

RESOLUTION NO. 3956

A RESOLUTION IMPLEMENTING THE PROCEDURE FOR ANNEXATION OF LAND.

WHEREAS, on March 10, 1998, the citizens of Albany passed Ballot Measure No. 22-59, thereby amending the City Charter to require that all annexations, except those otherwise mandated by state law, be referred to a vote of the electorate; and

WHEREAS, consistent with the direction of this measure and the requirements of state law, the Albany City Council adopted Ordinance No. 5366. Section 1(C) of that ordinance directs the Albany City Council to adopt a resolution setting annexation fees, and establishing filing deadlines and application materials.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that:

- A. Fees. The cost of annexation is broken into three segments. The first segment is the application fee, which covers those costs associated with the public hearing process before the City Council. Applications which are approved/authorized by the Council would then be subject to the second and third segments. The second segment covers the publicity, advertising, and campaign costs associated with the election. The City shall incur no cost for these activities and there is no fee. The third segment is the election fee and election deposit, which cover the actual election costs. The election fee covers the City's administrative costs to set the election and complete the annexation process. Because the cost for the County to conduct the election is not known until after the election, the election deposit would be placed in an escrow account with any unused portion of the fee refunded to the applicant. Since the State pays for the costs associated with a primary or general election and there is no cost to the City, annexations which are placed on one of those ballots would not be subject to the election deposit. Regardless of when the public hearing is held, an applicant may request that an annexation approved by the Council not be placed on the ballot until the next available primary or general election. Fee and deposit amounts are established in this resolution as Exhibit A.
- B. Filing Deadlines. Annexation elections shall be scheduled for May or November. To request placement on the May ballot, the application for annexation shall be filed with the Community Development Department before 5:00 p.m. on the second Tuesday of November. To request placement on the November ballot, the application for annexation shall be filed with the Community Development Department before 5:00 p.m. on the second Tuesday of May.
- C. Application Materials. A completed application form shall be accompanied by the following materials:
 1. A legal description of the property to be annexed.
 2. A map of the area to be annexed showing contiguous City territory.
 3. Findings, conclusions, and supporting data explaining how the annexation addresses City concerns regarding the availability, capacity, and status of existing water, sewer, drainage, transportation, park facilities and other City-provided services.
 4. Findings, conclusions, and supporting data explaining how the annexation addresses City concerns regarding the increased demand for such facilities to be generated by the proposed development.

5. Findings, conclusions, and supporting data explaining how the annexation addresses City concerns regarding additional facilities required to meet the increased demand and phasing of such facilities in accordance with projected demand.
6. A description of the method and source of financing required to provide additional facilities.
7. Items 3 through 6 above may be waived if this information is submitted in support of concurrent land use application(s).
8. For consensual contiguous annexation, written consent to the annexation signed by the requisite number of affected property owners, electors, or both, to dispense with an election within the territory to be annexed, as provided by state law.
9. Annexation, which also requires a vote of the electors in the annexation area, shall be governed by applicable state law. Such an election shall be required only if the City Council elects to submit the matter to a citywide vote in accordance with the provisions of this resolution and accompanying ordinance.

BE IT FURTHER RESOLVED that the Albany City Council adopts the attached Exhibit A as the new annexation fee schedule. All previous fees adopted by the City Council for annexations are hereby set aside.

DATED THIS 27TH DAY OF MAY 1998.


Mayor

ATTEST:



City Recorder

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EXHIBIT A

**COMMUNITY DEVELOPMENT DEPARTMENT
ANNEXATION FEE SCHEDULE**

Effective May 27, 1998

The fees for annexation shall be as follows:

- A. **Application Fee**—Upon application for annexation, the following fee shall be paid to the Planning Division.

• If the property has a residence with a failing septic system or inadequate well and City services are needed to alleviate the hardship, and the applicant proposes to annex only the house and an urban-sized homesite	\$100
• If the applicant requests an initial determination by City Council regarding timeliness criteria (to be credited to additional application fee)	\$1,000
• If the property is eligible for annexation and it is timely to annex, but no development agreement is warranted (e.g., infill or enclaves)	\$1,400
• If the property is eligible for annexation, but a concurrent land use application and/or a development agreement are warranted to determine timeliness	\$2,600

- B. **Election Fee**—Upon approval/authorization of the Albany City Council to set an election, the following fee shall be paid to the City Finance Director to cover the City's administrative costs to set the election and complete the annexation process.....\$2,500

- C. **Election Deposit**—Upon approval/authorization of the Albany City Council to set an election, the following deposit shall be paid to the City Finance Director. The deposit shall be held by the City in an escrow account to pay the costs for the County to conduct the election. That portion not needed to pay actual election costs shall be refunded to the applicant after the election.

• Annexations set for primary or general election ballots	\$0
• Annexations set for non-primary or non-general election ballots	110% of Finance Director's Estimate