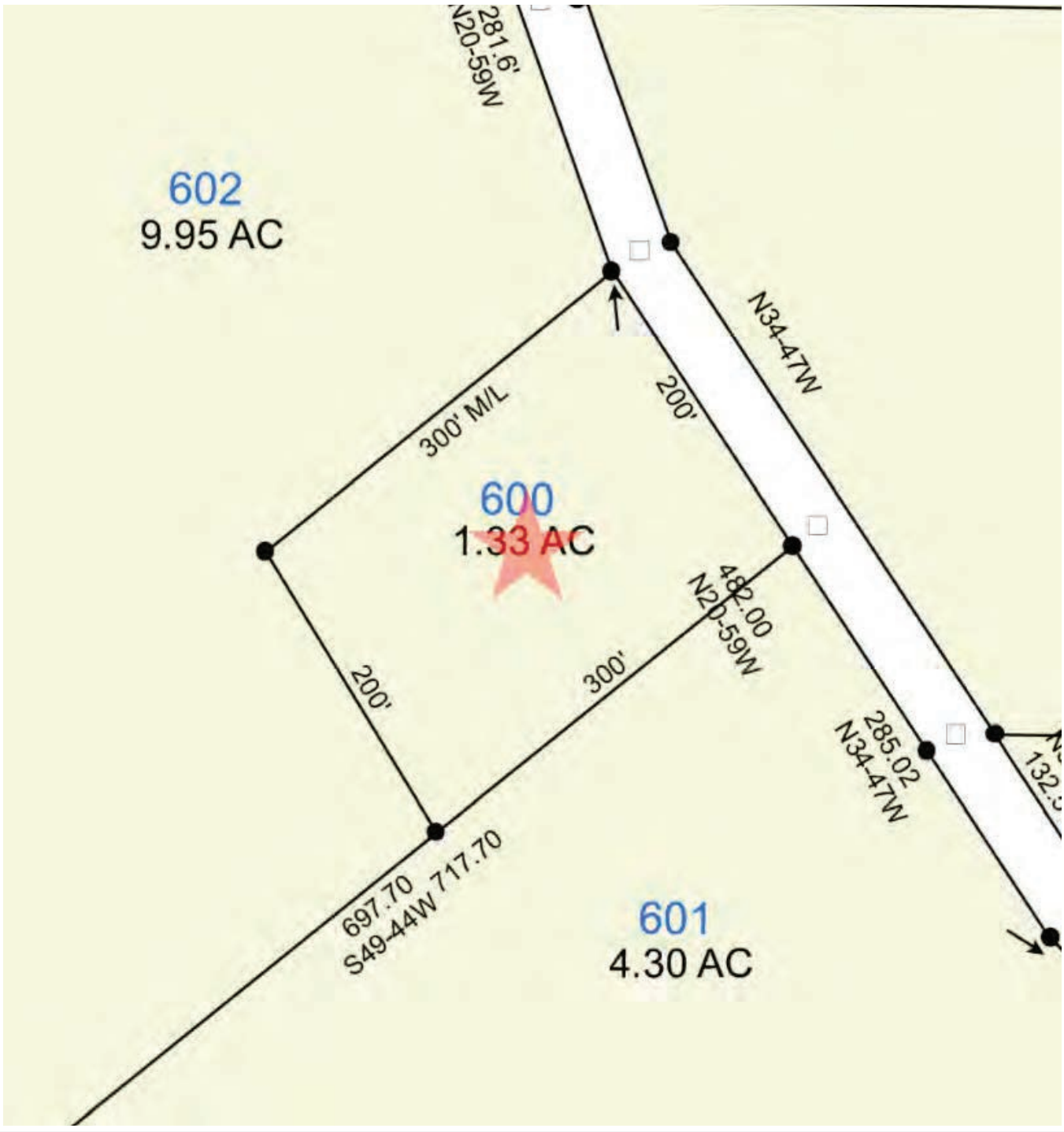
Assessor Map



First American Title

Parcel ID: R547572

Site Address: 21825 SW Dahlke Ln

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Aerial Map

First American Title

Parcel ID: R547572

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Washington County, Oregon D-DW Stn=11 C WHITE $20.00 $11.00 $5.00 $60.00 $375.00	**2023-021040** **05/23/2023 01:55:42 PM** **$471.00**

I, Joe Nelson, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.

Joe Nelson, Director of Assessment and Taxation, Ex-Officio County Clerk

File No.: 23-107878

Grantor
Don F. Morey and Corby A. Morey
Grantee
Dahlke Lane Land Company, LLC, an Oregon limited liability company
After recording return to
Dahlke Lane Land Company, LLC, an Oregon limited liability company 24925 Garden Acres Road Sherwood, OR 97140
Until requested, all tax statements shall be sent to
Dahlke Lane Land Company, LLC, an Oregon limited liability company 24925 Garden Acres Road Sherwood, OR 97140 Tax Acct No(s): **2S128D0-00600, R547572**

WFG Title 23-107878 Comm

Reserved for Recorder's Use

STATUTORY WARRANTY DEED

Don F. Morey and Corby A. Morey, as tenants by the entirety, Grantors convey and warrant to **Dahlke Lane Land Company, LLC, an Oregon limited liability company**, Grantee, the real property described in the attached Exhibit A, subject only to those liens and encumbrances set forth on the attached Exhibit B.

The true consideration for this conveyance is **$375,000.00**. (Here comply with requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Executed this 22 day of May, 2023

Don F. Morey

Corby A. Morey

STATE OF OREGON
COUNTY OF ~~WASHINGTON~~ Clackamas

This instrument was acknowledged before me this 22 day of May, 2023 by Don F. Morey and Corby A. Morey, on their own behalf.

Notary Public for Oregon
My Commission Expires: 7-18-2025

OFFICIAL STAMP
KRISTEN K DISSEN
NOTARY PUBLIC - OREGON
COMMISSION NO. 1014664
MY COMMISSION EXPIRES JULY 18, 2025

EXHIBIT "A"
LEGAL DESCRIPTION

A tract of land in the Southeast quarter of Section 28, Township 2 South, Range 1 West of the Willamette Meridian, in the County of Washington, State of Oregon, as described as follows:

Beginning at the intersection of the South line of that tract conveyed to Delmar G. Kernan and Pauline K. Kernan, husband and wife, by Deed recorded December 30, 1964 in Book 535, page 689, Deed Records, and the centerline of the County Road, said point being the Southeasterly corner of said Kernan tract; thence South 49°44' West along the Southeasterly line of said tract 300 feet; thence Northwesterly perpendicular to the South line of said tract 200 feet; thence North 49°44' East parallel to the South line of said tract 300 feet more or less, to the center of the County Road; thence Southeasterly along the center of the said County Road, 200 feet, more or less, to the point of beginning.

EXHIBIT "B"
Exceptions

1. Rights of the public in and to any portion of the herein described premises lying within the boundaries of SW Dahlke Lane.

2. Easement, including the terms and provisions thereof:

For	:	Right-of-way to construct, maintain and operate pipes, valves, appurtenances and access thereto
Granted to	:	Southern Pacific Pipe Lines, Inc.
Recorded	:	May 14, 1962
Recording No.	:	Book 458, Page 225
Affects	:	a portion of the premises herein

Said easement rights were conveyed by instrument:

Grantee	:	Southern Pacific Pipe Lines Partnership, L.P., a Delaware limited partnership
Recorded	:	December 14, 1988
Recording No.	:	88-55571

FIRST AMERICAN TITLE

Property Research Report

SUBJECT PROPERTY
21775 SW Dahlke Ln
Parcel #: R547590
Map & Taxlot #: 2S128D000602
County: Washington

OWNER
Sherwood, City Of Urban Renewal Agency

DATE PREPARED
Date: 06/24/2024

PREPARED BY
gparilla@firstam.com

First American Title

Customer Service Department
503.219.8746
cs.oregon@firstam.com

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First American Title

Customer Service Department
503.219.8746
cs.oregon@firstam.com
Date: 06/24/2024

OWNERSHIP INFORMATION

Owner: Sherwood, City Of Urban Renewal Agency
CoOwner:
Site: 21775 SW Dahlke Ln Sherwood OR 97140
Mail: 22560 SW Pine St Sherwood OR 97140

Parcel #: R547590
Ref Parcel #: 2S128D000602
TRS: 02S / 01W / 28 / SE
County: Washington

PROPERTY DESCRIPTION

Map Grid: 685-A6
Census Tract: 032107 Block: 1019
Neighborhood: CPO5S1 - Cpo 5 Sherwood-Tualatin S1
School Dist: 88J Sherwood
Impr Type: CR1 - Residence
Subdiv/Plat:
Land Use: 9410 - Exempt City Gov Improved
Std Land Use: MGOV - Governmental, Public
Zoning: Washington Co.-FD-20 - Future Development 20-Acre District
Lat/Lon: 45.36269692 / -122.81533561
Watershed: Fanno Creek-Tualatin River
Legal: ACRES 9.95

ASSESSMENT AND TAXATION

Market Land: $2,081,400.00
Market Impr: $1,000.00
Market Total: $2,082,400.00 (2023)
% Improved: 0.00%
Assessed Total: $0.00 (2023)
Levy Code: 88.54
Tax: $0.00 (2023)
Millage Rate: 16.4404
Exemption: $2,082,400.00
Exemption Type:

PROPERTY CHARACTERISTICS

Bedrooms:	2	Total SqFt:	1,504 SqFt	Year Built:	1974
Baths, Total:	2	First Floor:	864 SqFt	Eff Year Built:	
Baths, Full:		Second Floor:	640 SqFt	Lot Size Ac:	9.95 Acres
Baths, Half:		Basement Fin:		Lot Size SF:	433,422 SqFt
Total Units:		Basement Unfin:		Lot Width:	
# Stories:		Basement Total:		Lot Depth:	
# Fireplaces:	1	Attic Fin:		Roof Material:	Shake
Cooling:		Attic Unfin:		Roof Shape:	
Heating:	Baseboard Electric	Attic Total:		Ext Walls:	Wood Sheathing
Building Style:	RS0 - Single Family	Garage:	Unfinished Detached Garage 672 SqFt	Const Type:	Wood

SALES AND LOAN INFORMATION

Owner	Date	Doc #	Sale Price	Deed Type	Loan Amt	Loan Type
CITY SHERWOOD URBAN RENEWAL	02/01/2023	4198	$1,515,000.00	Deed		Conv/Unk
DOUGLAS A MUNGER	07/22/2003	119457		Quit Claim		Conv/Unk
MUNGER DOUGLAS S TRUST	07/22/2003	119464		Deed		Conv/Unk
DOUGLAS S MUNGER				Deed		Conv/Unk

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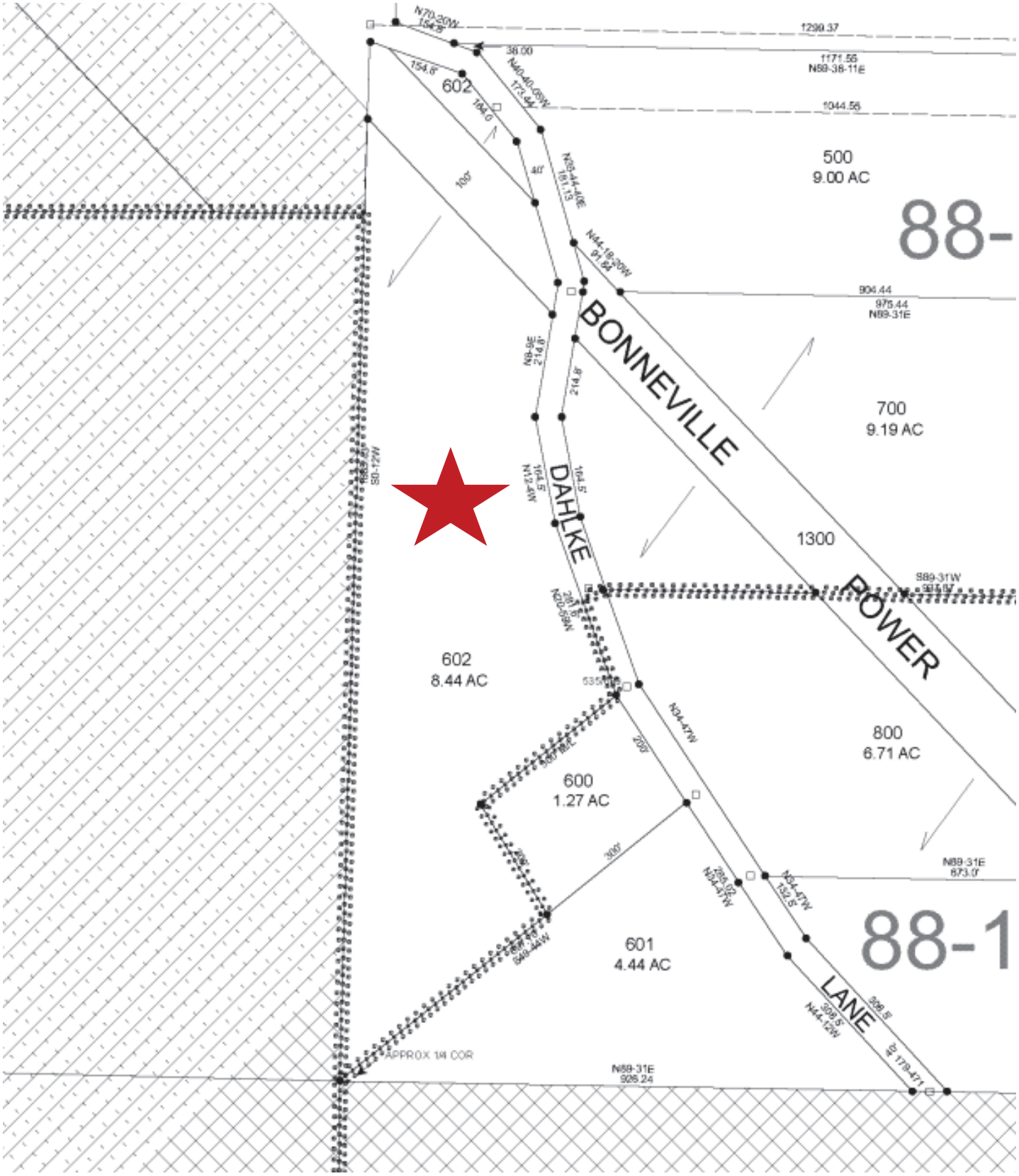

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This map/plat is being furnished as an aid in locating the herein described land in relation to the adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

geoAdvantage

Aerial Map

First American Title

Parcel ID: R547590

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WFG Title 22-409723comm

File No.: 22-409723

Grantor
Successor Trustee of The Douglas S. Munger Revocable Living Trust U/A/D June 13, 2003 5625 SW Old Hwy 47 Gaston, OR 97119
Grantee
City of Sherwood Urban Renewal Agency, the duly designated Urban Renewal Agency for the City of Sherwood 22560 Pine Street Sherwood, OR 97140
After recording return to
City of Sherwood Urban Renewal Agency, the duly designated Urban Renewal Agency for the City of Sherwood 22560 Pine Street Sherwood, OR 97140
Until requested, all tax statements shall be sent to
City of Sherwood Urban Renewal Agency, the duly designated Urban Renewal Agency for the City of Sherwood 22560 Pine Street Sherwood, OR 97140 **Tax Acct No(s): 2S128D0-00602, R547590**

Washington County, Oregon **2023-004198**
D-DW
Stn=11 C WHITE **02/01/2023 12:35:17 PM**
$25.00 $11.00 $5.00 $60.00 **$101.00**

I, Joe Nelson, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.

Joe Nelson, Director of Assessment and Taxation, Ex-Officio County Clerk

Reserved for Recorder's Use

STATUTORY WARRANTY DEED

Lori Louise Brosig, Successor Trustee of The Douglas S. Munger Revocable Living Trust U/A/D June 13, 2003, Grantor conveys and warrants to **City of Sherwood Urban Renewal Agency, the duly designated Urban Renewal Agency for the City of Sherwood**, Grantee, the real property described in the attached Exhibit A, subject only to those liens and encumbrances set forth on the attached Exhibit B.

The true consideration for this conveyance is **$1,515,000.00**. (Here comply with requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Executed this 27th day of January, 2023

Successor Trustee of The Douglas S. Munger Revocable Living Trust U/A/D June 13, 2003

By: Lori Louise Brosig
Name: Lori Louise Brosig
Its: Successor Trustee

STATE OF OREGON
COUNTY OF Washington

This instrument was acknowledged before me this 27th day of January, 2023 by Lori Louise Brosig, as Successor Trustee, of Successor Trustee of The Douglas S. Munger Revocable Living Trust U/A/D June 13, 2003, on behalf of the trust.

Print Name: Kareem Wilson
Notary Public for Oregon
My Commission Expires: April 19, 2025

OFFICIAL STAMP
KAREEM WILSON
NOTARY PUBLIC - OREGON
COMMISSION NO. 1011407
MY COMMISSION EXPIRES APRIL 19, 2025

EXHIBIT "A"
LEGAL DESCRIPTION

Beginning at a stone at the South quarter corner of Section 28, Township 2 South, Range 1 West of the Willamette Meridian, in Washington County, Oregon; and running thence North 89°31' East along the section line 926.24 feet to a point in the center line of a 40 foot road dedicated to the public by deed dated April 4, 1939, by A.S. Pattullo and Myra G. Pattullo, and recorded on page 471, in Deed Book 179, (passing over an iron pipe on the Westerly line of said road); thence following the center line of said road North 44°12' West 308.5 feet to a point: thence following the center line of said road North 34°47' West 482.0 feet; thence following the center line of said road North 20°50' West 281.6 feet; thence following the center line of said road North 12°4' West 164.5 feet; thence following the center line of said road North 8°9' East 214.8 feet; thence following the center line of said road North 72°42' West 239.8 feet; thence following the center line of said road North 40°37' West 164.0 feet; thence following the center line of said road North 70°20' West 154.8 feet to a point on the North and South center line of Section 28 aforesaid; thence South 0°12' West 1665.43 feet, more or less, to the place of beginning.

EXCEPTING that portion taken for an electric transmission line and being 100 feet in width by the United States of America.

ALSO SAVE AND EXCEPT the following:
A tract of land situated in Section 28, Township, 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, being more particularly described as follows:

Beginning at a stone at the quarter corner on a South line of said Section 28 from said place of beginning; thence North 89°31' East 926.24 feet to the center line of a 40 foot dedicated right of way; thence North 44°12' West along said center line 308.50 feet to an angle point; thence North 34°47' West along said center line 285.02 feet; thence leaving said center line South 49°44' West 20.09 feet to an iron rod in the Southwesterly right of way line of said road; thence continuing South 49°44' West 697.70 feet to the place of beginning.

ALSO EXCEPTING THEREFROM the following described parcel:

Beginning at the intersection of the South line of the above described tract of land and the center line of the County road said point being the Southeasterly corner of said tract; thence South 49°44' West along the Southeasterly line of said tract 300 feet; thence Northwesterly perpendicular to the South line of said tract 200 feet ; thence North 49°44' East parallel to the South line of said tract 300 feet more or less, to the center of the County Road, thence Southeasterly along the center of said County Road, 200 feet, more or less, to the point of beginning.

EXHIBIT "B"
Exceptions

1. Easement, including the terms and provisions thereof:

For	:	Transmission line and right to remove danger trees
Granted to	:	United States of America
Recorded	:	November 19, 1956
Recording No.	:	Book 388, Page 274
Affects	:	a portion of the premises herein

2. Easement, including the terms and provisions thereof:

For	:	Right-of-way to construct, maintain and operate pipes, valves, appurtenances and access thereto
Granted to	:	Southern Pacific Pipe Lines, Inc.
Recorded	:	May 14, 1962
Recording No.	:	Book 458, Page 225
Affects	:	a portion of the premises herein

Said easement rights were conveyed by instrument:

Grantee	:	Southern Pacific Pipe Lines Partnership, L.P., a Delaware limited partnership
Recorded	:	December 14, 1988
Recording No.	:	88-55571

OREGON DEPARTMENT OF REVENUE

Certification of Charges Paid

(2015 Oregon Laws Chapter 96)

Certification #
2023-002

All charges against the real property have been paid for the property that is the subject of the deed between:

Grantor
Douglas S Munger Revocable Living Trust

Grantee
City of Sherwood Urban Renewal Agency

Signed on (date)	and for consideration of
	$ 1,515,000.00

Assessor's signature	Date
	2/1/2023

150-310-411 (Rev. 10-15)

FIRST AMERICAN TITLE

Property Research Report

SUBJECT PROPERTY
21680 SW Dahlke Ln
Parcel #: R547607
Map & Taxlot #: 2S128D000700
County: Washington

OWNER
Basalt Industrial LLC & Ar Vial Associates Pc

DATE PREPARED
Date: 06/24/2024

PREPARED BY
gparilla@firstam.com

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Customer Service Department
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Customer Service Department
503.219.8746
cs.oregon@firstam.com
Date: 06/24/2024

OWNERSHIP INFORMATION

Owner: Basalt Industrial LLC & Ar Vial Associates Pc
CoOwner:
Site: 21680 SW Dahlke Ln Sherwood OR 97140
Mail: 12840 SW River Rd Hillsboro OR 97123

Parcel #: R547607
Ref Parcel #: 2S128D000700
TRS: 02S / 01W / 28 / SE
County: Washington

PROPERTY DESCRIPTION

Map Grid: 685-A6
Census Tract: 032107 Block: 1017
Neighborhood: CPO5S1 - Cpo 5 Sherwood-Tualatin S1
School Dist: 88J Sherwood
Impr Type: CR1 - Residence
Subdiv/Plat:
Land Use: 1910 - Urban Developable Tract Improved
Std Land Use: RSFR - Single Family Residence
Zoning: Washington Co.-FD-20 - Future Development 20-Acre District
Lat/Lon: 45.36352321 / -122.81218378
Watershed: Abernethy Creek-Willamette River
Legal: ACRES 8.99

ASSESSMENT AND TAXATION

Market Land: $1,327,460.00
Market Impr: $1,000.00
Market Total: $1,328,460.00 (2023)
% Improved: 0.00%
Assessed Total: $287,180.00 (2023)
Levy Code: 88.54
Tax: $4,721.35 (2023)
Millage Rate: 16.4404
Exemption:
Exemption Type:

PROPERTY CHARACTERISTICS

Bedrooms:	1	Total SqFt:	604 SqFt	Year Built:	1990
Baths, Total:	1	First Floor:	604 SqFt	Eff Year Built:	
Baths, Full:		Second Floor:		Lot Size Ac:	8.99 Acres
Baths, Half:		Basement Fin:		Lot Size SF:	391,604 SqFt
Total Units:		Basement Unfin:		Lot Width:	
# Stories:		Basement Total:		Lot Depth:	
# Fireplaces:		Attic Fin:		Roof Material:	Compostion Shingle
Cooling:		Attic Unfin:		Roof Shape:	
Heating:	None	Attic Total:		Ext Walls:	Wood Sheathing
Building Style:	RS0 - Single Family	Garage:		Const Type:	Wood

SALES AND LOAN INFORMATION

Owner	Date	Doc #	Sale Price	Deed Type	Loan Amt	Loan Type
BASALT INDUSTRIAL LLC	04/10/2023	14259	$1,650,000.00	Deed		Conv/Unk
RIVERA,RICHARD & CARLA	07/24/2007	0000081236		Deed Of Trust	$90,000.00	Conv/Unk
RIVERA,RICHARD & CARLA	09/28/2006	0000115758		Deed Of Trust	$40,000.00	Conv/Unk
RIVERA,RICHARD & CARLA	06/01/2005	0000061584		Deed Of Trust	$20,000.00	Conv/Unk
RICHARD RIVERA	05/07/2003	72455		Deed	$90,000.00	Conventional
CARLA BRADEN	05/14/1990			Deed		Conv/Unk
RECORD OWNER	05/14/1990	24209		Quit Claim		Conv/Unk
			$24,000.00	Deed		Conv/Unk

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

Assessor Map

First American Title

Parcel ID: R547607

Site Address: 21680 SW Dahlke Ln

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

Aerial Map

First American Title

Parcel ID: R547607

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

Washington County, Oregon	**2023-014259**
D-DW	
Stn=8 J CHOATE	**04/10/2023 01:35:37 PM**
$20.00 $11.00 $5.00 $60.00 $1,650.00	**$1,746.00**

I, Joe Nelson, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.

Joe Nelson, Director of Assessment and Taxation, Ex-Officio County Clerk

File No.: 22-434863

Grantor
Richard Rivera and Carla Rivera
Grantee
Basalt Industrial, LLC, an Oregon limited liability company and A.R. Vial Associates, P.C., an Oregon corporation and A. Nicolas Vial and Nathan R. Vial
After recording return to
A Richard Vial 12840 SW River Road Hillsboro, OR 97123
Until requested, all tax statements shall be sent to
A Richard Vial 12840 SW River Road Hillsboro, OR 97123 Tax Acct No(s): 2S128D000700, R547607

WFG Title 22-434863 Comm

Reserved for Recorder's Use

STATUTORY WARRANTY DEED

Richard Rivera and Carla Rivera, as tenants by the entirety, Grantor(s) convey and warrant to Basalt Industrial, LLC, an Oregon limited liability company, as to an undivided 19.32% and A.R. Vial Associates, P.C., an Oregon corporation, as to an undivided 29.35% and A. Nicolas Vial, as to an undivided 15.10% and Nathan R. Vial, as to an undivided 36.23%, Grantee(s), the real property described in the attached Exhibit A, subject only to those liens and encumbrances set forth on the attached Exhibit B.

The true consideration for this conveyance is **$1,650,000.00**. (Here comply with requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Executed this 4-10 day of April, 2023

Richard Rivera

Richard Rivera

Carla Rivera

Carla Rivera

STATE OF OREGON
COUNTY OF Clackamas

This instrument was acknowledged before me this 10 day of April, 2023 by Richard Rivera and Carla Rivera.

Notary Public for Oregon
My Commission Expires: 7-18-2025

OFFICIAL STAMP
KRISTEN K DISSEN
NOTARY PUBLIC - OREGON
COMMISSION NO. 1014664
MY COMMISSION EXPIRES JULY 18, 2025

EXHIBIT "A"
LEGAL DESCRIPTION

Beginning at the Southeast corner of Section 28, Township 2 South, Range 1 West, of the Willamette Meridian, Washington County, Oregon; running thence South 89°31' West 1327.6 feet to an iron rod; running thence North 0°12' West 330.0 feet to a ford axle; thence continuing North 0°12' West 466.0 feet to an iron pipe at the southeast corner and point of beginning of the tract of land herein to be described; running thence from said beginning point South 89°31' West 937.87 feet to a point on the center line of a 40 foot wide road; thence North 20°59' West along the center line of said 40 foot wide road 98.0 feet to an iron pipe; thence along the center line of said road North 12°4' West 164.5 feet to an iron pipe; thence North 8°9' East 214.8 feet to an iron pipe in center line of said road; thence leaving said road and running North 89°31' East 975.23 feet to an iron pipe; thence South 0°12' East 465.0 feet to a point of beginning.

EXCEPT that part thereof taken in Final Judgment in Condemnation, in favor of the United States of America, for the Bonneville Project's Vancouver-Eugene Transmission Line, filed April 21, 1941, U.S. District Court and recorded April 24, 1944 in Book 198, Page 394, Deed Records of Washington County, Oregon, and as described in the Petition filed April 21, 1939, U.S. District Court, and recorded May 22, 1939 in Book 180, Page 501, Deed Records of Washington County, Oregon, being a 100 foot wide strip of land.

TOGETHER WITH an easement for ingress and egress over, across and upon a parcel of land for customary agricultural purposes, for use of any well or natural springs or water courses thereon and the water therefrom, and for laying and maintaining water pipes under, upon and across said parcel of land, as described in Easement Deed from the United States of America, Department of the Interior, acting by and through the Bonneville Power Administration to William M. Burge, subject to the terms and provisions contained therein, recorded April 2, 1957 in Book 392, Page 505, Deed Records of Washington County, Oregon.

EXHIBIT "B"
Exceptions

1. Rights of the public in and to any portion of the herein described premises lying within the boundaries of Dahlke Lane.

2. Easement, including the terms and provisions thereof:

For	:	Transmission line, appurtenances and access thereto
Granted to	:	United States of America
Recorded	:	November 20, 1956
Recording No.	:	Book 388, Page 302
Affects	:	a 287.5 foot wide portion of the premises herein

3. Easement, including the terms and provisions thereof:

For	:	Right to enter upon the land to top, limb or fell danger trees
Granted to	:	United States of America represented by the Bonneville Power Administration
Recorded	:	February 26, 1960
Recording No.	:	Book 427, Page 609
Affects	:	a portion of the premises herein

4. Easement, including the terms and provisions thereof:

For	:	Electric transmission line and appurtenances
Granted to	:	Portland General Electric Company
Recorded	:	March 27, 1963
Recording No.	:	Book 483, Page 338
Affects	:	northeast corner of the premises herein

5. Easement, including the terms and provisions thereof:

For	:	Utility systems
Granted to	:	Portland General Electric Company
Recorded	:	October 2, 2020
Recording No.	:	2020-097144
Affects	:	a 10 foot wide portion of the premises herein

FIRST AMERICAN TITLE

Property Research Report

SUBJECT PROPERTY
21700 SW Dahlke Ln
Parcel #: R547616
Map & Taxlot #: 2S128D000800
County: Washington

OWNER
Dahlke Lane Land Co II LLC

DATE PREPARED
Date: 06/24/2024

PREPARED BY
gparilla@firstam.com

First American Title

Customer Service Department
503.219.8746
cs.oregon@firstam.com

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Customer Service Department
503.219.8746
cs.oregon@firstam.com
Date: 06/24/2024

OWNERSHIP INFORMATION

Owner: Dahlke Lane Land Co II LLC
CoOwner:
Site: 21700 SW Dahlke Ln Sherwood OR 97140
Mail: 24925 SW Garden Acres Rd Sherwood OR 97140

Parcel #: R547616
Ref Parcel #: 2S128D000800
TRS: 02S / 01W / 28 / SE
County: Washington

PROPERTY DESCRIPTION

Map Grid: 685-A6
Census Tract: 032107 Block: 1017
Neighborhood: CPO5S1 - Cpo 5 Sherwood-Tualatin S1
School Dist: 88J Sherwood
Impr Type: CR1 - Residence
Subdiv/Plat:
Land Use: 1910 - Urban Developable Tract Improved
Std Land Use: RSFR - Single Family Residence
Zoning: Washington Co.-FD-20 - Future Development 20-Acre District
Lat/Lon: 45.36215487 / -122.81302811
Watershed: Abernethy Creek-Willamette River
Legal: ACRES 7.01

ASSESSMENT AND TAXATION

Market Land: $966,090.00
Market Impr: $1,000.00
Market Total: $967,090.00 (2023)
% Improved: 0.00%
Assessed Total: $343,420.00 (2023)
Levy Code: 88.13
Tax: $5,645.97 (2023)
Millage Rate: 16.4404
Exemption:
Exemption Type:

PROPERTY CHARACTERISTICS

Bedrooms:	3	Total SqFt:	2,112 SqFt	Year Built:	1968
Baths, Total:	2	First Floor:	2,112 SqFt	Eff Year Built:	
Baths, Full:		Second Floor:		Lot Size Ac:	7.01 Acres
Baths, Half:		Basement Fin:		Lot Size SF:	305,356 SqFt
Total Units:		Basement Unfin:		Lot Width:	
# Stories:		Basement Total:		Lot Depth:	
# Fireplaces:	1	Attic Fin:		Roof Material:	Compostion Shingle
Cooling:	Yes	Attic Unfin:		Roof Shape:	
Heating:		Attic Total:		Ext Walls:	Wood Sheathing
Building Style:	RS0 - Single Family	Garage:		Const Type:	Wood

SALES AND LOAN INFORMATION

Owner	Date	Doc #	Sale Price	Deed Type	Loan Amt	Loan Type
DAHLKE LANE LAND CO II LLC	09/28/2023	40577	$1,400,000.00	Deed	$1,120,000.00	Conventional
STEVE GRONLI	05/17/2018	34050		Deed		Conv/Unk
STEVE GRONLI	11/29/2012	101349		Deed		Conv/Unk
GRONLI,STEVE	06/05/2006	0000066555		Deed Of Trust	$93,000.00	Conv/Unk
GRONLI,STEVE	08/08/2005	0000093845		Deed Of Trust	$31,400.00	Conv/Unk
STEVE GRONLI	07/07/2005	78911	$314,000.00	Deed	$282,600.00	Conventional
FOX CAPITAL CORP	01/14/2005	0000005171		Deed Of Trust	$245,476.00	Conventional
FOX CAPITAL CORP	01/06/2005	1608	$220,476.00	Foreclosure		Conv/Unk
RODNEY ALLEN HITE	08/13/1998	89022	$264,000.00	Deed	$200,000.00	Conventional
DAVID PATRICK WILLOUGHBY	12/13/1993	104035	$137,400.00	Deed	$141,500.00	VA

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

Assessor Map

First American Title

Parcel ID: R547616

Site Address: 21700 SW Dahlke Ln

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

Aerial Map

First American Title

Parcel ID: R547616

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

Washington County, Oregon	2023-040577
D-DW	
Stn=8 J CHOATE	09/28/2023 03:04:59 PM
$20.00 $11.00 $5.00 $60.00 $1,400.00	$1,496.00

I, Joe Nelson, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.

