

RESOLUTION

PERTAINING TO THE PROVISION OF CERTAIN CITY SERVICES TO THE BLUE HERON CONDOMINIUM ASSOCIATION

WHEREAS, the Blue Heron Condominium Association has recently requested that the City of Two Rivers consider taking responsibility for repair and maintenance of the private streets and utilities located within the property of that condominium association; and

WHEREAS, the Blue Heron Condominiums, developed in the early 1990's, is one of four condominium developments in Two Rivers that have been approved by the City to date where there was provision for private streets and utilities, at the specific request of their respective developers; and

WHEREAS, the purchasers of condominium units in those associations are aware that their condominium association dues and fees include the cost of maintaining such private streets and utilities; and

WHEREAS, the City Council does not consider it appropriate nor in the best interest of the other taxpayers and utility ratepayers of the City to assume responsibility for these private facilities, but hereby states its willingness to provide certain limited services, as provided herein, subject to the terms of an agreement that is mutually acceptable to the City and the Blue Heron Condominium Association. Such agreement shall address the following services:

1. **Flushing of Private Water Mains, Flushing of Private Sanitary Sewer Mains and Emergency Clearing of Blocked Private Sewer Mains, Based on Past Policy and Precedent.** The Two Rivers City Council, by resolution dated July 17, 2000, approved a policy of providing certain services, limited to routine flushing of private water mains and jetting of private sanitary sewer mains located within condominium association-owned properties in the City, subject to entering into written agreements with such associations. The City has subsequently entered into such agreements with the Mahogany Run Condominium Association, River's Edge Condominium Association and Washington Highlands Condominium Association, but heretofore no such agreement has been entered into with the Blue Heron Condominium Association; and
2. **Bulk Leaf Collection from Private Roadways, Consistent with Leaf Collection Services Provided to Property Owners Along Public Streets.** Again, subject to an agreement allowing City personnel, trucks and equipment to provide this service within the condominium association property, providing appropriate liability protections to the City, and containing other language mutually acceptable to the City and the condominium association, the Council is willing to extend City lead collection services along the private streets within the Blue Heron Condominium development;

NOW, THEREFORE BE IT RESOLVED, that staff is directed to prepare a draft agreement, with terms consistent with this resolution and with existing agreements cited above, to be provided to the Blue

Heron Condominium Association Board for its review and comment and provided to the City Council for its consideration not later than October 16, 2023.

Approved this 18th day of September, 2023

Councilmember

Gregory E. Buckley
City Manager