

**RESOLUTION NO. 2263**

**A RESOLUTION ASSESSING LATECOMER FEES IN CONJUNCTION WITH PUBLIC IMPROVEMENTS INTALLED AS PART OF THE DIAMOND RUN SUBDIVISION**

WHEREAS, Home Run Land, LLC is required to extend certain public facilities, which is the installation of a water main and related fixtures and installation of a sewer main, and its related fixtures as part of the Diamond Run Subdivision; and

WHEREAS, the City Council finds that Home Run Land, LLC has installed the necessary water and sewer mains, as per a development agreement with the City of Hermiston as indicated in Exhibit “A” attached hereto. A 12-inch water line was extended in E Diagonal Blvd from NE 10th Street eastward to E Elm Ave. This line has capacity to service future development east of the site. The sewer line installed in E Diagonal Blvd extends slightly less than 1,000 feet to the intersection of NE 11th Street and Diagonal; and

WHEREAS, developers who install water or sewer mains that may benefit other developable properties are entitled to recoup a portion of their investment in those mains from “latecomers” who connect service lines to those mains; and

WHEREAS, HMC 157.164(F) states that were improvements installed by a developer benefit other properties, the city and the developer shall reach a mutually agreeable settlement to identify benefitting properties, actual costs charged and the method of repayment to the developer; and

WHEREAS, notice of potential assessment was sent to potential benefiting property owners, and a public hearing was held March 13, 2023, wherein the council took testimony and deliberated the issue; and

WHEREAS, the City Council did find that the properties indicated on Exhibit “A” benefit from the installation of the water or sewer main; and

WHEREAS, the City Council did find that \$89,497.68 is reasonable for the cost of the water main extension and that \$126,376.24 is reasonable for the cost of the sewer main extension; and

WHEREAS, benefitting properties may not able or desire to fully utilize this water or sewer main at the present time.

NOW, THEREFORE, THE CITY OF HERMISTON RESOLVES AS FOLLOWS:

1. That the following costs shall be prorated to the benefitting properties, and such improvement costs shall be paid to the City upon connection and reimbursed to Home Run Land, LLC, its successors and assigns, for a period of not to exceed ten (10) years from the passage of this resolution. That the installation cost of the water line of \$89,497.68 and the installation cost of the sewer line of \$126,376.24 shall be assessed to the properties below as benefitting properties:

<b>Property Owner</b>	<b>Tax Lot</b>	<b>Water Assessment</b>	<b>Sewer Assessment</b>
Hermiston SD	4N 28 12B TL 302	\$73,026.71	\$126,376.24
Home Run Land LLC	4N 28 12BA TL 377	\$2,152.65	\$0
Joyce Langley	4N 28 12A TL 801	\$10,034.78	\$0
Janet and Jesse Terry	4N 28 12A TL 800	\$4,283.54	\$0

2. That any property identified in this resolution shall be required to pay the specified charges prior to connecting to and receiving water or sewer service from the specified line in conjunction with any other fees and/or SDC charges required when connection to the system is made.
3. That this resolution is effective immediately upon its passage.

PASSED by the Common Council this 27th day of March 2023.

SIGNED by the Mayor this 27th day of March 2023.

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Dr. David Drotzmann, MAYOR

ATTEST:

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Lilly Alarcon-Strong, CMC, CITY RECORDER