

ORDINANCE NO. 5581

AN ORDINANCE TO LEVY AN ASSESSMENT AGAINST A PROPERTY SPECIFICALLY BENEFITED BY A REQUIRED SEWER CONNECTION AT 1410 HOP STREET SW AND DECLARING AN EMERGENCY.

WHEREAS, on January 28, 2004, the Albany City Council passed Resolution 4928, which proclaimed a Health Hazard at 1410 Hop Street SW and allowed an Exception to the General Prohibition Against Extraterritorial Sewer Extensions; and

WHEREAS, the owner/occupants of 1410 Hop Street SW were unable to obtain financing to pay the \$8,331 in City of Albany Sewer Connection Fees and Sewer System Development Charges; and

WHEREAS, on July 1, 2004, the City of Albany Public Works Department, with the cooperation of the owner/occupants of 1410 Hop Street SW, initiated Nuisance Abatement procedures to facilitate the connection of the house to the City sewer system and to place a lien on the property for the required fees; and

WHEREAS, the house was connected to the City sewer system on July 9, 2004.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: Subject Property. The property benefiting from the sewer connection is Lot 1, Block 24 of Hazelwood Addition subdivision, currently addressed as 1410 Hop Street SW.

Section 2: Costs to be Liened. Sewer Connection fee for Lot 1 = (150 feet x \$41/foot) = \$6,150. Sewer System Development Charge = \$2,181. Total Lien amount is \$8,331.

Section 3: The City Recorder is hereby directed to enter a statement of assessment as above provided in the docket of the City liens and give notice thereof as provided by law.

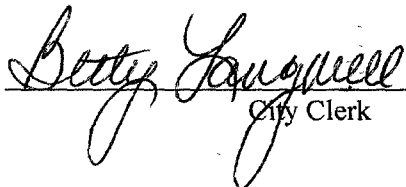
Section 4 Emergency Clause. Inasmuch as this ordinance is necessary for the immediate preservation of the peace, health, and safety of the citizens of this city of Albany, Oregon, an emergency is hereby declared to exist; and this ordinance shall be in full force and effect immediately upon its passage by the Council.

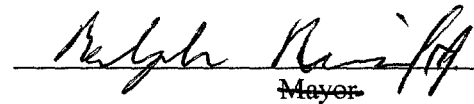
Passed by the Council: September 22, 2004

Approved by the ~~Mayor~~: September 22, 2004  
*Council president*

Effective Date: September 22, 2004

ATTEST:

  
\_\_\_\_\_  
City Clerk

  
\_\_\_\_\_  
~~Mayor~~  
*Council president*

RESOLUTION NO. 4928

A RESOLUTION PROCLAIMING A "HEALTH HAZARD" AT 1410 HOP STREET SW TO ALLOW AN EXCEPTION TO THE GENERAL PROHIBITION AGAINST EXTRATERRITORIAL SEWER EXTENSIONS.

WHEREAS, the Albany City Council voted on September 8, 1999, to approve Ordinance No. 5419, which created a health hazard exception to the general prohibition against extraterritorial sewer extensions, and

WHEREAS, in order for a property to be eligible for this health hazard exception, the City Council must determine that the criteria in AMC 10.01.050(5) are met, and

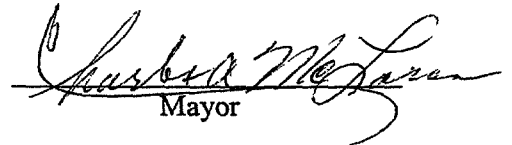
WHEREAS, the findings attached as Exhibit A show that the criteria for the property located at 1410 Hop Street SW have been met,

NOW, THEREFORE, BE IT RESOLVED that the Albany City Council adopt the findings attached as Exhibit A; and

BE IT FURTHER RESOLVED by the Albany City Council that the property at 1410 Hop Street SW is eligible to receive city sanitary sewer service as allowed in AMC 10.01.050(5); and

BE IT FURTHER RESOLVED that the city will require the property owners to satisfy all requirements set forth in AMC 10.01.050(5) prior to receiving said city sanitary sewer service.

DATED AND EFFECTIVE THIS 28TH DAY OF JANUARY, 2004

  
Mayor

ATTEST:

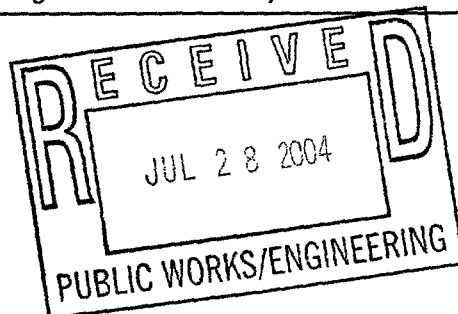
  
City Clerk



# Linn County Department of Health Services

P.O. Box 100, Albany, OR 97321

*"Working together to promote the health and well-being of all Linn County residents."*



July 27, 2004

Gordon Steffensmeier  
Public Works Department  
PO Box 490  
Albany, OR 97321-0144

Dear Mr. Steffensmeier:

I am writing to thank you for your assistance in finding a solution that will allow Michael and Lora Morris to connect to the City sewer in a timely fashion. All involved parties were frustrated by the funding issues, and the creative use of the City's Nuisance Abatement procedure allowed the Morris' to move forward. We are looking forward to being able to close our enforcement file on this property. Thank you again.

