

ANNEXATION APPLICATION INSTRUCTIONS

Please read all instructions before filing an application for annexation with the City. All code references may be found in the City of Gresham Community Development Code (GCDC) A1.000 - Annexation. All steps must be followed whether you are filing an annexation under the initiation procedures of A1.003 or under the expedited annexation procedures of A1.004.

STEP 1 - PRE-APPLICATION

An applicant for an annexation must apply for a pre-application conference as per GCDC 11.0700 with City staff. During the pre-application conference staff will explain necessary rules and regulations pertaining to your annexation request and provide you with information and the necessary forms you will need to submit when making the annexation application. Early neighborhood involvement meeting is not required.

See current fees for an annexation pre-application conference. In addition to the fee you will need to provide the following:

- Completed Pre-Application Conference Form.
- A brief narrative detailing the annexation proposal.
- A scaled site map that identifies the subject parcels and existing streets, shows scale and north arrow.
- Any specific annexation questions you may have.
- Include your name, address and phone number where you can be reached during business hours. Also, include the name and address of the property owner(s), if you are acting as a representative.

STEP 2 - APPLICATION AND FEES

After the Pre-Application conference has been held, you may submit the Annexation Permit Application. The application asks for information concerning the applicant, property owner, and properties to be annexed. This information is required to process the annexation application. Incomplete applications will not be scheduled for a Council Type IV decision until all required materials have been submitted. Submittal requirements are listed in A1.005.

- **Application for Annexation.** Sign both the applicant and property owner sections of the application, even if they are the same.
- **Annexation Property Information Sheet.** Basic information about the site that is necessary to complete the staff report is provided on this sheet.

- **Initiation Procedure.** An annexation proposal may be initiated by petition of property owner(s) of the area to be annexed. See current fees for an annexation application filed under A.1003 Initiation Procedures.
- **Request for Expedited Procedure.** The expedited procedures of A1.004 allow for a process that lessens required noticing and eliminates the need for a public hearing at the discretion of the Manager. See current fees for an expedited annexation application filed under A.1004 Expedited Annexation Procedures. There are two important conditions with this process.
 - First, a letter specifically requesting an expedited procedure and outlining reasons for the expedited procedure must accompany the Annexation Development Permit.
 - Second, the expedited process must be accompanied by a petition with written consent of 100% of the property owners and at least 50% of the electors, if any, within the affected property.
 - **Note:** An expedited process cannot be used if a necessary party gives written notice to contest the decision pursuant to Metro Code 3.09.045(b)
- Metro also requires a fee for annexations. A remittance deposit for Metro shall be submitted with the City fee. The City's and Metro's Fee Schedule is on page 6 of the application packet. The City will forward the Metro fee along with a final decision report to Metro after the annexation is approved as required by Metro Code 3.09.030.(e).

STEP 3 - CONSENT TO ANNEX/PETITION FOR ANNEXATION

Consent to annex is necessary to initiate the annexation proceeding. The consent to annex must be by a property owner and, if applicable, a registered voter, and is in the form of a petition to the City. Complete the petition as early as possible.

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.

The petition must be signed by either:

- a) One hundred percent of the property owners and at least 50% of electors, if any, within the affected territory (required for an Expedited Annexation A1.004); or
- b) A majority of electors and property owners of more than half of the land within the affected territory (A1.003).

STEP 4 - LIST OF REGISTERED VOTERS AND PROPERTY OWNERS

Provide a list of names and addresses for registered voters and of property owners within the affected territory. The Certification of Registered Voters form with signature from Multnomah County Elections

Department needs to be submitted. The City will verify the list of property owners using Multnomah County Tax Assessment records. This step is necessary to verify that petition requirements have been met.

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 lot, block, and subdivision description may be substituted for the metes and bounds description if the area is platted and no metes and bounds description is available. If the legal description contains any deed or book and page references, legible copies of these must be submitted with the legal description.

The applicant will submit a Certification of Description verifying that the metes and bounds description of the real property proposed for annexation closes and that the map outlining the boundary is a true representation of the description during the review process.

