

ORDINANCE NO. 453

AN ORDINANCE of the City of Kirkland, Washington, specifying and adopting a plan or system for the construction of a complete sanitary sewerage system both within and without the limits of said city, declaring the estimated cost thereof as near as may be, providing for the issuance and sale of sewer revenue bonds in the sum of \$105,000, to pay for the city's share of the construction of said system, creating a special fund for the payment of said bonds, providing for the form, maturities and terms thereof, and authorizing the construction of said system and confirming the sale of said bonds.

WHEREAS, the City of Kirkland does not now have any sanitary sewerage system; and

WHEREAS, the inhabitants of the City of Kirkland and the territory adjacent thereto only have and use cess pools and septic tanks for the disposal of sewage, which are wholly inadequate for the reason that in many of such cases the sewage runs out of said cess pools and tanks on top of the ground and remains there or drains into open ditches and into Lake Washington; and

WHEREAS, by reason of such conditions the health and welfare of the City and its inhabitants is menaced and endangered; and

WHEREAS, the Department of Health of the State of Washington and the health officials of King County, Washington, have demanded that such condition be remedied and that a sanitary sewerage system be installed therefor; and

WHEREAS, the Lake Washington Shipyards, which are located just south of the city limits of Kirkland, are engaged in the construction and repairing of many ships necessary for the national defense program and as a consequence thereof are employing many men for this work whose health is also endangered by the existing lack of sewerage facilities; and

WHEREAS, the United States Government, through the defense

Public Works Division of the Public Works Administration has granted the City of Kirkland the sum of \$140,000 to assist in the construction of a sanitary sewerage system,

NOW, THEREFORE, the City Council of the City of Kirkland does ordain as follows:

Section 1. That the following described plan or system for the construction of a sanitary sewerage system of the City of Kirkland, Washington, is hereby proposed, specified and adopted, to wit:

By the installation of approximately thirty two hundred feet of 15", 18", 24" and 48" clay or concrete sewer pipe for the main trunk line in Central Way and for the outfall line of the treatment plant, the location of which is hereinafter described; and by the installation of main sewers in Lake Avenue South from the Lake Washington Shipyards and the Houghton District outside the city limits to the treatment plant and also in Lake Avenue northerly from Market Street to approximately Second Street West, said main sewers to flow to a sewage pumping station in city-owned property in the business district, thence lifted by automatic pumping equipment to the gravity sewer line in Central Way. Approximately 10,000 feet of 12" clay or concrete sewer pipe are on these runs of main sewers and the installation of a sewage pumping station near the south city limits, by the installation of approximately 60,000 lineal feet of 6", 8" and 10" clay or concrete sewer pipe for laterals and extensions to the above described main and trunk lines, so that the major portion of the city will be served with an adequate sewerage system; by the installation of a few extensions and laterals from the main trunk line on the Lake Washington Blvd. in the territory outside the city limits and adjacent to the south city boundary; by the installation of approximately 250 manholes at necessary points along said main trunk lines, extensions and laterals, both within and without the city limits; by the construction of two pumping stations or plants, one to be located on the shores of Lake Washington approximately at the southerly

city limits, and one to be located on the shores of Lake Washington at approximately the business district near the King County Ferry Dock; by the construction of an activated sludge treatment plant to be located in Block 107 of Burke & Farrar's Addition No. 26 to the City of Kirkland, with an outfall running from said treatment plant to the shore of Lake Washington, at a point immediately north of the King County Ferry Dock, and by the installation and construction of all other necessary equipment and appurtenances for a complete sanitary sewerage system for said city, and the territory adjacent to Lake Washington Blvd. south of the city limits to the Lake Washington Shipyards.

That the estimated cost of constructing such system, including all materials and the necessary labor and incidental expenses is hereby fixed as near as may be at the sum of \$245,000, of which amount \$140,000 will be paid by the Defense Public Works Division of the Public Works Administration of the United States Government. The remainder of such cost will be paid from the proceeds of the sale of the revenue bond issue herein provided for.

Section 2. Said City does hereby propose, specify and adopt as an integral part of the plan for constructing said municipal sewerage system and for the purpose of paying therefor, that it shall issue its sewer revenue bonds in the principal sum of \$105,000, bonds numbered 1 to ~~30~~ inclusive to bear interest at a rate of  $2\frac{1}{4}\%$  per annum, and bonds numbered ~~31~~ to 105 inclusive to bear interest at the rate of  $2\text{-}3/4\%$  per annum, all of said interest to be payable semiannually upon the first days of June and December of each year. Said bonds shall be dated December 1, 1941, shall be in denominations of \$1,000 each, shall be numbered from 1 to 105 inclusive, shall be payable solely out of the gross revenues of the municipal sewerage

system from a special fund hereby designated as "Kirkland 1941 Sewer Revenue Bond Fund" and shall mature serially in order of their number as follows:

