

ORDINANCE NO. 5048

AN ORDINANCE ESTABLISHING CHAPTER 10.16 OF THE ALBANY MUNICIPAL CODE, IN-LIEU-OF ASSESSMENTS FOR THE NORTH ALBANY SANITARY SEWER BASIN, AND DECLARING AN EMERGENCY.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: Chapter 10.16 of the Albany Municipal Code is established to read as follows:

Chapter 10.16

IN-LIEU-OF ASSESSMENTS FOR THE NORTH ALBANY SANITARY SEWER BASIN

Sections:

- 10.16.010 Purpose
- 10.16.020 Definitions
- 10.16.030 Need for this Chapter
- 10.16.040 Exemption from Chapter 10.14
- 10.16.100 In-lieu-of Assessment for Interceptor Sewers, Properties Outside Sewer District
- 10.16.110 Interceptor In-lieu-of Rate, Properties Outside Sewer District
- 10.16.120 In-lieu-of Assessment for Interceptor Sewers, Properties Inside Sewer District
- 10.16.130 Interceptor In-lieu-of Rate, Properties Inside Sewer District
- 10.16.200 In-lieu-of Assessment for Collector Sewers, Properties Outside Sewer District
- 10.16.210 Collector In-lieu-of Rate, Properties Outside Sewer District
- 10.16.220 In-lieu-of Assessment for Collector Sewers, Properties Inside Sewer District
- 10.16.230 Collector In-lieu-of Rate, Properties Inside Sewer District
- 10.16.300 In-lieu-of Assessment for Interceptor and Collector Sewers, Properties Outside Interceptor Boundary
- 10.16.400 Permit Requirements
- 10.16.500 Sewer Bond Revenue Department

10.16.010 Purpose. The City adopts the policies and procedures set forth in this chapter for in-lieu-of assessment fees for the North Albany Sanitary Sewer Basin when properties previously assessed as part of the North Albany Sanitary Sewer Local Improvement District (SS-90-7 & SS-92-1, April 1993) derive additional benefit from existing sewers constructed as part of that Local Improvement District, or when previously unassessed properties derive benefit or additional benefit from the sewers constructed as part of the above-referenced Local Improvement District.

10.16.020 Definitions. For the purposes of this chapter, "within 150 feet of a sewer" means within 150 feet of the right-of-way line or easement limit for the right-of-way or easement in which the sewer was constructed.

10.16.030 Need for this Chapter. The need for this Chapter results from the methodology used to determine the benefits and assessments as part of the North Albany Sanitary Sewer Local Improvement District. Interceptor sewer benefits and assessments were based upon gross parcel acreage within the ultimate interceptor sewer basin, and collector sewer benefits and assessments were based upon a weighted acreage within 150 feet of the constructed sanitary sewers such that the first quarter of an acre (or portion thereof) on each parcel within 150 feet of the sanitary sewers were given one benefit, and the remaining areas of each parcel within 150 feet of a sewer were given one benefit per acre. In addition, this Chapter is needed in order to provide a mechanism for the City to recover the \$1,245,636.60 in non-assessed City contributions to the North Albany Sanitary Sewer District project costs to pay for the share of theoretical interceptor assessments of properties outside of the district at the time the original assessments were levied.

10.16.040 Exemption from Chapter 10.14. Properties charged an in-lieu-of assessment under the provisions of this chapter are exempt from the provisions of Chapter 10.14 with respect to any in-lieu-of assessment charge for connection to or benefit from the sewers constructed as part of the North Albany Sanitary Sewer Local Improvement District.

10.16.100 In-lieu-of Assessment for Interceptor Sewers, Properties Outside Sewer District. An in-lieu-of assessment for interceptor sewers shall be levied against all properties outside of the original North Albany Sanitary Sewer Local Improvement District and within the interceptor boundary as described in the Final Engineer's Report for said district dated April 13, 1993, at such time as any of the following occur:

- (1) The properties are divided so as to create an additional parcel or parcels. In such case, the in-lieu-of assessment shall be levied in conjunction with final approval of the subdivision or partitioning plat by the City.
- (2) The property is issued a permit to connect to the City sanitary sewer system. In such case the in-lieu-of assessment shall be levied at the time of connection permit issuance.

10.16.110 Interceptor In-lieu-of Rate, Properties Outside Sewer District. The in-lieu-of assessments listed in Section 10.16.100 for interceptor shall be levied at a rate per gross acreage of the parcel as it existed prior to the land division or connection. The unit rate charged per gross acre shall be as set forth in a resolution adopted by the City Council.

10.16.120 In-lieu-of Assessment for Interceptor Sewers, Properties Inside Sewer District. An in-lieu-of assessment for interceptor sewers shall be levied against any portion of land outside of the original North Albany Sanitary Sewer Local Improvement District which is consolidated with any parcel within the original district by a lot line adjustment or other means. The in-lieu-of assessment shall be levied in conjunction with final lot line adjustment approval by the City, or at any other such time as the parcels are consolidated..

10.16.130 Interceptor In-lieu-of Rate, Properties Inside Sewer District. The in-lieu-of assessments listed in Section 10.16.120 for interceptor shall be levied at a rate per gross acreage for the entire additional area added to any parcel within the original district. The unit rate charged per gross acre shall be as set forth in a resolution adopted by the City Council.

