

ORDINANCE NO. 2131

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO WATER UTILITY FACILITIES AND SERVICES, APPROVING CONTRACTS BETWEEN THE CITY AND KING COUNTY WATER DISTRICT NO. 81 AND KING COUNTY WATER DISTRICT NO. 99 FOR THE JOINT CONSTRUCTION OF WATER STORAGE AND PERTINENT FACILITIES TO BE FINANCED IN PART BY FEDERAL GRANT, AND FOR THE EXCHANGE OF CERTAIN EXISTING FACILITIES BETWEEN THE CITY OF KIRKLAND AND THE KING COUNTY WATER DISTRICT NO. 81, DECLARING SAID KIRKLAND FACILITIES SURPLUS, AND AUTHORIZING THE INSTITUTION OF AN INTER-GOVERNMENTAL DISPOSITION OF PROPERTY PROCEEDING PURSUANT TO RCW 39.33, AND APPOINTING THE KIRKLAND MEMBER OF THE JOINT CONTROL BOARD AS CREATED BY SAID CONSTRUCTION AGREEMENT.

WHEREAS, the City of Kirkland, King County Water District No. 81 and King County Water District No. 99 each has a present and future need for water storage which would require construction of separate storage facilities by each party, and

WHEREAS, the availability of suitable sites is limited, and said City and Water Districts recognize the interest of the public in environmental quality and believe that the construction of a single facility on a single site, rather than construction of separate facilities on different sites will minimize any unfavorable impact on the environment, and

WHEREAS, such a joint storage facility will cost less to construct and operate than three separate facilities of the same capacity,

NOW, THEREFORE, be it ordained by the City Council of the City of Kirkland as follows:

Section 1. The Mayor and the Director of Administration and Finance (ex officio City Clerk) are hereby authorized and directed to sign on behalf of the City of Kirkland a contract, substantially in the form attached hereto as Exhibit A and designated "Agreement for Exchange of Water Utility Facilities", between the City of Kirkland and King County Water District No. 81 providing for the exchange of certain water system facilities and customers as specifically set forth and described in said contract.

Section 2. The Kirkland water system facilities of the City of Kirkland described in said "Exchange of Water Utility Facilities" contract are hereby found and declared to be surplus to the foreseeable needs of the City of Kirkland, and the City Attorney is authorized and directed to join with the attorney for King County Water District No. 81 in a joint petition for

inter-governmental disposition of property pursuant to the procedure therefor required by RCW 39.33.

Section 3. The Mayor and the Director of Administration and Finance (ex officio City Clerk) are hereby authorized and directed to sign on behalf of the City of Kirkland a contract substantially in the form attached hereto as Exhibit B and by this reference incorporated herein, between the City of Kirkland, King County Water District No. 81, and King County Water District No. 99, for joint construction of water storage and pertinent facilities.

Section 4. The joint agreements approved by this ordinance are intended by all participating municipal corporations to be contingent upon the approval of a federal construction grant through the Department of Housing and Urban Development in the approximate amount of \$500,000., or 50% of the cost of construction, whichever is the lesser, and in the event such grant is not approved, said agreements by their terms shall lapse unless all participating municipal corporations reconsider and shall then agree to continue to be bound by said agreements.

Section 5. Section 11 of the joint construction agreement creates a control board composed of one representative from each participating municipal corporation. Until such time as the City Council may otherwise designate by resolution, the City Manager, or his delegate. shall serve as the Kirkland representative to said control board.

Section 6. The Director of Administration and Finance (ex officio City Clerk) is hereby directed to file certified copies of this ordinance, including Exhibits A and B, approved and incorporated herein, with the following public officials or agencies:

1. Office of Secretary for King County Water District No. 81.
2. Office of Secretary for King County Water District No. 99.
3. Division of Records, Records and Election Department of King County.
4. The Secretary of State for the State of Washington.

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5. The Office of City Clerk for the City of Kirkland.

Section 7. This ordinance shall be in force and take effect five days from and after its passage and publication as required by law.

PASSED by the City Council at regular meeting on the 7th day of December, 1970.

SIGNED in authentication thereof on the 7th day of December, 1970.

William C. Woods
Mayor

Attest:

Tom J. Aduson
Director of Administration and Finance
(ex officio City Clerk)

Approved as to form:

Ray: Ju
City Attorney