



City of Springfield
Development Services Department
225 Fifth Street
Springfield, OR 97477
541.726.3753

DEMAND FOR COMPENSATION UNDER BALLOT MEASURE 37

PROPERTY OWNER INFORMATION (Please type or print)

Name of Property Owner

Name of Representative (If Any)

Name of Firm

Name of Firm

Street Address

Street Address

City, State, Zip

City, State, Zip

Phone Fax

Phone Fax

PUBLIC MEETING

Does Owner request a public meeting? Yes ___ No ___

PRIVATE REAL PROPERTY DESCRIPTION

A Demand shall be for a for a single property or separate contiguous properties under the same ownership

Map and Tax Lot # _____

Site Address _____

Owner's Interest in the Real Property _____

REQUIRED ATTACHMENTS (SEE REVERSE OF THIS FORM) AND COMPLETENESS

This Demand and all attachments required on the reverse side of this form must be provided before acceptance by the City Manager. Only after acceptance will the 180 day processing period commence as specified under Ballot Measure 37. (Springfield Municipal Code Sec. 2.900 et sec.)

NOTARIZED SIGNATURES

I/We _____ & _____

Notary Stamp

depose and say that I/we am/are the owner(s) of the private real property that is the subject of this Demand and the same is true as I/we verily believe.

X _____ X _____
Owner Signature Representative Signature

X _____
Owner Signature

Subscribed to me this ____ day of _____ 20____. Notary Signature _____

DISCLAIMER NOTICE:

Approval of compensation or modification, removal or non-application of land use regulation does not warrant or otherwise guarantee that the present property owner or any successors interest can legally use the subject property for the purpose, or in the manner, approved by the City as such use or purpose may impact third parties, including rights established by Covenants, Conditions and Restrictions (CC&Rs), other private restrictions, or other regulations, restrictions or contracts.

STAFF COMPLETES THIS SECTION

File# _____ Date Demand Submitted _____ Received by: _____

Fee Paid _____ Date Demand Accepted for Processing _____

**CHECKLIST & REQUIRED ATTACHMENTS TO BE SUBMITTED BY PROPERTY OWNER
DEMAND FOR COMPENSATION – BALLOT MEASURE 37
Reference Springfield Municipal Code Sections 2.920(4), 2.930 and 2.940**

- ___ 1. **Application Form.** A completed application form (the front page of this packet must be filled out) to include: a) The name, mailing address, telephone number and authorization signatures for all the property Owners or contract Owners; b) The designated Owner or agent who is the Owner's designated representative regarding the processing of the application; and c) Every Lessee and Lessor of the property and their mailing address and telephone number. Please use additional sheets if all the information cannot fit on the front page.
- ___ 2. **Property Description.** A legal description and tax lot number of the property as well as a street address for the property (if any).
- ___ 3. **Title Report.** A title report issued within 30 calendar days of the application's submittal, including: a) Title history; b) A statement of the date the Owner acquired Ownership of the property; c) The ownership interests of all Owners of the property; d) Every person or entity holding a lien against or security interest in the property, and (e) Every person or entity holding a future, contingent, or other interest of any kind in the property.
- ___ 4. **Copy of Regulations Applicable to the Demand.** A statement specifically identifying all the sections of the Springfield Municipal Code, Springfield Development Code, or other current land use regulation that allegedly restrict(s) the use of the real property and allegedly causes a reduction in the fair market value of the property.
- ___ 5. **Demand Statement.** A statement specifying: a) The proposed use of the property; b) The amount of the Demand and the fair market value of the property before and after application of the identified land use regulation; c) To whom any compensation determined must be paid and why the Owner is entitled to compensation under the requirements of the provisions added to ORS Chapter 197 by Ballot Measure 37 (see also Item 6 below).
- ___ 6. **Demand Criteria.** A statement addressing all of the following criteria: a) The City has either enacted or enforced a land use regulation that restricts the use of private real property or any interest therein; b) The restriction on use has the effect of reducing the fair market value of the subject property or any interest therein; c) The identified land use regulation was enacted, enforced or applied after the current Owner of the property (the Owner) became the Owner; and d) The identified regulation is not an exempt regulation as defined in SMC Section 2.920(4).
- ___ 7. **Appraisal.** An appraisal by an appraiser licensed by the Appraiser Certification and Licensure Board of the State of Oregon supporting the amount of the Demand that addresses the following issues: a) The appraisal must expressly note all existing infrastructure limitations and value the property without an assumption that the infrastructure will be improved at governmental expense or through discretionary governmental action; b) The appraisal must expressly address and indicate the amount of the alleged reduction in the fair market value of the property at the time a complete Demand is submitted to the City by showing the difference in the fair market value of the property resulting from enactment or enforcement of each of the identified regulations individually identified in the Demand and after the application of all of the identified regulations cumulatively; and c) The appraisal must expressly consider the effect of the aforesaid Ballot Measure 37 on the availability of other real property including the extent to which the supply of such other real property is or will be increased due to the non-enforcement, discontinuance, repeal or waiver of regulations following the passage of Ballot Measure 37 (see also Item 11 below).
- ___ 8. **Additional Documentation.** Copies of any leases or Covenants, Conditions and Restrictions ("CCR's) applicable to the real property, if any, that impose restrictions on the use of the property.
- ___ 9. **Access to Property.** Written permission for access to the property by the City Manager or his/her designee including but not limited to agents or appraisers necessary to evaluate and appraise the property and the Demand for purposes of determining whether or not regulation(s) have had the effect of reducing the fair market value of the property.
- ___ 10. **Fee.** A Demand shall include a fee established by Council resolution to at least partially cover the City's cost of processing the Demand. If a Demand is determined to be a Valid Demand the City shall reimburse the Owner for any fee paid.
- ___ 11. **Statement Regarding Exempt Land Use Regulations.** A statement by the Owner making the Demand of why the following exemptions to the requirement for compensation do not apply: a) Restricts and prohibits commonly and historically recognized public nuisances under common law, including but not limited to SMC Chapter 5 as amended from time to time and the criminal laws of the State of Oregon and the City of Springfield; b) Restricts or prohibits activities for the protection of public health and safety, such as fire and building codes, health and sanitation regulations, and pollution control regulations; c) Is required to comply with federal law; d) Restricts or prohibits the use of property for the purpose of selling pornography or performing nude dancing; or e) Was enacted prior to the date of the acquisition of the property by the Owner, or prior to acquisition by a family member of the Owner who owned the subject property prior to the acquisition or inheritance by the Owner, whichever came first [if "family member" status is claimed, it must also be addressed in the title report required by Item 3. above].