

RESOLUTION NO. 1937

RESOLUTION TERMINATING AND REVERTING PROPERTIES RECEIVED BY THE CITY OF ALBANY ON MAY 5, 1972, COMMONLY REFERRED TO AS ADAIR WATER AND SEWER SYSTEM.

WHEREAS, the City of Albany entered into an agreement with the United States of America acting by and through the Secretary of Health, Education, and Welfare on May 5, 1972, wherein the City acquired title to properties commonly referred to as Adair Water and Sewer Systems; and

WHEREAS, allegations have been made by the Department of Health, Education, and Welfare that the City of Albany has not fulfilled its commitment to provide water services to the North Albany area; and

WHEREAS, the City of Albany has since the date of execution of the aforementioned agreement, given continuous water and sewer services to Adair Village and to all of those customers who were making use of the water and sewer system at the time of the agreement was entered into and has further entered into an agreement to furnish water on a temporary basis to an existing water system in North Albany; and

WHEREAS, the aforementioned agreement between the Department of Health, Education, and Welfare and the City of Albany provides that the Department of Health, Education, and Welfare can revert the property covered by the agreement to the United States of America and if such reversion is declared, they shall have immediate right of reentry thereon; and

WHEREAS, The City of Albany has incurred expenses over and above the direct operating income from the Adair Air Force Station water and sewer systems which are a burden to the citizens of Albany; and

WHEREAS, the Adair sewer system is marginal in meeting DEQ pollution control requirements and will in the near future require capital expenditure for improvements; and

WHEREAS, the citizens of North Albany have shown dissatisfaction with the City of Albany's principles in operation and requirements for services provided by the system.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that the City of Albany reconvey all rights, title, and interest to the Adair Air Force water and sewer system to the United States of America acting by and through the Secretary of Health, Education, and Welfare and acting by and through the Regional Director of Region X of HEW on February 2, 1978.

BE IT FURTHER RESOLVED that the City of Albany notify all customers and Adair Village that the City of Albany will no longer be responsible for the operation of the said water and sewer systems.

BE IT FURTHER RESOLVED that the City of Albany will continue to operate the systems for a period of one week provided the City is reimbursed for any and all expenses incurred during this period.

BE IT FURTHER RESOLVED that the City will give consideration to a contract for operation of the systems for a longer period of time.

BE IT FURTHER RESOLVED that the City notify CH2M Hill to stop work on the system study pending the outcome of this resolution.

BE IT FURTHER RESOLVED that the City cancel any and all plans for installation of a new roof for the water reservoir.

DATED THIS 2ND DAY OF FEBRUARY, 1978.

MAYOR

ATTEST:


[Handwritten Signature]

CITY RECORDER