Joe Nelson, Director of Assessment and Taxation, Ex-Officio County Clerk

File No.: 23-142867

Grantor
Renee Wilder and Steve Gronli
Grantee
Dahlke Lane Land Company II, LLC, an Oregon limited liability company
After recording return to
Dahlke Lane Land Company II, LLC, an Oregon limited liability company 24925 SW Garden Acres Road Sherwood, OR 97140
Until requested, all tax statements shall be sent to
Dahlke Lane Land Company II, LLC, an Oregon limited liability company 24925 SW Garden Acres Road Sherwood, OR 97140

Tax Acct No(s): **R547616 - 2S128D000800**

Reserved for Recorder's Use

WFG Title 23-142867 Comm

STATUTORY WARRANTY DEED

Steve Gronli and Renee Wilder, as tenants in common, Grantors convey and warrant to **Dahlke Lane Land Company II, LLC, an Oregon limited liability company**, Grantee, the real property described in the attached Exhibit A, subject only to those liens and encumbrances set forth on the attached Exhibit B.

The true consideration for this conveyance is **$1,400,000.00**. (Here comply with requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Executed this 27th day of September, 2023

Renee Wilder

Steve Gronli

STATE OF OREGON
COUNTY OF Clackamas

This instrument was acknowledged before me this 27th day of September, 2023 by Renee Wilder.

Notary Public for Oregon
My Commission Expires: March 24, 2024

OFFICIAL STAMP
KATIE ELIZABETH ENGERMAN
NOTARY PUBLIC - OREGON
COMMISSION NO. 998232
MY COMMISSION EXPIRES MARCH 24, 2024

STATE OF OREGON
COUNTY OF Clackamas

This instrument was acknowledged before me this 27th day of September, 2023 by Steve Gronli.

Notary Public for Oregon
My Commission Expires: March 24, 2024

OFFICIAL STAMP
KATIE ELIZABETH ENGERMAN
NOTARY PUBLIC - OREGON
COMMISSION NO. 998232
MY COMMISSION EXPIRES MARCH 24, 2024

EXHIBIT "A"
LEGAL DESCRIPTION

That part of Section 28, Township 2 South, Range 1 West of the Willamette Meridian, in the County of Washington and State of Oregon, described as follows:

Beginning at the Southeast corner of Section 28, Township 2 South, Range 1 West, Willamette Meridian, in the County of Washington and State of Oregon; thence South 89° 31' West 1327.6 feet and North 0°12' West 330.0 feet to the Ford axel and the true point of beginning; thence continuing North 0° 12' West 446.0 feet to the Southeast corner of that tract conveyed to J.H. Bogoger, by deed recorded in Deed Book 152, Page 272; thence South 89° 31' West along the South line of Bogoger tract, 937.87 feet to the Easterly line of road conveyed to the public by deed recorded in Deed Book 179, Page 471; thence Southeasterly along said Easterly line to a point which is South 89° 31' West of the point of beginning; thence North 89° 31' East 673.0 feet to the point of beginning.

EXCEPTING THEREFROM that certain parcel of land taken by the United States of America by Final Judgment and Order of Taking recorded in Book 180, Page 501, et seq., deed records of Washington County and further recorded in Book 198, Page 394, Deed Records of Washington County, Oregon.

EXHIBIT "B"

Exceptions

1. Rights of the public in and to any portion of the herein described premises lying within the boundaries of streets, roads or highways.

2. Easement, including the terms and provisions thereof:
   For : Perpetual easement and right to enter and erect, operate, maintain, repair, rebuild and patrol one or more electric power transmission lines and appurtenant signall lines
   Granted to : United States of America
   Recorded : November 20, 1956
   Recording No(s) : (book) 388 (page) 300
   Affects : a portion of the premises herein

3. Easement, including the terms and provisions thereof:
   For : Access road
   Granted to : United States of America, Department of Energy, Bonneville Power Administration
   Recorded : July 17, 1998
   Recording No(s) : 98-078094
   Affects : a portion of the premises herein

4. Encroachment License Agreement, including the terms and provisions thereof:
   Between : City of Hillsboro and Tualatin Valley Water District
   And : Steve Gronli and Renee Wilder
   Recorded : September 19, 2019
   Recording No(s). : 2019-064345

5. 2023-2024 taxes, a lien not yet due and payable.

Exhibit J: Additional Referenced Documents

4910

KNOW ALL MEN BY THESE PRESENTS That A. S. Pattullo and Myra G. Pattullo, husband and wife, in consideration of One Dollar ($1.00) and other reciprocal benefits to be derived therefrom, do hereby grant, give and dedicate to the Public for general purposes of travel thereon, over and along the following described strip of land in Washington County, State of Oregon, to-wit:-

A strip of land twenty-five (25) feet wide on the east side of and adjoining the following described line:-

Commencing at a point at the Southwest corner of the Northwest quarter of the Northwest quarter of the Southeast quarter of Section Twenty-eight (28), Township Two (2) South, of Range One (1) West of the Willamette Meridian, and which point is also the Northwest corner of the land of A. S. Pattullo and Myra G. Pattullo; running thence Northerly and tracing the westerly line of the Northwest quarter of the Southeast quarter of Section 28, T. 2 S., R. 1 W., W. M., a distance of Four Hundred Ninety-five (495) feet to the Dayton County Road.

And also a strip of land forty (40) feet in width commencing at the south boundary of the aforedescribed 25-foot strip and running thence southerly and ~~easterly~~ along the westerly line of the N. E. quarter of the S. E. quarter of Sec. 28, T. 2 S., R. 1 W., W. M. for a distance of three hundred twenty-four and 3/10 (324.3) feet.

And also a strip of land forty-feet (40) in width commencing at the ~~xxxxxxxxxxxxxxxxxx~~ southwest corner of the last mentioned 40-foot strip and being twenty (20) feet on each side of the following described line;- running from said beginning point

S. 70° 20' E.	154.8	feet; thence
S. 40° 37' E.	164.0	" "
S. 17° 42' E.	239.8	" "
S. 8° 9' W.	214.8	" "
S. 12° 04' E.	164.5	" "
S. 20° 59' E.	281.6	" "
S. 34° 47' E.	482.0	" "
S. 44° 12' E.	468.2	" "
S. 26° 42' E.	283.2	" "
S. 26° 06' E.	183.6	" "
S. 19° 34' E.	265.6	" "
S. 71° 55' E.	294.6	" "
S. 71° 33' E.	245.1	" "
S. 69° 48' E.	175.7	feet.

TO HAVE AND TO HOLD The said right of way and easement to the Public forever for the purpose aforesaid.

IN WITNESS WHEREOF The parties hereto have hereunto set their hands and seals this 4th day of April, 1939.

A. S. Pattullo

MYRA G. PATTULLO,

By A. S. Pattullo

Her Attorney in Fact.

9723

State of Oregon)
) ss
County of Multnomah)

BE IT REMEMBERED That on this fourth day of April, 1939, before me, the undersigned, a Notary Public in and for the said County and State, personally appeared the within named A. S. Pattullo and Myra G. Pattullo, by A. S. Pattullo, her attorney in fact, known to me to be the identical individuals described in and who executed the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and Notarial Seal the day and year first above mentioned.

Wm. J. Casparr
Notary Public in and for Oregon.
My Commission expires April 12th, 1941.

JOHN J. CASPARR NOTARY PUBLIC STATE OF OREGON

Filed April 5 1939 8 A.M.
W.A. Tupper, co clerk
By Ophelia Wismer, deputy

UNITED STATES OF AMERICA,

Petitioner,

vs.

L. STOLLER and ANNA STOLLER, M. GALE and ROSA GALE, ABRAHAM STOLLER and MARGARET STOLLER, HARRY HAMLEN and IDA E. HAMLEN, THE HEIRS, J. E. FORESTEL ESTATE (Heirs: Helen (widow), James, Jean, Nancy and William Forestel), MAUD BLUMPTED and PHILIP [illegible], and H. MILLER, ADOLPH MILLER and EMMA MILLER, RICHARD BAUER and EMMA BAUER, SUBURBAN DEVELOPMENT COMPANY, ROBERT H. WALKER, SOLOMON WALKER, JACK A. WALKER, MARY L. SEIFARTH, C. R. WINDOLPH and FAY WINDOLPH, EDITH KASSING, LEVI ANDERSON HOME, ST. MARY'S HOME (a corporation), FLORENCE E. HIRSCH, WALTER D. SMITH and KATHERINE SMITH, L. C. REILLY and SARAH REILLY, IVY A. RISLEY (widow of A. J. Risley, deceased), MARY S. COLE and T. J. Cole, J. C. BILLS (widower), FRED SCHUEPBACH (single) and RUDOLPH SCHUEPBACH (single), ESTELLE KISTNER and FRANK KISTNER, JACOB HUBER, JOHN HUBER, LOUISE HUBER, EMMA METER, JOHN W. LIVERMORE, JOSIAH KEMP and GRACE KEMP, ROBERT B. MOORE and FLORENCE MOORE, BLANCHE SORBETS, ALEXANDER WEIR ESTATE, JENNIE RATH, MYRTLE H. LEE and HAROLD LEE, ADA CALDWELL (widow of John Caldwell, deceased), ALMA Z. STRUTHERS, F. A. HANDY, C. B. HANDY, and A. W. HANDY; EASTERN INVESTMENT COMPANY, C. BALL, MAUDE NEER, MRS. GEORGE S. FOSTER, CYRIL WILSON and XENIA WILSON, HENRY WELK, ANNA WELK, ELMA WELK, MAX WELK, MIKE WELK, M. READ, F. BORNETT, O. O. TWEETEN and BYRDIE ELLA TWEETEN, W. E. THOMAS and NETTIE M. THOMAS, WILLIAM B. HUTCHINSON and VIRGINIA HUTCHINSON, LOUIS SPOUSTA and HELEN R. SPOUSTA, RICHARD G. SCOTT, HERMAN KRAUSE, JOHN GALBREATH and MARY GALBREATH, A. S. PETERSON and EFFIE PETERSON, FRANCIS WEISS, MAX MURALT and VICTOR MURALT, A. S. PATTULLO and EMMA PATTULLO, WILLIAM DALKE, J. A. CUTLER and RUBY CUTLER, JOHN M. BURGE, JACK N. BAHDE (Agent), ADOLPH BASTACH, T. J. and LAURA HEWITT, A. KRUEGER and ROSE KRUEGER, OREGONIAN REALTY COMPANY, HARRY L. BURR, FLORENCE G. PEARSON, W. H. ROSS and LULA A. ROSS, J. J. HANNON, OREGON INVESTMENT AND MORTGAGE COMPANY, C. A. CRAINE, GEORGE E. WATT and JOSEPH L. WATT, LOUIS GARFIELD and VIOLET GARFIELD, ISAAC PRITCHETT, W. J. CURTIS and EMMA B. CURTIS, O. A. [illegible], FORRIDER, ARNOLD STEHLER, M. J. Cone and JANE DOE CONE, his wife; H. L. MILLS, PETER MELLESCH, JACOB KRIEGER; also all other persons and parties unknown claiming any right, title and interest in the land described in the petition for condemnation herein, and 198.78 acres of land, more or less, in Washington County, Oregon,

Defendants.

No. Civ- 119

502

The petitioner herein, the United States of America, by and through its attorneys, Earl C. Kennedy, United States Attorney for the District of Oregon, J. Glenn Sylland, Assistant United States Attorney, and John C. Fleuhaus, General Counsel, Bonneville Project, having made oral motion in the above-entitled cause praying the Court to enter judgment vesting fee simple title in the United States of America to the property hereinafter in this judgment described, subject to all existing public roads, public utility easements and rights-of-way, and further subject to outstanding water appropriations and rights-of-way for irrigation and drainage lines or canals thereon, and further subject to and excepting therefrom all rights to oil, gas and minerals lying in or under said property, said property being the identical property described in the Declaration of Taking and in the Petition for Condemnation, and praying the Court for an order fixing the date when the possession of said property is to be surrendered to the United States of America; and a hearing having been held in open court on said motion and declaration of taking, and the Court having considered the petition filed herein, the Court finds: FIRST: That the United States of America is entitled to acquire title by eminent domain for the purposes of providing for construction, operation and maintenance of electric power transmission lines by the Bonneville Project as set forth and prayed in said petition; SECOND: That a petition for condemnation was filed at the request of the Acting Administrator of the Bonneville Project, the authority empowered by law to acquire the title to the lands described in said petition, and also under authority of the Attorney General of the United States; THIRD: That said petition and declaration of taking state the authority under which and the public use for which said property was taken.

That is further described as the property of the [illegible]

poses described in the petition, and that the Attorney General of the United States is the person authorized by law to direct the institution of such condemnation proceedings; FOURTH: That a proper description of the lands to which title is sought, sufficient for identification thereof, is set out in said Declaration of Taking; FIFTH: That said Declaration of Taking contains a statement of the estate or interest in the said lands taken for said public use; SIXTH: That a plat showing the lands taken is incorporated in said Declaration of Taking; SEVENTH: That a statement is contained in said Declaration of Taking of sums of money, estimated by said acquiring authority to be just compensation for said property, in the amount of $40,495.00; EIGHTH: That a statement is contained in said Declaration of Taking that the amount of the ultimate award of compensation for the taking of said property, in the opinion of the Acting Administrator of the Bonneville Project, will be within any limits prescribed by Congress as to the price to be paid therefor. NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED: (1) That title in fee simple to the real property hereinafter in this judgment described, situated in the County of Washington, State of Oregon, be vested in the United States of America, subject to existing public roads, public utility easements and rights-of-way; and further subject to outstanding water appropriations and rights-of-way for irrigation and drainage lines or canals thereon; and further subject to and excepting therefrom all rights to oil, gas and minerals lying in or under said real property; (2) That the said property be and the same is hereby deemed to have been condemned and taken for the use of the United States of America as of the date of the filing of the Declaration of Taking and the depositing of the sum of $40,495.00 in the registry of this Court, to-wit: as of the 31st day of April, 1939, and the right to just compensation for said property is hereby vested in the persons entitled thereto, and the amount of said compensation shall be ascertained and awarded in this proceeding and paid [illegible] by judgment hereon pursuant to law; (3) [illegible]

more particularly described as follows, to-wit:

A strip of land one hundred feet (100') in width, lying fifty-five feet (55') on the left or easterly side, and forty-five feet (45') on the right or westerly side, measured at right angles from the survey line of the Bonneville Project's Vancouver-Eugene Transmission Line, Circuit No. 1, as now surveyed and staked on the ground, lying over, across and through each and all of the ownerships set forth in the Petition for Condemnation and Declaration of Taking, said survey line being more particularly described as follows:

Beginning at Survey Station 559 + 11.01, a point in the section line common to Sections 16 and 21, T. 1 N., R. 1 E., W.M., said section line being the dividing line between Multnomah and Washington Counties, State of Oregon. The Section Corner common to Sections 16, 17, 20 and 21 bears S. 89° 58' 02" W., 74.85 feet distant, said section corner being marked by a square block of concrete and the one-quarter section corner common to Sections 16 and 21, T. 1 N., R. 1 E., W.M., bears N. 89° 58' 02" E., 2589.25 feet distant, said one-quarter section corner being marked by a square block of concrete; thence S. 0° 03' 16" W. 0.99 feet distant to Survey Station 559 + 12.00; thence S 0°

S 85

180-505

S. 67°30' W., 4589.07 feet distant [illegible] thence S.
17° 00' 00" W., 287.01 feet distant to Survey Station 457 + 87.01, a point
in the section line common to Sections 20 and 21, T. 1 N., R. 1 W., W.M.,
from which the section corner common to Sections 20, 21, 28 and 29 bears S.
0° 24' 28" W., 559.54 feet distant, said corner being marked by an iron
pipe; thence continuing S. 17° 00' 00" W., passing within Section 20, T. 1
N., R. 1 W., W.M., 408.54 feet distant to Survey Station 441 + 76.65 a point
in the section line common to Sections 20 and 29, T. 1 N., R. 1 W., W.M.,
from which the section corner common to Sections 20, 21, 28 and 29 bears N.
89°24'56" E., 115.15 feet distant, said section corner being marked by an
iron pipe; thence continuing S. 17°00'00" W., passing within Section 29,
T. 1 N., R. 1 W., W.M., 461.9 feet distant to Survey Station 446 + 57.45;
thence S. 0°23'45" E. 1744.4 feet distant to Survey Station 463 + 81.85;
thence S. 0°03'15" W., 3092.84 feet distant to Survey Station 494 + 74.69,
a point in the section line common to Sections 29 and 32, T. 1 N., R. 1 W.,
W.M., from which point the section corner common to Sections 28, 29, 32 and
33 bears N. 88°16'25" E. 193.61 feet distant; thence continuing S. 0°03'15"
W., passing within Section 32, T. 1 N., R. 1 W., W.M. 5305.86 feet distant
to Survey Station 547 + 80.55, a point in the section line common to Section
32, T. 1 N., R. 1 W., W.M. and Section 5, T. 1 S., R. 1 W., W.M., from
which point the one-quarter section corner common to Section 32, T. 1 N.,
R. 1 W., W.M., and Section 5, T. 1 S., R. 1 W., W.M. bears N. 89°47'12" W.
2385.43 feet distant said one-quarter section corner being marked by a
boulder set in the ground and the section corner common to Sections 33 and
34, T. 1 N., R. 1 W., W.M., and Sections 3 and 4, T. 1 S., R. 1 W., W.M.,
bears S. 89°47'12" E., 5539.04 feet distant, said section corner being
marked by a boulder set in the ground; thence continuing S. 0° 03' 15" W.
passing within Section 5, T. 1 S., R. 1 W., W.M., 788.70 feet distant to
Survey Station 555 + 69.25; thence S. 35° 20' 00" W. 4311.45 feet distant
to Survey Station 598 + 80.70; thence S. 5° 53' 15" W., 415.24 feet distant
to Survey Station 602 + 95.94, a point in the north line of the John Elliott
donation land claim Number 41 in Section 5, T. 1 S., R. 1 W., W.M., from

[illegible]

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[illegible] claim bears N. 69° E., [illegible] N. 1079.00 feet distant, said claim corner being marked by a wood stake; thence continuing S. 5° 33' 15" W., passing within the John Elliot donation land claim Number 41 and Section 8, T. 1 S., R. 1 W., W.M., 5706.81 feet distant to Survey Station 660 + 00.75 a point in the approximate south line of Section 8, T. 1 S., R. 1 W., W.M., from which point the southwest corner of the John Elliott donation land claim bears N. 65° 08' 46" W., 3898.57 feet distant, said claim corner being marked by an iron pin; thence continuing S. 5° 33' 15" W., passing within Section 17, T. 1 S., R. 1 W., W.M., 1150.75 feet distant to Survey Station 671 + 51.50; thence S. 14° 40' 45" W., 1297.10 feet distant to Survey Station 684 + 28.60; thence S. 0° 36' 30" W., 2903.52 feet distant to Survey Station 713 + 32.12 a point in the section line common to Sections 17 and 20, T. 1 S., R. 1 W., W.M., from which point the section corner common to Sections 16, 17, 20 and 21, T. 1 S., R. 1 W., W.M., bears N. 89° 58' 20" E., 3706.76 feet distant, said section corner being marked by an iron pin; thence continuing S. 0° 36' 30" W., passing within Section 20, T. 1 S., R. 1 W., W.M., 64.72 feet distant to Survey Station 713 + 96.84 back which is Survey Station 714 + 00.00 ahead; thence continuing S. 0° 36' 30" W., 3094.22 feet distant to Survey Station 744 + 94.22 back which is Survey Station 745 + 00.00 ahead; thence continuing S. 0° 36' 30" W., 2099.08 feet distant to Survey Station 765 + 99.08, a point in the line common to Sections 20 and 29, T. 1 S., R. 1 W., W.M., from which point the section corner common to Sections 19, 20, 29 and 30, T. 1 S., R. 1 W., W.M., bears N. 89° 47' 42" W., 1510.32 feet distant, said corner being marked by an iron pin, and the one-quarter section corner common to Sections 20 and 29, T. 1 S., R. 1 W., W.M., bears S. 89° 47' 42" E., 1135.62 feet distant, said corner being marked by an iron pin; thence continuing S. 0° 36' 30" W. passing within Section 29, T. 1 S., R. 1 W., 5084.72 feet distant to Survey Station 816 + 83.80; thence S. 32° 13' 30" E. 189.04 feet distant to Survey Station 818 + 72.84, a point in the section line common to Sections 29 and 32, T. 1 S., R. 1 W., W.M., from which point the section corner common to Sections 29, 30, 31 and 32 [illegible]

T. 1 S., R. 1 W., W.M., bears N. 89° 41' 11" W., 1561.25 feet distant said section corner being marked by a boulder set in the ground and the one-quarter section corner common to Sections 29 and 32, T. 1 S., R. 1 W., W.M., bears S. 89° 41' 11" E., 1076.11 feet distant, said one-quarter section corner being marked by an iron pin; thence continuing S. 32° 13' 30" E. passing within Section 32, T. 1 S., R. 1 W., W.M., 6229.82 feet distant to Survey Station 881 + 02.66 a point in the section line common to Section 32, T. 1 S., R. 1 W., W.M., and Section 5, T. 2 S., R. 1 W., W.M., from which point the section corner common to Sections 32 and 33, T. 1 S., R. 1 W., W.M., and Sections 4 and 5, T. 2 S., R. 1 W., W.M., bears S. 89° 45' 30" E., 400.52 feet distant, said section corner being marked by an iron pin, and the one-quarter section corner common to Section 32, T. 1 S., R. 1 W., W.M., and Section 5, T. 2 S., R. 1 W., W.M., bears N. 89° 45' 30" W., 2246.38 feet distant, said one-quarter section corner being marked by an iron pin; thence continuing S. 32° 13' 30" E. passing within Section 5, T. 2 S., R. 1 W., W.M., 737.35 feet distant to Survey Station 888 + 39.99, a point in the section line common to Sections 4 and 5, T. 2 S., R. 1 W., W.M., from which point the section corner common to Sections 4 and 5, T. 2 S., R. 1 W., W.M., and Sections 32 and 33, T. 1 S., R. 1 W., W.M., bears N. 0° 41' 05" E., 621.98 feet distant, said section corner being marked by an iron pin; thence continuing S. 32° 13' 30" E., passing within Section 4, T. 2 S., R. 1 W., W.M., 153.21 feet distant to Survey Station 889 + 79.20; thence S. 0° 43' 00" W., 1989.70 feet distant to Survey Station 909 + 68.90; thence S. 0° 38' 30" W., 2655.67 feet distant to Survey Station 936 + 04.57, a point in the section line common to Sections 4 and 9, T. 2 S., R. 1 W., W.M., from which point the section corner common to Sections 4, 5, 8 and 9, T. 2 S., R. 1 W., bears S. 89° 10' 25" W. 75.40 feet distant, said section corner being marked by an iron pin and the one-quarter section corner common to Sections 4 and 9, T. 2 S., R. 1 W., W.M., bears N. 89° 10' 25" E., 2570.86 feet distant, said one-quarter section corner being marked by a boulder set in the ground; thence continuing S. 0° 38' 30" W. passing within Section 9, T. 2 S., R. 1 W., W.M. 42.5[illegible] feet distant to Survey Station 956 + 47.17 back

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[illegible] 00" W., [illegible] which
[illegible] feet distant to Survey Station 252 / 55.58;
thence S. [illegible] 35' 00" E., 3182.7 feet distant to Survey Station 221 / 17.31
a point in the line common to Sections 9 and 16, T. 2 S., R. 1 W., W.M.,
from which point the section corner common to Sections 8, 9, 16 and 17,
T. 2 S., R. 1 W., W.M., bears S. 89° 58' 04" E., 1795.04 feet distant, said
section corner being marked by an iron pin, and the one-quarter section
corner common to Sections 9 and 16, T. 2 S., R. 1 W., W.M., bears N. 89°
58' 04" E., 826.82 feet distant, said one-quarter section corner being
marked by an iron pin; thence continuing S. 33° 15' 00" E., passing within
Section 16, T. 2 S., R. 1 W., W.M., 365.50 feet distant to Survey Station
217 / 51.81; thence S. 0° 31' 30" E., 4057.41 feet distant to Survey Sta-
tion 167 / 04.40 a point in the section line common to Sections 16 and 21,
T. 2 S., R. 1 W., W.M., from which point the section corner common to
Sections 16, 17, 20 and 21, T. 2 S., R. 1 W.,W.M., bears S. 89° 14' 26" E.,
2027.58 feet distant, said section corner being marked by an iron pin and
the section corner common to Sections 15, 16, 21 and 22, T. 2 S., R. 1 W.,
W.M., bears N. 39° 14' 26" E., 3221.09 feet distant, said section corner
being marked by a boulder set in the ground; thence continuing S. 0°
31' 30" E., passing within Section 21, T. 2 S., R. 1 W., W.M., 2649.36 feet
to Survey Station 141 / 45.04, a point on the south line of the NW¼ of
Section 21, T. 2 S., R. 1 W., W.M.; said Survey Station being 2020.93 feet
north and 584.24 feet west of the quarter section corner common to Sections
21 and 28, T. 2 S., R. 1 W., W.M.; thence beginning at Survey Station 118 /
98.21, which station is 533.19 feet north and 527.65 feet west of the
quarter section corner common to Sections 21 and 28, T. 2 S., R. 1 W., W.M.;
thence continuing S. 0° 31' 30" E., a distance of 397.71 feet to Survey
Station 115 / 10.50, a point in the section line common to Sections 21 and
28, T. 2 S., R. 1 W., W.M., from which point the section corner common to
Sections 20, 21, 28 and 29, T. 2 S., R. 1 W., W.M., bears S. 89° 30' 50"
W., 2139.16 feet distant, said section corner being marked by an iron pin
and the one-quarter section corner common to Sections 21 and 28, T. 2 S.,

[illegible]

[illegible] Sec. 4, T. 4 S., R. 1 W., W.M., said one-quarter section corner being marked by a chiseled cross on a basalt boulder; thence continuing S. 0° 51' 50" E., passing within Section 28, T. 2 S., R. 1 W., 3185.00 feet distant to Survey Station 65 / 75.50; thence S. 44° 34' 00" E. 2937.43 feet distant to Survey Station 55 / 08.01, a point in the section line common to Sections 20 and 33, T. 2 S., R. 1 W., W.M., from which the section corner common to Sections 27, 28, 33 and 34, T. 2 S., R. 1 W., W.M. bears N. 89° 25' 45" E. 1937.27 feet distant, said section corner being marked by a rock cairn, and the one-quarter section corner common to Sections 28 and 33, T. 2 S., R. 1 W., W.M., bears S. 89° 25' 45" W., 1593.54 feet distant, said one-quarter section corner being marked by a boulder embedded in the ground; thence continuing S. 44° 34' 00" E., passing within Section 33, T. 2 S., R. 1 W., W.M., 1434.05 feet distant to Survey Station 39 / 05.96, a point in the section line common to Sections 33 and 34, T. 2 S., R. 1 W., W.M., from which point the section corner common to Sections 27, 28, 33 and 34 bears N. 0° 13' 25" W., 1067.62 feet distant, said section corner being marked by a rock cairn; thence continuing S. 44° 34' 00" E., passing within Section 34, T. 2 S., R. 1 W., W.M., 3003.96 feet distant to Survey Station 0 / 00 back which is Survey Station 0 / 00 ahead; thence continuing S. 44° 34' 00" E., 1061.93 feet distant to Survey Station 10 / 61.93, a point in the section line common to Section 34, T. 2 S., R. 1 W., W.M., and Section 3, T. 3 S., R. 1 W., W.M., from which point the section corner common to Sections 34 and 35, T. 2 S., R. 1 W., W.M., and Sections 2 and 3, T. 3 S., R. 1 W., W.M., bears N. 89° 41' 20" E., 1130.06 feet distant, said section corner being marked by a basalt boulder embedded in the ground; thence continuing S. 44° 34' 00" E., passing within Section 3, T. 3 S., R. 1 W., W.M., 1703.35 feet distant to Survey Station 36 / 65.20, a point in the section line common to Sections 2 and 3, T. 3 S., R. 1 W., W.M., from which point the section corner common to Sections 2 and 3, T. 3 S., R. 1 W., W.M., and Sections 34 and 35, T. 2 S., R. 1 W., W.M., bears N. 0° 17' 57" W., 1220.04 feet distant, said section corner being marked by an iron pin, and the one-quarter section corner common to Sections 2 and 3, T.

[illegible] Sec. 2, Sections [illegible] Sec. 3

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[illegible] S 0° 12' 00" E. 1440.12 feet [illegible], said [illegible] being marked by an iron pin; thence continuing S. 62° 52' 00" E. passing within Section 2, T. 5 S., R. 1 W., W.M., 2203.67 feet distant to Survey Station 88 + 69.33; thence S. 0° 20' 00" E. 2648.35 feet distant to Survey Station 83 + 15.80, a point in the section line common to Sections 2 and 11, T. 5 S., R. 1 W., W.M., from which point the section corner common to Sections 2, 3, 10 and 11, T. 5 S., R. 1 W., W.M., bears S. 89° 30' 52" W., 1400.92 feet distant, said section corner being marked by an iron pin and the one-quarter section corner common to Sections 2 and 11, T. 5 S., R. 1 W., W.M., bears N. 89° 30' 52" E., 1260.66 feet distant, said one-quarter section corner being marked by a boulder set in the ground. The heretofore mentioned point marks the south line of Washington County in Section 2, T. 5 S., R. 1 W., W.M., all in Washington County, Oregon, and estimated to contain 198.76 acres, more or less, which land is also described in the Declaration of Taking and Petition for Condemnation filed in this proceeding, and is delineated and shown in green on a certain map or plat thereof which is attached to said Declaration of Taking;

(4) That possession of all such property that is unoccupied be given to the United States of America on the 21st day of April, F 1939, and that possession of all such property that is occupied be given to the United States of America on the 1st day of June, F 1939.

Done and dated in open court this 21st day of April, 1939.

[illegible]
District Judge

Filed April 21, [illegible]
G. H. Marsh, Clerk
by K. S. Kenyon, Deputy

Judgment on Declaration of Taking entered

[illegible]

Washington County, Oregon	**2013-106185**
D-DBS	
Stn=19 Y LOPEZ	**12/20/2013 09:47:16 AM**
$15.00 $11.00 $5.00 $15.00	**$46.00**

I, Richard Hobernicht, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.

