

RESOLUTION NO. 5037

A RESOLUTION REVISING SPECIAL IN-LIEU-OF ASSESSMENT CHARGES FOR WATER AND SEWER CONNECTIONS OF UNASSESSED PROPERTIES IN THE CITY OF ALBANY FOR A UNIQUE SITUATION RESULTING FROM THE OREGON YOUTH AUTHORITY, STATE OF OREGON, LOCATION OF FACILITIES UNDER THEIR SUPERSITING AUTHORITY AND RENAMING THESE SPECIAL IN-LIEU-OF ASSESSMENT (ILA) CHARGES HEREAFTER AS SPECIAL CONNECTION CHARGES, AND REPEALING RESOLUTION 4840 (A RESOLUTION REVISING IN-LIEU-OF ASSESSMENT CHARGES FOR WATER AND SEWER CONNECTIONS OF UNASSESSED PROPERTIES IN THE CITY OF ALBANY FOR A UNIQUE SITUATION RESULTING FROM THE OREGON YOUTH AUTHORITY, STATE OF OREGON, LOCATION OF FACILITIES UNDER THEIR SUPERSITING AUTHORITY AND THEREBY SUPERSEDING GENERAL WATER AND SEWER ILA RESOLUTIONS, AND REPEALING RESOLUTION 4700).

WHEREAS, Resolution 3788 established special in-lieu-of assessment (ILA) charges for water and sewer connections of unassessed properties in the city of Albany for a unique situation resulting from the Oregon Youth Authority, State of Oregon location of facilities under their supersiting authority; and

WHEREAS, in order to provide the timely construction of water and sewer service to the Oregon Youth Authority property, it became necessary for both the City and State of Oregon to advance funds representing the computed benefit to other properties; and

WHEREAS, special connection charges (formerly called in-lieu-of assessment charges) are designed to recover the equivalent cost of constructing that portion of the water and sewer system that benefits the connecting property; and

WHEREAS, it is important to annually adjust special connection charges in order to keep pace with the changing cost of public improvement projects; and

WHEREAS, the Seattle *Engineering News-Record* (ENR) index used in Resolution 4840 was 7642, and the April 2004 ENR index to be applied for purposes of this Resolution is 7951 (Index Ratio =  $7951/7642 = 1.0404$ ); and

WHEREAS, the fee has been calculated and rounded to the nearest dollar; and

WHEREAS, the previous special in-lieu-of assessment charge was actually a special connection charge instead of an assessment that is designed to recover the equivalent cost of constructing public facilities that benefit the connecting property; and

WHEREAS, subsequent to the establishment of the previous special in-lieu-of assessment charge, adoption of Ordinance 5565 (effective September 2003) established that in-lieu-of assessment fees should more properly be characterized as connection charges.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that Resolution 4840 is hereby repealed as of the effective date of the revised charges; and

BE IT FURTHER RESOLVED that the charges previously characterized as special in-lieu-of assessments will hereafter be known as special connection charges with the amounts, properties, rights, obligations and responsibilities unchanged; and

BE IT FURTHER RESOLVED that the following special water and sewer in-lieu-of assessment rates are hereby reaffirmed but renamed special water and sewer connection charges established and adopted for the properties listed below and as shown on attachment "A" and "B":

Tax Lot Number	Special Sewer Connection Charge *	Special Water Connection Charge *
11-3W-19A-100	\$20,792    \$21,632	None
11-3W-19A-200	\$19,003    \$19,771	\$15,882    \$16,524
11-3W-19A-500	\$25,263    \$26,284	\$21,113    \$21,9663
* Rounded to the nearest dollar		

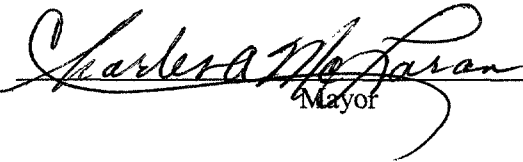
BE IT FURTHER RESOLVED that the above referenced connection charge amounts shall be due and payable upon an application to receive service; and

BE IT FURTHER RESOLVED that any fees collected will be applied to City and the Oregon Youth Authority in accordance with the Capital Recovery Reimbursement Agreement for Oregon Youth Authority dated March 24, 1998 (Recorders File #3116).

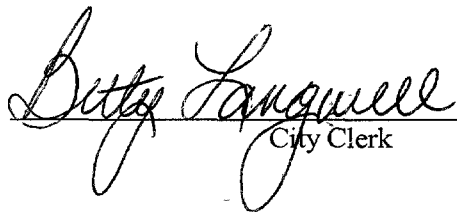
BE IT FURTHER RESOLVED that it is the intent of the Albany City Council to annually adjust the special connection charges outlined in this Resolution on the first day of July each calendar year in proportion to the change in the Seattle Construction Cost Index as published in the *Engineering News-Record* (ENR). The adjustment shall be made by calculating the percentage increase/decrease in the index from the last adjustment, and then applying that percentage to the previous year's connection charge; and

BE IT FURTHER RESOLVED that the effective date of these charges shall be October 1, 2004.

