

RESOLUTION NO. R - 2687

A RESOLUTION OF THE KIRKLAND CITY COUNCIL AUTHORIZING THE CITY MANAGER TO SIGN ON BEHALF OF THE CITY OF KIRKLAND AN AGREEMENT WITH THE CITY OF BELLEVUE TO PROVIDE SANITARY SEWER SERVICE TO AN AREA WITHIN THE CITY OF KIRKLAND ADJACENT TO THE CITY OF BELLEVUE WITHIN THE VICINITY OF WATERSHED PARK.

WHEREAS, both the City of Kirkland and the City of Bellevue are authorized by State law to enter into interlocal governmental cooperative agreements; and

WHEREAS, the area described and designated within Exhibit "A" (attached hereto and by this reference incorporated herein) as subject area lies within the City of Kirkland and sewer service area of the City of Kirkland Sanitary Sewer System; and

WHEREAS; said area is not presently connected to the Kirkland Sanitary Sewer System, and because of the topography of the area may not readily be so connected; and

WHEREAS, the service area and corporate boundaries of the City of Bellevue and its sanitary sewer system lie adjacent to the subject area and the subject area can conveniently be connected into a Bellevue Sewer System facility existing or under construction; and


WHEREAS, both parties are desirous where possible and convenient to mutually assist one another,.

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

Section 1. That certain agreement relating to sanitary sewer service, attached to the original of this Resolution as Exhibit "A" and by this reference incorporated herein, is hereby approved by the Kirkland City Council, and the City Manager for the City of Kirkland is hereby authorized and directed to sign said contract on behalf of the City of Kirkland.

PASSED by majority vote of the Kirkland City Council in regular meeting on the 17th day of December, 1979.

SIGNED IN AUTHENTICATION thereof on the 17th day of December, 1979.



MAYOR

ATTEST:



Director of Administration & Finance
(ex officio City Clerk)

R-2687

AGREEMENT

This agreement made and entered into this day by and between the City of Kirkland, an optional code city, hereinafter referred to as "Kirkland" and the City of Bellevue, an optional code city, hereinafter referred to as "Bellevue",

W I T N E S S E T H :

WHEREAS, both Kirkland and Bellevue are authorized by State law to enter into cooperative agreements; and

WHEREAS, the area described and designated on Exhibit "A" (attached hereto and by this reference incorporated herein) as subject area of the City of Kirkland sanitary sewer system; and

WHEREAS, said area is not presently connected to the Kirkland sanitary sewer system, and because of the topography of the area, may not readily be so connected; and

WHEREAS, the service area and corporate boundaries of the City of Bellevue and its sanitary sewer system lie adjacent to the subject area and the subject area can conveniently be connected into a Bellevue sewer system facility existing or under construction; and

WHEREAS, both parties are desirous where possible and convenient to mutually assist one another.

NOW, THEREFORE, in consideration of the agreements herein contained, it is agreed as follows:

Section 1. All sanitary sewer facilities to be constructed within the subject area described and designated on Exhibit "A", as attached hereto and by this reference incorporated herein, shall upon construction and acceptance, become for all purposes, including customer service charges and maintenance,

part of the Kirkland sanitary sewer system, but may, nevertheless, be connected into the Bellevue sewer system sanitary facility line lying within _____ and at the point so designated as "connection point" on Exhibit "A".

Section 2. Bellevue agrees to accept all sewage entering into its system through said connection point and to convey same through its sytem to its connection with the municipality of Metropolitan Seattle System.

Section 3. No part of the cost of construction of the sanitary sewer facilities to be constructed within subject area, nor any of its future maintenance or repair, shall be borne by the City of Bellevue.

Section 4. City of Kirkland agrees to pay over to City of Bellevue as to each property within subject area, as it makes sewer connection, an amount equal to 1.6¢ per square foot of area of each property. In addition thereto, Kirkland will pay to Bellevue a monthly service trunkage charge in an amount equal to 12¢ per month per residential customer or residential equivalent, actually connected and served by the facilities of the Kirkland sewer system within the subject area.

Section 5. Neither party shall by virtue of this agreement acquire any proprietary or governmental interest in the sewage system or sewer line of the other party. Each party shall be solely responsible for the operation and maintenance of its own system of sewage collection and shall save the other party hamless from any claim for damage, real or imaginary, made by a third party, and alleging negligence or misfeasance in the operation or maintenance of the other party's system, or in the acts or ommissions of its own officers or employees.

Section 6. This writing embodies the entire agreement of the parties. There are no promises, terms, conditions, or obligations other than those contained herein. This agreement may be amended only by written instrument signed by both parties.

Section 7. No waiver by either party of any term or condition of this agreement shall be deemed or construed as a waiver of any other term or condition, nor shall a waiver of any subsequent breach, whether of the same or of a different provision of this agreement.

Section 8. This agreement shall terminate upon _____ months written notice given by either party to the other party. In the event of termination under this paragraph, all costs of disconnection shall be borne by the party requesting the termination.

THIS AGREEMENT SIGNED the _____ day of _____, 1979.

CITY OF KIRKLAND

By s/ Allen B. Locke, City Manager

CITY OF BELLEVUE

By _____

Execution of this agreement approved on behalf of the City of Bellevue by resolution of its City Council, adopted the _____ day of _____, 1979, and authorized by the City of Kirkland by Resolution No. R-2687 of the Kirkland City Council, adopted the 17th day of December, 1979.