

**A RESOLUTION TO PROVIDE SEWER SERVICES ) RESOLUTION NO. 32**  
**OUTSIDE OF THE LEBANON CITY LIMITS ) FOR 2009**

**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**, Walter and Alice Rohde, are owners of real property located outside of city limits at 700 E. Isabella Street, also known as Wood's Trailer and RV Park.

**WHEREAS**, the septic system at the Wood's Trailer & RV Park, owned by Walter and Alice Rohde, has discharge that is in violation of the Linn County Code (LCC) Chapter 240, Oregon Administrative Rule 340-71-130(3), and Oregon Revised Statute 164.785, and the owners have requested permission to construct a pump station that would connect to the city's sewer system.

**WHEREAS**, the property owners and city staff agree that it is not appropriate to annex the property at this time, and the property owners agree to annex the real property at such time when the city deems it appropriate.

**WHEREAS**, the property owners agree to enter into an Irrevocable Petition with the City to participate in future costs associated with the extension of a permanent public sewer main. Other property owners of real property in the *Service Area* will also be required to enter into an Irrevocable Petition with the City prior to connecting to the interim public sewer.

**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 Walter and Alice Rohde, property owners of Woods Trailer & RV Park, construct an interim pump station outside of City limits to be connected to the public sewer in East Isabella Street for the purpose of providing interim sewer service to the *Service Area* identified on the attached Exhibit A, based upon the following findings of fact:

A. The provision of sewer service outside of the city limits is an interim 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 in the future. 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 for each tract of land within the *Service Area* shall be allowed without annexation only after an interim public gravity sewer main is extended for each tract of land per City standards, and a City irrevocable petition to participate in a local improvement district for future construction of permanent public sewer improvements is signed by the property owner of said tract and filed with the City.

C. The pump station and force main shall be constructed first with the capacity to provide service to the area shown on the attached Exhibit A (also known as *Service Area*) and will be an interim solution until a public gravity sewer main line is extended south from the City Wastewater Treatment Plant as indicated by the City Wastewater Facility Study.

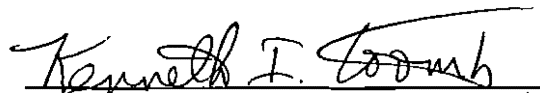
D. The provision of sewer service without annexation granted herein to each tract of land shown in Exhibit "A" shall expire as a permanent public sanitary sewer become available to serve each tract within the *Service Area*.

**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 plus double usage rates.

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

Passed by the Lebanon City Council by a vote of 6 in favor and 0 against, and approved by the Mayor on this 9th day of September, 2009.

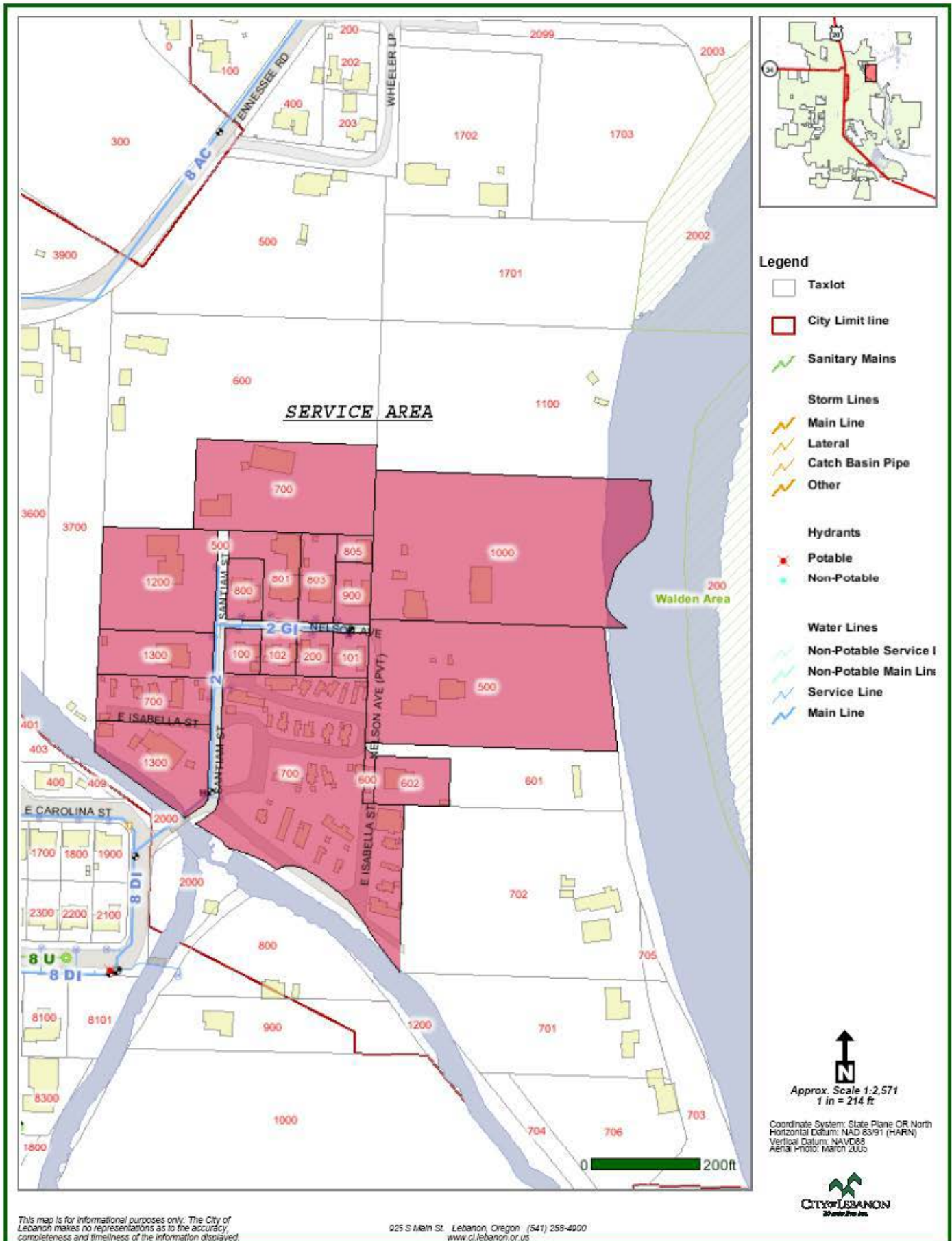
CITY COUNCIL OF LEBANON, OREGON

  
Kenneth I. Toomb, Mayor   
Bob Elliott, Council President

Attested by:

  
Linda Kaser, City Clerk/Recorder

# EXHIBIT A



This map is for informational purposes only. The City of Lebanon makes no representations as to the accuracy, completeness and timeliness of the information displayed.