

## **Exhibit B: Petition for Annexation**

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## **Exhibit C: Legal Description & Map**

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AKS ENGINEERING & FORESTRY, LLC  
12965 SW Herman Road, Suite 100, Tualatin, OR 97062  
P: (503) 563-6151 F: (503) 563-6152

AKS Job #7598

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - KEIZER, OR - BEND, OR

**EXHIBIT A**  
City of Tualatin  
Annexation Legal Description

A tract of land located in the Southeast One-Quarter of Section 35, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, and being more particularly described as follows:

Beginning at the East One-Quarter corner of said Section 35; thence along the north line of the southeast One-Quarter of said Section 35, North 88°38'39" West 266.75 feet to the westerly right-of-way line of Interstate 5 (300.00 feet from the centerline of the southbound lanes) and the True Point of Beginning; thence along said westerly right-of-way line, South 17°24'51" West 1370.12 feet to the southerly line of Document Number 2015-012686 and the City of Tualatin City Limits; thence along said southerly line and said City Limits, North 88°44'14" West 671.69 feet to an angle point; thence continuing along said southerly line and said City Limits, South 01°30'50" West 16.50 feet to an angle point; thence continuing along said southerly line and said City Limits, North 88°41'14" West 16.50 feet to the easterly line of Document Number 2015-081254; thence along said easterly line and said City Limits, North 01°30'50" East 457.76 feet to the southerly line of Deed Book 825 Page 873; thence along said southerly line and said City Limits, South 88°44'14" East 300.00 feet to the southeast corner thereof; thence along the easterly line of said Deed and said City Limits, North 01°30'50" East 200.00 feet to the northeast corner thereof; thence along the northerly line of said Deed and said City Limits, North 88°44'14" West 300.00 feet to the easterly line of Document Number 2015-081254; thence along said easterly line and said City Limits, North 01°30'50" East 676.50 feet to the north line of said southeast One-Quarter of said Section 35, also being the southerly right-of-way line of SW Norwood Road (20.00 feet from centerline); thence along said north line and said southerly right-of-way line and said City Limits, South 88°38'39" East 1063.55 feet to the True Point of Beginning.

The above described tract of land contains 27.11 acres, more or less.

04/08/2020

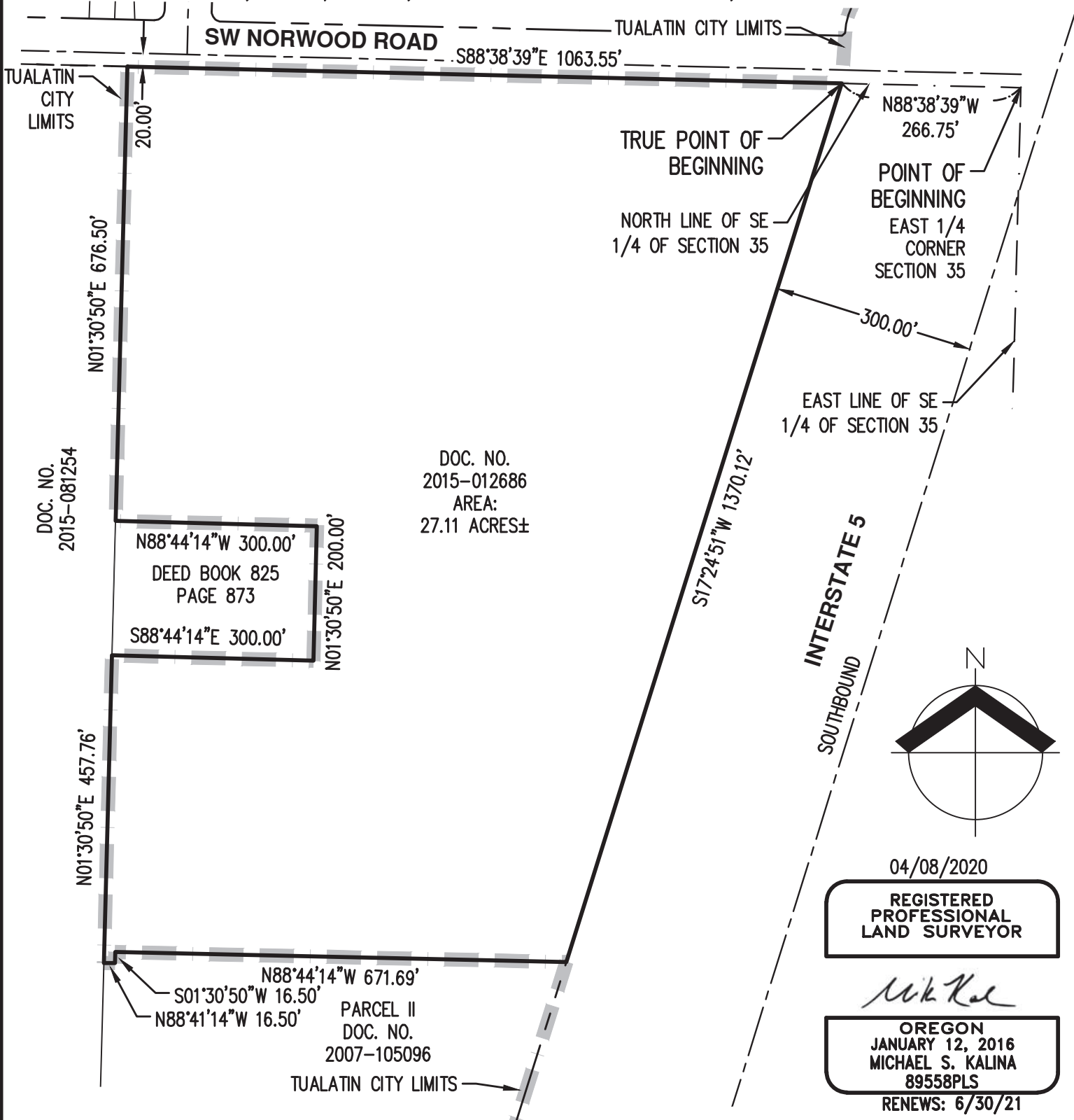
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JANUARY 12, 2016  
MICHAEL S. KALINA  
89558PLS

