



COMMUNITY DEVELOPMENT DEPARTMENT

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

Annexation and/or Nonremonstrance AgreementOwner's Name(s): HSF Development, LLCPhone Number: 503-373-3154

Email Address: _____

Site Address(es): 6719 Devon AvenueMap and Tax Lot Number(s): 083W22C / Tax Lot 300-----
City of Salem Staff Use Only Below:

Received by: (Planner)	<u>Pamela Cole</u>
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.

G:\CD\PLANNING\ANNEXATION\Anx Agree Forms\Annex agreement instructions 2017.doc

REEL 4032 PAGE 399
 MARION COUNTY
 BILL BURGESS, COUNTY CLERK
 01-04-2018 02:22 pm.
 Control Number 490179 \$ 66.00
 Instrument 2018 00000630

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 HSF Development, LLC
 (the owner(s)),
 of certain real property commonly known as 6719 Devon Avenue
 (the Property), identified in the Assessor's records of Marion County as map and tax lot number
083W022C/Tax Lot 300, recorded in the deed
 records of Marion County as Vol. _____, Page _____/M.F. Reel 4009, Page
121, 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 annexation, 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.)

Chris Jundt
Name – Printed

[Signature]
Signature

3425 Boone Rd SE, Salem, OR 97317
Mailing Address

12/7/17
Date

STATE OF OREGON

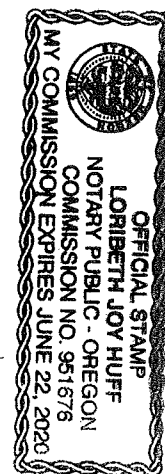
County of marion

This instrument was acknowledged before me on this 7th day of December, 2017.

by Loribeth Joy Huff Chris Jundt

Notary Public for Oregon: Loribeth Joy Huff

My Commission Expires: June 22, 2020



City of Salem, Planning Division Approval:

Lisa Anderson-Ogilvie
Name – Printed

[Signature]
Signature

Deputy CD Director
Title

12/12/17
Date

STATE OF OREGON

County of marion

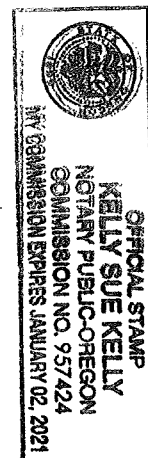
This instrument was acknowledged before me on this 12th day of December, 2017.

by Lisa M. Anderson-Ogilvie

Notary Public for Oregon: Kelly Sue Kelly

My Commission Expires: January 02, 2021

G:\CD\PLANNING\ANNEXATION\Anx Agree Forms\Word Version 10.2017\annex agree Form D.docx





THIS SPACE RESERVED FOR RECORDER'S USE

After recording return to:

HSF Development, LLC
3425 Boone Road SE
Salem, OR 97317

REEL 4009 PAGE 121
MARION COUNTY
BILL BURGESS, COUNTY CLERK
10-27-2017 11:30 am.
Control Number 481502 \$
51.00
Instrument 2017 00056188

Until a change is requested all tax statements shall be sent to the following address:

HSF Development, LLC
3425 Boone Road SE
Salem, OR 97317
File No. 179268AM

STATUTORY WARRANTY DEED

Susan Ballard and Edward Kirasich, not as tenants in common but with right of survivorship ,

Grantor(s), hereby convey and warrant to

HSF Development, LLC, an Oregon limited liability company

Grantee(s), the following described real property in the County of Marion and State of Oregon free of encumbrances except as specifically set forth herein:

Lots 12 and 13, SUNNYSIDE FRUIT FARMS No. 8, Marion County, Oregon

The true and actual consideration for this conveyance PURSUANT TO AN IRC 1031 TAX DEFERRED EXCHANGE ON BEHALF OF GRANTOR/GRANTEE.


The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any:

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.

179268 AM

Dated this 20 day of Oct, 2017

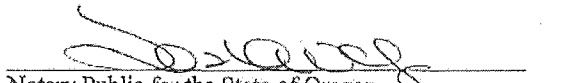

Susan Ballard

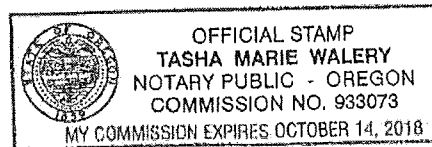

Edward Kirasich

State of Oregon } ss
County of Marion }

On this 20 day of October, 2017, before me, Tasha Marie Walery a Notary Public in and for said state, personally appeared Susan Ballard and Edward Kirasich, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument and acknowledged to me that he/she/they executed same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.


Notary Public for the State of Oregon
Residing at: Heizer, OR
Commission Expires: 10-14-18



REEL: 4009

PAGE: 121

October 27, 2017, 11:30 am.

CONTROL #: 481502

State of Oregon
County of Marion

I hereby certify that the attached
instrument was received and duly
recorded by me in Marion County
records:

FEE: \$ 51.00

**BILL BURGESS
COUNTY CLERK**

THIS IS NOT AN INVOICE.

REEL: 4032

PAGE: 399

January 04, 2018, 02:22 pm.

CONTROL #: 490179

State of Oregon
County of Marion

I hereby certify that the attached
instrument was received and duly
recorded by me in Marion County
records:

FEE: \$ 66.00

BILL BURGESS
COUNTY CLERK

THIS IS NOT AN INVOICE.

Receipt #: 490179
Issued By : Jerry
Issued From Port: 1

MARION COUNTY
BILL BURGESS
COUNTY CLERK

Receipt Date: 01-04-2018
Receipt Time: 02:22 pm.
Page: 1

Issued To: MULT TECH ENGINEERING

Document Number	Type	Description	Total
201800000630	DEED	DEED	66.00 REEL 4032 PAGE 399

Total Fees Due: 66.00

Amount Due	Paid By Check	Paid In Cash	Charged to Acct	Overage to Acct	Change Due
66.00	.00	70.00	.00	.00	4.00

Thank You!
BILL BURGESS
MARION COUNTY