

Enrolled House Bill 4089

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Rules)

CHAPTER

AN ACT

Relating to annexation of noncontiguous territory; creating new provisions; amending ORS 222.115; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 222.115 is amended to read:

222.115. **(1)** A contract between a city and a landowner *[relating to extraterritorial provision of service and consent to eventual annexation of property of the landowner shall]* **containing the landowner's consent to eventual annexation of the landowner's property in return for extraterritorial services:**

(a) Must be recorded; and[,]

(b) When recorded, *[shall be binding on all successors with an]* **is binding on successors in interest in that property.**

(2) **Notwithstanding any provision of ORS 195.205 to 195.225, 222.111 to 222.180, 222.750 or 222.840 to 222.915 or any conflicting city charter or ordinance, the governing body of the city may extend the boundaries of the city by the annexation of noncontiguous territory if:**

(a) **The owner of the noncontiguous territory to be annexed has signed a contract containing the landowner's consent to eventual annexation in exchange for provision of an extraterritorial service pursuant to subsection (1) of this section or another consent to annexation;**

(b) **The city to which the territory will be annexed was under the jurisdiction of a boundary commission formed under ORS 199.410 to 199.534 as of January 1, 2007;**

(c) **Any portion of the territory to be annexed is within 200 feet of the existing boundary of the city to which the territory will be annexed; and**

(d) **The owner of the territory to be annexed first acquired an interest in the property prior to January 1, 1973.**

SECTION 2. ORS 222.115, as amended by section 1 of this 2012 Act, is amended to read:

222.115. *[(1)]* A contract between a city and a landowner containing the landowner's consent to eventual annexation of the landowner's property in return for extraterritorial services:

[(a)] **(1)** Must be recorded; and

[(b)] **(2)** When recorded, is binding on successors in interest in that property.

[(2)] **Notwithstanding any provision of ORS 195.205 to 195.225, 222.111 to 222.180, 222.750 or 222.840 to 222.915 or any conflicting city charter or ordinance, the governing body of the city may extend the boundaries of the city by the annexation of noncontiguous territory if:]**

[(a) The owner of the noncontiguous territory to be annexed has signed a contract containing the landowner's consent to eventual annexation in exchange for provision of an extraterritorial service pursuant to subsection (1) of this section or another consent to annexation;]

[(b) The city to which the territory will be annexed was under the jurisdiction of a boundary commission formed under ORS 199.410 to 199.534 as of January 1, 2007;]

[(c) Any portion of the territory to be annexed is within 200 feet of the existing boundary of the city to which the territory will be annexed; and]

[(d) The owner of the territory to be annexed first acquired an interest in the property prior to January 1, 1973.]

SECTION 3. The amendments to ORS 222.115 by section 2 of this 2012 Act become operative on January 1, 2013.

SECTION 4. This 2012 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2012 Act takes effect on its passage.

Passed by House February 17, 2012

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Ramona Kenady Line, Chief Clerk of House

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Bruce Hanna, Speaker of House

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Arnie Roblan, Speaker of House

Passed by Senate February 24, 2012

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Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2012

Approved:

.....M.,....., 2012

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M.,....., 2012

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Kate Brown, Secretary of State