RENEWS: 6/30/21

# EXHIBIT B

A TRACT OF LAND LOCATED IN THE SE 1/4 OF SEC. 35,  
T2S, R1W, W.M., WASHINGTON COUNTY, OREGON

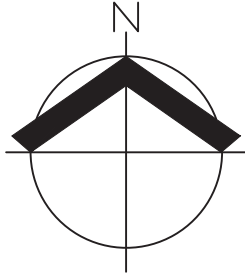


DOC. NO.  
2015-081254

DOC. NO.  
2015-012686  
AREA:  
27.11 ACRES±

N88°44'14"W 300.00'  
DEED BOOK 825  
PAGE 873  
S88°44'14"E 300.00'

INTERSTATE 5  
SOUTHBOUND



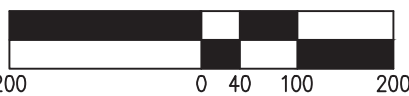
04/08/2020

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Michael S. Kalina*

OREGON  
JANUARY 12, 2016  
MICHAEL S. KALINA  
89558PLS  
RENEWS: 6/30/21

SCALE: 1" = 200 FEET



SW NORWOOD ROAD CITY OF TUALATIN ANNEXATION		EXHIBIT <b>B</b>
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 503.563.6151 WWW.AKS-ENG.COM		DRWN: MSK CHKD: MJ AKS JOB: 7598

## Exhibit D: Property/Property Owner Information

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### 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) P3 Properties, LLC PO Box 691, White Salmon, WA 98672

SE 1/4 Section 35, Township 2S, Range 1W, Tax Map & Lot 2S135D & 100

(2) \_\_\_\_\_

(3) \_\_\_\_\_

(4) \_\_\_\_\_

(5) \_\_\_\_\_

(6) \_\_\_\_\_

(7) \_\_\_\_\_

(8) \_\_\_\_\_

(9) \_\_\_\_\_

(10) \_\_\_\_\_

## ANNEXATION PROPERTY INFORMATION SHEET

### **EXISTING CONDITIONS IN AREA TO BE ANNEXED:**

Land area, in acres: Approximately 25.18 AC

General description of territory *(Include topographic features such as slopes, vegetation, drainage basins, and floodplain areas which are pertinent to this proposal)*: Generally flat vacant property. Slopes along eastern portion  
of property adjacent to Interstate 5.

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

North: SW Norwood Road & RML zone - single-family residential properties.

South: RML zone - generally vacant lands with some single-family residences, SW  
Greenhill Lane

East: Interstate 5, rural residential and vacant farmland

West: Institutional (Horizon - TL 106), RML zone (incorporated) and SFR zone  
(unincorporated) single-family residences (TLs 101, 102, 108, 303), Public (Church - TL  
109), SW Boones Ferry Road

### **EXISTING LAND USE:**

Number of existing units/structures:

Single-family: 0      Multi-family: 0      Commercial: 0      Industrial: 0

Describe existing units/structures: N/A - Property is undeveloped.

What is the current use(s) of the land proposed to be annexed: N/A - Property is undeveloped.



Public facilities or other uses: N/A - Property is undeveloped.

Total current year assessed valuation – Land \$: \$1,948,650 Structures \$: 0

Total existing population: 0

Is the territory contiguous to the City limits: Yes - City limits adjacent to east and north.

