



925 S. Main Street  
Lebanon, Oregon 97355

TEL: 541.258.4923  
[www.ci.lebanon.or.us](http://www.ci.lebanon.or.us)

# MEMORANDUM

*Engineering Services*

To: Ron Whitlatch, PE  
Engineering Services Director

Date: January 2, 2024

From: Shana Olson   
Project Manager – Development, Engineering, Environmental

Subject: Irrevocable Petition for Public Improvements – S 9<sup>th</sup> Street

The attached irrevocable petition is to be presented for approval at the next City Council meeting. The petition is for the future public street, curb, gutter, and storm drainage improvements for 1784, 1786, 1788, 1790, 1792, 1794 S 9<sup>th</sup> Street, Map #12S-2W-15BD tax lot 1400.

Staff recommendation is to approve the irrevocable petition and authorize the Interim City Manager to sign it.

THE CITY THAT FRIENDLINESS BUILT

## IRREVOCABLE PETITION FOR PUBLIC IMPROVEMENTS

Date 11-28, 2023

PETITIONER(S): Whitewater Apartments, LLC

ADDRESS: PO Box 727 Lyon, Or 97358

Petitioners are the owner of the following described real property:

That property described in deed reference number 2022-15468 Linn County Records, Linn County, Oregon.

See Exhibit "A"

Said property is currently Tax Lot 1400 of Linn County Assessor's map 12S -2W -15BD

Said property is currently assigned the mail address as: 1784,1786,1788,1790,1792,1794 S 9<sup>th</sup> St  
Lebanon, Oregon

Petitioner hereby irrevocably petitions the City of Lebanon (925 Main St., Lebanon, Oregon) to initiate the following local improvements in accordance with the standard specifications of the City:

City standard public street, curb, gutter, sidewalk, driveway, storm system and water system improvements as detailed in the Lebanon Transportation Plan along with the City's other Master Plans. Improvements may qualify for System Development Credits if identified on the current System Development Project list.

This petition is presented to the City of Lebanon so that Petitioner's property may be developed and receive municipal services from the City which will directly benefit Petitioner's property and shall remain in force and effect for 20 years from the date hereof.


It is understood by Petitioner that:

1. The cost of the improvements shall be borne by the benefited property in accordance with state law, the Charter of the City of Lebanon and its ordinances and policies.
2. The City in its sole discretion may initiate the construction of all or part of the local improvements requested or may join all or part of Petitioner's property with other property when creating a local improvement assessment district.
3. Petitioner and Petitioner's heirs, assigns and successors in interest in the property shall be bound by this irrevocable petition which will run with the property and will be recorded by the City in the deed records of Linn County.
4. Petitioner declares that the public improvements herein sought will directly benefit the described property and will directly benefit the City through improvements to the public way and public utilities serving the property and other properties in the vicinity.
5. Petitioner shall not challenge the formation of a local improvement assessment district by the City and in any proceedings therein will acknowledge this petition of requested to do so by the City.
6. If the City is required to file an action in any court of competent jurisdiction to enforce the language in this petition or to prohibit the violation of any of the covenants contained herein, the prevailing party shall be entitled to recover reasonable attorney fees and costs and disbursements if litigation at trial or on appeal.
7. In construing this petition singular words include the plural.

AREA RESERVED  
FOR USE BY  
LINN COUNTY RECORDER

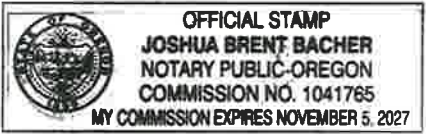
After recording return to:  
City of Lebanon  
925 Main St  
Lebanon, Or 97355

AFTER RECORDING RETURN TO: CITY OF LEBANON, 925 MAIN STREET, LEBANON, OREGON 97355

PETITIONER(S):   
Matthew Edwards, Owner  
Print Name & Title

STATE OF OREGON            )  
  )       ss.  
COUNTY OF LINN         )

On the 28 day of November, 20 23, personally appeared the above  
named Matthew Ray Edwards who acknowledged the foregoing  
instrument to be his/her voluntary act and deed.



BEFORE ME:   
Notary Public for Oregon  
My Commission Expires: November 5, 2027

CITY OF LEBANON

By: \_\_\_\_\_  
Ron Whitlatch, City Manager Interim

STATE OF OREGON            )  
  )       ss.  
COUNTY OF LINN         )

On the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, personally appeared, who each being  
duly sworn, did say that the above is the City of Lebanon, a Municipal Corporation, and that the seal  
affixed to the foregoing instrument was signed and sealed in behalf of said corporation by authority of its  
City Council, which accepted this irrevocable petition on the \_\_\_\_\_ day of \_\_\_\_\_, 2023, and  
who acknowledge said instrument to be a voluntary act and deed.

BEFORE ME: \_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: \_\_\_\_\_