

## PETITION TO ANNEX

To the Council and City of Tualatin:

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.

[illegible]

\* Please check one of the following: PO: Property Owner; RV: Registered Voter ; OV: Property Owner & Registered Voter

## **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.

**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.

\_\_\_\_\_  
Printed Name Title

\_\_\_\_\_

\_\_\_\_\_  
Signature Date

\_\_\_\_\_

\_\_\_\_\_  
Department County of

\_\_\_\_\_

## 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.

_____	_____
Printed Name	Title

_____	_____
Signature	Date

_____	_____
Department	County of

*\*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.

_____	_____
Printed Name	Title

_____	_____
Signature	Date

_____	_____
Department	County of

**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.

<b>NAME OF OWNER/VOTER (V)</b> <b>PROPERTY DESIGNATION</b> (Indicate Section, Township, Range and Lot No.)	<b>MAILING ADDRESS</b> <b>PROPERTY ADDRESS</b> (If different)
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(2)	<hr/> <hr/>
(3)	<hr/> <hr/>
(4)	<hr/> <hr/>
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(10)	<hr/> <hr/>

## 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):* \_\_\_\_\_

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

North: \_\_\_\_\_

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South: \_\_\_\_\_

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East: \_\_\_\_\_

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West: \_\_\_\_\_

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### **EXISTING LAND USE:**

Number of existing units/structures:

Single-family: \_\_\_\_\_ Multi-family: \_\_\_\_\_ Commercial: \_\_\_\_\_ Industrial: \_\_\_\_\_

Describe existing units/structures: \_\_\_\_\_

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

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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*): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

<b><u>NAME OF DOCUMENT FOR RECORDING:</u></b> <b>Waiver Of Rights And Remedies</b> 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/> <div style="text-align: center;"><i>(signature)</i></div> Petitioner Name: <hr/> Date Signed: <hr/>	<hr/> <div style="text-align: center;"><i>(signature)</i></div> Petitioner Name: <hr/> Date Signed: <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 <b>(Do not write outside of the box)</b>	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