

RESOLUTION NO. 5402

A RESOLUTION DECLARING THAT AN EMERGENCY EXISTS AND THAT IMPROVEMENTS DESCRIBED AS ST-07-03, 53<sup>RD</sup> AVENUE BRIDGE AND BRIDGE AND ROADWAY IMPROVEMENTS; SS-07-03, ELLINGSON ROAD SEWER LINE EXTENSION; AND WL-07-08, ELLINGSON ROAD WATER LINE EXTENSION ARE ESSENTIAL FOR THE WELFARE OF THE CITY AND THAT THE CITY COUNCIL INTENDS TO MAKE THESE IMPROVEMENTS.

WHEREAS, Albany Municipal Code 15.04.050 provides the authority to the City Council to declare an emergency and that improvements are essential for the welfare of the City; and

WHEREAS, the City Council declared its intention to make the ST-07-03, 53<sup>rd</sup> Avenue Bridge and Roadway Improvements; SS-07-03, Ellingson Road Sewer Extension; and WL-07-03 Ellingson Road Water Extension by Resolution at its January 10, 2007, meeting; and

WHEREAS, the City entered into a Development Agreement with SVC Manufacturing, Inc., Linn County, and the State of Oregon on October 26, 2006, in order to facilitate a manufacturing plant locating in Albany; and

WHEREAS, the development of the manufacturing plant is important to the community of Albany; and

WHEREAS, the City has contractual obligations in the Development Agreement for providing infrastructure improvements; and

WHEREAS, default on these contractual obligations could result in large scale financial liability to the City; and

WHEREAS, the roadway improvements are required in order to eliminate safety concerns the Oregon Department of Transportation raised about access to the manufacturing plant along Highway 99E and Ellingson Road; and

WHEREAS, project pre-design and design work must be completed prior to initiation of the project in order to determine cost estimates and to meet project construction schedule requirements.

NOW, THEREFORE, BE IT RESOLVED that the City Council declares an emergency exists and that improvements described as ST-07-03, 53<sup>rd</sup> Avenue Bridge and Roadway Improvements; SS-07-03, Ellingson Road Sewer Extension; and WL-07-08, Ellingson Water Line Extension are essential for the welfare of the City and the City intends to make these improvements.

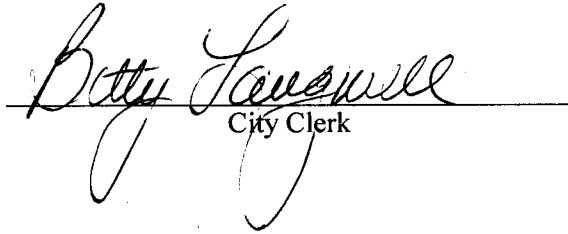
BE IT FURTHER RESOLVED that the City Council authorizes completion of the pre-design and design work that is underway on these projects and that all sums expended to date on these efforts shall be included in the LID project costs.

BE IT FURTHER RESOLVED that as soon as the Financial Investigation and Engineer's Report can be completed, a public hearing will be set in accordance with AMC 15.04.80 and all affected property owners will be given an opportunity to testify concerning the proposed improvement and assessments.

DATED AND EFFECTIVE THIS 28TH DAY OF MARCH 2007.

  
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Mayor

ATTEST:

  
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City Clerk