



# CITY OF PORTLAND, OREGON

1900 SW 4th Avenue • Portland, Oregon 97201 • www.portlandonline.com

## Claim for Compensation under ORS 197

TRACS # \_\_\_\_\_

<b>FOR INTAKE, STAFF USE ONLY</b>		Qtr Sec Map(s) _____	Zoning _____
Date Received _____	Plan District _____	Neighborhood _____	
Received By _____	[Y] [N] Active Permit or LUR # _____		
Planner Assigned _____	Planner on Active Permit/LUR _____		

Refer to attached summary of exhibits for a checklist of additional documentation that is needed to process your claim. This application form is intended for claims against any of the City of Portland's regulations. Please submit form and documentation to the Development Services Center at 1900 SW 4th Avenue.

**APPLICANT:** For the fastest processing, please complete all sections below that apply to this claim, and provide all the listed exhibits. Please print legibly.

Check all that apply  Owner  Security interest holder in the property  Other \_\_\_\_\_

I certify that the information contained in and attached to this claim form is accurate and complete

Claimant's signature \_\_\_\_\_

Claimant Name (Print Clearly) \_\_\_\_\_ Date \_\_\_\_\_

Mailing Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Phone \_\_\_\_\_ FAX \_\_\_\_\_ email \_\_\_\_\_

Check as applicable  I am the sole owner or interest holder in the property for which I am making this claim.

There are others with an ownership interest, security interest or other interest in the property for which I am making this claim, as listed on the signature portion of this application form.

I certify that the information contained in and attached to this claim form is accurate and complete

Owner's Representative signature \_\_\_\_\_

Representative's Name (Print Clearly) \_\_\_\_\_ Date \_\_\_\_\_

Mailing Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Phone \_\_\_\_\_ FAX \_\_\_\_\_ email \_\_\_\_\_

### Co-owner signatures

The claimant must acquire the signatures of each other owner, security interest holder or holder of any other interest in the property for which this claim is made. Each signature certifies that the information contained in and attached to this claim form is accurate and complete and that any compensation that is determined to be due may be paid to the Claimant.

Signature \_\_\_\_\_

Name (Print Clearly) \_\_\_\_\_ Date \_\_\_\_\_

Signature \_\_\_\_\_

Name (Print Clearly) \_\_\_\_\_ Date \_\_\_\_\_

Signature \_\_\_\_\_

Name (Print Clearly) \_\_\_\_\_ Date \_\_\_\_\_

**Property Information** - Provide identification information for all lots included in claim and for any adjacent property in the same ownership. Separate claims must be submitted for properties that are not contiguous.

**Property Address or Location** \_\_\_\_\_

**Cross Street** \_\_\_\_\_ **Sq. ft./Acreage** \_\_\_\_\_

**Site Tax Account Number(s) and Legal Description(s)**

Tax Account #	Property ID #	State ID #	Tax lot/Lot Block Addition/Section #
R	R		
R	R		
R	R		
R	R		
R	R		
<b>Adjacent property in same ownership</b>			
R	R		
R	R		
R	R		
R	R		

**Attached is (Exhibit A):**  Metes and bounds description of the property

## Ownership History and Claimant Eligibility

ORS 197 states that in order to be eligible for this claim, you must have owned the property in question at the time the regulation was enacted, or you must be a current owner related to the person(s) who owned the property at the time the regulation was enacted. ORS 197 defines "family member" (relation) as: wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent, or grandchild; an estate of any of the foregoing family members, or legal entity owned by any one or a combination of these family members.

### Please provide the following to document your eligibility for claim

**Original recording date of ownership within your family** \_\_\_\_\_

**Recording date of your/present ownership** \_\_\_\_\_

Please attach the following:

- A deed of title, or other documentation of ownership, showing the date **the family owned** the property and the recorded document number in Multnomah County property records. The date of first ownership must precede enactment of the applicable land use regulation. (Exhibit B)
- A deed of title, or other documentation of ownership, showing the date of **current ownership** of the property and the recorded document number in Multnomah County property records. (Exhibit C)
- A title report, issued within 30 days of the date of this claim, verifying current ownership of the property. (Exhibit D)

### Proof of ownership prior to and at the time of regulation enactment

Please attach one of the following (Exhibit E):

- All deeds of title, or other documentation of ownership, showing the property ownership history between the date of first ownership of the property by claimant or family member and the date that the regulation was enacted; or
- A property tax bill, or some other proof that the property was owned by claimant or a family member at the time the regulation was enacted.

