

ORDINANCE NO. 941

AN ORDINANCE OF THE CITY OF KIRKLAND, WASHINGTON, AUTHORIZING THE EXECUTION OF AN AGREEMENT OF CONTRIBUTION BETWEEN THE CITY OF KIRKLAND AND THE STATE OF WASHINGTON HIGHWAY COMMISSION AS TO CONSTRUCTION OF A PORTION OF STATE HIGHWAY 2-D WITHIN THE CORPORATE LIMITS OF THE CITY OF KIRKLAND.

THE CITY COUNCIL OF THE CITY OF KIRKLAND DO ORDAIN AS FOLLOWS:

WHEREAS, the State of Washington is contemplating the improvement of Secondary State Highway No. 2-D in conjunction with FAI-5 in the vicinity of Kirkland, and

WHEREAS, the City desires that the route of Secondary State Highway No. 2-D be located to best serve the needs of the City and is willing to participate in the cost of construction in the amount of \$165,000.00, and

WHEREAS, the proposed route of Secondary State Highway No. 2-D is located upon lands within the City's corporate boundaries by virtue of annexation accomplished under Ordinance No. 939 of the City of Kirkland, and

WHEREAS, the City wishes to contribute to the cost of the construction of Secondary State Highway No. 2-D through the use of motor vehicle funds and arterial street funds (one-half cent gas tax),

NOW, THEREFORE, IT IS HEREBY ORDAINED:

Section 1. The City of Kirkland will contribute to the aforementioned project from available motor vehicle funds the total sum of \$41,250.00, which shall be withheld from monthly motor vehicle fund allocations as follows: Beginning January 1, 1965, the sum of \$400.00 shall be withheld; thereafter, for 95 months the sum of \$430.00 per month shall be withheld. Said total sum shall constitute matching funds as required by Chapter 15, Laws of 1961, State of Washington (RCW 82.36.020).

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Section 2. The City will contribute to the aforementioned project from the arterial street fund as created pursuant to RCW 82.36.020 (one-half cent gas tax) the total sum of \$123,750.00 to be paid as follows: Beginning January 1, 1965, the sum of \$1,295.00; thereafter for 95 months the sum of \$1,289.00 per month.

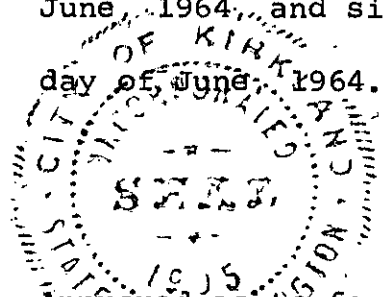
Section 3. The Mayor of the City of Kirkland is authorized and directed to execute on behalf of the City of Kirkland an agreement with the State of Washington acting through the Washington State Highway Commission and the Director of Highways to carry out the terms of this ordinance. Said agreement to be in form and substance similar to "Exhibit A" attached to this ordinance and made a part hereof.

Section 4. The Kirkland City Clerk is directed to furnish a certified copy of this ordinance to the State Treasurer for the State of Washington.

Section 5. An emergency exists, making the immediate passage of this Ordinance necessary for the preservation of public health, safety and general welfare in the City of Kirkland, and the same shall take effect immediately upon its passage, approval and publication.

PASSED by the City Council on this 15th day of

June 1964, and signed in authentication of its passage this 15th day of June 1964.



Approved as to form:

Ralph Thomas
City Attorney

John P. ...
Mayor

Attest:

George E. Anderson
City Clerk

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A G R E E M E N T

THIS AGREEMENT is executed this 1st day of June 1964, between the State of Washington, acting through the Washington State Highway Department and the Director of Highways, hereinafter called the "State", and the City of Kirkland, a municipal corporation, acting through its Mayor, hereinafter referred to as the "City".

WHEREAS, the state is contemplating the improvement of Secondary State Highway No. 2-D in conjunction with FAI-5, in the vicinity of Kirkland; and

WHEREAS, the city desires that the route of Secondary State Highway No. 2-D be located to best serve the needs of the city and is willing to participate in the cost of construction in the amount of \$165,000; and

WHEREAS, the proposed route of Secondary State Highway No. 2-D is located upon lands within the city's corporate boundaries or lands which will be within said boundaries before the contract is awarded; and

WHEREAS, the city wishes to contribute to the cost of the construction of Secondary State Highway No. 2-D through the use of motor vehicle funds and arterial street funds ($\frac{1}{2}$ ¢ gas tax); now, therefore,

IT IS AGREED AS FOLLOWS:

The state agrees to construct or have constructed, in accordance with the State of Washington standard specifications for road and bridge construction, dated 1963, and adopted design standards, unless otherwise noted, Secondary State Highway No. 2-D along a route to be mutually approved by the city and the state. The state's liability under this agreement shall be contingent upon receiving satisfactory and acceptable bids on the proposed improvement and to subsequent award and execution of the contract.

The city, by appropriate resolution, will contribute to the state from available motor vehicle funds, the sum of \$41,250.00. The foregoing amount shall be withheld from monthly motor vehicle

fund allocations as follows: Beginning January 1, 1965, the sum of \$400.00 shall be withheld; thereafter, for ninety-five months, the sum of \$430.00 per month shall be withheld.

The city, by appropriate resolution, will contribute to the state from the national street fund ($\frac{1}{2}$ gas tax) the sum of \$123,750.00 to be paid as follows: Beginning January 1, 1965, the city shall pay the sum of \$1,295.00; thereafter, for ninety-five months the city shall pay monthly installments in the amount of \$1,289.00.

It is agreed that no liability shall attach to the state by reason of entering into this agreement, except as expressly provided herein.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the day and year first above written.

CITY OF KIRKLAND

By *[Signature]*
Mayer

Attest: *George E. Anderson*
City Clerk

STATE OF WASHINGTON
WASHINGTON STATE
HIGHWAY COMMISSION

By _____
Director of Highways.

Approved as to form:

_____, 1964.

Assistant Attorney General.