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

**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: Washington County

Highway Lighting District: N/A

Fire District: Tualatin Valley Fire & Rescue

Sanitary District: N/A

Water District: N/A

Grade School District: Sherwood School District 88J

High School District: Sherwood School District 88J

Library District: WCCLS

Drainage District: N/A

Parks & Recreation District: N/A

Other: N/A

Is the territory served by any of the providers listed above (describe existing connections to public services): N/A

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A large, stylized graphic of an eagle's wings and tail feathers, rendered in a light blue color, serves as a background for the top half of the page. The eagle is facing right, with its wings spread wide.

# FIRST AMERICAN TITLE Property Research Report

## **SUBJECT PROPERTY**

R560164  
2S135D000100  
Washington

## **OWNER**

P3 Properties LLC  
By Paul Pennington

## **DATE PREPARED**

04/02/2020

## **PREPARED BY**

samaya@firstam.com



*First American Title*

Customer Service 503.219.8746  
cs.oregon@firstam.com

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**First American Title™**

Customer Service Department  
Phone: 503.219.TRIO (8746)  
Fax: 503.790.7872  
Email: cs.oregon@firstam.com  
Date: 4/2/2020

### OWNERSHIP INFORMATION

Owner: P3 Properties LLC  
CoOwner: By Paul Pennington  
Site: OR 97062  
Mail: PO Box 691 White Salmon WA 98672

Parcel #: R560164  
Ref Parcel #: 2S135D000100  
TRS: 02S / 01W / 35 / SE  
County: Washington

### PROPERTY DESCRIPTION

Map Grid: 715-E1  
Census Tract: 032110 Block: 1004  
Neighborhood: Cpo 5 Sherwood-Tualatin S1  
School Dist: 88J Sherwood  
Impr Type:  
Subdiv/Plat:  
Land Use: 6404 - Designated Forestland - Vacant - Rural Residential  
Std Land Use: OTHR - Other  
Zoning: Tualatin-RML - Medium-Low Density Residential  
Lat/Lon: 45.35193877 / -122.76768864  
Watershed: Fanno Creek-Tualatin River  
Legal: ACRES 25.18, FORESTLAND-POTENTIAL  
ADDITIONAL TAX LIABILITY

### ASSESSMENT AND TAXATION

Market Land: \$0.00  
Market Impr: \$0.00  
Market Special: \$1,948,650.00  
Market Total: \$1,948,650.00 (2019)  
% Improved: 0.00%  
Assessed Total: \$12,050.00 (2019)  
Levy Code: 88.13  
Tax: \$186.50 (2019)  
Millage Rate: 15.4786  
Exemption:  
Exemption Type:

