

RESOLUTION NO. 2022-01

A RESOLUTION AUTHORIZING THE CITY OF MORO TO PROVIDE WATER SERVICE OUTSIDE CITY LIMITS AND ESTABLISHING CONDITIONS FOR PROVIDING SUCH SERVICE

WHEREAS, the City of Moro (City) is a duly incorporated Home Rule Charter City of the State of Oregon;

WHEREAS, pursuant to the municipal powers granted by the City Charter, the City Council has exercised its lawful municipal authority by building, owning, operating, and maintaining a municipal water system and may continue to do so for lawful uses and purposes allowed under the laws of the State of Oregon;

WHEREAS, it is lawful for municipalities to provide utility services to property located outside the city limits and for such municipalities to establish rules and procedures for such connections; and

WHEREAS, the City desires to provide municipal water utility service to properties located outside city limits upon the terms and conditions stated herein.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MORO, OREGON:

Section 1: Applications for City water service to property outside the corporate city limits of the City may be considered and approved by the City Council, at its sole discretion, when the City has made the determination that the following conditions have been satisfied:

- (1) The City has determined that annexation of the property is not possible at the time application for service is made.
- (2) The owners of the property have signed a legally executed irrevocable consent to annex form and a waiver of remonstrance agreement regarding annexation and formation of a local improvement district, which the property owner shall cause to be recorded in the deed records maintained by the office of the Sherman County Clerk. Properties connected to the water utility shall be subject to the City ordinances, fees, charges, street and drainage construction standards, utility installation standards, and development review processes as established, as may be amended from time-to-time, and as would apply to in-City property, except that county zoning regulations and out-of-city utility rates and fees shall also apply.
- (3) The property has direct frontage on that portion of the public road right-of-way within which the City's water main is located, or there is access deemed suitable to the City via a utility easement.

- (4) The water main to which the connection is to be made must be, in the discretion of the City, of such size, quality, and condition as to permit the connection to be made without detriment to existing users and with reasonable assurance that the party seeking such connection shall be able to receive reasonable water utility service after said connection is made.
- (5) Prior to connecting to or receiving service from a City water main outside the city limits, the legal owners of the property to be served shall sign a legally executed agreement which shall be in a form approved by the City Council, and which the property owner shall cause to be recorded in deed records maintained by the office of the Sherman County Clerk. The agreement shall contain all applicable terms, conditions and limitations as well as any other special terms, conditions and limitations which the City Council may determine to be reasonable and appropriate, and shall be binding upon the heirs, administrator, executors, assigns, grantees, tenants, and all persons occupying the premises which is the subject of the agreement. This agreement may be in the form of a deed restriction.
- (6) Water service outside city limits shall only be used **PRIMARILY** for household and sanitary use, and **ANY USE** for irrigation, livestock watering, or other non-household purpose **SHALL BE LIMITED AND SECONDARY TO HOUSEHOLD AND SANITARY USE. THE CITY MAY, IN ITS SOLE DISCRETION, LIMIT ANY USE THAT IS FOR IRRIGATION, LIVESTOCK WATERING, OR FOR OTHER NON-HOUSEHOLD PURPOSES.** The City reserves the right at any time to prohibit the use of water outside the City limits for purposes other than stated herein or in accordance with City Ordinances or Resolutions as currently enacted or as amended.
- (7) Service to users outside the City is hereby declared to be subject to the prior and superior rights of the people of the City of Moro to said water at all times. All water sold to users outside the city limits shall be surplus water only; and, as such, the sale of water to outside users is a privilege which may be revoked at any time upon **90 days notice** to the user. In no event shall any contract for the sale of water to any outside user be construed as placing any obligation on the City to furnish anything except surplus water, when available. Furthermore, the sale of water to any particular property located outside of city limits does not obligate the City to furnish water to any other property that is also located outside city limits. The decision to furnish water is on a case-by-case basis and nothing herein creates a right to water service merely because a similarly situated property is a recipient of water service.
- (8) All water delivered outside the city limits shall be considered as a special service and not provided by the City as a common utility service. The quantity of water supplied by this service may be reduced or the service entirely discontinued at any time at the discretion of the City and for any reason. The City shall have no liability in any way to customers for failure to provide service or for any failure of the system.

(9) In addition to any fees or charges required by City Ordinances for water service, a one-time fee established by the City, and as may be published in the City of Moro Handbook of Fees and Charges will be paid to the City prior to the establishment of any water connection.

Section 2: This Resolution is effective upon adoption by the City Council of the City of Moro.

ADOPTED by the City of Moro this _____ day of _____ 2022

Ayes _____ Nays _____

APPROVED by the Mayor this ____ day of _____ 2022

Bert Perisho, Mayor of Moro Oregon

Attest:

Erik Glover, City Administrator