

A RESOLUTION TO PROVIDE )  
SERVICES OUTSIDE OF THE LEBANON )  
CITY LIMITS )

RESOLUTION NO. 36  
FOR 2003

WHEREAS, the Lebanon Municipal Code provides that water and sewer service may not be extended to persons or properties which are located outside of the city limits without the permission of the city council by resolution; and

WHEREAS, the Lebanon Municipal Code provides that the city council may only grant sewer service outside the city under certain circumstances; and

WHEREAS, residents Lawrence and Lillian Stahly , with the assistance of Linn County Affordable Housing, have requested that sewer service be extended outside of the city limits to provide service to the Stahly residence located at 850 West Oak Street because the septic system at that location has discharge that is in violation of Linn County code (LCC) Chapter 240, Oregon Administrative Rule 340-71-130 (3), and Oregon Revised Statue 164.785; and

WHEREAS, Lawrence and Lillian Stahly agree to annex the real property located at 850 West Oak Street within two years from the time that the said real property boundary is contiguous with the Lebanon City Limits as those may hereafter be extended;

**NOW, THEREFORE, THE CITY COUNCIL, RESOLVES AS FOLLOWS;**

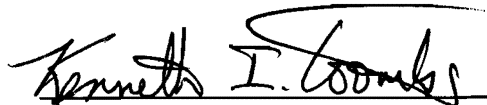
**Section 1.** The city council hereby grants, pursuant to the provisions of Lebanon Municipal Code Section 13.04.240, that sewer service shall be extended beyond the city limits for the purpose of providing such service to Lawrence and Lillian Stahly, residents of 850 West Oak Street, Lebanon, Linn County, Oregon because of the failure of the septic system at said location for the following reasons and based upon the following findings of fact:

- A. The provision of sewer service outside of the city limits is a temporary measure to alleviate a health hazard, or a potential health hazard, as the location for said service is adjacent to the existing city limits which can be expected to be annexed. The provision of the sewer service is the most cost effective method of alleviating said health hazard, and is in the best interest for the health, safety and welfare for the citizens of Lebanon and those citizens resided within the Lebanon Urban Growth Boundary.
- B. The provision of sewer service granted herein shall expire two years from the effective date of this Resolution; provided that this Resolution shall have no further effect if the property is annexed into the city limits before that time.

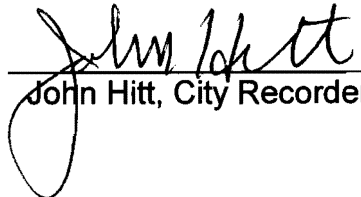
**Section 2.** The requested service outside of the city limits shall be processed according to such rules and regulations which exist for customers of sewer systems, with the normally imposed charges made for such service. In addition, the permit to connect to the sewer shall not be issued until a completed annexation application is received and approved by the City Planner.

**Section 3.** This Resolution is effective Immediately upon its passage.

Passed by the Lebanon City Council by a vote of 6 for and 0 against  
this 10<sup>th</sup> day of September 2003.

  
Kenneth I. Toombs, Mayor   
Ron Miller, Council President

ATTEST:

  
John Hitt, City Recorder