



City of Tualatin

www.tualatinoregon.gov

ANNEXATION APPLICATION INSTRUCTIONS AND REQUIREMENTS

PURPOSE

Property owners can initiate their own annexation process if the territory is contiguous to the existing city limits. Multiple parcels can be processed as a single application as long as the parcels are neighboring.

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

APPLICATION REQUIREMENTS

The following information is required with all Annexation applications. If any information is missing, the application will be deemed incomplete until all required information is submitted. Once an application is deemed complete, staff review can begin.

1. Attend an optional Scoping meeting to discuss the application. The application to request a Scoping meeting is available on the City website.
2. Attend a required **Pre-Application meeting** with the Community Development staff to discuss the application requirements. The application to request a Pre-Application meeting and fee schedule is available on the City website.
3. Hold a **Neighborhood/Developer meeting** and provide documentation as described in TDC 31.063.
4. The **Annexation Application** shall be submitted with one hardcopy original with electronic copies of the annexation packet and supporting documentation, and a nonrefundable fee. Metro also requires a fee for annexations. Provide a separate check made out to "Metro":
<http://www.oregonmetro.gov/tools-partners/data-resource-center/annexation-and-boundary-change-information>.
5. A **Narrative** addressing criteria in 33.010(5):
 - (a) *The territory to be annexed is within the Metro Urban Growth Boundary;*
 - (b) *The owners of the territory to be annexed have petitioned to be annexed;*
 - (c) *The application conforms to the applicable criteria in Metro Code 3.09; and*
 - (d) *The application is consistent with applicable provisions of ORS Chapter 222.*
6. **Petition to Annex to the City of Tualatin.** Consent to annex is necessary to initiate the annexation proceeding. Attached is a petition form for your use. This form shall be signed by the majority of electors and land owners or, where there is a recorded land contract, the purchaser thereunder of the property to be annexed. If there are multiple ownerships, each signer is counted toward a proportion to the size of their ownership. If a corporation owns the land, the corporation is considered the individual property owner.

After completing the petition and corresponding Legal Description (7), have the appropriate County Departments certify the petition using the attached certification forms (8-10)

7. **Legal Description.** The applicant shall provide a legal description of the property to be annexed. The legal description should include any abutting public rights-of-way. See attached *Important Information on Annexation Legal Descriptions* for more information.

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.
8. **Certification of Legal Description and Map Form.** Have the County Assessors certify the legal description and corresponding map.
9. **Certification of Property Ownership Form.** Have the County Assessors Department certify the signatures of the property owners.
10. **Certification of Registered Voters Form.** Have the County Elections Department certify the signatures of the registered voters.
11. **Property Owner Information Form.** If the proposed annexation involves 10 or fewer property owners/registered voters, complete the attached form. 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.*
12. An **Annexation Property Information Sheet.**
13. **Quarter Section Map.** Submit the latest quarter section map that indicates the subject territory to be annexed. Highlight the area to annexed on the map.
14. A completed **Measure 37 & 49 Waiver Form** is required for all annexation applications. Notarized signatures and a copy of the recorded document must be submitted.
15. **Mailing Labels for Public Notice.** As part of the application submittal, the applicant is required to provide mailing labels and list of property owners within 1,000 feet of the subject property. This list shall include the Assessors Map Number, Tax Lot Number, name and mailing address for all recipients listed in TDC 32.140(3).

The Community Development Department is able to provide the applicant with a complete Mailing Area list for a fee.
16. Include a completed and signed **Certification of Sign Posting.**

NEXT STEPS

After the application requirements are submitted and the application is deemed complete, staff will gather materials and comments for the staff report. Preparing the report will include review by a variety of service providers (water, wastewater, stormwater, parks, police, and fire) to ensure that public facilities and services can be provided. The report will also address how the application is consistent with the approval criteria in TDC 33.010(5). The annexation staff report will be available for review fifteen days prior to the public hearing.

The applicant should plan to attend their City Council hearing for annexation. The City Council decision will be made by Resolution adoption at the following City Council hearing. A Notice of Adoption will be sent within five days of the hearing. Lastly a completed annexation agreement may be required.



CITY OF TUALATIN
Community Development Department-Planning Division
Land Use Application—Type IV

PROPOSAL NAME _____

PROPOSAL SUMMARY *(Brief description)*

PROPERTY INFORMATION

Location *(address if available)*: _____
 Tax Map & Lot #(s): _____ Planning District: _____
 Total site size: _____ Developed Undeveloped

APPLICANT/CONTACT INFORMATION

Applicant or Primary Contact Name: _____
 Mailing Address: _____
 City/State: _____ Zip: _____
 Phone: _____ Email: _____
 Applicant's Signature: _____ Date: _____

I hereby acknowledge that I have read this application and understand the requirements for approving and denying the application, that the information provided is correct, that I am the owner or authorized agent of the owner, and that plans submitted are in compliance with the City of Tualatin Development (TDC) and Municipal (TMC) Codes.

