

RESOLUTION NO. 52-2013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ESTABLISHING A POLICY FOR PAYMENT OF CLACKAMAS COUNTY SERVICE DISTRICT NO. 1 (“CCSD#1”) WASTEWATER CONNECTION FEES THAT ARE CHARGED TO THE CITY OF MILWAUKIE FOR CONNECTIONS TO CCSD#1 WASTEWATER TREATMENT FACILITIES.

WHEREAS, the City has a wastewater treatment services agreement (“Agreement”) with CCSD#1 as embodied in Resolution 61-2012; and

WHEREAS, under section 2 of the Agreement, CCSD#1 recognizes that it is the provider of sewage treatment services to the City of Milwaukie; and

WHEREAS, under section 3.5 of the Agreement, for each property that connects to the CCSD#1 treatment system after the effective date of the Agreement, CCSD#1 charges the City a treatment facility connection fee; and

WHEREAS, the City recovers the cost of the connection fee from owners of the benefitted property by charging owners a County Cost Recovery Fee (“CCRF”); and

WHEREAS, the CCRF is currently embodied in Resolution 45-2013, the Master Fee Schedule of the City of Milwaukie, and is subject to change over time as to its amount or the methodology used to determine its amount; and

WHEREAS, before negotiating the Agreement, Council had created the Northeast Sewer Extension (“NESE”) project, and the NESE Reimbursement District, (“Reimbursement District”) to construct sewers and to encourage property owners in the NESE area to consider annexing into the City; and

WHEREAS, some property owners accepted the City’s invitation by either annexing their property into the City and signing agreements with the City to repay, over time, the costs of the Reimbursement District attributable to the property, or by fully reimbursing the City for the Reimbursement District cost attributable to the property. A property placed into either category by actions of its owner is referred to as “Accepting Property” herein; and

WHEREAS, the terms offered by the City, to an owner of Accepting Property, to stimulate the owner’s financial participation in the Reimbursement District did not include payment of the CCRF; and

WHEREAS, Council has directed City staff to compile a list of each parcel of Accepting Property, by address, and Council has received and considered this list.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Milwaukie, Oregon, that:

Section 1. Council approves and adopts the list of Accepting Property that is attached to this Resolution as Exhibit 1.

Section 2. Council directs that the CCRF attributable to an Accepting Property's current or future connection to CCSD#1's treatment system be paid for by the City at the time called for in the Agreement.

Section 3. The City may provide CCSD#1 with the payment created by Section 2 of this Resolution before the time an Accepting Property is connected to CCSD#1's treatment system, provided that CCSD#1 agrees to accept such prepayment.

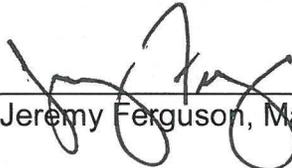
Section 4. Council directs that no Accepting Property owner, either individually or in combination with others, will be required to pay the CCRF or reimburse the City for paying a connection fee to CCSD#1. This provision is limited to the greater value of: 1) one EDU as established by CCSD#1's methodology, or 2) the EDU embodied in the Reimbursement District agreement pertaining to the Accepting Property on the date the property owner signed the Reimbursement District agreement. The Accepting Property will incur any Reimbursement Fee over these amounts and the property owner will be responsible for such overages.

Section 5. This Resolution affects only those properties listed in Exhibit 1 and inures to an Accepting Property notwithstanding the identity of the property owner.

Section 6. The provisions of this Resolution extend only to the CCRF, and have no effect on any other City fee or assessment including but not limited to user fees, reimbursement district fees, SDCs, or other assessments, connection charges, fees, payments, repayments, or other sums owing to the City.

Section 7. This Resolution takes effect upon passage.

Introduced and adopted by the City Council on July 2, 2013.

By: 
Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

By: 
Pat DuVal, City Recorder

By: 
City Attorney

ATTACHMENT 2

List of Northeast Sewer Extension (NESE) Properties Exempted from the County Cost Recovery Fee†

| | |
|------------------------|-----------------------|
| 10002 SE HOLLYWOOD AVE | 5987 SE KING RD |
| 10010 SE WICHITA AVE | 6004 SE LAUREL ST |
| 10021 SE WICHITA AVE | 6005 SE HAZEL PL |
| 10025 SE WICHITA AVE | 6006 SE FIRWOOD ST |
| 10046 SE HOLLYWOOD AVE | 6020 SE HAZEL PL |
| 10049 SE HOLLYWOOD AVE | 9340 SE STANLEY AVE |
| 10110 SE WICHITA AVE | 9405 SE STANLEY AVE |
| 10114 SE HOLLYWOOD AVE | 9411 SE WICHITA AVE |
| 10114 SE STANLEY AVE | 9415 SE STANLEY AVE |
| 10122 SE STANLEY AVE | 9420 SE WICHITA AVE |
| 10124 SE HOLLYWOOD AVE | 9430 SE WICHITA AVE |
| 10200 SE HOLLYWOOD AVE | 9433 SE WICHITA AVE |
| 5621 SE FIRWOOD ST | 9491 SE WICHITA AVE |
| 5707 SE FIRWOOD ST | 9504 SE STANLEY AVE |
| 5803 SE HAZEL PL | 9509 SE WICHITA AVE |
| 5806 SE CEDAR ST | 9533 SE WICHITA AVE |
| 5810 SE FIRWOOD ST | 9604 SE STANLEY AVE |
| 5811 SE HAZEL PL | 9615 SE STANLEY AVE |
| 5815 SE LAUREL ST | 9616 SE STANLEY AVE |
| 5820 SE CEDAR ST | 9623 SE STANLEY AVE |
| 5845 SE MAPLE ST | 9631 SE WICHITA AVE |
| 5904 SE HAZEL PL | 9710 SE WICHITA AVE |
| 5906 SE HAZEL PL | 9715 SE WICHITA AVE |
| 5909 SE HAZEL PL | 9724 SE WICHITA AVE |
| 5914 SE CEDAR ST | 9770 SE STANLEY AVE |
| 5920 SE LAUREL ST | 9778 SE HOLLYWOOD AVE |
| 5921 SE FIRWOOD ST | 9862 SE WICHITA AVE |
| 5925 SE CEDAR ST | 9911 SE HOLLYWOOD AVE |
| 5950 SE HILL ST | 9917 SE HOLLYWOOD AVE |
| 5960 SE MAPLE ST | 9934 SE WICHITA AVE |
| 5970 SE MAPLE ST | 9938 SE HOLLYWOOD AVE |
| 5910 SE MAPLE ST | 9515 SE STANLEY AVE |
| 5972 SE HAZEL PL | TLID 12E30DB00200 |

† List of properties is updated as of July 2, 2013 at 5 PM. List of properties is subject to change.