December 1, 1943	5,000.00	December 1, 1954	\$5,000.00
December 1, 1944	5,000.00	December 1, 1955	5,000.00
December 1, 1945	5,000.00	December 1, 1956	5,000.00
December 1, 1946	5,000.00	December 1, 1957	5,000.00
December 1, 1947	5,000.00	December 1, 1958	5,000.00
December 1, 1948	5,000.00	December 1, 1959	5,000.00
December 1, 1949	5,000.00	December 1, 1960	5,000.00
December 1, 1950	5,000.00	December 1, 1961	5,000.00
December 1, 1951	5,000.00	December 1, 1962	5,000.00
December 1, 1952	5,000.00	December 1, 1963	5,000.00
December 1, 1953	5,000.00		

The City of Kirkland hereby reserves the right to call any or all of said bonds in inverse numerical order on any interest payment date on and after seven years from the date thereof. Notice of such call shall be given by publication of a notice thereof in the official city newspaper, or if said city does not have an official newspaper, in a newspaper of general circulation within said city, at least thirty days before said call date. Interest on said bonds so called shall cease upon the date named.

All of said bonds, principal and interest, shall be payable at the office of the City Treasurer of Kirkland, Washington, in lawful money of the United States solely out of the gross revenues of the municipal sewerage system of said city.

Sec. 3. Said bonds shall be known as "Kirkland Sewer Revenue Bonds, 1941" and shall be in substantially the following form:

No. \_\_\_\_\_ \$1,000.00  
 UNITED STATES OF AMERICA  
 STATE OF WASHINGTON  
 CITY OF KIRKLAND  
 KIRKLAND SEWER REVENUE BOND, 1941

KNOW ALL MEN BY THESE PRESENTS: That the City of Kirkland, Washington, for value received, hereby promises to pay to bearer on the first day of December, 19\_\_ the principal sum of

ONE THOUSAND DOLLARS

with interest thereon at the rate of \_\_\_\_% per annum, pay-

able semiannually on the first days of June and December of each year, upon the presentation and surrender of the annexed interest coupons as they severally become due. Both principal and interest are payable in lawful money of the United States at the office of the Treasurer of the City of Kirkland out of the special fund known as "Kirkland, 1941, Sewer Revenue Bond Fund" created by Ordinance No. \_\_\_ of said City, which fund is to be drawn upon for the sole purpose of paying the principal and interest of this issue of bonds.

This bond is one of an issue of sewer revenue bonds in the principal sum of \$105,000, issued pursuant to said Ordinance No. \_\_\_ for the purpose of providing funds to pay the city's share of the cost of construction of a municipal sewerage system for the city of Kirkland, Washington.

The City of Kirkland has reserved the right to call any or all of said bonds in inverse numerical order on any interest payment date on and after seven years from the date hereof by publication of a notice of such call in the official city newspaper, or if said city does not have an official newspaper, in a newspaper of general circulation in said city at least thirty days before such call date.

Said City hereby agrees with the holder of this bond that it will keep and perform all the covenants in this bond and in said Ordinance No. \_\_\_ authorizing the issuance of the said revenue bonds and creating such sewer revenue bond fund, to be by it kept and performed, and does hereby irrevocably obligate and bind itself to set aside and pay into said fund from the gross revenues of the said sewerage system and all additions thereto, and pay into said fund by the 15th day of each month an amount equal to at least 1/12th of the combined principal and interest payments to be made during the next succeeding twelve months in which there are any bonds of this issue outstanding. Said amounts so pledged are hereby declared to be a prior lien and charge upon the gross revenues of said sewerage system and all additions thereto, prior to all other liens and charges, excepting the necessary charges for maintenance and operation of said sewerage system.

The City of Kirkland further binds itself to establish and maintain rates for sewerage service which shall provide sufficient revenues to permit the payment into said fund of the sums which said city has pledged to be set aside for the payment of the principal and interest of this bond issue, and also to pay all the expenses of maintaining and operating said municipal sewerage system until such bonds have been paid in full.

It is hereby certified and declared that said bonds are issued pursuant to and in strict compliance with the constitution and laws of the State of Washington, and of the ordinances of the City of Kirkland and all acts, conditions and things required to be done precedent to and in the issuance

of this bond have happened, been done and performed as required by law.

IN WITNESS WHEREOF, the City of Kirkland, Washington, has caused this bond to be signed by its Mayor and attested by the City Clerk, and its corporate seal to be hereto affixed, and the annexed interest coupons to be signed with the facsimile signatures of said officials on this 1st day of December, 1941.

CITY OF KIRKLAND, WASHINGTON

By L. H. Jaycox  
Mayor

ATTEST:

W. B. Williams  
City Clerk

The interest coupons attached to the said bonds shall be in substantially the following form:

No. \_\_\_\_\_ \$ \_\_\_\_\_

On the first day of \_\_\_\_\_ 19\_\_ the City of Kirkland, Washington will pay to bearer at the office of the City Treasurer the sum of \$ \_\_\_\_\_ in lawful money of the United States from the special fund of the said city known as "Kirkland, 1941, Sewer Revenue Bond Fund", said sum being the semiannual interest due that date on its sewer revenue bond dated December 1, 1941, numbered \_\_\_\_\_.

