



MEMO TO CITY COUNCIL

Request to Include Topic on the City Council Agenda

From: Emily Kane, Deputy City Attorney **Meeting Date:** July 27, 2021
Presenter: Kyle Radek, Assistant City Engineer **Estimated Time:** .5 minutes
Topic: Agreement for Provision of Water Service Outside Meridian City Limits: Parcel
Number R4622730010, S. Meridian Road

Recommended Council Action:

Authorize the Mayor's signature to allow the City to enter into this agreement

Background:

On June 15, 2021, City Council approved the connection of this property, which is located outside city limits, to the City water system. This agreement was prepared to authorize this connection pursuant to such approval.

The building on this property includes six separate condominium units, each of which has its own parcel number. Under Idaho Code section 55-1509(a), utilities and pipes are considered common area, and overseen by the condominium association. (The common area has its own, separate parcel number.) For this reason, the utility connection agreement, establishing terms and conditions of the connection of the common area to the City water system, is between the City and Jessica Condominiums, Inc., and is signed by Mr. Mussell on behalf of that entity.

One condition of connection of any property outside city limits to the City water or sewer system is that the property owner consents to annexation into the City of Meridian when the property becomes eligible to do so. This agreement does include a provision consenting to annexation of the common area parcel.

Additionally, because each of the six condominium units is a separate property, the owners of those units/parcels were also required to provide consent to annexation. To that end, two written agreements consenting to annexation are to be executed contemporaneously with this agreement and recorded against those parcels. The first is signed by Laurie J. Britten on behalf of Sawtooth Laboratory LLC, for that entity's four condominium units, and the other is signed by Mike Mussell on behalf of TVM, Inc., for that entity's two condominium units.

This utility connection agreement is needed in part due to the contemplated addition of a seventh condominium unit to the building, which will be permitted through Ada County. When a parcel number is issued for the seventh unit, the City will request from the owner of that unit (Mr. Mussell) a written agreement consenting to annexation of that parcel.