STEP 6 - MAP

A map showing the affected territory, any public streets to be annexed and parcels within 300 feet of the affected territory including public streets. The affected territory shall be identified on the map. The map shall digitally provided but printable to 8-1/2 x 11 inches or 11 x 17 inches in size and shall show scale and north arrow.

STEP 7 - NARRATIVE

A narrative which addresses the approval criteria set forth in Section A1.006 and Metro Code Sections 3.09.050(d) and, if applicable, (e). Approval criteria are attached to this Annexation Application Instructions form. Also City staff will provide Criteria Checklists for specific areas such as the Pleasant Valley and Springwater Plan Districts.

STEP 8 - COVENANT OF WAIVER OF RIGHTS AND REMEDIES

This waiver is required to be executed by all property owners and owners of any interest in the property to be annexed who have consented to the annexation. The City does not wish to approve annexations where written consent has been given that could arguably give rise to a claim for compensation arising out of the imposition of new land use regulations through the annexation.

STEP 9 - COMPLETION CHECK

Staff will review the application for completeness. Within 30 calendar days the manager will determine if the application is complete or incomplete. A Council decision date cannot be scheduled until the application is deemed complete. A Council public hearing is required for annexation requests (A1.002) except for applications under the Expedited Annexation Procedures (A1.004). There is no public hearing for an Expedited Annexation and the Council decision is done as consent or business item.

STEP 10 - NOTICING

For expedited annexations, a notice of the Council review date will be mailed by the City to necessary parties and urban service providers at least 20 days prior to the Council review date. This notice is also published in the *Outlook* newspaper (by the City).

For annexations not reviewed under the expedited process, a notice of a Council hearing date will be mailed by the City to necessary parties and urban service providers, and to surrounding property owners within 300 feet. The notice will also be posted on the site (by the applicant) and published in the *Outlook* newspaper (by the City). The City will provide signs for the site posting (by the applicant). Notice for a public hearing is required at least 20 days prior to the hearing.

STEP 11 - STAFF REPORT

City staff shall issue a report at least 15 days prior to Council public hearing or at least 7 days prior to the Council decision date for an expedited annexation as required by Metro local boundary change code. The staff report addresses how the application is consistent with the approval criteria (A1.006) and with Metro Code. Metro Code address issues such as provisions for urban services and consistency with comprehensive plans, public facility plans, and urban planning agreements and with regional plans. The staff report will recommend to the Council whether or not the annexation should be approved based on it the application materials being consistent with the criteria. Preparing the report will include a review by service providers (water, wastewater, stormwater, parks, trails and open space, police, and fire) to ensure that public facilities and services can be provided.

STEP 12 - COUNCIL DECISION

The Council will approve or deny the application based on findings and conclusions addressing the approval criteria (A1.006). If the annexation is approved, the City will send the approval documentation to the Department of Revenue (DOR) for final approval. Upon receiving final approval from DOR, the final decision will be mailed to Metro as well as other necessary parties within five business days of the decision. The mailing to Metro will include the Metro filing fee.

The final decision will be mailed to Metro as well as other necessary parties within five working days of the decision. The mailing to Metro will include the Metro-filing fee.

The effective date of the annexation is on the date of filing with the Secretary of State or a later date if specified in the ordinance or resolution. Metro processes this filing and comes after the final approval of the legal description and map by the Oregon Department of Revenue. The process typically takes 2 to 3 weeks after the date of the Council decision.

ANNEXATION LEGAL DESCRIPTIONS

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

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 Gresham City Limits line where it adjoins the area to be annexed, or use an identical course.

The City will forward the legal description for review by the Oregon Department of Revenue upon application. The application will not be deemed complete until preliminary approval of the legal description has been made by the Oregon Department of Revenue.

