

RESOLUTION NO. 477

A RESOLUTION AUTHORIZING EXECUTION OF
EXTRA TERRITORIAL SEWER CONNECTION FOR
MOUNT TAHOMA LEASING COMPANY.

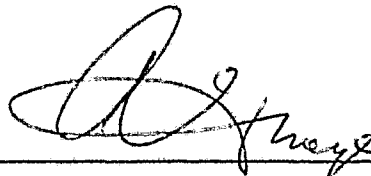
WHEREAS, the City staff has prepared a report on the above-captioned subject which is attached hereto as Exhibit "A"; and

WHEREAS, the City Council has duly considered the subject and the recommendation(s) contained in the staff report, together with the connection agreement attached hereto as Exhibit "B"; and

WHEREAS, interested parties, if any, have had an opportunity to be heard on the subject.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Wilsonville does hereby adopt the staff report attached hereto as Exhibit "A", with the recommendation(s) contained therein and further authorizes the Mayor to execute, by signature, the agreement attached hereto as Exhibit "B".

ADOPTED by the City Council of the City of Wilsonville at a special meeting thereof this 24th day of April, 1985, and filed with the Wilsonville City Recorder this same date.



A. G. Meyer, Mayor

ATTEST:



Deanna J. Thom, City Recorder



PLANNING DEPARTMENT
SUMMARY STAFF REPORT

TO: City Council

DATE: April 23, 1985

SUBJECT: Agreement for extra-territorial sewer connection to Mount Tahoma Leasing Company

MEETING DATE: Special meeting - April 24, 1985

ACTION REQUIRED: Adopt attached Resolution

PREVIOUS ACTION TAKEN: Actions outlined in attached Agreement

CONCLUSIONARY FINDINGS:

1. The attached Agreement will allow for necessary sanitary sewer service to the Mt. Tahoma Development on an economically feasible basis, pending formal annexation.
2. The Mt. Tahoma Development conforms to the City's Comprehensive Plan and Development Code. It was further approved by Clackamas County under the provisions of the City/County Dual Interest Area Agreement.
3. There have been lengthy delays experienced in obtaining the required Triple Majority Annexation petitions and processing said Petition through the Boundary Commission. These delays were not caused by either the City nor Mt. Tahoma Leasing Company.
4. The City finds it reasonable and prudent to allow sewer connection prior to formal annexation under the terms of the Agreement attached hereto as Exhibit "B".

EMERGENCY EXTRA TERRITORIAL SEWER EXTENSION
AND DOMESTIC WATER USE

RECITALS

WHEREAS, Mount Tahoma Leasing Company, a Washington corporation, has constructed a facility pursuant to Clackamas County authority with joint approval of the City of Wilsonville outside of the City limits, but inside the City urban growth boundary, and

WHEREAS, the Mount Tahoma Leasing facility is serviced by a Boundary Commission approved water line for fire and safety purposes, and

WHEREAS, the Tualatin Fire District has required of Mount Tahoma Leasing facility to install a second hydrant, and

WHEREAS, Mount Tahoma Leasing has not been able to negotiate a long term drain field easement from Bonneville Power Administration, and in anticipation of a patterned and chronological annexation of its land and surrounding properties into the City of Wilsonville has installed a sewer line within a few feet of an existing sewer line of the City and has advanced fees for the eventual extension, and

WHEREAS, Mount Tahoma Leasing has advanced all fees required by the City inclusive of hook up to extensions of water and sewer lines, and extension pay back of the water line, save and except a portion of the fees involved in the second hydrant installation, and

WHEREAS, Mount Tahoma Leasing is a viable economic unit contributing to the economic well being of the Wilsonville Community and the State of Oregon, and it is faced with an economic burden of the costs of pumping out its septic tanks every other day while awaiting annexation and

WHEREAS, the City of Wilsonville has received a triple majority petition for annexation of the territory inclusive of the Mount Tahoma Leasing facility and has duly approved this date the annexation and directed its staff to so notify the Metropolitan Boundary Commission; and

WHEREAS, Mount Tahoma Leasing has requested the City to temporarily extend its sewer line to the Mt. Tahoma facility and to permit domestic use of the City's water on an emergency basis upon the expressed conditions that Mount Tahoma leasing shall (1) pay all fees due and owing in full and (2) shall promptly disconnect and discontinue the domestic use of the City's water

and of the City's sewer line and system if the Metropolitan Boundary Commission should disallow the annexation of the territory involving the Mount Tahoma Leasing facility.

TERMS AND CONDITIONS

Now, therefore, Mount Tahoma Leasing Company, a Washington Corporation and the City of Wilsonville, Washington and Clackamas Counties, Oregon, do hereby agree to the following terms and conditions.

(1) Mount Tahoma Leasing Company will be allowed by the City of Wilsonville to connect to an extended extra territorial sewer line of the City of Wilsonville and to connect to domestic water, immediately.

(2) Mount Tahoma Leasing shall pay all fees required of it by the City of Wilsonville prior to any extension or connection.

(3) Both parties agree that this is an agreement for temporary relief of an economic hardship and in the event the Metropolitan Boundary Commission should deny the annexation, Mount Tahoma Leasing shall discontinue its use of the extended sewer line and domestic water connection and use immediately upon notification of the Boundary Commission decision.

(4) Both parties agree that Mount Tahoma Leasing by virtue of this agreement and/or any action taken in conjunction therewith is not entitled to any preferential treatment or right from the City of Wilsonville to continue to use the extended sewer line or connection and use of domestic water in the event annexation is denied by the Boundary Commission; that the party's full agreement is set forth herein and the City of Wilsonville has not made any promises, warranties, or guarantees of any kind, oral or written, outside of the terms and conditions of this agreement; and that Mount Tahoma Leasing Company shall hold the City harmless and indemnify the City against any and all claims which might arise out of this agreement.

(5) In the event legal action, suit or appeal is instituted to enforce any of the provisions of this agreement, the prevailing parties shall be entitled to its reasonable attorney fees and costs.

(6) The undersigned representative is duly authorized to enter into this agreement by Mount Tahoma Leasing Company.

This 24 day of April, 1985.

Mount Tahoma Leasing Company

By Jerry S. McLean
Title Partner

City of Wilsonville

By A.G. Meyer
A.G. Meyer, Mayor

Attested to by

Deborah Howard
City Recorder