



City of Tualatin

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EXPEDITED ANNEXATION APPLICATION INSTRUCTIONS

These are instructions for filing an application for an Expedited Annexation (ANN) to the City of Tualatin (Expedited Annexation and Minor Boundary Change proposals).

Please read all instructions before filing an application with the City.

All steps must be followed whether you are filing an Expedited Annexation (ANN) or a Minor Boundary Change.

Step 1. Pre-application Meeting

An optional Scoping Meeting is highly recommended prior to the required Pre-Application meeting. To schedule a [Scoping](#) or a [Pre-Application meeting](#) with the Community Development Department - Planning Division, you may contact (Lynette Sanford, Office Coordinator at 503-691-3026 or lsanford@ci.tualatin.or.us). The pre-application meeting should occur as the earliest step of your project. The application to request a Pre-Application meeting is available on the city website. Following this meeting, the applicant shall hold a [Neighborhood/ Developer meeting](#) pursuant to TDC 31.063.

Step 2. Applications and Fees

The application asks for information concerning the applicant, property owner, and properties to be annexed. Please fill out the following forms completely:

- Application for Annexation: Sign both the applicant and property owner sections of the application, even if they are the same. If you need assistance identifying the map tax lot number or existing zoning within the County, please check with the Community Development Department - Planning Division at 503-691-3026.
- Annexation Property Information sheet: This form will be used to complete the Staff Report for this application.

Request for Expedited Procedure: Oregon Revised Statutes ([ORS](#)) [268.354](#) and [Metro Code](#) [3.09.045](#) allow for an expedited process for annexation requests. This process lessens the time to process a proposal. There are two important conditions with this process. First, the expedited process must be specifically requested by completing the Request for Expedited Procedure for Annexation to the City. Second, the expedited process may be utilized for minor boundary changes where the petition initializing the minor boundary change is accompanied by the written consent of 100% of the property owners and at least 50% of the electors, if any, within the affected property.

The City charges a fee for annexations (please see the current fee schedule), and Metro also requires a fee for annexations. A separate check made out to “Metro” should be provided to the City when filing the application. Metro’s Fee Schedule is attached to the back of this application packet. The City processes the check to Metro for the applicant after the annexation has been approved.

Step 3. Consent to Annex/Petition to Annex to the City of Tualatin

Consent to annex is necessary to initiate the annexation proceeding. The consent to annex must be by a property owner/registered voter and is in the form of a petition to the City. Complete the petition as early as possible and check with the appropriate Assessor’s Office (Washington or Clackamas County) to determine their lead time. The form is the Petition to Annex to the City of Tualatin and is attached in two pages. To give consent for a particular piece of property, persons who own an interest in the property or who are purchasers of the property on a contract sale that is recorded with the County, must sign the Petition. If more than one person is the recorded owner or contract purchaser, all persons must sign. In the case of a corporation or business, the person who is authorized to sign legal documents for the firm may sign the Petition. To be considered a registered voter, you must be currently registered to vote.

Step 4. Certification of Property Ownership

Have the County Elections Department certify the signatures of the property owners and registered voters by completing the attached Certification of Property Ownership and Certification of Registered Voters form.

Step 5. Legal Description

The applicant shall provide a legal description of the property to be annexed. See attached Important Information on Annexation Legal Descriptions for more information. NOTE: The legal description should include any abutting public rights-of-way. A legal description of the property to be annexed shall be added to the Petition to Annex to the City of Tualatin. A lot, block and subdivision description may be substituted for the meets 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 6. Map

Submit nine (9) copies of the latest County assessor’s map (or maps) which show the tax lot(s) proposed for annexation. Outline the area to be annexed on the map with a red marker. This outlined area should include any abutting rights-of-way. Include nine (9) copies of the subject area and properties within 1,000 feet of the subject property. If the 1,000-foot area includes lots within a platted residential subdivision the area shall extend to include the entire subdivision of which the lots are part and the applicant shall identify these subdivisions for staff. If the residential subdivision is one of two or more individually platted phases sharing a single subdivision name the notice area need not include the additional phases. Refer to Tualatin Development Code ([TDC 31.064\(1\)](#)).