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 land claim (DLC) corner, or another well monumented corner.
- Bearings and distances must be given for each course around the boundary description.
- Most deed references are inadequate as point-of beginning or point-of-call for a boundary change description. If a deed reference is used as a point of-call, include a copy of the deed. However, a description that consists solely of the landowner’s deed or deeds is seldom adequate.
- Tax lot numbers cannot be used for the legal description.
- If a point-of-call is to a highway or county road, the description must state to which edge or to the centerline.

| EXISTING CONDITIONS | | |
|--|---|--|
| General description (roads, slopes, vegetation, streams/wetland, etc.) Current zoning: _____ Current use: _____ # of single-family units: _____ # of commercial structures: _____ # of multi-family units: _____ # of industrial structures: _____ Public facilities or other uses: _____ | Land area _____ acres Is property contiguous to City limits? <input type="checkbox"/> Yes <input type="checkbox"/> No Total current year assessed valuation: Land \$ _____ Structures \$ _____ Total existing population _____ | |
| FUTURE DEVELOPMENT (Check all that apply) | | |
| <input type="checkbox"/> Residential Type of housing to be built: _____ Potential number of housing units: _____ Average market price expected: _____ | <input type="checkbox"/> Commercial Total square footage: _____ | <input type="checkbox"/> Industrial Total square footage: _____ |
| URBAN SERVICE PROVIDERS | | |
| The property is <input type="checkbox"/> inside / <input type="checkbox"/> outside the City's Urban Service Boundary in Multnomah County? If inside: | | |
| If the property is currently within the boundaries of any of the following, please indicate: Fire <input type="checkbox"/> <i>Fire District 10</i> <input type="checkbox"/> <i>Portland Fire</i> Police _____ School District _____ Water _____ Wastewater _____ Stormwater _____ Parks & recreation _____ Streets _____ Transit <i>TriMet</i> Other _____ | Following annexation, the proposed providers of urban services to the property will be: Fire <i>Gresham Fire</i> Police <i>Gresham Police</i> School District _____ Water <input type="checkbox"/> <i>Gresham</i> <input type="checkbox"/> <i>Rockwood</i> Wastewater <i>Gresham</i> Stormwater <i>Gresham</i> Parks & recreation <i>Gresham</i> Streets <input type="checkbox"/> <i>Gresham</i> <input type="checkbox"/> <i>Multnomah County</i> Transit <i>TriMet</i> _____ | |

Pursuant to the provisions of the Gresham Community Development Code (*Annexation Submittal Requirements Volume 3, Appendix 1.005*), I hereby certify that:

- The metes and bounds description of the real property proposed for annexation closes; and
- The map outlining the boundary is a true representation of the description.

| REGISTERED LAND SURVEYOR OR REGISTERED PROFESSIONAL ENGINEER | |
|--|------|
| Print name | Seal |
| Signature | |
| Date | |

To the Honourable Mayor and City Council of Gresham, 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 Gresham. We understand the City will review this request in accordance with ORS Chapter 222, applicable Metro Chapter 3.09, and applicable City Annexation Appendix 1.000 prior to approving or denying the request for annexation.

Notice to petitioners: A person signing this petition must be the legal owner of record, contract purchaser of real property, or a registered voter in Multnomah County within the proposed annexation area. If title to any parcel of property is in the names of two or more persons, each owner "vote" shall be divided according to ownership percentage. It is therefore recommended each owner sign the petition. If you are owner of more than one parcel of land within the proposed annexation area, each parcel must be listed separately.

| Each owner's/elector's signature | Printed name | I am a: | | | Property address | Assessor's R# (9 digits) | Date |
|----------------------------------|--------------|----------|----|----|------------------|--------------------------|------|
| | | PO RV | PO | RV | | | |
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PORV Property owner and registered voter living within subject area
PO Property owner either not living within subject area or not a registered voter
RV Registered voter living within subject area but not a property owner

I certify that the attached property voter information list for annexation of described territory to the City of Gresham contains the names of the electors registered in the territory to be annexed as shown in the most recent records of the Multnomah County Elections Division.

| | |
|------------|--|
| Print name | Title |
| | <i>Multnomah County Elections Division</i> |
| Signature | Date |
| | |

