



Legislation Details (With Text)

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**Type:** Consent Agenda      **Status:** Agenda Ready

**File created:** 9/26/2019      **In control:** Town Council

**On agenda:** 10/8/2019      **Final action:**

**Title:** A Resolution of the Board of Trustees of the Town of Erie Authorizing the Filing of a Petition to Exclude Certain Properties from the Left Hand Water District and Confirming the Town's Ability and Intent to Provide Water Services to those Properties upon Exclusion from the Left Hand Water District

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Resolution, 2. Letter to Landowners

Date	Ver.	Action By	Action	Result
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**SUBJECT: CONSENT**

**A Resolution of the Board of Trustees of the Town of Erie Authorizing the Filing of a Petition to Exclude Certain Properties from the Left Hand Water District and Confirming the Town's Ability and Intent to Provide Water Services to those Properties upon Exclusion from the Left Hand Water District**

**DEPARTMENT:** Public Works

**PRESENTER:** Todd Fessenden, Public Works Director

**FISCAL INFORMATION:** N/A

**STAFF RECOMMENDATION:**

Approve the Resolution authorizing the filing of a petition to exclude certain properties from the Left Hand Water District and confirming the Town's ability and intent to provide water services to those properties upon exclusion.

**SUMMARY AND BACKGROUND OF SUBJECT MATTER:**

The Town and Left Hand Water District ("District") entered into an Agreement Regarding Water Service and Boundaries on December 13, 2001, which requires the District to fully cooperate with the Town to exclude any properties from the District which are annexed by the Town and which the Town elects to exclude.

Town Staff and attorneys have compiled a list of properties located within the current boundaries of the Left Hand Water District that the Town has annexed. Pursuant to the 2001 Agreement, the Town's attorneys have drafted a petition to exclude these properties from the Left Hand Water District, which will enable the Town to exclusively provide water service to the properties and will eliminate overlapping jurisdiction between the Town and Left Hand Water District. The properties listed for

exclusion are either owned by the Town or are already being provided water service by the Town. The Town generally does not exclude properties which are annexed but still receive water service from the District, until such time as the property is subdivided or the Town provides water and sewer service to the property.

Town staff also proposes to send the letter attached hereto to owners of property to be excluded. It is not required by statute, but it is recommended in order to provide notice besides the pleadings in the exclusion process.

When the petition to exclude these properties is filed in District Court, it must include a resolution from the Town that authorizes the filing of the petition, and confirms the Town's ability and intent to provide water service to the properties. The Board of Directors for the District have already approved the exclusion documents.

**ATTACHMENTS:**

- a. Resolution
- b. Letter to Land Owners