Richard Hobernicht, Director of Assessment and Taxation, Ex-Officio

RECORDING REQUESTED BY:
Fidelity National Title Company of Oregon

GRANTOR:
R & H Properties, LLC an Oregon limited liabilty company

GRANTEE:
Curtis Heintzand Debra L. Heintz
PO BOX 1105
Sherwood, OR 97140
SEND TAX STATEMENTS TO:
Curtis Heintz and Debra L. Heintz
PO BOX 1105
Sherwood, OR 97140

AFTER RECORDING RETURN TO:
Curtis Heintz and Debra L. Heintz
PO BOX 1105
Sherwood, OR 97140

Escrow No: 20130088352-FTPOR25

R547518

21100 SW Oregon Street
Sherwood, OR 97140

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Fidelity National Title of Oregon #20130088352-FTPOR25

BARGAIN AND SALE DEED – STATUTORY FORM
(INDIVIDUAL or CORPORATION)

R & H Properties, LLC an Oregon limited liabilty company, Grantor, conveys to

Curtis Heintz and Debra L. Heintz, Husband and Wife, Grantee, the following described real property, situated in the County of Washington, State of Oregon,

SEE LEGAL DESCRIPTION ATTACHED HERETO

The true consideration for this conveyance is $0.00 (See ORS 93.030).
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated: December 19th, 2013

Phillip Rissel, Member

R & H Properties, LLC

Curtis Heintz, Member

R & H Properties, LLC

State of OREGON

COUNTY of Clackamas

This instrument was acknowledged before me on Dec. 19th, 2013

by Phillip Rissel and Curtis Heintz, Members for R & H Properties, LLC.

Notary Public - State of Oregon

My commission expires: 1-23-16

OFFICIAL SEAL
ARICA D FOCER
NOTARY PUBLIC-OREGON
COMMISSION NO. 465154
MY COMMISSION EXPIRES JANUARY 23, 2016

LEGAL DESCRIPTION

A tract of land in the Northeast one-quarter of the Southwest one-quarter of Section 28, Township 2 South, Range 1 West, of the Willamette Meridian, in the City of Sherwood, County of Washington and State of Oregon, being a portion of that certain tract of land conveyed to Alfred E. Denley and Dora Denley, by deed recorded in Book 395, Page 757, Washington County, Oregon, Deed Records, more particularly described as follows:

Beginning at the Northeast corner of said Denley tract in the center of County Road No. 492, South 00 degrees 08' West, 154.6 feet from the center of said Section 28; thence running South 00 degrees 08' West, 445.0 feet along the East line of the Northeast one-quarter of the Southwest one-quarter of said Section 28 to a point; thence North 65 degrees 30' West, 359.83 feet to a point in the center of said county road; thence North 48 degrees 00' East, 442.0 feet along said center line to the place of beginning. TOGETHER WITH that portion of vacated Oregon Street, which inured thereto as described in Resolution and Order No. 94-46, recorded May 9, 1994, Recorder's No. 94045181. EXCEPTING from the parcel hereby described that portion thereof granted to Washington County by dedication deed recorded February 27, 1991, Recorder's No. 91009.

File No. 15002513

Grantor
Danny C Pendergrass
Grantee
Uldo Geovanni Lizarraga 7975 SW Nyberg Street Tualatin, OR 97062
After recording return to
Uldo Geovanni Lizarraga 7975 SW Nyberg Street Tualatin, OR 97062
Until requested, all tax statements shall be sent to
Uldo Geovanni Lizarraga 7975 SW Nyberg Street Tualatin, OR 97062 Tax Acct No(s): **R547581**

Washington County, Oregon **2016-001001**
D-DW
Stn=32 Y LOPEZ **01/07/2016 12:33:17 PM**
$25.00 $11.00 $5.00 $282.00 $20.00 **$343.00**

I, Richard Hobernicht, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.

Richard Hobernicht, Director of
Assessment and Taxation, Ex-Officio

WFG Title 15002513 HB

Reserved for Recorder's Use

STATUTORY WARRANTY DEED

Danny C Pendergrass and Robbie Dale Wray
Grantor(s) convey and warrant to
Uldo Geovanni Lizarraga,
Grantee(s), the following described real property free of encumbrances except as specifically set forth herein:

SEE ATTACHED EXHIBIT "A"

Subject to and excepting: Covenants, Conditions, Restrictions and Easements of record as of the date of this Deed, and additional Deed exceptions as shown on attached Exhibit "One", which is incorporated herein.

The true consideration for this conveyance is **$282,000.00** (Here comply with requirements of ORS 93.030.)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Executed this 7 day of ~~December, 2015.~~ Jan 7 2016 DCP

Danny C Pendergrass

Executed this _____ day of December, 2015.

signed in counterpart

Robbie Dale Wray

State of Oregon, County of Washington) ss.

This instrument was acknowledged before me on this 7th day of January, 2016 ~~December, 2015~~ by Danny C Pendergrass. KRP

Notary Public for Oregon

My commission expires: 8/14/17

OFFICIAL SEAL
KARLA R PARKER
NOTARY PUBLIC-OREGON
COMMISSION NO. 480032
MY COMMISSION EXPIRES AUGUST 14, 2017

State of _____, County of _____) ss.

This instrument was acknowledged before me on this ___ day of December, 2015 by Robbie Dale Wray.

signed in counterpart

Notary Public for _____

My commission expires: _____

Executed this _____ day of December, 2015.

signed in counterpart
Danny C Pendergrass

Executed this _____ day of December, 2015.

Robbie Dale Wray

State of _____, County of _____) ss.

This instrument was acknowledged before me on this ___ day of December, 2015 by Danny C Pendergrass.

signed in counterpart
Notary Public for _____
My commission expires: _____

State of ARKANSAS County of POINSETT) ss.

This instrument was acknowledged before me on this 6th day of ~~December~~ Jan 2016, ~~2015~~ by Robbie Dale Wray.

Malinda Creekmore
Notary Public for OFSC
My commission expires: 2-5-20

OFFICIAL SEAL - #12375218
MALINDA CREEKMORE
NOTARY PUBLIC-ARKANSAS
POINSETT COUNTY
MY COMMISSION EXPIRES: 02-05-20

EXHIBIT "A"

A tract of land situated in Section 28, Township 2 South, Range 1 West, of the Willamette Meridian, in the County of Washington and State of Oregon, more particularly described as follows:

Beginning at a stone at the quarter corner on the South line of Section 28, from said place of beginning: thence North 89 31' East 926.24 feet to the centerline of a 40.0 foot dedicated right of way; thence North 44 12' West along said centerline 308.50 feet to an angle point; thence North 34 47' West along said centerline 285.02 feet; thence leaving said centerline South 49 44' West 20.09 feet to an iron rod in the Southhesterly right of way line of said road; thence continuing South 49 44' West 697.70 feet to place of beginning.

EXHIBIT "One"

1. Rights of the public in and to any portion of the herein described premises lying within the boundaries of SW Dahlke Rd.

2. Right of Way Deed, including the terms and provisions thereof:

Regarding	:	Right-of-way to construct, maintain and operate pipes, valves and other appurtenances
Granted to	:	Southern Pacific Pipe Lines, Inc.
Recorded	:	April 9, 2062
Book	:	460
Page	:	426

Said Right of Way was conveyed:

Grantee	:	Southern Pacific Pipe Lines Partnership
Recorded	:	December 13, 1988
Recording No.	:	88055571

3. Right of Way Agreement, including the terms and provisions thereof:

Regarding	:	Right-of-way to erect and maintain telephone poles and appurtenances
Granted To	:	General Telephone Company
Recorded	:	February 24, 1969
Book	:	734
Page	:	71

Washington County, Oregon **2018-085434**
D-DW
Stn=16 M LOPEZ **12/21/2018 10:14:14 AM**
$10.00 $11.00 $5.00 $60.00 **$86.00**

I, Richard Hobernicht, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.

Richard Hobernicht, Director of
Assessment and Taxation, Ex-Officio

Until a change is requested,
all tax statements shall be
sent to the following address:
NO CHANGE

After Recording Return To:
Kori A. Walton
17355 SW Boones Ferry Rd., Suite A
Lake Oswego, OR 97035

WARRANTY DEED

Peggy A. Kern, Grantor, conveys and warrants to **Ronald Leslie Endicott and Peggy Ann Kern, Trustees of the Ronald Leslie Endicott and Peggy Ann Kern Family Trust dated November 2, 2018**, Grantee, the following real property situated in Washington County, Oregon, to-wit:

See attached Legal Description

SUBJECT TO: All easements, rights-of-way, and restrictions of record.

The liability and obligations of the Grantors to Grantee and Grantee's heirs and assigns under the warranties and covenants contained herein or provided by law shall be limited to the extent of coverage that would be available to Grantors under a standard policy of title insurance. The limitations contained herein expressly do not relieve Grantors of any liability or obligations under this instrument, but merely define the scope, nature, and amount of such liability or obligations.

The true consideration for this conveyance stated in terms of dollars is $0.00 (NONE) and is for estate planning purposes.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

DATED November 2nd, 2018

Peggy A. Kern

STATE OF OREGON

County of Clackamas November 2, 2018

Personally appeared before me the above named **Peggy A. Kern** and declared the same to be her voluntary act and deed.

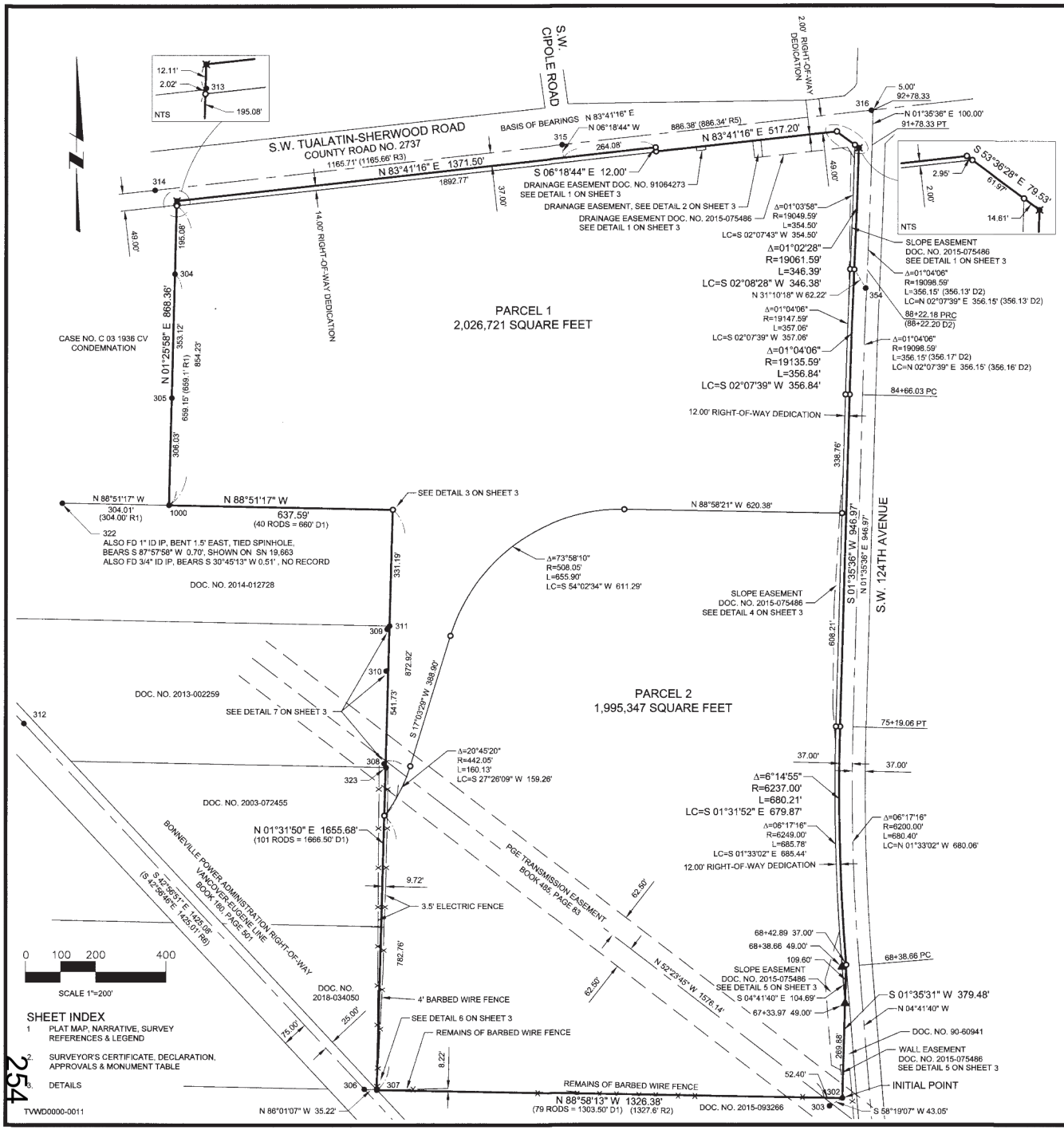
Notary Public – State of Oregon

OFFICIAL STAMP
MICHELE LYNN BRADLEY
NOTARY PUBLIC-OREGON
COMMISSION NO. 947068
MY COMMISSION EXPIRES FEBRUARY 02, 2020

LEGAL DESCRIPTION

Being a part of Section 28, Township 2 South, Range 1 West of the Willamette Meridian, and being more particularly described as follows:

Beginning at a point in the centerline of County Road, which point is the Northwest corner of that certain tract of land conveyed to Otto J. Hoffman by Deed recorded in Book 276, Page 317, Washington County, Oregon, Deed Records, and which point is South 09°12' West 1471.6 feet from the Northwest corner of the South half of the Northeast quarter of said Section 28, and running thence South 0°12' West 502.5 feet to the Southwest corner of said Hoffman Tract; thence South 89°35' East 360.0 feet to the Southeast corner of the same; thence on the East line of said Hoffman Tract 0° 15' East 496.0 feet to a point; thence North 89°45' West 50.6 feet to a point; thence parallel to the East line of the said Hoffman Tract North 0° 15' East 270.6 feet to a point on the Northerly line of said tract and in the center of the County Road; thence in said road South 57°49' West 15.0 feet to an angle in road; thence continuing in said road South 48°56' West 390.0 feet to a point of beginning, except a roadway 25.0 feet wide along the Westerly line of said Hoffman Tract heretofore described.
{[END_IF]}



PARTITION PLAT NO. 2019-029

RECORDED AS DOCUMENT NO. 2019-046346

LOCATED IN THE NORTHEAST AND SOUTHEAST ONE-QUARTERS OF SECTION 28, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON

SHEET 1 OF 3

SEPTEMBER 06, 2019

NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO PARTITION THAT PROPERTY DESCRIBED IN DOCUMENT NO. 2019-053467, WASHINGTON COUNTY DEED RECORDS.

THE BASIS OF BEARINGS IS OREGON STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NORTH AMERICAN DATUM OF 1983(2011) EPOCH 2010. THE CENTERLINE OF S.W. TUALATIN-SHERWOOD ROAD WAS FOUND TO HAVE A BEARING OF NORTH 83°41'16" EAST BASED ON THE FOUND MONUMENTS AS SHOWN. TO CONVERT LDP COORDINATES TO NAD 83(2011) EPOCH 2010 GRID COORDINATES, MULTIPLY THEM BY 0.99989352 PER SURVEY NUMBER 32,248, WASHINGTON COUNTY SURVEY RECORDS.

HELD MONUMENTS 314 AND 316 TO RE-ESTABLISH THE CENTERLINE OF S.W. TUALATIN-SHERWOOD ROAD (COUNTY ROAD NO. 2737) PER SN 25,092 AND SN 31,293. HELD RECORD RIGHT-OF-WAY WIDTH OF 37.00 FEET TO RE-ESTABLISH A PORTION OF THE SOUTHERLY RIGHT-OF-WAY OF S.W. TUALATIN-SHERWOOD ROAD, ALSO BEING THE NORTHERLY LINE OF SAID PROPERTY. HELD STATION125+82.10 AT MONUMENT 316 PER SN 32,248, ALONG WITH STATIONS AND OFFSETS IN DOCUMENT NO. 2015-075486, WASHINGTON COUNTY DEED RECORDS, TO RE-ESTABLISH A PORTION OF SAID SOUTHERLY RIGHT-OF-WAY, WEST OF SW 124TH AVENUE.

THE CENTERLINE OF S.W. 124TH AVENUE WAS RE-ESTABLISHED BY HOLDING 5.00' EAST OF MONUMENT 316 PER SN 32,248 WITH RECORD ALIGNMENT PER DOCUMENT NO. 2015-075486. OFFSET 37.00 FEET FROM SAID CENTERLINE TO RE-ESTABLISH THE WEST RIGHT-OF-WAY LINE OF S.W. 124TH AVENUE, ALSO BEING A PORTION OF THE EAST PROPERTY LINE. HELD MONUMENTS 302 AND 354 TO RE-ESTABLISH THE SOUTHERLY PORTION OF THE EAST PROPERTY LINE PER DOCUMENT NO. 2017-086558, WASHINGTON COUNTY DEED RECORDS.

HELD MONUMENTS 302 AND 307 TO RE-ESTABLISH THE SOUTH LINE OF THE PROPERTY PER SN 22,674.

HELD MONUMENTS 307 AND 311 TO RE-ESTABLISH THE INTERIOR WEST LINE OF THE PROPERTY PER SN 22,674. A THOROUGH SEARCH WAS PERFORMED AT THE INNER SOUTHWEST CORNER. THE CORNER LOCATION LOOKS TO BE WELL USED BY MOTOR VEHICLES. REMNANTS OF TWO BEARING TREES (BOTH FALLEN) WERE FOUND IN THE VICINITY PER FIELD NOTES IN SN 1,026. THE APPROXIMATE CENTER WAS TIED OF A 12" FIR TREE WITH A SCRIBED FACE, WHICH BEARS NORTH 33°00'19" EAST 15.28 FEET AND REMNANTS OF A FIR TREE BEARS SOUTH 27°06'07" WEST 10.08 FEET FROM THE CORNER. SEE DETAIL ON SHEET 3. A CALCULATED POSITION FROM THE BEARING TREES FALLS 4.08' EAST OF THE INTERIOR WEST LINE OF THE PROPERTY. DISTANCES FROM THE VESTING DEED AND EARLIER SURVEYS (SN 1,026 AND SN 22,674) DO NOT AGREE. I HELD A BEARING-BEARING INTERSECTION USING SAID INTERIOR WEST LINE AND A LINE ESTABLISHED FROM MONUMENTS 322 AND 1,000 PER SN 19,633 TO RE-ESTABLISH THE INNER SOUTHWEST CORNER.

HELD MONUMENTS 304 AND 1000 FOR THE EXTERIOR WEST PROPERTY LINE PER SN 19,633.

HELD MONUMENTS 306 AND 312 TO RE-ESTABLISH BONNEVILLE POWER ADMINISTRATION VANCOUVER-EUGENE RIGHT-OF-WAY LINE PER DRAWING SERIAL NO. 4444. HELD RECORD RIGHT-OF-WAY WIDTH EXCEPT AT THE SOUTHWEST CORNER OF PROPERTY SINCE NO FEE ACQUISITION WAS ACQUIRED FROM THIS PROPERTY, SEE DETAIL 6 ON SHEET 3.

ADJACENT PROPERTY LINES ARE SHOWN FOR GRAPHICAL PURPOSES ONLY.

SURVEY REFERENCES

SURVEYS	COUNTY ROAD	U.S.B.T.	BONNEVILLE POWER ADMINISTRATION
1,026	2737	2002-010	VANCOUVER - EUGENE LINE SERIAL NO. 4444
5,636		2019-001	
19,663 (R1)			
22,514	DOCUMENTS		
22,674 (R2)	2017-086558 (D1)		
25,092 (R3)	2015-075486 (D2)		
30,190			
30,192 (R4)			
31,293 (R5)			
31,910			
31,973 (R6)			
32,248			

LEGEND

●	FOUND MONUMENT AS NOTED IN MONUMENT TABLE, SEE SHEET 2
O	SET 5/8" X 30" IRON ROD W/YPC STAMPED "D.E.A. INC."
⊠	SET 1-1/8" BRASS DISK STAMPED "D.E.A. INC."
▲	CALCULATED POINT
BP	O POWER ADMINISTRATION
DOC. NO.	DOCUMENT NUMBER
D1	DOCUMENT REFERENCE
FD	FOUND
ID	INSIDE DIAMETER
IP	IRON PIPE
IR	IRON ROD
OD	OUTSIDE DIAMETER
NTS	NOT TO SCALE
PC	POINT OF CURVATURE
PRC	POINT OF REVERSE CURVATURE
PT	POINT OF TANGENCY
RPC	RED PLASTIC CAP
SN	SURVEY NUMBER
U.S.B.T.	UNITED STATES BEARING TREE
W/	WITH
YPC	YELLOW PLASTIC CAP
Δ	DELTA
R	RADIUS
L	LENGTH
LC	CHORD BEARING AND DISTANCE
R2	REFERENCE NUMBER
( )	RECORD DATA

— — — — EASEMENT LINE
—X—X— FENCE LINE
——— — ——— CENTERLINE

SHEET INDEX

1 PLAT MAP, NARRATIVE, SURVEY REFERENCES & LEGEND
2 SURVEYOR'S CERTIFICATE, DECLARATION, APPROVALS & MONUMENT TABLE
3 DETAILS

DAVID EVANS AND ASSOCIATES INC.
2100 SW River Parkway
Portland Oregon 97201
Phone: 503.223.6663

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
JUNE 15, 2003
NGO SUE TSOI
58569

RENEWS: 6/30/20

PARTITION PLAT NO. 2019-029

RECORDED AS DOCUMENT NO. 2019-064346

LOCATED IN THE NORTHEAST AND SOUTHEAST ONE-QUARTERS OF SECTION 28, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON

SHEET 2 OF 3

DECLARATION

KNOW ALL PEOPLE BY THESE PRESENTS THAT WILLAMETTE WATER SUPPLY SYSTEM COMMISSION IS THE OWNER OF THE LAND DESCRIBED IN THE ACCOMPANYING SURVEYOR'S CERTIFICATE, AND HAS CAUSED THE SAME TO BE PARTITIONED IN ACCORDANCE WITH THE PROVISIONS OF OREGON REVISED STATUTES CHAPTER 92, AND HEREBY GRANT ALL EASEMENTS AND ALL RIGHT OF WAY TO THE PUBLIC FOR PUBLIC USE AS SHOWN OR NOTED HEREON.

WILLAMETTE WATER SUPPLY SYSTEM COMMISSION

BY: _____

DAVE KRASKA, GENERAL MANAGER

ACKNOWLEDGEMENT

STATE OF OREGON)

) SS

COUNTY OF WASHINGTON)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON September 10, 2019 BY DAVE KRASKA, GENERAL MANAGER OF WILLAMETTE WATER SUPPLY SYSTEM COMMISSION

Katherine Marie Lipari DeSau
NOTARY SIGNATURE

Katherine Marie Lipari DeSau
NOTARY PUBLIC - OREGON

COMMISSION NO. 967952

MY COMMISSION EXPIRES October 22, 2021

WASHINGTON COUNTY APPROVALS

APPROVED THIS 17th DAY OF September, 2019

WASHINGTON COUNTY SURVEYOR

BY: Scott Young

DEDICATION ACCEPTED UNDER ORS 92.175(1)(b)

THIS 17th DAY OF September, 2019

WASHINGTON COUNTY SURVEYOR

BY: Scott Young

APPROVED THIS 17th DAY OF September, 2019

DIRECTOR, DEPARTMENT OF LAND USE AND TRANSPORTATION

BY: _____

STATE OF OREGON)

) SS

COUNTY OF WASHINGTON)

I DO HEREBY CERTIFY THAT THIS PARTITION PLAT WAS RECEIVED FOR RECORD ON THIS 19 DAY OF SEPTEMBER, 2019 AT 2:10 O'CLOCK P M. AND RECORDED IN THE COUNTY CLERK RECORDS.

_____

DEPUTY COUNTY CLERK

ALL TAXES, FEES, ASSESSMENTS OR OTHER CHARGES AS PROVIDED BY ORS 92.095 HAVE BEEN PAID AS OF THIS 19th DAY OF September, 2019

DIRECTOR OF ASSESSMENT AND TAXATION

(WASHINGTON COUNTY ASSESSOR)

BY: _____

DEPUTY

SURVEYOR'S CERTIFICATE

I, NGO S. TSOI, CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS, THE PROPERTY DESCRIBED IN DOCUMENT NO. 2017-086558, WASHINGTON COUNTY DEED RECORDS. SAID PROPERTY IS LOCATED IN THE NE 1/4 AND SE 1/4 OF SECTION 28, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON.

BEGINNING AT THE INITIAL POINT BEING A 3-1/4" ALUMINUM CAP STAMPED "WC 28/27/33/34 S 00°03' E 330.00 FT 2002" LOCATED AT THE SOUTHEAST CORNER OF SAID PROPERTY AND BEING NORTH 01°35'31" EAST 330.00 FEET FROM THE SOUTHEAST CORNER OF SAID SECTION 28; THENCE ALONG THE SOUTH LINE OF SAID PROPERTY NORTH 88°58'13" WEST 1326.38 FEET TO A 1-1/8" FORD AXLE; THENCE NORTH 01°31'50" EAST 1655.68 FEET; THENCE NORTH 88°51'17" WEST 637.59 FEET TO A 5/8" IRON ROD IN 1" IRON PIPE; THENCE NORTH 01°25'58" EAST 868.36 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF SW TUALATIN-SHERWOOD ROAD (COUNTY ROAD NO. 2737); THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE NORTH 83°41'16" EAST 1371.50 FEET; THENCE SOUTH 06°18'44" EAST 12.00 FEET; THENCE NORTH 83°41'16" EAST 517.20 FEET; THENCE SOUTH 53°36'28" EAST 79.53 FEET TO THE WEST RIGHT-OF-WAY LINE OF SW 124TH AVENUE AT A POINT OF A NON-TANGENT CURVATURE; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE AND ON THE ARC OF A 19061.59 FOOT RADIUS CURVE TO THE RIGHT (THE RADIAL CENTER OF WHICH BEARS NORTH 88°22'46" WEST), THROUGH A CENTRAL ANGLE OF 01°02'28", AN ARC DISTANCE OF 346.39 FEET (THE LONG CHORD OF WHICH BEARS SOUTH 02°08'28" WEST 346.38 FEET) TO A POINT OF REVERSE CURVATURE; THENCE ON THE ARC OF A 19135.59 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 01°04'06", AN ARC DISTANCE OF 356.84 FEET (THE LONG CHORD OF WHICH BEARS SOUTH 02°07'39" WEST 356.84 FEET) TO A POINT OF TANGENCY; THENCE SOUTH 01°35'36" WEST 946.97 FEET TO A POINT OF CURVATURE; THENCE ON THE ARC OF A 6237.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 06°14'55", AN ARC DISTANCE OF 680.21 FEET (THE LONG CHORD OF WHICH BEARS SOUTH 01°31'52" EAST 679.87 FEET) TO THE EAST LINE OF SAID SECTION 28; THENCE SOUTH 01°35'31" WEST 379.48 FEET TO THE INITIAL POINT.

CONTAINING 4,070,997 SQUARE FEET, MORE OR LESS.

REGISTERED PROFESSIONAL LAND SURVEYOR

Ngo Sue Tsoi

OREGON
JUNE 15, 2003
NGO SUE TSOI
58569

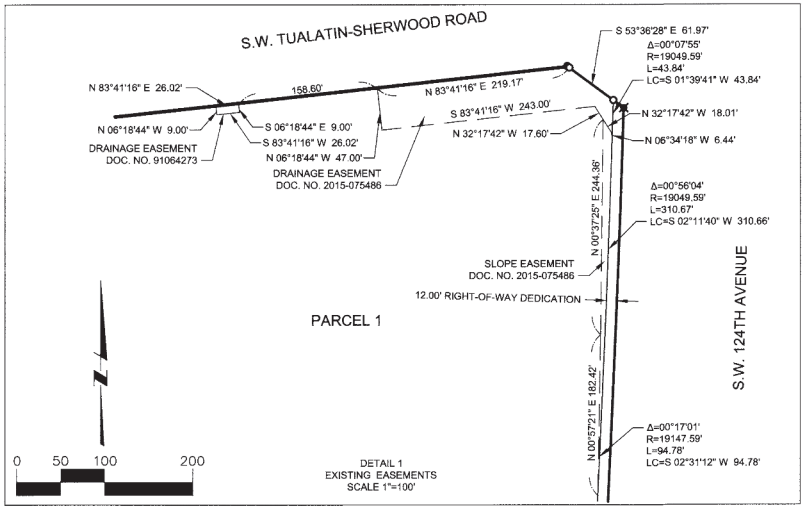
RENEWS: 6/30/20

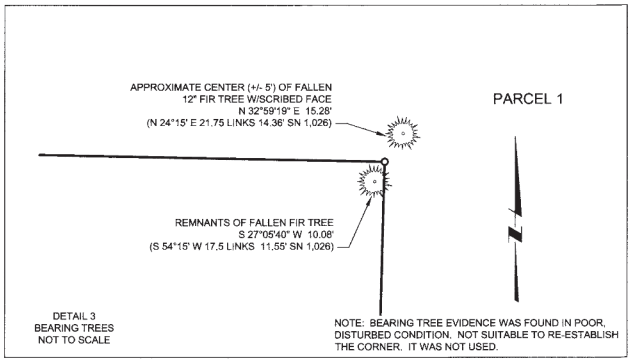
MONUMENT TABLE

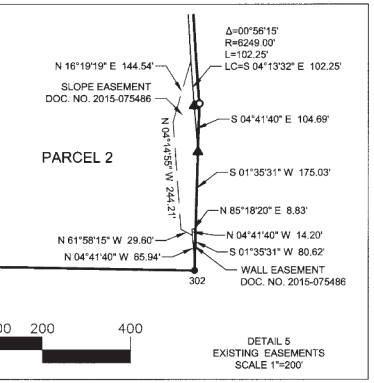
POINT	NORTHING	EASTING	DESCRIPTION	REFERENCE	FALLING
302	626463.52	7610377.90	FD 3-1/4" ALUMINUM CAP STAMPED "WC 28/27/33/34 S 00°03' E 330.00 FT 2002"	U.S.B.T. ENTRY 2002-010	
303	626440.91	7610341.27	FD 1/2" IR	NO RECORD	
304	628814.13	7608474.97	FD 5/8" IR, UP 0.2'	SN 19,663	
305	628461.11	7608466.19	FD 5/8" IR W/ YPC STAMPED "CASWELL PLS 737"	SN 19,663	S 88°34'02" E 0.05'
306	626489.80	7609016.60	FD 3-1/2" ALUMINUM CAP STAMPED "MS113, V-E, 58+50.0, PLS 75618, 2013"	SN 31,973	
307	626487.36	7609051.74	FD 1-1/8" FORD AXLE, UP 0.5'	SN 22,674	
308	627418.26	7609071.77	FD 5/8" IR W/ RPC STAMPED "W.L. MC. LS 808", UP 0.3'	SN 22,514	N 88°28'10" W 4.83'
309	627801.95	7609079.96	FD 5/8" IR W/ YPC STAMPED "AKS ENGR", UP 0.1'	SN 31,910	N 88°28'10" W 6.89'
310	627682.64	7609077.49	FD 5/8" IR W/ RPC STAMPED "W.L. MC. LS 808", DOWN 0.6'	SN 22,514	N 88°28'10" W 6.18'
311	627811.37	7609087.11	FD 1/2" IR, UP 0.2'	SHOWN ON SN 22,674	
312	627532.92	7608045.66	FD 3-1/2" ALUMINUM CAP STAMPED "MS113, V-E, 72+75.0, PLS 75618, 2013", DOWN 0.8'	SN 31,973	
313	629011.77	7608480.25	FD 5/8" IR, NO CAP, BENT	SN 30,192	N 30°28'25" E 0.70'
314	629053.65	7608418.20	FD 5/8" IR W/ YPC STAMPED "W&H PACIFIC" IN MONUMENT BOX, DOWN 0.3'	SN 25,092	
315	629181.83	7609576.84	FD 5/8" IR W/ YPC STAMPED "W&H PACIFIC" IN MONUMENT BOX, DOWN 0.4'	SN 25,092	
316	629279.27	7610457.85	FD 5/8" IR W/ YPC STAMPED "CH2M HILL" IN MONUMENT BOX, DOWN 0.6'	SN 31,293	
322	628161.26	7608154.55	FD 5/8" IR, NO CAP, DOWN 0.5', BENT, TIED SPIN HOLE	SN 5,636	
323	627407.20	7609077.36	FD 1" ID IP, UP 0.3', BENT	SHOWN ON SN 22,674	S 88°28'10" E 1.05'
354	628772.44	7610442.07	FD 2" BRASS DISK STAMPED "T2S 1/4 R1W 28/27 2019 WASH. CO. SURVEYOR"	U.S.B.T. 2019-001	
1000	628155.18	7608458.49	FD 5/8" IR IN 1" OD IP, UP 1.0' IN SOUTH EDGE OF 2'X3' ROCK MOUND	SN 19,663	

