

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO OFF-STREET PARKING FUND AND PARKING FACILITIES, REPEALING KMC CHAPTER 5.50, REPEALING ORDINANCES 2119, 2326, 2410, 2411, AND REPEALING RESOLUTION R-2213.

The City Council of the City of Kirkland do ordain as follows:

Section 1. Chapter 5.50 of the Kirkland Municipal Code is hereby repealed.

Section 2. A new Chapter 5.50 of the Kirkland Municipal Code entitled Off-Street Parking Fund and Facilities is hereby added to read as follows:

5.50.010 Off-street parking fund.

There is established, pursuant to RCW 35.21.070, a cumulative reserve fund for the purpose or purposes of off-street parking spaces and/or facilities for motor vehicles. The fund is to be accumulated and expended for the purpose or purposes stated above. Payments made to the City as required or permitted under Kirkland Zoning Code (KZC) Section 50.60 shall be deposited in said fund. The city council may determine to transfer other moneys into said fund from time to time.

The moneys in the fund may be allowed to accumulate from year to year until the city council determines to expend the moneys in the fund for the purposes specified; provided that any moneys in the fund shall never be expended for any other purpose or purposes than those specified, without an approving vote by a two-thirds majority of the members of the city council.

5.50.020 Payments pursuant to KZC.

Moneys received as payments required or permitted by the KZC shall be used to provide and upgrade municipal off-street parking within the CBD, Planned Areas 6 or 7 Zones, or park/public use zones located adjacent to the CBD, or as provided in KZC Section 50.60 at the time the money is received.

5.50.030 Authorized activities.

Pursuant to the authority given to the city council by RCW 35A.11.020, the City may provide off-street parking space and facilities for motor vehicles in the manner provided by RCW 35.27.550 through RCW 35.27.600. The use of real property for such purposes is declared to be a public use.

5.50.040 Off-street parking space and facilities — Financing.

In order to provide for off-street parking space and/or facilities, the city is authorized, in addition to its other powers for financing public improvements, to finance their acquisition through the issuance and sale of revenue bonds

and general obligation bonds. Any bonds issued by the city pursuant to this section shall be issued in the manner and within the limitations prescribed by the Constitution and the laws of this state. In addition local improvement districts may be created and their financing procedures used for this purpose in accordance with the provisions of Title 35 RCW, as now or hereafter amended. In addition, the city may finance from its general budget, costs of land acquisition, planning, engineering, location, design and construction of the off-street parking.

5.50.050 Off-street parking space and facilities — Acquisition and disposition of real property.

The city is authorized to obtain by lease, purchase, donation and/or gift, or by eminent domain in the manner provided by law for the exercise of this power by cities, such real property for off-street parking as the city council determines to be necessary by ordinance. Such property may be sold, transferred, exchanged, leased, or otherwise disposed of by the city when the city council has determined by ordinance such property is no longer necessary for off-street parking purposes.

5.50.060 Off-street parking space and facilities — Operation — Lease.

The city is authorized to establish the methods of operation of off-street parking space and/or facilities by ordinance, which may include leasing or municipal operation.

5.50.070 Off-street parking space and facilities — Hearing prior to establishment.

Before the establishment of any off-street parking space and/or facilities pursuant to this Chapter, the city council shall hold a public hearing thereon, prior to the adoption of any ordinance relating to the leasing or acquisition of property, and for the financing thereof for this purpose.

5.50.080 Off-street parking space and facilities — Construction.

Pursuant to the authority of the city council and as provided in RCW 35.27.600, insofar as the provisions of this chapter or ordinance are inconsistent with the provisions of any other law, the provisions of this chapter or ordinance shall be controlling.

Section 3. All moneys presently held pursuant to former KMC 5.50, which is repealed by this ordinance, shall be transferred into the fund established in Section 2 of this ordinance.

Section 4. The following ordinances and resolution are hereby repealed in that they contain outdated procedures regarding parking in the CBD and deal with topics that are addressed by the current Comprehensive

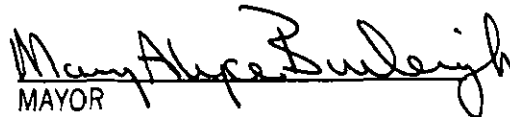
Plan, regulations, or the Downtown Kirkland Parking Study and Plan dated October 2003 and approved by the city council in 2003:

(REPEALED) Ordinances 2119, 2326, 2410, and 2411 and Resolution R-2213


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 open meeting this 20th day of April, 2004.


Signed in authentication thereof this 20th day of April, 2004.


MAYOR

Attest:


City Clerk

Approved as to Form:


City Attorney

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