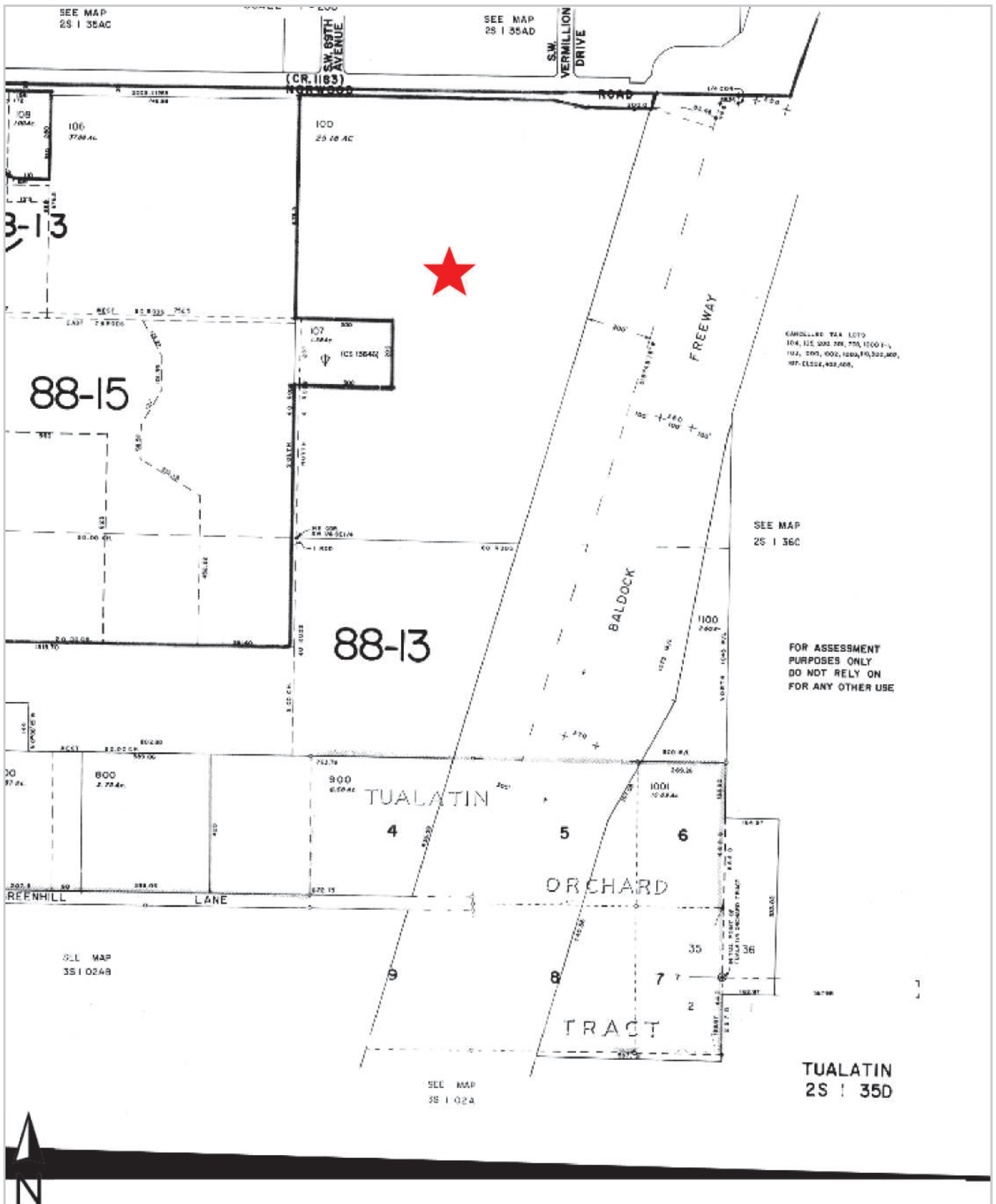
### PROPERTY CHARACTERISTICS

Bedrooms:	Total SqFt:	Year Built:
Baths, Total:	First Floor:	Eff Year Built:
Baths, Full:	Second Floor:	Lot Size Ac: 25.18 Acres
Baths, Half:	Basement Fin:	Lot Size SF: 1,096,841 SqFt
Total Units: 1	Basement Unfin:	Lot Width:
# Stories:	Basement Total:	Lot Depth:
# Fireplaces:	Attic Fin:	Roof Material:
Cooling:	Attic Unfin:	Roof Shape:
Heating:	Attic Total:	Ext Walls: Wood
Building Style:	Garage:	Const Type:

### SALES AND LOAN INFORMATION

Owner	Date	Doc #	Sale Price	Deed Type	Loan Amt	Loan Type
P3 PROPERTIES LLC	2/25/2015	0000012686		Grant		Conv/Unk
PENNINGTON,PAUL	8/19/2013	0000075740		Quit Claim		
PENNINGTON,PAUL	7/11/2013	0000063209		Quit Claim		
PENNINGTON,DORTHEA	1/8/2013	0000001861		Trust	\$135,000.00	

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.



First American Title™

02/25/2015 11:18:23 AM

D-DBS Cnt=1 Str=12 S PFEIFER  
\$15.00 \$5.00 \$11.00 \$20.00 - Total = \$51.00



02016302201500126860030038

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 County Clerk



15  
36

After recording return to:  
P3 Properties, LLC  
c/o Paul Pennington  
P.O. Box 691  
White Salmon, WA 98672

Until further notice, all tax statements should be sent to:  
P3 Properties, LLC  
c/o Paul Pennington  
P.O. Box 691  
White Salmon, WA 98672

Tax Account No. 2S135D0 00100  
Ref No. R0560164

True actual consideration paid is \$ 0

**BARGAIN AND SALE DEED**

Paul Pennington, Janet Pennington Peterson, and Gay Pennington Paschoal, as equal tenants in common, Grantors, do hereby convey unto P3 Properties, LLC, an Oregon limited liability company, Grantee, all of their right, title, and interest in that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in Washington County, State of Oregon, described as follows, to-wit:

**SEE ATTACHED EXHIBIT "A"**

To have and to hold the same unto the said grantee and grantee's successors and assigns forever.

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: 2/12/2015

Paul Pennington 2/9/2015  
Paul Pennington

Janet Pennington Peterson  
Janet Pennington Peterson

Gay Pennington Paschoal  
Gay Pennington Paschoal

STATE OF Washington )  
County of Klickitat ) §

This instrument was acknowledged before me on 2-9-2015, 2014, by Paul Pennington.

DIANE MURPHY  
NOTARY PUBLIC  
STATE OF WASHINGTON  
COMMISSION EXPIRES  
JUNE 16, 2015

Diane Murphy  
Notary Public for ~~Oregon~~ Washington

STATE OF OREGON )  
County of Benton ) §

This instrument was acknowledged before me on 2/12/2015, by Janet Pennington Peterson.

