

**RESOLUTION NUMBER 644**

**A RESOLUTION PROPOSING ANNEXATION OF PROPERTY WITHOUT A VOTE OF THE AFFECTED AREA**

**WHEREAS**, the Oregon Department of Environmental Quality (“DEQ”) informed the City that DEQ has the responsibility to administer the UIC Program under the federal Safe Drinking Water Act; and

**WHEREAS**, the UIC Program regulates the use of certain underground systems such as dry wells used to manage stormwater or discharge other fluids underground and use of these underground systems are prohibited unless authorized by DEQ rule or permit; and

**WHEREAS**, DEQ further notified the City that certain areas within the City’s Urban Growth Boundary but outside its City Limits are in areas of the UIC Program’s regulation but permits had been erroneously issued allowing dry wells and water wells for domestic use in the area; and

**WHEREAS**, DEQ considers this matter to pose a health hazard to the area that must be remediated; and

**WHEREAS**, City ordinance currently prohibits connection to its water system by properties outside of the City Limits; and

**WHEREAS**, in working with DEQ to resolve the problem, the City and DEQ have identified at least one affected property that should be annexed into the City as soon as possible to abate the health hazard;

**WHEREAS**, Oregon Revised Statute 222.855 allows for the declaration of a danger to public health and annexation of property into a city without any vote in such territory or any consent by the owners of land therein if it is found because of conditions within the territory and that such conditions can be removed or alleviated by sanitary, water or other facilities ordinarily provided by incorporated cities.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AURORA THAT:**

The City of Aurora declares the affected property known as “the Fidanzo Property” and more specifically described as Map 041W13 Tax Lot 700 to be in violation of the Safe Drinking Water Act as a result of its use of a water well in proximity to a City dry well and therefore declares a health hazard; and

**BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF AURORA THAT:**

The City of Aurora proposes to annex without a vote the affected property known as "the Fidanzo Property" and more specifically described as Map 041W13 Tax Lot 700; and

**BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF AURORA THAT:**

Following annexation, "the Fidanzo Property" will be required to promptly connect to the Aurora Municipal Water System under the terms and conditions the City Council may find appropriate and the property's existing water well shall be used for irrigation purposes only as provided for in City ordinance.

**ADOPTED** by the Aurora City Council at a City Council meeting held on Tuesday, January 10, 2012. This resolution is effective immediately.

Dated this 10<sup>th</sup> day of January, 2012.

**ATTEST**



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Gregory Taylor, Mayor



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Kelly Richardson, City Recorder

**APPROVED AS TO FORM:**



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Dennis Koho, City Attorney