CITY OF KIRKLAND, WASHINGTON

By L. H. Jaycox  
Mayor

ATTEST:

W. B. Williams  
City Clerk

Sec. 4. Said bonds shall be signed by the Mayor and attested by the City Clerk under the seal of the said city, and each of the interest coupons shall be signed with the facsimile signatures of said officials.

Sec. 5. That there be and is hereby created a special

fund to be known as "Kirkland, 1941, Sewer Revenue Bond Fund" which fund shall be drawn upon for the sole purpose of paying the principal and interest of the said sewer revenue bonds. From and after the date of the said bonds, as long as any of said bonds are outstanding and unpaid, the City Treasurer shall set aside and pay into said fund by the 15th day of each month an amount equal to 1/12th of the combined principal and interest payments to be made during the next succeeding twelve months in which there are any bonds of this issue outstanding. Said payments shall be made solely out of the gross revenues of said sewerage system, including all additions and extensions thereto.

The City of Kirkland hereby agrees that in addition to the amounts already pledged in the next preceding paragraph of this ordinance, it will also pay into said Kirkland 1941 Sewer Revenue Bond Fund as soon as possible out of the excess revenues of said sewerage system, after all charges for maintenance and operation and bond services have been paid, the additional sum of \$8,000. Said sum shall be used for the sole purpose of paying the principal and interest of these bonds only if the payments into said fund as provided in the next preceding paragraph of this ordinance are insufficient to pay said principal and interest as the same shall accrue. Said city further pledges and agrees that it will continue to pay into said fund out of the excess revenues from said sewerage system, amounts sufficient to keep said surplus amount in the minimum sum of \$8,000, provided that when said surplus amount is sufficient to pay the principal and interest of the bonds of this issue then outstanding, that no further amount need be paid into said fund. The gross revenues from said sewerage system are hereby pledged to such payments which shall constitute a charge upon all such gross revenues prior and superior to all

other charges whatsoever excepting the necessary charges for maintenance and operation.

Sec. 6. The City of Kirkland hereby covenants and agrees with the purchasers and holders of these bonds as follows:

That the City will keep proper books of account in accordance with the uniform system of accounting for public utilities, and the city agrees to have its said books of account audited annually by independent qualified and competent public accountants. Copies of such audits shall be promptly filed with the Marine National Company of Seattle, Washington. Said City further agrees that at any time after forty-five days following the close of any fiscal year the City will furnish upon request to the purchaser of these bonds and to any bondholder a copy of the balance sheet and profit and loss statement of the sewerage system as of the close of such fiscal year, and the income and expenses thereof for such year, including the amounts paid into the bond redemption fund, and the amount remaining in such fund at the close of such year. Said City further agrees that any bondholder shall have the right at all reasonable times to inspect said sewerage system and all records and books of account of the city pertaining thereto, and that each of the above mentioned audits shall show whether or not the city has in all respects performed and complied with the covenants set forth in this ordinance with respect to, among other things, the payments into the bond redemption fund hereinbefore provided for, the efficient management of the said system, the maintenance of sufficient rates for the payment of costs of maintenance and operation and bond service, and the keeping of its books of account.

Sec. 7. It is hereby declared by the corporate authorities of the City of Kirkland that in the creation of such special fund as in this ordinance provided said authorities have exercised due regard to the cost of operation and maintenance of said sewerage

system and in their judgment the revenues derived from the said system will be sufficient to meet all expenses of operation and maintenance and to set aside into said fund the amounts herein specified.

The City of Kirkland covenants and agrees to and with the holders of each and every one of said bonds in the event such bonds or any portion thereof be issued, to maintain in good condition and operate said sewerage system, and to establish and maintain such rates for sewerage service as will provide sufficient revenue to produce the gross revenue required to meet the obligations of said city as herein set forth.

Section 8. That the sale of these bonds to the Marine National Company of Seattle, Washington, as agreed upon by the said company and the council of said city on November 24, 1941, is hereby in all respects ratified and confirmed. The corporate authorities of the City of Kirkland are hereby authorized and directed to take such proceedings as may be necessary for the construction of said sewerage system, for the delivery of said bonds according to said agreement, and for the creation of a fund to pay therefore, all as herein provided.

Section 9. This ordinance shall go into effect immediately upon its passage, approval and publication as required by law.

PASSED by the City Council of the City of Kirkland and approved by the Mayor this 15th day of December, 1941.

CITY OF KIRKLAND, WASHINGTON

By L. H. Jaycox  
MAYOR

Attest:

W. B. Widenmeyer  
City Clerk

Approved  
M. D. Lawrence  
City Attorney

I hereby certify that the foregoing is a correct copy of an Ordinance of the City of Kirkland and that the same was published according to law, said Ordinance being 453 and entitled "An Ordinance As above

9. W. B. Widenmeyer