DAVID EVANS AND ASSOCIATES INC.
2100 SW River Parkway
Portland Oregon 97201
Phone: 503.223.6663

TVWD0000-0011







256

TVWD0000-0011

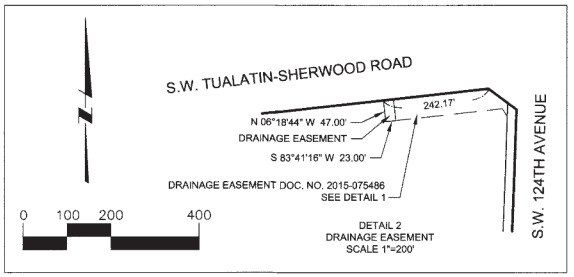
DAVID EVANS AND ASSOCIATES INC.
2100 SW River Parkway
Portland Oregon 97201
Phone: 503.223.6663

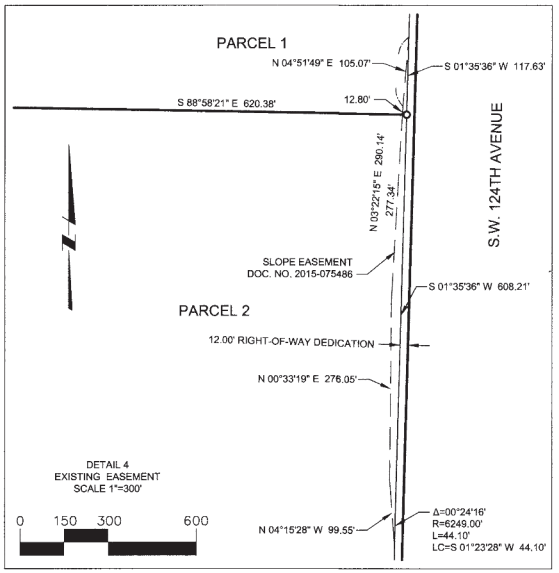
PARTITION PLAT NO. 2019-029

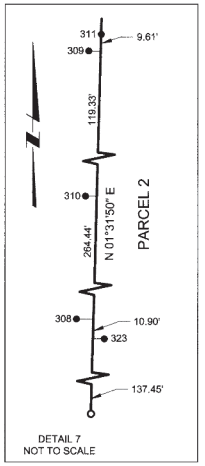
RECORDED AS DOCUMENT NO. 2019-064346

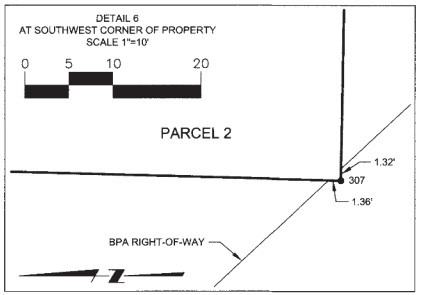
LOCATED IN THE NORTHEAST AND SOUTHEAST ONE-QUARTERS OF SECTION 28, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON

SHEET 3 OF 3





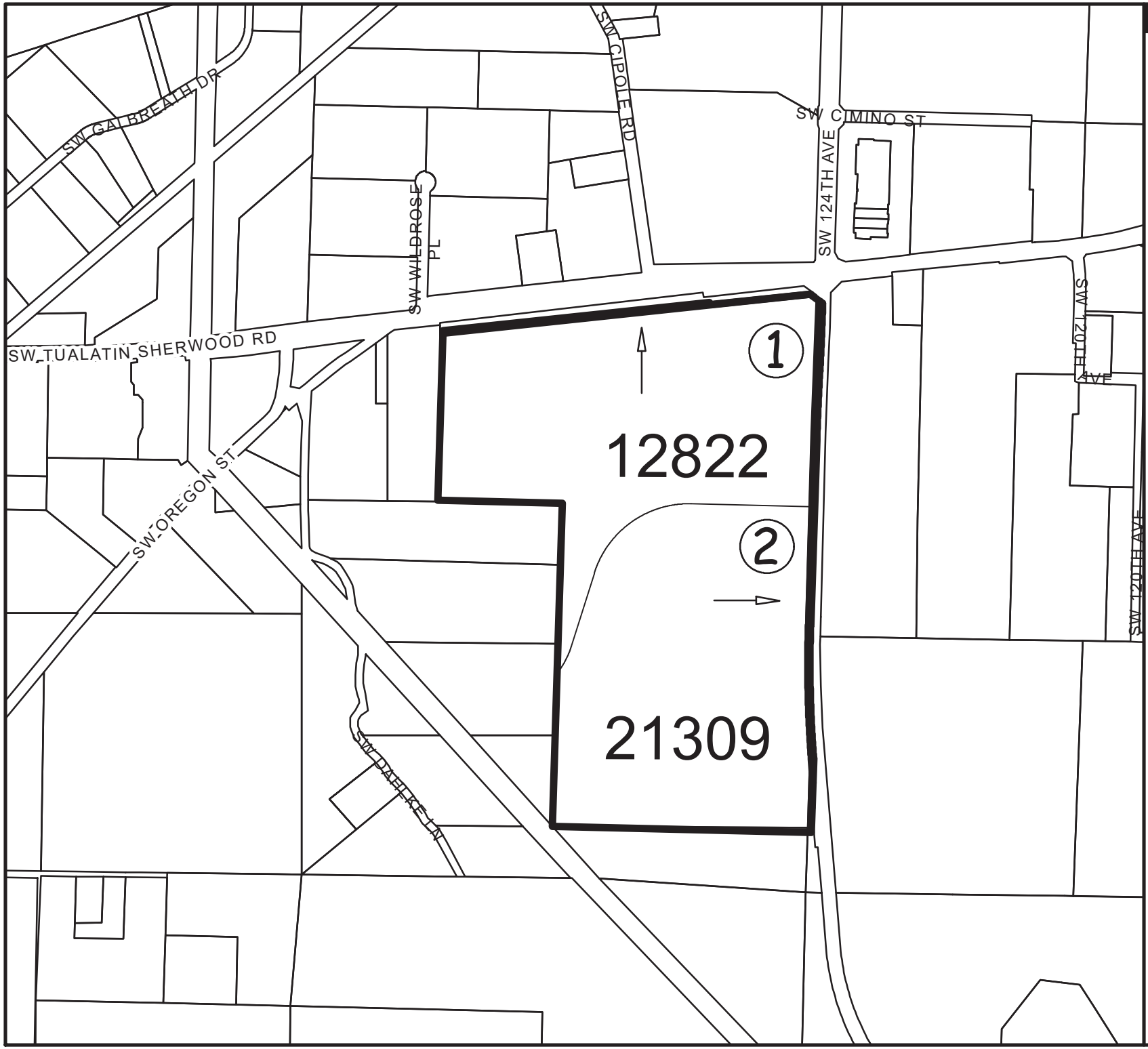




REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JUNE 15, 2003
NGO SUE TSOI
58569

RENEWS: 6/30/20



Washington County

Geographic Information Systems

4072

2019-029

RETIRES
12900 SW TUALATIN SHERWOOD ROAD

BEAVERTON
97140
Post Office and Zip

2019064346
Document Number

9-19-19
Date Recorded

2S128D000100
Parent Parcel(s)

Map Features

Subdivision

Taxlots

N
W E
S

0 500 1,000

Scale in Feet

1 inch = 667 feet

If you have questions about addressing for this plat, please contact:
Washington County Surveyor's Office
Phone: 503-846-8723

Comm

WFG Title

File No.: 22-399559

Washington County, Oregon	2022-059410
D-DW	
Stn=4 A STROM	09/26/2022 12:14:54 PM
$30.00 $11.00 $5.00 $60.00	$106.00

I, Joe Nelson, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.

Joe Nelson, Director of Assessment and Taxation, Ex-Officio County Clerk

Grantor
VanDomelen Joint Trust dated February 11, 2015
4825 SW Evans Street
Portland, OR 97219

Grantee
City of Sherwood Urban Renewal Agency
22560 SW Pine Street
Sherwood, OR 97140

After recording return to
City of Sherwood Urban Renewal Agency
22560 SW Pine Street
Sherwood, OR 97140

Until requested, all tax statements shall be sent to
City of Sherwood Urban Renewal Agency
22560 SW Pine Street
Sherwood, OR 97140
Tax Acct No(s): 2S128C0-00700, R547484

Reserved for Recorder's Use

STATUTORY WARRANTY DEED

Kenneth A. VanDomelen and Carol L. VanDomelen, as Trustees of the VanDomelen Joint Trust dated February 11, 2015, Grantor conveys and warrants to **City of Sherwood Urban Renewal Agency**, Grantee(s), the real property described in the attached Exhibit A, subject only to those liens and encumbrances set forth on the attached Exhibit B.

The true consideration for this conveyance is **$1,125,000.00**. (Here comply with requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Executed this 22 day of September, 2022

VanDomelen Joint Trust dated February 11, 2015

By: Kenneth VanDomelen
Name: Kenneth A. VanDomelen
Its: Trustee

By: Carol L VanDomelen
Name: Carol L. VanDomelen
Its: Trustee

STATE OF OREGON
COUNTY OF Multnomah

This instrument was acknowledged before me this 22nd day of September, 2022 by Kenneth A. VanDomelen and Carol L. VanDomelen, as Trustees, of VanDomelen Joint Trust dated February 11, 2015, on behalf of the Trust.

Print Name: Heidi Lee Rogers
Notary Public for Oregon
My Commission Expires: 03/22/26

OFFICIAL STAMP
HEIDI LEE ROGERS
NOTARY PUBLIC - OREGON
COMMISSION NO. 1022945
MY COMMISSION EXPIRES MARCH 22, 2026

ACCEPTED AND APPROVED

City of Sherwood Urban Renewal Agency

By: _____
Name: Keith Campbell
Its: Urban Renewal Agency Administrator

STATE OF OREGON
COUNTY OF WASHINGTON

This instrument was acknowledged before me this 26th day of September, 2022 by Keith Campbell, as Urban Renewal Agency Administrator, of City of Sherwood Urban Renewal Agency, on behalf of the agency.

_____
Print Name:
Notary Public for Oregon
My Commission Expires:

OFFICIAL STAMP
KRISTINA MARIE OUELLETTE-SMITH
NOTARY PUBLIC - OREGON
COMMISSION NO. 998527
MY COMMISSION EXPIRES APRIL 14, 2024

EXHIBIT "A"
LEGAL DESCRIPTION

Beginning at the intersection of the South line of the Northeast one-quarter of the Southwest one-quarter of Section 28, Township 2 South, Range 1 West of the Willamette Meridian, in the County of Washington and State of Oregon with the Southwesterly line of the Bonneville Power Administration Easement at a point, South 89°21' West, 205 feet from the Southeast corner of said subdivision, said beginning point being the Southwest corner of that tract conveyed to Lawrence V. Kummer, et ux, by Deed recorded October 11, 1963 in Book 497, Page 324, Deed Records; thence South 89°21' West along the South line of the Northeast one-quarter of said Southwest one-quarter, 894.6 feet to the center of the County Road; thence Northeasterly along the center of said road to a point, North 44°15' West, of the point of beginning; thence South 44°15' East, 691.64 feet to the point of beginning.

EXCEPTING THEREFROM that portion conveyed to Washington County for road purposes by Deed recorded July 13, 2001 as Recorder's Fee No. 2001-069166.

EXHIBIT "B"
Exceptions

1. Rights of the public in and to any portion of the herein described premises lying within the boundaries of streets, roads or highways.

2. Easement, including the terms and provisions thereof:

For	:	Right of Way
Granted to:		Southern Pacific Pipe Lines, Inc., a corporation
Recorded	:	May 3, 1962
Recording No(s)	:	(book) 462 (page) 261
Affects	:	The Esterly 10 feet as disclosed by Right of Way Deed

Conveyed to Southern Pacific Pipe lines Partnership, L.P. a Delaware limited liablity company
Recorded : December 14, 1988, as Recording No.: 88055571

3. The following matters disclosed by a survey made by Chase, Jones & Associates Inc., dated August 18, 2022, Job No. 16330:

Chain Link Fence and Wire Fence crossing onto properties along the Easterly, Westerly and Southerly property lines

OREGON DEPARTMENT OF REVENUE

Certification of Charges Paid

(2015 Oregon Laws Chapter 96)

Certification #
2022-023

All charges against the real property have been paid for the property that is the subject of the deed between:

Grantor
Vandomelen

Grantee
City of Sherwood

Signed on (date)	and for consideration of
n/a	$ n/a

Assessor's signature	Date
	9-26-2022

150-310-411 (Rev. 10-15)

Washington County, Oregon	**2023-014259**
D-DW	
Stn=8 J CHOATE	**04/10/2023 01:35:37 PM**
$20.00 $11.00 $5.00 $60.00 $1,650.00	**$1,746.00**

I, Joe Nelson, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.

Joe Nelson, Director of Assessment and Taxation, Ex-Officio County Clerk

File No.: 22-434863

Grantor
Richard Rivera and Carla Rivera
Grantee
Basalt Industrial, LLC, an Oregon limited liability company and A.R. Vial Associates, P.C., an Oregon corporation and A. Nicolas Vial and Nathan R. Vial
After recording return to
A Richard Vial 12840 SW River Road Hillsboro, OR 97123
Until requested, all tax statements shall be sent to
A Richard Vial 12840 SW River Road Hillsboro, OR 97123 Tax Acct No(s): 2S128D000700, R547607

WFG Title 22-434863 Comm

Reserved for Recorder's Use

STATUTORY WARRANTY DEED

Richard Rivera and Carla Rivera, as tenants by the entirety, Grantor(s) convey and warrant to Basalt Industrial, LLC, an Oregon limited liability company, as to an undivided 19.32% and A.R. Vial Associates, P.C., an Oregon corporation, as to an undivided 29.35% and A. Nicolas Vial, as to an undivided 15.10% and Nathan R. Vial, as to an undivided 36.23%, Grantee(s), the real property described in the attached Exhibit A, subject only to those liens and encumbrances set forth on the attached Exhibit B.

The true consideration for this conveyance is **$1,650,000.00**. (Here comply with requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Executed this 4-10 day of April, 2023

Richard Rivera

Richard Rivera

Carla Rivera

Carla Rivera

STATE OF OREGON
COUNTY OF Clackamas

This instrument was acknowledged before me this 10 day of April, 2023 by Richard Rivera and Carla Rivera.

Notary Public for Oregon
My Commission Expires: 7-18-2025

OFFICIAL STAMP
KRISTEN K DISSEN
NOTARY PUBLIC - OREGON
COMMISSION NO. 1014664
MY COMMISSION EXPIRES JULY 18, 2025

EXHIBIT "A"
LEGAL DESCRIPTION

Beginning at the Southeast corner of Section 28, Township 2 South, Range 1 West, of the Willamette Meridian, Washington County, Oregon; running thence South 89°31' West 1327.6 feet to an iron rod; running thence North 0°12' West 330.0 feet to a ford axle; thence continuing North 0°12' West 466.0 feet to an iron pipe at the southeast corner and point of beginning of the tract of land herein to be described; running thence from said beginning point South 89°31' West 937.87 feet to a point on the center line of a 40 foot wide road; thence North 20°59' West along the center line of said 40 foot wide road 98.0 feet to an iron pipe; thence along the center line of said road North 12°4' West 164.5 feet to an iron pipe; thence North 8°9' East 214.8 feet to an iron pipe in center line of said road; thence leaving said road and running North 89°31' East 975.23 feet to an iron pipe; thence South 0°12' East 465.0 feet to a point of beginning.

EXCEPT that part thereof taken in Final Judgment in Condemnation, in favor of the United States of America, for the Bonneville Project's Vancouver-Eugene Transmission Line, filed April 21, 1941, U.S. District Court and recorded April 24, 1944 in Book 198, Page 394, Deed Records of Washington County, Oregon, and as described in the Petition filed April 21, 1939, U.S. District Court, and recorded May 22, 1939 in Book 180, Page 501, Deed Records of Washington County, Oregon, being a 100 foot wide strip of land.

TOGETHER WITH an easement for ingress and egress over, across and upon a parcel of land for customary agricultural purposes, for use of any well or natural springs or water courses thereon and the water therefrom, and for laying and maintaining water pipes under, upon and across said parcel of land, as described in Easement Deed from the United States of America, Department of the Interior, acting by and through the Bonneville Power Administration to William M. Burge, subject to the terms and provisions contained therein, recorded April 2, 1957 in Book 392, Page 505, Deed Records of Washington County, Oregon.

EXHIBIT "B"
Exceptions

1. Rights of the public in and to any portion of the herein described premises lying within the boundaries of Dahlke Lane.

2. Easement, including the terms and provisions thereof:

For	:	Transmission line, appurtenances and access thereto
Granted to	:	United States of America
Recorded	:	November 20, 1956
Recording No.	:	Book 388, Page 302
Affects	:	a 287.5 foot wide portion of the premises herein

3. Easement, including the terms and provisions thereof:

For	:	Right to enter upon the land to top, limb or fell danger trees
Granted to	:	United States of America represented by the Bonneville Power Administration
Recorded	:	February 26, 1960
Recording No.	:	Book 427, Page 609
Affects	:	a portion of the premises herein

4. Easement, including the terms and provisions thereof:

For	:	Electric transmission line and appurtenances
Granted to	:	Portland General Electric Company
Recorded	:	March 27, 1963
Recording No.	:	Book 483, Page 338
Affects	:	northeast corner of the premises herein

5. Easement, including the terms and provisions thereof:

For	:	Utility systems
Granted to	:	Portland General Electric Company
Recorded	:	October 2, 2020
Recording No.	:	2020-097144
Affects	:	a 10 foot wide portion of the premises herein

Washington County, Oregon D-DW Stn=8 J CHOATE $20.00 $11.00 $5.00 $60.00 $1,400.00	**2023-040577** **09/28/2023 03:04:59 PM** **$1,496.00**

I, Joe Nelson, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.

Joe Nelson, Director of Assessment and Taxation, Ex-Officio County Clerk

File No.: 23-142867

Grantor
Renee Wilder and Steve Gronli

Grantee
Dahlke Lane Land Company II, LLC, an Oregon limited liability company

After recording return to
Dahlke Lane Land Company II, LLC, an Oregon limited liability company
24925 SW Garden Acres Road
Sherwood, OR 97140

Until requested, all tax statements shall be sent to
Dahlke Lane Land Company II, LLC, an Oregon limited liability company
24925 SW Garden Acres Road
Sherwood, OR 97140

Tax Acct No(s): **R547616 - 2S128D000800**

Reserved for Recorder's Use

WFG Title 23-142667 Comm

STATUTORY WARRANTY DEED

Steve Gronli and Renee Wilder, as tenants in common, Grantors convey and warrant to **Dahlke Lane Land Company II, LLC, an Oregon limited liability company**, Grantee, the real property described in the attached Exhibit A, subject only to those liens and encumbrances set forth on the attached Exhibit B.

The true consideration for this conveyance is **$1,400,000.00**. (Here comply with requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Executed this 27th day of September, 2023

Renee Wilder

Steve Gronli

STATE OF OREGON
COUNTY OF Clackamas

This instrument was acknowledged before me this 27th day of September, 2023 by Renee Wilder.

Notary Public for Oregon
My Commission Expires: March 24, 2024

OFFICIAL STAMP
KATIE ELIZABETH ENGERMAN
NOTARY PUBLIC - OREGON
COMMISSION NO. 998232
MY COMMISSION EXPIRES MARCH 24, 2024

STATE OF OREGON
COUNTY OF Clackamas

This instrument was acknowledged before me this 27th day of September, 2023 by Steve Gronli.

Notary Public for Oregon
My Commission Expires: March 24, 2024

OFFICIAL STAMP
KATIE ELIZABETH ENGERMAN
NOTARY PUBLIC - OREGON
COMMISSION NO. 998232
MY COMMISSION EXPIRES MARCH 24, 2024

EXHIBIT "A"
LEGAL DESCRIPTION

That part of Section 28, Township 2 South, Range 1 West of the Willamette Meridian, in the County of Washington and State of Oregon, described as follows:

Beginning at the Southeast corner of Section 28, Township 2 South, Range 1 West, Willamette Meridian, in the County of Washington and State of Oregon; thence South 89° 31' West 1327.6 feet and North 0°12' West 330.0 feet to the Ford axel and the true point of beginning; thence continuing North 0° 12' West 446.0 feet to the Southeast corner of that tract conveyed to J.H. Bogoger, by deed recorded in Deed Book 152, Page 272; thence South 89° 31' West along the South line of Bogoger tract, 937.87 feet to the Easterly line of road conveyed to the public by deed recorded in Deed Book 179, Page 471; thence Southeasterly along said Easterly line to a point which is South 89° 31' West of the point of beginning; thence North 89° 31' East 673.0 feet to the point of beginning.

EXCEPTING THEREFROM that certain parcel of land taken by the United States of America by Final Judgment and Order of Taking recorded in Book 180, Page 501, et seq., deed records of Washington County and further recorded in Book 198, Page 394, Deed Records of Washington County, Oregon.

EXHIBIT "B"

Exceptions

1. Rights of the public in and to any portion of the herein described premises lying within the boundaries of streets, roads or highways.

2. Easement, including the terms and provisions thereof:

For	:	Perpetual easement and right to enter and erect, operate, maintain, repair, rebuild and patrol one or more electric power transmission lines and appurtenant signall lines
Granted to	:	United States of America
Recorded	:	November 20, 1956
Recording No(s)	:	(book) 388 (page) 300
Affects	:	a portion of the premises herein

3. Easement, including the terms and provisions thereof:

For	:	Access road
Granted to	:	United States of America, Department of Energy, Bonneville Power Administration
Recorded	:	July 17, 1998
Recording No(s)	:	98-078094
Affects	:	a portion of the premises herein

4. Encroachment License Agreement, including the terms and provisions thereof:

Between	:	City of Hillsboro and Tualatin Valley Water District
And		Steve Gronli and Renee Wilder
Recorded	:	September 19, 2019
Recording No(s).	:	2019-064345

5. 2023-2024 taxes, a lien not yet due and payable.

34604
1/6

WASHINGTON COUNTY SURVEYOR'S OFFICE
ACCEPTED FOR FILING: 7-21-2023

BASIS OF BEARINGS:

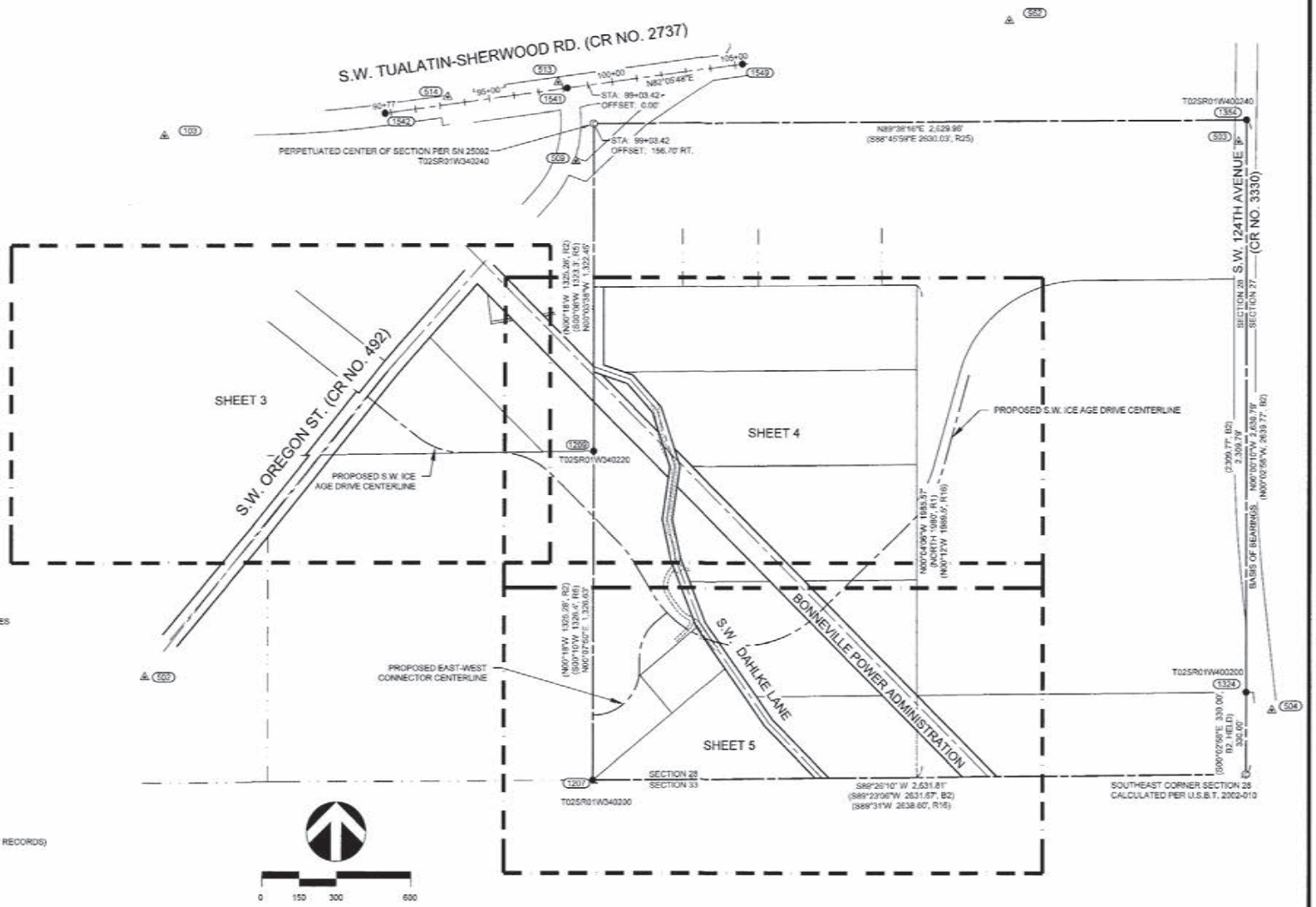
BASIS OF BEARINGS IS BASED ON THE OREGON COORDINATE REFERENCE SYSTEM (OCRS), PORTLAND ZONE, NORTH AMERICAN DATUM OF 1983 (2011) EPOCH 2010.000, AS HELD BETWEEN MONUMENT 1324 AND 1354 AS NOTED. ALL UNITS ARE IN INTERNATIONAL FEET

S.W. TUALATIN SHERWOOD ROAD (CR NO. 2737)
STATION/OFFSET TABLE

POINT	STATION	OFFSET	RECORD PER SN 25092
1542	90+76.75	0.00LT.	90+76.74 0.00' LT.
1541	96+17.00	0.00LT.	96+17.00 0.00' LT.
1549	105+29.97	0.06LT.	105+30.00 0.00' LT.

SHEET INDEX:

SHEET	DESCRIPTION
1	SHEET INDEX, LEGEND, OVERALL SITE
2	NARRATIVE
3	OREGON STREET, SURVEY REFERENCES
4	NORTH HALF DAHLKE LANE RESOLUTION, DETAILS
5	SOUTH HALF DAHLKE LANE RESOLUTION AND MONUMENT FALLINGS TABLE, DETAILS, BPA ACCESS ROAD LINE TABLE
6	MONUMENT TABLES, CONTROL TABLE



LEGEND:

- FOUND MONUMENT (AS NOTED)
- CONTROL POINT (AS NOTED)
- CALCULATED POINT

- AS TRAVELED ROAD
- CENTERLINE
- EASEMENT LINE
- FENCE LINE (TYPE AS NOTED)
- PROPERTY LINE
- PROPERTY LINE UNRESOLVED
- RIGHT-OF-WAY
- SECTION LINE

Δ=	DELTA ANGLE
B#	BEARING TREE BOOK REFERENCES
BPA#	BONNEVILLE POWER ADMINISTRATION REFERENCES
C/L	CENTERLINE
CR	COUNTY ROAD
D#	DEED REFERENCES
DN	DOWN
ESMT	EASEMENT
FD	FOUND
IP	IRON PIPE
IR	IRON ROD
L=	ARC LENGTH
NTS	NOT TO SCALE
OPC	ORANGE PLASTIC CAP
P#	PLAT REFERENCES
P/L	PROPERTY LINE
PC	POINT CURVATURE
PGE	PORTLAND GENERAL ELECTRIC
PP	PARTITION PLAT
PT	POINT TANGENT
R=	RADIUS
R#	SURVEY REFERENCES
R/W	RIGHT-OF-WAY
RPC	RED PLASTIC CAP
SN	SURVEY NUMBER (WASHINGTON COUNTY SURVEY RECORDS)
STA	STATION
W/	WITH
YPC	YELLOW PLASTIC CAP

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JULY 13, 2021
KEITH LYMAN
94803
RENEWS: 12/31/2024

272

PRE-CONSTRUCTION RECORD OF SURVEY
S.W. ICE AGE DRIVE EXTENSION
CITY OF SHERWOOD

SITUATED IN THE NORTHEAST, NORTHWEST, SOUTHWEST AND SOUTHEAST QUARTERS OF SECTION 28, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN

CITY OF SHERWOOD, WASHINGTON COUNTY, OREGON

DAVID EVANS AND ASSOCIATES INC.
2100 S River Parkway, Suite 100
Portland Oregon 97201
Phone: 503.223.6663

SHEET 1 OF 6
SCALE 1" = 300'
SURVEY DATE MAY 8, 2023
BY KLY
DRAWN TAS
CHECKED PMG
FILE SV-RS-01-KITT0003.dwg

34604
2/6

NARRATIVE:

THE PURPOSE OF THIS SURVEY IS TO RETRACE THE BOUNDARIES OF THE PROPERTIES WITHIN THE LIMITS OF THE PROPOSED S.W. ICE AGE DRIVE PROJECT LOCATED IN THE SOUTHEAST QUARTER OF SECTION 28 AND THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 28 FROM THE WESTERLY BOUNDARY OF PARTITION PLAT NO. 2019-029, WEST TO THE RIGHT-OF-WAY OF S.W. OREGON STREET (COUNTY ROAD 492).

THIS PRE-CONSTRUCTION RECORD OF SURVEY IS MADE OF RECORD TO SATISFY THE REQUIREMENTS OF ORS 209.155 FOR THE PROPOSED ROADWAY. PROPERTY BOUNDARIES WERE RESOLVED AS DESCRIBED BELOW AND MONUMENTS WERE RECOVERED FOR PRESERVATION PURPOSES AS REQUIRED BY THE SAID STATUTE. NO EVALUATION OF UNWRITTEN RIGHTS BETWEEN PRIVATE PROPERTIES WAS MADE FOR ANY PROPERTY WITHIN THIS SURVEY. FENCES WERE LOCATED AS NEEDED FOR TOPOGRAPHIC SURVEY PURPOSES AND IN SOME CASES TO SUPPORT BOUNDARY RESOLUTION NEEDS. NO FENCES OR OTHER IMPROVEMENTS WERE EVALUATED FOR UNWRITTEN RIGHTS. THIS SURVEY IS NOT INTENDED TO BE USED FOR ANY PURPOSE OTHER THAN THE PRE-CONSTRUCTION SURVEY STATED ABOVE.