Step 7. Certification of Legal Description and Map

The Certification of Legal Description and Map form needs to be completed by County staff and submitted with the annexation application.

Step 8. List of Property Owners

If the proposed annexation involves 10 or fewer property owners/registered voters, complete the Property Owner Information Sheet attached (please print or type).

NOTE: This form is not the “consent to annex” petition. The purpose of this form is to give the City a legible list of names and addresses of all property owners/registered voters in the area to be annexed regardless of whether these owners/voters petitioned for annexation.

Step 9. Neighborhood / Developer Meeting

The applicant shall submit the required materials from the [Neighborhood / Developer meeting](#) pursuant to TDC 31.063.

Step 10. Copies

Please submit the original and nine (9) copies and an **Electronic Digital CD** (Adobe Acrobat Reader (pdf), or Microsoft Word and Excel are the preferable file types) of the entire Annexation packet and supporting documentation, including drawings to the City of Tualatin Community Development Department - Planning Division.

Step 11. Noticing

The Expedited Annexation process set forth in Metro Code 3.09.045 does not require notice to nearby property owners; however, a recent Land Use Board of Appeals (LUBA) decision requires Annexations to provide notification to surrounding property owners. As part of the application submittal, the applicant is required to provide a list of property owners within 1,000 feet of the subject property. The City provides notice to these surrounding property owners, interested parties – which include Necessary Parties – utility companies and City Departments. These Parties have an opportunity to respond and comment.

All parties listed on the application form shall also be included on the address list/ mailing labels. Provide pre-gummed address labels listing the correct names and addresses of all owners of the subject property and of real property within 1,000' of the subject property. If the 1,000-foot area (Ordinance No. 1304-10 page 59 of 61) includes lots within a platted residential subdivision the notice area shall extend to include the entire subdivision of which the lots are part and the applicant shall identify these subdivisions for staff as part of the mailing notification list. If the residential subdivision is one of two or more individually platted phases sharing a single subdivision name the notice area need not include the additional phases. The current assessor's roll shall be used. The Tax Lot number and Assessor's Map number must be included with each name and address. Preparation of the list of property owners shall be the applicant's responsibility and shall be prepared by one of the following: a land title company, a land use planning consultant authorized by the State of Oregon to conduct business in the State, registered architect, landscape architect, engineer, surveyor, or attorney. The applicant shall update the list of property owners not less than every 90 days.

Step 12. Measure 37 Waiver of Rights and Remedies

The applicant shall complete the Measure 37 Waiver of Rights and Remedies form included in this packet and notarize signature.

Step 13. Sign Posting

Include a completed and signed certification of sign posting.

Next Steps

After the application is deemed complete, staff will visit the site and gather materials and comments for the staff report.

The applicant should plan to attend the City Council hearing for the annexation.

A completed annexation agreement may be required.



City of Tualatin

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APPLICATION FOR ANNEXATION

Applicant			
Name:		Company Name:	
Address:			
City:		State:	ZIP Code:
Phone:	Fax:	Email:	
Applicant is: Owner _____ Contract Purchaser _____ Developer _____ Agent _____ Other _____			
Applicant's Signature:			Date:

Property Owner			
Name:			
Address:			
City:		State:	ZIP Code:
Phone:	Fax:	Email:	
Property Owner's Signature:			Date:

(Note: Letter of authorization is required if not signed by owner)

Assessor Information	
Assessor's Map #:	Tax Lot #:
Assessor's Map #:	Tax Lot #:
Assessor's Map #:	Tax Lot #:
Address of property:	Lot area (acres):
Current County Zone:	Proposed City Planning District:
Current Use:	Proposed Use:
Right-of-Way to be included:	

AS THE PERSON RESPONSIBLE FOR THIS APPLICATION, I HEREBY ACKNOWLEDGE THAT I HAVE READ THE ABOVE APPLICATION AND ITS ATTACHMENTS, UNDERSTAND THE REQUIREMENTS DESCRIBED HEREIN, AND STATE THAT THE INFORMATION SUPPLIED IS AS COMPLETE AND DETAILED AS IS CURRENTLY POSSIBLE, TO THE BEST OF MY KNOWLEDGE.

