



CITY COUNCIL AGENDA ITEM

To: Mayor Graham and City Council

From: Ted Shekell, Planning Director
Walter Denton, City Administrator

Date: January 12, 2005

Subject: Public Hearing for Annexation Agreement with Eric and Patricia Litteken for properties at 662 E. State Street, and 101, 103 and 107 Behrens Avenue

List of committees that have reviewed: The Community Development Committee reviewed the annexation at its meeting on December 13, 2004 and directed staff to prepare an annexation agreement with the Litteken's.

Background: Eric and Patricia Litteken desire a water tap and water service from the City for property located at 103 Behrens Avenue. The property at 103 Behrens has been vacant but is currently being repaired for occupancy. The water tap which used to serve the property at 103 Behrens Avenue is presently providing water service to the property located at 107 Behrens Avenue. The Litteken's also own the property at 662 E. State Street and 101 Behrens Avenue. The Litteken's placed a modular home at 101 Behrens in 2000 and had signed a water services agreement to receive a water tap and water service for the residence at 101 Behrens Avenue.

The Litteken's have agreed to annex all four (4) properties into the City limits which include 662 E. State Street and 101, 103 and 107 Behrens Avenue. These properties are presently contiguous to the City limits, and staff recommends that these properties be annexed at this time. However, these properties are not connected to the municipal sanitary sewer and are served by on-site systems. The City Code states, that if a sanitary sewer system fails, and provided that a public sewer is within 100 feet of the property line, the owner is required at his or her expense to connect to such sewer facilities. Presently, these properties are greater than 100 feet from the municipal sewer and the property owner would not be required to connect. Legal opinion obtained on this from Dan Vogel stated that once the Litteken's are annexed, the owners could petition the City for sewer, with the City having at least an obligation to provide that service at some point. However, if the applicants wanted to have sewer ahead of any time schedule the City would have for serving the area, the applicant's would have to pay for the sewer main extension themselves.

An annexation agreement has been drafted which addresses connections to the water and sanitary sewer systems. As of this date, the Litteken's have not signed the annexation agreement.

Legal Considerations, if any: None

Budget Impact: The Litteken's would be responsible for a water tap fee to service the property at 103 Behrens.

Staff recommendation: Staff recommends holding the public hearing, but deferring action on the annexation agreement until the Litteken's have signed the agreement.