

CITY OF PRINEVILLE  
ORDINANCE NO. 1243

AN ORDINANCE APPROVING A SECOND AMENDMENT TO DEVELOPMENT,  
WATER, AND SEWER SERVICE AGREEMENT

WHEREAS, Vitesse, LLC, (“Vitesse”) and the City of Prineville (“City”) entered into a Development, Water and Sewer Service Agreement on December 5, 2017 (hereinafter “Agreement”), and

WHEREAS, Vitesse owns and operates the Existing Project and New Project, as defined in the Original Agreement, and together referred to as “Project”; and

WHEREAS, Vitesse presently intends to construct additional improvements at the Project; and

WHEREAS, Vitesse estimates a need for an additional allocation of potable water and wastewater capacity; and

WHEREAS, the systems have existing capacity which is not being used and which is not reserved for use by others; and

WHEREAS, in development of the Project, it is anticipated that Vitesse shall be required to pay certain system development charges; and

WHEREAS, the payment of additional system development charges will be used by the City for the construction of certain new water and sewer infrastructure; and

WHEREAS, Vitesse and City desire to create a repayment plan in the event that new users and other parties make system development charge payments, and other payments to the City, for the development of the Prineville Airport Industrial Area; and

WHEREAS, pursuant to the Agreement, the City was to construct sewer and water infrastructure servicing Vitesse’s real property as more particularly described in the Agreement;

WHEREAS, the City originally planned on using a 21-inch diameter wastewater line which is described in Exhibit C of the Agreement (the “Wastewater Line”) to service Vitesse’s facility; and

WHEREAS, Vitesse has requested the City to increase the size of the Wastewater Line from 21-inch diameter to 30-inch diameter; and

WHEREAS, Vitesse’s request for an increase in the size of the Wastewater Line increases the cost of the Wastewater Line by \$1,110,999.14; and

WHEREAS, Vitesse and City staff have negotiated a Second Amendment to the Agreement (“Second Amendment”) setting out the obligations of Vitesse and City in regards to the foregoing matters; and

WHEREAS, the City has authority to amend the Agreement pursuant to City Code §51.078 and §52.004(D); and

WHEREAS, the City Council finds that the Second Amendment to the Development Agreement is consistent with City regulations currently in effect;

NOW, THEREFORE, based upon the above recitals, the people of City of Prineville ordain as follows:

1. The Second Amendment to the Agreement is approved.
2. The Mayor and/or City Manager shall execute the Second Amendment to Agreement and all other documents necessary to carry out the terms of the Second Amendment.
3. An emergency is declared to exist and this Ordinance shall go into effect immediately.

Dated this \_\_\_\_ day of August, 2018.

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Betty J. Roppe  
Mayor

ATTEST:

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Lisa Morgan, City Recorder