City of Carroll

627 N. Adams Street Carroll, Iowa 51401 (712) 792-1000 FAX: (712) 792-0139

MEMO TO: Honorable Mayor and City Council Members

FROM: Mike Pogge-Weaver, City Manager MPW

DATE: May 20, 2021

SUBJECT: Water Service, Sewer Service, and Annexation Agreement with Olsen's Car Care Corner, Inc. (dba Olsen's Outdoor Power)

Olsen's Car Care Corner, Inc. (dba Olsen's Outdoor Power) owns property at 19072 Kittyhawk Ave. The property is currently in the process of being annexed into the City of Carroll; however, it is currently in unincorporated Carroll County. The annexation process by the State of Iowa will take approximately another 90 to 120 days to complete.

Olsen's Car Care Corner, Inc. has requested that the City permit the extension of utilities to their property prior to the completion of the annexation process by the State of Iowa and has signed a Water Service, Sewer Service, and Annexation Agreement related to that request. City code only permits properties in the City of Carroll to connect to City water and sewer service without City Council approval. This agreement permits them to connect to City water and sewer utilities prior to the completion of the annexation and requires that they complete the annexation process.

RECOMMENDATION: Mayor and City Council consideration of a resolution approving a Water Service, Sewer Service, and Annexation Agreement with Olsen's Car Care Corner, Inc.

RESOLUTION NO. _____

RESOLUTION APPROVING A WATER SERVICE, SEWER SERVICE, AND ANNEXATION AGREEMENT WITH OLSEN'S CAR CARE CORNER, INC. (DBA OLSEN'S OUTDOOR POWER)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CARROLL, IOWA:

Section 1. That the Water Service, Sewer Service, and Annexation Agreement with Olsen's Car Care Corner, Inc. (dba Olsen's Outdoor Power) is approved.

Section 2. That the Mayor and City Clerk are hereby authorized and directed to execute said Water Service, Sewer Service, and Annexation Agreement with Olsen's Car Care Corner, Inc. (dba Olsen's Outdoor Power) on behalf of the City of Carroll.

Passed and approved by the Carroll City Council this 24th day of May, 2021.

CITY COUNCIL OF THE
CITY OF CARROLL, IOWA

By: _____
Eric P. Jensen, Mayor

ATTEST:

By: _____
Laura A. Schaefer, City Clerk

Prepared by:
Return to:

WATER SERVICE, SEWER SERVICE, AND ANNEXATION AGREEMENT

THIS ANNEXATION AGREEMENT (the "Agreement") entered into by the City of Carroll, 627 N Adams St, Carroll Iowa 51401 (hereafter the "City"); and Olsen's Car Care Corner, Inc., 2800 E. 7th Street, Atlantic, IA 50022 along with their successors and assigns. (hereafter collectively "Olsen").

WHEREAS, Olsen is the owner of the following described property located in unincorporated Carroll County, Iowa:

Lot 1 of the Solid Waste Subdivision of the NE 1/4 NE 1/4 of Section 22, Township 84 North, Range 35 West 5th P.M., Carroll County, Iowa. (the "Property")
; and

WHEREAS, Olsen has contacted the City about connecting to City water mains and City sanitary sewer mains; and

WHEREAS, it is the City's policy that a person who connects to the City water or sanitary sewer must annex into the corporate limits of the City; and

WHEREAS, Olsen has filed an application for annexation into the City of Carroll and they would like to connect the City water and sanitary sewer prior to the finalization of said annexation; and

WHEREAS, pursuant to Section 92.05 of the Code of Ordinances of the City of Carroll, Olsen may be allowed City water service by special agreement of the council; and

WHEREAS, pursuant to Section 95.06 of the Code of Ordinances of the City of Carroll, Olsen may be allowed City sanitary sewer service by special agreement of the council; and

WHEREAS, the City retains the right to impose a rate for customers outside the City for water and sanitary sewer usage and Olsen agrees to said rates; and

WHEREAS the City Council of the City desires to allow Olsen to connect to the City's water and/or sanitary sewer system, at Olsen's sole cost, as long as Olsen agrees to complete the voluntarily annexation of the Property into the City.

NOW, THEREFORE, BASED UPON THE COVENANTS DESCRIBED ABOVE, the Parties agree as follows:

1. Annexation. Olsen, and their successors and assigns, by the execution of this Agreement, irrevocably agree to voluntarily annex the Property into the City. The parties to this Agreement expressly agree that this Agreement required Olsen to continue with its Application for Voluntary Annexation, until Annexation is completed.

2. City ordinances. By execution of this Agreement, Olsen expressly agrees to abide by the City's ordinances, rules, and regulations that apply to water services and/or sewer services established by the Council.

3. Connection to the water and sanitary sewer system. Upon the execution of this Agreement, Olsen, at its sole cost and expense, may cause a water and sanitary sewer service line, a water meter and associated equipment to be constructed and connect to the City's public utility systems. Said connection shall be made by a licensed plumber and be in strict compliance with the rules and regulations of the City's Code of Ordinances. All non-domestic industrial sanitary sewer discharges shall be subject to approval by the City of Carroll and the Iowa DNR.

4. Payment for water and sewer services. Olsen expressly agrees to pay, when due, all amounts invoiced to Olsen by the City using the rates in effect at the time the invoice is created.

5. Recording. The City shall cause this Agreement to be recorded and Olsen shall reimburse the City for the costs of said recording.

Dated this ____ day of _____, _____.

Olsen's Car Care Corner, Inc.

Tad B. Olsen Pres.

Tad B Olsen, President

Tad B. Olsen Sec.

Tad B Olsen, Secretary

City of Carroll, Iowa

Eric P. Jensen, Mayor

ATTEST:

Laura Schaefer, City Clerk

STATE OF IOWA, CARROLL COUNTY, ss:

On this _____ day of _____, _____, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Eric P. Jensen and Laura Schaefer, to me personally known, who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Carroll, Iowa; a municipal corporation; and that the instrument was signed on behalf of the City, by authority of its City Council, as passed by Resolution of the City Council; and Eric P. Jensen and Laura Schaefer acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the City, by it voluntarily executed.

Notary Public

STATE OF IOWA, COUNTY OF Cass**, ss:**

This instrument was acknowledged on this 14th day of May, 2021 before me, a Notary Public in and for said county, personally appeared TAD B OLSEN, to me personally known, who being by me duly sworn or affirmed did say that he is President and Secretary of said corporation and that said instrument was signed on behalf of the said corporation by authority of its board of directors and the said President and Secretary, acknowledged the execution of said instrument to be the voluntary act and deed of said corporation by it voluntary executed.

NOTARIAL SEAL IOWA
JANA STEINBECK
Commission Number 775606
My Commission Expires
November 5, 2021

Jana Steinbeck

Notary Public