

CITY OF COLUMBIA CITY
1840 Second Street - PO Box 189 - Columbia City OR 97018
Phone: (503) 397-4010 Fax: (503) 366-2870
E-mail: colcity@columbia-city.org

JUL 08 2019

ANNEXATION CONTRACT APPLICATION

APPLICANT DANIEL WEBB, TERRA LLC PHONE 503-510-9998

MAILING ADDRESS _____

PROPERTY OWNER(S) TERRA LLC

PHONE 503-510-9998

MAILING ADDRESS 15913 S. WINDY CITY RD. MULINO, OR. 97042

DESCRIPTION OF LAND TO BE ANNEXED:

Map and Tax Lot Number(s) 5N1W33-AO-01100, 5N1W33-AO-01200
5N1W28-DO-02500

Street Address(es) (if applicable): _____

Legal Description(s) (attach additional pages if necessary) _____

PARCELS 1 AND 2 PARTITION PLAT 1993-08 (SEE ATTACHED)

Application requirements:

- o Completed Annexation Contract Application signed by all person's with an interest in the property;
- o Completed and notarized Consent to Annex form signed by all person's with an interest in the property;
- o Contract Application fee of \$1,500.00;
- o A map of the property to be annexed.

This request for an annexation contract between the City of Columbia City and the applicant is made in accordance with ORS 222.115 and shall be accompanied by the property owner's consent to eventual annexation of the property in return for extraterritorial services. The extension of water and sewer service shall be made at the sole expense of the property owner. The annexation contract shall be recorded and shall be binding on successors in interest in the property. The property must be located within the City's Urban Growth Boundary. The City Council shall make a final decision on this annexation contract request.

APPLICANT SIGNATURE *Daniel Webb* member Terra LLC DATE 6/21/19

OWNER(S) SIGNATURE *Mary Jeff* DATE 7/5/19

OWNER(S) SIGNATURE _____ DATE _____

OWNER(S) SIGNATURE _____ DATE _____

OWNER(S) SIGNATURE _____ DATE _____

Date filed 7/8/19 ***OFFICE USE ONLY***
Council action _____ Fee paid \$1,500.00 Receipt No. OR10034287
Date _____

CONSENT TO ANNEXATION TO THE CITY OF COLUMBIA CITY, OREGON

JUL 08 2019

To: The Common Council of the City of Columbia City, Oregon

We, the undersigned owner(s) of the property described below, hereby petition for and give our consent to annexation of that property to the City of Columbia City.

The property legal description to be annexed is attached as Exhibit A.

5N1W33-AO-01100, 5N1W33-AO-01200, 5N1W28-DO-0250

Street Address of Property (if assigned)

Tax Account Number of Property

1. TERRA LLC
Print Owner Name

[Signature]
Signature of Owner

2. Terra LLC
Print Owner Name

[Signature]
Signature of Owner

3. _____
Print Owner Name

Signature of Owner

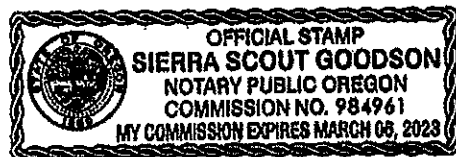
4. _____
Print Owner Name

Signature of Owner

We agree that this consent shall be irrevocable and is a covenant and runs with the land, and is binding on our heirs, assignees, or successors in interest. We agree that we will obligate all Electors to either consent to this annexation or to terminate their status as electors.

