

ORDINANCE NO. 579

AN ORDINANCE RELATING TO THE PAYMENT OF COSTS FOR PROPOSED ANNEXATIONS AND BOUNDARY CHANGES; FIXING AND REQUIRING THE PAYMENT OF ANNEXATION FEES; AND REPEALING ORDINANCE NO. 541.

WHEREAS, there have been and are now pending requests by property owners outside the Canby city limits for annexation to the City for the purpose of obtaining water, sewer, municipal electric and other City services; and

WHEREAS, the people of the City of Canby have provided for and maintained sewage treatment facilities, interceptor sewers, storm sewers, a municipal electric system, street improvements and maintenance, a cemetery and park facilities; and

WHEREAS, the municipal services, facilities and utilities have for the most part been provided and maintained by taxes paid by the residents of the City, and persons outside of the City have not contributed or paid any taxes or other money for the construction or maintenance of such facilities; and use charges are not adequate to provide additional such municipal services and facilities for newly annexed property; and

WHEREAS, annexations and boundary changes can never be anticipated sufficiently in advance for the City to budget its costs involved in such matters, which includes among other things engineering studies, public hearings and legal fees, and it is necessary that the City make provisions for these eventualities. Now, therefore,

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1: Definition of terms:

- a. "Application" includes a petition or any other form of initiatory action for an annexation or boundary change.
- b. "Boundary change" means a major or minor boundary change.
- c. "Boundary change procedure" means the procedure defined and required by Oregon Revised Statutes 199.460 to 199.510, inclusive.
- d. "Boundary Commission" or "Commission" refers to the local boundary commission created by Oregon Revised Statutes 199.425.
- e. "City Council" or "Council" refers to the City Council of the City of Canby, Clackamas County, Oregon.

Section 2: Any applicant for a boundary change for the City of Canby, Clackamas County, Oregon, including proposed annexations, shall assume and pay or cause to be paid the City's actual costs of the boundary change procedure, including though not exclusively, the costs of title reports, maps, aerial photos, engineering studies and surveys if required by the Council, filing fees assessed by the Boundary Commission, publication costs for required notices, attorney fees and legal expenses and all costs of special elections if called by a referendum of the voters of the City, and the City's costs of any appeal from any final Order of the Boundary Commission.

Section 3: Each applicant for a boundary change shall pay to the City Recorder with the filing of the application the sum of \$250.00 cash to apply on such costs and any additional amount which the City Council may determine reasonably necessary to fully pay all such costs. Upon the conclusion of the matter and prior to the entry of the final Order by the Boundary Commission, the balance, if any, of such costs shall be paid in full without interest, and

any overage shall be remitted to the applicant without interest.

Section 4: The City's costs for boundary changes shall be assumed and paid by the applicant and notwithstanding the fact that the application is withdrawn by the applicant, denied by the Council, the Boundary Commission or a Court on appeal.

Section 5: The provisions of this Ordinance relating to the deposit for costs as required by Section 3 shall not apply to boundary changes initiated by the Boundary Commission, the Canby City Planning Commission or on the Council's own motion.

Section 6: Any real property which is annexed to the City of Canby after the adoption of this Ordinance shall be subject to an annexation fee of 3.75 cents per square foot.

Section 7: The Council shall determine by Resolution and describe each lot or parcel of land to be annexed and determine the total annexation fee for the same in accordance with the aforementioned rate. All annexation fees established by this Ordinance and determined as to the total amount by Resolution of the Council shall be immediately due and payable upon final approval of the annexation by the Boundary Commission, and interest shall accrue thereon at the rate of 6% per annum from the date of the final approval of the annexation until paid. Furthermore, no services shall be provided by the City or development allowed on any lands approved for annexation until said fee is paid in full.

Section 8: All sums of money collected for annexation fees under the provisions of the Ordinance shall be credited to a capital development and improvement fund for the purpose of establishing


street development, sewer, sewer trunk lines, storm drainage, parks acquisition and development of playgrounds and parks and cemetery purchase and improvement and other similar capital improvements for the City.

Section 9: Ordinance No. 541 entitled "AN ORDINANCE RELATING TO THE PAYMENT OF COSTS FOR PROPOSED ANNEXATIONS AND BOUNDARY CHANGES" enacted July 6, 1971, is hereby repealed.

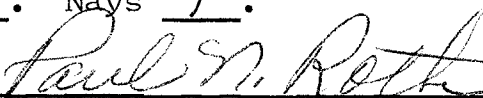
Passed on first reading at a regular meeting of the Canby City Council held on the 21<sup>ST</sup> day of JANUARY, 1974; ordered posted in three (3) public and conspicuous places in the City of Canby for a period of two (2) full calendar weeks as required by the Canby City Charter, and to come up for final and action of the Canby City Council at a REGULAR meeting thereof to be held on the 19<sup>TH</sup> day of FEBRUARY, 1974, at the hour of 8:00 o'clock p.m. at the Canby City Hall.

  
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PAUL N. ROTH - Mayor


ATTEST:

  
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J. R. RICHARDSON - City Recorder

Passed on final reading by the Canby City Council at a meeting thereof held on the 19<sup>TH</sup> day of FEBRUARY, 1974, by the following vote: Yeas 4. Nays 1.

  
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PAUL N. ROTH - Mayor

ATTEST:

  
\_\_\_\_\_  
J. R. RICHARDSON - City Recorder

AFFIDAVIT OF POSTING

STATE OF OREGON

COUNTY OF CLACKAMAS

SS.

I, *J. Richardson*, being first duly sworn depose and say

that I am the Recorder for the City of Canby, Clackamas County, Oregon, a City duly incorporated under and by virtue of the laws of the State of Oregon; That the Common Council for the said City of Canby held a regular Council meeting on the 21<sup>st</sup> day of JANUARY 19 74, at which said meeting Ordinance Number 579 or

\_\_\_\_\_ was read for the first time and passed by the vote of the Council, and was then and there ordered posted in at least three (3) public and conspicuous places in said City for a period of two (2) full calendar weeks prior to the second reading and final vote on said Ordinance, and as is provided in Section 3 of Chapter V of the charter for the City of Canby, and

Thereafter, and on the 22<sup>nd</sup> day of JANUARY, 19 74, I, *J. Richardson*, the undersigned, personally posted said Ordinance in the following three (3) places, which are public and conspicuous, all within the said City of Canby, to-wit:

1. Canby City Hall
2. Canby Post Office
3. Canby Union Bank

That since said posting on the date aforesaid, the said Ordinance has remained posted in the said three (3) public and conspicuous places continuously for a period of the two (2) full calendar weeks and until the very 19<sup>th</sup> day of FEBRUARY, 19 74.

*J. Richardson*  
City Recorder for the City of Canby, Oregon