10.16.200 In-lieu-of Assessment for Collector Sewers, Properties Outside Sewer District. An in-lieu-of assessment for collector sewers shall be levied against those portions of all properties outside of the original North Albany Sanitary Sewer Local Improvement District, not included within a Bonneville Power Administration right-of-way, and within 150 feet of the sanitary sewers constructed as part of the North Albany Sanitary Sewer Local Improvement District project at such time as any of the following occur:

- (1) The properties are divided so as to create parcels within 150 feet of the sanitary sewers, and such parcels are to be served by the existing sewers constructed as part of the improvement district. In such case the in-lieu-of assessment shall be levied in conjunction with final approval of the subdivision or partitioning plat by the City.
- (2) The property is issued a permit to connect to the City sanitary sewer system. In such case the in-lieu-of assessment shall be levied at the time of connection permit issuance.

10.16.210 Collector In-lieu-of Rate, Properties Outside Sewer District. The in-lieu-of assessments listed in Section 10.16.200 for collector sewers shall be levied at the rate per unit benefit as provided in a resolution adopted by the City Council. The number of benefits shall equal one for the first one quarter acre or portion thereof, and a proportioned one per acre for each additional acre or portion thereof for each parcel.

10.16.220 In-lieu-of Assessment for Collector Sewers, Properties Inside Sewer District. An in-lieu-of assessment for collector sewers shall be levied against those portions of all properties inside of the original North Albany Sanitary Sewer Local Improvement District, not included within a Bonneville Power Administration right-of-way, and within 150 feet of the sanitary sewers constructed as part of the North Albany Sanitary Sewer Local Improvement District project at such time as any of the following occur:

- (1) The properties are divided so as to create additional parcels within 150 feet of the sanitary sewers, and such parcels are to be served by the existing sewers constructed as part of the improvement district. In such case the in-lieu-of assessment shall be levied in conjunction with final approval of the subdivision or partitioning plat by the City.

(2) For any property which was divided prior to the date (April 14, 1993) of the Final Assessment Ordinance for the North Albany Sanitary Sewer Local Improvement District and for which the additional benefits derived from such a division were not included in said Final Assessment Ordinance, the in-lieu-of assessment shall be levied at such time as any of the following occur:

- (a) The property is redivided. In such case the in-lieu-of assessment shall be levied in conjunction with final approval of the subdivision or partitioning plat by the City.
- (b) The issuance of a permit to connect to the City sanitary sewers constructed as part of the improvement district.

10.16.230 Collector In-lieu-of Rate, Properties Inside Sewer District. The in-lieu-of assessments listed in Section 10.16.220 for collector sewers shall be levied at the unit rate for each additional parcel created as provided in a resolution adopted by the City Council. In the application of this section to those properties falling under the provisions of Section 10.16.220(2), the additional parcels created prior to the referenced Final Assessment Ordinance shall be included in the calculation of the number of total additional parcels.

10.16.300 In-lieu-of Assessment for Interceptor and Collector Sewers, Properties Outside Interceptor Boundary. For any parcel located outside of the interceptor sewer basin referenced in Section 10.16.100, an in-lieu-of assessment shall be levied for interceptor and collectors at such time as a permit is issued to connect to any sewer constructed as part of the North Albany Sanitary Sewer Local Improvement District Project. The amount of the in-lieu-of assessment shall be equivalent, as far as possible, to the benefit received as determined by the Public Works Director and approved by the City Council by resolution.

10.16.400 Permit Requirements. All persons desiring to connect a sanitary sewer line to any public sanitary sewer which was constructed as part of the North Albany Sanitary Sewer Local Improvement District project shall first obtain a connection permit from the City of Albany. No connection permit shall be issued for a connection of a sanitary sewer to any sanitary sewer which was constructed as part of the North Albany Sanitary Sewer Local Improvement District project unless an in-lieu-of assessment is levied against the property to be connected, if required by the provisions of this ordinance, and paid.

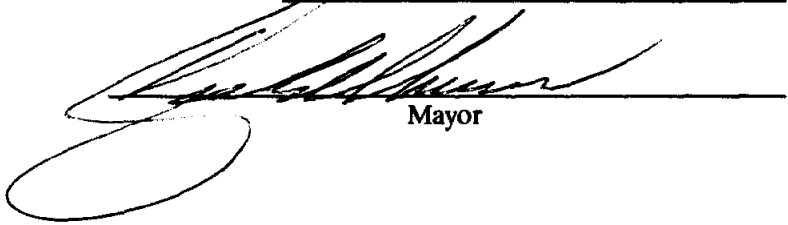
10.16.500 Sewer Bond Revenue Department. All monies received from in-lieu-of assessments from all properties within the original North Albany Sanitary Sewer Local Improvement District interceptor boundary as described in the Final Engineer's Report for said district dated April 13, 1993, and any other properties connecting to sewers constructed as part of the North Albany project, plus any interest, shall be deposited by the City Finance Director in the 1991 North Albany Sewer Bond Revenues Department of the Sewer Fund.

Section 2: Inasmuch as this ordinance is necessary for the immediate preservation of the peace, safety, and health of the citizens of the city of Albany, Oregon, an emergency is hereby declared to exist; and this ordinance shall be in full force and effect immediately upon passage by the Council and approval by the Mayor.

Passed by Council: April 28, 1993

Approved by Mayor: April 28, 1993

Effective Date: April 28, 1993


Mayor

ATTEST:


Deputy City Recorder