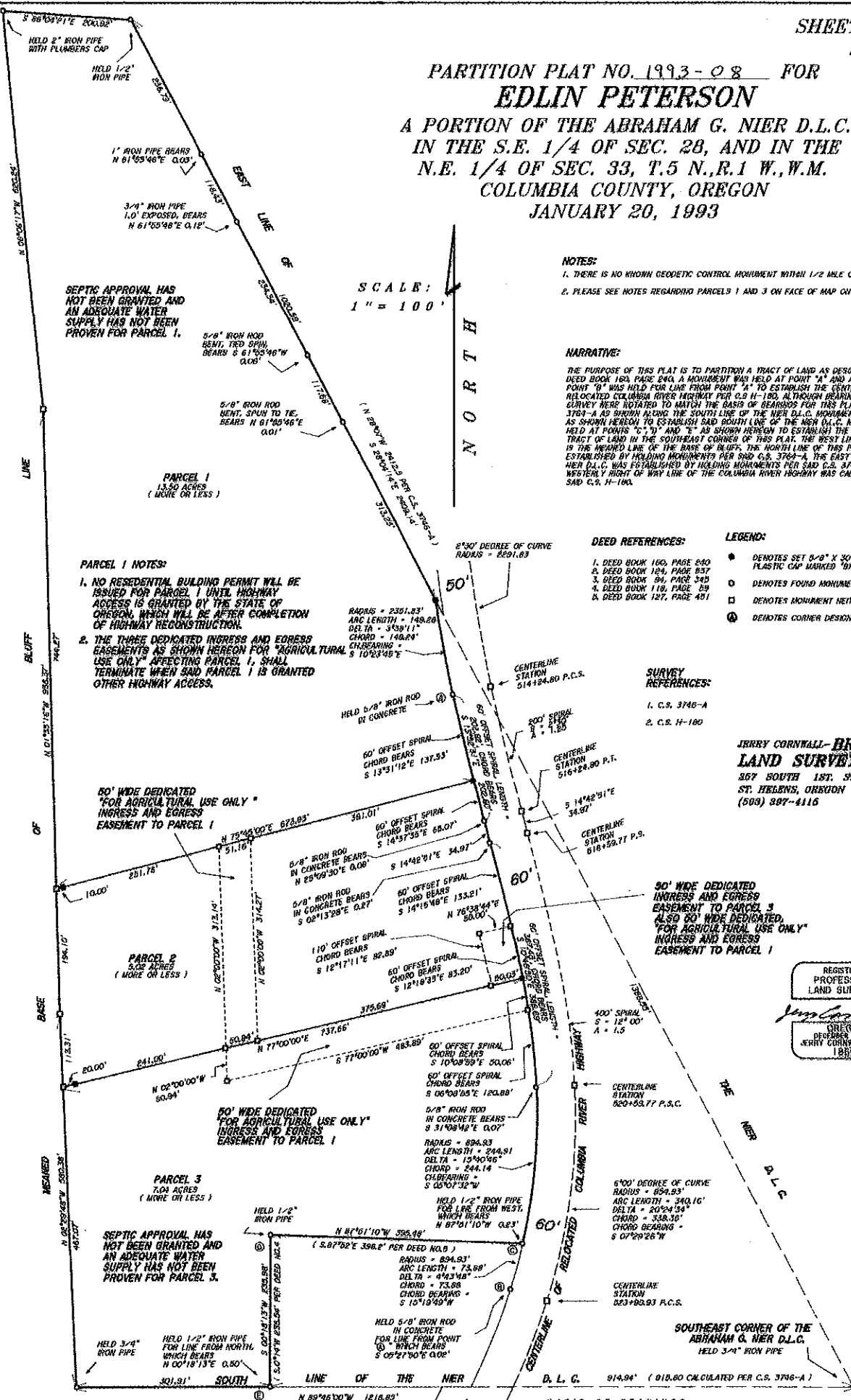
The foregoing instrument was acknowledged before me this 5th day of July, 2019,

by Mary Elizabeth Alexander



[Signature]
Notary Public for Oregon
My commission expires: March 6 2023

PARTITION PLAT NO. 1993-08 FOR
EDLIN PETERSON
A PORTION OF THE ABRAHAM G. NIER D.L.C.
IN THE S.E. 1/4 OF SEC. 28, AND IN THE
N.E. 1/4 OF SEC. 33, T.5 N., R.1 W., W.M.
COLUMBIA COUNTY, OREGON
JANUARY 20, 1993



NOTES:
1. THERE IS NO KNOWN GEODETIC CONTROL MONUMENT WITHIN 1/2 MILE OF THIS PLAT.
2. PLEASE SEE NOTES REGARDING PARCELS 1 AND 3 ON FACE OF MAP ON THIS SHEET.

