



COMMUNITY DEVELOPMENT DEPARTMENT

555 Liberty St. SE / Room 305 • Salem, OR 97301-3503 • (503) 588-6173 • (503) TTY 588-6353 • (503) Fax 588-6005

December 6, 2017

Brandie Dalton
1155 13th Street SE
Salem OR 97302
bdalton@mtengineering.net

RE: Annexation Application for 6719 Devon Avenue SE (Marion County Assessor's Map 083W22C00300); AMANDA 17-121849-AN

I am reviewing the annexation application. The following information is required for staff to deem the application complete and continue to process it.

Signature authority. The signatures on the land use application form and annexation petition are by Chris Jundt. The Assessor records indicate that the current owner is HSF Development LLC. Please provide documentation such as the LLC Articles of Organization showing whether this is a member-managed LLC or a manager-managed LLC and indicating that Chris Jundt is authorized to sign land use applications on behalf of the LLC. If you cannot provide that information, Anthony Kreitzberg and Kelley D Hamilton (listed as managers of the LLC on the data sheet from the Corporation Division) will also need to sign the application and petition, or both will need to sign and submit separate documents delegating signature authority to Mr. Jundt for the annexation to ensure that the annexation is exempt from voter approval.

Annexation agreement. To ensure that the annexation is completed if the property ownership changes during the process, an annexation agreement is required. Please have the owner(s) review the annexation agreement information sheet (Attachment A) and begin the process of completing the annexation agreement form (Attachment B). Each signature on the annexation agreement must be notarized.

Please submit hard copies and electronic copies of the above requested materials and/information to our office, by mail, email or in person. If you have questions, please contact me at (503) 588-6173 x 7509 or pcole@cityofsalem.net.

Sincerely,

Pamela Cole

Attachment A: Annexation Agreement Information Sheet
B: Annexation Agreement Form



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Annexation and/or Nonremonstrance Agreement

Owner's Name(s): _____

Phone Number: _____

Email Address: _____

Site Address(es): _____

Map and Tax Lot Number(s): _____

City of Salem Staff Use Only Below:

Received by: (Planner)	
Copy to PW: (Name and Date)	
Annexation ID:	
Agreement Number:	
Form:	
Date Recorded:	
Reel/Page:	
GIS Project Information:	

Instructions on Back.



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Annexation and/or Nonremonstrance Agreement Instructions

The following steps are required in order for the agreement to be accepted by the City of Salem:

1. Obtain a copy of the property deed and legal description to attach as Exhibit A.

This must be the most current deed and must reflect the property owners who are/will be signing this annexation agreement.

2. Complete the Deed Modification Form and have it notarized.

The property owner(s) must sign the Deed Modification Form in front of a notary public. There are notaries at the City who can provide this service, if needed. Please ask staff for more information. (If the owner is an LLC, please provide a copy of the LLC Articles of Organization and/or operating agreement and a list of members to document which persons are authorized to sign documents on behalf of the LLC.)

3. Return the completed form and property deed to the Planner's Desk (Room 320, City Hall, 555 Liberty Street SE) for approval by the Planning Administrator or her designee.

The Planning Administrator will review the form and deeds as submitted by the applicant. Upon determination that the form and deeds meet the requirements, the Planning Administrator will approve the agreement.

4. Record the Agreement with the County Recorder's Office.

The approved form and deeds must be recorded in the appropriate county recorder's office. Please note that the County may charge fees for this process.

5. Return the recorded agreement to Planner's Desk (Room 320, City Hall, 555 Liberty Street SE).

This is the final step in the process. Once this is completed services may now be provided or a LUCS form may be approved.

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FORM D
Marion County
DEED MODIFICATION

After Recording Return to: Salem Planning Division
 555 Liberty St. SE / Room 305
 Salem, OR 97302

ANNEXATION AGREEMENT

AGREEMENT between the City of Salem (the City) and _____
 _____ (the owner(s)),
 of certain real property commonly known as _____
 (the Property), identified in the Assessor's records of Marion County as map and tax lot number
 _____, recorded in the deed
 records of Marion County as **Vol.** _____, **Page** _____/M.F. Reel _____, **Page**
 _____, and more particularly described by the legal description attached as **Exhibit A**.

Section 1: Land Use Condition. The Owner's agreement to the annexation of the Property into the corporate limits of the City of Salem is a condition of approval of that certain land use action designated _____, and Owner hereby agrees to do all things necessary and proper to accomplish such annexation when requested to do so by the City, including signing a consent petition and paying all costs associated with obtaining such annexation, including, but not limited to, fees and costs necessary to undertake and prosecute any land use actions and any costs of election which are charged against the City by Marion or Polk County.

Section 2: Land Use Actions. The Owner acknowledges that certain actions must be taken to properly designate and zone the Property according to City of Salem land use regulations. The Owner agrees to participate and consent to such designations as may be determined to be necessary and proper by the Salem City Council.

Section 3: Covenant Running with the Land. By entering into this Annexation Agreement, the Owner hereby agrees to the terms and conditions contained herein, and that this Annexation shall and does constitute a covenant running with the land, and that the terms and conditions contained herein are and shall be binding on the Owner, and the Owner's heirs, successors and assigns, and that this Annexation Agreement shall be filed of record in the deed records of Marion County.

Section 4: Time of the Essence. It is understood by the Owner that time is of the essence of this Annexation Agreement, and that the owner will make every reasonable effort to expedite the subject matter hereof upon request to do so by the City.

Section 5: Enforcement. Upon a breach of this agreement, the City may, by action or proceeding at law or in equity, secure the performance of the covenants and agreements contained herein, and that the City shall be entitled to its costs, disbursements, and its reasonable attorney's fees incurred in obtaining such performance.

PROPERTY OWNER #1 – (Additional property owners sign on additional pages)
(There are ____ additional property owners.)

Name – Printed

Mailing Address

Signature

Date

STATE OF OREGON

County of _____

This instrument was acknowledged before me on this _____ day of _____, 20____,
by _____.

Notary Public for Oregon: _____

My Commission Expires: _____

City of Salem, Planning Division Approval:

Name – Printed

Title

Signature

Date

STATE OF OREGON

County of _____

This instrument was acknowledged before me on this _____ day of _____, 20____,
by _____.

Notary Public for Oregon: _____

My Commission Expires: _____

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ANNEXATION & NONREMONSTRANCE AGREEMENT, CONTINUED

Property Address: _____

County Tax Assessor's Map and Tax Lot Number: _____

ADDITIONAL PROPERTY OWNER

Name – Printed

Mailing Address

Signature

Date

STATE OF OREGON

County of _____

This instrument was acknowledged before me on this _____ day of _____, 20____,

by _____.

Notary Public for Oregon: _____

My Commission Expires: _____

ADDITIONAL PROPERTY OWNER

Name – Printed

Mailing Address

Signature

Date

STATE OF OREGON

County of _____

This instrument was acknowledged before me on this _____ day of _____, 20____,

by _____.

Notary Public for Oregon: _____

My Commission Expires: _____