

After recording, return to
City of Bend
Attn: City Engineer
PO Box 431
Bend, OR 97709

**CITY OF BEND
WAIVER OF REMONSTRANCE
For No Protest Agreement to LID formation on Sewer Connection (WAIVER
OF REMONSTRANCE)
and ACKNOWLEDGMENT OF FUTURE FINANCING PLAN FOR SEWER
SERVICE TO APPLY TO PROPERTY (ACKNOWLEDGMENT OF FUTURE
FINANCING PLAN)**

File No. PZ XX-XXXX, (Address)

This Waiver of Remonstrance and Acknowledgment of Future Financing Plan is issued by (Name) (Owner) in favor of the City of Bend (City).

Recitals

A. (Name) (Owner) seeks approval of PZ XX-XXXX for the following described real property (the Property): (Property Description), Deschutes County, Oregon.

B. In order to allow PZ XX-XXXX to be approved without construction of certain infrastructure improvements within the right of way adjacent to the Property, the City has conditioned approval of PZ XX-XXXX on the granting of a waiver of remonstrance to a local improvement district (LID) and assessments for construction of those improvements, and on the payment of any other charges adopted by the City Council as determined by the process referenced in this document.

C. City is formulating an engineering and financing plan for construction and funding of a sewer infrastructure system for the Project Area, Exhibit A, which may include mechanisms applicable to their property such as an LID, connection charges, or a surcharge or separate rate classification for the Project Area, to be determined by the City Council after a recommendation by the Septic to Sewer Citizen Advisory Committee. .

D. The information setting forth the process and timing for the adoption of the engineering and financing plan, the area included in the Project Area, and the intent of allowing property owners to connect to the City sewer system during the interim period, is set forth in the attached Resolution No. _____, which is incorporated by reference.

Terms of Waiver of Remonstrance and Acknowledgment of Future Financing Plan

1. Owner waives any and all rights, provided by State or City laws, codes, or regulations to have its written or oral objection to a proposed LID counted for purposes of determining whether there are sufficient objections to restrict the City's ability to create an LID, construct the improvements, or impose an assessment for payment of the costs of the improvements. Owner does not waive its right to submit written testimony or to appear before City Council at any public hearing to testify regarding the merits of the proposed LID.

2. Owner acknowledges the City, through its City Council, will be formulating and adopting an engineering and funding strategy to implement and construct the build-out of the system to best serve the Project Area. In signing this document, in exchange for early sewer service, Owner agrees to be bound by the Future Financing Plan adopted by the City Council under the same terms and conditions as other property owners in the Project Area.

2. This Waiver of Remonstrance and Acknowledgement of Future Financing Plan shall be a condition and covenant that shall run with the land and be binding on Owner's heirs, executors, assigns and successors in interest as owners of the Property.

OWNER

(Name, Position)
Dated: _____

STATE OF OREGON)
)
County of Deschutes)

This instrument was acknowledged before me on _____
by _____ as _____
of _____.

Notary Public for Oregon

**Accepted by:
CITY OF BEND**

(Name, Position)

STATE OF OREGON)
)
County of Deschutes)

This instrument was acknowledged before me on _____
by Ryan Oster as City Engineer of the City of Bend.

Notary Public for Oregon