

RESOLUTION NO. 5026

A RESOLUTION ALLOWING A HEALTH HAZARD EXCEPTION TO THE PROHIBITION AGAINST EXTRATERRITORIAL SANITARY SEWER CONNECTIONS FOR THE PROPERTY AT 4610 KNOX BUTTE ROAD E.

WHEREAS, on March 12, 2004, the Linn County Department of Health Services declared a health hazard exists at 4610 Knox Butte Road E; and

WHEREAS, the only viable solution to the health hazard is to connect the property to public sanitary sewer; and

WHEREAS, Albany Municipal Code (AMC) 10.01.050(5) allows for exceptions to the prohibition of extraterritorial sanitary sewer connections if all stated criteria are met; and

WHEREAS, the property owners have satisfied all the criteria of AMC 10.01.050(5), having submitted a written Request to Connect to the City of Albany Sanitary Sewer System and Waiver of Objections and an Irrevocable Request to Annex Agreement.

NOW, THEREFORE, BE IT RESOLVED that the letter from the Linn County Department of Health Services dated March 12, 2004, the Request to Connect to the City of Albany Sanitary Sewer System and Waiver of Objections, and the Irrevocable Request to Annex Agreement are accepted.

BE IT FURTHER RESOLVED that in order to correct the health hazard problem promptly, Council authorizes the health hazard exception and further authorizes staff to proceed with issuance of permits to construct the sanitary sewer service.

BE IT FURTHER RESOLVED this resolution shall take effect immediately upon passage by the Council and approval by the Mayor.

DATED AND EFFECTIVE THIS 25TH DAY OF AUGUST 2004.



Mayor

ATTEST:



City Clerk

**REQUEST TO CONNECT
TO THE CITY OF ALBANY SANITARY SEWER SYSTEM
AND
WAIVER OF OBJECTIONS**

This request to connect certain property to the City of Albany sanitary sewer system is made by Wesley L. Lokey and Lila M. Lokey, hereinafter referred to as "Owners", under Albany Municipal Code (AMC) Section 10.01.050, Subsection (5) Health Hazard Exception. The property is within the City of Albany Urban Growth Boundary, and is outside but contiguous to the City of Albany city limits. The property consists of one parcel, more particularly described as follows:

Assessor's map No.: 11S-03W-03A
Tax Lot No.: 7800
Property Location: 4610 Knox Butte Road E

Owners have been notified by the Linn County Department of Health Services that a health hazard exists on the subject parcel due to a failing sewage disposal system and the only practical way to mitigate the existing hazard to human health is connection to the sanitary sewer system.

Owners have executed an Irrevocable Application for Annexation to the City of Albany.

Owners will obtain a permit and make provisions to connect the subject parcel to the sanitary sewer system at no cost to the City of Albany **and hereby waive any objection thereto.**

Owners acknowledge that sanitary sewer System Development Charge (SDC) fees will be paid by Owners in connection with obtaining a permit to connect to the sanitary sewer system **and hereby waive any objection thereto.**

Owners acknowledge that a sanitary sewer rate differential may exist, or be subsequently created, whereby sewer users outside the City are charged a reasonable premium over and above that charged to city residents **and hereby waive any objection thereto.**

Signed: Wesley L. Lokey
Wesley L. Lokey

Date: 7/2/04

Signed: Lila M. Lokey
Lila M. Lokey

Date: 7-2-04

IRREVOCABLE REQUEST TO ANNEX AGREEMENT

THIS IRREVOCABLE REQUEST TO ANNEX AGREEMENT is entered into this 2nd day of July, 2004, by and between the CITY OF ALBANY, OREGON, hereinafter referred to as "City," and the following listed owners or agent of record, hereinafter referred to collectively as "Owners," of the property described below:

Wesley L. and Lila M. Lokey
4610 Knox Butte Road E
Albany, OR 97322

Assessor's Map No.: 11S-03W-03A
Tax Lot No.: 7800
Property Location: 4610 Knox Butte Road E

WITNESSETH:

WHEREAS, the above-listed is the owner or agent of record of the real property/record title described as follows:
Deed Reference No.: Linn County Microfilm Deed Records MF1168-970; and

WHEREAS, said property owners desire to connect the property to the City of Albany sanitary sewer system; and

WHEREAS, by this Irrevocable Request to Annex, Owners consent to the future annexation of the property described above and as shown on the attached map labeled Exhibit A to the City of Albany.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, it is agreed as follows:

The owners hereby irrevocably petition for annexation of the above described property to the City of Albany.

This agreement is binding upon the undersigned Wesley L. and Lila M. Lokey, their heirs, successors, and assigns.

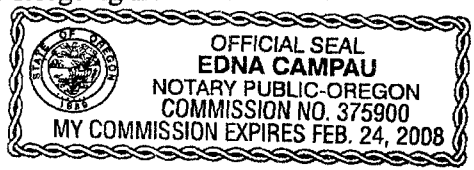
Notwithstanding the foregoing, it is agreed that the following special conditions or limitations apply to this agreement: None.

Signed: Wesley L. Lokey
Wesley L. Lokey

Signed: Lila M. Lokey
Lila M. Lokey

STATE OF Oregon)
County of Linn) ss.
City of Albany)

Personally appeared the above-named Wesley L. Lokey and Lila M. Lokey and acknowledged the foregoing instrument to be their voluntary act and deed. Before me this 2nd day of July 2004.

