

CITY OF KIRKLAND, WASHINGTON

ORDINANCE NO. 792

AN ORDINANCE of the City of Kirkland, Washington, specifying and adopting a system or plan of additions to and betterments and extensions of the waterworks utility of the City, including the sewerage system as a part thereof; declaring the estimated cost thereof as near as may be; providing for the issuance and sale of water and sewer revenue bonds in the principal sum of not to exceed \$300,000.00 to pay the cost thereof; authorizing and directing the City officials to proceed with said improvement; and declaring an emergency.

WHEREAS, the City of Kirkland now owns, operates and maintains systems of water supply and distribution and of sanitary sewage disposal, which systems were combined pursuant to RCW 35.67.320 by Ordinance No. 576 of the City, passed and approved July 18, 1949, said combined systems to be hereinafter referred to as the "waterworks utility of the City"; and

WHEREAS, it appears to the best interest of, and necessary to the economical and efficient operation of, the waterworks utility of the City, that a new source of water supply be secured, such new source of water supply to be by purchase from the City of Seattle, Washington; and

WHEREAS, it is necessary that certain additions to and betterments and extensions of the waterworks utility of the City be made in connection with the acquisition of such new source of water supply; and

WHEREAS, in order to provide funds to pay the cost of said additions, betterments and extensions, it is deemed necessary and advisable that the City issue and sell its water and sewer revenue bonds in the total principal sum of not to exceed \$300,000.00, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF KIRKLAND, WASHINGTON,
DO ORDAIN, as follows:

Section 1. The City of Kirkland, Washington, hereby specifies and adopts a system or plan of additions to and betterments and extensions of the waterworks utility of the City to consist of the following:

(1) The City shall purchase its water supply from the City of Seattle, Washington, when the same becomes available.

(2) The City shall construct and install the "Water Transmission Line and Distribution System Modifications," all as more specifically described in "Exhibit A," attached hereto and by this reference made a part hereof.

All of the foregoing shall be in accordance with plans and specifications to be prepared by R. W. Beck & Associates, Consulting Engineers of Seattle, Washington, and to be filed in the office of the City Clerk, City Hall, Kirkland, Washington.

There shall be included in the foregoing the acquisition and installation of all necessary valves, fittings, couplings, connections, equipment, franchises, easements, rights of way, and land that may be required, and there shall be included the performance of such work as may be incidental and necessary to the foregoing construction and installation.

The City Council may modify the details of the foregoing system or plan and make such changes and modifications therein as in its judgment appear advisable, provided such changes and modifications do not substantially alter the purposes hereinbefore set forth.

Section 2. The life of the foregoing additions to and betterments and extensions of the waterworks utility of the City is hereby declared to be at least thirty (30) years.

Section 3. The estimated cost, as near as may be, of the acquisition, construction and installation of the above-described additions to and betterments and extensions of the waterworks utility of the City is hereby declared to be \$300,000.00.

Section 4. The cost of acquiring, constructing and making the foregoing additions to and betterments and extensions of the waterworks utility of the City shall be paid from the proceeds received from the issuance and sale of water and sewer revenue bonds in an amount of not to exceed \$300,000.00 par value. The bonds shall be issued in one or more series at such times as the City Council shall deem advisable. The bonds shall be entitled "Water and Sewer Revenue Bonds, 1960," with series designation following if issued in series; shall bear interest at a rate or rates not to exceed 6% per annum; and shall be numbered from "one" upward, consecutively, within each series as issued. The bonds shall be issued in such series, shall be in such denomination and form, shall bear such date or dates and interest rate or rates, shall be payable in such place or places, shall mature serially in accordance with such schedule, beginning not earlier than one year after date of issuance and ending not later than thirty years thereafter, or shall be term bonds, shall have such option of payment prior to maturity, shall guarantee such coverage and collection of rates, shall provide for such additional funds and accounts, and shall contain and be subject to such provisions and covenants, as shall hereafter be provided by ordinance.

Section 5. The gross revenues and benefits to be derived from the operation and maintenance of the waterworks utility of the City and the additions, extensions and betterments

thereto, herein provided for, at the rates to be charged for water and sanitary sewerage service on the entire utility, will, in the judgment of the City Council, be more than sufficient to pay the interest on the revenue bonds herein authorized to be issued as such interest becomes payable and to pay and redeem all of said bonds at maturity, and, further, to meet the obligations of the City with reference to all outstanding "Water and Sewer Revenue Bonds, Series A," dated September 1, 1949, "Water and Sewer Revenue Bonds, Series B," dated July 1, 1950, "Water and Sewer Revenue Bonds, 1952," dated September 1, 1952, "Water and Sewer Revenue Bonds, 1953," dated May 1, 1953, and "Water and Sewer Revenue Bonds, 1955," dated July 1, 1955.