NARRATIVE:
THE PURPOSE OF THIS PLAT IS TO PARTITION A TRACT OF LAND AS DESCRIBED IN COUNTY DEED BOOK 163, PAGE 242. A MONUMENT WAS HELD AT POINT "A" AND A MONUMENT AT POINT "B" WAS HELD FOR LINE FROM POINT "A" TO ESTABLISH THE CENTERLINE OF RELOCATED COLUMBIA RIVER HIGHWAY PER C.S. H-180, ALTHOUGH BEARINGS PER SAID SURVEY WERE ROTATED TO MATCH THE BASIS OF BEARINGS FOR THIS PLAT WHICH IS C.S. 3746-A AS SHOWN ALONG THE SOUTH LINE OF THE WEST D.L.C. MONUMENTS WERE HELD AS SHOWN HEREON TO ESTABLISH SAID SOUTH LINE OF THE NIER D.L.C. MONUMENTS WERE HELD AT POINTS "C", "D", AND "E" AS SHOWN HEREON TO ESTABLISH THE LINES OF THE TRACT OF LAND IN THE SOUTHEAST CORNER OF THIS PLAT. THE WEST LINE OF THIS PLAT IS THE HEAVED LINE OF THE BASE OF BLUFF. THE NORTH LINE OF THIS PLAT WAS ESTABLISHED BY HOLDING MONUMENTS PER SAID C.S. 3746-A. THE EAST LINE OF SAID NIER D.L.C. WAS ESTABLISHED BY HOLDING MONUMENTS PER SAID C.S. 3746-A. THE WESTERLY RIGHT-OF-WAY LINE OF THE COLUMBIA RIVER HIGHWAY WAS CALCULATED PER SAID C.S. H-180.

SEPTIC APPROVAL HAS NOT BEEN GRANTED AND AN ADEQUATE WATER SUPPLY HAS NOT BEEN PROVEN FOR PARCEL 1.

PARCEL 1 NOTES:
1. NO RESIDENTIAL BUILDING PERMIT WILL BE ISSUED FOR PARCEL 1 UNLESS HIGHWAY ACCESS IS GRANTED BY THE STATE OF OREGON, WHICH WILL BE AFTER COMPLETION OF HIGHWAY RECONSTRUCTION.
2. THE THREE DEDICATED INGRESS AND EGRESS EASEMENTS AS SHOWN HEREON FOR "AGRICULTURAL USE ONLY" AFFECTING PARCEL 1, SHALL TERMINATE WHEN SAID PARCEL 1 IS GRANTED OTHER HIGHWAY ACCESS.

60' WIDE DEDICATED "FOR AGRICULTURAL USE ONLY" INGRESS AND EGRESS EASEMENT TO PARCEL 1

60' WIDE DEDICATED "FOR AGRICULTURAL USE ONLY" INGRESS AND EGRESS EASEMENT TO PARCEL 1

60' WIDE DEDICATED "FOR AGRICULTURAL USE ONLY" INGRESS AND EGRESS EASEMENT TO PARCEL 1

SEPTIC APPROVAL HAS NOT BEEN GRANTED AND AN ADEQUATE WATER SUPPLY HAS NOT BEEN PROVEN FOR PARCEL 3.

- DEED REFERENCES:
1. DEED BOOK 160, PAGE 240
2. DEED BOOK 124, PAGE 837
3. DEED BOOK 94, PAGE 343
4. DEED BOOK 110, PAGE 58
5. DEED BOOK 127, PAGE 481

- LEGEND:
● DENOTES SET 0-8" X 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "BRADY LS 1860"
○ DENOTES FOUND MONUMENT AS NOTED
□ DENOTES MONUMENT NEITHER SET NOR FOUND
⊙ DENOTES CORNER DESIGNATION

