

RESOLUTION NO. 2495

(Providing for the completion, notarization, acceptance and recording of a Petition for Improvements and Waiver of Remonstrance Agreement).

WHEREAS, Section 42 of Chapter 8 of the Charter of the City of Albany provides that a property owner has a right to remonstrate against a public improvement, and

WHEREAS, property owners have signified their desire to waive the right to remonstrate so that upon application of a Petition for Improvement by sufficient number of property owners, a project may be undertaken by the City of Albany which will provide for a public improvement that is to be assessed against the benefited properties, and

WHEREAS, in some instances property owners wish to obtain development approval but the complete improvement of certain public facilities is not timely or otherwise available to immediately serve the development, and

WHEREAS, the City has authority through the Development Code requirements to assure that property owners have guaranteed their participation in future projects in exchange for development approval, and

WHEREAS, provision should be made for the completion, notarization, acceptance and recording of a Petition for Improvement and a Waiver of Remonstrance by a property owner so as to be a notice to all subsequent owners of such property that a Waiver of Remonstrance has been executed, now, therefore, it is hereby

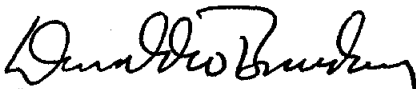
RESOLVED by the Council of the City of Albany that a Petition for Improvement and Waiver of Remonstrance may be executed by the legal owners of property waiving any and all right to remonstrate against the making of a public improvement by the City of Albany which will be specifically assessed against the property, and be it further

RESOLVED that a Petition for Improvement and Waiver of Remonstrance shall be in effect for a period of ten years from the date of execution or until all the subject improvements are completed, whichever comes first, and be it further

RESOLVED that a Petition for Improvement and Waiver of Remonstrance shall be in the form attached as Exhibit "A".

BE IT FURTHER RESOLVED that Resolution No. 1375 is hereby repealed.

DATED this 23th day of September, 1984.



Mayor

ATTEST:



City Recorder

PETITION FOR IMPROVEMENTS AND WAIVER OF REMONSTRANCE AGREEMENT

THIS PETITION FOR IMPROVEMENTS AND WAIVER OF REMONSTRANCE AGREEMENT is entered into this _____ day of _____, 19 84, by and between the City of Albany, Oregon, hereinafter referred to as "City", and the following listed owners or agents of record, hereinafter referred to collectively as "Owners", of the property described below: (Please print name and address of each recorded owner or agent of record)

WITNESSETH:

WHEREAS, the above-listed persons are the owners or agents of record of the real property/record title described as follows: (provide full legal description or recorded deed reference, attach separate exhibit if necessary)

WHEREAS, said property is not now served in whole or in part by the following services constructed to current City standards: (Check each one that applies or describe in more detail in the space below.)
sanitary sewer _____, storm drainage _____, curb and gutter _____,
streets _____, sidewalks _____, other _____

WHEREAS, future actions by the City to cause installation of such improvements as listed will confer a benefit upon the owners, their heirs, successors, and assigns; and

WHEREAS, the owners desire of the City certain development permits authorizing certain uses and/or improvements to the above-referenced property which permits are of recognized financial value to the owners,

WHEREAS, the owners agree to abide by the conditions of their development permit and do hereby petition for such improvements and further waive their right to remonstrate against such improvements;

NOW, THEREFORE, in consideration of the mutual covenants contained herein, it is agreed as follows:

The owners hereby petition for and waive remonstrance against the construction of, and/or formation of, future public improvement districts for improvements of the type checked above affecting the property listed above.

The improvement hereby authorized shall be constructed to the standards prevailing in the City at the time said improvement is initiated or such lesser construction standard as the City may propose.

The completion of any improvement petitioned for by this agreement shall satisfy the terms of this agreement for said improvement and any subsequent reconstruction, oversizing, or repairs of said improvement shall not be authorized by this agreement.

Upon completion of any improvement authorized by this Agreement, the City may, or upon demand of the owners, shall, prepare and record a document evidencing

completion of said improvement in satisfaction of that portion of this Agreement.

This agreement shall become null and void upon the expiration of ten (10) years from the date hereof or upon the completion of all subject improvements, whichever occurs first.

Notwithstanding the foregoing, it is agreed that the following special conditions or limitations apply to this Agreement:

(state special conditions or restrictions; or if none apply, write the word "none")

Signed: _____

(authorized owners or agents)

STATE OF OREGON)
County of) ss.
City of)

Personally appeared the above named _____
and acknowledged the foregoing instrument to be their voluntary act and deed.

Subscribed and sworn to before me this _____ day of _____, 19 __.

Notary Public for Oregon
My Commission Expires: _____

CITY OF ALBANY, OREGON

ACCEPTED BY:

Signature

Title

STATE OF OREGON)
County of) ss.
City of)

Personally appeared the above-named _____ who
acknowledged s/he is the _____ of the City of Albany and he accepted
the foregoing instrument on behalf of the City of Albany. Subscribed and sworn
to before me this _____ day of _____, 19 __.

NOTARY PUBLIC FOR OREGON
My Commission Expires: _____