

After recording, return to:

RECORDING INFORMATION

Name: _____

Address: _____

City/State/Zip: _____

ROAD DEVELOPMENT AGREEMENT

THIS AGREEMENT is made the last date set forth adjacent to the signatures of the parties below by and between _____ (“Developer”) and Yamhill County, Oregon, acting through its Director of Public Works and Director of Planning and Development (“County”).

RECITALS

A. Developer has applied to the Yamhill County Department of Planning and Development for preliminary approval for a partition of Tax Lot No. _____, Planning Docket No. _____. Subject to the satisfaction of certain stated conditions in the Notice of Preliminary Approval, the Planning Director has granted preliminary approval for the partition.

B. Prior to final approval of the partition plat, the Director of the Department of Public Works or designee must determine that the developer has met one of the two following requirements of Section 13.000 of the Yamhill County Land Division Ordinance, No. 497, as amended by Ordinance 529 (“the LDO”):

1. All road improvements or construction required by the LDO and the Standards and Specifications for Road Construction in Yamhill County, Oregon (“the Road Construction Standards”) have been completed and approved, or
2. A performance agreement or improvement agreement has been submitted to the Department of Public Works pursuant to Section 13.000 of the LDO and has been approved by the Director of the Department of Public Works or designee which specifies the period within which any access easement and other roadway improvements shall be completed.

C. Developer has not completed all roadway improvements required by the preliminary partition approval, the LDO and the Road Construction Standards. Developer desires to enter into this Road Development Agreement in accordance with Section 13.000 of the LDO in order to allow the Department of Public Works to grant final approval of the partition plat. Developer is willing to agree that the Department of Planning and Development shall not issue a building permit for a parcel created by this partition until the Department of Public Works has certified that all access easements and other roadway improvements identified on the partition plat to serve the specific parcel requesting a building permit have been completed.

D. County is willing to enter into this agreement so long as Developer agrees that the Department of Planning and Development shall not issue a building permit for a parcel created by this partition until the Department of Public Works has certified that all access easements and other roadway improvements identified on the partition plat necessary to serve the specific parcel requesting a building permit have been completed.

AGREEMENT: Based on the mutual covenants contained below, the parties agree as follows:

1. Developer shall complete, to the sole satisfaction of the Department of Public Works, construction of all access easements and other roadway improvements identified on the partition plat in accordance with the requirements of Section 6 of the LDO and the Road Construction Standards. Before the Department of Planning and Development may issue a building permit for any specific parcel created by this partition, all access easements and other roadway improvements identified on the partition plat necessary to serve the specific parcel requesting a building permit shall be constructed and approved by the Director of the Department of Public Works or designee.

2. County shall have no responsibility to maintain any public or private roads within the partition. It shall be the responsibility of Developer or any benefitted property owners to maintain any public or private roads within the partition.

3. The Department of Public Works shall approve the partition plat upon execution of this agreement by the parties and acceptance of this agreement by the Department of Planning and Development. Prior to final written approval of the partition plat, the Department of Public Works shall ensure that the following notation appears on the face of the partition plat:

“Important Notice: This property is subject to a road development agreement dated _____, 20___, which may be binding on successor property owners. The road development agreement was recorded in the real property records of the Yamhill County Clerk on _____, 20___, instrument number 20___, and should be reviewed by all interested parties.”

4. Upon satisfaction of Section 3 of this agreement and the Developer's satisfaction of the remaining conditions of partition plat approval, the Planning Director shall approve the plat after this agreement has been recorded by Developer at Developer's expense in the Yamhill County Deed and Mortgage Records.

5. County's Department of Planning and Development shall not issue a building permit for a parcel created by this partition until the Director of the Department of Public Works, or designee, issues written certification that Developer has completed, in accordance with Section 6 of the LDO and the Road Construction Standards, all access easements and other roadway improvements identified on the partition which are necessary to serve the specific parcel requesting a building permit.

6. This agreement shall be binding upon the Developer and its successors, and may be

amended only by a written document executed by the parties.

7. In any proceeding, judicial or otherwise, to enforce the terms of this agreement, each party shall be solely responsible for all of its own costs, including attorney fees.

DEVELOPER

COUNTY

(signature)
Date: _____

MARK LAGO, Director
Department of Public Works
Date: _____

(printed name)

KENNETH P. FRIDAY, Director
Department of Planning & Development
Date: _____

(title)

APPROVED AS TO FORM:

Tax ID No. _____

CHRISTIAN BOENISCH
Yamhill County Legal Counsel

STATE OF OREGON)
) ss
County of Yamhill)

This instrument was acknowledged before me on the ____ day of _____, 20____ by _____, Developer.

Notary Public for Oregon
My commission expires: _____