Applicant's Signature:	Date:

Office Use		
Case No:	Date Received:	Received by:
Fee: Complete Review:	Receipt No:	
City Filing Fee:	Date complete:	

Received 5/14/15

ANNEXATION CERTIFICATION OF SIGN POSTING



The applicant shall provide and post a sign pursuant to Tualatin Development Code (TDC) 31.064(2). Additionally, the 18" x 24" sign must contain the application number, and the block around the word "NOTICE" must remain **medium purple** composed of the **RGB color values Red 112, Green 48, and Blue 160**. Additionally, the potential applicant must provide a flier (or flyer) box on or near the sign and fill the box with brochures reiterating the meeting info and summarizing info about the potential project, including mention of anticipated land use application(s). Staff has a Microsoft PowerPoint 2007 template of this sign design available through the Planning Division homepage at <<http://www.ci.tualatin.or.us/departments/communitydevelopment/planning>>.

NOTE: For larger areas, the Community Development Department may require the posting of additional signs in conspicuous locations.

As the applicant for the _____ project, I hereby certify that on this day, _____ sign(s) was/were posted on the subject property in accordance with the requirements of the Tualatin Development Code and the Community Development Department - Planning Division.

Applicant's Name: _____
(PLEASE PRINT)

Applicant's Signature: _____

Date: _____

PETITION TO ANNEX TO THE CITY OF TUALATIN

To the Council of the City of Tualatin, Oregon

We, the undersigned owner(s) of the property described below and/or elector(s) residing at the location below described, hereby petition for and give consent to, annexation of said property to the City of Tualatin.

The consent for annexation is for the following described property:	
_____ Street Address of Property (If address has been assigned)	
_____ Subdivision Name, Lot Number(s), Block Number(s)	
_____ Map & Tax Lot Number(s)	_____ County

Signature(s) of Legal Owner(s) and/or Registered Voter(s)

Signature	Owner initial	Voter initial	Date
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Signature	Owner initial	Voter initial	Date
-----------	---------------	---------------	------

Owner Authorized Signature	Owner initial	Voter initial	Date
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Street Address	Phone	Alt Phone
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Mailing Address	City, State, Zip
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We, the owner(s) of the property described above and/or elector(s) residing on said property understand the annexation process can take more than one year. Therefore, we agree to waive the one-year time limitation on this consent established by ORS 222.173, and further agree that this contract shall be effective [] indefinitely [] until _____.

Office Use Only
Date Received _____
Ownership Checked _____
By _____

Signature	Date
-----------	------

Signature	Date
-----------	------

If you have questions, call 503-691-3026.

To the Council of the City of Tualatin, Oregon:

We, the undersigned Owner(s) of the property described below and/or elector(s) residing at the referenced location, hereby petition for, and give consent to, annexation of said property to the City of Tualatin. We understand that the City will review this request in accordance with ORS Chapter 222 and applicable regional and local policies prior to approving or denying the request for annexation.

Signature	Printed Name	I am a			Address	Property Description				Date
		PO	RV	OV		T/S	Map	Tax Lot	Precinct #	

PO: Property Owner OV: Property Owner & Registered Voter
 RV: Registered Voter T/S: Township & Section



CERTIFICATION OF PROPERTY OWNERSHIP

I certify that the attached petition for annexation of the described territory to the City of Tualatin contains the names of the owners* of a majority of the land area of the territory to be annexed, as shown on the last available complete assessment roll.

NAME _____

TITLE _____

DEPARTMENT _____

COUNTY OF _____

DATE _____

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

CERTIFICATION OF REGISTERED VOTERS

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

NAME _____

TITLE _____

DEPARTMENT _____

COUNTY OF _____

DATE _____

IMPORTANT INFORMATION ON ANNEXATION LEGAL DESCRIPTIONS

A *metes and bounds* legal description of the entire area proposed for annexation is required as part of an annexation application.

You are requested to discuss the proposal with the City of Tualatin Community Development Department – Planning Division and Engineering Department prior to submittal of the legal description. A licensed land surveyor generally prepares the description. It must describe the boundary of the entire area to be annexed, including adjacent streets. Occasionally, other parcels, such as public properties, must be included to create a logical city boundary.