PRIMARY RECOVERY EFFORTS AND FIELD WORK WAS PERFORMED IN MAY AND JUNE, 2022. ADDITIONAL FIELD WORK INCLUDING THE RECOVERY OF MONUMENTS 1314, 1315, AND 1339 WAS PERFORMED IN MAY 2023.

ALL DOCUMENTS REFERENCED IN THIS NARRATIVE ARE FOUND IN WASHINGTON COUNTY SURVEY AND DEED RECORDS.

PUBLIC LAND CORNERS - SECTION 28 T2S, R1W, W.M. (SHEET 1)

QUARTER CORNER COMMON TO SECTIONS 28 AND 33, FOUND AND HELD A 3" BRASS DISK AS DESCRIBED IN U.S.B.T. BOOK 2, PAGE 104.

QUARTER CORNER COMMON TO SECTIONS 27 AND 28, FOUND AND HELD A 2" BRASS DISK AS DESCRIBED IN U.S.B.T. ENTRY 2021-008.

SECTION CORNER COMMON TO 28, 27, 33, AND 34 AND SECTION LINE COMMON TO 28 AND 27 WAS ESTABLISHED BY THE HOLDING A LINE FROM THE QUARTER CORNER COMMON TO SECTIONS 28 AND 27 DESCRIBED ABOVE TO THE WITNESS CORNER SET IN U.S.B.T. ENTRY 2002-010, A FOUND 3-1/4" ALUMINUM DISK, AND EXTENDING SAID LINE 330.00 FEET TO THE CALCULATED SECTION CORNER POSITION PER U.S.B.T. 2002-010.

ALIQUOT PART CORNERS - SOUTHWEST QUARTER OF SECTION 28 (SHEET 1)

NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER, ALSO BEING THE CENTER-SOUTH 1/16TH, FOUND AND HELD A 12"X12"X10" STONE MARKED "C.S." SET IN 1901 IN SN 1470 BY DEPUTY COUNTY SURVEYOR L.C. WALKER. SEVERAL POSITIONS HAVE BEEN HELD ON THIS STONE OVER MULTIPLE SURVEYS. SN 19375 AND SN 34413 TIED AS "PERIOD" FOLLOWING THE "S." SN 22514 "TIED POINT BETWEEN C&S". I FOUND FAINTLY VISIBLE "X" MARKING ON HIGH POINT OF STONE LOCATED ON THE SOUTHERLY EDGE. AN "X" WAS NOT NOTED IN THE ORIGINAL FIELD NOTES FOR THIS PARTICULAR STONE BUT WAS FOR OTHER STONES SET IN THE SAME SURVEY. I HELD THE PERIOD IN THE "S.", WHICH FALLS IN THE APPROXIMATE CENTER OF THE STONE WHICH IS CLEARLY MARKED, HELD IN PREVIOUS SURVEYS, AND CAN BE REPEATED.

NORTHEAST CORNER OF THE SOUTHWEST QUARTER, ALSO BEING THE CENTER OF SECTION, WAS ESTABLISHED BY CALCULATING THE RECORD POSITION OF THE MONUMENT FOUND IN SN 25092, SHOWN AS A 5/8" IRON ROD SET IN SN 4029 BY DEPUTY COUNTY SURVEYOR. I HELD THE RECORD STATION AND OFFSET S.W. TUALATIN SHERWOOD ROAD (C.R. NO. 2737) ALIGNMENT SHOWN IN SURVEY SN 25092. THE CENTER OF SECTION WAS ORIGINALLY MONUMENTED BY A STONE SET IN SN 1470. SN 4029 DID NOT NOTE THE REPLACEMENT OF SAID STONE, BUT THE 5/8" IRON ROD IS THE BEST ORIGINAL EVIDENCE AND HAS BEEN ACCEPTED AS THE CENTER OF SECTION IN SUBSEQUENT SURVEYS. CENTERLINE MONUMENTS FOUND AT RECORD STATIONS 90+76.74 AND 98+17.00 PER SN 25092 WERE HELD TO CREATE ALIGNMENT, HOLDING THE STATION OF THE LATTER, AND CALCULATING THE POSITION OF THE CENTER OF SECTION MONUMENT DESCRIBED ABOVE AT A STATION OF 99+03.42 AND OFFSET 156.70 FEET RIGHT OF LINE PER SAID SN 25092.

S.W. OREGON STREET - COUNTY ROAD NO. 492 (SHEET 3)

HELD MONUMENTS FOUND ON THE RE-ALIGNED NEW CENTERLINE OF S.W. OREGON STREET AS SHOWN IN POST CONSTRUCTION RECORD OF SURVEY NUMBER 29428 FOR SAID ROAD. HELD MONUMENT AT ALIGNMENT STATION 47+74.10 AND RECORD RADII GEOMETRY AT BOTH CURVES AS SHOWN PER SAID SN 29428 AND SHOWN ON SN 28721 PRE-CONSTRUCTION RECORD OF SURVEY. ESTABLISHED OLD CENTERLINE PER SN 22598 FOR A PORTION OF S.W. OREGON STREET BY OFFSETTING 4.00-FEET (1.221 METERS) PER SN 28721 PRE-CONSTRUCTION ROS FOR ADJOINING PROPERTY DEED CALLS TO OLD CENTERLINE.

S.W. DAHLKE LANE (SHEET 4 AND 5)

IN 1939, A.S. PATTULLO DEDICATED THE ROAD TO THE PUBLIC AS RECORDED IN BOOK 179 PAGE 471. NO RECORD OR FORMAL PUBLIC ACCEPTANCE WAS FOUND AND IS NOT LISTED AS A COUNTY ROAD. ALL PROPERTIES IN THIS SURVEY LYING IN THE SOUTHEAST QUARTER OF SECTION 28 AND ADJOINING SAID ROAD INCLUDE A PORTION OF THIS DESCRIPTION MATCHING SAID DEED AND SN 22674. BPA RECORDS IN 1939 ALSO SHOW ROAD AS PUBLIC RIGHT-OF-WAY. SAID ROAD CENTERLINE DESCRIPTION CONTINUES SOUTH INTO SECTION 33 AND IS NOT SHOWN IN THIS SURVEY.

DAHLKE LANE WAS FIRST SURVEYED BY U. ERNEST NELSON IN 1933, HOWEVER, THE SURVEY WAS NOT FILED UNTIL MUCH LATER AND FILED AS SAID SN 22674. THIS SURVEY MONUMENTED THE CENTERLINE OF S.W. DAHLKE LANE WITH IRON PIPES, SEVERAL OF WHICH HAVE BEEN FOUND BY OTHERS ON PRIOR SURVEYS IN THIS AREA. THE DIMENSIONS ON THE NELSON SURVEY MATCH THOSE DIMENSIONS IN DEED BOOK 179 PAGE 471 WHICH WAS RECORDED IN 1939 AND APPEARS TO HAVE BEEN WRITTEN FROM THE SAID SURVEY. NO CALLS TO MONUMENTS ARE INCLUDED IN THE DEED. SN 22674 HAS SEVERAL MISCLOSURE AND MEASUREMENT ISSUES WHICH CANNOT BE RESOLVED. THIS SURVEY RECOVERED TWO OF THE CENTERLINE IRON PIPES AND THE AXLE AT THE SOUTHEAST CORNER OF DOCUMENT NO. 2018-034050 WHICH WERE SET BY THE SAID SURVEY.

SN 4587 HELD THE RECORD DIMENSIONS FOR THE ROAD PER THE SAID DEED BOOK AND MONUMENTED THE PROPERTIES ON THE WEST SIDE OF DAHLKE LANE IN 1953. IT DOES NOT MAKE ANY REFERENCE TO RECOVERING ANY OF THE CENTERLINE MONUMENTS WHICH IS LIKELY DUE TO THE DELAYED FILING OF THE NELSON SURVEY AND POSSIBLY NOT KNOWING THAT THE MONUMENTS EXISTED. I RECOVERED MANY OF THE MONUMENTS FROM THIS SURVEY ALONG THE WEST RIGHT OF WAY, HOWEVER, THERE IS NOT A GOOD RELATIONSHIP BETWEEN THESE MONUMENTS AND THE FOUND IRON PIPES FROM SAID SN 22674.

SN 22514 RECOVERED THREE OF THE IRON PIPES SET BY THE NELSON SURVEY AT THE NORTH END OF S.W. DAHLKE LANE AND MONUMENTED THE EASTERLY RIGHT OF WAY. THESE MONUMENTS FIT FAIRLY WELL WITH THE SAID IRON PIPES HOWEVER, THEY DO NOT CORRELATE TO THE MONUMENTATION ON THE WESTERLY RIGHT OF WAY SET BY SN 4587. NONE OF THE MONUMENTATION SET BY SN 4587 IS SHOWN ON SAID SN 22514. SN 31910 ALSO RECOVERED ONE OF THE CENTERLINE MONUMENTS FROM THE NELSON SURVEY AS WELL AS MONUMENTATION FROM SN 22514, BUT SIMILAR TO SN 22514 IT DOES NOT SHOW ANY OF THE MONUMENTATION ON THE WESTERLY RIGHT OF WAY OF S.W. DAHLKE LANE.

TO BALANCE THE MONUMENTATION AND PROPERTY RIGHTS ON BOTH SIDES OF THE ROADWAY IN HARMONY WITH THE IRON PIPE MONUMENTATION FROM THE NELSON SURVEY, NUMEROUS SOLUTIONS WERE EXPLORED. IT IS NOT POSSIBLE TO SIMPLY HOLD THE MONUMENTATION ON EITHER SIDE OF THE ROAD OR TO HOLD ONLY THE IRON PIPE CENTERLINE MONUMENTS AND ARRIVE AT A SOLUTION THAT DOES NOT DISRUPT THE OWNERSHIP ON EITHER SIDE OF THE ROAD. I THEN ISOLATED THE RESOLUTION TO THE SET MONUMENTS BY NELSON. HOLDING THE FOUND NORTHERLY IRON PIPE AT THE SECOND ROAD ANGLE POINT TOGETHER WITH THE FOUND AXLE AT THE SAID SOUTHEAST CORNER OF DOCUMENT NO. 2018-034050 MATCHES THE RECORD MEASUREMENT BY NELSON WITHIN 0.22 FEET AND WHEN COMPARED WITH THE STONE AT THE CENTER-SOUTH SIXTEENTH CORNER MATCHES THAT MONUMENT WITHIN 0.22 FEET FOR THE EAST-WEST POSITION OF THE NELSON SECTION CENTERLINE. HOLDING THE SAID IRON PIPE AND THE ROTATION BEARING TO THE FOUND AXLE FITS THE MONUMENTATION ON BOTH SIDES OF THE ROAD FROM THE SAID SURVEYS IN AN EAST-WEST DIRECTION. THE SOUTHERN IRON PIPE ON THE CENTERLINE WAS FOUND LEANING SLIGHTLY SOUTHWEST. HOLDING THE SAID SOLUTION FITS THIS IRON PIPE IN THE EAST-WEST DIRECTION WITHIN 0.73 FEET WHICH IS THE CLOSEST RELATIONSHIP FOUND THROUGH THE VARIOUS SOLUTIONS ATTEMPTED.

THE RESOLUTION DESCRIBED ABOVE DOES NOT FIT THE BEGINNING AND ENDING POINT DIMENSIONS AS SHOWN ON THE SAID NELSON SURVEY, SN 22674. ON THE NORTH END OF THE ROAD, I HELD THE SAID FOUND CENTERLINE IRON PIPE AND THE 340.70-FOOT DIMENSION FROM THE FOUND STONE AT THE CENTER-SOUTH 1/16TH CORNER NORTH ALONG THE SECTION CENTERLINE AS SHOWN IN SN 4587. SAID DIMENSION AND STONE WERE ALSO HELD IN SN 22514 AND SN 31910 FOR SETTING OF NEW MONUMENTS FOR PROPERTY LINE ADJUSTMENTS ON THE TWO TRACTS LYING NORTH OF SAID CENTERLINE IRON PIPE. THIS CREATES AN ANGLE BREAK FROM THE NELSON SURVEY AND THE SAID DEED, BUT PRESERVES THE REST OF THE ROAD GEOMETRY AND DIMENSIONS OF THE FIRST TWO COURSES OF THE DEED. AT THE SOUTH END OF THE ROAD, I MAINTAINED THE ROAD GEOMETRY AS WRITTEN AND SURVEYED BY PREVIOUS SURVEYS WHICH THEN INTERSECTS THE SOUTH LINE OF SECTION 28, 1.26-FEET WEST OF THE RECORD DIMENSION OF 926.24 FEET FROM THE QUARTER CORNER AS REPORTED BY NELSON. THIS 1.26-FEET IS COMPARABLE TO THE MEASUREMENT AND MISCLOSURE ERRORS FOUND IN OTHER PARTS OF THE NELSON SURVEY AND WAS NOT CONSIDERED SIGNIFICANT WHEN COMPARED WITH THE OTHER ISSUES DISCUSSED ABOVE.

UNITED STATES OF AMERICA - BONNEVILLE POWER ADMINISTRATION (BPA) - FEE OWNED

BPA ACQUIRED A TRACT LAND IN FEE SIMPLE TITLE BY FINAL JUDGEMENT, CONDEMNATION DEED RECORDED BOOK 180 PAGE 501 IN 1939 LYING IN THE SOUTHWEST QUARTER AND SOUTHEAST QUARTER OF SECTION 28 AND IN AREAS OUTSIDE OF THIS SURVEY. BPA DEFINES THE TRACT BY A SURVEY LINE FOR THE BONNEVILLE PROJECT VANCOUVER-EUGENE TRANSMISSION LINE, CIRCUIT NO. 1, SAID TRACT HAVING A TOTAL 100-FOOT WIDTH, WITH 75-FEET ON SOUTHWESTERLY SIDE AND 25-FEET ON NORTHEASTERLY SIDE OF SAID SURVEY LINE.

THIS FEE SURVEY LINE WAS MONUMENTED IN SN 31973 AS PART OF A RETRACEMENT FOR VANCOUVER-EUGENE NO. 1 LINE. FOUND AND HELD SIX MONUMENTS SET IN SAID SURVEY: V-E-174, V-E-176, V-E-177, V-E-178, V-E-179, AND V-E-180. ALL OF WHICH ARE 3-1/4" BONNEVILLE POWER ADMINISTRATION ALUMINUM CAPS. THESE MONUMENTS ALL FIT VERY WELL WITH THE STATIONING AND ON LINE WITH RESPECT TO EACH OTHER. PROJECTING THIS LINE TO THE SECTION LINE COMMON TO SECTION 28 AND 33 FIT WELL WITH DEED CALL TO THE ONE-QUARTER COMMON TO SECTION 28 AND 33 LINE WITH AN EXCESS OF 0.13' WHEN COMPARED TO DEED. (1593.54 FEET DEED RECORD VS 1593.67 FEET MEASURED).

THE TRANSMISSION LINE IS CURRENTLY OPERATING WITH WOOD-POLE STRUCTURES WHICH WERE NOT USED FOR SURVEY LINE RESOLUTION.

UNITED STATES OF AMERICA - BONNEVILLE POWER ADMINISTRATION (BPA) - TRANSMISSION LINE EASEMENT

TRANSMISSION LINE EASEMENT IS DEFINED BY JOHN DAY - KEELER NO. 1 SURVEY LINE (NOW OPERATING AS PEARL-KEELER NO 1), ALSO SHOWN IN BPA DRAWING SERIAL NO. 125118 DATED MARCH 28, 1956, WITH 62.5-FEET LYING SOUTHWESTERLY AND 225-FEET NORTHEASTERLY OF SAID SURVEY LINE FOR A TOTAL EASEMENT WIDTH OF 287.5-FEET. SAID SURVEY LINE IS DESCRIBED IN EASEMENT DOCUMENTS BELOW AS THE OREGON CITY-KEELER SECTION OF THE BIG EDDY-KEELER TRANSMISSION LINE.

WITHIN THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 28, TRANSMISSION LINE EASEMENT DOCUMENTS IN BOOK 388 PAGES 274, 297, 300, AND 302, DESCRIBE SAID SURVEY LINE OF BEGINNING AT A POINT ON THE SOUTH LINE OF SECTION 28 A DISTANCE OF 1170.2-FEET FROM THE QUARTER-SECTION CORNER COMMON TO SECTION 28 AND 33 TO A POINT A DISTANCE OF 1202.7-FEET FROM SAID QUARTER-SECTION CORNER ALONG THE WESTERN BOUNDARY OF SAID QUARTER SECTION.

DEED CALLS ALONG THE SOUTH LINE OF THE SECTION TO THE COMMON SOUTH QUARTER CORNER VARY BETWEEN BPA FEE SURVEY LINE AND BPA EASEMENT SURVEY LINE DESCRIPTION. BY HOLDING THE FEE SURVEY LINE AND RIGHT-OF-WAY DESCRIBED ABOVE AND OFFSETTING 225-FEET TO ESTABLISH THE EASEMENT SURVEY LINE JOHN DAY-KEELER NO. 1, I MEASURE A DISTANCE OF 1176.77-FEET ALONG THE SOUTH LINE OF THE SECTION AND A DISTANCE OF 1204.46-FEET OF THE WESTERN BOUNDARY OF THE QUARTER SECTION; AN EXCESS OF 6.57-FEET AND 1.76-FEET, RESPECTIVELY, WHEN COMPARED TO EASEMENT DESCRIPTION AND DRAWING DESCRIBED ABOVE. MEASURED TOWER CENTER POSITIONS AT STRUCTURES JOHN DAY-KEELER NO. 1 (OPERATING AS PEARL-KEELER NO. 1) STRUCTURES 4/4, 4/5, AND 5/1 SHOW THESE STRUCTURES FALLING CLOSER TO THE EASEMENT SURVEY LINE DESCRIBED IN EASEMENT DOCUMENTS THAN THE CALCULATED SURVEY LINE OFFSET FROM THE FEE SURVEY LINE. THE SURVEY LINES FOR THE BPA EASEMENT AND FEE LINES ARE NOT PARALLEL AND HOLDING BOTH RESULTS IN A VARIABLE-WIDTH GAP BETWEEN THE BPA FEE SOUTHWESTERLY BOUNDARY AND THE EASEMENT NORTHEASTERLY RIGHT-OF-WAY RANGING FROM ONE TO SIX FEET, WITH THE LARGEST DIFFERENCE BEING AT THE SOUTHERLY SECTION LINE.
EASEMENT DOCUMENTS FOR EASEMENT SURVEY LINE HAVE NO CALLS TO THE EXISTING BPA FEE PROPERTY OR SURVEY LINE DESCRIBED ABOVE. BPA DRAWING SERIAL NO. 125118 SHOWS THE SURVEY LINE OF JOHN DAY - KEELER NO. 1 DISTANT 225-FEET OFFSET TO AND CONTIGUOUS WITH THE SOUTHWESTERLY BOUNDARY SAID BPA FEE-OWNED PROPERTY. LATER, IN BPA DRAWING SERIAL NO. 254653, DATED FEBRUARY 9, 1998, A DRAWING FOR PEARL-SHERWOOD NO. 1&2 TRANSMISSION LINE LYING BETWEEN SAID FEE AND EASEMENT SURVEY LINES DESCRIBED ABOVE, SHOWS A TOTAL WIDTH OF THE BPA FEE AND EASEMENT CORRIDOR BEING CONTIGUOUS AND IN TOTAL A WIDTH 387.5-FEET. WESTERLY OF S.W. OREGON STREET THE BPA FEE AND BPA EASEMENT LINES DIVERGE.

I BELIEVE THE EVIDENCE ABOVE SUPPORTS THE INTENT WAS NOT TO CREATE A GAP BETWEEN BPA EASEMENT AND BPA FEE OWNED RIGHT-OF-WAYS. THE EASEMENT DESCRIPTIONS APPEAR TO BE WRITTEN FROM DRAWING NO. 125118 WITH A DESIGN DATE OF MARCH 28, 1956 AND DEEDS DATED SIGNED AND RECORDED LATER THAT YEAR IN NOVEMBER. I HELD THE INFORMATION IN SAID DRAWING, HOLDING SURVEY LINE OF VANCOUVER-EUGENE NO.1, BEING THE MOST SENIOR LINE AND ACQUIRED IN FEE SIMPLE, AND OFFSET A DISTANCE OF 225-FEET SOUTHWESTERLY AND PARALLEL TO THE BOUNDARY OF BPA FEE PROPERTY TO ESTABLISH THE EASEMENT SURVEY LINE OF JOHN DAY-KEELER NO. 1 AND ITS 287.5-FOOT TOTAL WIDTH FROM THE SOUTHERLY BOUNDARY OF SECTION 28 TO THE RIGHT-OF-WAY OF S.W. OREGON STREET.

DANGER TREE EASEMENTS SHOWN SHEETS 4 AND 5 ARE INCLUDED IN THE PARENT EASEMENT DOCUMENT FOR EACH TRACT GRANTING RIGHTS TO ENTER AND REMOVE TREES DEEMED HAZARDOUS TO THE TRANSMISSION LINE.

NOTED THAT IN DOCUMENT NO. 2013-106158 DESCRIBED BELOW HOLDS THE SOUTHERLY EASEMENT BOUNDARY AS THE BOUNDARY OF SAID PROPERTY.

PORTLAND GENERAL ELECTRIC (PGE) TRANSMISSION LINE EASEMENT (SHEET 4)

I HELD THE TRANSMISSION LINE STRUCTURE TOWER CENTER POSITIONS TO ESTABLISH THE CENTERLINE OF EASEMENT PER PGE DRAWING SERIAL NUMBERS CB518-11 AND CB518-12, MCLOUGHLIN TO KEELER 230KV TRANSMISSION LINE. SAID DRAWINGS SHOW TANGENT STRUCTURES 11/6, 11/7, AND 12/1 POSITIONS SUCH THAT TOWER CENTERS IS ALSO THE CENTERLINE OF THE ALIGNMENT AND EASEMENT. I TIED STRUCTURE LEG ANGLE IRONS AND CALCULATED THE TOWER CENTER BY BEARING-BEARING INTERSECTION. RESULTS WERE COMPARABLE TO SN 22514 WHICH USED THE CONDUCTOR METHOD TO ESTABLISH CENTERLINE OF SAID TRANSMISSION LINE. EASEMENT DOCUMENT BOOK 743 PAGE 203 WITH PGE DRAWINGS EB 5060 AND EB 5059 CALLS TO OCCUPIED CENTERLINE OF SAID TRANSMISSION LINE, WITH DISTANCES FITTING REASONABLY WELL WITH BOOK 483 PAGE 388 EASEMENT DESCRIBED BY MEETS AND BOUNDS.

PORTION OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 28:

THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER TOGETHER WITH THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER WAS FIRST SURVEYED AND MARKED IN SN 1026 (RE-NUMBERED FROM SN 1006) IN 1880 WITH DIMENSIONS OF 30-CHAINS ON THE EAST AND WEST BOUNDARIES, FROM THE LINE COMMON TO SECTIONS 28 AND 33, AND 20-CHAINS ALONG THE NORTH BOUNDARY. SN 22674 LATER IN 1933 ESTABLISHED THE EASTERN BOUNDARY FROM BEARING TREE EVIDENCE IN SN 1026 AND SET IRON RODS AT THE NORTHEAST AND SOUTHEAST CORNERS AND A FORD AXLE AND SHOW IRON PIPES ALONG SAID LINE. THE TRACTS SHOWN IN SN 22674 APPEAR TO BE SIMULTANEOUS CONVEYANCE ALONG WITH S.W. DAHLKE LANE, WITH DEED DESCRIPTION MATCHING SAID SN 22674, SIMILAR TO A SUBDIVISION PLAT BUT WAS NOT RECORDED AS SUCH.

THE EASTERLY BOUNDARY DESCRIBED ABOVE AS PORTION OF THE WEST HALF OF SOUTHEAST QUARTER OF SECTION 28, ALSO BEING THE WESTERLY BOUNDARY OF PARTITION PLAT NO. 2019-029, I A HELD 5/8" IRON ROD MARKED "D.E.A. INC." AT THE NORTHEAST CORNER SET IN SAID PLAT AND A 1-1/8" AXLE AS SHOWN IN SAID PLAT AND DESCRIBED ABOVE. IRON PIPES ALONG SAID LINE WERE ALL THOROUGHLY SEARCHED AT EACH BOUNDARY CORNER.

THE WESTERN BOUNDARY OF THE SOUTHEAST QUARTER OF SECTION 28, I HELD A LINE FROM THE SOUTH QUARTER CORNER OF SECTION 28 TO THE CENTER-SOUTH 1/16TH CORNER TO THE PERPETUATED CENTER OF SECTION CORNER. SAID MONUMENTS POSITIONS DESCRIBED ABOVE.

SOUTHERLY BOUNDARY OF THE SOUTHEAST QUARTER OF SECTION 28, I HELD THE SOUTH QUARTER CORNER TO THE SOUTHEAST SECTION CORNER OF SAID SECTION, BOTH POSITIONS DESCRIBED ABOVE.

PROPERTIES IN THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 28 BOUNDARIES DESCRIBED IN DOCUMENT NO. 2013-002259, DOCUMENT NO. 2003-072455, DOCUMENT NO. 2018-034050, DOCUMENT NO. 2023-004198, DOCUMENT NO. 96087076, DOCUMENT NO. 2016-001001, AND DOCUMENT NO. 2012-046644 WERE RESOLVED AS FOLLOWS:

PROPERTIES LYING WEST OF S.W. DAHLKE LANE IN THE SOUTHEAST QUARTER OF SECTION 28:

DOCUMENT NO. 2016-001001. FOR THE SOUTHERLY BOUNDARY I HELD TO THE LINE COMMON TO SECTIONS 28 AND 33 AS DESCRIBED ABOVE. FOR THE EASTERLY BOUNDARY I HELD THE WESTERLY RIGHT-OF-WAY OF S.W. DAHLKE LANE AS DESCRIBED ABOVE. FOR THE NORTHWESTERLY BOUNDARY I HELD THE LINE FROM THE SOUTH QUARTER CORNER TO A 5/8" IRON ROD DESCRIBED IN SAID DEED BEING 20.09 FEET SOUTHWESTERLY OF CENTERLINE OF S.W. DAHLKE LANE AND INTERSECTED THE PREVIOUSLY DESCRIBED RIGHT OF WAY LINE.

DOCUMENT NO. 2023-004198. DEED DESCRIBES LAND LYING EASTERLY OF THE WESTERLY BOUNDARY OF THE SOUTHEAST QUARTER AND LYING WESTERLY OF CENTERLINE S.W. DAHLKE LANE, BOTH DESCRIBED ABOVE, EXCEPTING THEREFROM: THE RIGHT-OF-WAY OF SAID ROAD, THE 100-FOOT WIDE BPA FEE STRIP DESCRIBED ABOVE, THE TRACT ON THE SOUTHERLY BOUNDARY DESCRIBED IN DOCUMENT NO. 2016-001001 DESCRIBED ABOVE, AND THE TRACT OF LAND IN DOCUMENT 96087076 DESCRIBED BELOW. DEED DOES NOT CALL STONE AT 1/16TH CORNER.

DOCUMENT NO. 96087076. I HELD THE NORTHWESTERLY BOUNDARY OF ADJOINING TRACT DESCRIBED IN DOCUMENT NO. 2016-001001 FOR THE SOUTHEASTERLY BOUNDARY AND THE CENTERLINE OF S.W. DAHLKE LANE FOR THE EASTERN BOUNDARY, BOTH OF WHICH DESCRIBED ABOVE. HELD DEED DISTANCE OF 300.00-FEET FROM CENTERLINE OF S.W. DAHLKE LANE ALONG BEARING OF SAID SOUTHEASTERLY BOUNDARY, THEN HOLDING DEED DISTANCE 200-FEET PERPENDICULAR IN BEARING TO SAID SOUTHEASTERLY BOUNDARY BY DEED, THEN A LINE PARALLEL TO SOUTHEASTERLY BOUNDARY RETURNING TO THE CENTERLINE OF SAID ROAD WITH REMAINING DISTANCE SHOWN ON MAP. EXCEPTING THE RIGHT-OF-WAY OF S.W. DAHLKE LANE.

PROPERTIES LYING EAST OF S.W. DAHLKE LANE, WESTERLY BOUNDARY BEING THE EASTERLY RIGHT-OF-WAY OF SAID ROAD AND EXCEPTING THE 100-FOOT WIDTH BPA FEE TRACT:

DOCUMENT NO. 2015-093266. FOR THE NORTH BOUNDARY OF SAID DEED I HELD A LINE FROM WITNESS CORNER DESCRIBED ABOVE TO A 1-1/8" AXLE (FORD AXLE PER DEED). SAID NORTHERLY LINE ALSO BEING THE SOUTHERLY BOUNDARY OF PARTITION PLAT NO. 2019-029. EXTENDED SAID NORTHERLY LINE TO THE CENTERLINE OF S.W. DAHLKE LANE FOR THE NORTHWEST CORNER OF TRACT. SOUTHERLY BOUNDARY HELD THE LINE COMMON TO SECTIONS 28 AND 33, EASTERLY BOUNDARY THE LINE BETWEEN COMMON TO SECTIONS 27 AND 28.

DOCUMENT NO. 2018-034050. I HELD THE NORTHERLY BOUNDARY OF THE ADJOINING TRACT DESCRIBED ABOVE FOR THE SOUTHERLY BOUNDARY. NORTHEAST CORNER WAS ESTABLISHED BY HOLDING DEED DISTANCE OF 466.00-FEET IN BOOK 152 PAGE 272 CONVEYED IN 1933 AND ALONG THE BOUNDARY OF PARTITION PLAT NO. 2019-029. FROM SAID NORTHEAST CORNER THENCE A LINE WESTERLY AND PARALLEL TO THE SOUTHERLY BOUNDARY TO A POINT AT THE CENTERLINE OF S.W. DAHLKE LANE BEING THE NORTHWEST CORNER OF SAID TRACT. NOTE DEED 2018-034050 HAS AN INCORRECT DISTANCE OF 446.00-FEET ALONG THE EASTERLY BOUNDARY. THIS WAS VERIFIED BY SAID DEED BOOK 152, PAGE 272 AND SN 22674 DATED SAME YEAR SHOWING A DISTANCE OF 466.0-FEET.

DOCUMENT NO. 2003-072455. I HELD NORTHERLY BOUNDARY OF THE ADJOINING TRACT DESCRIBED ABOVE FOR THE SOUTHERLY BOUNDARY. FOR THE NORTHERLY BOUNDARY I HELD AN ANGLE POINT IN THE CENTERLINE OF S.W. DAHLKE LANE DESCRIBED IN DEED AS AN IRON PIPE FOR THE NORTHWEST CORNER OF SAID PROPERTY AND EXTENDING A LINE EASTERLY THROUGH A FOUND 5/8" IRON ROD WITH ORANGE PLASTIC CAP MARKED "W.L. MC. LS808", SET IN SN 22514, MONUMENT HELD FOR LINE TO THE POINT ON THE EASTERLY BOUNDARY WITH PARTITION PLAT NO. 2019-029 TO ESTABLISH THE NORTHEAST CORNER OF SAID PROPERTY. SAID 5/8" IRON ROD WITH ORANGE PLASTIC CAP INSCRIBED "W.L. MC. LS808" DESCRIBED IN DEED DOCUMENT NO. 2013-002259, TRACT ADJOINING TO THE NORTH AS THE SOUTHEAST CORNER.