OFFICIAL STAMP  
MIRANDA ASHLEY HOWARD  
NOTARY PUBLIC-OREGON  
COMMISSION NO. 933427  
MY COMMISSION EXPIRES OCTOBER 28, 2018

Miranda Ashley Howard  
Notary Public for Oregon

STATE OF OREGON )  
County of Washington ) §

This instrument was acknowledged before me on Feb 5, 2015, 2014, by Gay Pennington Paschoal.

OFFICIAL STAMP  
THERESA WEAVER  
NOTARY PUBLIC - OREGON  
COMMISSION NO. 934162  
MY COMMISSION EXPIRES DECEMBER 10, 2018

Theresa Weaver  
Notary Public for Oregon



EXHIBIT "A"

All interest in 25.18 acres of land, located at S.W. Norwood Ave., Tualatin, Oregon 97062, more particularly described as:

The North half of the Northwest quarter of the Southeast quarter and the Northeast quarter of the Southeast quarter of Section 35, Township 2 South, Range 1 West of the Willamette Meridian, in Washington County, Oregon,

EXCEPTING tract conveyed to the State of Oregon, by and through its State Highway Commission, in deed book 325, page 183, as follows: A parcel of land lying in the Northeast quarter of the Southeast quarter of Section 35, T2S, R1W, W.M.; the said parcel being that portion of said Northeast quarter of the Southeast quarter lying Easterly of a line parallel to and 100 feet Westerly of the centerline of the West Portland-Hubbard Highway as said highway has been relocated, which centerline is described as follows:

Beginning at Engineer's centerline Station 349/00, said Station being 115.27 feet North and 78.52 feet East of the East quarter corner of said section 35; thence South 15°49'15" West 1600 feet to Station 365/00; said centerline crossing the East and South lines of said Northeast quarter of the Southeast quarter approximately at Section 351/83 and Station 363/91 respectively;

ALSO EXCEPTING that tract conveyed to the State of Oregon, by and through its State Highway Commission, by deed in book 341, page 233; ALSO EXCEPTING the following described premises: Beginning at an iron bar marking the center of Section 35, T2S, R1W, W.M., Washington County, Oregon; thence South along the West line of the Southeast quarter of said Section 35 to the Southwest corner of tract conveyed to Merle Pennington and Dorthea Pennington by deed of record in book 417 at page 314, Deed Records of Washington County; thence East along the South line of said tract so conveyed 16 rods and 30 feet to a point; thence North parallel to the West line of said Southeast quarter of said Section 35 to the North line of said Southeast quarter of Section 35; thence West along the North line of said Southeast quarter 16 rods and 30 feet to the point of beginning;

ALSO EXCEPTING the following parcels: Parcel conveyed to Shope, described in instrument of record in book 575, page 110, October 13, 1965, Washington County Records; parcel conveyed to School District 88J, described in instrument of record in Book 767, page 495, December 17, 1969, Washington County Records; and parcel conveyed to City of Tualatin described in instrument of record in Book 825, Page 873, 1971, Washington County Records.