- SURVEY REFERENCES:
1. C.S. 3746-A
2. C.S. H-180

JERRY CORNWALL - BRADY
LAND SURVEYING
367 SOUTH 1ST STREET
ST. HELENS, OREGON 97051
(503) 387-4115

REGISTERED PROFESSIONAL LAND SURVEYOR
JERRY CORNWALL - BRADY
LICENSED PROFESSIONAL SURVEYOR
JERRY CORNWALL - BRADY
1862

30' WIDE DEDICATED INGRESS AND EGRESS EASEMENT TO PARCEL 3 ALSO 60' WIDE DEDICATED "FOR AGRICULTURAL USE ONLY" INGRESS AND EGRESS EASEMENT TO PARCEL 1

SOUTHEAST CORNER OF THE ABRAHAM G. NIER D.L.C.
HELD 3/4" IRON PIPE

BASIS OF BEARINGS

PARTITION PLAT NO. 1998-08 FOR
EDLIN PETERSON
A PORTION OF THE ABRAHAM G. NIER D.L.C.
IN THE S.E. 1/4 OF SEC. 28, AND IN THE
N.E. 1/4 OF SEC. 33, T.5 N., R.1 W., W.M.
COLUMBIA COUNTY, OREGON
JANUARY 20, 1993

JERRY CORNWALL-BRADY
LAND SURVEYING
267 SOUTH 1ST. STREET
ST. HELENS, OREGON 97051
(503) 397-4116

SURVEYOR'S CERTIFICATE:

I, JERRY CORNWALL-BRADY, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF OREGON, CERTIFY AND SAY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS THE LAND REPRESENTED ON THE ATTACHED PARTITION MAP, THE BOUNDARIES BEING DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF THE ABRAHAM G. NIER DONATION LAND CLAIM WHICH IS NORTH 89°40'00" WEST 810.94 FEET FROM THE SOUTHEAST CORNER THEREOF, SAID POINT BEING IN SECTION 33, TOWNSHIP 5 NORTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, COLUMBIA COUNTY, OREGON, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF THE JACK M. PETERSON ET UX TRACT AS DESCRIBED IN COUNTY DEED BOOK 118, AT PAGE 69; THENCE NORTH 89°40'00" WEST CONTINUING ALONG SAID SOUTH CLAIM LINE A DISTANCE OF 201.91 FEET TO THE WEST LINE OF THE EARLY LEONARD PETERSON ET UX TRACT AS DESCRIBED IN COUNTY DEED BOOK 106, AT PAGE 89; THENCE ALONG SAID WEST LINE NORTH 02°02'49" WEST A DISTANCE OF 800.39 FEET; THENCE NORTH 01°02'16" WEST A DISTANCE OF 938.37 FEET; THENCE NORTH 00°00'17" WEST A DISTANCE OF 658.54 FEET TO THE NORTHWEST CORNER OF SAID EARLY PETERSON TRACT; THENCE SOUTH 89°40'15" EAST A DISTANCE OF 204.02 FEET TO THE NORTHEAST CORNER THEREOF, SAID POINT BEING ON THE EAST LINE OF SAID NIER DONATION LAND CLAIM; THENCE SOUTH 89°40'14" EAST ALONG SAID EAST CLAIM LINE A DISTANCE OF 100.00 FEET TO THE RESIDUAL RIGHT-OF-WAY LINE OF THE COLUMBIA RIVER HIGHWAY; THENCE ALONG SAID RIGHT-OF-WAY LINE ALONG THE ARC OF A 2301.83 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 3°58'11" (THE LONG CHORD OF WHICH BEARS SOUTH 10°23'49" EAST 148.24 FEET) AN ARC DISTANCE OF 148.24 FEET; THENCE ALONG THE ARC OF A SPIRAL CURVE TO THE LEFT (THE LONG CHORD OF WHICH BEARS SOUTH 13°22'31" EAST 204.02 FEET) AN ARC DISTANCE OF 204.02 FEET; THENCE SOUTH 14°42'21" EAST A DISTANCE OF 34.97 FEET; THENCE ALONG THE ARC OF A SPIRAL CURVE TO THE RIGHT (THE LONG CHORD OF WHICH BEARS SOUTH 10°40'00" EAST 304.43 FEET) AN ARC DISTANCE OF 304.43 FEET; THENCE ALONG THE ARC OF A SPIRAL CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE 18°40'40" (THE LONG CHORD OF WHICH BEARS SOUTH 00°00'32" WEST 844.14 FEET) AN ARC DISTANCE OF 844.81 FEET TO THE NORTHEAST CORNER OF THE JACK M. PETERSON ET UX TRACT AS DESCRIBED IN COUNTY DEED BOOK 117, AT PAGE 451; THENCE NORTH 00°01'10" WEST A DISTANCE OF 305.00 FEET TO THE MOST WESTERLY CORNER OF THE SECOND SAID JACK M. PETERSON TRACT, SAID POINT ALSO BEING THE NORTHWEST CORNER OF THE FIRST SAID JACK M. PETERSON TRACT; THENCE SOUTH 00°14'13" WEST A DISTANCE OF 205.00 FEET TO THE POINT OF BEGINNING.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Jerry Cornwall-Brady