The legal description must be written in such a way as to comply with state law (ORS 308.225), including courses identified by bearings and distances, and references to deed lines whenever possible. The description must reference (“call to”) the Tualatin City Limits line where it adjoins the area to be annexed, or use an identical course. The Engineering Department can assist in determining which streets are to be included, and the extent (usually to the centerline). The acreage of the private property and the right-of-way property to be annexed should be indicated separately. The area should be clearly shown on an attached map.

When submitted, the description will be checked by the Engineering Department, and if revisions are necessary, the City will notify you. The final *approved* description is needed at least six weeks in advance of the City Council public hearing at which the decision will be made for minor boundary changes, and included with the application for expedited requests.

You must resubmit revised descriptions quickly to prevent delays in processing the application. The hearing cannot be scheduled until the legal description is verified and approved.



CERTIFICATION OF LEGAL DESCRIPTION AND MAP

I certify that the description of the property included within the attached petition (located on Assessor's Map _____) 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 _____

TITLE _____

DEPARTMENT _____

COUNTY OF _____

DATE _____



City of Tualatin

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PROPERTY OWNER INFORMATION SHEET

(This form is NOT the petition)

ALL OWNERS OF PROPERTY AND/OR REGISTERED VOTERS INCLUDED IN BOUNDARY CHANGE PROPOSAL AREA SHOULD SIGN

To be completed IF the proposal contains 10 or fewer land owners and/or registered voters. Please indicate the name and address of all owners and/or voters regardless of whether they signed an annexation petition or not. This is not for notification purposes. A signature on this form does not indicate support or opposition to the request.

NAME OF OWNER/VOTER	ADDRESS	PROPERTY DESIGNATION (Indicate tax lot, section number, Township & Range)
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(1) _____

(2) _____

(3) _____

(4) _____

(5) _____

(6) _____

PROPERTY OWNER INFORMATION SHEET (cont'd)

NAME OF OWNER/VOTER	ADDRESS	PROPERTY DESIGNATION (Indicate tax lot, section number, Township & Range)
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(7) _____

(8) _____

(9) _____

(10) _____



**REQUEST FOR EXPEDITED PROCEDURE FOR
ANNEXATION TO THE CITY OF TUALATIN**

I (We), the undersigned Principle Petitioners, request this Annexation Proposal be approved in an expedited fashion. This request is made pursuant to ORS 222.125 and Metro Code 3.09.045.

This request is made in addition to and supplements all other requirements for filing an annexation petition.

Signature of Principal Petitioners	Address	Map and Tax Lot Number
1.		
2.		
3.		
4.		
5.		
6.		
7.		

This form is NOT a petition for annexation. It is only a request to expedite the process. This form must be accompanied by a regular petition and the other forms normally submitted to initiate a proposal.



ANNEXATION PROPERTY INFORMATION SHEET

I. EXISTING CONDITIONS IN AREA TO BE ANNEXED

A. Land Area: Acres _____

B. General description of territory. (Include topographic features such as slopes, vegetation, drainage basins, floodplain areas, which are pertinent to this proposal).

C. Describe land uses on surrounding parcels. Use tax lots as reference points.

North: _____

South: _____

East: _____

West: _____

D. EXISTING LAND USE:

No. of single-family units _____ No. of multi-family units _____

No. of commercial structures _____ No. of industrial structures _____

Public facilities or other uses _____

What is the current use of the land proposed to be annexed: _____

E. Total current year Assessed Valuation – Land \$ _____ Structures \$ _____

F. Total existing population _____

G. Is the territory contiguous to the City Limits? _____

H. Is the subject territory inside or outside of the Metro Regional Urban Growth Boundary? _____

II. CRITERIA FOR APPROVAL OF BOUNDARY CHANGES

The following are the criteria used in making a decision to annex property to the City of Tualatin. **Please address each of these in narrative form.** Be as thorough and complete with your answers as possible. Please see the attached “Criteria Guidelines” sheet for further clarification of the criteria. If you have any questions or need assistance, please contact the City of Tualatin, Planning Division at 503-691-3026.