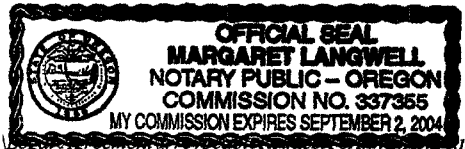


Edna Campau
Notary Public for Oregon
My Commission Expires: Feb. 24, 2008

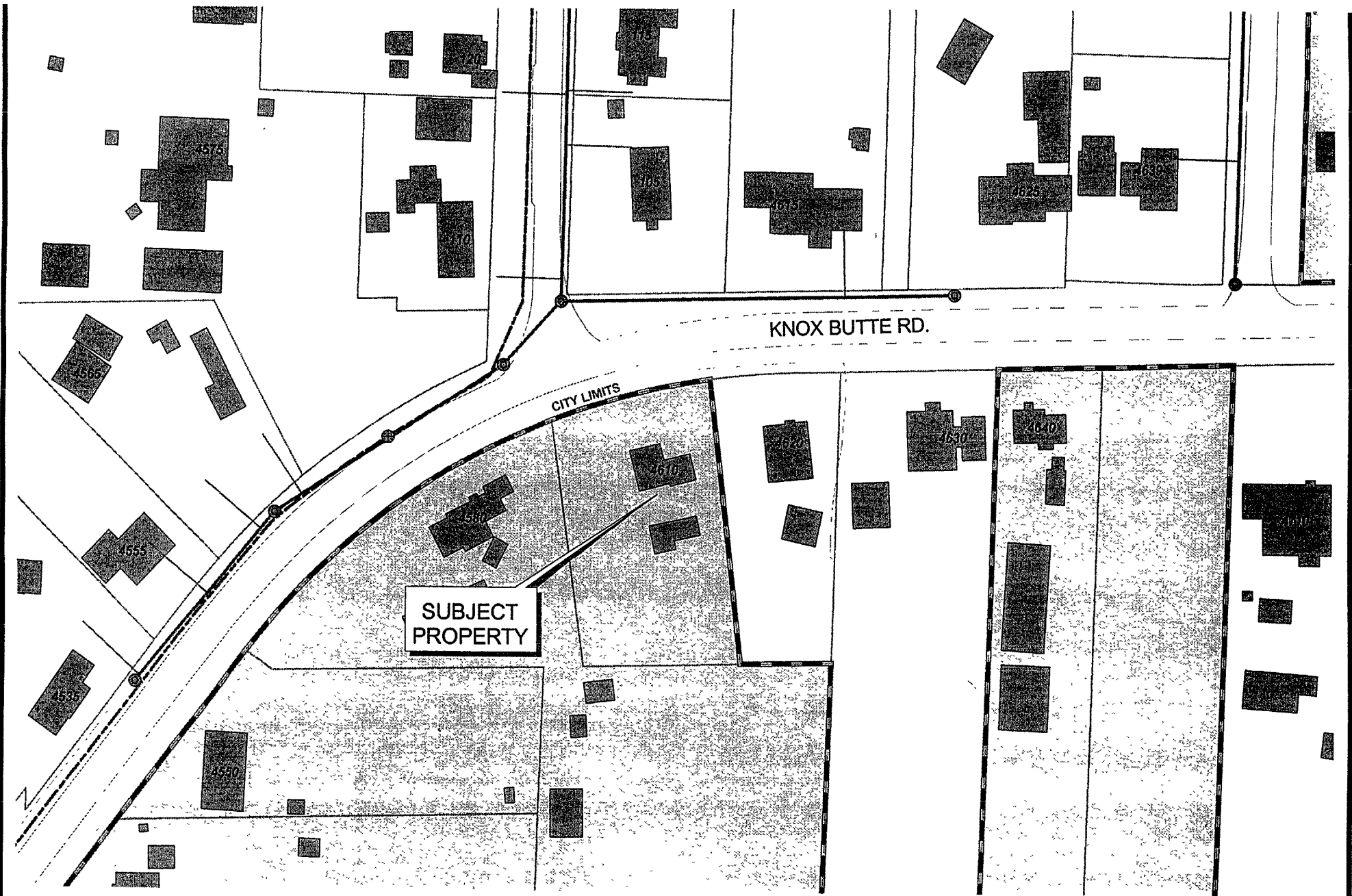
CITY OF ALBANY, OREGON
ACCEPTED BY: Steve Bryant
Steve Bryant, City Manager

STATE OF OREGON)
County of Linn) ss.
City of Albany)

Personally appeared Steve Bryant, City Manager, and acknowledged acceptance of the foregoing instrument on behalf of the City of Albany. Before me this 2nd day of August 2004.



Margaret Langwell
Notary Public for Oregon
My Commission Expires: Sept. 2, 2004



4610 KNOX BUTTE RD SE

EXHIBIT A



ENGINEERING

JEFF WOODWARD

Jun 18, 2004

danielleu nl

100 0 100 Feet

The City of Albany's infrastructure records drawings and other documents have been gathered over many decades using differing standards for quality control, documentation, and verification. All the information provided represents current information in a readily available format. While the information provided is generally believed to be accurate, occasionally this information proves to be incorrect, and thus its accuracy is not warranted. Prior to making any property purchases or other investments based in full or in part upon the information provided, it is specifically advised that you independently field verify the information contained within our records.