Section 6. There shall be and hereby is created and established in the office of the Treasurer of the City of Kirkland a special fund to be known as "Kirkland Water and Sewer Revenue Bond Fund, 1960," which fund is to be drawn upon for the sole purpose of paying the principal of and interest on the bonds herein authorized to be issued. From and after the date of issuance of said bonds, and so long thereafter as bonds are outstanding against said special fund, the City Treasurer shall set aside and pay into said special fund, out of the gross revenues of the waterworks utility of the City, a fixed amount, without regard to any fixed proportion, namely, an amount sufficient to pay the principal of and interest on all bonds payable out of said special fund as they respectively become due and to create such surplus and reserve, if any, that may be hereafter prescribed by ordinance. The gross revenues of said utility are hereby pledged to such payment and the bonds herein authorized shall constitute a charge or lien upon such revenues prior and superior to any other charges whatsoever, excluding charges

for maintenance and operation, PROVIDED, HOWEVER, that if the conditions required to be met for the issuance of parity bonds, as set forth in Section 7 of Ordinance No. 630, passed September 2, 1952, shall be met at the time of the issuance of the bonds herein authorized, the charge or lien upon such gross revenues for the bonds herein authorized shall be on a parity with the charge or lien upon such gross revenues for the outstanding "Water and Sewer Revenue Bonds, 1952," dated September 1, 1952, the outstanding "Water and Sewer Revenue Bonds, 1953," dated May 1, 1953, and the outstanding "Water and Sewer Revenue Bonds, 1955," dated July 1, 1955, but shall be junior and inferior to the prior charge or lien upon such gross revenues for the outstanding "Water and Sewer Revenue Bonds, Series A," dated September 1, 1949, and the outstanding "Water and Sewer Revenue Bonds, Series B," dated July 1, 1950. If said parity conditions shall not be met, the charge or lien upon such gross revenues for the bonds herein authorized shall be subordinate and inferior to the prior charge or lien upon such gross revenues for all presently outstanding water and sewer revenue bonds.

Section 7. The City Council and corporate authorities of the City of Kirkland hereby declare that in fixing the amounts to be paid into said "Water and Sewer Revenue Bond Fund, 1960," as set forth herein, they have exercised due regard for the cost of operation and maintenance of the waterworks utility of the City and the debt service requirements of all presently outstanding water and sewer revenue bonds of the City, and the City of Kirkland has not bound and obligated itself, and will not bind and obligate itself, to set aside and pay into such special fund a greater amount or proportion of the revenues of the waterworks utility than in the judgment of the City Council will be available

over and above such costs of maintenance and operation and debt service requirements of the presently outstanding water and sewer revenue bonds of the City, and that no portion of the revenues of the waterworks utility of the City has been previously pledged for any indebtedness other than the 1949, 1950, 1952, 1953 and 1955 issues, above referred to.

Section 8. The proceeds from the sale of the foregoing bonds shall be used for the sole purpose of making the additions to and betterments and extensions of the waterworks utility of the City, as herein authorized, and of paying the cost and expense connected therewith, and the City of Kirkland, through its proper officers and agents, shall proceed with the making of said improvements and the calling of bids therefor in the manner provided by law.

Section 9. This ordinance is one declared to be 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.

PASSED by the Council of the City of Kirkland, Washington, and APPROVED by its Mayor, at a regular meeting of said Council held this 18th day of January, 1960.

ATTEST:

Geo. A. Campbell
CITY CLERK

APPROVED AS TO FORM:

Charles W. Johnson Jr.
CITY ATTORNEY

Wm. D. Duggan
MAYOR

I hereby certify that the foregoing is a true and correct copy of an Ordinance of the City of Kirkland and that the same was published or posted according to law, said Ordinance being No. 792 and entitled "An Ordinance as above."
Geo. A. Campbell, City Clerk.

EXHIBIT "A"

A general description of the work to be done by the City of Kirkland for the construction of a "Water Transmission Line and Distribution System Modifications."

