

AFTER RECORDING RETURN TO:

City of Newberg - Community Development
PO Box 970 - 414 E. First Street
Newberg, OR 97132
File No. G-75-00



\$36.00

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03/06/2001 04:00:56 PM

DMR-CONDMR Cnt=1 Stn=1 KAREN

\$15.00 \$10.00 \$11.00

ANNEXATION CONTRACT

CITY OF NEWBERG

CITY RECORDER INDEX NO. 1813

THIS AGREEMENT, entered into this 1 day of March, 2001, between the following parties:

I. PARTIES.

CITY OF NEWBERG,
an Oregon Municipal Corporation
414 E. First Street
P. O. Box 970
Newberg, Oregon 97132

William H. & Jean F. Harris
23995 N. E. Dillon Road
Newberg OR 97132

"City"

"Owners"

II. RECITALS: On February 5, 2001, the City Council heard a petition from William H. And Jean F. Harris, **Owners** of property located at 23995 N. E. Dillon Road (Yamhill County Tax Lot 3218CC-1101), for a hardship water service connection. Said property is located outside of the Newberg City limits, the Urban Growth Boundary, and the Urban Reserve Area. Ordinance 1040 authorizes the Newberg City Council to approve hardship connections to the City's water system provided the criteria contained in Section 11b are met. Council adopted Resolution 2001-2280, approving the connection contingent on the provisions of this Agreement.

III. REAL PROPERTY. The obligations pursuant to this Agreement shall affect the real property located at 23995 N. E. Dillon Road, Yamhill County Tax Lot 3218CC-1101, (hereinafter referred to as **Property**), owned by **Owners** which said **Property** is more particularly described in **Exhibit "A,"** which is attached hereto and by this reference incorporated.

IV. PURPOSE. In consideration of mutual promises, covenants and agreements of the parties, it is agreed as follows.

1. **City** agrees to provide one water hardship connection to the existing home located at 23995 N. E. Dillon Road.
2. **Owners** agree to annex to the **City** at such time as annexation is legally possible and is requested by the City.
3. Water shall be for domestic purposes only and no water granted under this exception shall be permitted for agricultural use.
4. The water connection can be used only to supply water to the existing home and will not be used to allow any new development.
5. **Owners** agree to pay the full cost of extending services to the parcel with all services meeting **City** standards.

- V. **WAIVER OF EXPIRATION OF ANNEXATION CONSENT.** ORS 222.173 provides that "only statements of consent to annexation which are filed within any one-year period shall be effective, unless separate written agreement waiving the one-year period or prescribing some other period of time has been entered into between **Owners** of land or the **City**." The **Owners** agree that this consent to annex will be valid until the **Property** is annexed and do hereby waive the one-year period.
- VI. **EFFECTIVE DATE.** This Agreement shall become effective on the date that this Agreement has been signed by every party hereto. This Agreement with Consent to Annex shall expire when the **Property** is annexed to the City.
- VII. **COVENANT RUNNING WITH THE LAND.** This Agreement is an instrument affecting the title or possession of the **Property**. All of the terms, covenants and conditions herein imposed shall be binding upon the current **Owners** and any partners, successors in interest of the **Owners**, or other assigns and shall act as covenants running with the land. This Agreement does not bind the **City** to hear, consider, or grant additional requests for water service outside the city limits, and this Agreement is not a precedent for future Agreements.

THESE SIGNATURES ATTEST TO THE PARTIES' AGREEMENT TO EACH AND EVERY RECITAL AND PROVISION OF THIS AGREEMENT.

IN WITNESS WHEREOF, I/we have executed said document on this 1 day of March, 2001.

OWNERS:

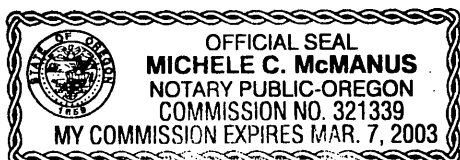
By William H. Harris
William H. Harris

By Jean F. Harris
Jean F. Harris

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

William H. Harris

This instrument was acknowledged before me by Jean F. Harris on the 1 day of March, 2001.



Michele C. McManus
Notary Public for Oregon
My Commission Expires: March 7, 2001

CITY OF NEWBERG

ACCEPTED AS TO FORM:

By Duane R. Cole
Duane R. Cole, City Manager

By Terrence D. Mahr 2/27/01
Terrence D. Mahr, City Attorney

EXHIBIT A - LEGAL DESCRIPTION

23995 N.E. DILLON ROAD

YAMHILL COUNTY TAX LOT 3218CC-1101

PARCEL 1: A tract of land in Section 18, Township 3 South, Range 2 West and Section 13, Township 3 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon, being part of that certain tract of land conveyed to Clyde David Callaham by deed recorded in Film Volume 90, Page 772, Deed and Mortgage Records, and being described as follows:

Beginning at an iron rod in the Northwest corner of said Callaham tract; thence South $89^{\circ}48'$ East along the North line of said Callaham tract, 321.38 feet to an iron rod; thence South $00^{\circ}23'20''$ West 540.65 feet to an iron rod; thence North $89^{\circ}48'$ West, 291.38 feet to an iron rod that is East 30 feet from the West line of said Callaham tract; thence South $00^{\circ}23'20''$ West parallel to said West line, 360.98 feet to an iron rod that is North 30 feet from the centerline of the County Road; thence North $89^{\circ}54'30''$ West, parallel to said centerline 30 feet to an iron rod in the West line of said Callaham tract; thence North $00^{\circ}23'20''$ East, 901.65 feet to the point of beginning.

PARCEL 2: A tract of land in Section 18, Township 3 South, Range 2 West of the of the Willamette Meridian in Yamhill County, Oregon, being part of that certain tract of land conveyed to Clyde David Callaham by deed recorded in Film Volume 90, Page 772, Deed and Mortgage Records, and being described as follows:

Beginning at an iron rod in the North line of said Callaham tract that is South $89^{\circ}48'$ East, 321.38 feet from an iron rod at the Northwest corner of said Callaham tract; thence South $89^{\circ}48'$ East along said North line, 499.60 feet to an iron rod that is West 30 feet from the centerline of County Road No. 70; thence South $00^{\circ}04'10''$ West parallel to said centerline, 40.67 feet to an iron rod in the most Northerly South line of said Callaham tract, thence North $89^{\circ}55'$ West along said line, 162.07 feet to an iron pipe at angle corner in said Callaham tract; thence South $00^{\circ}05'$ West along the West line of said Callaham tract, 499.66 feet to an iron rod; thence North $89^{\circ}48'$ West 340.42 feet to an iron rod; thence North $00^{\circ}23'20''$ East parallel to the West line of said Callaham tract, 540.65 feet to the point of beginning.

SUBJECT TO AND EXCEPTING the rights of the public in streets, roads and highways.