

**OREGON STATE BAR**  
**Legislative Proposal**

**RE: LC 468 - Annexation**

**FROM: OSB Real Estate & Land Use Section  
Land Use Legislation Subcommittee**

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This bill would amend. ORS 222.120

**1. PROBLEM PRESENTED**

ORS 222.125 allows a city to annex territory without an election if all of the property owners in the territory consent. Beaverton attempted to annex territory and obtained consent of almost all property owners but neglected to obtain the consent of Washington County, which owned title to the land underlying a roadway in the territory. *Cape v. City of Beaverton*, 43 LUBA 301 (2002). The committee feels the consent of the road authority is unnecessary. In addition, road authorities (e.g. counties, ODOT) often hold less than fee title, thereby confusing the issue of whether consent is required under the statute.

**2. SOLUTION**

Remove road authorities from the pool of property owners that must consent to the annexation.

**3. PUBLIC POLICY IMPLICATION**

None apparent.