Sincerely,

Jan Heron, Field Supervisor  
Linn County Environmental Health Program



July 1, 2004

**CERTIFIED**

**CITY HALL**  
333 Broadalbin SW  
P O Box 490  
Albany, OR 97321-0144  
www.ci.albany.or.us

(541) 917-7500

**ADMINISTRATIVE SERVICES**

**City Manager/  
Human Resources**  
(541) 917-7501  
FAX (541) 917-7511

**Finance/Recorder**  
(541) 917-7520  
FAX (541) 917-7511

**Municipal Court**  
(541) 917-7740  
FAX (541) 917-7748

**Water/Sewer Billing**  
(541) 917-7547  
FAX (541) 917-7511

**COMMUNITY  
DEVELOPMENT  
Planning**  
(541) 917-7550  
FAX (541) 917-7598

**Building Inspection**  
(541) 917-7553  
FAX (541) 917-7598

**FIRE ADMINISTRATION**  
(541) 917-7700  
FAX (541) 917-7716

**PARKS & RECREATION  
ADMINISTRATION**  
(541) 917-7777  
FAX (541) 917-7776

**PUBLIC WORKS  
Engineering**  
(541) 917-7676  
FAX (541) 917-7573

**Transit**  
(541) 917-7667  
FAX (541) 917-7573  
TDD (541) 917-7678

**Michael and Lora Morris**  
1410 Hop Street SW  
Albany, OR 97321

Dear Mr. and Ms. Morris:

**NOTICE TO ABATE NUISANCE – SANITARY SEWER CONNECTION REQUIRED FOR 1410 HOP STREET SW**

Since December of 2003 we have been working with you and the Linn County Environmental Health Department to eliminate the health hazard caused by the untreated sewage discharge on your property at 1410 Hop Street SW. You have informed us that you cannot obtain financing for the required \$8,331 in sewer System Development Charges and Connection Fees. The City of Albany Public Works Department has agreed to use our Nuisance Abatement procedure found in Albany Municipal Code 10.01.160 to “finance” those fees by allowing you to connect to the City sewer after which we will place a lien on your property for those fees.

Pursuant to AMC 10.01.160, you are hereby given 30 days, (until August 1, 2004,) to abate the nuisance at 1410 Hop Street SW. If you do not eliminate the nuisance by that date, “the City may abate the nuisance and the cost of abatement, including but not limited to, the cost of all permits, system development charges, construction fees and material costs shall be assessed against the real property”, AMC 10.01.160 (3d).

Per our July 1, 2004, telephone conversation, you agreed to perform the private plumbing work needed to connect your home’s plumbing to city sewer. I agreed that if you send a letter to me in which you waive the 30 day abatement notification period and ask us to proceed immediately with the abatement procedure, we will only lien your property for the System Development Charge and the Connection Fee, totaling \$8,331. Once we have received your letter we will release your permit to connect to the sewer and we will install a service line from the city sewer main in Hop Street to your property line.

As you know, you also need to properly abandon the septic tank and eliminate the sewage pool west of your house. Although you have signed an Irrevocable Request to Annex to the City of Albany, you must obtain plumbing and septic tank abandonment permits from Linn County because your property is still under the County’s jurisdiction. Please contact me at (541) 917-7647 if you have any questions.

Sincerely,

Gordon Steffensmeier, P.E., P.L.S.  
Public Works Permitting/Development Engineer

GPS:prj  
c: Diane M. Wood, Accountant  
Jan Heron, Linn County Environmental Health

Mike and Lora Morris  
1410 Hop St SW  
Albany, OR 97321

July 5, 2004

IE: Nuisance Abatement

Dear Gordon,

We have recieved the letter in regards to the Nuisance Abatement.

We agree to waive the 30 day wait on the abate. Please begin the process immediately.

We are in the process of obtaining the proper permits to begin the plumbing from our house to the street, and to decommission the septic tank, from the county. We have contacted the locator service for all services possible, they have done most of the marking.

We are doing our best to get all items up and running as soon as possible.

We sincerely want to thank you, Gordon and Diane Wood for all the help and hard work to get this process completed as soon as possible.

