

RESOLUTION NO. R- 2787

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING THE CITY MANAGER TO SIGN ON BEHALF OF THE CITY OF KIRKLAND AN AGREEMENT WITH CERTAIN OWNERS OF PROPERTY WHEREBY SAID OWNERS ARE WILLING TO CONTRIBUTE TOWARD THE COST AND EXPENSE OF PRELIMINARY ENGINEERING STUDIES FOR THE INSTALLATION OF SEWERS ALONG OR ADJACENT TO 120TH AVENUE N.E. BETWEEN N.E. 80TH AND N.E. 90TH.

WHEREAS, the area within the City of Kirkland along or adjacent to 120th Avenue N.E., between N.E. 80th and N.E. 90th, is presently without sanitary sewers; and

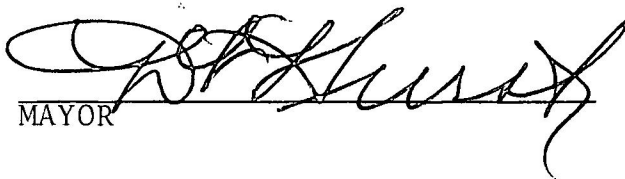
WHEREAS, certain owners of property within said area are willing to enter into an agreement with the City of Kirkland to contribute up to \$10,000.00 toward payment of the cost and expense of preparing a preliminary engineering report, including development of detailed estimates for cost of construction of sewers within said area and a proposed preliminary assessment roll, now, therefore,

BE IT RESOLVED by the City Council of the City of Kirkland as follows:

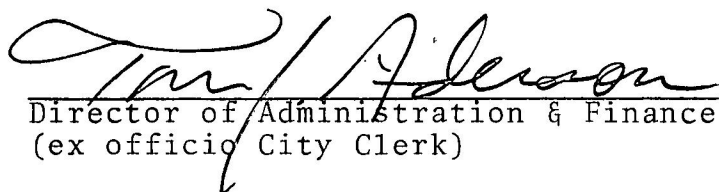
Section 1. The City Manager is hereby authorized and directed to sign on behalf of the City of Kirkland that certain agreement between the City of Kirkland and certain owners of property within the City of Kirkland along or adjacent to 120th Avenue N.E., between N.E. 80th and N.E. 90th, a copy of which agreement is attached to this resolution and by this reference incorporated herein.

PASSED by majority vote of the Kirkland City Council in regular meeting on the 5th day of January, 1981.

SIGNED IN AUTHENTICATION THEREOF on the 5th day of January, 1981.


MAYOR

ATTEST:


Director of Administration & Finance
(ex officio City Clerk)



AGREEMENT

THIS AGREEMENT made and entered into this day by and between the City of Kirkland and the undersigned owners of property within the City of Kirkland,

W I T N E S S E T H:

WHEREAS, the area within the City of Kirkland along or adjacent to 120th Avenue N.E., between N.E. 80th and N.E. 90th, is presently without sanitary sewers, and

WHEREAS, any further development or improvement within said area is dependent upon the construction and installation of sanitary sewers, and

WHEREAS, the most practical and equitable method of financing the construction and installation of sanitary sewers within said area is through the formation of a local improvement district, and

WHEREAS, the undersigned owners of property within said area are willing to contribute to the City of Kirkland up to \$10,000.00 toward payment of the cost and expense of preparing a preliminary engineering report, including development of detailed estimates for cost of construction and proposed preliminary assessment roll, now, therefore,

IN CONSIDERATION of the terms and conditions herein agreed to and other good and sufficient consideration, it is agreed as follows:

1. The undersigned owners of real property within the City of Kirkland, located along or adjacent to 120th Avenue N.E., between N.E. 80th Street and N.E. 90th Street, do hereby jointly and severally agree to deposit with the City of Kirkland the sum of \$10,000.00, to be used solely for the purposes herein set forth. Said property is described in Exhibit A attached hereto.

2. Said property owners do hereby designate Robert P. Tjossem to act as their agent or representative with respect to all meetings, communications, agreements or other matters relating to the subject matter of this contract. Any notice, communication or agreement made by or between the City of Kirkland and said agent shall be deemed to have been given to or made with all of the undersigned property owners.

3. Upon deposit with the City of Kirkland of the sum set forth in paragraph 1 above, the City of Kirkland shall take such steps as are necessary and required to institute

and complete a preliminary engineering report relating to the installation of sanitary sewers within the area described hereinabove. Said report shall include a study of alternative methods of sanitary sewer service, a determination of the best method to serve the above-described area with consideration for future expansion and operation costs, an accurate preliminary cost estimate, and proposed preliminary assessment roll.

4. Designation of an engineer or consulting engineer to prepare said preliminary report, and the preparation of said report, shall be matters entirely within the discretion of the City of Kirkland, subject, only, to the laws and regulations required to be followed by the City of Kirkland in preparation of preliminary engineering reports and cost estimates for public works construction.

5. The City of Kirkland will refund any excess monies not utilized in the preparation of said preliminary engineering report. Payment of such refund, if any there be, may be made by the City to the agent for the property owners as designated hereinabove with the understanding that said agent will then disburse said refund to the contributors on a pro rata basis.

6. In the event a local improvement district is formed, embracing the area designated in paragraph 1 above, as described in Exhibit A attached hereto, the cost of preparation of said preliminary engineering report will be included as part of the preliminary engineering costs in said LID, and if so provided in the petition to create such an LID, a credit will be given against the assessment to be levied on the property within the district owned by each of the undersigned property owners in an amount equal to their contribution toward the funds deposited with the City pursuant to this agreement.

IN WITNESS WHEREOF, we have hereunto signed our names this _____ day of _____, 1981.

Legal Description of
Property Owned:

PROPERTY OWNERS:

CITY OF KIRKLAND:

By: _____