PROPERTY OWNER/DEED HOLDER INFORMATION

Name: _____
 Mailing Address: _____
 City/State: _____ Zip: _____
 Phone: _____ Email: _____
 Property Owner Signature: _____ Date: _____

Power of attorney or letter of authorization required if application not signed by the property owner/deed holder.

LAND USE APPLICATION TYPE

- Annexation (ANN) Plan Map Amendment (PMA)
- Conditional Use Permit (CUP) Plan Text Amendment (PTA)
- Central Urban Renewal Master Other _____
- Historic Landmark Designation or Removal of Designation (HIST)

FOR STAFF USE ONLY	
Case No.:	_____
Date Received:	_____
By:	_____
Fee Amount \$:	_____
Received by:	_____

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. The legal description should be inserted into or attached to the Petition to Annex.

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.

Keep in mind the following items when preparing annexation legal descriptions:

- The point-of-beginning of the legal description must be clear. The point-of-beginning is best described by bearing and distance from a section corner, a donation of land claim (DLC) corner, or another well monumented corner.
- The County Assessor’s Department may accept a lot, block, and subdivision description as a substitution for the metes and bounds description if the area is platted and no metes and bounds description is available.
- If the legal description contains any deed or book and page references, legible copies of these documents must be submitted with the the legal description.
- Tax lot numbers cannot be used for the legal description.

PROPERTY OWNER INFORMATION

(This form is NOT the petition)

Metro Code 3.09.040 requires the names and address of all property owners and/or registered voters of the property, regardless of support shown on petition to annex. This is not for notification purposes. A signature on this form does not indicate support or opposition to the request.

NAME OF OWNER/VOTER (V)

PROPERTY DESIGNATION

(Indicate Section, Township, Range and Lot No.)

MAILING ADDRESS

PROPERTY ADDRESS (If different)

(1) _____

(2) _____

(3) _____

(4) _____

(5) _____

(6) _____

(7) _____

(8) _____

(9) _____

(10) _____

ANNEXATION PROPERTY INFORMATION SHEET

EXISTING CONDITIONS IN AREA TO BE ANNEXED:

Land area, in acres: _____

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

Describe land uses on surrounding parcels *(Use tax lots as reference points)*

North: _____

South: _____

East: _____

West: _____

EXISTING LAND USE:

Number of existing units/structures:

Single-family: _____ Multi-family: _____ Commercial: _____ Industrial: _____

Describe existing units/structures: _____

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

Public facilities or other uses: _____

Total current year assessed valuation – Land \$: _____ Structures \$: _____

Total existing population: _____

Is the territory contiguous to the City limits: _____

Is the subject territory inside or outside of the Metro Regional Urban Growth Boundary: _____

URBAN SERVICE PROVIDERS:

If the territory described in the proposal is presently included within the boundaries of any of the following types of governmental units, please indicate so by stating the name or names of the governmental units involved.

County: _____

Highway Lighting District: _____

Fire District: _____

Sanitary District: _____

Water District: _____

Grade School District: _____

High School District: _____

Library District: _____

Drainage District: _____

Parks & Recreation District: _____

Other: _____

Is the territory served by any of the providers listed above (*describe existing connections to public services*): _____

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	<i>(For County Recording Use Only)</i>
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MEASURE 37 & 49 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), as amended by Ballot Measure 49 (effective December 6, 2007), 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 land use regulations and overlay zones and districts, which may include, but are not limited to the 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) and Ballot Measure 49 (2007) 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 covenant, waiver, release, and discharge binds the undersigned's heirs, devisees, executors and administrators, successors in interests, and assigns. This covenant, waiver, release, and discharge will 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_____

<hr/> <p style="text-align: center;"><i>(signature)</i></p> <p>Petitioner Name:</p> <hr/> <p>Date Signed:</p> <hr/>	<hr/> <p style="text-align: center;"><i>(signature)</i></p> <p>Petitioner Name:</p> <hr/> <p>Date Signed:</p> <hr/>
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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 <i>(Do not write outside of the box)</i>	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

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**. Staff has a Microsoft PowerPoint 2007 template of this sign design available through the Planning Division homepage at: <https://www.tualatinoregon.gov/planning/land-use-application-sign-templates>

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 Division.

Applicant's Name: _____
(Please Print)

Applicant's Signature: _____

Date: _____