Also identified as Washington County Tax Lot 100 on Tax Map 2S135D

## **Exhibit E: County Assessors Certifications**

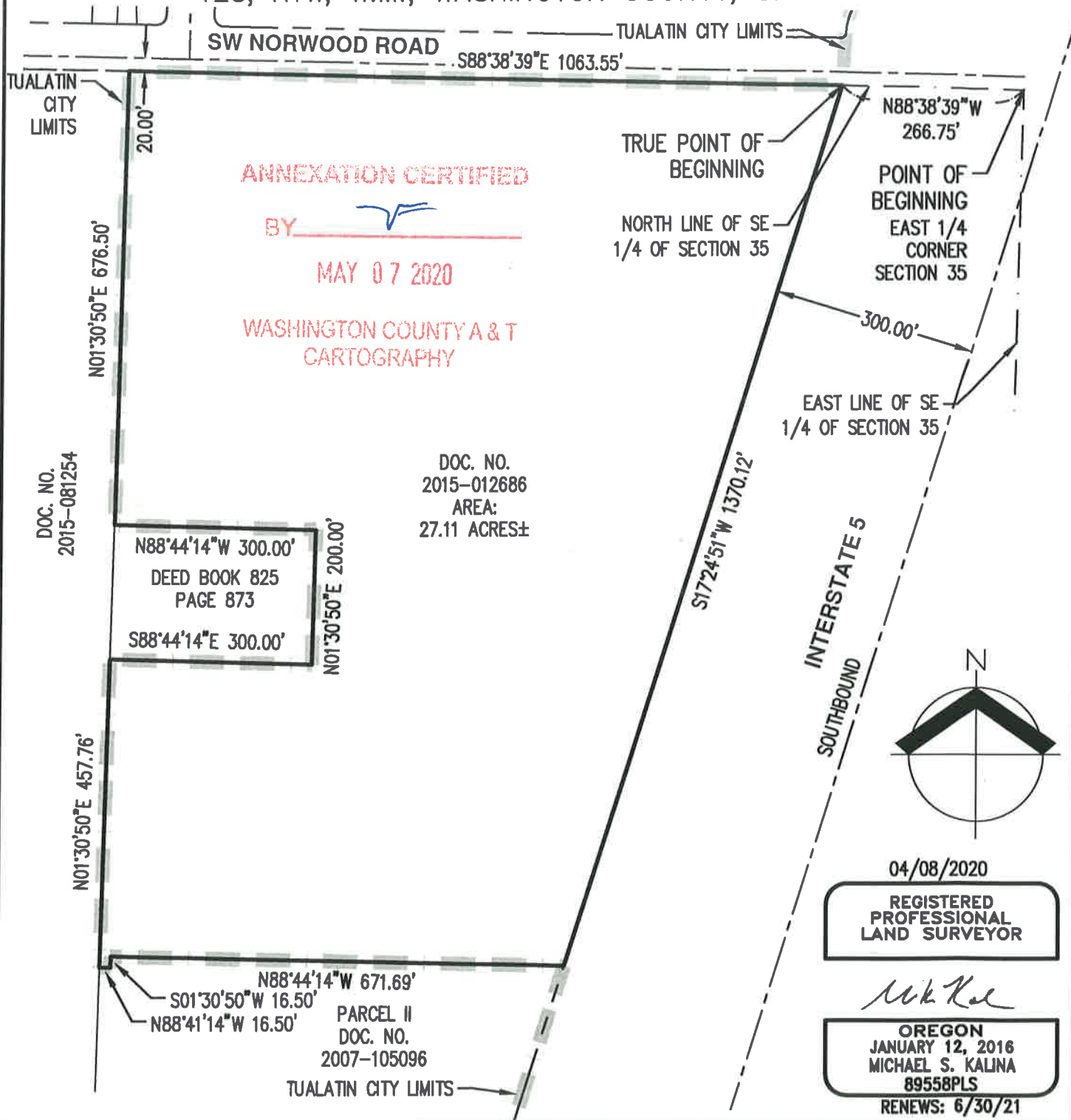
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# EXHIBIT B

A TRACT OF LAND LOCATED IN THE SE 1/4 OF SEC. 35,  
T2S, R1W, W.M., WASHINGTON COUNTY, OREGON



SW NORWOOD ROAD CITY OF TUALATIN ANNEXATION		EXHIBIT <b>B</b>
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 503.563.6151 WWW.AKS-ENG.COM		DRWN: MSK CHKD: MJ AKS JOB: 7598





AKS ENGINEERING & FORESTRY, LLC  
 12965 SW Herman Road, Suite 100, Tualatin, OR 97062  
 P: (503) 563-6151 F: (503) 563-6152

AKS Job #7598

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - KEIZER, OR - BEND, OR

**EXHIBIT A**  
 City of Tualatin  
 Annexation Legal Description

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Beginning at the East One-Quarter corner of said Section 35; thence along the north line of the southeast One-Quarter of said Section 35, North 88°38'39" West 266.75 feet to the westerly right-of-way line of Interstate 5 (300.00 feet from the centerline of the southbound lanes) and the True Point of Beginning; thence along said westerly right-of-way line, South 17°24'51" West 1370.12 feet to the southerly line of Document Number 2015-012686 and the City of Tualatin City Limits; thence along said southerly line and said City Limits, North 88°44'14" West 671.69 feet to an angle point; thence continuing along said southerly line and said City Limits, South 01°30'50" West 16.50 feet to an angle point; thence continuing along said southerly line and said City Limits, North 88°41'14" West 16.50 feet to the easterly line of Document Number 2015-081254; thence along said easterly line and said City Limits, North 01°30'50" East 457.76 feet to the southerly line of Deed Book 825 Page 873; thence along said southerly line and said City Limits, South 88°44'14" East 300.00 feet to the southeast corner thereof; thence along the easterly line of said Deed and said City Limits, North 01°30'50" East 200.00 feet to the northeast corner thereof; thence along the northerly line of said Deed and said City Limits, North 88°44'14" West 300.00 feet to the easterly line of Document Number 2015-081254; thence along said easterly line and said City Limits, North 01°30'50" East 676.50 feet to the north line of said southeast One-Quarter of said Section 35, also being the southerly right-of-way line of SW Norwood Road (20.00 feet from centerline); thence along said north line and said southerly right-of-way line and said City Limits, South 88°38'39" East 1063.55 feet to the True Point of Beginning.

The above described tract of land contains 27.11 acres, more or less.

