

ORDINANCE No. 3116

AN ORDINANCE OF THE CITY OF KIRKLAND ENACTED PURSUANT TO RCW CHAPTER 35.13A AND PROVIDING FOR THE ASSUMPTION BY THE CITY OF KIRKLAND OF THE SANITARY SEWER SYSTEM OF THE ROSE HILL WATER AND SEWER DISTRICT, ALL OF WHICH SEWER SYSTEM, INCLUDING CUSTOMERS, FACILITIES, AND EQUIPMENT, LIES ENTIRELY WITHIN THE TERRITORIAL LIMITS OF THE CITY OF KIRKLAND.

Be it ordained by the City Council of the City of Kirkland as follows:

Section 1. Declarations:

1.1 The entire service area as described by its comprehensive sewer plan and including all sewer trunks, mains, and other sewer lines, facilities, equipment, and service customers of the sanitary sewer system owned and operated by the Rose Hill Water and Sewer District lies (as a result of recent annexations to the City of Kirkland) within the territorial corporate limits of the City of Kirkland.

1.2 The City of Kirkland operates and maintains a sanitary sewer system within the City of Kirkland.

1.3 Chapter 35.13A Revised Code Washington authorizes the City of Kirkland to assume jurisdiction of a Sewer District's responsibilities, property, facilities, and equipment within the corporate limits of the City.

1.4 The commissioners for the Rose Hill Water and Sewer District have, without taking formal action thereon, requested the assumption by the City of Kirkland of the sanitary sewer system owned and operated by said District.

1.5 The adoption of this Ordinance shall have no affect upon the continued ownership and operation of the Rose Hill water system by said District.

Section 2. Take-over and Assumption of Rose Hill Sewer System.

2.1 The City of Kirkland hereby takes over and assumes jurisdiction of the Rose Hill Water and Sewer District's sanitary sewer responsibilities, property, facilities, and equipment, all of which lie within the corporate limits of the City of Kirkland.

2.2 In order to facilitate an orderly assumption of said jurisdiction, the City Manager and/or the Director of

Public Works as his designee, with such assistance by the City Attorney as may be necessary or advisable, is hereby authorized and directed:

2.2.1 To file notice of assumption of the Rose Hill Water and Sewer District sanitary sewer system by the City of Kirkland with the King County Boundary Review Board, as required by RCW Chapter 36.93, file notice also with the Municipality of Metropolitan Seattle (METRO) and the Washington State Department of Social and Health Services (DSHS) and perform all other actions necessary to effect the transfer.

2.2.2 To take all steps necessary, including negotiation and execution of a contract with the Rose Hill Water and Sewer District or otherwise to:

Direct the transfer of the Rose Hill sewer system and service to the City of Kirkland to be operated as an extension of the Kirkland sanitary sewer system;

Receive and accept the equipment, sewer lines, and other properties of the Rose Hill sanitary sewer system as set forth in the inventory thereof previously supplied to Kirkland by the manager for the Rose Hill Water and Sewer District;

Reimburse Rose Hill Water and Sewer District for the cost of the engineering and design of the proposed Slater Avenue trunk sewer in the amount of \$49,157;

Provide for the transfer of all Rose Hill sewer utility accounts and customers to the City of Kirkland, including any outstanding accounts receivable;

Provide for the transfer of all developer sanitary sewer extension or facilities agreements and reimbursement agreements with Rose Hill and Sewer District that would need to be administered by the City of Kirkland; and

Take any and all other steps to facilitate the assumption of jurisdiction and transfer of service, so that it may be accomplished in an orderly and timely fashion and as soon as possible.

Section 3. Obligations and Responsibilities of the Rose Hill Water and Sewer District Not to be Assumed by Kirkland.

3.1 No employees of the Rose Hill Water and Sewer shall be transferred to or become employees of the City of Kirkland.

3.2 The Rose Hill Water and Sewer District shall continue to be responsible for the collection of all outstanding ULID assessments, including sewer assessments, previously levied by said District, together with the payment, in accordance with their terms of all outstanding ULID or other bonds issued by said District.

3.3 Kirkland shall not assume nor be responsible for any other debts of said District, including debts previously incurred by said District and associated with the sanitary sewer utility, except those debts and obligations specifically referred to in Section 2 herein above.

Section 4. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 5. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in regular, open meeting this 20th day of September, 1988.

Signed in authentication thereof this 20th day of September, 1988.

Lois Cooper
MAYOR

ATTEST:

Jamie Perry
City Clerk
APPROVED AS TO FORM:

Richard
City Attorney

AGREEMENT

BETWEEN THE CITY OF KIRKLAND, AN OPTIONAL
CODE CITY OF THE STATE OF WASHINGTON, AND
THE ROSE HILL WATER AND SEWER DISTRICT

This Agreement entered into, pursuant to RCW Chapter 35.13A, to provide for assumption by the City of Kirkland of the sanitary sewer system of the Rose Hill Water and Sewer District, all of which sewer system, including customers, facilities and equipment, lies within the territorial limits of the City of Kirkland.

WITNESSETH:

In consideration of the mutual promises, terms and conditions hereinafter set forth, the City of Kirkland, hereinafter called "City", and the Rose Hill Water and Sewer District, hereinafter called "District", agree as follows:

Section 1. Declarations

1.1 The entire service area as described by its comprehensive sewer plan and including all sewer trunks, mains and other sewer lines, facilities, equipment and service customers of the sanitary sewer system owned and operated by the District lies within the territorial corporate limits of the City.

