

CONSENT TO ANNEX TO THE CITY OF PORTLAND
 WAIVER OF RIGHT TO REMONSTRATE AND
 AGREEMENT TO CONDITIONS

AGREEMENT, made this 3rd day of May, 1975 by and between MARGARET CARHART POWERS (hereinafter the "Property Owner") and the CITY OF PORTLAND (Hereinafter the "City"), a municipal corporation organized and existing under the laws of the State of Oregon,

W I T N E S S E T H:

WHEREAS, the Property Owner warrants that she is the sole owner of real property in Multnomah County, Oregon (hereinafter the "Property"), situated outside the corporate limits of the City, described as follows:

The South 3.5 acres of Lot 63, Palatine Hill, Portland, Oregon.

and has applied for permission to annex the Property to the City; and

WHEREAS, the City would not approve construction of improvements on the aforementioned property without connection to a sanitary sewer; and

WHEREAS, the City has proposed the construction of a City Gravity Sewer System to be located along Terwilliger Boulevard extension in the general area of the Property; and

WHEREAS, subject to approval by the Portland Metropolitan Area Local Government Boundary Commission, the City is willing to arrange for the temporary connection of the Property to the Dunthorpe-Riverdale Service District (for sewer transmission and treatment) only until such time as the City Gravity Sewer System is constructed;

NOW, THEREFORE, in consideration of the granting to Property Owner by the City of permission to connect to the City sewer system, and in addition to the charges and fees imposed by the City for the connection and sewer service, the undersigned has executed a petition for annexation for the Property to the City pursuant to the provisions of ORS 222.170 and ORS 199.495 and for herself, and all her heirs, executors, administrators, and assigns, hereby covenants and agrees:

1. That the Property Owner consents to annexation of the Property to the City and waives any right to remonstrate against such annexation. This consent is equivalent to her signature or that of any successor in interest on a petition to annex the Property to the City.

2. That the Property Owner agrees to install an intermediate sewer system for the benefit of any improvements put on the Property, such system to be constructed at her own cost and in compliance with specifications provided by the City Engineer;

3. That the Property Owner or her successors and assigns agree to operate and maintain the intermediate system, at their sole cost, until such time as the Property can be connected to the City Gravity Sewer System;

4. That the Property Owner agrees to be an affirmative petitioner for the Gravity Sewer System, and will not remonstrate against it, when it is presented;

5. That the Property Owner agrees to discontinue using the intermediate system and to connect to the City Gravity Sewer System at her own cost at such time as the Gravity Sewer System is in operation and has been extended to a point in Terwilliger Boulevard directly adjacent to the Property. Any part of the intermediate system which can be used to connect to the new system, and still meet with the approval of the City Engineer, may be preserved;

6. That the foregoing covenant and agreement shall run with the land and shall be recorded in the Deed Records of County;

7. That the foregoing covenant and agreement take effect when the Property is connected to the Dunthorpe/Riverdale Service District and shall continue in effect until the Property is annexed to the City and connected to the new City Gravity Sewer System.

DATED as of the day and year first written above.

PROPERTY OWNER
Margaret Cavhart Powers
Margaret Cavhart Powers

CITY OF PORTLAND

By _____

Attest: _____

STATE OF OREGON)
) ss.
 County of Multnomah)

Personally appeared Margaret Carhart Powers and acknowledged the foregoing instrument to be her voluntary act.
 Before me:



 Notary Public for Oregon
 My Commission expires: 1/28/79

STATE OF OREGON)
) ss.
 County of Multnomah)

Personally appeared _____
 and _____, who, being sworn, stated
 that they are representatives of the City of Portland and
 that this instrument was voluntarily signed on behalf of the
 City of Portland. Before me:

 Notary Public for Oregon
 My Commission expires: _____

ORDINANCE No. 145726

An Ordinance authorizing the City of Portland to enter into a Consent to Annex to the City of Portland, Waiver of Right to Remonstrate and Agreement to Conditions, contract with Margaret Carhart Powers, whereby the City agrees, subject to the approval of the Portland Metropolitan Area Logal Government Boundary Commission, to arrange for temporary sewer connection for the Power's property to the Dunthorpe-Riverdale Service District and the property owner consents to annexation to the City and to connect to the City sewer system when it is extended to her property, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. That the property, described as:
 The South 3.5 acres of Lot 63, Palatine Hill, Portland, Oregon,
 is contiguous to the City of Portland;
2. That a connecting sewer line from the City may not be available to the above property for some time;
3. That when the Tryon Creek drainage basin city sewer (Gravity Sewer System) is extended to the property, the property's location will make it logical to include the property within that system;
4. That the property owner wishes to improve the property; and
5. That no improvements will be approved by the City for that property unless it is connected to a sewer system.

NOW, THEREFORE, the Council directs:

- a. That the City of Portland may enter into a Consent to Annex to the City of Portland, Waiver of Right to Remonstrate and Agreement to Conditions contract with Margaret Carhart Powers; and
- b. That all rights and obligations under the agreement are as stated therein, a true copy having been attached to this Ordinance as Exhibit A.

Section 2. The Council declares that an emergency exists because this agreement must be ready for consideration by the Local Government Boundary Commission at its next meeting, which is on May 31, 1978; therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, **MAY 17 1978**

Wesley Hoskins
Mayor of the City of Portland

Attest:

Serge Tchirnik
Auditor of the City of Portland

Mayor Goldschmidt
RMSpetter/rl
May 11, 1978

Calendar No. 1599

ORDINANCE No. 145726

Title

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THE COMMISSIONERS VOTED AS FOLLOWS:

	Yeas	Nays
Francis	1	
Jordan	1	
McCready	1	
Schwab	1	
Goldschmidt	1	

FOUR-FIFTHS CALENDAR

Francis	
Jordan	
McCready	
Schwab	
Goldschmidt	

Filed MAY 12 1978

GEORGE YENKOVICH
Auditor of the CITY OF PORTLAND

George Yenkovich
Deputy

INTRODUCED BY

MAYOR GOLDSCHMIDT

NOTED BY THE COMMISSIONER

Affairs
Finance and Administration
Safety
Utilities
Works

WJD

BUREAU APPROVAL

Bureau:

Prepared By: *Plawinski*

Date:

Plawinski/r1 May 11, 1978

Budget Impact Review:

Completed Not required

Bureau Head:

Ernie Bonner by WJD.

NOTED BY

City Attorney

City Auditor

City Engineer