DOCUMENT NO. 2013-002259. I HELD THE NORTHERLY BOUNDARY OF THE ADJOINING TRACT DESCRIBED ABOVE FOR THE SOUTHERLY BOUNDARY. FOR THE NORTHERLY BOUNDARY, I HELD A LINE FROM A FOUND 5/8" IRON ROD AND A 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "AKS ENGR" AND EXTENDED SAID LINE WESTERLY TO THE RIGHT-OF-WAY OF S.W. DAHLKE LANE AND EASTERLY TO THE BOUNDARY WITH PARTITION PLAT NO. 2019-029. SAID MONUMENTS WERE SET FOR A PROPERTY LINE ADJUSTMENT IN SN 31910. DISTANCES ALONG THE SOUTHWESTERLY PORTION OF THIS TRACT, WHICH ADJOINS BPA FEE PROPERTY, VARY IN DISTANCE CALLS WHEN COMPARED TO SAID DEED. SN 22514 MONUMENTED THE BPA BOUNDARY HOLDING THE SURVEY LINE DESCRIPTION FOR THE BPA TRANSMISSION LINE EASEMENT AND OFFSETTING 225-FEET FOR SAID EASEMENT DISTANCE TOGETHER WITH THE 100-FOOT BPA FEE TRACT TO ESTABLISH THE SOUTHWESTERLY BOUNDARY. I DID NOT HOLD THIS RESOLUTION AND INSTEAD HELD THE SURVEY LINE FOR THE BPA FEE TRACT DESCRIPTION PER DEED BOOK 180 PAGE 501 DESCRIBED ABOVE.

DOCUMENT NO. 2012-046644. I HELD THE NORTHERLY BOUNDARY OF THE ADJOINING TRACT DESCRIBED ABOVE FOR THE SOUTHERLY BOUNDARY. DOCUMENT NO. 2013-002259, ADJOINING PROPERTY SOUTH THROUGH TWO PROPERTY LINE ADJUSTMENTS SHOWN IN SURVEYS 22514 AND 31910. NORTHERLY BOUNDARY I HELD THE 5/8" IRON ROD WITH YELLOW PLASTIC CAP "D.E.A. INC." AS THE NORTHEAST CORNER AND A 5/8" IRON ROD FOR LINE, ALSO HELD FOR LINE IN PARTITION PLAT NO. 2019-029, AND EXTENDED SAID LINE TO THE CENTER OF SECTION LINE, EXCEPTING THE RIGHT-OF-WAY OF S.W. DAHLKE LANE.

NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28:

THE SOUTHWEST QUARTER OF SECTION 28 WAS SURVEYED IN SN 1470, DATED 1901, WITH STONES SET AT ALIQUOT PARTS WITHIN SAID QUARTER SECTION. HELD THE FOUND STONE AT CENTER-SOUTH 1/16TH DESCRIBED ABOVE AND A FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "AKS ENGR" SET IN SN 34413 ALONG THE RIGHT-OF-WAY OF S.W. OREGON STREET FOR SOUTHERLY BOUNDARY OF SAID QUARTER-QUARTER SECTION LINE. I HELD SN 34413 LOCATION FOR THE SOUTHWEST CORNER OF NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28, SAID SURVEY PERPETUATED THE ORIGINAL POSITION OF A STONE SET IN SN 1470 AND TIED IN SN 22598.

DOCUMENT NO. 2022-059410. I HELD THE QUARTER-QUARTER SECTION LINE DESCRIBED ABOVE FOR THE SOUTHERLY BOUNDARY. FOR THE NORTHEASTERLY BOUNDARY, ALSO ADJOINING WITH DOCUMENT NO. 2013-106158, I HELD THE THE SOUTHERLY RIGHT-OF-WAY LINE OF THE BONNEVILLE POWER ADMINISTRATION EASEMENT AS DESCRIBED ABOVE. DOCUMENT NO. 2013-106158 DESCRIBES BOUNDARY AS FOLLOWING THE SOUTHERLY BOUNDARY OF SAID EASEMENT. FOUND A 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "AKS ENGR." AT THE SOUTHEAST CORNER WHICH FIT WELL WITH RIGHT-OF-WAY RESOLUTION AND DEED DISTANCE OF 205.0 FEET ALONG THE SOUTH LINE TO THE SOUTHEAST CORNER OF TRACT DESCRIBED IN DOCUMENT NO. 2013-106158. DEED BOOK 318 PAGE 167 DESCRIBES SOUTHEAST CORNER OF SAID NORTHEAST QUARTER OF SOUTHWEST QUARTER AS A STONE. THE NORTHERLY BOUNDARY OF PROPERTY DESCRIBED IN DOCUMENT NO. 2013-106158 WAS NOT RESOLVED.

ALONG THE WESTERLY RIGHT-OF-WAY OF S.W. OREGON STREET, I RESOLVED A PORTION OF DOCUMENT NO. 2013-087387 FOR THE JOG ALONG THE RIGHT-OF-WAY OF S.W. OREGON STREET DESCRIBED IN DEDICATION DEED 79041975 AS BEING 45-FEET OFFSET FROM AND LONG THE OLD CENTERLINE PER SN 22598, 49-FEET FROM THE NEW CENTERLINE PER SN 28721, FOR THE PROPERTY. FOR THE RIGHT-OF-WAY JOG ALONG THE SOUTHERLY BOUNDARY I EXTENDED THE QUARTER-QUARTER LINE WESTERLY FROM THE FOUND 5/8" IRON ROD WITH RPC "AKS ENGR". THE NORTHEASTERLY BOUNDARY I HELD THE CALCULATED POSITION OF THE CORNER SET IN SN 18386 FOR THE SOUTHEAST CORNER OF PROPERTY, TIED AS POINT NUMBER 256 IN SN 28721 PERPETUATED STATION 54+36.16 (1+656.941M) AND OFFSET 27.48 (8.377M) LEFT OF THE NEW CENTERLINE IN SAID SURVEY, ALONG A LINE TO A FOUND 5/8" IRON ROD SET IN SN 31738.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 13, 2021
KEITH LYMAN
94803

RENEWS: 12/31/2024

PRE-CONSTRUCTION RECORD OF SURVEY
S.W. ICE AGE DRIVE EXTENSION
CITY OF SHERWOOD

SITUATED IN THE NORTHEAST, NORTHWEST, SOUTHWEST AND SOUTHEAST QUARTERS OF SECTION 28,
TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN

CITY OF SHERWOOD, WASHINGTON COUNTY, OREGON

DAVID EVANS AND ASSOCIATES INC.
2100 S River Parkway, Suite 100
Portland Oregon 97201
Phone: 503.223.6663

SHEET 2 OF 6
SCALE -NA-
SURVEYED MAY 8, 2023
BY KLY
DRAWN TAS
CHECKED PMG
FILE SV-RS-02-KITT0003.dwg

SURVEY REFERENCES:

WASHINGTON COUNTY DEED, PARTITION PLATS AND SURVEY RECORDS:

SURVEY REFERENCES:
(R1) SN 1026
(R2) SN 1470
(R3) SN 1917
(R4) SN 2031
(R5) SN 4029
(R6) SN 4587
(R7) SN 5180
(R8) SN 5636
(R9) SN 6917
(R10) SN 17406
(R11) SN 18368
(R12) SN 19375
(R13) SN 19663
(R14) SN 22514
(R15) SN 22598
(R16) SN 22674
(R17) SN 25092
(R18) SN 28271
(R19) SN 29428
(R20) SN 30192
(R21) SN 31738
(R22) SN 31973
(R23) SN 33760
(R24) SN 33978
(R25) SN 34413
(R26) SN 34453

DOCUMENT NUMBERS:
(D1) MF 96-087076
(D2) MF 96-078094
(D3) 2001-069167
(D4) 2003-063458
(D5) 2023-004198
(D6) 2012-046644
(D7) 2013-002259
(D8) 2003-072455
(D9) 2013-087367
(D10) 2013-106158
(D11) 2015-093266
(D12) 2018-001001
(D13) 2018-034050
(D14) 2018-085434
(D15) 2022-059410
(D16) 2020-087144

BOOK OF RECORDS:
BOOK 151, PAGE 272
BOOK 179, PAGE 471
BOOK 180, PAGE 501
BOOK 204, PAGE 124
BOOK 207, PAGE 659
BOOK 201, PAGE 565
BOOK 316, PAGE 187
BOOK 388, PAGE 274
BOOK 388, PAGE 300
BOOK 388, PAGE 297
BOOK 388, PAGE 302
BOOK 390, PAGE 530
BOOK 390, PAGE 553
BOOK 392, PAGE 505
BOOK 427, PAGE 609
BOOK 458, PAGE 225
BOOK 460, PAGE 429
BOOK 462, PAGE 261
BOOK 463, PAGE 388
BOOK 488, PAGE 43
BOOK 734, PAGE 71
BOOK 743, PAGE 203
BOOK 839, PAGE 640

COUNTY ROAD NUMBERS:
CR 492
CR 2737

PARTITION PLAT NUMBERS:
(P1) 2019-029
2022-031

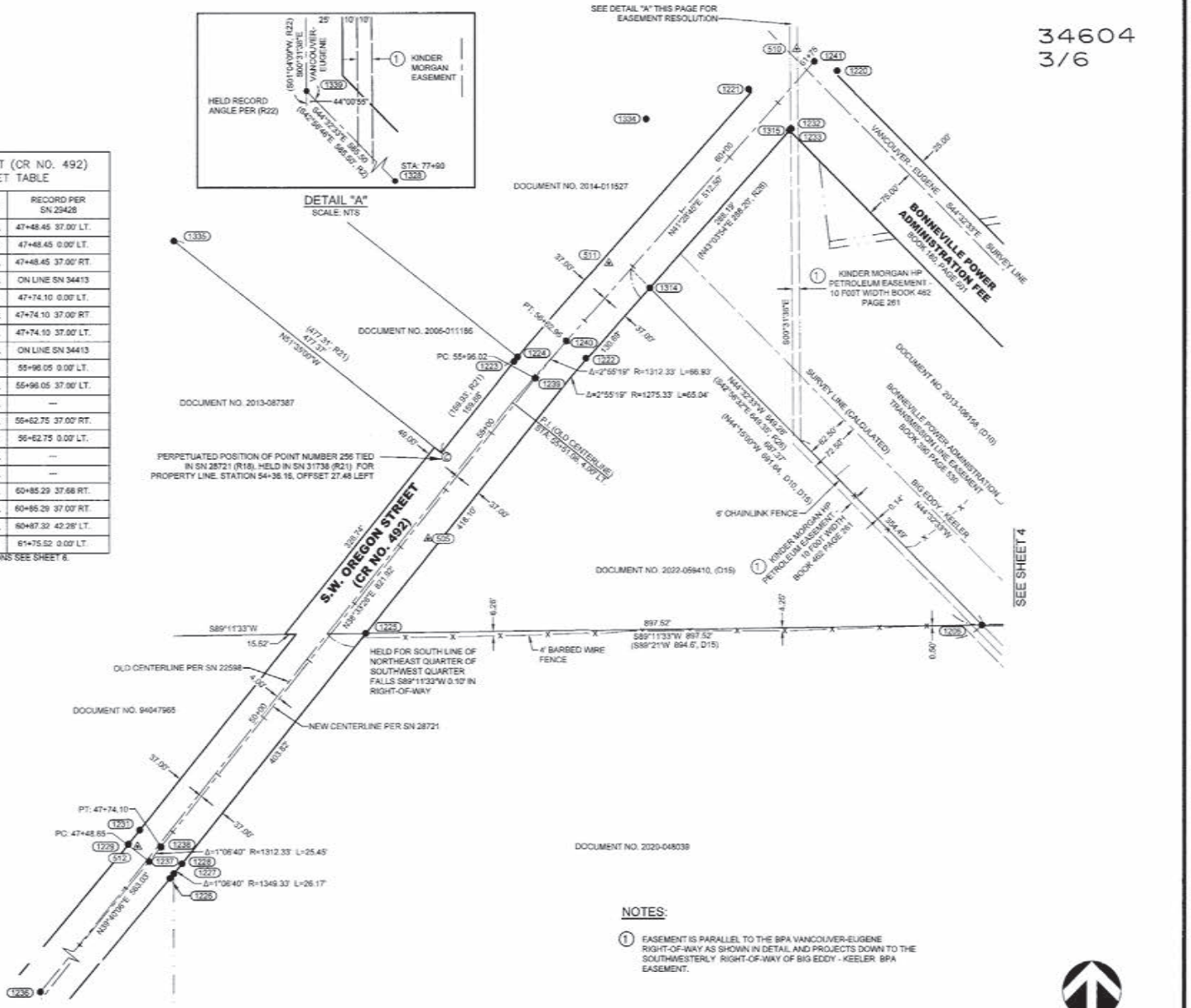
UNITED STATES BEARING TREE BOOK:
(B1) BOOK 2 PAGE 104
(B2) ENTRY 2002-010
(B3) ENTRY 2021-008

BONNEVILLE POWER ADMINISTRATION (BPA):
VANCOUVER-EUGENE LINE, DRAWING SERIAL NO. 4203
JOHN DAY KEELER NO. 1, DRAWING SERIAL NO. 125118
PEARL-SHERWOOD NO. 182, DRAWING SERIAL NO. 254553

PORTLAND GENERAL ELECTRIC CO. (PGE):
230KV TRANSMISSION MCLOUGHLIN SUB TO ST. MARY'S SUB DRAWINGS
CBS18-11 AND CBS18-12

S.W. OREGON STREET (CR NO. 492) STATION/OFFSET TABLE			
POINT	STATION	OFFSET	RECORD PER SN 29428
1229	47+48.42	37.11LT.	47+48.45 37.00' LT.
1237	47+48.43	0.05RT.	47+48.45 0.00' LT.
1226	47+48.47	37.01RT.	47+48.45 37.00' RT.
1227	47+56.68	36.92RT.	ON LINE SN 34413
1238	47+74.10	0.00RT.	47+74.10 0.00' LT.
1228	47+74.11	37.05RT.	47+74.10 37.00' RT.
1231	47+74.12	37.06LT.	47+74.10 37.00' LT.
1225	51+77.84	36.90RT.	ON LINE SN 34413
1239	55+96.98	0.00RT.	55+96.05 0.00' LT.
1223	55+96.09	37.07LT.	55+96.05 37.00' LT.
1224	56+93.75	37.13LT.	—
1222	56+62.71	35.78RT.	56+62.75 37.00' RT.
1240	56+62.72	0.00RT.	56+62.75 0.00' LT.
1314	57+93.63	36.98RT.	—
1315	60+81.92	36.81RT.	—
1233	60+85.18	37.65RT.	60+85.29 37.68 RT.
1232	60+85.22	36.93RT.	60+85.29 37.00' RT.
1221	60+87.29	42.25LT.	60+87.32 42.28' LT.
1241	61+75.45	0.00RT.	61+75.52 0.00' LT.

FOR MONUMENT DESCRIPTIONS SEE SHEET 8.



NOTES:

① EASEMENT IS PARALLEL TO THE BPA VANCOUVER-EUGENE RIGHT-OF-WAY AS SHOWN IN DETAIL, AND PROJECTS DOWN TO THE SOUTHWESTERLY RIGHT-OF-WAY OF BIG EDDY - KEELER BPA EASEMENT.

0 50 100 200

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JULY 13, 2021
KETH LYMAN
94803
RENEWS: 12/31/2024

274

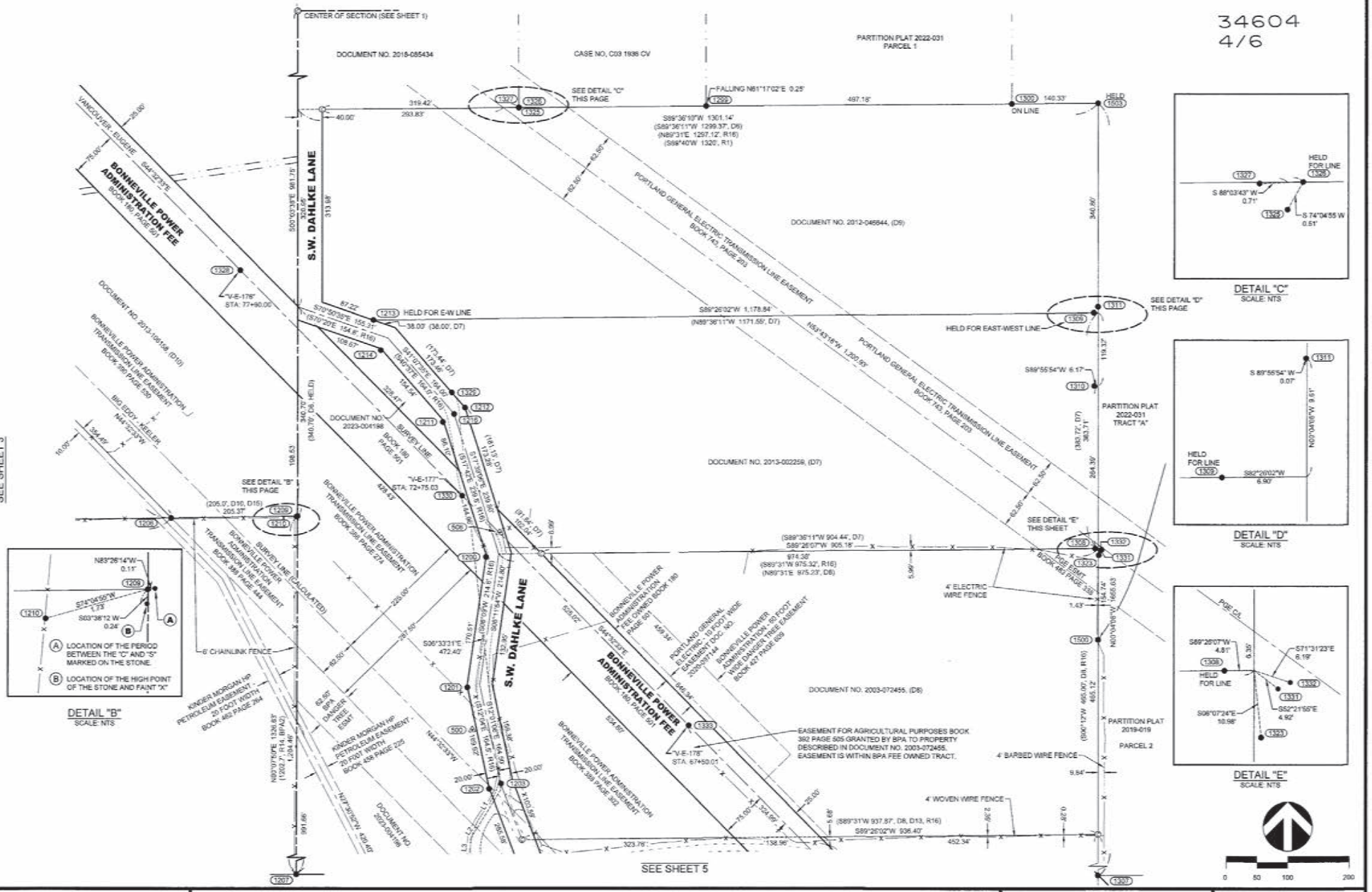
PRE-CONSTRUCTION RECORD OF SURVEY
S.W. ICE AGE DRIVE EXTENSION
CITY OF SHERWOOD

SITUATED IN THE NORTHEAST, NORTHWEST, SOUTHWEST AND SOUTHEAST QUARTERS OF SECTION 28, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN

CITY OF SHERWOOD, WASHINGTON COUNTY, OREGON

DAVID EVANS AND ASSOCIATES INC.
2100 S River Parkway, Suite 100
Portland Oregon 97201
Phone: 503.223.6663

SHEET 3 OF 6
SCALE 1" = 100'
SURVEYED MAY 8, 2023
BY KLY
DRAWN TAS
CHECKED PMG
FILE SV-RS-03-KITT0003.dwg



REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JULY 13, 2021
KEITH LYMAN
94803
RENEWS: 12/31/2024

275

PRE-CONSTRUCTION RECORD OF SURVEY
S.W. ICE AGE DRIVE EXTENSION
CITY OF SHERWOOD

SITUATED IN THE NORTHEAST, NORTHWEST, SOUTHWEST AND SOUTHEAST QUARTERS OF SECTION 28, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN

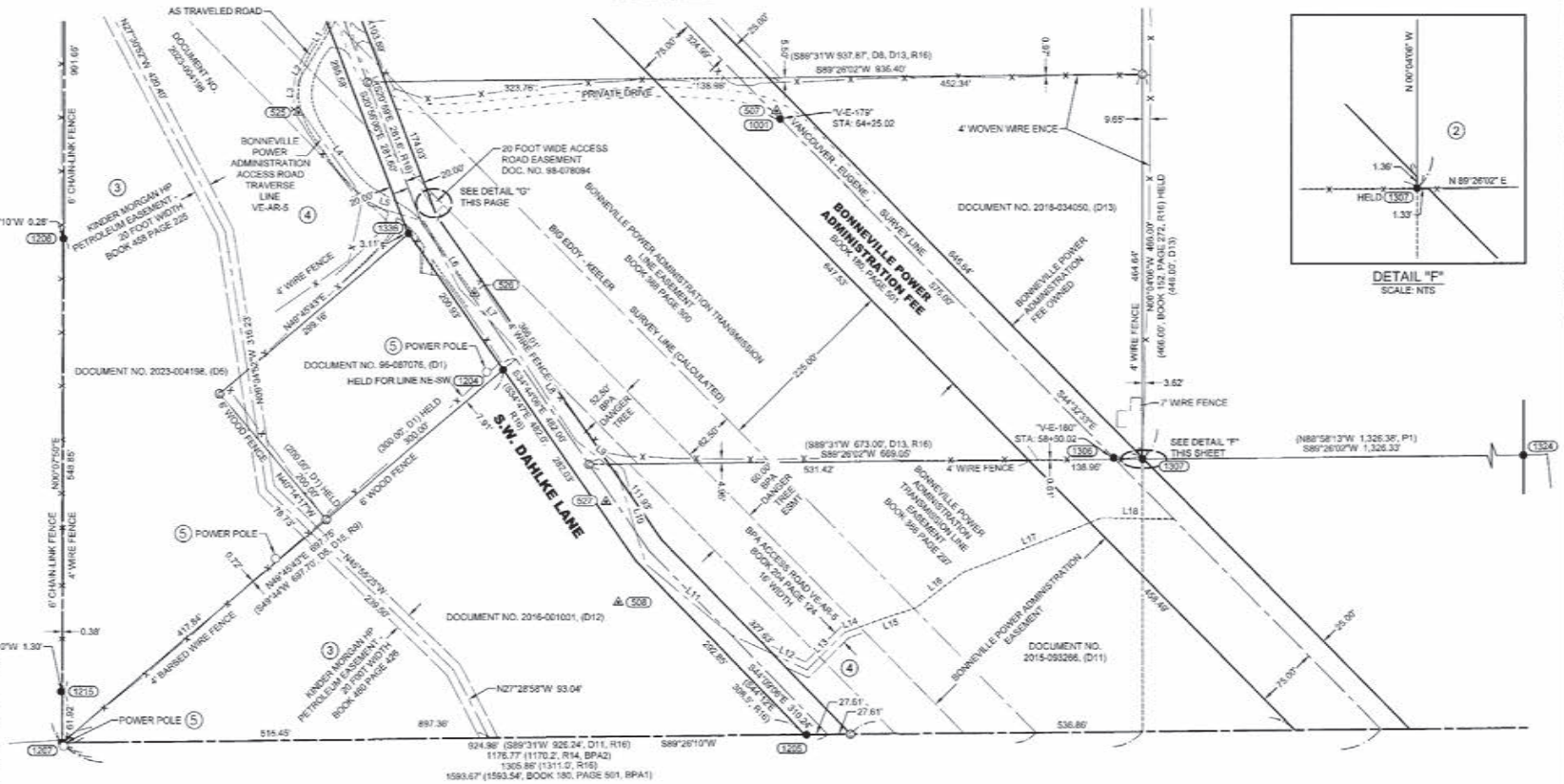
CITY OF SHERWOOD, WASHINGTON COUNTY, OREGON

DAVID EVANS AND ASSOCIATES INC.
2100 S River Parkway, Suite 100
Portland Oregon 97201
Phone: 503.223.6683

SHEET 4 OF 6
SCALE 1" = 100'
SURVEYED MAY 8, 2023
BY KLY
DRAWN TAS
CHECKED PMG
FILE SV-RS-04-KITT0003.dwg

DAHLKE LANE MONUMENT FALLINGS	
POINT	FALLING FROM
1200	S04°28'56"W 2.95', R/W ANGLE POINT
1201	S05°02'53"E 3.07' R/W ANGLE POINT
1202	S10°00'36"S 3.04', R/W ANGLE POINT
1203	N87°00'00"E 0.73', C/L ANGLE POINT
1204	S49°45'43"W 0.29', P/L AT R/W
1205	S85°17'24"E 2.35', R/W AT SECTION LINE
1211	S13°58'53"W 3.16', R/W ANGLE POINT
1212	N22°46'35"E 0.10', R/W ANGLE POINT
1213	N89°26'02"E 0.58', P/L AT R/W
1214	S01°29'13"E 2.61'
1216	HELD
1329	ON R/W LINE
1336	S32°13'17"E 2.85', R/W ANGLE POINT

SEE SHEET 4



BPA ACCESS ROAD LINE TABLE VE-AR-5			
LINE	BEARING	LENGTH	RECORD DATA, (BPA1)
L1	S31°43'29"W	93.70'	—
L2	S31°43'29"W	19.82'	—
L3	S4°41'29"W	29.20'	(S04°36'W 29.2')
L4	S35°44'31"E	149.40'	(S35°51'E 149.4')
L5	S72°59'31"E	70.70'	(S73°06'E 70.7')
L6	S27°29'31"E	92.50'	(S27°33'E 92.5')
L7	S43°42'31"E	93.60'	(S43°49'E 93.6')
L8	S33°16'31"E	137.80'	(S33°23'E 137.8')
L9	N52°10'31"W	64.40'	(S52°17'E 64.4')
L10	S17°09'31"E	115.80'	(S17°16'E 115.8')
L11	S50°07'31"E	133.50'	(S50°14'E 133.5')
L12	S65°17'31"E	101.70'	(S65°24'E 101.7')
L13	N45°18'29"E	64.50'	(N45°12'E 64.5')
L14	N70°28'29"E	19.00'	(N70°20'E 92.0')
L15	N70°28'29"E	73.00'	
L16	N52°48'29"E	69.40'	(N52°42'E 69.4')
L17	N68°30'29"E	180.40'	(N68°24'E 108.4')
L18	S89°00'31"E	87.80'	(S89°07'E 87.8')

NOTES:

(2) BOOK 180 PAGE 501 DOES NOT LIST THIS PROPERTY. AS SHOWN IN PARTITION PLAT 2019-029.

(3) PETROLEUM EASEMENT ESTABLISHED HOLDING DEED DISTANCE FROM QUARTER CORNER ALONG THE SOUTH SECTION LINE AND RECORD GEOMETRY.

(4) CURRENT TRAVELED ROAD ROUGHLY FOLLOWS BPA ACCESS ROAD TRAVERSE LINE "VE-AR-5" AS SHOWN IN BPA DRAWING SERIAL NO. 4203. BOOK 204 PAGE 124 ALSO DESCRIBES THIS TRAVERSE LINE WITH 16-FOOT WIDTH FOR AN EASEMENT IN PROPERTY DESCRIBED IN DOCUMENT NO. 2015-093266.

(5) EASEMENT BOOK 734 PAGE 71 DESCRIBES A RIGHT-OF-WAY WITH 10-FOOT WIDTH IN UNSPECIFIED LOCATION TO GENERAL TELEPHONE COMPANY OF NORTHWEST INC FOR PROPERTY DESCRIBED IN DOCUMENT NO. 2016-001001. IT IS ASSUMED THE CENTERLINE OF EASEMENT FOLLOWS THE ORIGINAL CENTER OF POLE LOCATIONS. CURRENT POWER POLE LOCATIONS ARE SHOWN.