A. Metro Code 3.09.050(d) states that a boundary change proposal shall address the following minimum criteria:

1. Consistency with directly applicable provisions in an urban service provider agreement or annexation plan adopted pursuant to ORS 195.065;
2. Consistency with directly applicable provisions in an urban planning or other agreements, other than agreements adopted pursuant to ORS 195.065, between the affected entity and a necessary party;
3. Consistency with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facility plans;

4. Consistency with specific directly applicable standards or criteria for boundary changes contained in the Regional Framework Plan or any functional plan;
 5. Whether the proposed change will promote or not interfere with the timely, orderly and economic provisions of public facilities and services;
 6. If the proposed boundary change is for annexation of territory to Metro, a determination by the Metro Council that the territory should be included in the Urban Growth Boundary shall be the primary criterion for approval;
 7. Consistency with other applicable criteria for the boundary change in question under state and local law.
- B. If the territory described in the proposal is presently included within the boundaries of any of the following types of governmental units, please so indicate by stating the name or names of the governmental units involved.

City _____

County _____

Highway Lighting District _____

Rural Fire District _____

Sanitary District _____

Water District _____

Grade School District _____

High School District _____

Library District _____

Drainage District _____

Parks & Recreation District _____

Other _____

- 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 describe.

APPLICANT'S NAME _____

MAILING ADDRESS _____

WORK TELEPHONE _____

HOME TELEPHONE _____

REPRESENTING _____

DATE _____

CRITERIA GUIDELINES:

These guidelines were designed to assist you in completing the criteria Section II, A 1-7 on the Property Information Sheet.

1. At this time, there are no agreements, pursuant to ORS 195.065, in place between Tualatin and any service provider.
2. Annexations within the established Urban Boundary are consistent with Tualatin's Urban Planning Area Agreement with Washington County and the Urban Growth Management Agreement between City of Tualatin and Clackamas County.
3. Because the area to be annexed is within the City's Planning Area Boundary and the Metro Urban Growth Boundary, services can be provided at the property owners expense. This is consistent with Tualatin's Community Plan (Comprehensive Plan).
4. The Regional Framework Plan and Functional Plan have no provisions directly related to annexation. Because services and transportation facilities are available in the area and all property within the Urban Growth Boundary and Urban Planning Area Boundary were included in calculations for facility capacity, housing and employment, annexation would be consistent with the Framework and Functional Plans.
5. State location (address or tax map) and means of service (sewer, water, storm, transportation) provision.
6. No applicable.
7. No other criteria have been determined to be applicable.



City of Tualatin

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FEE SCHEDULE

Annexation Fees for the City of Tualatin and Metro

City of Tualatin Fee

(Fee information can also be found in the [City of Tualatin Fee Schedule](#).)

Metro Fee Schedule

Single tax lot less than 1 acre.....	\$150.00
1-5 acres.....	250.00
5-40 acres.....	300.00
Greater than 40 acres.....	400.00

Both of these fees must be paid by the applicant. They cover services provided by Metro and the City of Tualatin related to an annexation application. Two separate checks should be written, one payable to “Metro” and one payable to the “City of Tualatin,” and submitted at the time of application. The City will send the check directly to Metro with appropriate paperwork.

Name of Document For Recording: Waiver Of Rights And Remedies Grantor: (Petitioner(s)) Grantee: City of Tualatin Consideration: None. Tax Statement to be mailed to: No change. <u>After Recording, Return To:</u> City of Tualatin, Attn: City Recorder, 18880 SW Martinazzi, Tualatin, OR 97062	(For County Recording Use Only)
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Measure 37 Waiver Of Rights And Remedies

Whereas, _____ (“Petitioner”, including collectively all petitioners) has petitioned to the City of Tualatin (“City”) to commence certain proceedings, i.e., annexation, planning district change, and/or plan text amendment for the following described real property,

See attached legal description

Whereas, under Ballot Measure 37 (effective December 2, 2004), a property owner may seek just compensation or waiver of certain land use regulations if a public entity enacts or enforces the land use regulations after the property owner acquired the property; and

Whereas, Oregon electors or the Oregon Legislature may, in the future, enact further statutory or constitutional amendments relating to compensation for the impact of local regulations upon real property, under certain circumstances; and

Whereas, City does not wish to approve the Petitioner’s requested proceedings if such approval could result in the owner or the owner’s successors or assigns filing a claim for compensation for the land use regulations in effect upon the effective date of the proceedings or a claim seeking to require the City to waive its land use regulations, which are being newly imposed upon the property as a result of the Petitioner’s requested proceedings; and

Whereas, Petitioner wishes to obtain the City’s approval of Petitioner’s requested proceedings and therefore agrees to eliminate the potential of claim for compensation or the right to seek waiver from the City’s land use regulations existing as of the effective date of the proceedings.