You can contact either of us if there are any other questions or concerns.

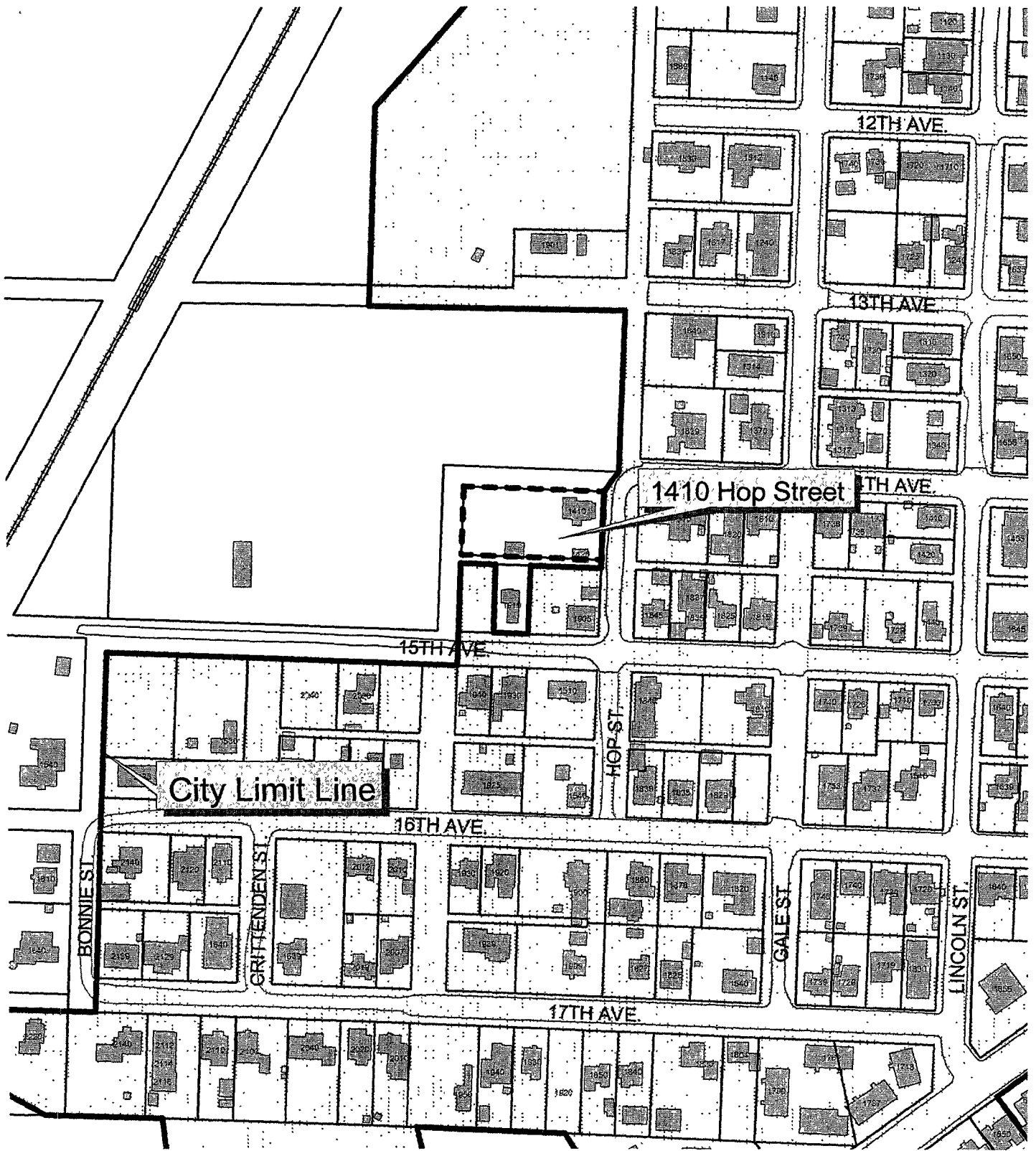
Sincerely,

Lora and Mike Morris

*Diane*

c: *Diane* M. Wood, Accountant  
Jan Heron, Linn County Enviromental Health

A handwritten signature in black ink, appearing to read "Mike Morris", written over a faint, illegible typed name.



# 1410 Hop Street - Vicinity Map



Public Works

gordons nil

Gordon Steffensmeier

Sep 2, 2004

0 200 Feet



The City of Albany's Infrastructure records, drawings, and other documents have been gathered over many decades, using differing standards for quality control, documentation, and verification. All the information provided represents current information in a readily available format. While the information provided is generally believed to be accurate, occasionally the information proves to be incorrect, and thus its accuracy is not warranted. Prior to making any property purchases or other investments based in full or in part upon the information provided, it is specifically advised that you independently field verify the information contained within our records.