Metro requires the names and mailing addresses of all persons owning property and all electors in the affected area as shown in the records of the tax assessor and the elections division. Additional pages are attached.

| | Name of voter | Address |
|---|----------------------|----------------|
| 1 | | |
| 2 | | |
| 3 | | |
| 4 | | |
| 5 | | |
| 6 | | |
| 7 | | |
| 8 | | |

Metro requires the names and mailing addresses of all persons owning property and all electors in the affected area as shown in the records of the tax assessor and the elections division.

| | Name of owner(s) | Mailing address (With city, state, ZIP) | Property address (If different than mailing) | Assessor's R# (9 digits) |
|----|-------------------------|--|---|-------------------------------------|
| 1 | | | | |
| 2 | | | | |
| 3 | | | | |
| 4 | | | | |
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| 11 | | | | |
| 12 | | | | |

This agreement is entered into by and between _____ as the applicant for annexation in file # _____, and the City of Gresham. Applicant
File #

Whereas, Section A1.006 of the Gresham Community Development Code establishes criteria that must be met for City Council to approve an annexation proposal, and

Whereas, Section A1.006(G) provides that one of the following two criteria must be met:

1. That funding mechanisms required to construct transportation, wastewater, water, stormwater and park facilities consistent with adopted Public Facility or Utility Master Plans, Parks and/or Transportation System Plans are in place or;
2. In lieu, a Public Facilities, Parks, and Transportation Agreement is executed that funding will be in place prior to or concurrent with a development permit application, and

Whereas, this criteria does not relate to local public infrastructure internal to any particular development but addresses the need for adequate funding for system (regional) public infrastructure necessary to make public facilities available to a particular development, and

Whereas, the intent of this criteria is to ensure that interested parties are aware that the funding of system (regional) public infrastructure is not automatically addressed by the annexation process, and

Whereas, funding mechanisms required to construct system (regional) public infrastructure are not in place to serve the property within the area described in the Annexation Application and Applicant desires to meet the applicable criteria by entering into this Public Facilities, Parks, and Transportation Agreement.

Now, therefore, it is hereby agreed that:

The Applicant agrees that funding for system (regional) public infrastructure must be in place prior to or concurrent with the approval of the first development permit application for property within the area described in the Annexation Application.

The Applicant agrees that the City will be unable to approve any development permit application unless funding mechanisms required to construct adequate local and system (regional) public infrastructure to serve that development are in place.

| | |
|------------------------|------------------------------|
| Applicant (Print name) | City of Gresham (Print name) |
| Applicant (Signature) | City of Gresham (Signature) |
| Date | Date |

| | |
|--|--|
| <p>Name of document for recording: Covenant of Waiver of Rights and Remedies Grantor: _____ Grantee: City of Gresham Consideration: None Tax statement to be mailed to: No change Recordation Authority: GRC 2.88.040</p> <p>After recording, return to: City of Gresham Attn: Urban Design & Planning 1333 NW Eastman Parkway Gresham, OR 97030</p> | <p>(For County recording use only)</p> |
|--|--|

COVENANT OF WAIVER OF RIGHTS AND REMEDIES

Whereas, _____ (hereinafter referred to as “Petitioner”, including collectively all petitioners) has petitioned to the City of Gresham (“City”) to commence certain proceedings, e.g., annexation, plan map designation, for the following described real property (legal description),

Whereas, pursuant to the enactment of Ballot Measure 37 (effective December 2, 2004) and Ballot Measure 49 (effective December 6, 2007), a property owner may elect to seek just compensation or waiver of land use regulations if a public entity enacts or enforces the land use regulations after the property owner acquired the property;

Whereas, there is the potential that the 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;

Whereas, City does not wish to approve the Petitioner’s requested proceedings if the result would or could arguably give rise to a later claim by the owner or the owner’s successors or assigns for compensation for the land use regulations in effect upon the effective date of the proceedings or would or could arguably give right to a right to require the City to waive the City’s land use regulations in effect upon the effective date of the proceedings, which are being newly imposed upon the property by reason and result of the proceedings; and