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**Proof of family member status**

Please attach the following:

- Please attach a photo copy of claimant’s drivers license or other legal identification (Exhibit F); and
- If you were NOT the property owner at the time of regulation enactment, then attach legal documentation demonstrating your status as a family member of the owner of the property when the regulation was enacted. Forms of documentation may include birth records, marriage records, adoption records, business ownership records, and any other documentation needed to show that the claimant can be defined as a family member as described above. (Exhibit G)

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**Basis for claim**

ORS 197 states that no claim for compensation can be filed based on City land use regulations that restrict or prohibit activities commonly and historically recognized as public nuisances under common law; restrict or prohibit activities for the protection of public health and safety, such as fire and building codes, health and sanitation regulations, solid or hazardous waste regulations, pollution control regulations; that are required to comply with federal law; or, restrict or prohibit the use of property for the purpose of selling pornography or performing nude dancing.

**Regulation(s) on which claim is based**

The regulation(s) that restrict(s) the use of my property is (give City Code citation) \_\_\_\_\_

The date the regulation was enacted (effective date) was \_\_\_\_\_

**Please attach the following**

- Photocopy of the regulation(s) (Exhibit H)  
Describe the manner in which, and the extent to which, the regulation restricts the use of the private real property (describe the desired use of the property, and how the regulation prevents or restricts the desired use):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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**Documentation of reduced property value as a result of enactment of the regulation**

The fair market value of the property (in today’s dollars) without the regulation \_\_\_\_\_

The fair market value of the property (in today’s dollars) with the regulation \_\_\_\_\_

The amount of the claim (the difference between the value with and without the regulation) \_\_\_\_\_

**Please attach the both of the following**

- An appraisal of the real property, for which this claim is being made, prepared by a person certified or licensed under Oregon law to perform an appraisal of real property, that describes the value of the property (in today’s dollars) when subject to the regulation (post-regulation value) (Exhibit I); and
- A market report, or other evaluation of fair market value, prepared by a person certified or licensed under Oregon law to perform an appraisal of real property, that describes the value of the property if not subject to the regulation (Exhibit J).

**Preferred resolution of claim**

The City has the choice to pay compensation, or waive or modify the regulation. Check the box for your preferred resolution of claim.

- Monetary payment of claim.
- Modification of applicable land use regulation (describe desired modification) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- Waive applicable land use regulation

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## Exhibits: checklist of additional documentation needed for claim processing

### Exhibit A

- Metes and bounds description of the property

### Exhibit B

- A deed of title, or other documentation of ownership, showing the date **the family first owned** the property and the recorded document number in Multnomah County property records. The date of first ownership must precede enactment of the applicable land use regulation.

### Exhibit C

- A deed of title, or other documentation of ownership, showing the date of **current ownership** of the property and the recorded document number in Multnomah County property records.

### Exhibit D

- A title report, issued within 30 days of the date of this claim, verifying current ownership of the property.

### Exhibit E

- All deeds of title, or other documentation of ownership, showing the property ownership history between the date of first ownership of the property by claimant or family member and the date that the regulation was enacted.
- A property tax bill, or some other proof that the property was owned by claimant or a family member at the time the regulation was enacted.

### Exhibit F

- Photo copy of claimant's drivers license or other legal identification.

### Exhibit G

- If you were NOT the property owner at the time of regulation enactment, then attach legal documentation demonstrating your status as a family member of the owner of the property when the regulation was enacted. Forms of documentation may include birth records, marriage records, adoption records, business ownership records, and any other documentation needed to show that the claimant can be defined as a family member as described above.

### Exhibit H

- Photocopy of the regulation(s)

### Exhibit I

- An appraisal of the real property for which I am making this claim prepared by a person certified or licensed under Oregon law to perform an appraisal of real property, that describes the value of the property (in today's dollars) when subject to the provisions of the regulation (post-regulation value).

### Exhibit J

- A market report, or other evaluation of fair market value, prepared by a person certified or licensed under Oregon law to perform an appraisal of real property, that describes the value of the property if not subjected to the regulation.