0 50 100 200

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JULY 13, 2021
KETH LYMAN
94803
RENEWS: 12/31/2024

276

PRE-CONSTRUCTION RECORD OF SURVEY
S.W. ICE AGE DRIVE EXTENSION
CITY OF SHERWOOD

SITUATED IN THE NORTHEAST, NORTHWEST, SOUTHWEST AND SOUTHEAST QUARTERS OF SECTION 28, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN

CITY OF SHERWOOD, WASHINGTON COUNTY, OREGON

DAVID EVANS AND ASSOCIATES INC.
2100 S River Parkway, Suite 100
Portland Oregon 97201
Phone: 503.223.6663

SHEET 5 OF 6
SCALE 1" = 100'
SURVEYED MAY 8, 2023
BY KLY
DRAWN TAS
CHECKED PMG
FILE SV-RS-05-KITT0003.dwg

34604
6/6

FOUND MONUMENT TABLE				
POINT	NORTHING	EASTING	DESCRIPTION	REFERENCE
1001	113,994.57	312,012.95	3-1/4" ALUMINUM CAP STAMPED "U.S.D.O.E. BONNEVILLE PWR ADM. DO NOT DISTURB MSI 13 V-E 64+25.0 PLS 75618 2013"; DN 0.2'	SN 31973 "V-E-179"
1200	114,500.16	311,455.36	FD 5/8" IR; NO CAP; BENT; TIED SPIN; DN 0.9'	SN 4587
1201	114,288.45	311,425.38	FD 5/8" IR; NO CAP; BENT; TIED SPIN; DN 0.6'	SN 4587
1202	114,122.61	311,460.96	FD 5/8" IR; NO CAP; BENT; TIED SPIN; DN 0.4'	SN 4587
1203	114,131.33	311,480.39	FD 1"-1-1/2" IP; BENT	SN 22674
1204	113,691.02	311,678.51	FD 5/8" IR; NO CAP; DN 0.5'	SN 6917
1205	113,249.12	312,045.74	FD 5/8" IR; NO CAP; UP 0.6'	SN 4587
1206	114,564.18	310,943.67	FD 5/8" IR W/ YPC STAMPED "AKS ENGR"	SN 34453
1207	113,240.48	311,146.09	FD 3" BRASS CAP STAMPED "WASH CTY 28 , 33 1975 2S1"	U.S.B.T. BOOK 2, PAGE 104
1208	113,851.25	311,147.20	FD 5/8" IR; NO CAP	SN 4587
1209	114,567.10	311,149.11	FD 1.0'X1.0'X_ UP 0.8' STONE STAMPED "C.S."	SN 1470
1210	114,566.63	311,147.45	FD 1/2" IP; UP 0.6'	ORIGIN UNKNOWN SHOWN IN SN 19375
1211	114,720.21	311,364.77	FD 5/8" IR; NO CAP; DN 0.4'	SN 4587
1212	114,743.42	311,421.16	FD 5/8" IR W/ OPC STAMPED "W.L. MC. LS 808"; BENT; TIED TOP; DN 0.6'	SN 22514
1213	114,886.47	311,271.71	FD 5/8" IR; NO CAP; UP 0.2'	SN 31910
1214	114,837.08	311,283.95	FD 5/8" IR; NO CAP; UP 0.3'	SN 4587
1215	113,302.40	311,144.93	FD 3-1/2" BRASS DISK STAMPED "BONNEVILLE POWER ADMIN. 5301+23.9 EL 232.24"	SHOWN IN U.S.B.T. BOOK 2, PAGE 104
1216	114,733.30	311,403.33	FD 3/4" IP; BENT; DN 0.7'	SN 22674
1220	115,324.44	310,744.64	FD 5/8" IR W/ YPC; SMASHED CAP UNREADABLE; BENT; TIED SPIN; DN 0.7'	SN 25092
1221	115,299.47	310,623.46	FD 5/8" IR W/ YPC STAMPED "W&H PACIFIC"	SN 25092
1222	114,929.70	310,400.70	FD 5/8" IR W/ YPC STAMPED "D.E.A. INC."; UP 0.3'	SN 29428
1223	114,925.48	310,302.08	FD 5/8" IR W/ YPC STAMPED "NORTHWEST SURVEYING INC."; DN 0.5'	SN 31738
1224	114,931.67	310,306.96	FD 5/8" IR W/ YPC STAMPED "NORTHWEST SURVEYING INC"; DN 0.3'	SN 31738
1225	114,552.31	310,099.23	FD 5/8" IR W/ YPC STAMPED "AKS ENGR"	SN 34413
1226	114,216.08	309,831.03	FD 5/8" IR W/ YPC STAMPED "DEA INC"	SN 29428
1227	114,222.65	309,836.34	FD 5/8" IR W/ 2" ALUMINUM CAP STAMPED "AKS ENGR"	SN 34413
1228	114,236.51	309,847.70	FD 5/8" IR; NO CAP; BENT; TIED SPIN; DN 0.7'	SN 29428
1229	114,263.36	309,773.96	FD 5/8" IR W/ YPC STAMPED "D.E.A. INC."	SN 29428
1231	114,282.71	309,789.75	FD 5/8" IR W/ YPC STAMPED "D.E.A. INC."	SN 29428
1232	115,245.48	310,681.40	FD 5/8" IR W/ YPC STAMPED "D.E.A. INC."	SN 29428
1233	115,244.97	310,681.92	FD 5/8" IR W/ YPC STAMPED "W&H PACIFIC"; UP 0.2'	SN 25092
1236	113,806.45	309,443.26	FD 5/8" IR W/ YPC STAMPED "D.E.A. INC." IN MONUMENT BOX; DN 0.6'	SN 29428
1237	114,239.65	309,802.56	FD 5/8" IR W/ YPC STAMPED "D.E.A. INC." IN MONUMENT BOX; DN 0.6'	SN 29428
1238	114,258.59	309,818.72	FD 5/8" IR W/ YPC STAMPED "D.E.A. INC." IN MONUMENT BOX; DN 0.6'	SN 29428
1239	114,902.29	310,330.99	FD 5/8" IR W/ YPC STAMPED "D.E.A. INC." IN MONUMENT BOX; DN 0.6'	SN 29428
1240	114,953.40	310,373.90	FD 5/8" IR W/ YPC STAMPED "D.E.A. INC." IN MONUMENT BOX; DN 0.6'	SN 29428
1241	115,337.54	310,713.50	FD 5/8" IR W/ YPC STAMPED "W&H PACIFIC" IN MONUMENT BOX; DN 0.6'	SN 25092
1299	115,234.05	311,812.24	FD 5/8" IR IN 1" IP; BENT; TIED SPIN	SN 19663

FOUND MONUMENT TABLE				
POINT	NORTHING	EASTING	DESCRIPTION	REFERENCE
1300	115,237.65	312,309.18	FD 5/8" IR W/ YPC STAMPED "NORTHWEST SURVEYING INC"	PP 2022-031
1306	113,584.76	312,416.30	FD 3-1/4" ALUMINUM CAP STAMPED "U.S.D.O.E. BONNEVILLE PWR ADM. DO NOT DISTURB MSI 13 V - E 58+50.0 PLS 75618 2013", DN 0.4'	SN 31973 "V-E-180"
1307	113,583.28	312,451.49	FD 1-1/8" AXLE; UP 0.5'	SN 22674
1308	114,514.34	312,445.56	FD 5/8" IR W/ OPC STAMPED "W.L. MC. LS 808"; UP 0.4'	SN 22514
1309	114,898.04	312,443.02	FD 5/8" IR W/ YPC STAMPED "AKS ENGR"	SN 31910
1310	114,778.78	312,443.89	FD 5/8" IR W/ OPC STAMPED "W.L. MC. LS 808"; DN 0.6'	SN 22514
1311	114,907.71	312,449.84	FD 1/2" IP	ORIGIN UNKNOWN SHOWN IN SN 22674
1314	115,026.98	310,488.31	FD 5/8" IR W/ YPC STAMPED "AKS ENGR." UP 0.3'	SN 34453
1315	115,243.08	310,679.13	FD 5/8" IR W/ YPC STAMPED "AKS ENGR." UP 0.2'	SN 34453
1323	114,503.49	312,451.55	FD 1" IP	ORIGIN UNKNOWN SHOWN IN SN 22674
1324	113,596.38	313,777.76	FD 3-1/4" ALUMINUM CAP STAMPED "WASHINGTON COUNTY SURVEYOR 2002 UNLAWFUL TO DISTURB T2S R1W WC 28/27/33/34 330.00 FT S00-03E NOTIFY COUNTY SURVEYOR 648-8723"; UP 0.4'	U.S.B.T. ENTRY 2092-010
1325	115,231.11	311,507.83	FD 3/4" IP; DN 0.5'	ORIGIN UNKNOWN SHOWN IN SN 19563
1326	115,231.56	311,508.08	FD 5/8" IR; NO CAP; BENT; TIED SPIN; DN 0.8'	SN 5636
1327	115,231.53	311,507.37	FD 1-1/2" IP; BENT; TIED SPIN; DN 0.5'	SN 19663
1328	114,967.42	311,055.54	FD 3-1/4" ALUMINUM CAP STAMPED "U.S.D.O.E. BONNEVILLE PWR. ADM. DO NOT DISTURB MSI 13 V-E 77+90.0 PLS 75618 2013"; DN 0.3'	SN 31973 "V-E-176"
1329	114,768.30	311,399.39	FD 5/8" IR W/ OPC; DESTROYED CAP; DN 1.2'	SN 22514
1330	114,600.41	311,416.89	FD 3-1/4" ALUMINUM CAP STAMPED "U.S.D.O.E. BONNEVILLE PWR. ADM. DO NOT DISTURB MSI 13 V-E 72+75.0 PLS 75618 2013"; DN 0.4'	SN 31973 "V-E-177"
1331	114,511.39	312,454.28	FD 1-1/2" IP 7' LONG WITH 0.2' IN GROUND, LEANING	ORIGIN UNKNOWN
1332	114,512.44	312,456.25	3.5" HIGH STUMP WRAPPED IN BARBED WIRE	ORIGIN UNKNOWN
1333	114,226.24	311,785.04	FD 3-1/4" ALUMINUM CAP STAMPED "U.S.D.O.E. BONNEVILLE PWR. ADM. DO NOT DISTURB MSI 13 V-E 67+50.0 PLS 75618 2013"	SN 31973 "V-E-178"
1334	115,258.61	310,483.00	FD 3-1/4" ALUMINUM CAP STAMPED "U.S.D.O.E. BONNEVILLE PWR. ADM. DO NOT DISTURB GERA 96 -E 5316+12.74 AH 5316+93.26 MAP BK 5316+94.17 SUR BK EL 202"	BPA DWG SER NO. 254553
1335	115,091.07	309,835.86	FD 5/8" IR W/ CAP; SMASHED CAP UNREADABLE	SN 31738
1336	113,856.47	311,583.99	FD 5/8" IR; NO CAP; BENT; TIED SPIN; DN 1.5'	SN 4587
1339	115,384.76	310,644.84	FD 3-1/4" ALUMINUM CAP STAMPED "U.S.D.O.E. BONNEVILLE PWR. ADM. DO NOT DISTURB MSI 13 V-E 77.0BK 83+75.5AH PLS 75618 2013"; DN 0.6'	SN 31973 "V-E-174"
1354	115,906.17	313,777.84	FD 2" BRASS DISK STAMPED "WASH. CO. SURVEYOR 1/4 T2S R1W 28|27 2019" IN MONUMENT BOX	U.S.B.T. ENTRY 2021-008 (RECOVERED 2021)
1500	114,366.02	312,450.57	FD 5/8" IR W/ YPC STAMPED "DEA INC"; DN 1.0'	PP 2019-029
1503	115,238.91	312,449.51	FD 5/8" IR W/ YPC STAMPED "DEA INC"	PP 2019-029
1541	116,032.88	311,040.57	FD 5/8" IR W/ YPC "W&H PACIFIC" IN MONUMENT BOX	SN 25092 (RECOVERED 2018)
1542	115,931.09	310,307.35	FD 5/8" IR W/ YPC "W&H PACIFIC" IN MONUMENT BOX	SN 25092 (RECOVERED 2018)
1549	116,130.97	311,746.76	FD 5/8" IR W/ YPC "W&H PACIFIC" IN MONUMENT BOX	SN 25092 (RECOVERED 2018)

CONTROL POINT TABLE				
POINT	NORTHING	EASTING	DESCRIPTION	REFERENCE
103	115,841.26	309,418.41	FD 2-1/2" BRASS DISK	WASHINGTON COUNTY BENCHMARK NO. 103
500	114,219.47	311,433.26	SET 1-1/8" COPPER ALLOY DISK STAMPED "D.E.A. CONTROL"; IN BOULDER	SET IN THIS SURVEY
502	113,656.85	309,341.22	SET MAG SPIKE W/WASHER STAMPED "D.E.A. CONTROL"	SET IN THIS SURVEY
503	115,817.69	313,744.80	SET MAG SPIKE W/WASHER STAMPED "D.E.A. CONTROL"	SET IN THIS SURVEY
504	113,524.89	313,881.67	SET MAG SPIKE W/WASHER STAMPED "D.E.A. CONTROL"	SET IN THIS SURVEY
505	114,582.08	310,184.56	SET MAG SPIKE W/WASHER STAMPED "D.E.A. CONTROL"	SET IN THIS SURVEY
506	114,539.84	311,477.34	SET 1/2" IR W/RPC STAMPED "D.E.A. CONTROL"	SET IN THIS SURVEY
507	114,004.33	312,008.67	SET MAG SPIKE W/WASHER STAMPED "D.E.A. CONTROL"	SET IN THIS SURVEY
508	113,409.61	311,817.99	SET 1-1/8 COPPER ALLOY DISK "D.E.A. CONTROL"; IN CONC SLAB	SET IN THIS SURVEY
509	115,737.28	311,075.44	FD 1-1/8" COPPER ALLOY DISK "D.E.A. CONTROL 305"	SN 33760
510	115,354.47	310,889.22	SET 1-1/8" COPPER ALLOY DISK STAMPED "D.E.A. CONTROL"	SET IN THIS SURVEY
511	115,060.66	310,431.83	SET 1-1/8" COPPER ALLOY DISK STAMPED "D.E.A. CONTROL"	SET IN THIS SURVEY
512	114,259.95	309,786.58	SET 1-1/8" COPPER ALLOY DISK STAMPED "D.E.A. CONTROL"	SET IN THIS SURVEY
513	116,056.74	311,004.39	FD 1-1/8" COPPER ALLOY DISK "D.E.A. CONTROL 307"	SN 33760
514	115,995.81	310,569.00	FD 1-1/8" COPPER ALLOY DISK "D.E.A. CONTROL 306"	SN 33760
525	114,003.40	311,431.01	SET 1/2" IR W/RPC STAMPED "D.E.A. CONTROL"	SET IN THIS SURVEY
526	113,784.07	311,843.99	SET 1/2" IR W/RPC STAMPED "D.E.A. CONTROL"	SET IN THIS SURVEY
527	113,531.33	311,803.07	SET 1/2" IR W/RPC STAMPED "D.E.A. CONTROL"	SET IN THIS SURVEY
962	116,305.99	312,821.89	FD 2" BRASS DISK IN CURB	WASHINGTON COUNTY BENCHMARK NO. 962

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REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
JULY 13, 2021
KETH LYMAN
94803

RENEWS: 12/31/2024

PRE-CONSTRUCTION RECORD OF SURVEY
S.W. ICE AGE DRIVE EXTENSION
CITY OF SHERWOOD

SITUATED IN THE NORTHEAST, NORTHWEST, SOUTHWEST AND SOUTHEAST QUARTERS OF SECTION 28, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN

CITY OF SHERWOOD, WASHINGTON COUNTY, OREGON

DAVID EVANS AND ASSOCIATES INC.
2100 S River Parkway, Suite 100
Portland Oregon 97201
Phone: 503.223.6663

SHEET 6 OF 6
SCALE -NA-
SURVEYED MAY 8, 2023
BY KLY
DRAWN TAS
CHECKED PMG
FILE SV-RS-06-KITT0003.dwg

Exhibit K: Washington County-Sherwood Urban Planning Agreement

Washington County – Sherwood
Urban Planning Area Agreement

THIS AGREEMENT is entered into by WASHINGTON COUNTY, a political subdivision of the State of Oregon, hereinafter referred to as the "COUNTY", and the CITY OF SHERWOOD, an incorporated municipality of the State of Oregon, hereinafter referred to as the "CITY".

WHEREAS, ORS 190.010 provides that units of local government may enter into agreements for the performance of any or all functions and activities that a party to the agreement, its officers or agents, have authority to perform; and

WHEREAS, Statewide Planning Goal #2 (Land Use Planning) requires that city, county, state and federal agency and special district plans and actions shall be consistent with the comprehensive plans of the cities and counties and regional plans adopted under ORS Chapter 197; and

WHEREAS, the Oregon State Land Conservation and Development Commission (LCDC) requires each jurisdiction requesting acknowledgment of compliance to submit an agreement setting forth the means by which comprehensive planning coordination within the Regional Urban Growth Boundary (UGB) will be implemented; and

WHEREAS, following the Urbanization Forum process, the COUNTY through Resolution & Order 09-63, and the CITY through Resolution 2009-046, agreed that all future additions to the UGB during or after 2010 must be governed and urbanized by the CITY in the COUNTY and also agreed to urge Metro to expand the UGB only to such areas as are contiguous to incorporated areas of Washington County; and

WHEREAS, the State legislature, with House Bill 4078-A in 2014 and House Bill 2047 in 2015, validated the acknowledged UGB and Urban and Rural Reserves established through the Metro Regional process involving both the COUNTY and the CITY; and

WHEREAS, the COUNTY and CITY desire to amend the Urban Planning Area Agreement (UPAA) to reflect the changes to the UGB, the CITY's Urban Planning Area, and the need for urban planning of the new urban reserve lands; and

WHEREAS, the COUNTY and the CITY, to ensure coordinated and consistent comprehensive plans, consider it mutually advantageous to establish:

1. An Urban Planning Area Agreement incorporating both a site-specific Urban Planning Area within the UGB within which both the COUNTY and the CITY maintain an interest in comprehensive planning and an Urban Reserve Planning Area outside the UGB where both the COUNTY and the CITY maintain an interest in concept planning; and

2. A process for coordinating comprehensive planning and development in the Urban Planning Area and concept planning in the Urban Reserve Planning Area; and

3. Policies regarding comprehensive planning and development in the Urban Planning Area and concept planning in the Urban Reserve Planning Area; and

4. A process to amend the Urban Planning Area Agreement.

NOW THEREFORE, THE COUNTY AND THE CITY AGREE AS FOLLOWS:

I. Location of the Urban Planning Area and Urban Reserve Planning Area

The Urban Planning Area and Urban Reserve Planning Area, mutually defined by the COUNTY and the CITY, include the areas designated on the Washington County - Sherwood UPAA Map "Exhibit A" to this Agreement.

II. Coordination of Comprehensive Planning and Development

A. Amendments to or Adoption of a Comprehensive Plan or Implementing Regulation

1. Definitions
Comprehensive Plan means a generalized, coordinated land use map and policy statement of the governing body of a local government that interrelates all functional and natural systems and activities relating to the use of lands, including, but not limited to, sewer and water systems, transportation systems, educational facilities, recreational facilities, and natural resources and air and water quality management programs. "Comprehensive Plan" amendments do not include small tract comprehensive plan map changes.

Implementing Regulation means any local government zoning ordinance, land division ordinance adopted under ORS 92.044 or 92.046 or similar general ordinance establishing standards for implementing a comprehensive plan. "Implementing regulation" does not include small tract zoning map amendments, conditional use permits, individual subdivision, partitioning or planned unit development approvals or denials, annexations, variances, building permits and similar administrative-type decisions.

2. The COUNTY shall provide the CITY with the appropriate opportunity to participate, review and comment on proposed amendments to or adoption of the COUNTY comprehensive plan or implementing regulations. The CITY shall provide the COUNTY with the appropriate opportunity to participate, review and comment on proposed amendments to or adoption of the CITY comprehensive plan or implementing regulations. The following procedures shall be followed by the COUNTY and the CITY to notify and involve one another in the process to amend or adopt a comprehensive plan or implementing regulation.

a. The CITY or the COUNTY, whichever has jurisdiction over the proposal, hereinafter the originating agency, shall notify the other agency, hereinafter the responding agency, by first class mail or as an attachment to electronic mail of the proposed action at the time such planning efforts are initiated, but in no case less than thirty-five (35) days prior to the first hearing on adoption. For COUNTY or CITY comprehensive plan updates with the potential to affect the responding agency's land use or transportation system, the originating agency shall provide the responding agency with the opportunity to participate in the originating agency's planning process prior to the notification period, such as serving on the originating agency's advisory committee.

b. For COUNTY or CITY comprehensive plan updates with the potential to affect the responding agency's land use or transportation system, the originating agency shall transmit the draft amendments to the responding agency for its review and comment before finalizing. The responding agency shall have ten (10) days after receipt of a draft to submit comments orally or in writing. Lack of response shall be considered "no objection" to the draft.

c. The originating agency shall respond to the comments made by the responding agency either by a) revising the final recommendations, or b) by letter to the responding agency explaining why the comments cannot be addressed in the final draft.

d. Comments from the responding agency shall be given consideration as a part of the public record on the proposed action. If after such consideration, the originating agency acts contrary to the position of the responding agency, the responding agency may seek appeal of the action through the appropriate appeals body and procedures.

e. Upon final adoption of the proposed action by the originating agency, it shall transmit the adopting ordinance to the responding agency as soon as publicly available, or if not adopted by ordinance, whatever other written documentation is available to properly inform the responding agency of the final actions taken.

B. Development Actions Requiring Individual Notice to Property Owners

1. Definition

Development Action Requiring Notice means an action by a local government which requires notifying by mail the owners of property which could potentially be affected (usually specified as a distance measured in feet) by a proposed development action which directly affects and is applied to a specific parcel or parcels. Such development actions may include, but not be limited to, small

tract zoning or comprehensive plan map amendments, conditional or special use permits, land divisions, planned unit developments, variances, and other similar actions requiring a quasi-judicial hearings process.

2. The COUNTY will provide the CITY with the opportunity to review and comment on proposed development actions requiring notice within the designated Urban Planning Area and Urban Reserve Planning Area. The CITY will provide the COUNTY with the opportunity to review and comment on proposed development actions requiring notice within the CITY limits that may have an effect on unincorporated portions of designated Urban Planning Area or the COUNTY's transportation network.

3. The following procedures shall be followed by the COUNTY and the CITY to notify one another of proposed development actions:

   a. The CITY or the COUNTY, whichever has jurisdiction over the proposal, hereinafter the originating agency, shall send by first class mail or as an attachment to electronic mail a copy of the public hearing notice or comment period notice with no public hearing which identifies the proposed development action to the other agency, hereinafter the responding agency, at the earliest opportunity, but no less than ten (10) days prior to the date of the scheduled public hearing or end of the comment period. The failure of the responding agency to receive a notice shall not invalidate an action if a good faith attempt was made by the originating agency to notify the responding agency.

   b. The agency receiving the notice may respond at its discretion. Comments may be submitted in written or electronic form or an oral response may be made at the public hearing. Lack of written or oral response shall be considered "no objection" to the proposal.

   c. If received in a timely manner, the originating agency shall include or attach the comments to the written staff report and respond to any concerns addressed by the responding agency in such report or orally at the hearing.

   d. Comments from the responding agency shall be given consideration as a part of the public record on the proposed action. If, after such consideration, the originating agency acts contrary to the position of the responding agency, the responding agency may seek appeal of the action through the appropriate appeals body and procedures.

C. Additional Coordination Requirements

1. The CITY and the COUNTY shall do the following to notify one another of proposed actions which may affect the community, but are not subject to the

notification and participation requirements contained in subsections A and B above.

a. The CITY or the COUNTY, whichever has jurisdiction over the proposed actions, hereinafter the originating agency, shall send by first class mail or as an attachment to electronic mail a copy of all public hearing agendas which contain the proposed actions to the other agency, hereinafter the responding agency, at the earliest opportunity, but no less than three (3) days prior to the date of the scheduled public hearing. The failure of the responding agency to receive an agenda shall not invalidate an action if a good faith attempt was made by the originating agency to notify the responding agency.

b. The agency receiving the public hearing agenda may respond at its discretion. Comments may be submitted in written or electronic form or an oral response may be made at the public hearing. Lack of written or oral response shall be considered "no objection" to the proposal.

c. Comments from the responding agency shall be given consideration as a part of the public record on the proposed action. If, after such consideration, the originating agency acts contrary to the position of the responding agency, the responding agency may seek appeal of the action through the appropriate appeals body and procedures.

III. Concept Planning for Urban Reserve Areas

A. Definitions

1. Urban Reserve means those lands outside the UGB that have been so designated by Metro for the purpose of:
   a. Future expansion over a long-term period (40-50 years), and

   b. The cost-effective provision of public facilities and services when the lands are included within the UGB.

2. Urban Reserve Planning Area means those Urban Reserves identified as ultimately being governed by the CITY at such time as the UGB is amended to include the Urban Reserve Area.

3. Urban Reserve - Planning Responsibility Undefined means those Urban Reserves that the CITY and at least one other city may have an interest in ultimately governing, but no final agreement has been reached. These areas are not considered part of the Urban Reserve Planning Area.

B. The CITY's Urban Reserve Planning Area and the Urban Reserve - Planning Responsibility Undefined are identified on "Exhibit A" to this Agreement.

C. The CITY and COUNTY shall be jointly responsible for developing a concept plan for the Urban Reserve Planning Area in coordination with Metro and appropriate service districts. The concept plan shall include the following:

1. An agreement between the COUNTY and CITY regarding expectations for road funding, jurisdictional transfer over roadways to and from the CITY and COUNTY, and access management for county roads in the Urban Reserve Planning Area. The agreement should describe any changes to the CITY and/or COUNTY Transportation System Plans, other Comprehensive Plan documents, or codes that have been adopted or will be necessary to implement this agreement.

2. An agreement between the COUNTY and CITY that preliminarily identifies the likely providers of urban services, as defined in ORS 195.065.(4), when the area is urbanized.

D. The concept plan shall be approved by the CITY and acknowledged by the COUNTY.

E. Upon completion and acknowledgement of the concept plan by the CITY and COUNTY, and the addition of the area into the UGB by Metro, the affected portion of the Urban Reserve Planning Area shall be designated as part of the Urban Planning Area. Inclusion in the Urban Planning Area is automatic and does not require an amendment to this agreement.

IV. Comprehensive Planning and Development Policies for Urban Planning Areas

A. Definition

Urban Planning Area means the incorporated area and certain unincorporated areas contiguous to the incorporated area for which the CITY conducts comprehensive planning and seeks to regulate development activities to the greatest extent possible. The CITY's Urban Planning Area is designated on "Exhibit A" to this Agreement.

B. The CITY shall be responsible for comprehensive planning within the Urban Planning Area.

C. The CITY and COUNTY will implement the applicable Urban Reserve concept plan and related agreements as the comprehensive plan is prepared for the Urban Planning Area to ensure consistency and continuing applicability with the original concept plan. If modifications to the original concept plan are made during the comprehensive planning process, the parties will update the related agreements to reflect these changes, which may include transportation, access and funding.

D. The CITY shall be responsible for the preparation, adoption and amendment of the

public facility plan required by OAR 660-011 within the Urban Planning Area.

E. As required by OAR 660-011-0010, the CITY is identified as the appropriate provider of local water, sanitary sewer, storm sewer and transportation facilities within the Urban Planning Area. Exceptions include facilities provided by other service providers subject to the terms of any intergovernmental agreement the CITY may have with other service providers; facilities under the jurisdiction of other service providers not covered by an intergovernmental agreement; and future facilities that are more appropriately provided by an agency other than the CITY.

F. The COUNTY shall not approve land divisions within the unincorporated Urban Planning Area that are inconsistent with the provisions of the Future Development 20-Acre District (FD-20).

G. The COUNTY shall not approve a development proposal in the Urban Planning Area if the proposal would not provide for, nor be conditioned to provide for, an enforceable plan for redevelopment to urban densities consistent with the CITY's Comprehensive Plan in the future upon annexation to the CITY as indicated by the CITY Comprehensive Plan.

H. The COUNTY will not oppose any orderly, logical annexation of land to the CITY within the CITY's Urban Planning Area.

V. Amendments to the Urban Planning Area Agreement

A. The following procedures shall be followed by the CITY and the COUNTY to amend the language of this agreement or the Urban Planning Area Boundary:

1. The CITY or COUNTY, whichever jurisdiction originates the proposal, shall submit a formal request for amendment to the responding agency.

2. The formal request shall contain the following:

a. A statement describing the amendment.

b. A statement of findings indicating why the proposed amendment is necessary.

c. If the request is to amend the planning area boundary, a map that clearly indicates the proposed change and surrounding area.

3. Upon receipt of a request for amendment from the originating agency, the responding agency shall schedule a review of the request before the appropriate reviewing body, with said review to be held within forty-five (45) days of the date the request is received.

4. The CITY and COUNTY shall make good faith efforts to resolve requests to amend this agreement. Upon completion of the review, the reviewing body may approve the request, deny the request, or make a determination that the proposed amendment warrants additional review. If it is determined that additional review is necessary, the following procedures shall be followed by the CITY and COUNTY:

   a. If inconsistencies noted by both parties cannot be resolved in the review process as outlined in Section V. A. (3), the CITY and the COUNTY may agree to initiate a joint study. Such a study shall commence within thirty (30) days of the date it is determined that a proposed amendment creates an inconsistency, and shall be completed within ninety (90) days of said date. Methodologies and procedures regulating the conduct of the joint study shall be mutually agreed upon by the CITY and the COUNTY prior to commencing the study.

   b. Upon completion of the joint study, the study and the recommendations drawn from it shall be included within the record of the review. The agency considering the proposed amendment shall give careful consideration to the study prior to making a final decision.

B. The parties will jointly review this Agreement periodically, or as needed, to evaluate the effectiveness of the processes set forth herein and to make any necessary amendments. Both parties shall make a good faith effort to resolve any inconsistencies that may have developed since the previous review. If, after completion of a sixty (60) day review period inconsistencies still remain, either party may terminate this Agreement.

C. Any boundary changes due to annexation into the CITY or updates to the UGB are automatic and do not require an amendment to "Exhibit A".

VI. This Agreement shall become effective upon full execution by the COUNTY and the CITY and shall then repeal and replace the Washington County-Sherwood Urban Planning Area Agreement effective March 3, 2010. The effective date of this Agreement shall be the last date of signature on the signature page.

IN WITNESS WHEREOF the parties have executed this Urban Planning Area Agreement on the date set opposite their signatures.

CITY OF SHERWOOD

By _____ Date 10/17/17
~~Mayor~~ Jennifer Harris, Council President

Approved as to Form:

By _____ Date 10/23/17
City Attorney

By _____ Date 10/25/2017
City Recorder

WASHINGTON COUNTY

By _____ Date 11-7-17
Andy Duyck
Chair, Board of Commissioners
RO 17-99 9-26-17

Approved as to Form:

By _____ Date 11/3/17
County Counsel

By _____ Date _____
Recording Secretary

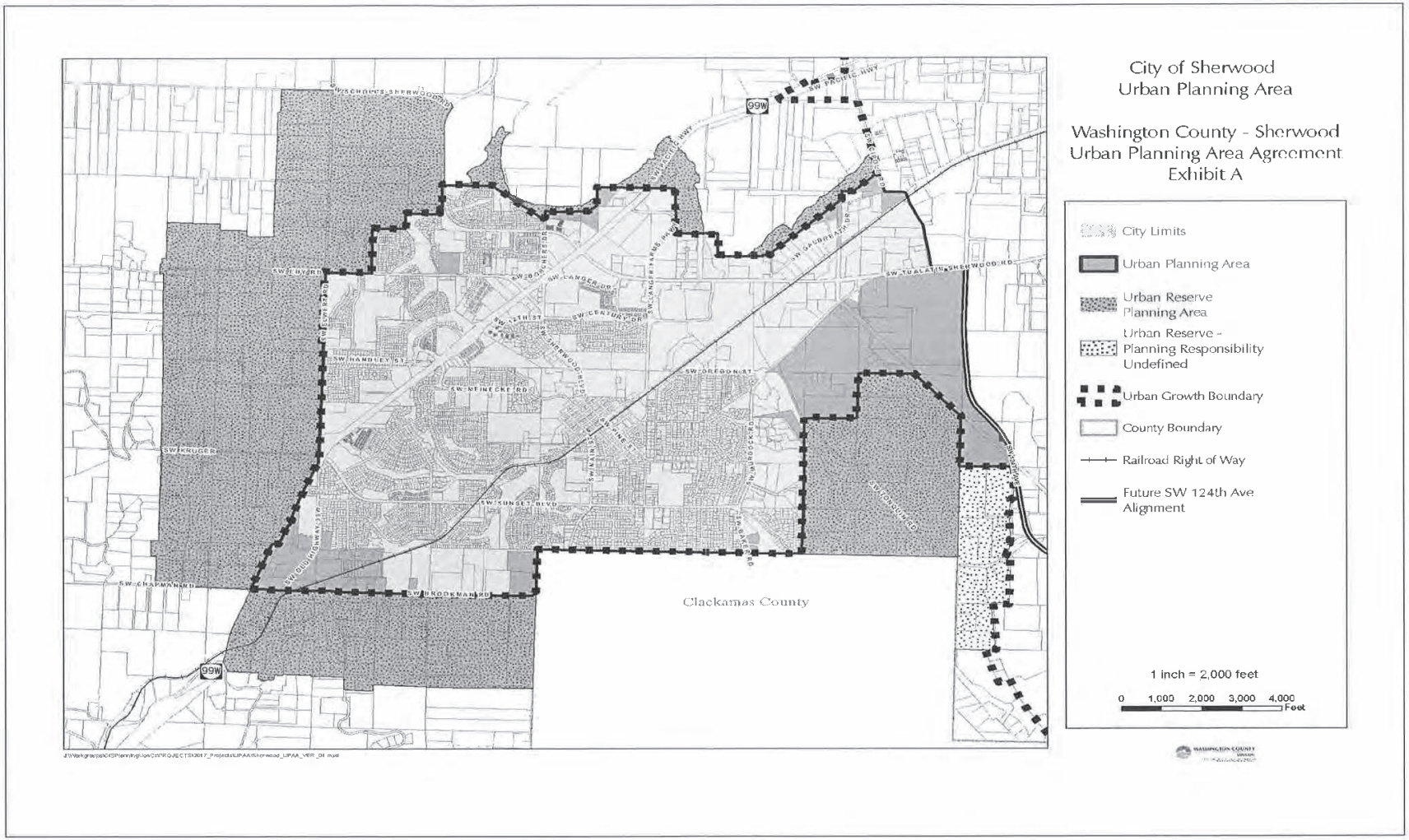
City of Sherwood
Urban Planning Area
Washington County - Sherwood
Urban Planning Area Agreement
Exhibit A
City Limits
Urban Planning Area
Urban Reserve
Planning Area
Urban Reserve -
Planning Responsibility
Undefined
Urban Growth Boundary
County Boundary
Railroad Right of Way
Future SW 124th Ave
Alignment
1 inch = 2,000 feet
0 1,000 2,000 3,000 4,000
Feet
Clackamas County
99W
SW ELWERT RD
SW HANDLEY ST
SW KRUGER RD
SW CHAPMAN RD
SW ROOKMAN RD
SW SUNSET BLVD
SW OREGON ST
SW TUALATIN-SHERWOOD RD
SW PACIFIC HWY