Whereas, Petitioner seeks to induce the City to proceed with the 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 that exist as of the effective date of the proceedings;

Now, therefore, the undersigned Petitioner warrants that the petitioner executing this Covenant holds the full and complete present ownership or any interest therein in the property, and hereby agrees and covenants as follows:

- 1 As inducement to the City to proceed with the following proceeding(s) affecting the subject real property: Annexation and Rezone, which may include designation of the property as 03/24/2014 subject to additional applicable overlay districts, e.g., NRO, HGRO, and Floodplain districts (all inclusively referred to herein as “proceedings”), the undersigned Petitioner, on behalf of Petitioner, Petitioner’s heirs, devisees, executors, administrators, successors and assigns, agrees and covenants to the City of Gresham, its officers, agents, employees and assigns that the undersigned hereby remises, waives, releases and forever discharges, and agrees that Petitioner shall be stopped 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), 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 and release shall bind the undersigned's heirs, devisees, executors and administrators, successors in interests, and assigns. This covenant, waiver, release and discharge shall run with the land, and this instrument or a memorandum hereof 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 Covenant filed by the City of Gresham.
- 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 Gresham at any time in the discretion of the City of Gresham 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, or if more than one, each of us 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.

| NOTARIZED SIGNATURES | |
|--|---|
| <p>State of Oregon } County of Multnomah } SS</p> <p>Signed and sworn to (or affirmed) before me on _____, 20__ by _____ as _____ of _____.</p> <p>X _____ Applicant signature</p> | <p style="text-align: center; font-weight: bold;">Notary stamp</p> <hr/> <p>Notary signature:</p> <hr/> <p>My commission expires:</p> |

Approved as to form

City Attorney
City of Gresham, Oregon

NOTARIZED SIGNATURES

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

State of Oregon }
County of Multnomah } SS

Signed and sworn to (or affirmed) before me on _____, 20____ by

_____ as City Manager of Gresham, Oregon.

X

City Manager signature

Notary stamp

Notary signature:

My commission expires:

| | |
|---|--|
| <p>After recording, return to: City of Gresham Attn: Titles, Liens, and Collections Recording Services 1333 NW Eastman Parkway Gresham, OR 97030</p> | <p>(For County recording use only)</p> |
|---|--|

The names and address of the parties are:

| | |
|--|---|
| <p>City of Gresham 1333 NW Eastman Parkway Gresham, OR 97030</p> | <p>_____</p> <p><i>First & last name</i></p> <p>_____</p> <p><i>Address</i></p> |
|--|---|

This Master Plan Agreement (“Agreement”) is made and entered by and between the City of Gresham, an Oregon Municipal Corporation (“City”), and _____ (“Applicant”), collectively (the “Parties”), on the last date set forth below (the “Effective Date”).
First & last name

RECITALS

- A** The City is an Oregon Municipal Corporation.
- B** Applicant is an individual property owner, and submitted an application proposal to annex territory into City’s Pleasant Valley Plan District (“the Application”), located at 1711111 SE McKinley Rd., County of Multnomah, State of Oregon, legally described in Exhibit A and Exhibit B, attached hereto and incorporated by reference (“the Territory”),
- C** The City of Gresham Community Development Code (“GCDC”) requires that an applicant meet all of the requirements and criteria set out at GCDC A1.000 before the Council may consider approval of an annexation application proposal.
- D** Section A1.006 of the GCDC sets out approval criteria that are applicable to the Application.
- E** Section A1.006(F) states that a Pleasant Valley annexation application must either already be subject to an approved master plan for the affected territory or that a Master Plan Agreement has been executed providing that a master plan pursuant to Sections 4.1470-4.1485 is required prior to development.
- F** As of today’s date, there is no approved master plan for the Territory.
- G** The purpose of this Agreement is to execute a Master Plan Agreement that satisfies Criterion A1.006(F).