04/08/2020

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

*Michael S. Kalina*

OREGON  
 JANUARY 12, 2016  
 MICHAEL S. KALINA  
 89558PLS

RENEWS: 6/30/21

ANNEXATION CERTIFIED

BY TF

MAY 07 2020

WASHINGTON COUNTY A & T  
 CARTOGRAPHY





**CERTIFICATION OF LEGAL DESCRIPTION AND MAP**

I certify that the description of the property included within the attached petition (located on Assessor's Map 2S 1 3S D) 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.

TED FOSTER

Printed Name

GIS TECH

Title

**ANNEXATION CERTIFIED**

BY TF

[Signature]

Signature

5/7/20

Date

**MAY 07 2020**

CARTOGRAPHY

Department

WASHINGTON

County of

**WASHINGTON COUNTY A & T  
CARTOGRAPHY**



### 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.

TED FOSTER                      GIS TECH  
Printed Name                      Title

[Signature]                      5/7/20  
Signature                      Date

CARTOGRAPHY                      WASHINGTON  
Department                      County of

**ANNEXATION CERTIFIED**

BY [Signature]

**MAY 07 2020**

**WASHINGTON COUNTY A & T  
CARTOGRAPHY**

*\*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



**CERTIFICATION OF REGISTERED VOTERS  
FOR ANNEXATION PURPOSES\***

I hereby certify that the attached petition for the annexation of the territory listed herein to the City of Tualatin contains, as of the date listed, the following information:

- 1 Number of signatures on petition.
- 0 Number of active **registered voters** within the territory **to be** annexed.
- 0 Number of **VALID signatures of active registered voters** on the petition.

Tax lot number(s): 2S135D000100

DIVISION: ELECTIONS  
COUNTY: WASHINGTON

DATE: June 18, 2020  
NAME: Angie Muller  
TITLE: Administrative Specialist II



Angie Muller  
(Signature of Election Official)

\*This 'Certification of Registered Voters for Annexation Purposes' DOES NOT, in any way, make the determination if this petition meets the annexation requirements of the city/district listed.

Annexation certification sht rev2-032906

## Exhibit F: Quarter Section Map

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## **Exhibit G: Measure 37 & 49 Waiver Form**

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<p><b>NAME OF DOCUMENT FOR RECORDING:</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</p>	<p>I, Margaret Garza, Interim 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.  Margaret Garza, Interim Director of Assessment and Taxation, Ex-Officio</p>
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**MEASURE 37 & 49 WAIVER OF RIGHTS AND REMEDIES**

Whereas, Paul Pennington ("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

FIRST AMERICAN BLD RSW 2020-20

First American Title Accommodation  
Recording Assumes No Liability

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 15 day of April, 2020

<u>P3 Properties, LLC by Paul Pennington</u> (signature)	<u>[Signature]</u> (signature)
Petitioner Name: <u>P3 Properties, LLC by Paul Pennington</u>	Petitioner Name: <u></u>
Date Signed: <u>April 15, 2020</u>	Date Signed: <u></u>

Petitioner (corporation, etc.) Name: P3 Properties, LLC  
By: Paul Pennington  
Name of Signor: Paul Pennington  
Office/Title of Signor: Member

State of ~~Oregon~~ Washington  
County of Clatsop

On this 14 day of May, 20, before me the undersigned Notary Public, personally appeared

Paul Pennington

(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 member 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: <u>Cindy Jewell</u> Notary name (legible): <u>Cindy Jewell</u>	<div style="border: 1px solid black; padding: 5px; text-align: center;">CINDY JEWELL NOTARY PUBLIC STATE OF WASHINGTON COMMISSION EXPIRES JULY 15, 2020</div>

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

City of Tualatin, Oregon

\_\_\_\_\_  
City Manager

Annexation Application  
Community Development Department • Planning Division

Petitioner (corporation, etc.) Name: <u>P3 Properties, LLC</u>
By: <u>Paul Pennington</u>
Name of Signor: <u>Paul Pennington</u>
Office/Title of Signor: <u>Member</u>

State of ~~Oregon~~ Washington  
County of ~~Klickitat~~ Clatsop

On this 14 day of May, 20, before me the undersigned Notary Public, personally appeared

Paul Pennington  
(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 Member 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: <u>Cindy Jewell</u>	<div style="border: 1px solid black; padding: 5px; text-align: center;">CINDY JEWELL NOTARY PUBLIC STATE OF WASHINGTON COMMISSION EXPIRES JULY 15, 2020</div>
Notary name (legible): <u>Cindy Jewell</u>	

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

City of Tualatin, Oregon

Sherilyn Lombos  
Digitally signed by Sherilyn Lombos  
DN: cn=Sherilyn Lombos, o=City of Tualatin,  
ou, email=slombos@tualatin.gov, c=US  
Date: 2020.06.12 11:51:20 -07'00'  
\_\_\_\_\_  
City Manager



15  
36

EXHIBIT "A"