Now, therefore, Petitioner warrants that the Petitioner executing this Waiver Agreement holds the full and complete present ownership or any interest therein in the property, and agrees as follows:

1. As inducement to the City to proceed with the following proceeding(s) affecting the subject real property: Annexation, planning district change, and/or plan text amendment which may include designation of the property as subject to additional applicable overlay zones and districts, e.g., Mixed Use Commercial

Overlay District, Industrial Business Park Overlay District, Flood Plain District, Wetlands Protection District, Greenway Protection Overlay District and Natural Areas, and/or design districts (“proceedings”), the undersigned Petitioner, on behalf of Petitioner, Petitioner’s heirs, devisees, executors, administrators, successors and assigns, agrees and covenants to the City of Tualatin, its officers, agents, employees and assigns that the Petitioner hereby waives, releases and forever discharges, and agrees that Petitioner shall be estopped from asserting any rights and remedies, actions, causes of action, suits, claims, liabilities, demands, and rights to waivers arising under or granted by any statutory or constitutional regulatory compensation or waiver provisions, including but not limited to Ballot Measure 37 (2004) or otherwise enacted after the date of this proceeding which would create a right of claim for compensation or waiver from city land use regulations that exist upon the effective date of the proceeding and which, by the approval of the proceeding, are then applicable to the property.

2. This Waiver and release shall bind the undersigned’s heirs, devisees, executors and administrators, successors in interests, and assigns. This waiver, release and discharge shall run with the land, and this instrument or a memorandum of it may be recorded in the official records of the County in which the subject real property is located. This instrument may be terminated upon the filing of a Notice of Termination of Waiver filed by the City of Tualatin.

3. If this instrument is given contemporaneous with a consent to future proceedings to be initiated by the City, Petitioner acknowledges that the proceedings may be initiated by the City of Tualatin at any time in the discretion of the City and that this waiver and release is applicable to any ordinances adopted prior to the effective date of the proceeding.

4. This document is executed of my own free will and without duress. I/we respectively acknowledge that I/we have been advised to obtain legal advice prior to the execution of this document, and that either I, or each of us respectively, have either obtained legal advice or have independently elected not to seek legal advice prior to the execution of this document, recognizing that this document may affect our legal rights and remedies.

DATED this _____ day of _____, 20__.

_____ (signature)	_____ (signature)
Petitioner Name:	Petitioner Name:
Date Signed:	Date Signed:

Petitioner (corporation, etc.) Name: _____
 By: _____
 Name of Signor: _____
 Office/Title of Signor: _____

State of Oregon _____)
 County of _____)

On this _____ day of _____, _____, before me the undersigned
 Notary Public, personally appeared

_____ (Name of Petitioners signing; not Notary name)

- Personally known to me
- Proved to me on the basis of satisfactory evidence
- To be the person who executed the within instrument**
- As _____ or on behalf of the entity therein named, pursuant to authority, and acknowledged to me the execution hereof.

WITNESS my hand and official seal (Do not write outside of the box)	Place Notary Seal Below
Notary Signature _____ Notary name (legible): _____	

This document is accepted pursuant to authority and approved for recording.

City of Tualatin, Oregon

_____ City Manager

State of Oregon)
County of Clackamas)

On this _____ day of _____, _____, before me the undersigned Notary Public, personally appeared _____,

- personally known to me
- proved to me on the basis of satisfactory evidence

To be the person who executed the within instrument as City Manager or on behalf of the entity therein named, pursuant to authority, and acknowledged to me the execution hereof.

WITNESS my hand and official seal Do not write outside of the box	Place Notary Seal Below (Do not place seal over any portion of text or signature)
Notary Signature _____ Notary name (legible): _____	