OREGON
RESUMER 14,1978
JERRY CORNWALL-BRADY
1980

APPROVALS:

APPROVED THIS 11th DAY OF March, 1993

R. Benham
COLUMBIA COUNTY PLANNING DEPARTMENT

APPROVED THIS 11th DAY OF March, 1993

Jerry Cornwall-Brady
COLUMBIA COUNTY SURVEYOR

DECLARATION:

KNOW ALL PEOPLE BY THESE PRESENTS THAT WE, EDLIN LEONARD PETERSON, HELEN FRANCIS WINTER, AND JACK M. PETERSON ARE THE OWNERS OF THE LAND REPRESENTED ON THE FOREGOING MAP AND HAVE CAUSED THE SAME TO BE PARTITIONED AND SURVEYED INTO PARCELS AS SHOWN ON THE ANNEXED MAP, AND DEDICATE THE EASEMENTS AS SHOWN FOR THE PURPOSES INDICATED THEREON. THERE ARE NO WATER RIGHTS APPURTENANT TO THIS PROPERTY.

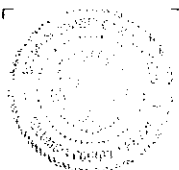
Edlin Leonard Peterson
EDLIN LEONARD PETERSON

Helen Francis Winter
HELEN FRANCIS WINTER

Jack M. Peterson
JACK M. PETERSON

STATE OF OREGON } S.S.
COUNTY OF COLUMBIA }

I DO HEREBY CERTIFY THAT THE ATTACHED PARTITION PLAT WAS RECEIVED FOR RECORD ON THE 11th DAY OF March, 1993, AT 2:36 O'CLOCK P. M. INSTRUMENT NO. 98-2060 AND RECORDED AS PARTITION PLAT NO. 1998-08 COLUMBIA COUNTY CLERK, COLUMBIA COUNTY RECORDS, BY R. Benham, deputy



ACKNOWLEDGEMENTS:

STATE OF OREGON } S.S.
COUNTY OF LINN }

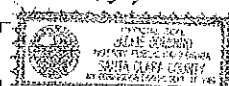
KNOW ALL PEOPLE BY THESE PRESENTS, ON THE 14th DAY OF March, 1993, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, PERSONALLY APPEARED EDLIN LEONARD PETERSON, TO ME KNOWN AS THE IDENTICAL PERSON NAMED IN AND WHO EXECUTED THE FOREGOING DECLARATION, AND SHE ACKNOWLEDGED TO ME THAT HE EXECUTED SAID DECLARATION AS HIS FREE AND VOLUNTARY ACT AND DEED.