Washington County, Oregon 2015-012686  
02/25/2015 11:18:23 AM  
D-DBS Cnt=1 Stn=12 S PFEIFER  
\$15.00 \$5.00 \$11.00 \$20.00 - Total = \$51.00



02016302201500126860030038

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 County Clerk

After recording return to:  
P3 Properties, LLC  
c/o Paul Pennington  
P.O. Box 691  
White Salmon, WA 98672

Until further notice, all tax statements should be sent to:  
P3 Properties, LLC  
c/o Paul Pennington  
P.O. Box 691  
White Salmon, WA 98672

Tax Account No. 2S135D0 00100  
Ref No. R0560164

True actual consideration paid is \$ 0

**BARGAIN AND SALE DEED**

Paul Pennington, Janet Pennington Peterson, and Gay Pennington Paschoal, as equal tenants in common, Grantors, do hereby convey unto P3 Properties, LLC, an Oregon limited liability company, Grantee, all of their right, title, and interest in that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in Washington County, State of Oregon, described as follows, to-wit:

**SEE ATTACHED EXHIBIT "A"**

To have and to hold the same unto the said grantee and grantee's successors and assigns forever.

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: 2/12/2015

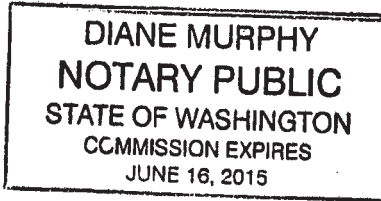
Paul Pennington 2/9/2015  
Paul Pennington

Janet Pennington Peterson  
Janet Pennington Peterson

Gay Pennington Paschoal  
Gay Pennington Paschoal

STATE OF Washington )  
County of Klickitat ) §

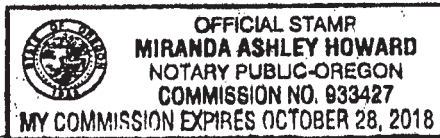
This instrument was acknowledged before me on 2-9-2015, 2014, by Paul Pennington.



Diane Murphy  
Notary Public for ~~Oregon~~ Washington

STATE OF OREGON )  
County of Benton ) §

This instrument was acknowledged before me on 2/12/2015, by Janet Pennington Peterson.



Miranda Ashley Howard  
Notary Public for Oregon

STATE OF OREGON )  
County of Washington ) §

This instrument was acknowledged before me on Feb 5, 2015, 2014, by Gay Pennington Paschoal.



Theresa Weaver  
Notary Public for Oregon



**EXHIBIT "A"**

All interest ... in 25.18 acres of land, located at S.W. Norwood Ave., Tualatin, Oregon 97062, more particularly described as:

The North half of the Northwest quarter of the Southeast quarter and the Northeast quarter of the Southeast quarter of Section 35, Township 2 South, Range 1 West of the Willamette Meridian, in Washington County, Oregon,

EXCEPTING tract conveyed to the State of Oregon, by and through its State Highway Commission, in deed book 325, page 183, as follows: A parcel of land lying in the Northeast quarter of the Southeast quarter of Section 35, T2S, R1W, W.M.; the said parcel being that portion of said Northeast quarter of the Southeast quarter lying Easterly of a line parallel to and 100 feet Westerly of the centerline of the West Portland-Hubbard Highway as said highway has been relocated, which centerline is described as follows:

Beginning at Engineer's centerline Station 349/00, said Station being 115.27 feet North and 78.52 feet East of the East quarter corner of said section 35; thence South 15°49'15" West 1600 feet to Station 365/00; said centerline crossing the East and South lines of said Northeast quarter of the Southeast quarter approximately at Section 351/83 and Station 363/91 respectively;

ALSO EXCEPTING that tract conveyed to the State of Oregon, by and through its State Highway Commission, by deed in book 341, page 233; ALSO EXCEPTING the following described premises: Beginning at an iron bar marking the center of Section 35, T2S, R1W, W.M., Washington County, Oregon; thence South along the West line of the Southeast quarter of said Section 35 to the Southwest corner of tract conveyed to Merle Pennington and Dorthea Pennington by deed of record in book 417 at page 314, Deed Records of Washington County; thence East along the South line of said tract so conveyed 16 rods and 30 feet to a point; thence North parallel to the West line of said Southeast quarter of said Section 35 to the North line of said Southeast quarter of Section 35; thence West along the North line of said Southeast quarter 16 rods and 30 feet to the point of beginning;

ALSO EXCEPTING the following parcels: Parcel conveyed to Shope, described in instrument of record in book 575, page 110, October 13, 1965, Washington County Records; parcel conveyed to School District 88J, described in instrument of record in Book 767, page 495, December 17, 1969, Washington County Records; and parcel conveyed to City of Tualatin described in instrument of record in Book 825, Page 873, 1971, Washington County Records.

Also identified as Washington County Tax Lot 100 on Tax Map 2S135D