

ORDINANCE NO. 731

AN ORDINANCE of the City of Kirkland, Washington, finding and declaring that there exists a public emergency of the character described in Chapter 158, Session Laws 1923, State of Washington, which emergency could not reasonably have been foreseen at the time of making the city's budget for the calendar year 1957, appropriating the sum of \$11,494.69 for the purpose of paying all costs and expenses incurred by the city in that certain lawsuit entitled "Harold Kaeser Company, a Washington corporation, Plaintiff, vs. City of Kirkland, a municipal corporation, Defendant" filed in the Superior Court of the State of Washington for King County under the King County Clerk's No. 494441, authorizing the issuance of warrants to pay such costs and expenses, and providing for the payment of such warrants.

WHEREAS, after nine days of actual trial of the case of Harold Kaeser Company, a Washington corporation, Plaintiff, vs. City of Kirkland, a municipal corporation, Defendant, King County Clerk's No. 494441, in the Superior Court of the State of Washington for King County, such lawsuit was settled, and on November 12, 1957 a judgment of dismissal of such action was entered; and

WHEREAS, the city retained special counsel to represent it in the preparation and trial of said lawsuit and is now obligated to pay counsel fees, court costs and expenses and expert witness fees as a result of such litigation in the total sum of \$11,494.69; and

WHEREAS, no provision for the payment of such fees, costs and expenses was made in the 1957 budget of the city, and a public emergency exists which requires the city to make the necessary provision for the payment thereof; and

WHEREAS, said emergency is of the character described in Chapter 158, Session Laws 1923, State of Washington, and said emergency and the necessity for said expenditures could not reasonably

have been foreseen at the time of the preparation of the budget for the fiscal year of 1957;

*The City Council of the City of Kirkland*  
NOW, THEREFORE, ~~BE IT ORDAINED by the Council of the City~~  
*Washington, do Ordinance as follows:*  
~~of Kirkland City, Washington, as follows:~~

Section 1. For the reasons above set forth it is hereby found and declared that a public emergency exists which could not reasonably have been foreseen at the time of the preparation and adoption of the budget for the city for the fiscal year of 1957, which requires the expenditure of \$11,494.69 of money of the city for said purposes, and such sum is hereby appropriated for the payment of all fees and costs incurred by the city in the matter of that certain suit brought against the city in the Superior Court of the State of Washington for King County entitled "Harold Kaeser Company, a Washington corporation, Plaintiff, vs. City of Kirkland, a municipal corporation, Defendant" and filed under King County Clerk's No. 494441.

Section 2. The said \$11,494.69 shall be paid by the issuance of Current Expense Fund warrants of the City of Kirkland, which warrants shall bear interest at the rate of 4 1/4% per annum. The principal of and interest on said warrants shall be paid from any moneys of the city deposited in its Current Expense Fund.

Section 3. This ordinance is declared to be one necessary for the immediate preservation of the public peace, property, health and safety of the people of the City of Kirkland, Washington. An emergency is hereby declared to exist, and this ordinance is hereby declared to be in full force and effect from and after its passage, approval and publication as provided by law.

INTRODUCED at a regular meeting of the City Council of the

City of Kirkland, Washington, on the 18th day of November, 1957.

PUBLIC HEARING with respect to adoption held pursuant to due notice on the 2d day of December, 1957.

PASSED unanimously by the City Council of the City of Kirkland, Washington, and approved by its Mayor at a regular meeting of said Council held this 2<sup>nd</sup> day of December, 1957.

CITY OF KIRKLAND, WASHINGTON

By Byron Bagzaly Mayor

ATTEST:

Lucia R. Tiled  
City Clerk

APPROVED AS TO FORM:

Charles W. Johnson Jr.  
City Attorney