David M. Dutton
NOTARY PUBLIC
12/31/93

STATE OF CALIFORNIA } S.S.
COUNTY OF ALAMEDA }

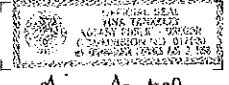
KNOW ALL PEOPLE BY THESE PRESENTS, ON THIS 8th DAY OF March, 1993, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, PERSONALLY APPEARED HELEN FRANCIS WINTER, TO ME KNOWN AS THE IDENTICAL PERSON NAMED IN AND WHO EXECUTED THE FOREGOING DECLARATION, AND SHE ACKNOWLEDGED TO ME THAT SHE EXECUTED SAID DECLARATION AS HER FREE AND VOLUNTARY ACT AND DEED.



James L. Dutton
NOTARY PUBLIC
9-17-93

STATE OF OREGON } S.S.
COUNTY OF MARION }

KNOW ALL PEOPLE BY THESE PRESENTS, ON THIS 5th DAY OF March, 1993, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, PERSONALLY APPEARED JACK M. PETERSON, TO ME KNOWN AS THE IDENTICAL PERSON NAMED IN AND WHO EXECUTED THE FOREGOING DECLARATION, AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED SAID DECLARATION AS HIS FREE AND VOLUNTARY ACT AND DEED.



Diana J. Antolek
NOTARY PUBLIC
8/2/96

2 August 2019

Memorandum

To: Helen Johnson, Planning Coordinator
From: Rob Peacock, PE, City Engineer
Subject: Webb Terra Annexation Application, Submitted 19 July 2019
K/J 1091029.00

This memorandum summarizes comments to the Terra LLC (Terra) Annexation Application dated 8 July 2019 and received 19 July 2019. The City Engineer's review is primarily for proposed connections to City utilities (sewer and water) as well as drainage and storm water management. This memorandum includes additional references to the City of Columbia City (City) Development Code to assist the Developer with future planning and design efforts.

Summary of Proposed Annexation

The proposed annexation includes tax lots 5N1W33-AO-01100, 5N1W33-AO-01200, and 5N1W28-DO-02500. A plat map was submitted with the Annexation Application identifying the tax lots proposed for annexation, located west of Highway 30 and Chimes Crest Frontage Road. A preapplication meeting was held on 5 June 2018 for a proposed residential development project on these tax lots. In 2018 two alternative partition plans were reviewed at the preapplication meeting: a low-density development with 1 acre lots, and a higher density development with 10,000 square foot lots. It was determined in the preapplication meeting that proceeding with higher density development would require City water and sewer services to be provided to the development.

The proposed parcels are currently located outside of the City Limits but within the Urban Growth Boundary to eventually be annexed. The proposed property is not contiguous with the current City Limits and would require the properties between the Terra property and the current City Limits to be annexed. Terra is requesting connection to City services of the proposed property with the condition that it will be annexed into the City Limits.

Utilities

Development Code section 7.92 requires new developments to be connected to existing utilities in accordance with the provisions set forth by the City's public works design standards and the adopted policies of the Comprehensive Plan. Generally, the proposed development can be served by water and sewer utilities with conditions.

Memorandum

Helen Johnson, Planning Coordinator
 2 August 2019
 1091029.00
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Sewer Utilities

Connection to the City sewer system will be required to proceed in accordance with Development Code Section 7.92.080. A 2018 review of preapplication materials, including site survey and topographic data provided by the applicant, indicates that gravity sanitary sewer service cannot be extended to the proposed development from existing sanitary sewers due to a low point between the proposed development and connection location, assuming construction of sanitary sewers within the Chimes Frontage Road right-of-way. A single private wastewater pump station will most likely be required to convey wastewater from the proposed development to the City's K Street Pump Station.

The developer shall review the site topography with the development plan to confirm the proposed development can be served with a single wastewater pump station. Construction of the private wastewater pump station will be required to meet City of Columbia City Public Works Design Standards for Submersible Wastewater Pump Stations.

Water System

Connection to the water system will be required to proceed in accordance with Development Code Section 7.92.100. An existing 8-inch waterline runs in the Chimes Crest Road right of way, and fire hydrants are in place on the eastern border of the property. A looped connection of 8-inch water main will be required. Proposed connections to the water system will be to the existing 8-inch sewer running along Chimes Frontage Road and a loop created within the development to provide redundancy and reliability of water services. New fire hydrants will be required to meet City design standards. The fire department may require structures on steep slopes to have fire sprinklers if they cannot be easily reached by emergency vehicles.