1.2 The City operates and maintains a sanitary sewer system within and without the City.

1.3 Chapter 35.13A, Revised Code of Washington, authorizes City to assume "jurisdiction of the District's responsibilities, property, facilities and equipment within the corporate limits of the City".

1.4 The District's commissioners have requested the assumption by the City of the sanitary sewer system owned and operated by District.

1.5 City has adopted an ordinance to provide for its assumption of jurisdiction of District's responsibilities, property, facilities and equipment within the corporate limits of City with respect to District's sewer system, and neither that ordinance nor this agreement shall have any effect upon the continued ownership and operation of the Rose Hill Water System owned and operated by District.

Section 2. Takeover and Assumption of District Sewer System

2.1 City shall take over and assume jurisdiction of the District's sanitary sewer responsibilities, property, facilities and equipment, all of which lie within the corporate limits of City, as soon as the City may legally do so after review of said assumption by the King County Boundary Review Board, as required by RCW Chapter 36.93. Notice of assumption or transfer shall also be given to the Municipality of Metropolitan Seattle (METRO) and to the Washington State Department of Social and Health Services (DSHS). The actual assumption date shall be determined by the Kirkland City Manager after consultation with the Manager for District.

2.2 In order to facilitate an orderly assumption of said jurisdiction, the City Manager for City and/or the Director of Public Works for City as his designate, and in consultation with the Manager for District, shall:

2.2.1 File notice of assumption of the District Sanitary Sewer System by City with the King County Boundary Review Board as required by RCW Chapter 36.93. Notice of assumption or transfer shall also be given to the Municipality of Metropolitan Seattle (METRO) and to the Washington State Department of Social and Health Services (DSHS).

2.2.2 Take all steps necessary and/or advisable to:

Complete the transfer of the District Sewer System to the City of Kirkland, and operate same as an extension of the City sanitary sewer system.

Receive and accept the equipment, sewer lines and other properties of the District Sewer System, all as set forth in the inventory thereof previously supplied to City by Manager of the District, a copy of which is attached to this agreement as Exhibit A.

Provide for reimbursement by City to District of the cost of the engineering and design of the proposed Slater Avenue trunk sewer, in the total amount of not to exceed \$49,157.00.

Provide for the orderly transfer and incorporation into the City sewer utility accounting system, all District Sewer utility accounts and customers; inclusion of any District Sewer System outstanding accounts receivable to be negotiated.

Direct the transfer and assignment of all developer sanitary sewer extension or facilities agreements and reimbursement agreements in which District appears as the governmental party, and that by virtue of the transfer of responsibility will be required to be administered by City, together with all files, records and information in the hands of the District pertaining to said agreements.

To take any and all steps necessary or desirable to facilitate the assumption of jurisdiction and transfer of service so that it may be accomplished in an orderly and timely fashion, and as soon as possible.

Section 3. Obligations and Responsibilities of District Not to be Assumed by City.

3.1 No employees of District shall be transferred to or become employees of the City of Kirkland as a result of this agreement and the assumption of sewer system jurisdiction provided for by this agreement. All employees of District shall continue and remain as employees of District.

3.2 District shall continue to be responsible for the collection of all outstanding ULID assessments, including sewer assessments previously levied by District, together with the payment in accordance with their terms of all outstanding ULID or other bonds issued by District, including those issued to pay for construction of the sanitary sewer system lines and facilities being transferred by this agreement to City.

3.3 City shall not assume, nor be responsible for any other debts of said District, including debts previously incurred by District and associated with the sanitary sewer utility, except those debts and obligations specifically referred to in Section 2 of this agreement.

3.4 District shall indemnify, defend and save harmless the City from any claims, real or imaginary, which may be made by any person and arising out of any action taken or not taken by District at any time prior to the effective date of this agreement with respect to District's sanitary sewer system and/or its transfer to City by this agreement.

3.5 City will indemnify, defend and save harmless District from any claims made against District and arising out of any action or non-action of City taken after the

effective date of this agreement with respect to the operation and maintenance of the sanitary sewer system transferred to City by this agreement. Provided, that this paragraph shall not apply to any continuing contractual agreements of District except as to those contractual agreements specifically identified in Section 2 of this agreement as being assumed by City.

This Agreement made and entered into this _____ day of _____, 1988, and signed by District under the authority of District Commissioner's Resolution No. _____, adopted the _____ day of _____, 19____, and City Ordinance No. _____, adopted the _____ day of _____, 19____.

CITY OF KIRKLAND

ROSE HILL WATER/SEWER DISTRICT

ATTEST:

Secretary

Commissioner

Commissioner

Commissioner

Exhibit A

ROSE HILL WATER AND SEWER DISTRICT

SEWER EQUIPMENT

- 1 - Manhole Cage with Retriever #00383
- 1 - 3" Diaphragm Pump with Hose #00443
- 2 - 1 Ton Chain Hoists for pulling Pumpmotors
(in stations)
- 1 - Telemetry Equipment; Hi, Low,
Intrusion, Power, phone line failure Alarm.
- 1 - Stead-Baggerely
Pump Run & Hour Meters