A. A Water Transmission Line consisting of approximately 5,400 lineal feet of 16-inch diameter concrete cylinder, steel or other substantial and permanent material located along Secondary State Highway No. 2-D (NE 85th St.) from 112th Ave. NE to 132nd Ave. NE.

B. Improvements to the existing Water Distribution System by the construction of asbestos-cement water lines, the approximate sizes and locations being as follows:

1. 530'-12" on 116th Ave. NE from NE 85th St. to NE 87th St.
2. 1100'-12" on NE 87th St. from 112th Ave. NE to 116th Ave. NE
3. 2000'-12" on NE 100th St. from 6th St. to existing 12" pipe approximately 320 feet east of 112th Ave. NE
4. 1330'-10" on 6th St. S. from 5th Ave. S. to Kirkland Ave.
5. 1000'-10" on Kirkland Ave. from 6th St. S. to existing 6" asbestos cement line approximately 500 feet east of 3rd St.
6. 2340'-10" to replace an existing 12-inch wood stave pipe beginning at a point on NE 40th St. approximately 200 feet east of Lake Street S. thence east to the Northern Pacific Railway Company right-of-way thence northeasterly following an existing pipeline right-of-way to the existing reservoir in the Kirkland Watershed
7. 1240'-8" on 112th Ave. NE from NE 87th St. to NE 92nd St.
8. 680'-8" on NE 87th St. from 110th Ave. NE to 112th Ave. NE
9. 290'-8" on 110th Ave. NE from NE 87th St. to NE 88th St.
10. 200'-8" on 8th Ave. from 110th Ave. NE to an alley west of 110th Ave. NE
11. 520'-8" on 18th Ave. from 3rd St. to 4th St.
12. 670'-8" on 18th Ave. from 5th St. to 6th St.
13. 300'-8" on 6th St. from 18th Ave. northerly to an existing 6-inch asbestos-cement line.
14. 230'-8" on 15th Ave. from a connection to the existing 500,000-gallon reservoir's discharge line to 3rd St.
15. 1090'-8" on 3rd St. from 11th Place to 15th Ave.
16. 180'-8" in an existing right-of-way on the north side and parallel to the Northern Pacific Railway beginning at 6th St. S. thence southwesterly to the north side of Block 10, South Kirkland Acreage.
17. 730'-8" on 6th St. S. to replace an existing 6" cast iron pipe from 5th Ave. S. to an existing 8" cast iron pipe approximately 550' north of 9th Ave. S.
18. 2000'-8" on Market St. from 11th Ave. to 18th Ave.
19. 1240'-6" in an alley located approximately 150 feet west of 110th Ave. NE from 8th Ave. to 12th Ave.
20. 140'-6" on 10th Ave. from alley described in (19) westerly to an existing 6" asbestos-cement line.
21. 810'-6" on 11th Ave. from alley described in (19) to 6th St.
22. 810'-6" on 12th Ave. from alley described in (19) to 6th St.
23. 50'-6" to connect existing water lines at intersection of 5th St. and 13th Ave.

EXHIBIT "A"
(Cont'd)

24. 870'-6" on 6th Ave. from Market St. to 2nd St.
25. 470'-6" on 13th Ave. from 2nd St. to 3rd St.
26. 270'-6" on 14th Ave. from Market St. to 1st St.
27. 460'-6" on 18th Ave. from 2nd St. to 3rd St.
28. 50'-6" connecting existing water lines on opposite sides of Market St. located between 8th Ave. and 9th Ave.
29. 330'-6" on 1st St. from 7th Ave. to 8th Ave.
30. 320'-6" on 1st St. from 14th Ave. to 15th Ave.
31. 660'-6" on 5th Ave. S. from 6th St. S. to 8th St. S.
32. 470'-6" located in a 10-foot easement 5 feet south of the north side of Block 10, South Kirkland Acreage
33. 110'-6" to replace an existing 4-inch asbestos-cement line located in an existing easement on the west side of block 9, South Kirkland Acreage
34. 420'-6" on 3rd Ave. S. from its eastern extremity to a point opposite 4th St. S.
35. 270'-6" on 4th St. S. and an existing easement from 2nd Ave. S. to 3rd Ave. S.
36. 130'-4" on 8th Ave. from alley described in (19) westerly to an existing 4-inch asbestos-cement line
37. 640'-4" on 1st St. from 8th Ave. to 10th Ave.
38. 230'-4" on 8th Ave. from Market St. to 1st St.

C. Gate valves, pressure reducing valves, hydrants, service connections and appurtenances for the facilities described in "A" and "B".