DATED AND EFFECTIVE THIS 8<sup>th</sup> DAY OF SEPTEMBER 2004.

  
\_\_\_\_\_  
Mayor

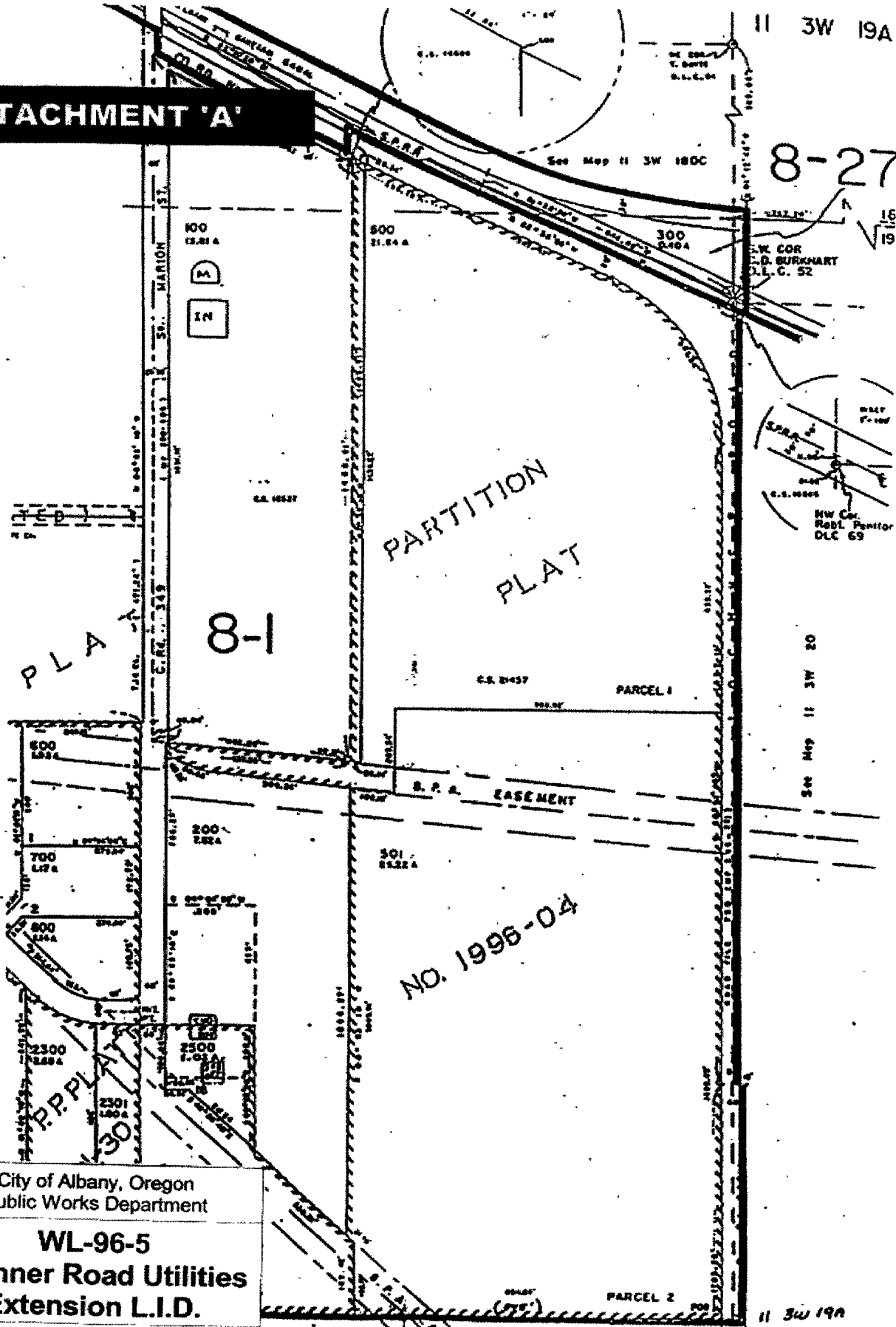
ATTEST:

  
\_\_\_\_\_  
City Clerk

**ATTACHMENT 'A'**

11 3W 19A

8-27



PLA

8-1

PARTITION  
PLAT


No. 1996-04

City of Albany, Oregon  
Public Works Department

**WL-96-5**  
**Lochner Road Utilities**  
**Extension L.I.D.**

11 3W 19A  
ALBANY

**ATTACHMENT 'B'**

-  Benefitted Area
- 501** Tax Lot Numbers
- 1.13** Approximate Lot Area (Acres)

**11S-3W-19A**

**Marion St.**

**Lochner Rd.**

**100**  
0.93 Ac.

**500**  
1.13 Ac.

**BPA Easement**

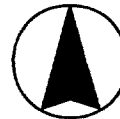
**200**  
0.85 Ac.

**501**  
8.61 Ac.

**41st Ave.**

City of Albany, Oregon  
Public Works Department

**WL-96-5**  
**Lochner Road Utilities**  
**Extension L.I.D.**



100 0 100 200 300 400 500 Feet