

WHEREAS, sanitary sewer service may be requested from the City of Albany for dwellings not presently within the city limits,

NOW, THEREFOR, BE IT RESOLVED by the Albany City Council that the following policies be established for such requests:

1. The City of Albany will not extend sanitary sewer service to unincorporated properties where the owner's intention is to provide for development of land except for delayed annexations which must be coordinated with Linn or Benton County.
2. The City of Albany agrees to provide sewer service to unincorporated parcels
  - a. to serve only existing buildings, and
  - b. where connection to the City sewer systems is needed in order to obtain necessary loan approval for home financing, or
  - c. where an existing system has failed and sewer service can be provided to alleviate a potential health hazard.
3. Sewer service shall be provided based upon the following conditions:
  - a. The property owner(s) signs a "Contract Annexation Agreement" form which sets forth the terms and conditions of the annexation (see attached Exhibit "A"), such form to be obtained from the City of Albany Planning Department.
  - b. The property owner pays the annexation filing fee at the time of application. Should the request be denied, a refund check in the amount of the initial fee shall be issued to the property owner.
  - c. The property owner agrees to pay the sewer hookup fee and one and one-half times the in-City rate for sewer service.
  - d. The property owner pays the total cost of extending the sewer and connecting it to the building.
4. Final approval for the individual "Contract Annexation" request shall rest with the City Manager. Such approval shall be based upon recommendations of the Planning Director and City Engineer.
5. The Planning Director shall notify the property owner in writing as to whether the request has been approved or denied. Should the application be denied, the Planning Director shall set forth the reason(s) in such letter.

DATED this 12th day of December, 1979.

Richard S. Olsen  
Mayor

ATTEST:

Holladay  
City Recorder

H,

CONTRACT  
ANNEXATION AGREEMENT

This agreement signed this \_\_\_\_\_ day of \_\_\_\_\_, 197\_\_\_\_, by \_\_\_\_\_ who are owners of the record of the following described property: \_\_\_\_\_

and by the City of Albany, Oregon, a municipal corporation, agree to the following:

For valuable consideration paid by each part to the other, receipt and sufficiency of which is hereby acknowledged by the respective recipients thereof, it is mutually agreed as follows:

- (1) The owner of the above-described property agrees that this agreement is an irrevocable petition to annex to the City of Albany, and it is understood that the City of Albany will annex the above property when it can legally do so.
- (2) The City of Albany agrees to extend sewer service to the above-described property, subject to normal assessments, connection fees, etc., as provided by City code as if the property were already inside the City.
- (3) The owner of the property agrees to pay the monthly sewer rate for outside sewer users which is one and one-half times the inside sewer user charge.
- (4) The owner agrees that the sewer extends to only existing buildings within subject property and cannot be extended to any other property.
- (5) It is agreed that if the above-described property is sold, that the covenants herein made by the owners shall be the obligation of the subsequent owners of the property, regardless of whether they shall be signators to this agreement.
- (6) If the actions required of the owner are not completed as agreed, the City shall have the right to discontinue sewer service to the served property upon ninety (90) days' written notice.
- (7) This agreement shall run with the land above described.

IN WITNESS WHEREOF, the parties have executed this agreement as of the day and year first above written.

OWNER: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CITY OF ALBANY  
by \_\_\_\_\_  
City Manager

ATTEST: \_\_\_\_\_  
City Recorder

State of Oregon) ss Acknowledgment  
County of Linn )