Now therefore, for no money but for other good and valuable consideration, the Parties agree as follows:

- 1 REQUIREMENT TO EXECUTE AND RECORD AGREEMENT. Upon execution of this Agreement, the Application shall be submitted to the Gresham City Council for its review. Upon Council approval, this Agreement shall be recorded, and shall attach to and run with the land.
- 2 COMPLIANCE WITH APPLICABLE LAW. Applicant understands and agrees that Applicant shall execute a master plan in conformance with GCD 4.1470-4.1485 prior to, or in conjunction with, development within the Territory.
- 3 REMEDIES ON DEFAULT. Applicant agrees that a violation of this Agreement constitutes a public nuisance and a threat to public health and safety, and may be summarily abated by City. In the event of any breach of the provisions of this Agreement, City shall be entitled to exercise any remedy provided by law or equity, including but not limited to any of the enforcement actions as set forth in GRC Article 7.50.
- 4 LIEN. Property Owner understands and agrees that all costs associated with an abatement action shall be charged to Applicant. If unpaid, the costs will become a lien on the property, and assessed and collected by City as provided in GRC 7.50.240 and 7.50.260.
- 5 ATTORNEY'S FEES. If any party named herein brings an action to enforce the terms hereof or to declare its rights hereunder, the prevailing party in any such action, on trial and appeal, shall be entitled to recover its costs and reasonable attorney's fees, including those of in-house counsel.
- 6 NOTICES. All notices, consents, requests, demands, approvals, waivers, and other communications desired or required to be given hereunder shall be in writing and signed by the party so giving notice, and shall, with respect to the City, be delivered, received and time stamped in the office of the City of Gresham, Attn: UD&P, Gresham City Hall, 1333 N.W. Eastman Parkway, Gresham, Oregon 97030-3825. With respect to Property Owner, the notices shall be given to:

| | |
|------------------------------|----------------|
| | |
| <i>First & last name</i> | <i>Address</i> |
- 7 GOVERNING LAW. The provisions of this Agreement shall be construed in accordance with the laws of the State of Oregon and ordinances of the City of Gresham, Oregon. Any action or suits involving any question arising under this Agreement must be brought in the appropriate court in Multnomah County, Oregon. If the claim must be brought in a federal forum, then it shall be brought and conducted in the United States District Court for the District of Oregon.
- 8 INDEMNIFICATION. Applicant shall defend, indemnify, and hold harmless the City of Gresham, its officers, agents, and employees from any claim or injury, damage, loss, liability, cost, or expense, including litigation expenses and attorney fees, arising in any way from a development project initiated in violation of the Agreement. Applicant shall consult and cooperate with City while taking any action in defense of City.

- 9 AMENDMENTS.** No provision of this Agreement may be amended or modified except by an agreement in writing executed by both parties hereto.
- 10 SEVERABILITY.** In the event that one or more of the provisions contained in this Agreement shall for any reason be held by a court of competent jurisdiction to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision hereof, and the remainder of the provisions of this Agreement shall continue in full force and effect without impairment.
- 11 SOLE AGREEMENT.** This Agreement constitutes the sole agreement between City and Property Owner in regard to master planning of the territory prior to, or in conjunction with, development.

| NOTARIZED SIGNATURES | |
|---|---|
| <p>In witness whereof, each of the Parties has caused its authorized representative to execute duplicate original counterparts of this Agreement.</p> <p>State of Oregon } County of Multnomah } SS</p> <p>Signed and sworn to (or affirmed) before me on _____, 20____ by _____ as _____ of _____.</p> <p>X _____ Ashley Miller Urban Design & Planning Director City of Gresham</p> | <p style="text-align: center;">Notary stamp</p> <hr/> <p>Notary signature:</p> <hr/> <p>My commission expires:</p> |

| NOTARIZED SIGNATURES | |
|---|---|
| <p>In witness whereof, each of the Parties has caused its authorized representative to execute duplicate original counterparts of this Agreement.</p> <p>State of Oregon } County of Multnomah } SS</p> <p>Signed and sworn to (or affirmed) before me on _____, 20____ by _____ as _____ of _____.</p> <p>X _____ Property owner</p> | <p style="text-align: center;">Notary stamp</p> <hr/> <p>Notary signature:</p> <hr/> <p>My commission expires:</p> |

