

RESOLUTION NO. LII

WHEREAS, the Country Club Estates, an Oregon corporation of Canby, Clackamas County, State of Oregon, has constructed and installed at its own expense a sanitary sewer line and water main along Territorial Road in the City of Canby from the corner of Amrine Road to the Molalla Forest Road and a terminus at the City's main sewer trunk line, and said installations were completed under the inspection and supervision of the Canby City Superintendent and Engineer, and according to plans and specifications prescribed by applicable City Ordinances and approved by the City's Engineer; and all construction costs (labor, material and engineering) have been fully paid by said corporation; and

WHEREAS, said project was completed under auspices of the Canby City Council at a minimal cost to the City and provides a material benefit to the residents of the City and a vital link in the City's expanding sewer and water systems; and

WHEREAS, property owners fronting on Territorial Road and along the newly constructed sewer and water lines will derive a special benefit from such improvement project and should share proportionately the costs of the same, and it is fitting and proper that they should share in such costs if and when they apply to the City for permission to connect their respective properties to either of the said sewer or water lines; and

WHEREAS, the actual total costs to the Country Club Estates, Inc. for all labor and material for the construction of said improvement project was \$9,435.40, and if divided between the properties benefited, i.e., the properties which can be served by connecting to said sewer and/or water lines, would be the equivalent to a cost of \$2.03 per lineal front foot for the sewer line plus the actual unit costs for Y's and T's etc. and \$1.71 per lineal front foot for the water line, and the share of the costs for the benefited property

owned by the Country Club Estates, Inc., if divided on this basis would be \$4,717.70, and that the remainder of such costs prorated on the same basis should be divided between the following properties if and when the owners thereof apply to the City of Canby to connect their respective properties to said improvement project for either City water service or City sanitary sewer service:

1. George and Maude Lingel

Lot 59, Tax Lot 1:

Sewer -	\$243.60	
Water -	<u>634.41</u>	\$878.01

2. Kenneth M. and Della Christensen

Lot 59, Tax Lots 4 and 5:

Sewer -	\$406.00	
Water -	<u>342.00</u>	\$748.00

3. Francis M. and Charlotte Garmire

Lot 59, Tax Lot 2 and Lot 60, Tax Lot 1:

Sewer -	\$1,287.02	\$1,287.02
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4. Robert E. and Gladys Christian

Lot 60, Tax Lot 3:

Sewer -	\$673.96	\$673.96
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5. William Christian and Darlend K. Dawes

Lot 79, Tax Lot 1:

Sewer -	\$456.75	\$456.75
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6. R. E. and Myrtle Dawes

Lot 79, Tax Lot 2:

Sewer -	\$673.96	\$673.96
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WHEREAS, the Country Club Estates, Inc. has offered to convey to the City of Canby all right, title and interest which it has or claims in and to the said water and sewer system and all parts and appurtenances thereof constructed by it in Territorial Road without costs to the City and requests only that the City cooperate in recovering for the corporation from any subsequent users of said facilities a proportionate share of the construction costs; and

WHEREAS, the Canby City Council has reviewed the construction plans and Engineer's drawings of said project and has reviewed and

considered the construction costs, and has determined that the same are reasonable and proper in all particulars, and that the installations were properly made in accordance with the plans and specifications for the same and should be accepted by the City as a part of the City's water and sanitary sewer systems, and that it would be proper if the City were to cooperate with the Country Club Estates, Inc. in its obtaining payment from other private users of said facilities a proportionate share of the construction costs;

NOW, THEREFORE, BE IT RESOLVED BY THE CANBY CITY COUNCIL that:

1. The City of Canby does hereby accept from the Country Club Estates, Inc. as a dedication to the City's water distribution system and the City's sanitary sewer disposal system all of the water and sewer lines and all parts thereof and appurtenances thereto which were installed and constructed by said corporation and now exist along Territorial Road in the City of Canby from the corner of Amrine Road to the Molalla Forest Road and a terminus at the City's main sewer trunk line; and the City accepts the duty and responsibility hereafter for all maintenance and repair of the same without claim therefor against said corporation but without waiver, however, of any right of the City to subsequently assess according to law all or any part of the corporation's real property, or any other property now served or served in the future by said facilities, for costs to the City for making, constructing, reconstructing or installing any enlargement, extensions, improvements, additions or alterations to or for said facilities, or parts of said facilities.

2. Hereafter no permits shall be granted by the City of Canby to any person, firm or corporation for the purpose of making connection to either the water or sanitary sewer lines constructed by the Country Club Estates, Inc. along Territorial Road in the City of Canby from the corner of Amrine Road to the Molalla Forest Road and a terminus at the City's main sewer trunk line, unless such applicant

shall produce satisfactory evidence that it has first paid to the Country Club Estates, Inc. the share of the total construction costs as allocated to the property to be connected to such facilities, said properties and the proportionate share of costs as allocated to said properties being previously set forth in this Resolution.

Adopted by the Canby City Council at a regular meeting thereof this 5th day of April, 1965.


FRED STEFANI - Mayor

ATTEST:


J. R. RICHARDSON - City Recorder