Drainage Plans

Stormwater management for the proposed development on these tax lots will be required to proceed in accordance with City Development Code Section 7.92.090, including the preparation of a drainage plan showing post development surface water drainage patterns. It appears portions of the site drains toward Harrie Creek. Oregon Division of State Lands has jurisdiction over wetlands, and development around wetlands and waterways shall comply with State requirements.

The City of Salem Public Works Design Standards (adopted by City of Columbia City as Public Works Design Standards) Division 4, Article 4.2, item (p) 3 provides flow control requirements for stormwater runoff. The flow control requirements generally require that post-development

Memorandum

Helen Johnson, Planning Coordinator
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peak flowrates shall not exceed pre-development peak flowrates for specified design storm conditions.

Stormwater discharging to Harrie Creek appears to enter the ODOT storm system along Highway 30. Developer shall consult with ODOT to verify the system can provide stormwater capacity for the proposed development. ODOT may have additional requirements for the development to gain approval for the proposed stormwater discharge.

Slopes

The site survey provided on 16 August 2018 by the applicant indicates that slopes on tax lots 5N1W28-DO-02500 and 5N1W33-AO-01100 may or have the potential to exceed 15%. Development Code 7.106.030.A defines Slope Hazard Areas as follows:

"A. "Slope hazard areas" are those areas subject to a severe risk of landslide or erosion. They include any of the following areas:

1. Any area containing slopes greater than or equal to fifteen percent and one of the following subsections;

a. Impermeable soils (typically silt and clay) frequently interbedded with granular soils (predominately sand and gravel),

b. Any area located on areas containing soils which, according to the current version of the USDA Soil Conservation Soil Survey for Columbia County and accompanying maps, may experience severe to very severe erosion hazard,

c. Any area located on areas containing soils which, according to the current version of the USDA Soil Conservation Soil Survey for Columbia County and accompanying maps are poorly drained or subject to rapid runoff;

d. Springs or ground water seepage.

2. Any area potentially unstable as a result of natural drainage ways, rapid stream incision, or stream bank erosion;

3. Any area containing slopes greater than or equal to twenty percent."

If slope hazards exist, City Development Code Section 7.106.030.D.1 requires the preparation of an engineering geotechnical study and supporting data demonstrating that the site is stable

Memorandum

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1091029.00
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for the proposed use and development. Please note that Columbia City Development Code 7.106.030.C.6 requires ground disturbing construction activities for slope hazard areas shall occur in drier weather no earlier than April 15 and no later than October 1.

Trail System Access

Pedestrian access to existing trail systems located west of tax lots 5N1W33-AO-01100, 5N1W33-AO-01200, and 5N1W28-DO-02500 will be required as part of the development approval process. Discussion during the preapplication meeting indicated that pedestrian access may be maintain along the Harrie Creek corridor, within "Tract A" of the higher density partition map submitted as part of the preapplication materials.

After recording, return to: Michael McGlothlin, City Administrator
Recorder
City of Columbia City
PO Box 189 1840 2nd St.
Columbia City, OR 97018

**ANNEXATION CONTRACT
(Irrevocable Petition for Annexation)**

WHEREAS, the undersigned Terra LLC
("Owner") warrants that the Owner is the fee title or contract purchaser of real property in Columbia County, Oregon, outside the corporate limits of the City of Columbia City, but inside the City of Columbia City ("City") Urban Growth Boundary, described as follows:

(Address) 60871 Columbia River Hwy St Helens, OR 97015
(Map and Tax Lot Numbers) 5N1W33-A0-01100, 5N1W33-A0-01200
5N1W28-D0-02500
Real property in the County of Columbia, State of Oregon, described as follows:
(Legal Description) Parcels 1 & 2 of partition Plat 1993-08

