

Name of Document For Recording:
Covenant of Waiver of Rights And Remedies

Grantor: _____
Grantee: City of Prineville
After recording return to:
Cindy MacDonald @ City of Prineville
Att: Cindy MacDonald
400 NE Third Street, Prineville OR 97754

Covenant of Waiver of Rights and Remedies

Whereas, _____ (hereinafter referred to as "Petitioner", including collectively all petitioners) has petitioned to the City of Prineville ("City") to commence certain proceedings, _____, for the real property, described on Exhibit A, attached hereto and by this reference made a part hereof ("the property"):

Property Owner may be required to provide a typed legal description from a Certified Surveyor at time of Annexation for the subject property to be annexed.

**MUST BE LEGAL DESCRIPTION; NOT MERELY TAX ASSESSOR'S REFERENCE
[PLEASE ATTACH SEPARATELY]**

The property above referred to, lying in Crook County, Oregon, is more particularly described as follows:

Tax Lot _____ of Assessor's Map _____

Property Address: _____

Legal Description provided. Date received: _____

Zoning of the property upon annexation is _____

Whereas, pursuant to the enactment of Ballot Measure 37 (effective December 2, 2004), a property owner may elect to seek just compensation or waiver of land use regulations if a public entity enacts or enforces the land use regulations after the property owner acquired the property;

Whereas, there is the potential that the Oregon electors or the Legislature may, in the future, enact further statutory or constitutional amendments relating to compensation for the impact of local regulations upon real property, under certain circumstances;

Whereas, City does not wish to approve the Petitioner's requested proceedings if the result would or could arguably give rise to a later claim by the property owner or the property owner's successors or assigns for compensation for the land use regulations in effect upon the effective date of the proceedings or would or could arguably give right to a right to require the City to waive the City's land use regulations in effect upon the effective date of the proceedings, which are being newly imposed upon the property by reason and result of the proceedings; and

Whereas, Petitioner seeks to induce the City to proceed with the proceedings and therefore agrees to eliminate the potential of claim for compensation or the right to seek waiver from the City's land use regulations existing as of the effective date of the proceedings;

Now, therefore, the undersigned Petitioner warrants that the Petitioner executing this Covenant holds the full and complete present ownership or any or all interest therein in the property, and hereby agrees and covenants as follows:

1. As inducement to the City to proceed with the following proceeding(s) affecting the subject real property: _____, which may include designation of the property as subject to additional applicable overlay zones and districts. The undersigned Petitioner, on behalf of Petitioner, Petitioner's heirs, devisees, executors, administrators, successors and assigns, agrees and covenants to the City of Prineville, its officers, agents, employees and assigns that the Petitioner hereby remises, waives, releases and forever discharges, and agrees that Petitioner shall be estopped from asserting any rights and remedies, actions, causes of action, suits, claims, liabilities, demands, and rights to waivers arising under or granted by any statutory or constitutional regulatory compensation or waiver provisions, including but not limited to Ballot Measure 37 (2004) or otherwise enacted after the date of this proceeding which would create a right of claim for compensation or waiver from City land use regulations that exist upon the effective date of the proceeding and which, by the approval of the proceeding, are then applicable to the property.
2. This waiver and release shall bind the Petitioner's heirs, devisees, executors and administrators, successors in interests, and assigns. This covenant, waiver, release and discharge shall run with the land, and this instrument or a memorandum thereof may be recorded in the official records of Crook County. This instrument may be terminated upon the filing of a Notice of Termination of Covenant filed by the City of Prineville.
3. If this instrument is given contemporaneously with a consent to future proceedings to be initiated by the City, Petitioner acknowledges that the proceedings may be initiated by the City of Prineville at any time in the discretion of the City of Prineville and that this waiver and release is applicable to any ordinances and resolutions adopted prior to the effective date of such future proceeding.
4. This document is executed of Petitioner's own free will and without duress. Said Petitioner, or if more than one Petitioner, each Petitioner respectively acknowledge that said Petitioner has been advised to obtain legal advice prior to the execution of this document, and that either, or each Petitioner respectively, have either obtained legal advice or have independently elected not to seek legal advice prior to the execution of this document, recognizing that this document may affect Petitioner' and/or each Petitioner's legal rights and remedies.

<p style="text-align: center;">_____ (signature)</p> <p>Petitioner Name: _____</p> <p>Date Signed: _____</p>	<p style="text-align: center;">_____ (signature)</p> <p>Petitioner Name: _____</p> <p>Date Signed: _____</p>
--	--

State of Oregon)
County of Crook)

On this _____ day of _____, 20 _____, before me the undersigned
Notary Public, personally appeared _____

- personally known to me
- proved to me on the basis of satisfactory evidence

To be the person who executed the within instrument

- as _____ or on behalf of the entity therein named.

Pursuant to authority, and acknowledged to me the execution hereof.

WITNESS my hand and official seal (Do not write outside of the box)	Place Notary Seal Below
Notary Signature _____ Notary name (legible): _____	

WITNESS my hand and official seal (Do not write outside of the box)	Place Notary Seal Below
Notary Signature <hr/>	
Notary name (legible): <hr/>	
<hr/>	

This document is accepted pursuant to authority and approved for recording.

City of Prineville, Oregon

 City Manager

State of Oregon)
 County of Crook)

On this _____ day of _____, _____, before me the undersigned Notary Public, personally appeared Robb Corbett

- personally known to me
- proved to me on the basis of satisfactory evidence

To be the person who executed the within instrument as _____ or on behalf of the entity therein named, pursuant to authority, and acknowledged to me the execution hereof.

CONFIDENTIAL

City of Prineville, Oregon

Property Situs Address: _____

Map & Tax Lot Number: _____

HOUSING TYPE	TENURE
Single Unit Structure <input type="checkbox"/> #units_____	#Owner Occupied _____
Multiple Unit Structure <input type="checkbox"/> #units_____	#Renter Occupied _____
Trailer or Mobile Home <input type="checkbox"/> #units_____	#Vacant _____
	#Seasonal _____

RESIDENTS

Last Name	First Name	Sex	Age
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

Portland State University College of Urban and Public Affairs Center for Population Research and Census (503)725-3922