APPROVAL CRITERIA DATA SHEET

City of Gresham Code Criterion

A1.006 Approval Criteria

City Council shall approve or deny an annexation proposal based on findings and conclusions addressing the following criteria:

- (A) The affected territory must be located within the City's Urban Services Boundary.*
- (B) The affected territory must be subject to an adopted plan map or land use designation table in Volume 2 of the Gresham Community Development Plan. These plan map or land use designations will be applied to the individual sites within the affected territory upon an effective annexation.*
 - (1) For annexations within Pleasant Valley, the adopted Pleasant Valley Plan District Plan Map shall apply.*
 - (2) For annexations within Springwater, the adopted Springwater District Plan Map shall apply.*
 - (3) For annexations within Area #13, the adopted Area #13 Plan Map shall apply.*
 - (4) For annexations that are not within an adopted plan map, the adopted Multnomah County – City of Gresham Land Use Conversation table shall apply.*
- (C) The affected territory is contiguous to the existing city limits.*
- (D) For all boundary changes, the proposal complies with the criteria of Metro Code Section 3.09.050(d) and, if applicable, (e). For purposes of this section public facilities and services mean "urban services" as defined by Metro code 3.09 to include sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit. It shall also mean police protection.*
- (E) A Covenant of Waiver of Rights and Remedies City form has been executed by all owners of the property to be annexed and all owners of any interest in the property to be annexed regarding waiver of any statutory or constitutional regulatory provisions, including but not limited to, Ballot Measure 37 (effective December 2, 2004). This section only applies to those property owners who have consented in writing to annexation.*
- (F) For Pleasant Valley annexation:*
 - (1) Either a Master Plan Agreement has been executed, providing that a master plan pursuant to Sections 4.1470 – 4.1485 is required prior to development or*
 - (2) There is an approved master plan for the affected territory.*

(G) Either

- (1) Funding mechanisms required to construct transportation, wastewater, water, stormwater, and park facilities consistent with adopted Public Facility or Utility Master Plans, Parks and/or Transportation System Plans are in place or*
- (2) In lieu, a Public Facilities, Parks, and Transportation Agreement is executed that funding will be in place prior to or concurrent with a development permit application.*

(H) The area specific System Development Charges, Transportation Impact Fees and/or Utility Rates identified for an adopted plan area are in effect.

Metro Code Criterion

The approving authority shall make available to the public (at least seven days for an expedited annexation and 15 days for a public hearing annexation) a report that addresses the factors listed in Section 3.09.050(b) and demonstrates compliance with the criteria contained in Sections 3.09.050(d) and (g). This report will be sent to Metro along with the final decision and Metro filing fee within 5 working days of the decision.

3.09.05(b)

- (1) The extent to which urban services presently are available to serve the affected territory including any extra territorial extensions of service;*
- (2) A description of how the proposed boundary change complies with any urban service provider agreements adopted pursuant to ORS 195.065 between the affected entity and all necessary parties;*
- (3) A description of how the proposed boundary change is consistent with the comprehensive land use plans, public facility plans, regional framework and functional plans, regional urban growth goals and objectives, urban planning agreements and similar agreements of the affected entity and of all necessary parties;*
- (4) Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party;*
- (5) The proposed effective date of the decision.*

A final boundary change decision by an approving entity shall state the effective date, which date shall be no earlier than 10 days following the date that the decision is reduced to writing, and mailed to all necessary parties. However, a decision that has not been contested by any necessary party may become effective upon adoption.

3.09.050(d)

- (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 of 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) *The territory lies within the Urban Growth Boundary;*
- (7) *Consistency with other applicable criteria for the boundary change in question under state and local law.*

3.09.050(g)

- (g) *Only territory already within the defined Metro Urban Growth Boundary at the time a petition is complete may be annexed to a city or included in territory proposed for incorporation into a new city. However, cities may annex individual tax lots partially within and without the Urban Growth Boundary.*