WHEREAS, the undersigned, as the Owner, desires to apply for annexation to the City of Columbia City of the Subject Property in exchange for extraterritorial water and sewer services in accordance with Oregon Revised Statute 222.115; and

WHEREAS, the Subject Property is not currently contiguous to the corporate limits of the City of Columbia City and therefore the annexation must be delayed until such time as the property becomes contiguous to the corporate limits of the City of Columbia City; and

WHEREAS, pursuant to the Urban Growth Area Management Agreement between the City of Columbia City, Oregon, and Columbia County, Oregon:

A. The City of Columbia City may extend City sewer and water service to any site located within the City of Columbia City's Urban Growth Area at the affected property owner's request and expense, subject to an unlimited agreement signed by the affected property owner that the site be annexed at a specific time; and

B. Expenses to be incurred by the property owner shall include the extension of service mains or lines from the City mains or lines, including tap-in costs, to the properties to be annexed; and

C. Services and hook-on charges shall be established by the Columbia City Council; and

D. Columbia County shall not approve any subdivision that is within the Urban Growth Area that is to be annexed unless such subdivision is connected to public water and sewer service; and

WHEREAS, pursuant to City of Columbia City's Comprehensive Plan, "Urbanization" Policy L which corresponds to Statewide Goal 14, calls for sufficient system service capacity for water and sewer for all buildable lands inside the City and the proposed area to be annexed, and the City Engineer has determined that sufficient capacity will exist after the completion of the K Street Pump Station Project, which is currently underway.

NOW, THEREFORE, subject to the terms of this agreement:

1. The City of Columbia City agrees to permit connection to and furnish service from its existing water and sewer systems located closest to the Subject Property at the sole expense of the Owner.

2. The Owner's use of the City's water and sewer utility services shall be subject to all of the provisions of the City's water and sewer ordinances and regulations, including system development charges, and outside connection fees and outside monthly usage fees will apply.

3. The Owner's extension of the City's water and sewer utility services shall be subject to all of the provisions of the City's Street and Utility Improvement Standards outlined in the Columbia City Development Code.

4. The Owner for itself and for its successors in interest agrees and covenants to the City of Columbia City and to the present and future owners of any property affected by the furnishing of City water and sanitary sewer to which this covenant and agreement relate that:

A. The annexation of this property may take place by any means allowed by state law, and this agreement constitutes an agreement to annex by any City-selected method under the law.

B. In the event the type of annexation used involves a written consent to annexation, this agreement constitutes consent to annexation and shall be used as consent for each required consent if the property owner satisfies the requirements set forth by law. Further, the agreement constitutes an express waiver of any limitations of consent and the undersigned intends this consent to be valid in perpetuity.

C. In the event the type of annexation used involves the right to remonstrate, this agreement constitutes a waiver of the right to remonstrate

and a remonstrance by anyone having an interest in the property affected by this agreement shall be void.

D. In the event the type of annexation used involves a vote, this agreement constitutes a waiver of the right to vote on the annexation by a person in possession or ownership of the property who is qualified to vote on the annexation. Further, those persons shall be counted as a yes vote on the annexation.

5. This covenant and agreement shall run with the land, shall be recorded in the Columbia County deed records, and shall be binding on the undersigned and all successors in interest of any property affected by the furnishing of water and sanitary sewer services to any property described in this agreement.

6. Should any portion of this agreement be declared void by a court of law, the remaining portions of this agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the undersigned Owner and City have hereunto executed this Annexation Contract on the date stated below the (respective) party's signature.

PROPERTY OWNER:

Mary Alexander

Signature

Mary Alexander Terra LLC

Owner Name

8-8-19

Date Signed

State of OREGON)

)ss.

County of CLATSOP)

On this 8th day of August, 2019 before me the undersigned

Notary Public, personally appeared Mary Alexander
(print name)

proved to me on the basis of satisfactory evidence to be the person who executed the within instrument as Owner or on behalf of the entity therein named, pursuant to authority, and acknowledged to me the execution hereof.

