

# D R A F T

## SUMMARY

Prohibits city or district from requiring landowner to consent to eventual annexation in exchange for continuation of extraterritorial service originally provided to landowner or predecessor in interest of landowner without requiring consent to annexation. Prohibits city or district from requiring consent to annexation solely because of change in name of payor on service account or change of address of payor.

Limits to five years period during which separate written agreement may be effective for purpose of authorizing annexation.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to consent to annexation for extraterritorial service; creating new  
3 provisions; amending ORS 198.869, 222.115 and 222.173; and declaring an  
4 emergency.

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

6 **SECTION 1.** ORS 222.115, as amended by sections 1 and 2, chapter 46,  
7 Oregon Laws 2012, is amended to read:

8 222.115. (1) **A city may require a landowner to consent to eventual**  
9 **annexation before providing a new or additional extraterritorial water,**  
10 **sewer or electric utility service.**

11 (2) A contract between a city and a landowner containing the landowner's  
12 consent to eventual annexation of the landowner's property in return for  
13 extraterritorial services:

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

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

1       **(3)(a) A city may not require a landowner to consent to eventual**  
2 **annexation in exchange for continuation of an extraterritorial service**  
3 **that the city originally provided to the landowner or a predecessor in**  
4 **interest in the property without requiring consent to eventual**  
5 **annexation, including a service that is temporarily discontinued for a**  
6 **period of one year or less.**

7       **(b) A consent to eventual annexation that was required by a city**  
8 **prior to the effective date of this 2013 Act is void if the city required**  
9 **the consent in exchange for a continuation of an extraterritorial ser-**  
10 **vice that the city began providing to the landowner or to a predecessor**  
11 **in interest in the property without requiring consent to eventual**  
12 **annexation.**

13       **(4) A city may not require a landowner to consent to eventual**  
14 **annexation solely because of a change in the name or address of the**  
15 **payor on the account for an extraterritorial service.**

16       **SECTION 2.** ORS 198.869 is amended to read:

17       198.869. **(1) A district may require a landowner to consent to even-**  
18 **tual annexation before providing a new or additional extraterritorial**  
19 **water, sewer or electric utility service.**

20       **(2) A contract between a district and a landowner [*relating to***  
21 ***extraterritorial provision of service and consent to eventual annexation of***  
22 ***property of the landowner shall*] containing the landowner's consent to**  
23 **eventual annexation of the landowner's property in return for**  
24 **extraterritorial services:**

25       **(a) Must be recorded; and[,]**

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

28       **(3)(a) A district may not require a landowner to consent to eventual**  
29 **annexation in exchange for continuation of an extraterritorial service**  
30 **that the district originally provided to the landowner or a predecessor**  
31 **in interest in the property without requiring consent to eventual**

1 annexation, including a service that is temporarily discontinued for a  
2 period of one year or less.

3 (b) A consent to eventual annexation that was required by a district  
4 prior to the effective date of this 2013 Act is void if the district re-  
5 quired the consent in exchange for a continuation of an  
6 extraterritorial service that the district began providing to the land-  
7 owner or to a predecessor in interest in the property without requiring  
8 consent to eventual annexation.

9 (4) A district may not require a landowner to consent to eventual  
10 annexation solely because of a change in the name or address of the  
11 payor on the account for an extraterritorial service.

12 **SECTION 3.** ORS 222.173 is amended to read:

13 222.173. (1) For the purpose of authorizing an annexation under ORS  
14 222.170 or under a proceeding initiated as provided by ORS 199.490 (2), only  
15 statements of consent to annexation [*which*] **that** are filed within any one-  
16 year period shall be effective, unless a separate written agreement [*waiving*  
17 *the one-year period or*] prescribing [*some other*] **another** period of time, **not**  
18 **to exceed five years**, has been entered into between an owner of land or  
19 an elector and the city.

20 (2) Statements of consent to annexation filed with the legislative body of  
21 the city by electors and owners of land under ORS 222.170 are public records  
22 under ORS 192.410 to 192.505.

23 **SECTION 4.** Except as otherwise expressly provided in ORS 198.869  
24 (3)(b) and 222.115 (3)(b) as amended by sections 1 and 2 of this 2013 Act,  
25 the amendments to ORS 198.869, 222.115 and 222.173 by sections 1 to 3  
26 of this 2013 Act apply to annexations that are not final on the effective  
27 date of this 2013 Act.

28 **SECTION 5.** This 2013 Act being necessary for the immediate pres-  
29 ervation of the public peace, health and safety, an emergency is de-  
30 clared to exist, and this 2013 Act takes effect on its passage.

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