Exhibit L: Public Notice Information

ALLIED SYSTEMS COMPANY	21433 SW OREGON ST	SHERWOOD	OR	97140
AR VIAL ASSOCIATES PC & VIAL A NICOLAS & VIAL A NIC	12840 SW RIVER RD	HILLSBORO	OR	97123
AREC 24 LLC	PO BOX 29046	PHOENIX	AZ	85038
BULLFROG LLC	12019 S HONAH LEE CT	PHOENIX	AZ	85044
BULLOCK PROPERTIES LLC	15975 SW SPRINGTOOTH LN	SHERWOOD	OR	97140
CASCADE CIVIL DEVELOPMENT INC	395 SHENANDOAH LN NE	WOODBURN	OR	97071
CASCADE CIVIL DEVELOPMENT INC	395 SHENANDOAH LN NE	WOODBURN	OR	97071
CHAVEZ ALAN J & CHAVEZ DEANNA	22414 SW HALL ST	SHERWOOD	OR	97140
CIPOLE LLC	2151 MICHELSON DR STE 282	IRVINE	CA	92612
DAHLKE LANE PROPERTIES LLC	PO BOX 1659	HILLSBORO	OR	97123
DAHLKE LANE LAND COMPANY LLC	24925 GARDEN ACRES RD	SHERWOOD	OR	97140
DAHLKE LANE LAND COMPANY II LLC	24925 SW GARDEN ACRES RD	SHERWOOD	OR	97140
ENDICOTT RONALD L	PO BOX 261	TUALATIN	OR	97062
ENDICOTT RONALD LESLIE & PEGGY ANN KERN FAM TR	21050 SW DAHLKE LN	SHERWOOD	OR	97140
ENDICOTT WOODS ENTERPRISES INC	PO BOX 1537	TUALATIN	OR	97062
HEINTZ CURTIS & HEINTZ DEBRA L	PO BOX 1105	SHERWOOD	OR	97140
J & L RINK LLC	21433 SW OREGON ST	SHERWOOD	OR	97140
JEN BURLEY-BLACKFOOT LLC	15 82ND DR STE 210	GLADSTONE	OR	97027
LEICHNER TRUST	PO BOX 820	SHERWOOD	OR	97140
LIZARRAGA ULDO GEOVANNI	4887 NW MCLOUGHLIN DR	YAMHILL	OR	97148
MCLELLAN ESTATE CO	707 OLD COUNTY RD	BELMONT	CA	94002
NORTHSTAR CHEMICAL INC	14200 SW TUALATIN SHERWOOD RD BLDG B	SHERWOOD	OR	97140
NSA PROPERTY HOLDINGS LLC	5005 MEADOWS RD STE 420	LAKE OSWEGO	OR	97035
OREGON ASPHALTIC PAVING LLC	PO BOX 4810	TUALATIN	OR	97062
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ORWA SHERWOOD LLC	8320 NE HIGHWAY 99	VANCOUVER	WA	98665
PLD USLV TUALATIN IC LLC	1800 WAZEE ST, STE 500	DENVER	CO	80202
PRIDE PROPERTIES INVESTMENTS LLC	PO BOX 820	SHERWOOD	OR	97140
PRIDE WEST LLC	PO BOX 820	SHERWOOD	OR	97140
PRIDE WEST LLC	PO BOX 820	SHERWOOD	OR	97140
PRIDE EAST LLC	PO BOX 820	SHERWOOD	OR	97140
R & H PROPERTIES LLC	PO BOX 1105	SHERWOOD	OR	97140
SHERWOOD CITY OF	22560 SW PINE ST	SHERWOOD	OR	97140
SHERWOOD COMMERCE CENTER LLC	1121 SW SALMON ST, STE 500	PORTLAND	OR	97205
SHERWOOD CITY OF	22560 SW PINE ST	SHERWOOD	OR	97140
SHERWOOD CITY OF URBAN RENEWAL AGENCY	22560 SW PINE ST	SHERWOOD	OR	97140
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THREAT DYNAMICS LLC	23888 PRICE CREEK RD	PHILOMATH	OR	97370
TUALATIN CITY OF DEVELOPMENT COMMISSION	18880 SW MARTINAZZI AVE	TUALATIN	OR	97062
TUALATIN VALLEY SPORTSMENS CLUB	7430 SW VARNS ST	TIGARD	OR	97223
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TYBERG PROPERTIES LLC	21000 SW DAHLKE LN	SHERWOOD	OR	97140
UNITED STATES OF AMERICA DEPT OF INTERIOR	911 NE 11TH AVE	PORTLAND	OR	97232
WETZEL GLEN T	PO BOX 3451	TUALATIN	OR	97062
WILLAMETTE WATER SUPPLY SYSTEM COMMISSION	1850 SW 170TH AVE	BEAVERTON	OR	97003
WILSHIRE SHERWOOD OWNER LLC	100 WILSHIRE BLVD STE 940	SANTA MONICA	CA	90401
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SHERWOOD, OR 97140

Pat: avery.com/patents
Étiquettes d'adresse Easy Peel®
Repliez à la hachure afin de révéler le rebord Pop-up
Allez à avery.ca/gabarits
Utilisez le Gabarit Avery 5160

City of Sherwood Oregon
Home of the Tualatin River National Wildlife Refuge

ORDINANCE 2024-006

APPROVING ANNEXATION OF 38.63 ACRES TO THE CITY OF SHERWOOD AND CLEAN WATER SERVICES WITHIN THE TONQUIN EMPLOYMENT AREA, COMPRISED OF FIVE TAX LOTS AND CITY OF SHERWOOD AND BPA RIGHTS-OF-WAY AND DECLARING AN EMERGENCY

WHEREAS, the property owners of 21370 SW Oregon Street (Tax Map 2S128C / Lot 700) and 21680, 21700, 21775, 21825 SW Dahlke Lane (Tax Map 2S1 28D / Lots 600, 602, 700, and 800), City of Sherwood and BPA rights-of-way have applied for annexation of certain lands, as described Exhibits A, B, C, & D to this Ordinance, to the City of Sherwood and Clean Water Services; and

WHEREAS, the property owners initiated this annexation in accordance with ORS Chapter 222 and SB 1573 (2016); and

WHEREAS, SB 1573 requires City approval without submission to the electors, regardless of any local charter or ordinance requirements to the contrary, of annexation requests submitted by all owners of land in the territory proposed to be annexed, when:

(a) The territory is included within an urban growth boundary adopted by the city or Metro, as defined in ORS 197.015;
(b) The territory is, or upon annexation of the territory into the city will be, subject to the acknowledged comprehensive plan of the city;
(c) At least one lot or parcel within the territory is contiguous to the city limits or is separated from the city limits only by a public right-of-way or body or water; and
(d) The proposal conforms to all other requirements of the city's ordinances; and

WHEREAS, the Tonquin Employment Area Concept Plan, which includes the territory proposed to be annexed, was brought into the Urban Growth Boundary in 2004 by Metro via Ordinance 04-1040B; and

WHEREAS, the City of Sherwood developed a concept plan for that area and adopted the concept plan and implementing ordinances in 2010 via Ordinance 2010-014; and

WHEREAS, the lots (the territory) that are proposed to be annexed is contiguous to the current city limits; and

WHEREAS, the total land proposed to be annexed to the City of Sherwood is 38.63 acres which includes parcels and adjacent rights-of-way; and

WHEREAS, the subject territory is not currently within Clean Water Services boundaries and will be added to the Clean Water Services district boundary upon annexation under the authority of ORS 199.510(2)(c); and

WHEREAS, the City does not presently have any other ordinance requirements applicable to this annexation request; and

WHEREAS, the properties proposed to be annexed are currently in unincorporated Washington County and part of the Washington County Service Districts for Enhanced Law Enforcement; and

WHEREAS, Washington County and the City of Sherwood have entered into an agreement acknowledging that the City of Sherwood should be the ultimate provider of urban services in the Tonquin Employment Area; and

WHEREAS, these properties must be within the City limits in order to be developed for the urban uses and densities planned for in the Tonquin Employment Area Concept Plan; and

WHEREAS, after proper legal notice, a public hearing was held on the proposed annexation by the City Council on December 3, 2024, at which public comments and testimony were received and considered; and

WHEREAS, the Council reviewed and considered the staff report with proposed findings and conclusions for the decision which is included as Exhibit 1 to the Council staff report; and

WHEREAS, Section 17 of the Sherwood City Charter allows ordinances to take effective immediately upon passage with a unanimous vote of the council; and

WHEREAS, Staff has recommended adopting the ordinance as an emergency to ensure the City's Ice Age Drive construction project stays on schedule and does not forego the spring construction season.

NOW, THEREFORE, THE CITY OF SHERWOOD ORDAINS AS FOLLOWS:

Section 1. The territory proposed to be annexed to the City of Sherwood is specifically identified in a legal description (Exhibit A) and map (Exhibit B), and the territory proposed to be annexed to Clean Water Services is specifically identified in a separate legal description (Exhibit C) and map (Exhibit D), each of which are attached to this Ordinance.

Section 2. The subject territory annexed by this Ordinance and described in Section 1 and Exhibits C and D will be added to the Clean Water Services district under ORS 199.510(2)(c).

Section 3. The applicant has demonstrated that the annexation all of the territory proposed to be annexed meets all applicable requirements, as documented in Exhibit 1 to the City Council Staff Report.

Section 4. Upon annexation, the Comprehensive Plan zoning designation of Employment Industrial (EI) adopted via Ordinance 2010-014 implementing the Tonquin Employment Area Concept Plan, will apply to all of the territory proposed to be annexed.

Section 5. Pursuant to ORS 222.520 and 222.120(5), the City Council declares that upon the effective date of the annexation, all of the annexed territory will be withdrawn from the Washington County Service Districts for Enhanced Law Enforcement.

Section 6. All of the territory proposed to be annexed is hereby declared annexed to the City of Sherwood.

Section 7. An emergency is declared pursuant to Section 17 of the Sherwood City Charter.

Section 8. This Ordinance shall become effective immediately upon passage.

Duly passed by the City Council this 3rd of December 2024.

_____ _____
Tim Rosener, Mayor Date

Attest:

_____
Sylvia Murphy, MMC, City Recorder

	AYE	NAY
Standke	____	____
Giles	____	____
Scott	____	____
Mays	____	____
Brouse	____	____
Young	____	____
Rosener	____	____

EXHIBIT "A"

Tonquin Employment Area Annexation
City of Sherwood
July 30, 2024

Tax Maps 2S128C and 2S128D

PARCEL 1

A tract of land lying in the South Half of Section 28, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, described as follows:

Beginning at the South quarter corner of Section 28, Township 2 South, Range 1 West, Willamette Meridian; thence North 0°07'50" East along the East line of the Southeast quarter of the Southwest quarter of said Section 28, a distance of 1326.63 feet to the Northeast corner of the said quarter-quarter; thence North 0°03'38" West along the East line of the Northeast quarter of the Southwest quarter, a distance of 198.53 feet to a point on the Southwesterly boundary of that Bonneville Power Administration tract described in Book 180, Page 501, Washington County Book of Records; thence North 44°32'33" West along said Southwesterly boundary a distance of 706.70 feet to a point on the center line of S.W. Oregon Street (County Road No. 492); thence North 41°28'45" East along said center line a distance of 100.24 feet, more or less, to a point on the Northeasterly boundary of said Bonneville Power Administration tract; thence South 44°32'33" East along said Northeasterly boundary a distance of 611.83 feet to a point on said East line of the Northeast quarter of the Southwest quarter; thence North 0°03'38" West along said East line a distance of 375.67 feet, more or less, to a point on the Southerly boundary of that property described in Document No. 2013-106185, Washington County Book of Records, also being a point on the Southerly annexation boundary described in Annexation Proposal No. 3735; thence South 65°30'00" East, more or less, along said Southerly annexation boundary a distance of 13.74 feet, more or less, to a point on the center line of S.W. Dahlke Lane whose right-of-way is described as a 25.00 foot wide strip of land in Book 179, Page 471, Washington County Book of Records; thence North 0°03'38" West along said center line of S.W. Dahlke Lane a distance of 468.07 feet, more or less, to a point on the center line of County Road No. 492; thence North 47°32'40" East, more or less, along said center line of County Road No. 492 a distance of 16.90 feet, more or less, to a point on the Northerly extension of the East line of said S.W. Dahlke Lane right-of-way; thence South 0°03'38" East, along said Northerly extension and said East line, a distance of 528.84 feet, more or less, to a point on the South line of that property described in Document No. 2018-085434, Washington County Book of Records; thence North 89°33'10" East along said South line of said property a distance of 15.00 feet to a point on the Easterly right-of-way of the 40.00 foot wide S.W. Dahlke Lane; thence South 0°03'38" East along said Easterly right-of-way a distance of 313.98 feet; thence South 70°50'35" East a distance of 125.22 feet; thence South 41°07'35"

East a distance of 173.46 feet; thence South 17°39'06" East a distance of 173.28 feet to a point on the Northeasterly boundary of said Bonneville Power Administration tract; thence South 44°32'33" East along said Northeasterly boundary a distance of 102.04 feet to a point on the Northerly boundary of that property described in Document No. 2023-014259, Washington County Book of Records; thence North 89°26'07" East along said Northerly boundary a distance of 905.18 feet to a point on the Westerly boundary of Partition Plat No. 2019-029, Washington County Survey Records; thence South 0°04'06" East along said Westerly boundary a distance of 931.12 feet to a 1-1/8" Ford axle being the Southwest corner of said Partition Plat; thence South 89°26'02" West through the said Bonneville Power Administration tract and along a portion of the Southerly boundary of that property described in Document No. 2023-040577, Washington County Book of Records, a distance of 693.22 feet to a point on the Westerly right-of-way of said S.W. Dahlke Lane; thence North 34°44'06" West along said Westerly right-of-way a distance of 139.66 feet to a point on the Northwesterly boundary of that property described in Document No. 2016-001001, Washington County Book of Records; thence South 49°45'43" West along said Northwesterly boundary a distance of 697.75 feet to the Point of Beginning.

This tract of land contains 33.52 acres, more or less.

The bearings of this description were established on Record of Survey No. 34604, Washington County Survey Records.

PARCEL 2

A tract of land lying in the Northeast quarter of the Southwest quarter of Section 28, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, described as follows:

Beginning at a point on the North line of the Southeast quarter of the Southwest quarter, said point lying South 89°11'33" West 205.37 feet from the Northeast corner of said quarter-quarter; thence South 89°11'33" West along said North line and the Southerly boundary of that property described in Document No. 2022-059410, Washington County Book of Records, a distance of 844.49 feet to a point on the Southeasterly Right-of-Way of S.W. Oregon Street (37.00 feet from center line); thence North 51°26'34" West a distance of 37.00 feet to said center line; thence North 38°33'26" East along said center line a distance of 418.10 feet to a point of curvature; thence continuing along said center line on a curve to the right with a radius of 1312.33 feet (the long chord of which bears North 40°01'05" East 66.92 feet) a distance of 66.93 feet to a point of tangency; thence North 41°28'45" East continuing along said center line a distance of 133.26 feet; thence leaving said center line South 44°32'33" East along the Northeasterly boundary of said Document No. 2022-059410 a distance of 686.37 feet to the Point of Beginning.

This parcel of land contains 5.11 acres, more or less.

The bearings of this description were established on Record of Survey No. 34604, Washington County Survey Records.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

DIGITALLY SIGNED 2024.10.17 08:52:41-07'00'

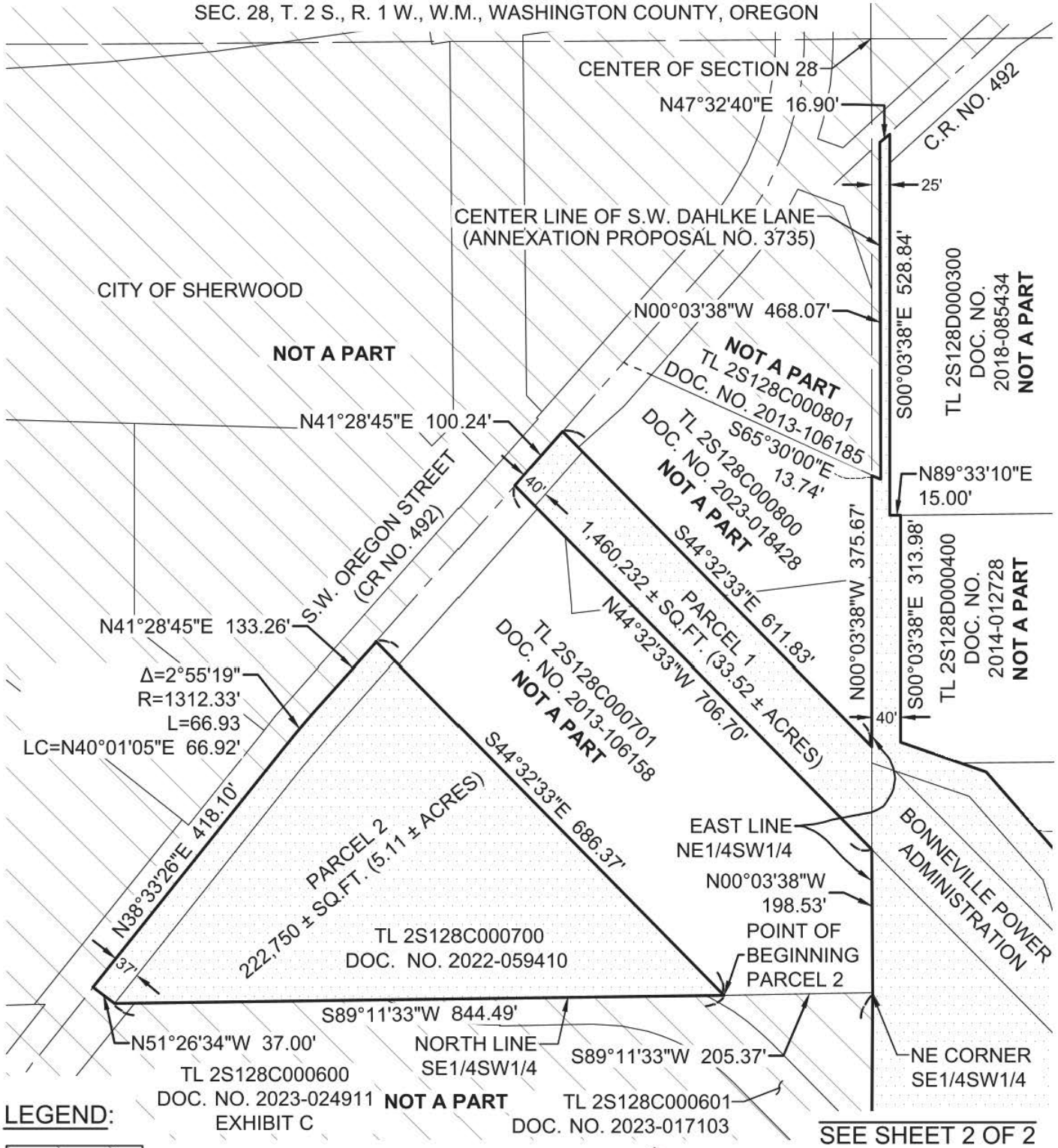
OREGON
JULY 13, 2021
KEITH LYMAN
94803

RENEWS: 12/31/2024

EXHIBIT "B"

SHEET 1 OF 2

SEC. 28, T. 2 S., R. 1 W., W.M., WASHINGTON COUNTY, OREGON



SEE SHEET 2 OF 2

LEGEND:

CITY OF SHERWOOD

PROPOSED ANNEXATION

SCALE: 1" = 200'

0 100 200 400

TONQUIN EMPLOYMENT AREA ANNEXATION
CITY OF SHERWOOD

FILE NO: ANX 01	SUBMITTAL DATE: 07/30/2024
TAX LOT: -	REVISED DATE: 10/16/2024
TAX MAP: -	ADDRESS: -NA-

DAVID EVANS AND ASSOCIATES INC.
2100 S River Parkway, Suite 100
Portland Oregon 97201
Phone: 503.223.6663

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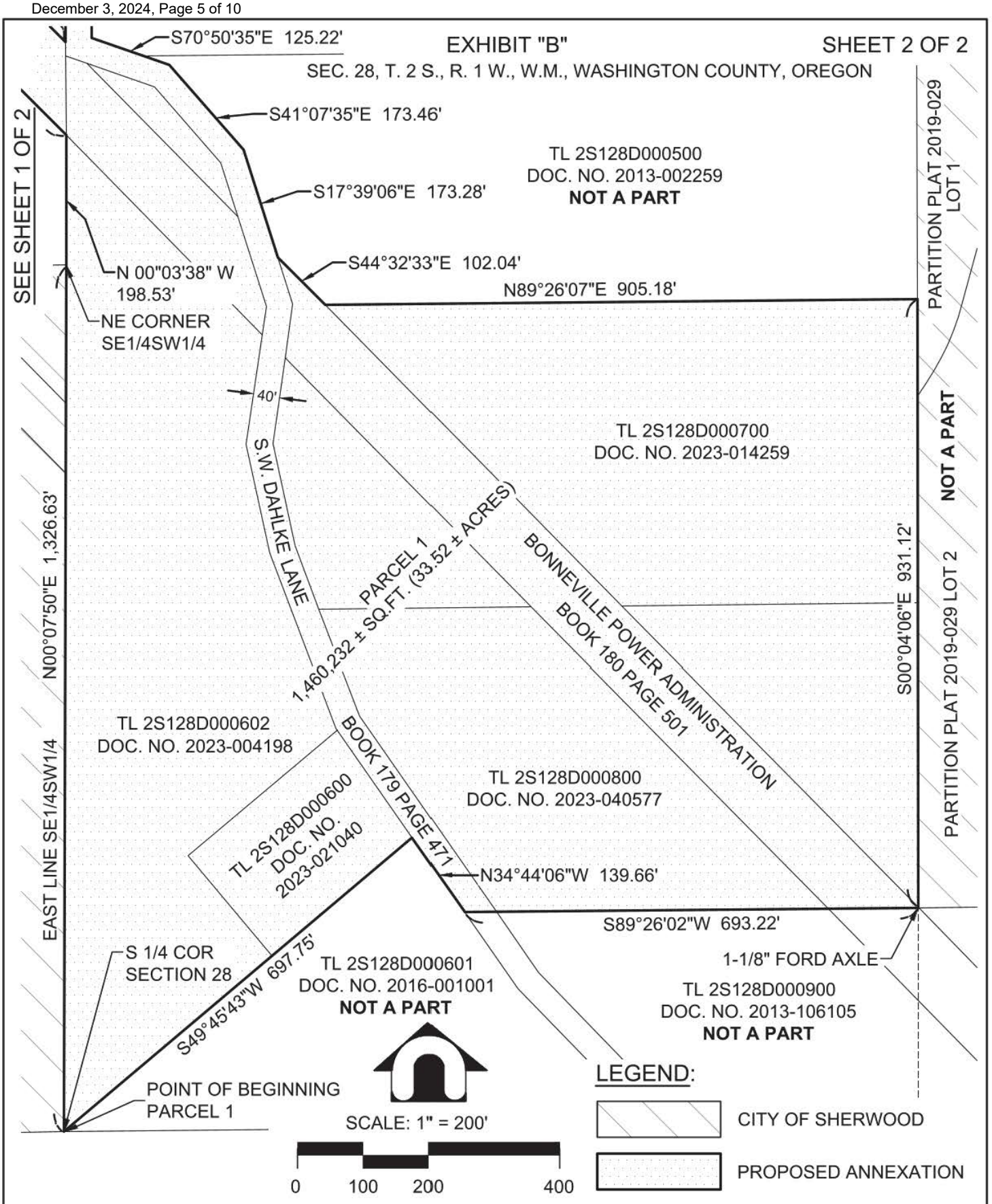

TONQUIN EMPLOYMENT AREA ANNEXATION
CITY OF SHERWOOD

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EXHIBIT "C"

Tonquin Employment Area Annexation
Clean Water Services
July 30, 2024

Tax Maps 2S128C and 2S128D

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A tract of land lying in the South Half of Section 28, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, described as follows:

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DIGITALLY SIGNED 2024.10.17 08:52:14-07'00'

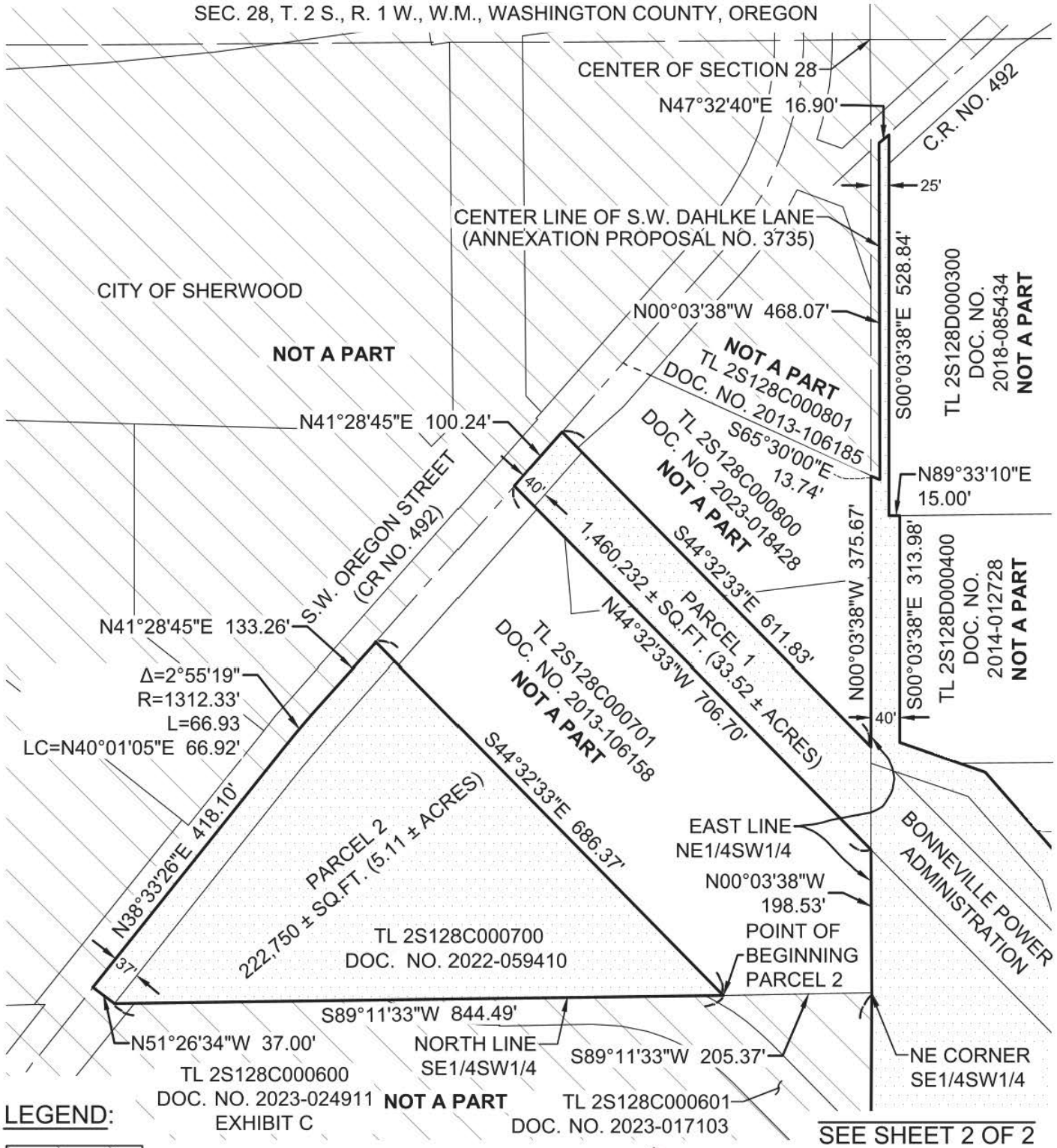
OREGON
JULY 13, 2021
KEITH LYMAN
94803

RENEWS: 12/31/2024

EXHIBIT "D"

SHEET 1 OF 2

SEC. 28, T. 2 S., R. 1 W., W.M., WASHINGTON COUNTY, OREGON



SEE SHEET 2 OF 2

LEGEND:

CITY OF SHERWOOD

PROPOSED ANNEXATION

SCALE: 1" = 200'

0 100 200 400

TONQUIN EMPLOYMENT AREA ANNEXATION
CLEAN WATER SERVICES

FILE NO: ANX 01	SUBMITTAL DATE: 07/30/2024
TAX LOT: -	REVISED DATE: 10/16/2024
TAX MAP: -	ADDRESS: -NA-

DAVID EVANS AND ASSOCIATES INC.
2100 S River Parkway, Suite 100
Portland Oregon 97201
Phone: 503.223.6663

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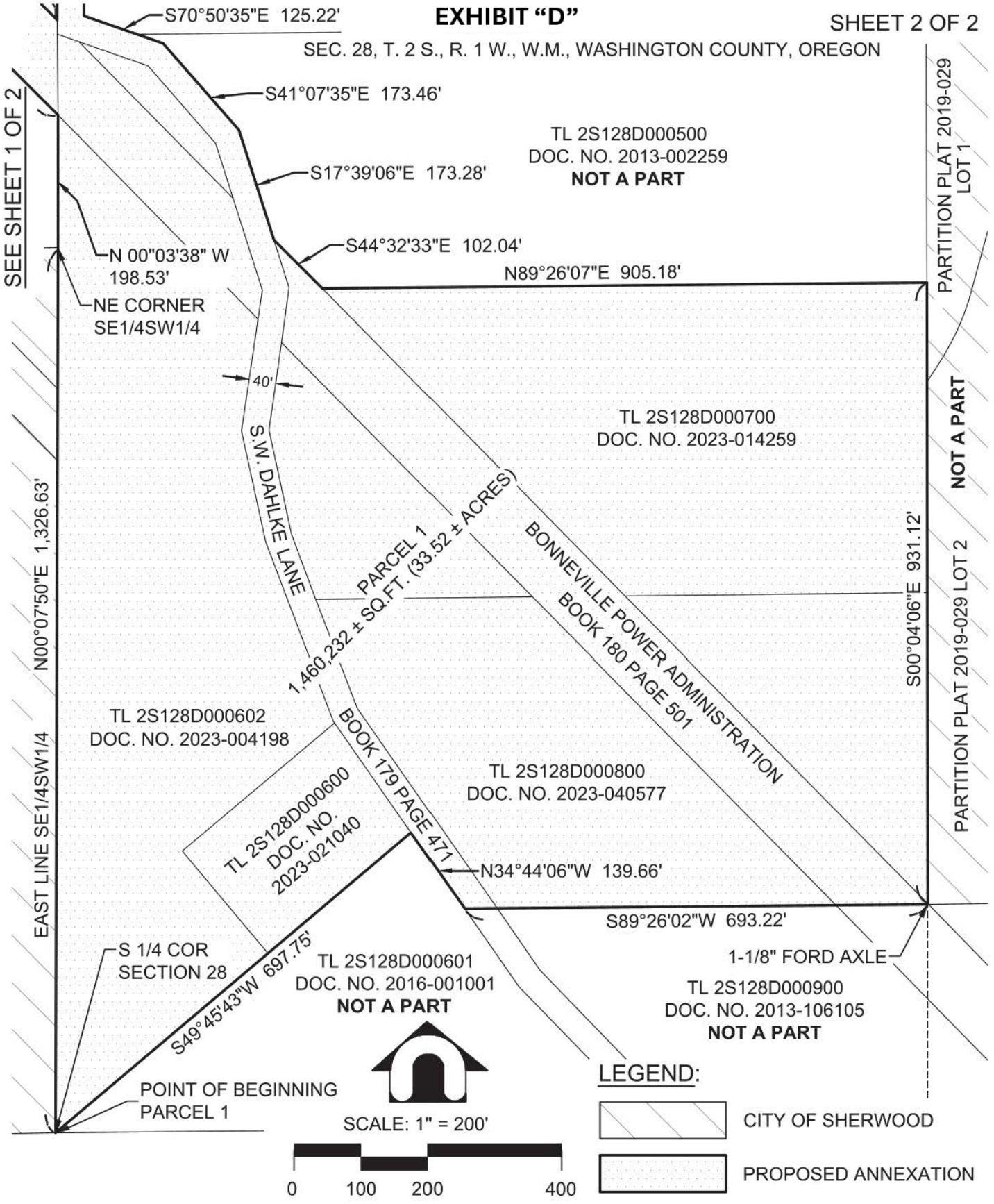
EXHIBIT "D"

SHEET 2 OF 2

SEC. 28, T. 2 S., R. 1 W., W.M., WASHINGTON COUNTY, OREGON



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